

EXT 015: RECREATIONAL ACTIVITIES ON COUNCIL FORESHORE

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Objective:

To provide a framework to consider proposals for commercial and recreational activity on the foreshore and public places, so that:

- Residents and visitors are encouraged to participate in a diverse range of recreational activities;
- Health and safety of users of the foreshore and parks is encouraged;
- Commercial activities do not detract from the recreational values of the foreshore and from parks;
- Impact on local amenity is managed appropriately.

Scope

- This policy applies to all immediate ocean foreshore and beach areas in the Shire of Esperance.
- This policy applies to all shire vested public open space.
- This policy does not apply to recreational events or to markets.
- This policy does not include the staging of events or apply in areas subject to a lease.

Policy:

The Council recognises the value of the foreshore and other open space areas for recreation for both visitors and residents. It also recognises the increasing demand for people supplying a goods or services for a fee.

Associated Procedure

General Statement

Proponents of applicable recreational or commercial activities are to apply to for consent. The Shire will assess applications for allocation of sites and for permission to operate in context to compliance with specified criteria and considering public comments if necessary.

Applications will be considered on their individual merits.

All approvals will be valid for a maximum of twelve (12) months coinciding with the financial year. A longer period can be considered depending on the circumstances of the case. An operator will be expected to carry out the approved activity during the peak tourist season. Failure to commence the activity by January 1 will result in immediate revocation of the approval and agreements may be entered into with other applicants to ensure that the approval is utilised.

Approvals Requirement

1. A commercial or recreational activity may only be conducted on a beach, foreshore area or public place where a permit has been issued under the relevant Council Local Law; and
2. Personal Trainer sessions with only one client do not require an approval.

General Criteria

Consideration for recreational, commercial and educational activities and allocation of sites will need to address the following:

1. Compliance with the reserve's purpose.
2. Compliance with statutory planning requirements, i.e. development control, Scheme objectives and amenity issues.
3. The reserve must be managed by the Shire of Esperance. If its management is the responsibility of another Authority appropriate written permission must be submitted with any application.
4. Compliance with the provision of any relevant Council Local Law.
5. Approval from the Minister for Lands if applicable.

Commercial Activities

A 'Commercial Enterprise' is an activity that is primarily being carried out to provide goods or services for a fee to people visiting the foreshore reserves or to promote a commercial activity. These activities include entertainment, education/training (for a fee), watercraft hire, watercraft use training, surf schools, advertising, tourism operations, beach item hire (umbrellas, chairs, etc.), selling of confectionery, ice creams, drinks, sun screen, art, trinkets, etc.

Companies or individuals wishing to carry out commercial activities on land for which Council is the delegated manager will be required to:

- Take out a permit and pay the prescribed fee.
- Provide evidence of Public Liability insurance to the value of \$20 million indemnifying the Shire for all activities.
- Ensure there is no interference to the natural environment as a consequence of the activities.
- Ensure there is no negative impact on the existing users as a consequence of the activities.

Activity applicants may be required to:

- Provide traffic, pedestrian, risk or emergency management plans, which are to be approved by relevant Council officers prior to the commencement of the activity. This may include the provision of proof of accreditation where an industry or recognised standard applies for the organiser of the activity.
- Notify residents and traders impacted by the activity by letter drop and/or by advertising in the local paper to ensure there are no objections to the activity taking place.

Use Permit Applications will be considered according to the following criteria:

- What is the primary objective of the activity?
- Does the activity add value to any existing foreshore activities?
- Is the activity coastal related or dependent on the coastal location to be successful?
- Will the activity provide education or health benefits to the general community?
- Is it in direct competition to existing businesses?
- Will the activity adversely interfere with the current use of the public land on which it is situated?
- Will the activity negatively impact on the safety of the current beach and water users?
- Is there an industry or recognised accreditation system or guidelines for management for the activity?
- Will it have a detrimental impact in relation to vegetation, fauna, birds, coastal processes and abutting landowners?

- When will the activity be carried out (time/days) and what will the duration of the activity be (days/weeks)?
- How many customers/users are there expected to be?
- Will the activity require parking and is there sufficient space for parking to support this activity and existing foreshore users?
- Will the activity require storage and where is the storage proposed?
- How will the activity be promoted?
- Does it bring economic benefit to the Shire?
- Are all other agency or Council permits in place?

Recreational and Other Activities

'Recreational and Other Activities' are activities that are primarily being carried out by an individual or group of individuals and that may impact on current users, existing businesses, physical infrastructure and/or the natural environment. These include horse riding, horse training, group mountain bike riding, dinghy storage, personnel training, etc.

Individuals wishing to carry out recreational and other activities on public land for which Council is responsible will be required to:

- Take out a permit and pay the prescribed fee.
- Provide evidence of Public Liability insurance to the value of \$20 million indemnifying the Shire for all activities associated with the production.
- Ensure there is no interference to the natural environment or public amenity as a consequence of the activities

Use Permit Applications will be considered according to the following criteria:

- What is the primary objective of the activity?
- Does the activity add value to any existing foreshore activities?
- Is the activity coastal related or dependent on the coastal location to be successful?
- Will the activity provide education or health benefits to the general community?
- Will the activity negatively impact on the safety of the current beach and water users?
- Will it have a detrimental impact in relation to vegetation, fauna, birds, coastal processes and abutting landowners?
- When will the activity be carried out (time and day/s)
- How many users are there expected to be?
- Will the activity require parking and is there sufficient space for parking to support this activity and existing foreshore users?
- Will the activity require storage and where is the storage proposed?

Personal Trainers

In order for you to be eligible for consideration as a Personal Trainer or Group Fitness you must have the following:

1. Approved qualifications endorsed by Fitness Australia and/or VETAB providers such as TAFE, Universities and Nationally Recognised Training institutions/college;
2. A current Senior First Aid Certificate;
3. Proof of being a current registered professional with Fitness Australia or the relevant peak body; and
4. Current Public Liability Insurance to a minimum of \$20 million and Professional Indemnity Insurance for the life of the permit.

Personal Trainers Application Process

- Take out a permit and pay the prescribed fee.
- Provide evidence of Public Liability insurance to the value of \$20 million indemnifying the Shire for all activities.
- Ensure there is no interference to the natural environment as a consequence of the activities.
- Ensure there is no negative impact on the existing users as a consequence of the activities.
- Personal trainers may apply for a permit and licence at any time of the year.
- The maximum number of persons per group is 20 participants.
- Officers will assess applications and decide under delegation which personal trainer applications will be approved.
- All authorities issued for personal trainers will expire on the following 30 June.

Land-Based Activities

- i) If Council's roads, car parks or dual use paths are to be used, then the activity will be assessed in terms of whether it will create a danger to other users of the access way/areas or will create an obstruction to traffic movement or result in a major loss of car parking spaces.
- ii) All activities must be located adjacent to constructed public car parking areas and public conveniences (within 100 metres). Approved applications may be required to contribute towards the upkeep of the local public infrastructure and facilities if considered necessary as a consequence of that activity.
- iii) If the beach is to be used then the activity must be determined as compatible with the beach environment and must be related to the hire of beach-related equipment. A range of complementary operations may be permitted in the same vicinity if there are sufficient facilities and impacts are minor.
- iv) Beach site activities are not to damage, or lead to degradation of, coastal or other natural environment. Sites, which are likely to suffer environmental/stability problems from increased human activity or have a high conservation value, will be excluded.
- v) All activities are to demonstrate that they will not create a public nuisance to any adjacent residential areas in context to noise, traffic, etc and not create a conflict with the main beachgoers.
- vi) The Shire will permit on application, the use of no more than two (2) temporary sandwich board signs or similar in the immediate vicinity of an approved site for the purpose of marking the location of the activity. Signage is to be removed on the cessation of the use.
- vii) Appropriate public liability insurance cover is to be obtained by the applicant prior to commencement of the activity. Evidence of Public Liability insurance to the value of \$20 million indemnifying Council for all activities associated with the use is to be provided.

Water-based Activities

- i) Permission will be given to the use of the beach area for the hiring of water based equipment, provided the applicant is prepared to comply with any conditions of the Department of Transport and/or the Southern Ports Authority - Port of Esperance to the satisfaction and specification of the Local Government.
- ii) The hire activities are not to dominate the main informal water-based activity or conflict with the designated water based activity. The hire activity is not to create a public danger.
- iii) All activities must be located in close proximity or constructed public car park areas and public conveniences.
- iv) The hire activity is not to damage, or lead to the degradation of, the coastal or marine environment.
- v) All activities are not to create a public nuisance to any nearby residents, or affect

- residential amenity and are not to create public nuisance to other regular water-based activities.
- vi) The Shire will permit on application, the use of no more than two (2) temporary sandwich board signs or similar in the immediate vicinity of an approved site for the purpose of marking the location of the activity. Signage is to be removed on the cessation of the use.
 - vii) Appropriate public liability insurance cover is to be obtained by the applicant prior to commencement of the activity. Evidence of Public Liability insurance to the value of \$20 million indemnifying Council for all activities associated with the use is to be provided.

Application Procedure

1. Lodgment of Application

Applicants are to provide Council with the following information:

- Name, address and contact telephone number of applicant.
- A plan indicating the required location for the activity.
- Full details of type of service to be operated including equipment involved and intended hours of operation.
- Any additional information specific to the individual service to be provided.

Applications are to be lodged no later than March 31 of the year for permission to undertake the recreational hire activity for the forthcoming financial year. Council may process and determine late applications.

2. Processing of Application

Applications will be processed by the Shire Officers and will be referred to any relevant statutory authorities and Shire Ranger for comment if considered necessary. Successful applicants will be advised in writing.

Conditions of approval will be specified. Successful applicants are to promptly respond in writing stating that they agree with the conditions.

3. Fees

The annual fee shall be as determined by Council and included in Council's Annual Schedule of Fees and Charges.

4. Continued use of Existing Approved Sites

If an existing licence holder has not made application for renewal of the current licence by March 31 then the site will become generally available for issue of a licence to another operator for the same or a different use on a first come, first served basis.

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