Fact sheet No. 2

Eligibility and assessment criteria

Council is committed to supporting temporary commercial activities where:

- the safety and amenity of nearby residents and park users are protected
- public access, use and enjoyment of the park is maintained
- food and beverage retailers minimise impacts on the ongoing viability of nearby businesses.

All applications will be assessed and must comply with the following definitions, eligibility and assessment criteria.

Definitions

Temporary commercial activities involve a *commercial operator*, charity or not-for-profit organisation providing goods or services within parks and open spaces that:

- involves a commercial benefit or transaction delivered by a registered business / company with a current ABN / ACN
- compliments and aligns with the primary functions of the open space
- is secondary and subservient to the open space
- primarily serves existing park users
- is non-permanent and limited to temporary structures
- does not constitute assessable development under the *Planning Act 2016*.

Local schools, film making and professional photography, surf lifesaving clubs, community events, fund-raisers, memorial services, footpath dining on a dedicated road or community based sporting clubs are excluded from this definition. Film making, professional photography, footpath dining and entertainment events are controlled by separate guidelines.

Temporary commercial activities can only occur at selected parks identified on Council's Your Say page at https://yoursay.redland.qld.gov.au/

Commercial operators are defined as those who expect to generate income from their venture and whose net profits are dispersed to individual members or to any other organisation, which in turn distributes these funds to individual members. Included in this definition are private individuals, businesses, private schools and private organisations.

Walkable distance means the distance between the location of the proposed temporary commercial activity and the lot boundary of the nearest commercial zone or lawfully approved business along roads with footpaths, off-road pathways or other reasonable pedestrian connections.

Eligibility criteria

Before applying for a certificate of approval an applicant must:

- be shortlisted through an EOI process
- obtain relevant insurances
- comply with the definition of temporary commercial activities
- provide a location activity plan showing compliance with the following separation distances.

Separation distances

Please refer to the Frequently Asked Questions for an example of how to comply with separation requirements.

Use – general

Applicants and approval holders must ensure that the use:

- is not exclusive
- is secondary to the primary purpose of the open space, other established uses, major events and park bookings that occur within the park or open space
- is generally limited to the hours of 7:00am to 7:00pm Monday to Saturday and 8:00am to 7:00pm on Sunday and public holidays unless otherwise specified below
- does not include the storage of any trailers, goods, plant, equipment or materials overnight or outside of the approved hours of operation
- does not include motorised watercraft unless required for safety and rescue purposes
- generally avoids vehicles being parked on sports ovals unless existing lease or license to occupy holders provide their written agreement

Area of Redland City	**Eligibility Criteria**
All temporary commercial activities - separation distance (radius)	
Mainland / Southern Moreton Bay Islands (SMBI) / North Stradbroke Island (NSI) / Coochiemudlo Island	• *50m from any residential lot boundary within a residential zone*
Food and Beverage Retailing - separation distance (walkable distance)	
Mainland	• *200m from any centre or mixed use zone*
SMBI / NSI / Coochiemudlo Island	• *200m from any lot boundary of an established, lawfully approved business that offers the same goods or services*

Site location (designated area)

Applicants and approval holders must ensure that the designated area:

- does not exceed more than 30m² for a single temporary commercial activity
- does not exceed 40m² where a commercial vendor is approved for a maximum of two temporary commercial activities
- is not located within an existing lease area or prevent the use of an easement for access, utility infrastructure or any other stated purpose
- does not block access to pathways and facilities
- is located 10m from playgrounds, park benches, shelters, tables, barbeques, kiosks, public toilets, public outdoor fitness equipment, memorials and public art or shade structures
- is located within cleared grassed areas or similar
- is located outside the drip line of established trees
- is located in car parking areas where the park has limited open grassed areas and vice versa.

Safety and amenity

Applicants and approval holders should:

- manage the risks associated with the temporary commercial activity and its location
- be fully licenced and accredited to carry out the activity (e.g. industry qualifications such as Certificate IV in fitness, Bachelor of human movement/exercise science)
- maintain the health, safety and amenity of nearby residents and park users
- minimise adverse impacts through noise, odour, air, waste or light emissions
- not break, disturb or penetrate, cut or fill the surface of the ground with stakes, pegs or other similar devices for parks that are closed land fill sites
- avoid using audio equipment, amplified music, excessively loud voice calls or instructions
- not cause excessive noise through the use of equipment
- limit regulated devices such as compressors, generators and power tools to the hours of 7:00am to 7:00pm Monday to Saturday and 8:00am to 7:00pm on Sunday and public holidays
- maintain city image and the distinctive character of the locality.

Infrastructure

Applicants and approval holders should:

- not require Council to upgrade or provide additional infrastructure such as car parking, water, waste, lighting, sewer, roads, footpaths, gas or electricity

- not result in adverse impacts on the external traffic network
- rely on an alternative sustainable power source or connection to mains power and avoid the use of fossil fuel generators where possible
- not use Council owned bins and ensure that all waste generated is collected and removed
- not use taps or water fountains to wash plant or equipment
- restore the open space to its original condition including the restoration of vegetation or turfed areas prior to the end of the approval.

Council may consider providing local infrastructure such as electricity, lighting, taps and hardstand areas where these services can be used for other park and open space activities, community events, or at popular tourist destinations. In all other cases the cost of connecting to mains power, water or other infrastructure is to be borne by the applicant.

Where the applicant connects to mains power a fee for use of electricity or lighting will apply.

Food and beverage retailing

Food and beverage retailing:

- is limited to the hours of 7:00am to 7:00pm Monday to Saturday and 8:00am to 7:00pm on Sunday and public holidays
- includes vehicles or food trailers that generally do not exceed a length of 6.0m and can be accommodated within a standard car space
- should not be located within a car park unless:
  a) the car space is specifically designed for a food or beverage retailer with direct access to power or water
  b) there is insufficient open grassed or cleared areas within the park and all other alternative locations have been considered and determined by Council to be unsuitable.

Extended hours may be considered where the temporary commercial activity is generally remote and a minimum of 100m from residential areas.

Fitness and recreation

Fitness and recreation activities:

- are limited to the hours of 5:00am to 7:30pm Monday to Sunday
- should ensure that pedestrians, cyclists and other park users have right of way along footpaths, stairways and cycle ways

- must not use any park infrastructure such as playgrounds, park benches, shelters, tables, barbeques, memorials and public art or shade structures for the purpose of exercise or physical activity
- may use public outdoor fitness equipment if not occupied by general park users
- may occupy a designated area of 30m² for vehicles, signage and fitness equipment
- may occur outside of the designated area of 30m² and within the 50m separation distance of nearby residential lots.

Entertainment and other activities:

Entertainment and other activities

- do not exceed 30m² for small scale entertainment uses such as busking, face painting, magicians and entertainers of children's birthday parties including children's petting zoo, jumping castles, open air cinemas
- wedding ceremonies involving a catered event are:
    a) restricted to a designated area as determined by Council
    b) dependent on the purpose of the State reserve (refer to Redland City Council Land Management Plan – Commercial Use of Public Open Space)
- do not exceed a frequency of one per month for markets
- include adequate staging areas for the erection of temporary structures
- Fossil fuel generators for jumping castles, inflatable play devices, inflatable movie screens may be used where mains power is not available and the applicant can demonstrate that there are no adverse noise impacts associated with the activity.

Tourism

Tourism based activities:

- should be limited to the hours of 5:00am to 7:00pm Monday to Sunday
- can be considered for extended hours where the activity is generally remote from residential areas and unlikely to adversely impact on the amenity of nearby residents.

Tourism operators must provide evidence of industry qualifications, where relevant.

Certificate of Approval

Council supports temporary commercial activities where it can be demonstrated that the safety and amenity of park users and nearby residents can be maintained.

Council reserves the right to cancel the Certificate of Approval without notice based on:

- adverse impacts of the temporary commercial activity particularly in relation to park users, nearby residential dwellings and lawfully approved businesses
- non-compliance with the definitions, eligibility or assessment criteria
- non-compliance with the terms and conditions of the certificate of approval or other related permits or licences
- negative social and environmental impacts that outweigh the social and economic benefits
- lack of business activity and activation of the open space.