



South End Precinct Commercial Development Policy

Responsible Officer

Objective

The South End Precinct Commercial Development Plan aims to:

- Provide guidance on the requirements for the operation of commercial land uses in the South End Precinct;
- Coordinate the land use of the area for a range of commercial activities;
- Identify the preferred locations for particular activities and to regulate the intensity of commercial activity in the area;
- Ensure commercial activities do not detract from the recreational and community values of the area; and
- Appropriately manage impact on local amenity.

Scope

This Policy only applies to commercial land uses operating in the South End Reserve area. For the purpose of the South End Precinct Commercial Development Policy, the precinct comprises the reserved land as shown on the **Policy Area Map**.

Policy

Commercial land uses considered by this Policy include:

- Adventure sport & tour businesses;
- Mobile vendors (e.g. food trucks) for special events and specific periods at the discretion of the Shire;
- 'Pop up' restaurants/bars and other seasonal or temporary commercial uses.

3.1 Approvals, Permits and Licencing

3.2.1 Mobile and Itinerant food vendors who intend to operate in the South End Precinct are required to comply with the following:

- a) Hold a valid trading permit granted by the Shire of Cocos (Keeling) Islands;
- b) Hold a current Food Act 2008 Certificate of Registration from a Western Australian Local Government; and
- c) Obtain any other relevant approvals.

- 3.2.2 Development Approval is required for uses where:
- a) Permanent or semi-permanent structures are proposed; or
 - b) The operation of the proposed activity is to exceed a 5 day period or a series of dates at the Shire's discretion.

3.2.3 Where required, a development application should be submitted to the Shire at least 3 months prior to the intended operation date, and should be accompanied by:

- a) A completed Shire of Cocos (Keeling) Islands Application for Development Approval Form;
- b) Full details of the type of goods or services to be offered;
- c) A site plan demonstrating the location of the proposed operation;
- d) Details of the times and dates of operation sought;
- e) Evidence of public liability insurance cover to the value of \$10 million; and
- f) Any other such information as may be required by the Shire to consider the Application.

3.3 Leases

3.3.1 The Shire of Cocos (Keeling) islands has the power to lease portions of the South End precinct reserve. Adventure sport & tour businesses who intend to operate are required to obtain a lease from the Shire for their base of operations. For consistency, the Yacht Club will also be required to hold a valid lease for the shed area; however in recognition of the Yacht Club's community purpose, the lease will be a 'peppercorn' lease.

3.3.2 All other land use operators will be required to apply to use the area and pay a fee to the Shire of Cocos (Keeling) Islands for use of the Reserve, in accordance with the Shire's Schedule of fees and charges. Operators must provide a risk management plan with their application.

3.3.3 No commercial activity (i.e. kite / windsurf rigging, launching or landing) is to be undertaken in the commercial use exclusion area shown on the Policy Area Map. It is noted that holding a lease does not give any exclusive right to use the beach area adjacent to it and does not preclude other commercial and recreational uses of that area.

3.4 Location and Siting

3.4.1 The approved commercial activity areas (Lease Areas 1 - 5 and Mobile / Pop up Traders Area) within the South End Precinct Reserve available for commercial activity are shown on the Policy Area Map. Existing community infrastructure is shown on the plan for reference.

3.4.2 Commercial Activity Lease Areas 1 - 5 is intended to accommodate all of the permanent or seasonal adventure sport & tour business uses contemplated by this policy.

3.4.3 Mobile / Pop up Traders Area is intended to accommodate itinerant / temporary commercial activities that do not require any fixed infrastructure.

3.4.4 The following location requirements apply to all operators:

- a) All operators are only permitted to trade at the locations detailed on their permits;
- b) All operators and associated fixtures shall be sited in a location that does not obstruct pedestrian or vehicular traffic including within parking areas;

3.4.5 Mobile food vehicle permit holders are only permitted to trade in an approved location.

3.4.6 The Shire of Cocos (Keeling) Islands reserves the right to make any approved location, excluding leased areas, unavailable for a set period of time for community events, infrastructure works or any other reason the Shire deems necessary. NB: Leases will deal separately with the process for negotiating Shire access to leased areas.

3.5 Waste Management

3.5.1 All operators are to demonstrate that all waste produced as a result of the operation of the activity is appropriately managed to the satisfaction of the Shire.

3.6 Trading Hours

3.6.1 Permitted trading hours shall be included on any approval or permit issued by the Shire.

3.6.2 Variations to these trading hours may be considered by the Shire's Environmental Health Officer, at least 7 days prior to the event.

3.7 Liquor Licensing

3.7.1 Applications that include the sale or provision of alcohol are required to obtain the following licenses:

- a) Liquor Licence issued by the Department of Racing, Gaming and Liquor;
- b) A Consumption of Alcohol Permit issued by the Shire of Cocos (Keeling) Islands.

3.8 Noise

3.8.1 All activity must comply with noise levels set out in the Environmental Protection (Noise) Regulations 1997.

3.8.2 Variations to the Noise Regulations may be considered by the Shire's Environmental Health Officer, at least 60 days prior to the event.

3.9 Advertising

3.9.1 In the case of mobile vendors, all advertising is to be fitted to the primary vehicle or immediately adjacent to the approved trading area. In addition, one temporary A-frame sign will be permitted for all operators where:

- a) It is located within 75m of the location of the business;
- b) It does not exceed any dimension of 1m or an area of 1m² on any side; and

- c) It is not sited on a main thoroughfare or as to obstruct any pedestrian traffic or cause any risk to people or property.

3.10 Power

- 3.10.1 Mobile vendors shall provide their own power supply unless otherwise approved by the Shire.
- 3.10.2 Temporary wiring shall not be permitted to be laid on the ground or accessible to the public unless it is adequately protected or positioned in such a manner that is not considered a safety hazard.
- 3.10.3 Generators are to be installed in accordance with the relevant standards, and should not be left unattended.

Definitions

Relevant Legislation/Local Law

Office Use Only

Relevant Delegations				
Council Adoption	Date	24/04/2019	Resolution #	10.4.4
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	



Commercial use exclusion area

Yacht Club Shed

Kite / Windsurf exclusion zone

Lease Area 1: Windsports

Lease Area 2: Non-windsports tourism

Mobile / Pop Up traders area

Lease Area 4: Non windsports tourism

Lease Area 3: Windsports

Lease Area 5: Windsports

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