

Draft Use of Council Reserves by Commercial Recreation Operators Policy

Frequently Asked Questions

Why is Council proposing this Policy?

Council manages 294ha of Council reserves; with over 115ha being Crown land that Council manages on behalf of the State Government. In 2011, the State Government passed legislation that required that all Crown land managers, including Council, implements statewide regulations and fees for commercial recreation and tourism activities occurring on Crown land. The Use of Council Reserves by Commercial Recreation Operators Policy proposes to apply an equitable and consistent approach for commercial recreation and tour operators using either Council owned and/or Council managed reserves.

What land will it apply to?

It applies to all Council owned and/or managed reserves, including the foreshore, parks, reserves and sportsgrounds.

How will the Policy affect my current Council permit to conduct my commercial health and recreation activity?

Current Council permits will stay in effect until the 30 June 2012, after which time you will need to apply for a commercial recreation operator licence from Council.

When would the new licence system take effect?

It is proposed that you must have a commercial recreation operator licence for your commercial activities being conducted on Council reserves from the **1 July, 2012**.

Who will require a commercial recreation operator licence?

- A person or business who conducts a guided tour or recreation activity for profit where the activity is carried out regularly (including commercial health and fitness providers).
- Higher education providers, including TAFEs and universities that conduct guided tours or recreation activities for significant commercial purpose.
- Commercial tour operators and recreation activity providers that are engaged as a third party by another entity to conduct an activity.

Who will not require a commercial recreation operator licence?

- Non-commercial recreation (e.g. community use).
- Not-for-profit organisations that provide a service to their members and do not receive a financial reward beyond their direct costs to conduct the activity.
- Primary or secondary school activities conducted as part of the school curriculum.
- Activities that are conducted on an irregular or one-off basis, such as markets, events, races or festivals which are covered by other Council policies.

- Tenants where the commercial activities are covered under the terms of an occupancy agreement, such as a lease.
- Individuals or groups that hire equipment, vehicles or vessels where a guided tour is not a promoted element of the service.

Will a licence be required from each land manager if my commercial activity crosses over land manager boundaries (e.g. different councils)?

Yes. Each land manager (e.g. Bayside City Council, other councils, Parks Victoria) has statutory responsibility for granting licences for access to land under their management.

How long will a commercial recreation operator licence last for?

Licences will be for one standard year (12 months) and can be applied for at any time throughout the year.

What will be the costs of a commercial recreation operator licence?

The fees charged by Council will be adjusted each year to align with the fees that have been prescribed by the State Government. The State Government has provided for transitional fee arrangements as per below:

| Category | Fees from 1 July 2012 | Fees from 1 July 2013 | Fees from 1 July 2014 |
|--|-----------------------|-----------------------|--|
| Annual fee – standard one year licence | \$110 | \$255 | 20.78 fee units* (Approximately \$254 based on 2011-12 fee unit value) |
| Use fee – general/adult per head per day | \$1.10 | \$2.40 | \$2.40 |
| Use fee – school student/child per head per day | \$0.75 | \$1.60 | \$1.60 |
| Use fee cap | \$5,500 | \$12,500 | 1018.74 fee units |
| <i>*The value of one fee unit in 2011-2012 is \$12.22. .</i> | | | |

How will I apply for a commercial recreation operator licence?

Council will use an online application process. Please contact our Senior Recreation Officer on 9599 4318 or by email recreation@bayside.vic.gov.au for further information about the terms and conditions and how to apply.

What if I don't comply with, or have a licence to, operate my commercial recreation or tourism activity on Council reserves?

It may be either a breach of Council's Local Law or an offence under the State Legislation to conduct a commercial recreation or tourism activity on Council reserves without a licence and penalties can be applied. Council may also suspend or cancel licences in certain circumstances.

How do I find out further information about the draft Policy?

Please contact our Recreation Planner, Jennie Roberts on 9599 9444 or by email jroberts@bayside.vic.gov.au