

guidelines for

# COMMERCIAL ACTIVITIES ON PUBLIC LAND

policy | C10

If you want to undertake a commercial or business activity on public land under Council's control then you will need a Commercial Activities Licence. If you want to undertake a commercial or business activity that involves crossing public land or transferring people or items on, off or over the public land then you will need a Commercial Activities Licence. There is an application form and an application fee, and it may take up to 3 months to process your application.

If your application is successful, Council will charge a licence fee which must be paid annually, in advance, for the life of the licence. The annual licence fee will be determined taking into account, but not limited to, the following:

- nature of the activity
- scale of operation
- use of and impact on the public land
- impact on the community, both beneficial and detrimental.

Options for determination of annual licence fees will include indexing at or above CPI, independent valuation, price based on turnover or calling fresh tenders/expressions of interest to assess the value of the licence.

Renewal of a licence will typically be issued for a period of 1 year. Longer term licences will normally be issued for a maximum period of 3 years, with these licences requiring Crown approval. Any decision to offer a licence for a period of more than 1 year will be determined by the elected Council.

Licences are not tangible assets and cannot be transferred to a new operator. Licensees are entitled to hold only one licence within each licensed activity. Should a licence holder fail to operate a licence for a continuous period of 4 months, then the licence will lapse, unless Council has provided advice to the contrary.

## 1. Selection criteria

Council will assess the information provided in all applications for licences based on the following selection criteria:

- demonstrated successful experience in the activity to a high professional standard
- demonstrated history and experience of environmentally acceptable operations
- demonstrated appropriate level of knowledge and understanding of local conditions, natural and cultural history, ecological processes and constraints
- demonstrated experience in, or capacity to meet licence conditions including the keeping of records and prompt payment of fees
- demonstrated ability to comply with appropriate safety requirements and duty of care responsibilities
- demonstrated capability to promote interpretive and educational information that ensures clients are receiving instruction in minimal impact techniques, environmental protection and ethics of appropriate behaviour
- demonstrated compatibility with a Crown Reserve purpose or any plans of management
- economic and tourism development benefits to the Ballina Shire through associated activities such as marketing, use of shire facilities, etc.



## 2. Breaches of licence conditions

Licences will generally have conditions. Council can ask that a breach of licence conditions be remedied. Council reserves the right to revoke any licensed activities for reasons including environmental protection, public safety and changes in policy or legislation.

Licences may also be terminated in the following circumstances:

- if any fees payable, or any part thereof, are in arrears for 30 days, whether formally demanded or not
- if proof of current public liability insurance cover is not provided prior to commencement of, or during a licence period
- if the licensee breaches any conditions of this policy or the licence
- if the licensee has committed an act of bankruptcy
- if the licensee commits an unlawful act or breaches the requirements of any other relevant authority
- no pro-rata refunds will be provided where a licence is cancelled, terminated or handed in during the year for which the licence fee is applicable.

## 3. Number and type of licences to be issued

Council will limit the number of licences issued for certain uses in accordance with the following table. Other activities will be assessed on merit.

## 4. Further information

Applicants should be familiar with Council's Application Guidelines and Operating Requirements for Commercial Activities on Public Land. For further information, please refer to Council's **Commercial Activities on Public Land policy**.

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ACTIVITY	NUMBER OF LICENCES	STUDENT/TEACHER RATIO	MAXIMUM NUMBERS	NUMBER OF CLASSES PER DAY
BIKE HIRE	not limited	not applicable	capacity of business location for holding bikes	not limited
COMMERCIAL BOAT USE OF PUBLIC WHARVES AND PONTOONS	not limited	capacity of boat	capacity of boat	not limited
COMMERCIAL FISHERMEN	as per DPI Licence	not applicable	as per DPI Licence	not applicable
DOG TRAINING SCHOOLS	not limited	1 instructor per 10 dogs	10 dog clients	8.30 am – 5.00 pm during daylight hours
ECOTOURISM TOURS	not limited	1 operator per 30 clients	30 clients	not limited
ELITE SURF COACHING	6	1 instructor per 7 clients	7 clients	each school, 2 sessions/day
FISHING TOURS	not limited	4 clients per tour operator	4 clients	not limited

ACTIVITY	NUMBER OF LICENCES	STUDENT/TEACHER RATIO	MAXIMUM NUMBERS	NUMBER OF CLASSES PER DAY
FITNESS TRAINING GROUPS	not limited	1 instructor per 20 clients	20 clients	2 sessions/day/operator
GUIDED BIKE TOURS	not limited	1 operator per 9 clients	10 bikes at any time	2 sessions/day/operator
HANG GLIDING AND PARAGLIDING	1 club or 4 operators	1 instructor per 1 hang gliding client 1 instructor per 2 paragliding clients	8 hang gliders 4 paragliders	as safety conditions prevail
HELICOPTER RIDES	not limited	capacity of helicopter	1 helicopter at any time using a reserve	8.30 am – 5.00 pm during daylight hours
HORSE RIDING GUIDED TOURS SEVEN MILE BEACH	2	1 instructor per 4 clients	10 horses	2 sessions/day 1 operator/day on alternate days week days only, no public holidays
HORSE RIDING GUIDED TOURS SOUTH BALLINA BEACH	This commercial activity is approved by Crown Lands. Ballina Shire Council requires the licensing of the operation for its use of the public road network to access the beach. Council places no operational conditions on this activity.			
HOT AIR BALLOONING	not limited	capacity of basket	1 hot air balloon at any time using a reserve	not limited
KAYAK AND CANOE TOURS	not limited	1 instructor per 4 clients – high risk 1 instructor per 12 clients - low risk	20 kayaks	not limited
KITE SURFING SCHOOLS	2	6 clients with 1 instructor	2 kites	not limited
PERSONAL FITNESS TRAINERS	not limited	1 instructor per 2 clients	2 clients	not limited
PONY RIDES FOR PRIVATE PARTIES	not limited	1 instructor per 1 client	4 ponies at any time	8.30 am – 5.00 pm during daylight hours
SAILING SCHOOLS	2	capacity of boat	8 small boats, Shaws Bay 12 small boats, Richmond River	8.30 am – 5.30 pm during daylight hours
SEA PLANE RIDES	1	capacity of plane	capacity of plane	8.30 am – 5.00 pm daily
SKY DIVING	not limited	8 parachutes per jump	8 per jump	daylight operation

ACTIVITY	NUMBER OF LICENCES	STUDENT/TEACHER RATIO	MAXIMUM NUMBERS	NUMBER OF CLASSES PER DAY
STAND-UP PADDLE BOARDING	3	1 instructor per 7 clients	14 clients, Richmond River 7 clients, Seven Mile Beach north of Lake Ainsworth 3 clients, Lake Ainsworth, Shaws Bay, Prospect Lake	each school, 2 sessions/day
SURF SCHOOLS	5	1 instructor per 8 clients	20 clients	each surf school, 2 sessions/day
WIND SURFING SCHOOLS	not limited	2 clients with 1 instructor	3 wind surfers	not limited
OTHER ACTIVITIES	to be decided on the merit of each application and with reference to other commercial activities already in operation and by determination of Council through a review of this policy.			

