

BACKGROUND

Council recognises the important role that access to foreshore public open space plays in enhancing the health and lifestyle of our community.

Council acknowledges that there is demand for Commercial Surf School Activities to improve surf-related knowledge and skills to visitors and residents.

This policy is intended to provide opportunities for Commercial Surf School Activities to be undertaken in a safe manner with minimal impact on users of our foreshore, parks and beaches.

OBJECTIVE

To ensure the sustainable use of public open space while providing equitable access for general community use and Commercial Surf School Activities.

To enable Council to manage the use of its beaches by Commercial Surf School Operators' whilst not diminishing the opportunity for visitors and residents to safely utilise our foreshore parks and beaches.

POLICY STATEMENT

The purpose of this policy is to provide for the effective management of Commercial Surf School Activities occurring on foreshore public open space, to ensure that they are delivered in a manner which protects public infrastructure, minimises disturbance to beach users and addresses public risk concerns.

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DEFINITIONS OF THIS POLICY

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 ACTIVITY OPERATOR

The term 'Commercial Surf School Activity 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.

FIXED STRUCTURE

The term 'fixed structure' where stated in this policy refers to any item that is deemed immovable or securely positioned, including storage containers.

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.

1 INTRODUCTION

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.

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.

This policy complements Wollongong 2022: Community Strategic Plan in ensuring good planning of public infrastructure for community cohesion, health and well being. The policy is also consistent with Wollongong City Council's Strategic Framework for Open Space, Recreation Facilities and Community Facilities, Planning People Places.

1.1 Aim

The purpose of this policy is to provide for the effective management of the regular commercial use of foreshore public open space by Commercial Surf Schools by designating areas for their use, limiting the number of schools operating at any one designated area, and by requiring each school to use the area in accordance with the terms and conditions of a Licence agreement, development consent and this policy.

These requirements will minimise the impact of Commercial Surf School Activities on surrounding residents and the general public use of foreshore public open space.

Through the implementation of this policy, Council aims to:

- a) ensure equity of access to foreshore public open space;
- b) reduce and manage the potential impact of Commercial Surf School Activities on public assets;
- c) minimise public liability concerns; and
- d) contribute to reaching Our Community Goals.

1.2 Area to which the Policy applies

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.

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.

The scope of this policy refers to all individual and group sessions.

1.3 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.

The following groups/activities are exempt from the approval process:

- 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 Wollongong City Council's *Terms and Conditions for Use of Beaches* and Wollongong City Council's current *Major Events Policy*.

1.4 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).

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

1.5 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.

1.6 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**.

1.7 Security Deposit

It is a requirement of the Licence issued by the Council that Commercial Surf School Operator's must deposit with Council the sum equivalent to twenty-five per cent (25%) of the annual Licence fee as a security deposit.

This deposit will be refunded upon termination of the Licence provided there is no damage to the designated area of foreshore public open space as a result of the Commercial Surf School Activities undertaken on the site or the Council terminates the Licence as a result of some other breach of the Licence by the Commercial Surf School Operator.

1.8 Fees

A Licence Preparation Fee and Annual Licence Fee are applicable under this policy and shall be determined by Council.

Annual fees are to be paid to Council in advance upon approval of Licences.

2 GENERAL PROVISIONS

2.1 Industry Compliance

All Commercial Surf School Activities must be undertaken in accordance with the applicable guidelines and recommendations of the peak bodies including Surfing Australia/The Academy of Surfing Instructors/Surf Life Saving Australia and/or Department of Education and Communities (ie student: instructor ratio).

2.2 Area of Operation

Commercial Surf School Operators are permitted to conduct their Activities within the Licensed area subject to the terms of the Licence, on the beach subject to this and other Council policies.

Licensed Commercial Surf School Operators must comply with all reasonable directions from Lifeguards, Lifesavers and Council Officers.

The Commercial Surf School Activities within licensed areas, on beaches and in the surf must be cancelled if conditions are unsafe, or if a surf carnival, or major event is being held.

2.3 Hours of Operation

Subject to development consent, Licensed Commercial Surf School Operators are permitted to operate on their licensed area:

- During the scheduled patrolling season from Monday to Saturday between sunrise and sunset and 11.00 am to sunset on Sundays.
- Outside the scheduled patrolling season from Monday to Sunday between sunrise and sunset.

Failure to operate within these specified times may result in the Licence being terminated.

Commercial Surf School Operators must during normal patrol hours or upon the arrival of the patrolling Lifeguards or Lifesavers, consult with patrolling Lifeguards or Lifesavers prior to entering the water.

2.4 Qualifications

To be eligible to apply for a Licence from Council, a Commercial Surf School Operator must:

- provide evidence of having completed accredited courses specific to the type of activity being instructed and endorsed by Surfing Australia or the Academy of Surfing Instructors and/or VETAB providers;
- possess a current Senior First Aid Certificate;
- possess a current Surf Bronze Medallion or equivalent; and
- provide evidence of Working with Children Check in accordance with relevant Child Protection Legislation.

2.5 Storage

All equipment used for Commercial Surf School Activities is not to be stored on foreshore public open space, or in the Licensed area when not in use by the Commercial Surf School Operators. The erection of fixed structures for the storage of Surf School equipment is not permitted.

2.6 Structure

Temporary shade structures are permitted to be erected throughout the duration of the daily business activities of Licensed Commercial Surf School Operators. Structures should be secured in accordance with manufacturers' guidelines and be removed from the Licensed area at the end of each day. Structures should not exceed 3 x 6 square metres in size.

2.7 Sale of Merchandise

Licensed Commercial Surf School Operators are only authorised to offer Surfing Lessons. The sale of clothing, equipment or any other goods, service or products is not permitted from a licensed area.

2.8 Rescue Equipment

Licensed Commercial Surf School Operators shall at all times during operating hours, provide, maintain and have available a mobile phone to facilitate communication with emergency services and for rescue purposes, suitable rescue equipment, first aid and oxygen equipment (as outlined in NSW Office of Local Government 'Practice Note 15' on Water Safety).

2.9 Car Parking

Licensed Commercial Surf School Operators and participants are required to park in designated parking areas. Parking on grassed open space or beach areas is not permitted and will incur penalties in accordance with section 632, section 650 and section 651 of the *Local Government Act 1993*.

2.10 Waste

Licensed Commercial Surf School Operators are required to ensure the area used for Commercial Surf School Activities is clean and tidy after use and that this is communicated to lesson participants.

2.11 Environment

Licensed Commercial Surf School Operators must manage the Activities to minimise their impact on foreshore public open space. Designated beach and park access tracks are to be used where available.

2.12 Risk Management

Licensed Commercial Surf School Operators must, prior to commencing and during their Commercial Surf School Activities:

- inspect the immediate area and ocean conditions to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively move the surf school site and, without undue delay, report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention;
- complete and document a Site Safety Management Plan for the licensed area (including relevant Standard Operating Procedures for the Activities being undertaken);
- ensure a mobile phone is available for emergency use with each class;
- ensure First Aid Kits are available onsite throughout the duration of each class and that all stock is current; and
- ensure Instructor's rescue boards are onsite for all classes.

Licensed Commercial Surf School Operators must have distinctive high visibility colour garments for each student and teacher.

2.13 Insurance

Licensed Commercial Surf School Operators must take out and maintain in their name, for the duration of the term of the Licence, a public liability insurance policy for a minimum of \$10 million (or such greater amount as Council may reasonably require); and produce documentary evidence of this at the time of application and at time of renewal of such insurance policy.

2.14 Business Interruption

Council will not accept any responsibility or liability for any interruption to business caused by the need for Council or any other Authority to conduct any special event or carry out any maintenance works, natural events or any other interruption to business howsoever caused.

2.15 Noise/Disturbance

Under this policy and the allocation of a Licence, Commercial Surf School Operators:

- must always conduct themselves in accordance with Surfing Australia, Academy of Surfing Instructors, Surf Life Saving Australia or the Department of Education and Communities' Code of Conduct in a proper and orderly manner and be considerate to other beach and park users and adjacent residents;
- must not create any noise from Commercial Surf School Activities that unreasonably disturbs other beach or park users and adjacent residents or businesses;
- must ensure that any surf school equipment used does not create any hazards or obstruction, and
- must leave the licensed surf school area in the same condition as it was at the commencement of the Commercial Surf School Activities.

2.16 Penalties for Acting Contrary to Notices and Development Consent Conditions

A person who fails to comply with terms of any notice erected by Council is guilty of an offence pursuant to section 632 of the *Local Government Act* 1993. Council Officers and Rangers will enforce penalties on any person who fails to comply with any notice.

A person who fails to comply with any conditions of development consent permitting Commercial Surf School activities is in breach of the *Environmental Planning and Assessment Act* 1979, and may be subject to penalties.

2.17 Other conditions

Under this policy and any Licence issued by Council, Commercial Surf School Operators are to:

- use their licensed area and approved beach areas as the only location for their Commercial Surf School Activities;
- ensure that their Commercial Surf School Activities do not impact on other licensed activities outside of their licensed area or elsewhere on the beach or in the water.

SUMMARY SHEET

Responsible Division	Property and Recreation
Date adopted by Council	14 March 2016
Date of previous adoptions	25 February 2013, 28 September 2010
Date of next review	March 2020
Prepared by	Recreational Services Manager
Authorised by	Manager Property and Recreation