

Use of WTA Land and Roads for Commercial Purposes

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INTENT

To provide more choices for goods such as culturally diverse food, crafts and other produce this policy:

- Provides guidance about the operation of mobile vendors.
- Aims to encourage mobile vendors in locations which support the activation of underutilised spaces
- Ensures mobile vendors trade in a way which complements fixed businesses in town
- Ensures mobile vendors are of a temporary nature
- Ensures mobile vendors do not unreasonably compromise the amenity of the surrounding area
- Ensures mobile vendor operators practice in accordance with state government safety laws such food safety
- Manages public liability and protect public assets, and
- Provides a permit system for mobile vendors.

SCOPE

This policy describes arrangements for the commercial use of Weipa Town Authority (WTA) controlled areas and roadsides by mobile vendors.

DEFINITIONS

Authorised Person – An employee or contractor of WTA who is authorised for the purposes of regulating this Policy and the Local Laws of Weipa Town Authority.

Mobile vendor - business that is moveable, generally a vehicle, trailer, caravan or and portable buildings (e.g. shipping containers).

LEGISLATION/COMPLIANCE

Local Government Act 2009

Food Act 2006

Water Supply (Safety and Reliability) Act 2008;

Environmental Protection Act 1994;

Waste Reduction and Recycling Act 2011.

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POLICY

Management

The mobile vendor must not have an unreasonable detrimental effect on the amenity of the surrounding area.

A mobile vendor must not trade in WTA controlled areas or on roadsides without a current permit.

The mobile vendor must not unduly interfere with the proper use of the WTA controlled area or road and must comply with all relevant traffic laws.

The mobile vendor must not be unsafe or cause unreasonable nuisance, inconvenience or annoyance to:

1. the occupier of any land which adjoins the location of the prescribed activity; or
2. vehicular traffic; or
3. pedestrian traffic.

The permit holder is responsible for ensuring that this policy and all conditions of the permit are met.

A change of business ownership is subject to assessment by the WTA and will require the new business owner to apply for a transfer of permit and pay any applicable fees. The new business owner must comply with all conditions of the permit and any other relevant legislation.

Permits

Mobile vendors operating in Weipa are required to:

1. Hold a valid WTA Mobile vendor Permit; and
2. Obtain any other relevant licences, permits and approvals required for operation of the mobile vendor business (e.g. *Food Act 2006*, trade waste etc.).

Permit holders must:

1. Display the permit in a prominent visible location of the approved business at all operating times;
2. Comply with the conditions stipulated on the mobile vendor permit issued by the WTA;
3. Comply with the requirements set out within this policy, unless approved otherwise by the WTA; and
4. Comply with any direction given by an Authorised Person.

A mobile vendor permit is not required for the following:

1. Trading at a WTA approved community event where approval is provided by the event organiser (e.g. the fishing classic);
2. Trading on privately owned land where a land use permit for the activity has been issued by WTA; and
3. Catering for a private event on public land where approval is provided by the event organiser.

While a WTA mobile vendor permit is not required for each of these scenarios, all other licenses, permits and approvals required under other relevant laws (e.g. *Food Act 2006*) must be obtained by the mobile vendor.

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Location, Siting and Trading Restrictions

Permits or approvals issued by WTA do not grant exclusive use of any land and do not confer ongoing occupation rights. All approved sites are strictly on a “first in basis”. Mobile vendors are to remove all vehicles, equipment and stalls from site each day.

The WTA approved locations within the town for mobile vendors to operate are detailed on the town map (Attachment 1) and are described as:

Location	Trading Hour Restrictions
John Evans Drive Mobile Vendor Park, Nanum	3 hour limit between the hours of 8am and 5pm Monday to Saturday. No trading restrictions on Sunday's.
Weipa Storm Surge Shelter carpark (opposite Hibberd Park)	No trading hour restrictions.
Kumrumja Park	No trading hour restrictions.
Andoom oval special events area	No trading hour restrictions.

Each location a mobile vendor is permitted to operate is to be detailed on the permit. Where delineated parking bays for mobile vendors are provided, the mobile vendor is to ensure the vehicle/stall does not exceed one parking bay or unreasonably impede other mobile vendors.

Alternative locations may be considered if they meet the objectives of this policy. Mobile vendors may only operate at alternative locations with the written consent of WTA.

The WTA reserves the right to make any approved location unavailable for a set period of time for community events, for works to be undertaken at or near the location or for any other reason the WTA deems necessary. In these occasions, an alternative approved location may or may not be provided by WTA.

Waste Management

The mobile vendor is required to maintain the surrounding area to a high standard and in accordance with the following requirements:

1. When trading at an approved location the trade area must be cleaned frequently;
2. No waste or litter from the business may be disposed of into WTA's rubbish bins. Mobile vendors must provide adequately sized bins for patrons use and remove all rubbish from the approved location at the end of trade;
3. Mobile food businesses must provide an adequately sized holding tank for wastewater beneath the business (for example if the water tank (for clean water) is 90L the wastewater holding tank must be at least 100L); and
4. Waste water, solid waste, litter or any other pollutant must not be placed, released or discharged on the site or surrounding areas or allowed to enter the stormwater system.

Fixtures

A mobile vendor is permitted to have temporary fixtures such as tables, chairs and umbrellas in accordance with the following:

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1. The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;
2. The mobile vendor and temporary fixtures must be kept in a safe and well-maintained condition at all times;
3. All temporary fixtures relating to the mobile vendor should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and
4. Any temporary fixtures relating to mobile vendors must not obstruct pedestrian flow or vehicular traffic.

Noise

The use of amplified noise is prohibited.

Generators must not have a manufacturer specified operational volume greater than 75dB.

Notwithstanding the above provision all mobile vendor noise (including the generator) must comply with the assigned noise levels specified under the *Environmental Protection Act 1994*.

Advertising

All advertising is to be fitted to the mobile vendor vehicle and /or stall equipment, with the exception of one temporary A-frame sign which:

1. Shall not exceed any dimension of 1m or an area of 1m square on any side;
2. Be secured in accordance with any requirements of the WTA;
3. An A-frame sign will be considered a temporary fixture and must comply with the requirements detailed in this policy; and
4. In the case of road side trading, shall be located within 10m of the location of the mobile vendor.

Power

Mobile vendors need to be provided with their own power supply unless otherwise approved by the WTA.

Public Risk Management

The mobile vendor permit holder must, for the duration of the permit, maintain public and product liability insurance for at least twenty million dollars (\$20,000,000) and must note "RTA Weipa Pty Ltd in its capacity as the Weipa Town Authority" as an interested party. A copy of the public liability insurance must be supplied to WTA at the time of initial application for a WTA Mobile vendor Permit and be supplied to WTA within one calendar week of the insurance renewal date.

The permit holder assumes responsibility for any acts of negligence arising from their activity.

The mobile vendor permit holder assumes responsibility for any liability issues which may arise as a result of the operation of the mobile vendor being at the location.

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Approval Process

Applications for a mobile vendor permit (including applications to transfer Permit) can be submitted year round. The following information is required:

1. A completed WTA mobile vendor permit application form;
2. A list of nominated locations to operate from;
3. A waste management plan for both hard and liquid waste;
4. A current Certificate of Currency (Public Liability Insurance) for a minimum of \$20,000,000 and noting WTA as an interested party;
5. A copy of the manufacturer's specifications for any generators to be used;
6. For applicants operating a food business, a current Food Act 2006 licence issued by the local government where the mobile food business is housed and/or where the majority of the food preparation activities are occurring; and
7. The prescribed application fee.

Conditions that will ordinarily be imposed on an approval

A mobile vendor permit will normally be issued with the following standard conditions. Additional conditions may be added at the discretion of WTA:

The Permit Holder must ensure the mobile vendor:

1. Complies with the requirements set out within WTA's "Use of WTA's Lands and Roads for Commercial Purposes Policy", unless approved otherwise by the WTA;
2. Complies with all conditions contained in the Permit;
3. Only operates at the locations outlined in Schedule 1 of the Mobile vendor Permit;
4. Displays the permit in a prominent visible location of the approved business at all operating times;
5. Submits the operation of the business, including any premises used in the operation of the activity, for inspection by an Authorised Person;
6. Limits the operation of the business so that it does not—
 - a. create a traffic nuisance; or
 - b. increase an existing traffic nuisance; or
 - c. detrimentally affect the efficiency of the road network in which the activity is undertaken; and
7. Limits the operation of the business so that it does not detrimentally affect the amenity of the neighbourhood in which the business is undertaken; and
8. Ensures that all facilities and equipment used in the operation of the business are, at all times, maintained—
 - a. in good working order and condition; and
 - b. in a clean and sanitary condition.
9. Does not discharge trade waste generated by the business otherwise than in accordance with the conditions of this Policy and any Trade Waste Permit issued by WTA; and
10. For waste generated by the operation of the activity—
 - a. only disposes of the waste—
 - i. in a safe and sanitary manner;
 - ii. in a manner which maintains the business and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - iii. in compliance with all state and local legislation and laws;
11. Failure to comply with the conditions of this Permit and WTA's "Use of WTA Lands and Roads for Commercial Purposes" Policy may result in this Permit being amended, restricted or revoked at any time; and

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12. Complies with any direction given by an Authorised Person.

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Fees

The permit holder will be required to pay the fees and charges as prescribed in the WTA adopted Fees and Charges.

Only a single payment of the permit holder fee is required per permit period, regardless of the number of approved locations with Weipa.

Permits will not be issued until the required fee has been paid.

Permit Renewal and Cancellation

An annual mobile vendor permit expires at the end of each financial year (30June). The permit may be cancelled or amended if the permit holder fails to comply with the permit conditions. Where a permit holder seeks to renew the permit an application must be submitted at least one month prior to the expiry of the existing permit.

A renewal application is to include:

1. A completed WTA mobile vendor permit renewal application form;
2. A list of nominated locations to operate from;
3. A current Certificate of Currency (Public Liability Insurance) for a minimum of \$20,000,000 and noting WTA as an interested party;
4. For applicants operating a food business, a current *Food Act 2006* licence issued by the local government where the mobile food business is housed and/or where the majority of the food preparation activities are occurring;
5. Details of proposed changes to traffic management, waste management, or permit conditions; and
6. The prescribed renewal fee.

Renewal applications will be assessed on a case by case basis by the WTA.

A six-monthly mobile vendor permit expires at midnight on the expiry date specified on the Permit. The permit may be cancelled or amended at the discretion of the WTA or if the permit holder fails to comply with the permit conditions. Where a permit holder seeks to renew the permit an application must be submitted at least one month prior to the expiry of the existing permit and is to include the particulars outlined above.

RELATED DOCUMENTS

Weipa Town Authority map of approved locations for mobile vendors

FURTHER INFORMATION

Coordinator Communities

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