

**1. Applicant details**
**Permit holder**

Corporation, business, incorporated association or person	ABN
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**Applicant name/s\***
**Contact 1**

Surname	Given names
Postal address	
Email	Phone

**Contact 2**

Surname	Given names
Postal address	
Email	Phone

*\*Please attach an additional sheet if there are more than two applicants.*

**2. Business details**

Business trading name	
Postal address	
Preferred contact person	Business phone
Email	

**3. Permit type**

**Commercial Fitness Permit** - land based physical fitness or wellbeing activities (i.e. one-on-one personal training, group classes) not including personal therapies or services (i.e. massage). *Please note – relevant fitness industry qualifications must be provided.*

**Itinerant Food Vendor Permit** - a vehicle selling food or drink from the roadway that travels from place to place to engage in trade, with no fixed operating location. *Please note – a food licence is required.*

**Not for profit Permit** - not-for-profit organisation activities that operate on an ongoing, regular or irregular basis. *Please note – a copy of the not for profit registration must be provided and at least one of the Not for Profit criteria listed in Item 7 must be met.*

**Other Commercial Activities Permit** - commercial activities held occasionally in low use locations with no impact on locations. *Please note – site plan must be provided.*

**4. Permit details**

Description of activities to be undertaken	
Detail equipment required	
Preferred location of activity – <i>attach a site plan.</i>	
Land size required:	<b>sqm</b>

**Privacy**

Council will use any personal information provided by you for the intended purpose only and for remaining in contact with you. Council is authorised to collect this information in accordance with the Local Government Act 2009 and other Local Government Acts. Your personal information is only accessed by persons authorised to do so. Council may provide information about you to any relevant Queensland State Department. Your personal information is dealt with in accordance with council's privacy policy.

[www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au) | [mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au) | T 07 5475 7272 F 07 5475 7277

Postal address Locked Bag 72 Sunshine Coast Mail Centre Qld 4560 | ABN 37 876 973 913

**Caloundra office** 1 Omrah Avenue Caloundra Qld 4551

**Maroochydore office** 10 First Avenue Maroochydore Qld 4558

**Nambour office** Corner Currie and Bury Streets Nambour Qld 4560

Detail frequency of use	Days	Hours/times
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### 5. Commercial Fitness Permit details

Is application for Commercial Fitness Permit?	<input type="checkbox"/> Yes – complete Item below in full
	<input type="checkbox"/> No – proceed to Item 6.

List relevant fitness industry qualification/s

**\* A copy of relevant fitness industry qualifications issued in the name of the applicant must be provided.**

### 6. Itinerant Food Vendor Permit details

Is application for Itinerant Food Vendor Permit?	<input type="checkbox"/> Yes – complete Item below in full
	<input type="checkbox"/> No – proceed to Item 7.

Vehicle details:	Registration	Make	Model
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Select Mobile Food Licence type:	<input type="checkbox"/> Existing:	Food Licence No:	Attach copy of current Food Licence
	<input type="checkbox"/> New:	Attach completed Mobile Food Business Application with floor plan and fees.	
	<input type="checkbox"/> Not applicable:	Only providing prepackaged items that do not require a Food Licence.	

### 7. Not for Profit Permit details

Is application for Not for Profit Permit?	<input type="checkbox"/> Yes – complete Item below in full
	<input type="checkbox"/> No – proceed to Item 8.

**Which of the following criteria apply to the proposed activity?**

*Note – at least one of the following criteria must be met for a Not for Profit Permit*

- The activity has the possibility of changing the current amenity of the area
- The activity has the possibility of taking over the location
- The activity may pose a greater risk than the natural use of the location
- The activity may not be appropriate for the location in terms of accommodating the activity
- The activity may impact on the local community and/or residents
- The activity involves trade occurring (for example employment of a third party)

### 8. Application checklist

**Additional requirements to be submitted with your application form:**

- Copy of current Certificate of Currency (Public Liability Insurance) for minimum \$20 million (\$20,000,000) in the business name, noting Sunshine Coast Council as an interested party against any claims and cover the situation occupied by type of activity.
- Complete the Indemnity form attached to this application (page 6)
- Provide the non-refundable application fees as per below charges
- Copy of relevant fitness industry qualifications (*for Commercial Fitness Permit*)
- Copy of either current Food Licence or completed Food Licence application (*for Itinerant Food Vender Permit*)
- Copy of not for profit registration (*for Not for Profit Permit*)
- Site plan of locations where activity will be undertaken

**Please ensure you thoroughly read through the conditions that may be imposed on a Permit (page 3-4). The conditions contain approved areas of operation or restricted areas.**

**9. Fees and charges**

Commercial Fitness Permit application fee (non-refundable) annual charge	\$237.00
Commercial Fitness Permit renewal fee (non-refundable) annual charge	\$92.00
Itinerant Food Vendor Permit application fee (non-refundable) annual charge	\$237.00
Itinerant Food Vendor Permit renewal fee (non-refundable) annual charge	\$92.00
Not for Profit Permit Permit application fee (non-refundable) annual charge	\$0.00
Not for Profit Permit Permit renewal fee (non-refundable) annual charge	\$0.00
Other Commercial Activities Permit application fee (non-refundable) annual charge	\$391.50
Other Commercial Activities Permit renewal fee (non-refundable) annual charge	\$92.00

**Note: Fees are issued based on the months available to operate within the current permit period (from 1 August 2014 to 31 July 2015).**

**10. Declaration of applicant**

- I/We, the applicant, declare that the above information is correct in all respects, at the time of lodgement of this application with the Sunshine Coast Regional Council. Should any of the details given in relation to this application be changed in the future, the Applicant shall advise the Sunshine Coast Regional Council in writing prior to any such change being implemented.
- I/We, the applicant, have read the conditions outlined on pages 3-4 of the application form and agree to abide by these conditions, any other conditions considered appropriate in relation to the permitted activity

<b>Signature</b>	<b>Date</b>
<b>Signature</b>	<b>Date</b>

**OFFICE USE ONLY**

Application no.	Amount paid	Date paid	Receipt no.	Initial	Date stamp

**10. Payment options**

In person	Customer service centres: 8.30 am to 4.30 pm Monday to Friday (excludes public holidays).				
By mail	Cheque or money order to be made payable to: Sunshine Coast Regional Council.				
	<input type="checkbox"/> Cheque	<input type="checkbox"/> Money order	<input type="checkbox"/> Mastercard	<input type="checkbox"/> Visa	
	Card number		Expiry date	Amount \$	
	Name on card		Signature of cardholder		
	Phone	Is a receipt required?		<input type="checkbox"/> Yes	<input type="checkbox"/> No

## Permit conditions

**Issued under** - Subordinate Local Law 1 (Administration) 2011, Schedule 6 Commercial use of local government controlled areas and roads.

The permit may be granted subject to the following conditions and any other conditions considered appropriate:

### Special Permit Conditions

#### The Permit Holder:

1. Must only conduct the permitted activity during the permitted hours of operation only using the approved equipment and in a manner that does not cause a nuisance. The use of council-controlled land outside of the permitted operating times is prohibited.
2. Must hold any necessary qualifications and/or equivalent accreditation to conduct the permitted activity, and ensure these remain current for the duration of the permit period.
3. Must ensure that the permitted activity is conducted in accordance with all relevant industry standards and meets all necessary safety requirements.
4. Must ensure the annual fee associated with this permitted activity is paid in full to council by the required due date.
5. Must display this Permit when conducting the permitted activity on council controlled land.
6. Must not conduct the permitted activity using council assets including any playgrounds, picnic facilities, BBQ facilities, memorials, cemeteries, botanic gardens, public car parks, stairways, bollards, barriers and environmentally sensitive areas (including bushland, sand dunes, creek or river banks, areas undergoing revegetation or rehabilitation) without prior written consent from council.
7. Must only use the permitted vehicle for the permitted activity.

### Permit Conditions

#### The Permit Holder:

8. Must not seek to represent to any party that this Permit creates a right of tenure.
9. Must not seek to assign, transfer, sublet or mortgage.
10. Must not operate in the area set aside for any other council approved operations or activities such as to cause interference with those operations or activities.
11. Must not interfere with others using the council-controlled land or request others to move from the council-controlled land
12. Must ensure that this Permit is used so that the community purpose of the land can be continued without undue interruption or obstruction.
13. Must ensure that the operation of the permitted activity does not detrimentally affect the amenity of neighbouring premises.
14. Must keep current throughout the duration of this Permit a Public Liability Insurance policy applying to the council-controlled land and the approved activity, with limits of not less than \$20,000,000 (\$20 million) per occurrence and noting Sunshine Coast Council as an interested party.
15. Must only display advertising material for the permitted business and activity that is consistent with the requirements outlined in council's Moveable advertising devices information pack. The Permit holder must not display any other advertising signage or materials unless approved by council. All advertising devices must be removed from council-controlled land at the completion of each activity conducted.
16. Must ensure that the operation of the permitted activity does not constitute a risk to road or pedestrian safety.
17. Must ensure that the operation of the permitted activity, including all vehicles and equipment, is maintained at all times, including being:
  - a. In good working order
  - b. In a good state of repair
  - c. In a clean and sanitary condition
18. Must not use amplified noise as part of the operation of the permitted activity.
19. Must not release contaminants into the environment as part of the operation of the permitted activity where the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
20. Must provide waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the permitted activity and removed daily, and ensure no waste is disposed of in any council provided rubbish collection bins on council-controlled land.
21. Must not interfere with any vegetation including affix, fasten or screw anything to any vegetation or council property.
22. Must not use lighting to illuminate any part of the permitted location.
23. Must ensure that no animal is within the permitted location unless approved by council.
24. Must ensure operations are in accordance with the *Workplace Health and Safety Act 1995*, and in particular:
  - a. Must act in a manner that does not endanger the health or safety of any other person using council-controlled land
  - b. Must carry out a safety direction that is given to the Permit Holder by council or another authorised officer
  - c. Must not wilfully or recklessly interfere with anything provided in the interest of health and safety at the permitted location
25. Must not carry out any building works in relation to the permitted activity.
26. Must notify council in writing within 3 days of a relevant approval for the permitted activity under another Act being suspended or cancelled.
27. Must not use motor vehicles and/or trailers on council-controlled land, without prior written consent from council.
28. Accepts that from time to time the permitted location may be unavailable to the Permit Holder due to acts of God, maintenance or temporary events. The Permit Holder will not be compensated by council in any way.
29. Accepts that any loss or damage to any of the Permit Holder's equipment is the Permit Holder's responsibility and council will not be held responsible. All equipment, chattels and the like remain the sole risk of the Permit Holder at all times.

### Commercial Fitness Special Permit Conditions

#### The Permit Holder:

30. Must not conduct the permitted activity at Mooloolaba Beach, Mooloolaba Spit, Cotton Tree Park Maroochydore, Happy Valley Caloundra, Kings Beach Caloundra and Pierce Park Buddina.
31. Must not cause unreasonable interference to other users of the council-controlled land or adjacent residents from any intrusive noise due to its frequency, duration, level, tonal characteristics, impulsiveness or vibration. Classes where noise levels exceed this are Boot Camps.
32. Must conduct noisy and boot camp style activities only at sports grounds as negotiated with the lessee of the sports ground and at beaches not listed in condition 30 where the activity will be a minimum of 200 metres from any flagged area.
33. Must be the operator of the business and be present during all activities conducted on council-controlled land.
34. Must only conduct a single commercial fitness class at one location at one time.
35. Must not operate within 100 metres of any residence.
36. Must not place any equipment, including markers, at a location more than 15 minutes prior to a class commencing.
37. Must personally assess the area intended to be used prior to each class to ensure that:
  - a. It is safe and suitable for the activities to be conducted
  - b. It is safe and suitable given the weather conditions
  - c. It is suitable should first aid need to be given or an ambulance be required to attend

### **Itinerant Food Vendor Special Permit Conditions**

#### **The Permit Holder:**

38. Must not conduct the permitted activity in any shopping precinct or central business district.
39. Must not operate the permitted activity within 200 metres of any other business that sells a similar product.
40. Must not park the permitted vehicle for a period longer than necessary to serve a customer who has hailed down the vehicle.
41. Must obtain permission of the owner or occupier of any private land where the permit holder would like to operate from and only remain on site long enough to conclude the sale to persons present at that time. The Permit holder accepts responsibility for obtaining a Material Change of Use where the permitted activity is to operate from private land for any length of time.

### **Not for Profit Special Permit Conditions**

#### **The Permit Holder:**

42. Must ensure any money collection undertaken for charitable purposes is in full compliance with the requirements of the Office of Fair Trading and all associated legislation.

### **Other Legal Obligations**

#### **The Permit Holder is reminded of the following legal obligations:**

43. The Permit holder must comply with all provisions of council's local laws or subordinate local laws relevant to the permitted location and permitted activity under this permit.
44. The Permit holder should be aware that pursuant to the Land Act 1994, council or the Minister must provide twenty-eight (28) days of notice of its intention to cancel this Permit.
45. The Permit holder should acknowledge that pursuant to the Land Act 1994, this Permit does not give or imply any right of renewal.
46. The Permit holder is responsible for ensuring that the operation of the permitted activity complies with all relevant legislation and any development approval, planning scheme or planning scheme policy including but not limited to the *Food Act 2006*.

THIS DEED is given the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

By \_\_\_\_\_ (Name of applicant)

Called "the Indemnifier"

Of \_\_\_\_\_ (Address)

To the **SUNSHINE COAST REGIONAL COUNCIL** (hereinafter called "**COUNCIL**").

**WHEREAS** the **Indemnifier** has applied to the **Council** for authority to use an area of Council controlled land.

**NOW THIS DEED WITNESS** that in consideration of the **Council** granting the **Indemnifier** authority to use Council controlled land, the **Indemnifier** agrees to take out and keep current during the period of authority a public liability insurance policy in a form approved by Council in the name of the **Indemnifier** insuring, for a sum no less than twenty million dollars, the **Indemnifier** against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the **Indemnifier** arising out of or in relation to the Indemnifier's activity and or use of Council controlled land.. The public liability insurance policy must extend to cover the **Council** in respect to claims for personal injury or property damage arising out of the negligence of the Indemnifier.

The **Indemnifier** hereby indemnifies and keep indemnified and to hold harmless the **Council**, it's servants and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the Indemnifier's activity and or use of Council controlled land. The Indemnifier's liability to indemnify the **Council** shall be reduced proportionally to the extent that any act or omission of the **Council**, its servants or agents, contributed to the loss or liability.

**EXECUTED AS A DEED POLL by THE INDEMNIFIER**

Signature \_\_\_\_\_

Signature of Witness \_\_\_\_\_

Name of Witness \_\_\_\_\_

OR

EXECUTED BY \_\_\_\_\_

In accordance with Section 127 of the Corporations Act

Director \_\_\_\_\_

Director / Secretary \_\_\_\_\_