

ORDINARY MEETING 23 NOVEMBER 2011	9
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RENEWAL APPLICATION & AMENDMENT TO ROADSIDE VENDING PERMIT – ADJACENT CENTENARY LAKES, GREENSLOPES STREET, EDGE HILL (OPPOSITE RONDO THEATRE) – SALE OF ROSES – DIVISION 7

Stuart Pollett: 1/11/4-25: #3386054

RECOMMENDATION:

That Council approves the renewal application and change of times of operation for Gadgarra Roses, Tyron Palliaer to conduct Roadside Vending for the sale of roses at a location adjacent to Centenary Lakes, Greenslopes Street, Edge Hill, (opposite Rondo Theatre), subject to conditions.

INTRODUCTION:

An application has been received seeking Council's approval to continue to conduct Roadside Vending at a proposed location adjacent Centenary Lakes, Greenslopes Street, Edge Hill (Opposite Rondo Theatre).

The Applicant's current roadside vending permit allows for the activity to be conducted on Monday to Sunday between the hours of 4:00pm and 6:00pm.

The applicant now is applying for a change of the hours and days to conduct the activity only on Fridays between 10:00am to 6:00pm, on Saturdays between 7:00am to 1:00pm and on special occasion days such as Mothers Day and Valentines Day between 8.00am to 6.00pm.

BACKGROUND:

At an ordinary meeting held 30 October 2003, Council adopted a Roadside Vending Policy to apply to Roadside Vending Activities carried out on all Council and State Controlled Roads within the Cairns City Council area. Further amendments were made to the subject policy at an Ordinary Meeting held 30 June 2005.

In accordance with the Roadside Vending Policy No. 1:03:10 all roadside vending renewal applications applied for under Local Law No. 22 (Activities on Roads) will be reviewed by Council every four (4) years.

On 13th of September, 2007, the initial application for this activity went to Council's Planning and Environment Meeting and was approved for a trial period of four months. The applicant has continued to conduct roadside vending since the approval was given and the roadside vending permit has been assessed and renewed by Council's Environmental Assessment Section on a yearly basis.

COMMENT:

The Roadside Vending activity fits the category of produce grown and harvested by primary producers. The Applicant operates from the back of a Holden utility, under a small gazebo, with one (1) folding table – 1.0m (wide) x .75m (high). Public toilets inside Centenary Lakes are used as an amenity location.

Council's Roadside Vending Policy allows for roadside vending to be conducted so long as it is not conducted within 1 km of an existing retail business of a similar nature. The location that is currently being used is outside of 1 km of a similar business.

This approval has been operating for the last four (4) years and as four years has elapsed since Council last reviewed the application in accordance with Council Policy, the application is required to be considered by Council. Generally this operation has been carried out in accordance with the conditions of approval.

Over the past four (4) years, Council has received approximately five (5) complaints from the public, and in particular from a business which sells the same products or of a similar nature. These complaints were received by Council on 4 March 2011, 29 April 2011, 10 June 2011, 7 October 2011 and 28 October 2011. The complaints indicated the Roadside Vendor is conducting Roadside Vending Activities outside their approved times. Council Officers addressed the issues verbally and the issuing of a first and final notice for breaching the conditions of his Roadside Vending Permit. Due to the actions taken by Council Officers the Applicant has made this application to vary his roadside vending hours.

CONSIDERATIONS:**Corporate and Operational Plans:**

This report was prepared in accordance with Corporate Plan Goal 5 – To increase the region's capacity for long term economic growth by supporting opportunities for local businesses and local employment.

Statutory:

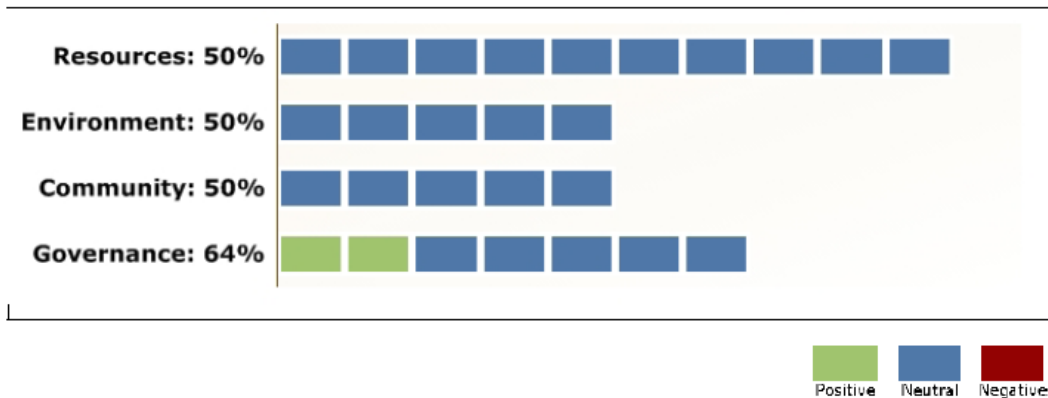
Local Law No. 22 (Activities on Roads)

Policy:

General Policy – Roadside Vending Policy No. 1:03:10

Financial:

Annual Fee of \$1086.80 applies to the renewal of the Roadside Vending Permit.

Sustainability:

Actions undertaken in relation to the activity will have a mainly neutral to positive effect on Council's sustainability in the Resources, Environmental, Community and Governance assessments.

OPTIONS:

1. Council approve the renewal application to conduct Roadside Vending at a location adjacent to Centenary Lakes, Greenslopes Street, Edge Hill (Opposite Rondo Theatre), subject to the following amended conditions in italics: -
 - This approval is for the sale of cut roses only from the subject location.
 - The vehicle used in the operation of roadside vending activities shall be parked and shall remain at all times in the position as indicated on the approved site plan.
 - This permit allows for roadside vending activities to be conducted between the hours of 10:00am to 6:00pm on Fridays & 7:00am to 1:00pm on Saturdays and Special Occasion days such as Mother's Day and Valentine's Day between 8.00am to 6.00 pm.
 - The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.
 - A copy of the approval conditions and approved site plan shall be kept on site at all times and shall be produced to an Authorised Council Officer upon request.

- Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the roadside vending site.

Please Note: All 'specials & prices' advertisements are not to be visible from the roadway.

- Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.
- All permitted roadside vending activities must be consistent with the Regulation and Standards of the Workplace Health & Safety Act.
- The roadside vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or the environment.
- The roadside vending activity must not cause a nuisance to any person or a danger to any person or property.
- The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the roadside vending activity at the conclusion of business each day.
- No structures are to be erected at the vending site.
- Appropriate arrangements for toilet arrangements, as agreed, are to be in place at all times.
- A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000.00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.
- Council reserves the right to amend any conditions of this permit, subject to notification to the permit holder, at any such time it is deemed necessary.
- This permit is at Council's discretion and may be revoked at any time either partially or fully.
- All vehicles involved in the permit are to be removed from the site at the end of each day.
- Annual Roadside Vending fees must be paid by the due date outlined on the invoice.
- This approval expires on 30 June 2012.

2. Council refuses the amendments to the permit conditions, but approves the renewal application to conduct Roadside Vending at the above location on the existing conditions.

It is considered that Council adopt option 1 outlined above.

RECOMMENDATION:

That Council approves the renewal application and change of times of operation for Gadgarra Roses, Tyron Palliaer to conduct Roadside Vending for the sale of roses at a location adjacent to Centenary Lakes, Greenslopes Street, Edge Hill, (opposite Rondo Theatre), subject to conditions.

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