

PURPOSE

Wollongong City Council plays a significant role in providing recreational opportunities and the supporting infrastructure on public land that encourages physical activity among the community. Council acknowledges there is a demand for commercial surf school operators to enhance public knowledge and skills in the aquatic environment.

In supporting the use of foreshore public open space for commercial surf school activities, Council recognises the need to plan and coordinate for the provision and maintenance of public open space to limit the impact of commercial surf school activities and ensure equitable use of foreshore public open space.

POLICY INTENT

The main objectives of this policy are to:

- 1 Maximise public safety at beaches, pools, Council sportsgrounds, playgrounds and parks.
- 2 Provide community leadership in taking measures to protect the health and wellbeing of the community.
- 3 Improve the public amenity and maintenance of Council property.

WOLLONGONG 2032 OBJECTIVES

Our Wollongong 2032 outlines the community's main priorities for the future and includes strategies for achieving them. This policy supports the delivery of the community Goal, 'we have a healthy community in a liveable city', contributing to the delivery of Objective 5.4 'Provide a variety of quality and accessible public places and opportunities for sport, play, leisure, recreation, learning and cultural activities in the community'.

SCOPE

This policy applies to all Council-managed foreshore public open space within the Wollongong Local Government Area (LGA). This policy will permit all Council foreshore public open space to be reviewed as potential locations for commercial surf school activities and allow Council to determine appropriate locations and the number of licensed operators. The scope of this policy refers to all individual and group sessions.

DEFINITIONS

Commercial Surf School	The term 'commercial surf school' where stated in this policy refers to the instruction of surfing/water safety for the purposes of conducting a business and to assist participants in learning to surf, improve surfing skills and ocean knowledge. Engaging in such business involves the exchange of fee or payment.
Commercial Surf School Operator	The term 'commercial surf school operator' where stated in this policy refers to those people owning, managing or instructing surfing/water safety lessons for the purposes of conducting a business for exchange of fee or payment.
Commercial Surf School Activities	The term 'commercial surf school activities' where stated in this policy refers to the various surf school activities conducted for the purposes of conducting a business through instructing participants on how to improve their surfing/water

	safety skills and ocean knowledge. This may include surf boards, foam boards, surf rescue boards, body boards and stand-up paddle boards.
Licence	The term 'Licence' where stated in this policy refers to a printed document that gives official permission from Wollongong City Council to a specific person, operator or company to conduct Commercial Surf School Activities within a designated area of a foreshore public open space. A Licence may be issued in accordance with the Local Government Act 1993 and Crown Lands Act 1989.
Notices	The term 'Notices' where stated in this policy refers to signs erected by Council which relate to the doing of anything in a public place, the use of the place or any part of the place, or the payment of a fee for entry or use of the public place.
Foreshore Public Open Space	The term 'public open space' where stated in this policy refers to land that is provided for the use of the community and administered through its representatives in government. Specifically, 'Foreshore Public Open Space' includes land designated as public parks and reserves, beaches, cycleways, shared pathways and footpaths within public parks/open spaces that are within the ownership of Wollongong City Council or Crown Land vested in the care and control of Wollongong City Council.

POLICY

Management of the use of foreshore public open space within the Wollongong Local Government Area is regulated by the *Local Government Act 1993* and *Crown Lands Act 1989* and is subject to Council's Plans of Management.

In determining the suitability of operations at sites, Council will review natural and built constraints, access, parking, historical usage patterns, demand and potential impact of commercial surf school activities on passive recreational pursuits.

This policy complements Wollongong 2032 Community Strategic Plan in ensuring good planning of public infrastructure for community cohesion, health and wellbeing. The policy is also consistent with Council's Planning People Places, which provides a Strategic Framework for Open Space, Recreation Facilities and Community Facilities.

1. Approval Process

All commercial surf school activities covered by this policy require development consent and a Licence from Council for use of a designated area of foreshore public open space.

Approved sites for commercial surf school activities on a designated area of foreshore public open space may be licensed through Council's Property and Recreation division in accordance with the *Local Government Act 1993* and the *Crown Lands Act 1989*.

Licensed commercial surf school operators are only permitted to operate in approved areas in accordance with their Licence Agreement, Development Application (DA) consent and in accordance with this and other Council policy requirements. Where a commercial surf school operator wishes to operate from more than one licensed area, additional Licence Agreements will need to be obtained.

2. Exclusion Zones

Commercial surf school activities are not permitted within or on the following areas:

- Sand dunes and dune stabilisation areas.
- Beaches – within 50 metres either side of patrolled areas (ie surf craft flagged areas).
- Rock platforms.

Council may nominate other exclusion areas during the life of this policy from time to time.

3. Prohibited Activities

The following activities within public open space are prohibited under this policy:

- Surf school activities conducted with amplified music or voice including megaphones.
- the soliciting of funds directly from beach or park visitors or the public.
- the erection of advertising signs and banners without Council's prior written consent.
- the inappropriate use of park/beach infrastructure.
- exemptions may be considered for special events and are subject to Council approval.

4. Exempt Activities/Groups

The following groups/activities are exempt from the approval:

- Activities directly delivered by not-for-profit groups (eg disabled surfing, school sport).
- Irregular recreation activities directly delivered by local sporting clubs, surf life saving and board riders clubs and associations (where there are no tuition fees).
- Instruction in surfing/water safety delivered directly by teaching staff employed by either the Department of Education and Communities, Catholic Education Office or Independent Schools Association.

Any significant organised activities which these groups may wish to conduct on a foreshore public open space must be independently hired and would be subject to Council's Terms and Conditions for Use of Beaches and Council's current Major Events Policy.

5. Signage

Prominent Foreshore Public Open Space Areas covered under this Policy are currently signposted with notices relating to areas in which Surf School Activities are prohibited in accordance with Section 670 of the Local Government Act 1993

6. Enforcement

Under Sections 632, 670 and 679 of the NSW Local Government Act 1993 Council has the power to:

- erect notices which relate to the doing of anything in a public place, the use of the place or any part of the place or the payment of a fee for entry or use of the public place.
- serve, by means of an authorised person, a fine upon any person who fails to comply with the terms of any such notice.

Should a commercial surf school operators be using foreshore public open space on a regular basis for activities without Council approval and licence, Council Compliance officers will be able to undertake compliance action in accordance with the Local Government Act 1993.

7. Term of Licence

A Licence issued by Council to Commercial Surf School Operator's will be valid for a period of not less than twelve (12) months and not greater than five (5) years and will authorise each Commercial Surf School Operator to use designated foreshore public open space for Commercial Surf School Activities in accordance with this policy on a non-exclusive basis.

LEGISLATIVE REQUIREMENTS

This policy complies with and supports implementation and compliance with the following policies and instruments, but is not limited to:

- *Local Government Act 1993*

- *Environmental Planning and Assessment Act 1979*
- NSW Office of Local Government 'Practice Note 15' on Water Safety
- Working with Children Check in accordance with relevant Child Protection Legislation.
- *Crown Lands Act 1989*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*

REVIEW

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

ROLES AND RESPONSIBILITIES

Property and Recreation is the division responsible. Recreation Services are responsible for the administration and review of this Policy and Property Services are responsible for the review, management and issuing of licences under this Policy.

Regulation and Enforcement is the division responsible for any compliance action if required.

RELATED PROCEDURES

- Commercial Surf School Activities on Foreshore Public Open Space Procedural Guideline
- Wollongong City Council's Terms and Conditions for Use of Council Playing Fields, Parks and Beaches

APPROVAL AND REVIEW	
Responsible Division	Property and Recreation
Date adopted by Council	12 September 2022
Date/s of previous adoptions	14/03/2016;
Date of next review	September 2024