



Commercial Activities on Public Land

Application Guidelines & Operating Requirements
7 February 2018

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Introduction

The following application guidelines provide the operating requirements for each commercial activity permissible in Ballina Shire under the “Commercial Activities on Public Land – Policy No. C10.

Any commercial activities that are issued a Commercial Activity Licence pending a successful application will require adhering to the applicable Commercial Activity Operating Requirements for the duration of the Licence.

Those activities listed under Tendered Commercial Activities may only be applied for during the "Request for Tender" process when advertised.

Schedule A - Kayak and Canoe Tours Operating Requirements

All kayak and canoe operators/instructors must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all kayak and canoe tour guides:

- A. Kayak/Canoe Tour leader accreditation with Australian Canoeing for the tours, and
- B. Senior First Aid Certificate (from a recognised registered training organisation), and
- C. Maintain NSW Roads and Maritime Services licensing or relevant approvals.

Additional surf lifesaving qualifications are required if operating within the eastern river mouth areas of the Richmond River, North Creek and Pacific Ocean as defined by the Australian Lifeguard Service mapped red shaded section (refer Council). This area includes:

- Richmond River – Inside Mobbs Bay and north east from a line drawn between the channel into Mobbs Bay and the boat ramp at the water slide, and
- North Creek – eastwards of the Cawarra Park boat ramp.

The surf lifesaving qualification requirements are:

- A. Surf Life Saving Bronze Medallion or Certificate II in Public Safety (Aquatic Rescue).

Risk and Safety and Operational Management Protocol

All kayak and canoe tour operators must meet the following minimum requirements:

- I. Ensure compliance with the Work, Health and Safety Act 2011 and Regulations 2011.
- II. Ensure compliance with the current Australian Canoeing Safety Guidelines.
- III. Ensure compliance Marine Safety, Domestic Commercial Vessel, National Law 2012.
- IV. The operator must comply with the provisions of any Roads and Maritime Service license or approval requirements including any such additional operating conditions or restrictions attached to the license or approval.
- V. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in kayak and/or canoe tour operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the kayak and/or canoe tour, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and

- VI. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Kayak/canoe tours are only permitted to operate within the Richmond River and its tributaries, including North Creek, Emigrant Creek and Maguires Creek and also Prospect Lake, Emigrant Creek, and Seven Mile Beach north of the Surf Life Saving Club (SLSC) at Lennox Head but not in Shaws Bay or Lake Ainsworth.
2. A maximum of twenty (20) kayaks/canoes per each kayak/canoe tour business is permitted.
3. One qualified instructor per four (4) clients during high risk tours and one qualified instructor per twelve (12) clients during low risk tours is required.
4. Kayak/canoe tour businesses will also be permitted to run mobile-based reserve hiring of kayaks/canoes during daylight hours and at the approved locations only.
5. If intending to run mobile based reserve hiring of kayaks/canoes, a business may request or suggest reserves to Council for assessment purposes that they would like to use for their mobile based reserve hiring of kayaks/canoes.
6. Criteria used to assess the suitability of a reserve include the following but are not limited to these criteria: available space in the reserve, physical suitability of the reserve (water access) toilet and water availability, residential proximity, any existing sporting use or special uses that are particular to the reserve.
7. Final determination of the reserve/s that are available and for consent for mobile based hiring of kayaks/canoes will be arrived at following consideration of the factors detailed in Condition 6 and any preferences or special needs that the operator may have.
8. Licenses are not transferable or saleable.
9. Each kayak/canoe business must operate at a minimum of 200m apart from other licensed commercial operators.
10. Kayak/canoe businesses should use bright colours on all garments and equipment when on the beach/water to assist in easy and quick identification.
11. Instructors should be easy to identify from a distance and be distinguishable from students and other kayak/canoe businesses by using distinctive garments with clear and visible colour coding and business names identifiable.
12. Kayak/canoe tours must be cancelled or relocated if conditions are unsafe or if a carnival or major event is being held that the kayak/canoe tour business is not a part of. All reasonable directions from Lifeguards, Roads and Maritime Services Authorised Officers, Cape Byron Marine Park Officers or Council must be complied with.

13. No vehicles are to be driven on the beach, sand dunes or in any grassed reserve under the control of this policy.
14. Kayak/canoe tour businesses are not permitted to operate on sand dune areas, flagged swimming areas or in close proximity to other permitted water activity schools/functions already in location.
15. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and kayaks/canoes.
16. Kayak/canoe tour businesses shall not operate within 150 metres of flagged swimming areas.
17. Where applicable, all participants in the kayaks/canoes are to be educated relating to the prohibition of craft in flagged areas on the beach under the care of Surf Life Saving Officers.
18. Close liaison is to be maintained with the Lifeguard, if on duty on any beach, to be used by kayaks/canoes.
19. Kayak/canoe tours are required to provide caution and safety at all times when in close proximity to other beach and water users and sensitive riparian vegetation sites.
20. Council reserves the right to undertake an onsite audit of the kayak/canoe tour business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the kayak/canoe tour business to Council as requested onsite.
21. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the kayak/canoe tour operating until demonstrated compliance exists and/or revoke the licence.
22. Any tour area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
23. Kayak/canoe tours must adhere to onsite regulatory and advisory signage at all times.
24. No kayaks/canoes shall have priority over any other licensed commercial operator when using the parks or beaches. Each kayak/canoe business is encouraged to liaise with other licensed kayak/canoe operators to ensure that only one business is in the same area at any one time.
25. Any licensed kayak/canoe operator shall not interfere with any other beach/river user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
26. Kayak/canoe tour businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
27. Kayak/canoe tour businesses are to avoid becoming navigational hazards to other water users.

28. A NSW Marine Parks Permit is required if operating within the Cape Byron Marine Park boundaries.
29. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Kayak/canoe operators must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Kayak/canoe operators are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Kayak/canoe operators must inform all clients of conditions 1 & 2 (approaching marine mammals) before departing the beach/river edge.

Schedule B - Horse Riding Guided Tours Seven Mile Beach Operating Requirements

All horse riding operators/instructors must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all horse riding tour guides:

- A. Horse Riding Guided Tour accreditation with a recognised Australian based Horse Trail/Riding Educational Accreditation Organisation, Association, Council or Academy, and
- B. 5 years horse riding experience and prior work experience as a trail guide, and
- C. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All horse riding guided tour operators must meet the following requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in horse riding guided tour operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the horse riding guided tour, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- III. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Each of the two permitted horse riding schools shall only operate on any one day and on alternate days only.
2. Each horse riding school may only operate 2 weekdays one week and 3 weekdays the second week on a fortnightly rotation with the other horse riding school whether one exists or not.

3. Horse riding schools may only operate on weekdays and not on public holidays or weekends.
4. Horse numbers are limited to ten (10) horses with a maximum of eight (8) students and two (2) trail guides at any one time and only two (2) schools/lessons per day from each horse riding business permitted.
5. Licenses are not transferable or saleable.
6. Businesses are only permitted to run booking based operations and are not to operate reserve based hiring of horses or shopfronts.
7. Horse riding businesses are permitted to operate only on Seven Mile Beach, Lennox Head north of the designated horse beach access track and south of the Shire's northern boundary (2.9km to north).
8. Horse riding business beach access is permitted only via the designated horse beach access track east off the turning circle on the road past Camp Drewe, Lennox Head.
9. Horses are only to walk on the beach, no cantering or galloping permitted.
10. Horse riding businesses are not permitted on the dunes, fire trails, other walking/disabled tracks and within Lake Ainsworth.
11. Horses are to be kept under control at all times.
12. Horses are not to be tethered to any vegetation nor allowed to eat any vegetation growing on the reserve.
13. Horse riding businesses are prohibited from undertaking any works on the Reserve, including the pruning of vegetation. Should pruning be required, Council is to be contacted.
14. All horse riding business horse manure is to be taken away from the beaches, walking tracks and car park area and legally disposed of.
15. Horse wash down is not permitted on any reserve area.
16. No horse riding business shall have priority over any other licensed commercial operator when using the reserve. Each horse riding business is encouraged to liaise with other licensed horse riding businesses to ensure that only one business is at Seven Mile Beach on any given day.
17. Any licensed horse riding business shall not interfere with any other reserve user, or enjoy exclusive use rights over the reserve under the care, control and management of Council.
18. Horse riding businesses should use distinctive colours/wording on garments and/or equipment when on the beach to assist in easy and quick identification.
19. Tour leaders should be easy to identify from a distance and be distinguishable from students and other businesses by using distinctive garments with clear and visible colour coding.

20. Horse riding businesses are required to provide caution and safety at all times particularly when in proximity to other beach users.
21. No vehicles are to be driven on the beach, sand dunes or in any grassed reserve under the control of this policy.
22. Advertising on the reserve is only permitted when attached to vehicles, trailers, equipment, horses and uniforms.
23. Council reserves the right to undertake an onsite audit of the horse riding tour business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the horse riding tour business to Council as requested onsite.
24. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the horse riding tour operating until demonstrated compliance exists and/or revoke the licence.
25. Beach tour areas and vehicle parking areas are to be kept in a clean and tidy condition free from litter and refuse at all times.
26. Horse riding businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
27. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.
28. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Horse riding businesses must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Horse riding businesses are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Horse riding businesses must inform all clients of conditions 1 & 2 (approaching marine mammals) before departing for the beach.

Schedule C - Horse Riding Guided Tours South Ballina Beach Operating Requirements

Horse riding guided tours include for the purposes of accessing reserves under the care, control and management of Council whilst accessing to and from South Ballina Beach. Ballina Shire Council is not the consent authority for operating on South Ballina Beach.

All horse riding operators/instructors must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all horse riding tour guides:

- A. Horse Riding Guided Tour accreditation with a recognised Australian based Horse Trail/Riding Educational Accreditation Organisation, Association, Council or Academy, and
- B. 5 years horse riding experience and prior work experience as a trail guide, and
- C. Senior First Aid Certificate (from a recognised registered training organisation).

All Horse Riding Guided Tour businesses must meet the following minimum requirements:

- NSW Department of Lands "Crown Lands Act Licence" to operate on South Ballina Beach.

Risk and Safety and Operational Management Protocol

All horse riding guided tour operators must meet the following requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in horse riding guided tour operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the horse riding guided tour, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- III. Not allow the operation to result in an "offensive noise" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997; and
- IV. Adhere to the NSW Roads and Traffic Authority "Road Users Handbook, November 2005", and
- V. Prepare and adhere to a Council approved "Traffic Control Plan and Signage Plan" if operating within a road reserve.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Horse numbers are limited to the actual number of horses permitted to use South Ballina Beach by the NSW Department of Lands.
2. Horse riding businesses are only permitted to run booking based operations and are not to operate reserve based hiring of horses or shopfronts.
3. Licenses are not transferable or saleable.
4. Horse riding businesses are to operate as per the NSW Department of Lands "Crown Lands Act Licence" at all times.
5. Horse riding business beach access is permitted only via the designated horse beach access track as determined by the NSW Department of Lands and Council.
6. Horse riding businesses are required to operate in accordance with the NSW Department of Lands Threatened Species (Pied Oystercatcher) Management Strategy.
7. Where appropriate, install horse warning signage conforming to Australian/New Zealand standards as required under the approved Traffic Control Plan and Signage Plan.
8. Horses are only to walk on reserves under the care, control and management of Council. No cantering or galloping is permitted.
9. Horse riding businesses are only permitted on the approved Council reserve and are not permitted on the sand dunes, fire trails and other walking/disabled tracks without prior consent from Council.
10. Horses are to be kept under control at all times.
11. Horses are not to be tethered to any vegetation nor allowed to eat any vegetation growing on the reserve.
12. Horse riding businesses are prohibited from undertaking any works on the reserve including the pruning of vegetation. Should pruning be required, Council is to be contacted.
13. All horse riding business horse manure is to be taken away from the affected Council reserve and/or road reserve and legally disposed of.
14. Horse wash down not permitted on any reserve area.
15. No horse riding business shall have priority over any other licensed commercial operator when using the reserve. Each horse riding business is encouraged to liaise with other licensed commercial operators to ensure that only one business is on the reserve at any given time.

16. Horse riding businesses should use distinctive colours/wording on garments and/or equipment when on the beach to assist in easy and quick identification.
17. Tour leaders should be easy to identify from a distance and be distinguishable from students and other businesses by using distinctive garments with clear and visible colour coding.
18. Support vehicles may only be used during the operation on a Council reserve pending Council and Department of Lands approval and must adhere to all beach access and use regulations and only use the designated access points.
19. Advertising on the reserve is only permitted when attached to vehicles, trailers, equipment, horses and uniforms.
20. Horse riding businesses are required to provide caution and safety at all times particularly when in proximity to other reserve users.
21. Council reserves the right to undertake an onsite audit of the horse riding business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the horse riding business to Council as requested onsite.
22. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the horse riding business operating until demonstrated compliance exists and/or revoke the licence.
23. The reserve tour area and vehicle parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
24. Any licensed horse riding business shall not interfere with any other reserve user, or enjoy exclusive use rights over the reserve under the care, control and management of Council.
25. Horse riding businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
26. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Horse riding businesses must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Horse riding businesses are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Horse riding businesses must inform all clients of conditions 1 & 2 (approaching marine mammals) before departing for the beach.

Schedule D – Kite Surfing School Operating Requirements

All kite surfing school operators/instructors must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all kite surfing school coaches:

- A. Current Surf Rescue Certificate (SLSA Community Award), or Current Bronze Medallion (SLSA proficient annually), or Ocean Rescue Award (RLSS proficient annually), and Current Advanced Resuscitation Certificate, and
- B. Kite surf coaching accreditation with a recognised International and/or Australian based Kite boarding Educational Accreditation Organisation, Association, Council or Academy, and
- C. 5 years experience coaching kite surfing, and
- D. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All kite surfing school operators must meet the following requirements:

- I. Ensure compliance with Work, Heath and Safety Act 2011 and Regulations 2011, and
- II. Ensure compliance Marine Safety, Domestic Commercial Vessel, National Law 2012.
- III. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in kite surfing operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the kite surfing school, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- IV. Hold appropriate Hire and Drive Licence issued by Roads and maritime Services, and
- V. Adhere to the NSW Maritime Authority Code of Conduct for Kite Surfing, and the provision of the Marine Safety General Regulations 2009.
- VI. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Each kite surfing school can only use a maximum of two (2) kites with a maximum of six (6) students with one instructor at any one time.

2. Commercial kite surfing is only permitted to operate at the following locations:
 - Seven Mile Beach, Lennox Head from between north of the Lennox Point Hotel and the Shire boundary, and
 - Sharps Beach only north of the “Sharps Creek” intermittent stream located approximately 340m north of the Flatrock surfers beach access track, and
 - Richmond River on the northern side of the Richmond River and foreshore area between the sand spit located approximately 300m east of the Sailing and Rowing Club boat ramp and the Richmond River/North Creek junction at Messingham Park, including any operating restrictions limitations stipulated within the conditions of any Hire and Drive Licence.
3. Kite surfing schools are not permitted to operate in close proximity to other kite surfing schools and must operate at a minimum of 400 metres apart when on the same beach.
4. Licenses are not transferable or saleable.
5. Businesses are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.
6. No kite surfing school shall operate within 200m of flagged swimming areas.
7. No kite surfing school shall have priority over any other licensed commercial operator when using the reserves. Each kite surfing school is encouraged to liaise with other licensed kite surfing schools to ensure that only one kite surfing school is on the same beach area, at any one time.
8. Any licensed kite surfing school shall not interfere with any other beach user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
9. Kite surfing schools should use bright colours on all garments and equipment when on the beach to assist in easy and quick identification.
10. Instructors from each kite surfing school should be easy to identify from a distance and be distinguishable from students and other surf schools by using distinctive garments with clear and visible colour coding.
11. Kite surfing schools must be cancelled or relocated if conditions are unsafe, or if a surf carnival, or major event is being held that the operator is not a part of. All reasonable directions from Lifeguards, the Maritime Authority, Cape Byron Marine Park Officers and Council Officers must be complied with.
12. All participants in the kite surfing school are to be educated relating to the prohibition of kitesurfing craft in and around people under the NSW Maritime Authority Code of Conduct for Kite Surfing and for flagged areas on the beach under the care of Surf Life Saving Officers.
13. Close liaison is to be maintained with the Lifeguard, if on duty at a particular beach to be used by a kite surfing school.
14. No vehicles are to be driven on the beach, sand dunes or in any grassed reserve under the control of this policy except for 4WD's on Seven Mile Beach, Lennox Head.

15. Any 4WD using Seven Mile Beach must hold a current 4WD Beach Permit for Seven Mile Beach, Lennox Head and adhere to the permit guidelines at all times.
16. Kite surfing schools are not permitted to operate on sand dune areas.
17. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms, boards and kites.
18. Kite surfing schools are required to provide caution and safety at all times when in close proximity to other beach and water users.
19. Council reserves the right to undertake an onsite audit of the kite surfing school at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the kite surfing school to Council as requested onsite.
20. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the kite surfing school operating until demonstrated compliance exists and/or revoke the licence.
21. Any class area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
22. Kite surfing schools are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
23. Kite surfing schools are to avoid becoming navigational hazards to other water users.
24. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.
25. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Kitesurfing operators must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Kitesurfing operators are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Kitesurfing operators must inform all participants of each school of conditions 1 & 2 (approaching marine mammals) before departing the beach/river edge.

Schedule E – Windsurfing School Operating Requirements

All windsurfing school operators/instructors must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all windsurfing school coaches:

- A. Current Surf Rescue Certificate (SLSA Community Award), or
 Current Bronze Medallion (SLSA proficient annually), or
 Ocean Rescue Award (RLSS proficient annually), and
- B. Current Advanced Resuscitation Certificate, and
- C. Senior First Aid Certificate (from a recognised registered training organisation) and,
- D. Windsurfing coach accreditation with Yachting Australia or a recognised Windsurfing Coach Educational Accreditation Organisation, Council or Academy.

All windsurfing school businesses must meet the following minimum requirements:

- NSW Maritime Authority Hire and Drive Licence, and
- Adhere to the NSW Maritime Boating Handbook.

Risk and Safety and Operational Management Protocol

All windsurfing school operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Ensure compliance with the Marine Safety Act 2009, and
- III. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in windsurfing operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the windsurfing school, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- IV. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Only one windsurfing school shall be permitted on any reserve area, at the same time.
2. A maximum of three (3) windsurfers per each windsurfing school business, with a minimum of one qualified instructor per two (2) students at any one time per lesson is only permitted.
3. Windsurfing school businesses are to hold current Hire Drive Licenses issued by Roads and Maritime Services, all craft must display appropriate Hire and Drive license numbers.
4. Windsurfing schools are permitted to operate only in Shaws Bay, Lake Ainsworth, the Richmond River and its tributaries and Ballina Shire beaches north of the Richmond River up to the Shire boundary.
5. Licenses are not transferable or saleable.
6. Businesses are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.
7. No windsurfing school shall have priority over any other licensed commercial operator when using a reserve. Each windsurfing school business is encouraged to liaise with other licensed commercial operators to ensure that only one business is in the same area at the same time.
8. Windsurfing schools should use bright colours on all garments and equipment when on the beach/lake edge to assist in easy and quick identification.
9. Instructors from each windsurfing school should be easy to identify from a distance and be distinguishable from students and other commercial operators by using distinctive garments with clear and visible colour coding.
10. Windsurfing school lessons must be cancelled or relocated if conditions are unsafe or if a surf carnival or major event is being held. All reasonable directions from Lifeguards or Council must be complied with.
11. No vehicles are to be driven on the beach, sand dunes or in any grassed reserve under the control of this policy except for 4WD's on Seven Mile Beach, Lennox Head.
12. Any 4WD using Seven Mile Beach must hold a current 4WD Beach Permit for Seven Mile Beach, Lennox Head and adhere to the permit guidelines at all times.
13. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and equipment.
14. All participants in the windsurfing school are to be educated relating to the prohibition of craft in flagged swimming areas on the beach under the care of Surf Life Saving Officers.
15. Windsurfing schools are required to provide caution and safety at all times when in close proximity to other reserve and water users.
16. Council reserves the right to undertake an onsite audit of the windsurfing school at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All

audit requirements must be made available by the wind surfing school to Council as requested onsite.

17. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the windsurfing school operating until demonstrated compliance exists and/or revoke the licence.
18. Close liaison is to be maintained with the Lifeguard, if on duty at a particular beach to be used by Windsurfing Schools.
19. Any lesson area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
20. Any licensed windsurfing school shall not interfere with any other reserve user, or enjoy exclusive use rights over any Reserve under the care, control and management of Council.
21. Windsurfing school businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
22. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.
23. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Windsurfing school operators must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Windsurfing school operators are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Windsurfing school operators must inform all participants of each tour of conditions 1 & 2 (approaching marine mammals) before departing the beach/river/lake edge.

Schedule F - Fishing Tour Operating Requirements

Fishing Tours are for those accessing through and using reserves as a land including beaches and rocky foreshores under the care, control and management of Council. Fishing tours may include 4WD based fishing tours, beach fishing tours and rock fishing tours.

All fishing tour operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all fishing tour guides/coaches:

- A. Senior First Aid Certificate (from a recognised registered training organisation) and,
- B. Fishing Guide/Coach accreditation with the Professional Fishing Instructors and Guides Association of Australia or a similar recognised Fishing Guide/Coach Educational Accreditation Organisation, Council or Academy, and
- C. NSW Recreational Fishing Licence, and
- D. Recreational Fishing Fee Exemption Certificate.

Risk and Safety and Operational Management Protocol

All fishing tour operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Ensure compliance with the Marine Safety Act 2009, and
- III. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan, and
- IV. Provide information relating to the following:
 - Experience in fishing tour operations to a high professional standard,
 - Understanding and knowledge of local conditions,
 - Natural and cultural history,
 - Ecological processes,
 - Possible constraints to the fishing tour operation,
 - Capacity to meet licence conditions,
 - Capability to promote interpretive and educational information,
 - Compatibility with the Reserve purpose or any Plans of Management, and
- V. Not allow the operation to result in an "offensive noise" to nearby residents as defined in the Protection of the Environment Operations Act 1997 (POEO) dictionary.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. A maximum of four (4) clients are permitted per tour.
2. Fishing tours are permitted to operate at all Shire beaches and headlands north of the Richmond River up to the Shire border at Seven Mile Beach, Lennox Head including the Richmond River and its tributaries.
3. Vehicles are not to be driven on the beach, sand dunes or in any grassed reserve except for 4WD's on the public access 4WD section of Seven Mile Beach, Lennox Head.
4. Any fishing tour 4WD using Seven Mile Beach must hold a current 4WD Beach Permit for Seven Mile Beach, Lennox Head and adhere to the Beach Permit guidelines at all times.
5. 4WD based fishing tour businesses holding a commercial activities licence will receive a free 4WD Beach Permit for Seven Mile Beach, Lennox Head as a part of their licence. (Complete an "Application for a 4WD Beach Permit Seven Mile Beach, Lennox Head" form and combined with a copy of 4WD vehicle registration and commercial activities licence provide these to Ballina Shire Council cnr Tamar and Cherry Sts, Ballina to receive a 4WD Beach Permit sticker).
6. Businesses are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or onsite sales.
7. Licenses are not transferable and saleable.
8. Advertising on the reserve is only permitted when attached to vehicles, trailers, uniforms and equipment.
9. Guides/coaches from fishing tours should be easy to identify from a distance and be distinguishable from students, other commercial operators and the public by using distinctively coloured garments with clear writing.
10. Any tour area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
11. Fishing tours are to ensure all fishing tour clients are inducted on protecting the environment and wildlife with regards to retrieval and disposal of fishing equipment.
12. Tours must be cancelled or relocated if conditions are unsafe or if a surf carnival or major event is being held that the fishing tour is not a part of.
13. All directions from Lifeguards, Maritime Authority Officers, Cape Byron Marine Park Officers, Fisheries Officers, Police and Council Officers must be complied with.
14. Fishing tour businesses are to maintain a minimum distance of 800m apart from each other whilst operating.
15. Fishing tour operations are not to be conducted within 400m of flagged swimming areas.

16. Fishing tour operators shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
17. Fishing tour businesses do not have priority over any other licensed commercial operator when using a reserve. Each fishing tour business is encouraged to liaise with other licensed commercial operators to ensure that only one business is in the same area at the same time.
18. Fishing tour operators and clients are required to operate with caution and safety at all times when in close proximity to other reserve and water users.
19. Council reserves the right to undertake an onsite audit of the fishing tour business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the fishing tour business to Council as requested.
20. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the fishing tour business operating until demonstrated compliance exists and/or revoke the licence.
21. Fishing tour businesses are responsible for ensuring that guides/coaches are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
22. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.
23. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Fishing tour businesses must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Fishing tour businesses are to liaise with the Office of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Fishing tour guides/coaches must inform all participants of each tour of conditions 1 & 2 (approaching marine mammals) before each tour enters the beach/river/lake edge.

Schedule G - Hang Gliding and Paragliding Operating Requirements

All hang gliding and paragliding operators/instructors must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all hang gliding and paragliding coaches:

- A. Hang Gliding Federation of Australia (HGFA) Advanced Pilot Certificate and Chief Flight Instructor Certificate, and
- B. Secondary assistant instructors accompanying an HGFA Chief Flight Instructor are to hold an Advanced Pilot Certificate and as a minimum a Flight Experience Instructor Certificate, and
- C. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All hang gliding and paragliding operators must meet the following requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Adhere to the Civil Aviation Safety Authority approved Hang Gliding Federation of Australia Operations Manual, and
- III. Operate at an HGFA approved site only; and
- IV. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in hang gliding and paragliding operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the hang gliding and paragliding operations, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- V. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

The following personnel are to be provided on site with every flight:

- (a) A duty pilot or local safety officer must be present to oversee all commercial flying operations if either two or more instructors are in operation, a flight experience instructor is in operation or the reserve taking off/landing site is becoming congested with public.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. A maximum of one (1) hang gliding and paragliding club shall have licence to use a reserve consisting of a maximum of four (4) hang gliding flight businesses and one (1) paragliding flight business at any one time.
2. Without a governing hang gliding and paragliding club, a maximum of four (4) hang gliding flight businesses and one (1) paragliding flight business at any one time shall have licence to use a reserve.
3. A maximum of two (2) instructors and two (2) hang gliders per each hang gliding flight business with the primary instructor holding a Chief Flight Instructor Certificate and Advanced Pilot Certificate with the secondary instructor for each business holding an Advanced Pilot Certificate and as a minimum a Flight Experience Instructor Certificate.
4. A maximum of four (4) commercial paragliders for the one paragliding flight business at any one time with the primary instructor holding a Chief Flight Instructor Certificate and Advanced Pilot Certificate and any other instructors holding an Advanced Pilot Certificate and as a minimum a Flight Experience Instructor Certificate or Apprentice Instructor Certificate.
5. A minimum of one (1) instructor per one (1) hang gliding student and one (1) instructor per two (2) paragliding students is provided at all times.
6. Licenses are not transferable or saleable.
7. Hang gliding and paragliding is only permitted to operate from the Pat Moreton Lookout area at Lennox Headland in adherence to the Council approved Risk, Safety and Operational Management Protocol.
8. No hang gliding or paragliding business shall have priority over any other licensed commercial operator or reserve area when operating except for operational safety requirements when taking off and landing as per the Council approved Risk, Safety and Operations Plan.
9. Duty pilots or safety officers should have distinctive colouring or representation being identifiable and distinguishable from all other hang gliding or paragliding businesses using bright colours on all garments and other apparel when on the reserve to assist in easy and quick identification.
10. No hang gliding or paragliding business personnel are permitted to chop, lop or remove any vegetation on the Lennox Headland unless permitted to by Council officers.
11. Instructors from each hang gliding or paragliding business should be easy to identify from a distance and be distinguishable from students and other hang gliding and paragliding businesses by using distinctive garments with clear and visible colour coding.
12. All flights must adhere to the Civil Aviation Safety Authority guidelines at all times and the flights must be cancelled if conditions are unsafe or if a major event is being held that the hang gliding and paragliding businesses are not a part of. All reasonable directions from Council must be complied with.
13. No vehicles are to be driven on the reserve except within Pat Moreton Lookout car park boundaries.

14. Council approved safety warning and interpretive signage advising the public and visiting pilots about the site is to be maintained at the site at all times.
15. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and equipment.
16. Hang gliding or paragliding businesses are required to provide caution and safety at all times when in close proximity to other reserve users, particularly when in proximity to walkers and children and to sensitive vegetation sites.
17. Council reserves the right to undertake an onsite audit of the hang gliding and paragliding businesses at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the hang gliding and paragliding businesses to Council as requested onsite.
18. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the hang gliding and paragliding club/businesses operating until demonstrated compliance exists and/or revoke the licence
19. Each hang gliding or paragliding business is to provide upon renewal, copies of each instructor pilots HGFA certificate accreditation records for the listed licensed hang gliding or paragliding businesses as per the Council approved Risk, Safety and Operational Management Protocol.
20. Hang gliding or paragliding businesses are to provide to Council copies of Incident Report Forms completed within 48 hours of any incident.
21. Close liaison is to be maintained with all pilots on duty and the Duty Pilot or Safety Officer whilst on the reserve at all times.
22. The reserve operating area is to be kept in a clean and tidy condition free from litter and refuse at all times.
23. Any licensed hang gliding or paragliding business shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
24. Hang gliding or paragliding businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
25. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule H - Fitness Training Group Operating Requirements

All fitness training group operators that includes but is not limited to fitness training, boot camps, fitness boxing and other mental and physical activities that include Yoga, Tai Chi etc must meet the following minimum requirements:

Qualifications

Documentation, as listed below, demonstrating current qualifications from all trainers, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all trainers.

- A. Personal Fitness Trainer accreditation and registration with Fitness Australia, and/or
- B. Appropriate accreditation from a nationally recognised authority for other activities, and
- C. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All fitness training groups must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in fitness training group operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the fitness training group operations, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- III. Not allow the operation to result in an "offensive noise" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

- 1. Fitness training groups are permitted to operate at all Shire beaches north of the Richmond River and reserves in Ballina Shire except for Fawcett Park in Ballina, Angels Beach, the southern end of Sharps Beach south of the intermittent stream, Boulder Beach and all sporting fields.
- 2. Sporting fields may be permitted with consent from Council and local sporting organisations required first.
- 3. Fitness training groups may not incorporate any surf or paddle craft of any form into their training but may include swimming activities upon approval by Council.

4. Licenses are not transferable or saleable.
5. Businesses are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.
6. A maximum of twenty (20) clients for each fitness training group is permitted per session.
7. A maximum of two (2) sessions/lessons per day from each fitness training group is permitted.
8. Each fitness training group must operate at a minimum of 300m apart from any other licensed commercial operator.
9. No fitness training group shall operate within 100m of flagged swimming areas.
10. No fitness training group shall have priority over any other licensed commercial operator when using the reserves or beaches. Each fitness training group is encouraged to liaise with other licensed fitness training groups to ensure that only one fitness training group is on the same reserve/beach area, at one time and the reserve/beach areas are shared.
11. Any licensed fitness training group shall not interfere with any other reserve/beach user, or enjoy exclusive use rights over any reserve.
12. Licensed fitness training groups are required to maintain a single file when using public paths, steps and ramps and do not block these public areas in any way including for stretching or exercises.
13. Licensed fitness training groups will be required to only walk when passing any members of the public on paths, steps and ramps whilst in single file to ensure safety of the public.
14. Licensed fitness training groups cannot tie or attach materials of any type to structures and trees unless prior approval from Council is received.
15. Instructors from each fitness training group are required to wear a distinguishable coloured shirt with business logo at all times and that is to be easily identifiable to a Council Officer from a distance.
16. Licensed fitness training groups should be clearly identifiable as a group and should use a distinctive group colour on all shirts when on the reserve/beach.
17. Fitness training groups operations must be cancelled or relocated if conditions are unsafe, or if a surf carnival, or major event is being held. All reasonable directions from Lifeguards, Sporting organisations or Council Officers must be complied with.
18. No vehicles are to be driven on the beach or in any grassed reserve under the control of this policy.
19. Fitness training groups are not permitted to operate on sand dune areas.
20. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and equipment.
21. Fitness training groups are required to provide caution and safety at all times when in close proximity to other reserve/beach and water users.

22. Council reserves the right to undertake an onsite audit of the fitness training group business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records including details of participants. All audit requirements must be made available by the fitness training group to Council as requested onsite.
23. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the fitness training group operating until demonstrated compliance exists and/or revoke the licence
24. Close liaison is to be maintained with the Lifeguard, if on duty at a particular beach to be used by a fitness training group.
25. Any class area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
26. Fitness training groups are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
27. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.
28. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule I - Commercial Fishermen Operating Requirements

Commercial fishermen includes for the purposes of commercial fishing, pipi gathering and worm collection as permitted by the NSW Department Primary Industries where beach access and foreshore use on or through reserves under the care, control and management of Council is conducted.

All commercial fishermen must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all commercial fishermen:

- A. Ocean Hauling Endorsement or Hand Gathering Endorsement issued by the Department of Primary Industries, and
- B. Current NSW/QLD Drivers Licence (if vehicle driving on the beaches), and
- C. Any commercial vessel operations must comply with the provision of Marine Safety, Domestic Commercial Vessel, National Law 2012 including vessel operating permit and manning requirements.
- D. Senior First Aid Certificate (from a recognised registered training organisation) to be held by at least one commercial fisherman onsite at all times.

Risk and Safety and Operational Management Protocol

All commercial fishermen must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Ensure compliance with the Marine Safety Act 2009, and
- III. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in commercial fishing operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the commercial fishing operation, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- IV. Not allow the operation to result in an "offensive noise" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. All commercial fishermen must adhere to the conditions set by their Ocean Hauling Endorsement and/or Hand Gathering Endorsement as issued by the Department of Primary Industries.
2. The minimum and maximum number of commercial fishermen permitted is to be determined by the Fisheries Management (General) Regulation 2002 and the Department of Primary Industries.
3. Commercial fishermen are permitted to operate at all Shire beaches, headlands, river and foreshore areas under the care, control and management of Ballina Shire Council.
4. Commercial fishermen are permitted to drive their 4WD vehicles on all Shire beaches under the care, control and management of Ballina Shire Council except for Boulder Beach, Lennox Head.
5. Commercial fishermen holding a commercial activities licence are not required to pay for a 4WD Beach Permit for Seven Mile Beach, Lennox Head as it is part of the Commercial Activities Licence.
6. Commercial fishermen may obtain a free 4WD Beach Permit sticker for Seven Mile Beach from Council by completing an "Application for a 4WD Beach Permit Seven Mile Beach, Lennox Head" form and combined with a copy of their 4WD vehicle registration and commercial activities licence provide these to Ballina Shire Council cnr Tamar and Cherry Sts, Ballina to receive their free 4WD Beach Permit sticker.
7. Commercial fishermen must have their Ocean Hauling/Hand Gathering Endorsement as issued by the Department of Primary Industries attached to their 4WD at all times.
8. When driving on any beach all 4WD vehicles must adhere to the following 4WD Code of Conduct;
 - (a) Only enter and exit beach at the designated 4WD beach access
 - (b) Not drive within 10metres of any part of the vegetated dune
 - (c) Drive only on firm sand where possible
 - (d) Not drive on any other dune area or dune walking track
 - (e) Not exceed a speed limit of: 30km/h on beach, or:
 - (f) 15km/h within 50m of any other beach user
 - (g) Respect the rights of other beach users
9. No commercial fisherman shall have priority over any other licensed commercial operator when using a reserve except when priority exists over other commercial fishermen as per the Fisheries Management (General) Regulation 2002.
10. Any permitted commercial fisherman shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
11. Commercial fishermen are encouraged to liaise with other licensed commercial operators to ensure that only one business is in the same area at the same time.
12. Commercial fishermen should be easy to identify from a distance and be distinguishable from other 4WD's on beaches with the display of the Ocean Hauling Fishing information as required by the Department of Primary Industries.

13. Fishing operations must be cancelled or relocated if conditions are unsafe or if a surf carnival or major event is being held that the commercial fishing operation is not a part of. All reasonable directions from Lifeguards, Maritime Authority officers, Cape Byron Marine Park officers or Council officers must be complied with.
14. Commercial fishing must not be conducted in or near flagged swimming areas.
15. Advertising on the reserve is only permitted when attached to vehicles, trailers, boats and equipment.
16. No boats or equipment are to be stored on Council reserves unless the prior consent from Council has been provided.
17. Commercial fishermen are not to conduct sales of seafood on Council managed beaches/reserves.
18. Any fishing area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
19. Commercial fishermen are required to provide caution and safety at all times when in close proximity to other reserve and water users.
20. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Commercial fishermen must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Commercial fishermen are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.

Schedule J - Sea Plane Rides Operating Requirements

All sea plane operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all sea plane operators:

- A. Air Operator's Certificate under the Civil Aviation Act 1988 as issued by the Civil Aviation Safety Authority, and
- B. Operators must comply with the provision of the Marine Safety Act 1998 and the International rules for the Prevention of Collisions at Sea.
- C. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All sea plane operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Adhere to all requirements of the Air Operators Certificate as per the Civil Aviation Act 1988 issued by the Civil Aviation Safety Authority, and
- III. Adhere to the NSW Maritime Boating Handbook, and
- IV. Adhere to the Maritime Services Act 1935 and associated regulations including the international rules for the Prevention of Collision at Sea (Navigation Collision Regulations 1983), and
- V. Prepare, submit to Council, the Ballina Byron Gateway Airport and the NSW Maritime Authority and adhere to a documented "*Risk, Safety, Noise and Operations Management Plan*" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazard, first aid, emergency response and evacuation plan. This is also to include safe movements in the water, docking, taking off, the control, prevention and minimisation of any noise pollution and when the seaplane operations may be called off or postponed due to the sea state, adverse wind and weather conditions, river boating congestion and foreshore congestion. This is also to include demonstrated experience in commercial seaplane operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the seaplane operations, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- VI. Adhere to the noise standards specified in the Air Navigation (Aircraft Noise) Regulations 1984, and
- VII. Not allow the operation to result in an "offensive noise" as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. A maximum of one (1) sea plane may be used at any one time.
2. Operation of the sea plane is only conducted within the daylight hours of 8.30am to 5.00pm.
3. Licenses are not transferable or saleable.
4. The number of passengers at any one time is limited by the legal capacity of the sea plane.
5. The taking off and landing of the sea plane operations only occur within the Richmond River and to the east of the Ballina RSL Club, River Street, Ballina.
6. When the sea plane is taking off it is required to taxi as far to the southern side of the deep channel of the river to create as much distance as possible between the take off location and residential properties.
7. Docking of the sea plane can only occur on the foreshore adjacent to the Ballina Sailing Club and the Ballina Public Pool but not directly in front of or impeding the boat ramp at any time. Docking may also occur at other locations for fuelling conditional upon Council and/or NSW Maritime Authority approval.
8. During entering and exiting the docking area, all care is to be taken to avoid and minimise any impacts on other reserve and water users and residents.
9. When docking, at least one (1) person should be positioned in the docking area on the ground to assist and advise the public.
10. Four (4) witches' hats are to be used on the foreshore area just prior, during and after docking to delineate to the public the temporary operational foreshore area.
11. Alternative docking and taking off/landing locations may be considered upon liaison with and only with approval from Council's Open Spaces and Reserves, the Ballina Byron Gateway Airport and the NSW Maritime Authority.
12. A pontoon can be established to assist in docking conditional upon the necessary approvals and permits from Council and the NSW Maritime Authority.
13. A sea plane operating sign is maintained on the foreshore area warning the public of the sea plane operations in the area.
14. Sea plane businesses are to liaise with the Ballina Sailing Club on a regular basis and avoid operating during busy times or events run by the Ballina Sailing Club.
15. No sea plane business shall have priority over any other licensed commercial operator or the reserve area when operating except for operational safety requirements when taking off and landing as per the Council approved "*Risk, Safety, Noise and Operations Management Plan*".
16. Any licensed sea plane business shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.

17. No sea plane business personnel are permitted to chop, lop or remove any vegetation on a Council reserve.
18. Should offensive noise pollution continue to be a problem during operations, the sea plane business must be prepared upon notification by Council and/or the NSW Maritime Authority and/or the Ballina Byron Gateway Airport to engage a suitably qualified and independent consultant to monitor and ascertain the nature and extent of any noise pollution resulting from the sea plane when on the water, taking off and landing.
19. If inaction over offensive noise continues, Council may then issue on the spot fines for offensive noise whenever it occurs under Clause 30 of the Protection of the Environment Operations (Noise Control) Regulation 2000.
20. All flights must adhere to the Civil Aviation Safety Authority guidelines at all times and the flights must be cancelled if conditions are unsafe or if an incompatible major event is being held that the sea plane business is not a part of. All reasonable directions from the NSW Maritime Authority officers, Ballina Byron Gateway Airport officers and Council officers must be complied with.
21. No vehicles are to be driven on a reserve under the care, control and management of Council except within the car park boundaries at the Ballina Sailing Club.
22. Sea Plane businesses will also be permitted to run mobile-based reserve shopfronts selling seaplane rides during daylight hours only.
23. If intending to run mobile based reserve selling of sea plane rides, a business may request or suggest areas of reserves to Council for assessment purposes that they would like to use for their mobile based reserve selling of sea plane rides.
24. Criteria used to assess the suitability of a reserve include the following but are not limited to these criteria: available space in the reserve, physical suitability of the reserve (water access), toilet and water availability, residential proximity, any existing sporting use or special uses that are particular to the reserve.
25. Final determination of the reserve/s that are available and for consent for mobile based reserve selling of sea plane rides will be arrived at following consideration of the assessment criteria and any preferences or special needs that the operator may have.
26. The duty pilot or safety officer should have distinctive colouring or representation being identifiable and distinguishable from all other water users using bright colours on all garments and other apparel when on the reserve to assist in easy and quick identification.
27. Advertising on the reserve is only permitted when attached to vehicles and trailers, sea planes, uniforms and equipment.
28. Sea planes are required to provide caution and safety at all times when in close proximity to other reserve users and particularly when in proximity to walkers, children and sensitive marine vegetation sites.
29. The reserve operating area is to be kept in a clean and tidy condition free from litter and refuse at all times.

30. Council reserves the right to undertake an onsite audit of the sea plane operations at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the sea plane business to Council as requested onsite.
31. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" or the NSW maritime Authority or the Ballina Byron Gateway Airport may issue a verbal or written warning or stop the sea plane business operating until demonstrated compliance exists and/or revoke the licence
32. Each sea plane business is responsible for ensuring that pilots are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
33. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Sea plane businesses must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Sea plane businesses are to liaise with the Department of Environment and Climate Change and Water (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.

Schedule K - Skydiving Operating Requirements

All skydiving operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all skydiving operators:

- A. Appropriate Australian Parachute Federation Parachutist Instructor Certificate, and
- B. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety Management Protocol

All skydiving operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Adhere to the Sport Aviation Self Administration Handbook 2010, and
- III. Adhere to the Australian Parachute Federation's current "Jump Pilots Handbook and Aircraft Operations Manual", "Operational Regulations" and "Training Operations Manual", and
- IV. Prepare, submit to Council, the Ballina Byron Gateway Airport and adhere to a documented "*Risk, Safety, Noise and Operations Management Plan*" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include noise management, safe landing procedures and methodology, temporary public exclusion and crowd control zones at the landing sites and on ground public awareness notification measures. This is also to include demonstrated experience in skydiving operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the skydiving business, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- V. Have all drop zones inspected and approved by the Australian Parachute Federation Area Safety Officer and appropriate certification issued by the Australian Parachute Federation, and
- VI. All plane flights and skydiving must adhere to all the relevant and required Civil Aviation Safety Authority guidelines and regulations at all times, and
- VII. All plane operators must adhere to all requirements of the Air Operators Certificate as per the Civil Aviation Act 1988 issued by the Civil Aviation Safety Authority; and
- VIII. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

The following personnel are to be provided for every skydive:

- (a) A local safety officer/certified instructor must be present to oversee all landing site operations on the ground prior to landing as per the Council approved "Skydive Landing Site Safety Management Plan"

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. A maximum of eight (8) parachutes (tandem and single) per jump is allowed and skydiving is limited to daylight hours only.
2. No night jumps and landings are permitted unless written application to Council and the Ballina / Byron Gateway Airport requesting consent is thus provided for special events.
3. Licenses are not transferable or saleable.
4. Certified chief instructors oversee all skydiving operations at all times.
5. Skydiving landing sites are only permitted to be operated at the following site:
 - Kingsford Smith Park off Owen Street, Ballina.
6. Emergency landing sites (reportable incidents) may be permitted on any Council managed reserve.
7. Permitted skydiving landing sites may be closed down temporarily or permanently by Council if required to do so. Alternative landing sites may be determined in this case.
8. Alternative landing sites may be only permitted in the Shire providing a written request to Council's Open Spaces and Reserves section and the Ballina / Byron Gateway Airport is provided and written agreement is then granted by Council and the Ballina / Byron Gateway Airport.
9. No beach landings are permitted on beaches under the care and control of Council.
10. No landings are permitted on the Airport, unless written agreement is granted by the Ballina / Byron Gateway Airport.
11. Ongoing liaison and consultation with all the relevant sporting organisations that use Kingsford Smith Park will be required to ensure safe operations and that the resident sporting organisations hold preference over the reserve areas at all times.
12. No skydiving business shall have priority over any other licensed commercial operator or the reserve area when operating except for operational safety requirements when landing as per the approved "*Risk, Safety, Noise and Operations Management Plan*".
13. No skydiving business personnel are permitted to chop, lop or remove any vegetation on a Council reserve.

14. A safety officer/(chief instructor authorised) ground crew must establish a safe landing site and be present for all landings at all times as per the approved "*Risk, Safety, Noise and Operations Management Plan*".
15. Safety officers/authorised ground crew should wear distinctive colouring or representation being identifiable and distinguishable from all other personnel by using bright colours on all garments and other apparel when on the reserve to assist in easy and quick identification.
16. Qualified instructors from each skydiving business should be easy to identify from a distance and be distinguishable from students and other skydiving businesses by using distinctive garments with clear and visible colour coding.
17. Skydiving must be cancelled if conditions are unsafe or if a major sporting or other event is being held that the skydiving business is not a part of. All reasonable directions from Council and the Ballina / Byron Gateway Airport must be complied with.
18. To enable skydiving operations to occur adjacent to any school or community sporting carnival or other event, information to assist this process is available via communicating with Ballina Council by phone to either ph 66861281 or ph 66861411 at least 24 hours prior to skydiving to check the sporting fields register.
19. Should a sporting field be in use through a planned carnival or sporting event, and if the skydiving company is still desiring to use a section of the field that is not in use by the event, they then must liaise and coordinate directly with the carnival or event organisers prior for consent and access to using the site for landing.
20. Effective radio and/or visual communications must be maintained between the safety officer/authorised ground crew and aircraft/certified instructors at all times.
21. Skydiving businesses are not permitted to operate jumps with other skydiving businesses or on the same reserve at the same time as other businesses. Liaison between businesses may be required to ensure this does not occur.
22. Skydiving businesses are required to provide caution and safety at all times when in close proximity to other reserve users, particularly when in proximity to walkers, children and sensitive vegetation sites.
23. No vehicles are to be driven on any reserves under the care and control of Council except within the provided car park boundaries.
24. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and equipment and for one (1) A-frame advertising sign placed only within the Kingsford Smith Oval car park and placed within 10m of the outside of your current office gate entry.
25. Council and the Ballina Byron Gateway Airport reserves the right to undertake an onsite audit of the skydiving business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the skydiving operator to Council and the Ballina Byron Gateway Airport as requested onsite.

26. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the skydiving business operating until demonstrated compliance exists and/or revoke the licence. Alternatively, the Ballina Byron Gateway Airport may also issue verbal or written warning and/or stop the skydiving business operating within Ballina Aerodrome Obstacle Limitation Surfaces Map No 11 area.
27. Each skydiving business is to provide to Council and the Ballina Byron Gateway Airport copies of Incident Report Forms completed within 48 hours of any incident occurring.
28. Close liaison is to be maintained between all pilots, certified instructors and the safety officer/certified instructor whilst on the reserve at all times.
29. The reserve operating area is to be kept in a clean and tidy condition free from litter and refuse at all times.
30. Any licensed skydiving business shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
31. Each skydiving business is responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
32. Any other conditions that Council and the Ballina/Byron Gateway Airport may impose from time to time must be immediately and strictly adhered to.

Schedule L - Personal Fitness Trainers Operating Requirements

All personal fitness trainers must meet the following minimum requirements:

Qualifications

Documentation, as listed below, demonstrating current qualifications from all trainers, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all trainers:

- A. Personal Fitness Trainer accreditation and registration with Fitness Australia, and
- B. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All personal fitness trainers must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in personal fitness training operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the personal fitness training operations, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- III. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Personal fitness trainers are permitted to operate at all Shire beaches north of the Richmond River and reserves in Ballina Shire except for Fawcett Park in Ballina, Angels Beach, the southern end of Sharps Beach south of the intermittent stream, Boulder Beach and all sporting fields.
2. Sporting fields may be permitted with consent from Council and local sporting organisations required first.
3. Fitness training groups may not incorporate any surf or paddle craft of any form into their training but may include swimming activities.
4. Licenses are not transferable or saleable.

5. Businesses are only permitted to run booking based operations and are not to operate reserve based shopfronts.
6. A maximum of two (2) clients for each personal fitness trainer is permitted per class.
7. Each personal fitness trainer must operate at a minimum of 200m apart from any other licensed commercial operator.
8. No personal fitness trainer shall operate on a beach within 100m of flagged swimming areas.
9. No personal fitness trainer shall have priority over any other licensed commercial operator when using the reserves or beaches. Each personal fitness trainer is encouraged to liaise with other licensed personal fitness trainers to ensure that only one personal fitness trainer is on the same reserve/beach area, at one time and the reserve/beach areas are shared.
10. Any personal fitness trainer shall not interfere with any other reserve/beach user, or enjoy exclusive use rights over any reserve.
11. Licensed personal fitness trainers are required to maintain a single file when using public paths, steps and ramps and do not block these public areas in any way including for stretching or exercises.
12. Licensed personal fitness trainers will be required to only walk when passing any members of the public on paths, steps and ramps whilst in single file to ensure safety of the public.
13. Licensed personal fitness trainers cannot tie or attach materials of any type to structures and trees unless prior approval from Council is received.
14. Personal fitness trainers are required to wear a distinguishable coloured shirt with business logo at all times and that is to be easily identifiable to a Council Officer from a distance.
15. Personal fitness trainers must be cancelled or relocated if conditions are unsafe, or if a surf carnival, sporting event or major event is being held. All reasonable directions from Lifeguards, sporting organisations or Council Officers must be complied with.
16. No vehicles are to be driven on the beach or in any grassed reserve under the control of this policy.
17. Personal fitness trainers are not permitted to operate on sand dune areas.
18. Advertising on the reserve is only permitted when attached to vehicles, uniforms and equipment.
19. Personal fitness trainers are required to provide caution and safety at all times when in close proximity to other reserve/beach and water users.
20. Council reserves the right to undertake an onsite audit of the personal fitness trainer business at any time covering qualifications of instructors, safety and operating

equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the personal fitness trainer to Council as requested onsite.

21. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the personal fitness trainer operating until demonstrated compliance exists and/or revoke the licence.
22. Close liaison is to be maintained with the Lifeguard, if on duty at a particular beach to be used by a personal fitness trainer.
23. Any class area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
24. Personal fitness trainers are not to be prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
25. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.
26. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule M - Helicopter Rides Operating Requirements

All helicopter operators must meet the following minimum requirements:

Qualifications

Documentation, as listed below, demonstrating current qualifications from all operators, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all trainers:

- A. Hold an Air Operator's Certificate under the Civil Aviation Act 1988 as issued by the Civil Aviation Safety Authority,
- B. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All Helicopter operators meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Adhere to all requirements of the Air Operators Certificate as per the Civil Aviation Act 1988 issued by the Civil Aviation Safety Authority, and
- III. Adhere to Civil Aviation Safety Regulations 1998 (CASR) at all times, and
- IV. Adhere to the Civil Aviation Regulations 1988 (CAR) at all times, and
- V. Adhere to the Civil Aviation Advisory Publication (CAAPS) Number 92-2 (1) as per the Civil Aviation Regulations 1988 at all times, and
- VI. Adhere to all other requirements as prescribed of the Civil Aviation Safety Authority at all times, and
- VII. Prepare, submit to Council, the Ballina Byron Gateway Airport and the NSW Maritime Authority and adhere to a documented "*Risk, Safety, Noise and Operations Management Plan*" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include safe movements in the air and on reserves including landing, taking off, and when the helicopter operations may be called off or postponed due to adverse wind and weather conditions and/or public reserve congestion, crowd control on reserves and public safety exclusion measures to be adopted and the control, prevention and minimisation of any noise pollution. This is also to include demonstrated experience in commercial helicopter ride operations to a high professional standard, understanding and knowledge of local conditions, possible constraints to the helicopter ride operations, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- VIII. Adhere to the noise standards specified in the Air Navigation (Aircraft Noise) Regulations 1984, and
- IX. Not allow the operation to result in an "offensive noise" as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

\$10 million Public Liability Insurance (such a policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. A maximum of one (1) helicopter may be used at any one time on a reserve.
2. Operation of the helicopter is only conducted within the daylight hours of between 8.30am to 5.00pm.
3. The numbers of passengers at any one time are limited by the legal capacity of the helicopter.
4. Licenses are not transferable or saleable.
5. The taking off and landing of the helicopter operations may only occur within reserves of Council whereby the helicopter operator has written application and received consent from both Council's Open Spaces and Reserves and the Ballina Byron Gateway Airport prior to using the reserve.
6. The helicopter operator may at times be able to operate as a part of a carnival and/or special event using a pre approved Council and Ballina Byron Gateway Airport reserve under this commercial operator's licence.
7. The helicopter operator will also be permitted to run a reserve based selling of helicopter rides.
8. If intending to run a reserve based selling of helicopter rides, a business may request or suggest areas of reserves to Council for assessment purposes that they would like to use for their reserve based selling.
9. Criteria used to assess the suitability of a reserve include the following but are not limited to these criteria: available space in the reserve, physical suitability of the reserve, toilet and water availability, residential proximity and any existing sporting use or special uses that are particular to the reserve.
10. Final determination of the reserve/s that are available and for consent for a reserve based selling of helicopter rides will be arrived at following consideration of the factors detailed in Condition 9 and any preferences or special needs that the operator may have.
11. No beach landings or takeoffs are permitted within any reserve managed by Council.
12. When the helicopter is taking off and landing it is to be considerate of and keep as much distance from residential properties to assist in minimising noise.
13. During helicopter operations all care is taken to avoid and minimise any impacts on other reserve and water users and residents.
14. Refuelling the helicopter is not to be conducted on any public reserve managed by Council and is undertaken only at an approved aircraft refuelling facility.

15. When landing and taking off, a minimum of two (2) ground control personnel should be positioned on the ground implementing Council approved ground control operations covering public safety, crowd control and a public exclusion zone.
16. A 30m radius temporary perimeter fence is to be used by the ground control staff for maintaining a public exclusion zone for all ground based operations of the helicopter when on a public reserve.
17. One (1) or more Council approved helicopter operating warning signs is to be maintained on the public exclusion perimeter fencing at all times of operation but only temporarily during operations.
18. The helicopter operator is to liaise with Council's Open Spaces and Reserves and the Ballina Byron Gateway Airport on a regular basis for each proposed reserve landing and take off and avoids operating during busy times or unsafe times.
19. No helicopter operations will operate on a public reserve during adverse weather conditions that include cloudiness, windy conditions, night-time and poor visibility conditions.
20. No helicopter business shall have priority over any other licensed commercial operator or the reserve area when operating except for operational safety requirements when taking off and landing as per the Council/Ballina Byron Gateway Airport approved Helicopter Risk, Safety and Operations Management Plan.
21. Any licensed helicopter business shall not interfere with any other reserve user, or enjoy exclusive use rights over any Reserve under the care, control and management of Council.
22. No helicopter business personnel are permitted to chop, lop or remove any vegetation on a Council reserve.
23. Should offensive noise pollution continue to be a problem during operations after a warning, the helicopter business be prepared upon notification by Council and/or the Civil Aviation Safety Authority to engage a suitably qualified and independent consultant to monitor and ascertain the nature and extent of any noise pollution resulting from the helicopter when taking off and landing and during the adjacent flight path.
24. If inaction over offensive noise continues, Council may then issue on the spot fines for offensive noise whenever it occurs under Clause 30 of the Protection of the Environment Operations (Noise Control) Regulation 2000.
25. All flights must adhere to the Civil Aviation Safety Authority guidelines at all times and the flights must be cancelled if conditions are unsafe or if an incompatible major event is being held. All reasonable directions from Council must be complied with.
26. No vehicles are to be driven on a reserve under the care, control and management of Council except within the car park boundaries of the reserve system.
27. The ground crew and duty pilot or safety officer should have distinctive colouring or representation being identifiable and distinguishable from all other members of the public using bright colours on all garments and other apparel when on the reserve to assist in easy and quick identification.

28. Advertising on the reserve is only permitted when attached to vehicles and trailers, helicopters, uniforms and equipment.
29. Helicopters are required to provide caution and safety at all times when in close proximity to other reserve users and particularly when in proximity to walkers, children and sensitive marine vegetation sites.
30. The reserve operating area is to be kept in a clean and tidy condition free from litter and refuse at all times.
31. Council and the Ballina / Byron Gateway Airport reserves the right to undertake an onsite audit of the helicopter ride operation at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the helicopter ride business to Council and the Ballina / Byron Gateway Airport as requested onsite.
32. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the helicopter ride business operating until demonstrated compliance exists and/or revoke the licence. Alternatively, the Ballina / Byron Gateway Airport may also issue verbal or written warning and/or stop the helicopter ride business operating within the Ballina Aerodrome Obstacle Limitation Surfaces Map No 11 area.
33. Each helicopter business is responsible for ensuring that pilots are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
34. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Helicopter businesses must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Helicopter businesses will liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.

Schedule N - Dog Training Schools Operating Requirements

All dog training operators must detail in their application how they will meet the following minimum requirements.

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all dog trainers:

- A. Dog Training accreditation with a recognised Australian based Dog Training Educational Accreditation Organisation, Association, Council or Academy,
- B. Dog training experience and/or prior work experience as a dog trainer, and
- C. Senior First Aid Certificate (from a recognised registered training organisation).

Risk, Safety & Operational Management Protocol

All dog training operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This plan must include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan, and
- III. The applicant must demonstrate how they will comply with the Risk, Safety and Operational Management Plan. This will include demonstrated experience in dog training, understanding and knowledge of local conditions and possible constraints to the dog training school, and
- IV. Not allow the operation to result in any "offensive noise" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

The following equipment is to be provided at the dog training school with every class:

- (a) Collection and (legal) disposal equipment/bags/procedure for dog faeces.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Dog training schools may request or suggest reserves for assessment purposes that they would like to use for their dog training school.
2. Criteria used to assess the suitability of a reserve include the following but are not limited to these criteria: available space in the reserve, physical suitability of the reserve

(restrictive wet areas), toilet and water availability, residential proximity, any existing sporting use or special uses that are particular to the reserve.

3. Final determination of the reserve/s that are available will be arrived at following consideration of the factors detailed in Condition 2 and any preferences or special needs that the operator may have.
4. Dog training schools upon final determination will be authorised to use a reserve/s and an agreed area in a reserve/s and will have the right to use that area ahead of other reserve users.
5. Dog training schools will not be permitted to operate in Fawcett Park.
6. A maximum of ten (10) dog clients per session per school at any time is permitted.
7. Dog training schools must provide a minimum of 1 instructor per ten (10) dog clients.
8. Dog training schools may only operate between the daylight hours of 8.30am - 5.00pm.
9. All dogs must be maintained under effective control at all times.
10. The dog training school must ensure that all client dogs, by 12 weeks of age, are microchipped by an authorised implanter and will have the microchip information supplied to Council for entry in the NSW Companion Animals Register.
11. The dog training school must ensure that all dogs are registered with the Companion Animals Registry by the age of 6 months.
12. All dog faeces relating to the dogs attending the dog training school are to be removed from the reserve and legally disposed of.
13. Licenses are not transferable and can not be sold on to another operator.
14. Dog training schools are only permitted to run booking based operations and are not to operate reserve based shopfronts.
15. A copy of the Commercial Activities Licence must be available at all classes to show members of the public that the use of the reserve has been authorised. The Licence will show either by map or by description the area that may be used for classes.
16. The area of the reserve that the school is permitted to use must be clearly marked to prevent members of the public from interfering with the classes. Advisory signage on the area perimeter may be used for this purpose.
17. Trainers from each dog training school should be easy to identify from a distance and be distinguishable from dog client handlers by using distinctive garments with clear and visible colour/word coding.
18. Dog training schools must be cancelled or relocated if conditions are unsafe. All reasonable directions from Police Officers, Council Rangers and Council Officers must be complied with.
19. No vehicles are to be driven on any reserve under the care and control of Council. All vehicles must be parked in car parks or on the street.

20. Advertising on the reserve is permitted only when attached to vehicles and trailers, uniforms and operating equipment during the operating period of the school.
21. All class areas or parking areas are to be kept in a clean and tidy condition, free from litter and refuse at all times.
22. Dog training schools are required to operate with caution and safety at all times when in close proximity to other reserve users.
23. Council reserves the right to undertake an onsite audit of the dog training school at any time. This inspection will covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the dog training school to Council as requested onsite.
24. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the dog training school operating until demonstrated compliance exists and/or revoke the licence.
25. Dog training schools must comply with the Companion Animals Act 1998 at all times.
26. Dog training schools must comply with Council's "Companion Animals Management Plan" at all times.
27. Dog training schools are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
28. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule O - Ecotourism Tour Operating Requirements

Ecotourism tour operators may include but is not limited to flora, fauna and cultural heritage tours. All ecotourism tour operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all ecotourism guides/leaders:

- A. Senior First Aid Certificate (from a recognised registered training organisation) and,
- B. Tour guide/leader accreditation with a recognised Educational Accreditation Organisation, Council or Academy in the same field as the proposed ecotourism tour topic, and
- C. Any licenses or permits required by the Department of Environment and Climate Change and Water and the Department of Primary Industries for working in or around threatened or protected species, ecological communities and cultural heritage sites, and
- D. Additional qualifications will be required if the tour proposal is water based.

Risk and Safety and Operational Management Protocol

All ecotourism tour operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Heath and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in ecotourism tour operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the ecotourism tour, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- III. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. A maximum of thirty (30) clients per ecotourism tour are permitted.

2. Ecotourism tours are permitted to operate at all Shire beaches north of the Richmond River and reserves in Ballina Shire except for Fawcett Park in Ballina, Angels Beach, the southern end of Sharps Beach south of the intermittent stream and all sporting fields.
3. Ecotourism tours are to maintain a minimum distance of 400m apart from each other whilst operating.
4. Licenses are not transferable and saleable.
5. No surf craft may be used during the ecotourism tour operations at any time.
6. Any proposed water based activities (e.g. snorkelling) will require additional qualifications and conditions relating to water safety.
7. Ecotourism tour businesses are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.
8. Ecotourism tours must ensure their operations provide no impact upon any threatened species, population or ecological community or damage habitat listed under the Threatened Species Conservation Act 1995 and the Fisheries Management Act 1994.
9. Should an impact be proposed then appropriate licenses/permits must be obtained by the ecotourism operator.
10. Ecotourism tour guides/leaders should be easy to identify from a distance and be distinguishable from clients, other commercial operators and the public by using distinctively coloured garments with clear writing.
11. No vehicles are to be driven on the beach, sand dunes or in any grassed reserve under the control of this policy.
12. Any tour area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
13. Advertising on the reserve is only permitted when attached to vehicles, trailers, uniforms and equipment.
14. Tours must be cancelled or relocated if conditions are unsafe or if a surf carnival or major event is being held that the ecotourism tour is not a part of. All reasonable directions from Lifeguards, Maritime Authority Officers, Cape Byron Marine Park Officers or Council must be complied with.
15. Ecotourism tour operations are not to be conducted within 100m of flagged swimming areas.
16. Council reserves the right to undertake an onsite audit of the ecotourism tour business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the ecotourism tour business to Council as requested onsite.
17. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the ecotourism tour business operating until demonstrated compliance exists and/or revoke the licence

18. Ecotourism tour guides are required to provide caution and safety at all times when in close proximity to other reserve and water users.
19. Any permitted ecotourism tour shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
20. No ecotourism tour business shall have priority over any other licensed commercial operator when using a reserve. Each ecotourism tour business is encouraged to liaise with other licensed commercial operators to ensure that only one business is in the same area at the same time.
21. Ecotourism tour businesses are responsible for ensuring that guides/leaders are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
22. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.
23. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Ecotourism tour businesses must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Ecotourism tour businesses are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Ecotourism tour guides/leaders must inform all participants of each tour of conditions 1 & 2 (approaching marine mammals) before each tour starts.

Schedule P - Hot Air Ballooning Operating Requirements

Hot Air Balloon operators are those who may at some time land on Council owned/managed reserves. All Hot Air Balloon operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all hot air balloon operators:

- A. Air Operator's Certificate under the Civil Aviation Act 1988 as issued by the Civil Aviation Safety Authority,
- B. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All hot air ballooning operators must meet the following requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Adhere to the Civil Aviation Safety Authority approved Hot Air Balloon Safety Manual, and
- III. Operate with a nominated Chief Pilot under an Air Operators Certificate from the Australian Civil Aviation and Safety Authority (CASA), and
- IV. Prepare, submit to Council, the Ballina Byron Gateway Airport and the NSW Maritime Authority and adhere to a documented "*Risk, Safety, Noise and Operations Management Plan*" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in hot air ballooning operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the hot air ballooning operations, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- V. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Hot air balloon businesses may request or suggest reserves for assessment purposes that they would like to use for their landing and retrieval purposes.
2. Criteria used to assess the suitability of a reserve include the following but are not limited to these criteria: available space in the reserve, physical suitability of the reserve

(restrictive wet and/or vegetated areas), vehicle access capabilities, residential proximity, any existing sporting use or special uses that are particular to the reserve.

3. Final determination of the reserve/s that are available will be arrived at following consideration of the factors detailed in Condition 2 and any preferences or special needs that the operator may have.
4. Sporting fields may be permitted with consent from Council and local sporting organisations required first.
5. A maximum of one (1) hot air balloon is permitted to use a reserve at any time.
6. Hot air balloons must be subject to regular airworthiness checks by authorised personnel.
7. Hot air balloon businesses must gain consent from landholders for all operational landing sites.
8. Emergency landings will be permitted without consent for individual reserves.
9. Licenses are not transferable or saleable.
10. Hot air balloons are not permitted to launch from public reserves in Ballina Shire.
11. No hot air ballooning business shall have priority over any other licensed commercial operator or reserve area when operating except for operational safety requirements when landing as per the Council approved Risk, Safety and Operational Management Plan.
12. No hot air ballooning business personnel are permitted to chop, lop or remove any vegetation on a Council reserve unless permitted to by Council officers.
13. Chief pilots from each hot air ballooning business should be easy to identify from a distance and be distinguishable from clients and other hot air ballooning businesses by using distinctive garments with clear and visible colour coding.
14. All flights must adhere to the Civil Aviation Safety Authority guidelines at all times and the flights must be cancelled if conditions are unsafe or if a major event is being held on the landing site that the hot air ballooning businesses are not a part of. All reasonable directions from Council officers and the Ballina Byron Gateway Airport must be complied with.
15. No vehicles are to be driven on any grassed reserve unless for the purposes of retrieval of balloon, basket and equipment.
16. When requiring vehicle access to a Council reserve with access restrictions of fencing, gates and/or bollards, the hot air ballooning company must ring Council on ph 6686 4444 and have the gate or bollard unlocked. The business must not break, remove or damage the reserve infrastructure in any way.
17. If the reserve is wet, a minimum distance should be chosen to drive upon and immediate repairs to the reserve undertaken. The applicant is liable for any damages to the reserve as a result of any vehicle or equipment movements.

18. All vehicle track marks and depressions on the reserve grass area caused whilst accessing the reserve with vehicles are to be filled in with local topsoil and/or blue metal dust to the same level as the surrounding ground surface within 2 days of the landing being undertaken.
19. Any damage caused by the hot air ballooning business to reserve infrastructure that includes but is not limited to: kerb, gutter, pathway, reserve grass and vegetation, sewer/stormwater manhole pits or adjoining private property must be repaired and rehabilitated to its original condition within one month of vehicle access. (We recommend wide wheeled vehicles for use on wet ovals.)
20. Council reserves the right to stop the vehicular access through the reserve at any time and for any reason that may include for the purposes of public safety, environmental protection and public amenity.
21. Council reserves the right to recover costs from the hot air ballooning company for reserve remediation works made by Council after the abovementioned repair timeframes.
22. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and equipment.
23. Hot air balloon businesses are required to provide caution and safety at all times when in close proximity to other reserve users.
24. Council reserves the right to undertake an onsite audit of the hot air ballooning business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the hot air ballooning business to Council as requested onsite.
25. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the hot air ballooning business operating until demonstrated compliance exists and/or revoke the licence.
26. Hot air ballooning businesses are to provide to Council copies of Incident Report Forms completed within 48 hours of any incident on a council reserve.
27. The reserve landing and retrieval area is to be kept in a clean and tidy condition free from litter and refuse at all times.
28. Any licensed hot air ballooning business shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
29. Hot air ballooning businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
30. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule Q - Bike Hire Operating Requirements

Bike hire operators are those intending to hire bikes from a public reserve and not those already hiring from accommodation houses on private property in the shire.

All bike hire operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all bike hire guides/leaders:

- A. Senior First Aid Certificate (from a recognised registered training organisation), and
- B. Bike riding experience and prior work experience in bike hire businesses.

Risk and Safety and Operational Management Protocol

All bike hire operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in bike hire operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the bike hire operation, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- III. Have all bike hire clients adhere to the NSW Roads and Traffic Authority Road Rules and Road users Handbook, and
- IV. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

- 1. Bike hire businesses will be permitted to run mobile based reserve hiring of bikes
- 2. Any bike hire business cannot stay overnight upon a reserve and must be mobile.
- 3. Bike hire businesses may request or suggest reserves for assessment purposes that they would like to use for their bike hire business purposes.

4. Criteria used to assess the suitability of a reserve include the following but are not limited to these criteria: available space in the reserve, physical suitability of the reserve, proximity of cycle paths, residential proximity, vehicle use in the reserve area, any existing sporting use or special uses that are particular to the reserve.
5. Final determination of the reserve/s that are available will be arrived at following consideration of the factors detailed in the assessment criteria and any preferences or special needs that the operator may have.
6. Bike hire businesses are to guide and direct all bike hire clients to use the cycleway network within the shire wherever possible.
7. Bike hire businesses are to ensure that all bike hire clients are conversant with NSW Road Rules.
8. The maximum number of bikes allowed for hire will be determined upon the capacity of the business location within a reserve to hold bikes.
9. Licenses are not transferable or saleable.
10. Each bike hire business must operate at a minimum of 50m apart from other licensed commercial operators.
11. Bikes should have bright colours and business wording located on each bike to assist in easy and quick identification of hired bikes.
12. Bikes should be clearly marked with bike hire business contact phone numbers should bikes be found or stranded on a reserve.
13. Bike hire businesses must be cancelled or relocated if conditions are unsafe or if a carnival or major event is being held that the bike hire business is not a part of. All reasonable directions from Police, RTA officers and Council officers must be complied with.
14. No vehicles are to be driven on the beach, sand dunes or in any grassed reserve under the control of this policy.
15. Bike hire businesses are not permitted to allow bikes to operate on sand dune areas in the shire.
16. Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and bikes.
17. Bike hire businesses shall not operate within 150metres of flagged swimming areas.
18. Bike hire clients are required to provide caution and safety at all times when in close proximity to other road, cycleway and reserve users.
19. Council reserves the right to undertake an onsite audit of the bike hire business at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the bike hire business to Council as requested onsite.

20. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the bike hire business operating until demonstrated compliance exists and/or revoke the licence.
21. Any bike hire reserve area or parking area is to be kept in a clean and tidy condition free from litter and refuse at all times.
22. No bike hire operator shall have priority over any other licensed commercial operator when using the roads, cycle ways and reserves.
23. Any licensed bike hire operator shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
24. Bike hire businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
25. A NSW Marine Parks Permit is required if operating within the Cape Byron Marine Park boundaries.
26. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule R - Guided Bike Tours Operating Requirements

Guided Bike Tours cover those using public reserves, beaches, cycleways and roads of Ballina Shire under the care and control of Council.

Guided Bike Tours include those operating commercial bike tours led by a guide.

All Guided Bike Tour operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at the time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all guided bike tour operations.

- A. Bike riding experience and prior work experience in guided bike tour businesses, and
- B. Senior First Aid Certificate (from a recognised registered training organisation) to be held by guided bike tour operators.

Risk and Safety and Operational Management Protocol

All Guided Bike Tour operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan". This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in guided bike tours to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the guided bike tour operations, capacity to meet license conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management.
- III. Have all guided bike tour clients adhere to the requirements of the NSW Roads and Services "Road Rules and Road Users Handbook".
- IV. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Protection of the Environment Operations Act 1997 (POEO) dictionary.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. A maximum of ten (10) bikes are permitted per tour at any time.
2. Guided bike tours must provide a minimum of one (1) tour guide per guided bike tour.
3. Guided bike tours may run a maximum of two (2) tours per day.

4. Guided bike tours may only operate between the daylight hours of 8.30am - 5.00pm.
5. Licenses are not transferable or saleable.
6. Guided bike tour businesses are permitted to operate on all roads, bike paths, shared paths, Seven Mile Beach, Sharpes Beach and Angels Beach and selected fire trails and asset protection zones in the shire.
7. Guided bike tours may request other reserves for bike tours for assessment purposes.
8. Criteria used to assess the suitability of reserves for guided bike tours include the following but are not limited to: available space on the reserve, erosion concerns, operational suitability, commercial capacity and public safety, amenity and access.
9. Guided bike tour businesses are not to operate on any bushland walking tracks or ride on beach access tracks (walking bikes on and off beaches via tracks permitted). Selected stabilised bushland tracks may be permitted following application to and assessment by Council.
10. Businesses are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.
11. No guided bike tour operator shall have priority over any other licensed commercial operator when using the roads, cycleways and reserves. Each guided bike tour is encouraged to liaise with other licensed guided bike tours to ensure that only one guided bike tour is using the same reserve at any one time.
12. Guided bike tour operators shall not interfere with any other reserve user, or enjoy exclusive use rights over any reserve under the care, control and management of Council.
13. Guided bike tours are not permitted to operate on sand dune areas or away from approved tracks within reserves of the shire.
14. No motorised bikes are permitted during any guided bike tour.
15. Guided bike tours must be cancelled or relocated if conditions are unsafe or if a carnival or major event is being held on tour route that the guided bike tour is not a part of. All reasonable directions from Police, Roads and Maritime Services Officers, Lifeguards, Marine Park officers and Council officers shall be complied with.
16. No vehicles associated with the guided bike tours are to be driven on the beach, sand dunes or on any grassed reserve.
17. Advertising on the reserve is allowed only when attached to vehicles and trailers, uniforms and bikes.
18. Bikes and/or equipment should have bright colours and/or business wording located on each bike and/or equipment to assist in easy and quick identification of guided bike tour bikes.
19. Any guided bike tour reserve area or staging area is to be kept in a clean and tidy condition free from litter and refuse at all times.

20. Guided bike tour businesses are to ensure that all bike tour clients are inducted on protecting the environment if traversing through environmentally protected reserves.
21. Each guided bike tour businesses must operate at a minimum of 100m apart from other licensed commercial operators except when in passing.
22. Guided bike tour businesses shall not operate within 150metres of flagged swimming areas. Walking bikes through these areas will be permitted.
23. Guided bike tours are to share with the general public at all times when using public reserves, cycleways and shared pathways.
24. Guided bike tour clients are required to operate with caution and safety at all times when in close proximity to other road, cycleway and reserve users.
25. Council reserves the right to undertake an onsite audit of the guided bike tour business at any time covering qualifications of tour guides, safety and operating equipment, operations, compliance with conditions and daily signed records. All audit requirements must be made available by the guided bike tour business to Council as requested.
26. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the guided bike tour business operating until demonstrated compliance exists and/or revoke the licence.
27. Guided bike tour businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation. (Please refer www.kids.nsw.gov.au).
28. A NSW Marine Parks Permit is required if operating within the Cape Byron Marine Park boundaries.
29. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule S - Pony Rides for Private Parties Operating Requirements

Pony rides for private parties cover those who use or access through Road Reserves and Public Reserves under the care and control of Council.

Pony rides at private parties include those who lead guided pony rides at private parties on private property and on Public Reserves and Road Reserves.

All pony ride operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all pony ride tour guides:

- A. Horse Riding Tour or Guided Pony Ride accreditation with a recognised Australian based Horse Trail/Riding or Pony Educational Accreditation Organisation, Association, Council or Academy, and
- B. 5 years guided pony ride experience, and
- C. Senior First Aid Certificate (from a recognised registered training organisation).

Risk and Safety and Operational Management Protocol

All pony ride operators must meet the following requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in pony ride operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the pony rides, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management, and
- III. Prepare and adhere to a Council approved "Traffic Control Plan and Signage Plan" if operating within a road reserve. This should include temporary traffic warning signage of stock (ponies) ahead.
- IV. Not allow the operation to result in an "offensive noise" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. When operating on private property, pony rides are permitted to access and load/unload via a public Road Reserve.
2. Pony rides may be permitted to use or access through a Public Reserve pending consent from Council in each instance.
3. Pony ride operators may request or suggest public reserves for assessment purposes that they would like to use.
4. Criteria used to assess the suitability of a reserve include the following but are not limited to these criteria: available space in the reserve, physical suitability of the reserve, commercial capacity, residential proximity and any existing sporting use or special uses that are particular to the reserve.
5. Pony ride operators upon final determination will be authorised to use a reserve and an agreed area in a reserve and will have the right to use that area ahead of other reserve users.
6. Pony rides are limited to the use of a maximum of four (4) ponies at any time.
7. Pony ride operators are to ensure that a pony guide is accompanying each pony at all times.
8. Pony rides may only operate during the daylight hours of 8.30am - 5.00pm.
9. Ponies are only to be used and horses are not permitted with this activity.
10. Licenses are not transferable or saleable.
11. Pony ride operators are only permitted to run booking based operations and are not to operate reserve based shopfronts.
12. Ponies are only to be walked at all times whilst on a Road Reserve or Public Reserve. No cantering or galloping permitted.
13. Pony ride businesses are not permitted on sand dunes, fire trails and walking tracks.
14. Ponies are to be kept under control at all times.
15. Ponies are not to be tethered to any vegetation nor allowed to eat any vegetation growing on a Public Reserve or Road Reserve.
16. Pony ride operators are prohibited from undertaking any works on the Reserve, including the pruning of vegetation. Should pruning be required, Council is to be contacted.
17. All pony manure is to be taken away from the Public Reserves and Road Reserves and legally disposed of.
18. Pony wash down is not permitted on any Public Reserve or Road Reserve area.
19. No pony ride business shall have priority over any other licensed commercial operator when using the reserve. Each pony ride business is encouraged to liaise with other

licensed pony ride businesses to ensure that only one business is operating from the same reserve on any given day.

20. Any licensed pony ride business shall not interfere with any other reserve user, or enjoy exclusive use rights over the reserve under the care, control and management of Council.
21. Pony ride businesses should use distinctive colours/wording on garments and/or equipment to assist in easy and quick identification.
22. Pony guides should be easy to identify from a distance and be distinguishable from students and other businesses by using distinctive garments with clear and visible colour coding.
23. Pony ride businesses are required to provide caution and safety at all times particularly when in proximity to other beach users.
24. No vehicles are to be driven on a beach, sand dunes or in any unapproved grassed reserve under the control of this policy.
25. Advertising on the Public Reserve and/or Road Reserve is only permitted when attached to vehicles, trailers, equipment, horses and uniforms.
26. Council reserves the right to undertake an onsite audit of the pony ride business at any time when operating from public land covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the pony ride business to Council as requested onsite.
27. If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the pony ride business from operating until demonstrated compliance exists and/or revoke the licence.
28. Pony ride areas and vehicle parking areas are to be kept in a clean and tidy condition free from litter and refuse at all times.
29. Pony ride businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
30. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Schedule T - Sailing Schools Operating Requirements

Sailing School operating requirements cover commercial docking or using infrastructure and/or reserves under the care, control and management of Council.

Sailing schools include but are not limited to small sailing boats of various shapes and sizes used for the purposes of teaching sailing to students

All sailing school operators must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at the time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all sailing school operations.

- A. All sailing school operations are to be conducted in accordance with the provisions of the Maritime Services Act 1998 and Marine Safety General Regulations 2009.
- B. Hold an appropriate Hire and Drive or Aquatic License as required by the NSW Roads and Maritime Services, and comply with any such conditions attached to subsequent License including area of operation and or specified plying limitations.
- C. Senior First Aid Certificate (from a recognised registered training organisation) to be held by at least one sailing school operator onsite at all times.

Risk and Safety and Operational Management Protocol

All sailing school operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Ensure compliance with the Marine Safety, Domestic Commercial Vessel, National Law 2012.
- III. Adhere to each individual sailing boats Safety Management System as required by the NSW Roads and Maritime Services, and
- IV. Adhere to the specified Code of Conduct for the Operation of Commercial Adventure Vessels as required by the NSW Roads and Maritime Services, and
- V. All on water operations are to be conducted in accordance with the Marine Safety Act 1998, Marine Safety (Commercial Vessels) Regulation 2010, Marine Safety (General) Regulation 2009 and any additional conditions provided by the NSW Roads and Maritime Services.
- VI. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan". This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in sailing school operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the sailing school operations, capacity to meet license conditions, capability to promote interpretive and educational information and demonstrated compatibility with the docking infrastructure and/or Reserve purpose or any Plans of Management.
- VII. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Sailing schools are permitted to operate within the Richmond River and its tributaries and also in Shaws Bay but may not operate within Chickiba Lake, Prospect Lake and Lake Ainsworth.
2. Sailing Schools when within the Richmond River may be limited to operate within the gazetted "Plying Limits" for such sailing boats being upstream of the "Plying Limits" signage located on the river side of the amenities building at Fawcett Park, Ballina unless an exemption has been approved by the Roads and Maritime Services.
3. Sailing schools are limited to eight (8) small boats in Shaws Bay and twelve (12) small boats in the Richmond River at any one time.
4. Sailing school operational hours are to only operate between the daylight hours of 8.30 - 5.00pm.
5. Licenses are not transferable or saleable.
6. Number of passengers per sailing school is to be in accordance with the NSW Roads and Maritime Services survey requirements for each vessel.
7. Sailing schools are only permitted to run booking based tour operations and are not to operate reserve based hiring of sailing boats or shopfronts.
8. No sailing school shall have priority over any other licensed commercial operator when using the public reserves and docking sites. Each sailing school is encouraged to liaise with other licensed sailing schools to ensure that only one sailing school is docking at the same location at any one time.
9. Any licensed sailing school shall not interfere with any other beach/river user, or enjoy exclusive use rights over any reserve or public infrastructure under the care, control and management of Council.
10. Sailing schools are not permitted to operate on sand dune areas, within flagged swimming areas or in close proximity to other permitted water activity schools/functions and passive water users already in location.
11. Sailing schools must be cancelled or relocated if conditions are unsafe or if a carnival or major event is being held that the sailing school is not a part of. All reasonable directions from Lifeguards, Surf Rescue, NSW Roads and Maritime Services and Council must be complied with.
12. No vehicles are to be driven on the beach or in any grassed reserve under the control of this policy unless for emergency purposes.
13. Advertising on the reserve or docking site is only allowed when attached to vehicles and trailers, uniforms and boats. All other advertising is not permitted on any public reserves or infrastructure.

14. Sailing schools are required to provide caution and safety at all times when in close proximity to other beach and water users and sensitive riparian vegetation sites.
15. Council reserves the right to undertake an onsite audit of the sailing school at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records. All audit requirements must be made available by the sailing school to Council as requested onsite.
16. If found non-compliant, Council as per the "Management of Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the sailing school operating until demonstrated compliance exists and/or revoke the license.
17. Close liaison is to be maintained with the NSW Roads and Maritime Services and Ballina Coastguard Tower when in operation.
18. Any sailing school area is to be kept in a clean and tidy condition free from litter and refuse at all times.
19. Sailing schools are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (Please refer www.kids.nsw.gov.au).
20. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Sailing schools must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Sailing schools are to liaise with the Office of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Sailing schools must inform all participants of each tour of conditions 1 & 2 (approaching marine mammals) before departing the public wharf.

Schedule U - Boat Tours Operating Requirements

Boat tour operating requirements cover commercial docking or using infrastructure and/or reserves under the care, control and management of Council.

Boat Tours include but are not limited to marine and aquatic tours, fishing tours, taxiing, sailing tours, adventure, lessons and general tourism.

All commercial boating operations / tour operators and crew must meet the following minimum requirements:

Qualifications

Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates to meet the purpose of the commercial boat tour activity.

- A. All commercial vessel tour operations are to be conducted in accordance with the provisions of the Marine Safety, Domestic Commercial Vessel, National Law 2012, including Certificates of Competency, Safety and Manning and Vessel Survey Permit conditions.
- B. Senior First Aid Certificate (from a recognised registered training organisation) to be held by at least one crew member at all times.

Risk and Safety and Operational Management Protocol

All boat tour operators must meet the following minimum requirements:

- I. Ensure compliance with Work, Health and Safety Act 2011 and Regulations 2011, and
- II. Ensure compliance with the Marine Safety Act 2009, and
- III. Adhere to each individual boats Safety Management System as required by the NSW Roads and Maritime Services, and
- IV. Adhere to the specified Code of Conduct for the Operation of Commercial Adventure Vessels as required by the NSW Roads and Maritime Services, and
- V. All commercial vessel operations must comply with the provisions Marine Safety, Domestic Commercial Vessel, National Law 2012
- VI. Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan". This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in boat tour operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the boat tour operations, capacity to meet license conditions, capability to promote interpretive and educational information and demonstrated compatibility with the docking infrastructure and/or Reserve purpose or any Plans of Management.
- VII. Not allow the operation to result in an "*offensive noise*" to nearby residents as defined in the Dictionary of the Protection of the Environment Operations (POEO) Act 1997.

Insurance Cover

Current "Certificate of Currency" for Public Liability - \$20,000,000 (such policy to include Ballina Shire Council noted as an interested party). Please note as insurance is updated current "Certificate of Currency" must be lodged with Council at all times.

Other Conditions

1. Commercial tours are permitted to operate within the Richmond River and its tributaries (including Mobbs Bay) and outside the Richmond River mouth in open ocean but not in Shaws Bay, Chickiba Lake, Prospect Lake and Lake Ainsworth.
2. Boat Tours when within the Richmond River may be limited to operate within the gazetted "Plying Limits" for such boats being upstream of the "Plying Limits" signage located on the river side of the amenities building at Fawcett Park, Ballina unless an exemption has been approved by the Roads and Maritime Authority.
3. Boat tour businesses are limited to two (2) boats in operation at any one time using public docking infrastructure.
4. Licenses are not transferable or saleable.
5. The maximum number of passengers per boat is to be in accordance with the Vessels Survey Permit Conditions.
6. Boat tours are permitted to use the commercial pontoon (west end) of the Lance Ferris Wharf at Fawcett Park in Ballina and the Wardell Public Wharf for docking and the embarking and disembarking of commercial passengers.
7. Boat tours may request or suggest other public docking sites for assessment purposes that they would like to dock from.
8. Criteria used to assess the suitability of another docking site include the following but are not limited to these criteria: available space on the reserve/docking site, operational suitability, commercial capacity and public safety, amenity and access.
9. Final determination of the docking site will be arrived at following consideration of the factors detailed in Condition 7 and any preferences or special needs that the operator may have.
10. Boat tours are not permitted to use the public pontoon (east end) of the Lance Ferris Wharf, the RSL boardwalk or the Fisheries Creek Public Pontoon unless prior written approval from Council is received.
11. Boat tours using public wharves, infrastructure and reserves under Council management have a 30 minute docking time limit for the embarking and disembarking of commercial passengers.
12. The use of the Lance Ferris Wharf may not be permitted when closed for specific purposes such as events unless the Boat Tour is a part of the event on the wharf. An alternative public docking facility may be determined in this situation.
13. Boat tours are only permitted to run booking based tour operations and are not to operate reserve/wharf based hiring of equipment or shopfronts.

14. No boat tour business shall have priority over any other licensed commercial operator when using the wharves, pontoons or public reserves. Each boat tour business is encouraged to liaise with other licensed boat tour operators to ensure that only one Boat Tour business is docking at the same location at any one time.
15. Any licensed boat tour operator shall not interfere with any other beach/river user, or enjoy exclusive use rights over any reserve or public infrastructure under the care, control and management of Council.
16. Boat tour businesses are not permitted to operate on sand dune areas, within flagged swimming areas or in close proximity to other permitted water activity schools/functions and passive water users already in location.
17. Boat tours must be cancelled or relocated if conditions are unsafe or if a carnival or major event is being held that the boat tour is not a part of. All reasonable directions from Lifeguards, Surf Rescue, NSW Roads and Maritime Services and Council must be complied with.
18. No vehicles are to be driven on the beach or in any grassed reserve under the control of this policy unless for emergency purposes.
19. Advertising is allowed only when attached to vehicles and trailers, uniforms and boats. A boat tour advertising flag may also be temporarily attached to a wharf pylon (at a Council approved location) only during the 30 minute docking time limit. All other advertising is not permitted on the wharf, infrastructure and public reserve.
20. A-frame advertising boards will be permitted only during the 30 minute docking time limit on the wharf near the boat. All other advertising is not permitted on any public reserves or infrastructure (public wharves).
21. Boat tours are required to provide caution and safety at all times when in close proximity to other beach and water users and sensitive riparian vegetation sites.
22. Council reserves the right to undertake an onsite audit of the boat tour operation at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records. All audit requirements must be made available by the boat tour business to Council as requested onsite.
23. If found non-compliant, Council as per the "Management of Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the boat tour business operating at the docking site until demonstrated compliance exists and/or revoke the license.
24. Close liaison is to be maintained with the NSW Roads and Maritime Services and Ballina Coastguard Tower when in operation in the Ballina Shire area.
25. All Boat Tour area's or wharf/parking area's are to be kept in a clean and tidy condition free from litter and refuse at all times.
26. Boat tour businesses are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (Please refer www.kids.nsw.gov.au).
27. A NSW Marine Parks Permit is required if operating within the boundaries of the Cape Byron Marine Park.

28. Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

Approaching Marine Mammals

1. Boat tour operators must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
2. Boat tour operators are to liaise with the Office of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
3. Boat tour operators must inform all participants of each tour of conditions 1 & 2 (approaching marine mammals) before departing the public wharf.

Tendered Commercial Activities

The following commercial activities may only be undertaken if awarded a contract from Ballina Shire Council following successful tender for each activity. The last tender for surf schools, elite surf coaching and stand up paddle boarding closed on 2.00pm Tuesday 14 September 2010 with contracts for each activity running for three (3) years.

Schedule Tendered - Surf School Operating Requirements

All Surf School operators / instructors must meet the following minimum requirements.

1 Qualifications

- 1.1 Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all surf school coaches:
 - Current Surf Rescue Certificate (SLSA Community Award), or
 - Current Bronze Medallion (SLSA proficient annually), or
 - Ocean Rescue Award (RLSS proficient annually), and
 - Current Advanced Resuscitation Certificate, and
- 1.2 Level 1 Surf coaching accreditation with a recognised Australian based Surf Coach Educational Accreditation Organisation, Council or Academy; and
- 1.3 Senior First Aid Certificate (from a recognised registered training organisation).

2 Risk, Safety & Operational Management Protocol

- 2.1 Ensure compliance with the Work Health and Safety Act 2011 (WHS Act 2011) and the Work Health and Safety Regulation 2011 (WHS Regulation 2011), and
- 2.2 Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in surf school operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the surf school, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management.

3 Insurances

- 3.1 The Licensee will effect and keep in force at the Licensee's own expense a public risk policy in an amount not less than twenty million dollars (\$20,000,000) (or otherwise for such amount as the Council shall from time to time direct) during the term of this Agreement. Such a policy to include indemnity of Ballina Shire Council and the Minister responsible for administering the Crown Lands Act.
- 3.2 The Licensee will effect and keep in force at the Licensee's own expense a Professional Personal Indemnity policy in an amount not less than two million dollars (\$2,000,000) (or otherwise for such amount as the Council shall from

time to time direct). Such a policy to include indemnity of Ballina Shire Council and the Minister responsible for administering the Crown Lands Act.

4 Policies of Insurance

- 4.1 In respect of any policy of insurance effected by the Licensee pursuant to condition 3 above, the Licensee will, within seven (7) days of written request by the Council produce to the Council a Certificate of Currency for the said policy and a copy of the policy conditions.

5 Special Conditions

- 5.1 Surf school licence holders are required to meet all of the conditions of the Head Licence No. RI 587307 between Ballina Shire Council and NSW Department of Primary Industries including as amended.
- 5.2 Each surf school licence holder will indemnify the Minister administering the Crown Lands Act 1989 and the Ballina Coastal Reserve Trust and a copy of the insurance providing this indemnity will be submitted for the records of the Ballina Coastal Reserve Trust.

6 Licence Fee

- 6.1 Each surf school licence holder shall pay to the Council an annual licence fee as determined by the Council.
- 6.2 The first payment shall be made on or prior to the commencement date of this licence with subsequent payments each year thereafter until expiry date of the Tender period.
- 6.3 The Council may cancel or withdraw the licence at any time and without prior notice if any payments due under this Licence remain unpaid for thirty (30) days after they become due.

7 Operating Conditions

- 7.1 Surf schools are permitted to operate at all shire beaches north of the Richmond River up to the Shire border at Seven Mile Beach, Lennox Head including the Richmond River and its tributaries.
- 7.2 Surf schools are not permitted to operate in Shaws Bay or Lake Ainsworth.
- 7.3 Each surf school must operate at a minimum of 150 metres apart from other licensed commercial operators.
- 7.4 Surf schools shall not operate within 150 metres of flagged swimming areas.
- 7.5 Surf schools are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.
- 7.6 Surf schools do not have priority over any other licensed commercial operator when using the parks or beaches.
- 7.7 Each surf school is encouraged to liaise with other licensed surf schools and elite surf schools to ensure that only one surf school is in the same area, at one time and the surf areas are shared.
- 7.8 Any licensed surf school shall not interfere with any other beach user, or enjoy exclusive use rights over any reserve.
- 7.9 Surf schools should use bright colours on all garments and surfboards when on the beach to assist in easy and quick identification.
- 7.10 Instructors from each surf school must be easy to identify from a distance and be distinguishable from students and other surf schools by using distinctive garments with clear and visible colour coding and with business name visible.
- 7.11 Close liaison is to be maintained with the Lifeguard or Surf Life Saving Patrol, if on duty at a particular beach, used by a surf school.

- 7.12 All participants in the surf school are to be educated relating to the prohibition of surf craft in flagged areas on the beach under the care of Surf Life Saving Officers.
- 7.13 No vehicles are to be driven on the beach or in any grassed reserve under the care and control of Council.
- 7.14 Surf schools are not permitted to operate on sand dune areas.
- 7.15 Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and surfboards.
- 7.16 Any class area or parking area is to be kept in a clean and tidy condition, free from litter and refuse at all times.
- 7.17 Trailers and or the like (including vehicles containing or promoting a commercial activity/business) when not in use/operation must not be left at any time unattached or unattended on public roadsides, carparks and reserves. NSW Road Rules also applies on public roads, road reserves and carparks.
- 7.18 Surf schools must adhere to all regulatory and advisory signage at all times.
- 7.19 Surf schools must adhere to any additional conditions or directions from Council or Council ranger's onsite at any time.
- 7.20 Surf schools are required to provide caution and safety at all times when in close proximity to other beach and water users.
- 7.21 When "all beach closures" due to sharks are called by authorities, this includes all ocean and river locations and must be complied with.
- 7.22 Council reserves the right to undertake an onsite audit of the surf school at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the surf school to Council as requested onsite.
- 7.23 If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the surf school operating until demonstrated compliance exists and/or revoke the licence.
- 7.24 Surf schools are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
- 7.25 Surf schools are to avoid becoming navigational hazards to other water users.
- 7.26 A NSW Marine Parks Permit/approval is required if operating within the Cape Byron Marine Park boundaries.
- 7.27 Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

8 Class Frequency and Size

- 8.1 A maximum of twenty (20) clients per session and only two (2) sessions per day from each surf school is permitted.
- 8.2 Surf schools must provide a minimum of 1 instructor per eight (8) clients.
- 8.3 Surf schools are limited to operating one session at a time and must not run two or more sessions concurrently.
- 8.4 Surf schools must be cancelled or relocated if conditions are unsafe, dirty water or shark warnings are issued or if a surf carnival, or major event is being held that the surf school is not a part of. All directions from Lifeguards, Surf Life Saving Patrols, Maritime Authority Officers, Cape Byron Marine Park Officers and Council Officers must be complied with.

9 Assignment or Transfer of Licenses

- 9.1 Ownership of surf school licenses is limited to one (1) license per company.
- 9.2 Licenses are not transferable or saleable.

10 Approaching Marine Mammals

- 10.1 Surf schools must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
- 10.2 Surf schools are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
- 10.3 Surf schools must inform all clients of conditions 1 & 2 (approaching marine mammals) before departing the beach/river edge.

Schedule Tendered - Elite Surf Coaching Operating Requirements

Elite surf coaching covers the coaching of elite juniors, professionals and advanced surfers, specialised rehabilitation/disabled surf coaching, surf fitness, personal training and coaching for the public.

All Elite Surf Coaching school operators/instructors must meet the following minimum requirements.

1 Qualifications

1.1 Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all surf school coaches:

- Current Surf Rescue Certificate (SLSA Community Award), or
- Current Bronze Medallion (SLSA proficient annually), or
- Ocean Rescue Award (RLSS proficient annually), and
- Current Advanced Resuscitation Certificate, and

1.2 For high performance surfing only: Level 2 or 3 Surf Coaching accreditation with a recognised Australian based Surf Coach Educational Accreditation Organisation, Council or Academy; or

1.3 For rehabilitation/disabled surfing only: Level 1 Coaching Athletes with Disabilities (or equivalent) accreditation with a recognised Australian based Coaching Educational Accreditation Organisation, Council or Academy, and

1.4 Level 1 Surf Coaching accreditation with a recognised Australian based Surf Coach Educational Accreditation Organisation, Council or Academy, and

1.5 Senior First Aid Certificate (from a recognised registered training organisation).

2 Risk, Safety & Operational Management Protocol

2.1 Ensure compliance with the Work Health and Safety Act 2011 (WHS Act 2011) and the Work Health and Safety Regulation 2011 (WHS Regulation 2011), and

2.2 Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in elite surf school operations to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the elite surf school, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management.

3 Insurances

3.1 The Licensee will effect and keep in force at the Licensee's own expense a public risk policy in an amount not less than twenty million dollars (\$20,000,000) (or otherwise for such amount as the Council shall from time to time direct) during the term of this Agreement. Such a policy to include indemnity of Ballina Shire Council and the Minister responsible for administering the Crown Lands Act.

3.2 The Licensee will effect and keep in force at the Licensee's own expense a Professional Personal Indemnity policy in an amount not less than two million

dollars (\$2,000,000) (or otherwise for such amount as the Council shall from time to time direct). Such a policy to include indemnity of Ballina Shire Council and the Minister responsible for administering the Crown Lands Act.

4 Policies of Insurance

4.1 In respect of any policy of insurance effected by the Licensee pursuant to condition 3 above, the Licensee will, within seven (7) days of written request by the Council produce to the Council a Certificate of Currency for the said policy and a copy of the policy conditions.

5 Special Conditions

5.1 Elite surf coaching licence holders are required to meet all of the conditions of the Head Licence No. RI 587307 between Ballina Shire Council and NSW Department of Primary Industries excepting the provisions for sub-letting.

5.2 Each elite surf coaching licence holder will indemnify the Minister administering the Crown Lands Act 1989 and the Ballina Coastal Reserve Trust and a copy of the insurance providing this indemnity will be submitted for the records of the Ballina Coastal Reserve Trust.

6 Licence Fee

6.1 Each elite surf coaching licence holder shall pay to the Council an annual licence fee as determined by the Council.

6.2 The first payment shall be made on or prior to the commencement date of this licence with subsequent payments each year thereafter until expiry date of the Tender period.

6.3 The Council may cancel or withdraw the licence at any time and without prior notice if any payments due under this Licence remain unpaid for thirty (30) days after they become due.

7 Operating Conditions

7.1 Elite surf coaching schools are permitted to operate at all Shire beaches north of the Richmond River, Shaws Bay and Lake Ainsworth and all reserves in Ballina Shire except for Fawcett Park in Ballina and all sporting fields. Sporting fields may be permitted upon gaining consent, in writing, from Council and local sporting organisations required first.

7.2 Each elite surf coaching school must operate at a minimum of 150 metres apart from other licensed commercial operators.

7.3 Elite surf coaching schools shall not operate within 150 metres of flagged swimming areas.

7.4 Elite surf coaching schools are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.

7.5 Elite surf coaching schools do not have priority over any other licensed commercial operator when using the parks or beaches.

7.6 Each surf coaching school is encouraged to liaise with other licensed surf schools and elite surf coaching schools to ensure that only one school is in the same area, at one time and the surf areas are shared.

7.7 Any licensed elite surf coaching school shall not interfere with any other beach user, or enjoy exclusive use rights over any reserve.

7.8 Elite surf coaching schools should use bright colours on all garments and surfboards when on the beach to assist in easy and quick identification.

7.9 Instructors from each elite surf coaching school should be easy to identify from a distance and be distinguishable from students and other surf schools, elite surf coaching schools and the general public by using distinctive garments with clear and visible colour coding and with business name visible.

- 7.10 Close liaison is to be maintained with the Lifeguard or Surf Life Saving Patrol, if on duty at a particular beach, used by an elite surf coaching school.
- 7.11 All participants in the elite surf coaching school are to be educated relating to the prohibition of surf craft in flagged areas on the beach under the care of Surf Life Saving Officers.
- 7.12 No vehicles are to be driven on the beach or in any grassed reserve under the care and control of Council.
- 7.13 Elite surf coaching schools are not permitted to operate on sand dune areas.
- 7.14 Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and surfboards.
- 7.15 Any class area or parking area is to be kept in a clean and tidy condition, free from litter and refuse at all times.
- 7.16 Trailers and or the like (including vehicles containing or promoting a commercial activity/business) when not in use/operation must not be left at any time unattached or unattended on public roadsides, carparks and reserves. NSW Road Rules also applies on public roads, road reserves and carparks.
- 7.17 Elite surf coaching schools are required to provide caution and safety at all times when in close proximity to other beach and water users.
- 7.18 Elite surf coaching schools must adhere to all regulatory and advisory signage at all times.
- 7.19 Elite surf coaching schools must adhere to any additional conditions or directions from Council or Council ranger's onsite at any time.
- 7.20 When "all beach closures" due to sharks are called by authorities, this includes all ocean and river locations and must be complied with.
- 7.21 Council reserves the right to undertake an onsite audit of the elite surf coaching school at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the elite surf coaching school to Council as requested onsite.
- 7.22 If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the elite surf coaching school operating until demonstrated compliance exists and/or revoke the licence.
- 7.23 Elite surf coaching schools are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
- 7.24 Elite surf coaching schools are to avoid becoming navigational hazards to other water users.
- 7.25 A NSW Marine Parks Permit/approval is required if operating within the Cape Byron Marine Park boundaries.
- 7.26 Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

8 Class Frequency and Size

- 8.1 A maximum of seven (7) clients per session and only two (2) sessions per day from each elite surf coaching school is permitted.
- 8.2 Elite surf coaching schools must provide a minimum of 1 instructor per seven (7) clients.
- 8.3 Elite surf coaching schools are limited to operating one session at a time and must not run two or more sessions concurrently.
- 8.4 Elite surf coaching schools must be cancelled or relocated if conditions are unsafe, dirty water or shark warnings are issued or if a surf carnival, or major event is being held that the surf school is not a part of. All directions from

Lifeguards, Surf Life Saving Patrols, Maritime Authority Officers, Cape Byron Marine Park Officers and Council Officers must be complied with.

9 Assignment or Transfer of Licenses

- 9.1 Ownership of elite surf coaching school licenses is limited to one (1) license per company.
- 9.2 Licenses are not transferable or saleable.

10 Approaching Marine Mammals

- 10.4 Elite surf coaching schools must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
- 10.1 Elite surf coaching schools are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
- 10.2 Elite surf coaching schools must inform all clients of conditions 1 & 2 (approaching marine mammals) before departing the beach/river edge.

Schedule Tendered - Stand Up Paddle Boarding Operating Requirements

All Stand Up Paddle Boarding operators/instructors must meet the following minimum requirements.

1 Qualifications

- 1.1 Documentation demonstrating current qualifications, as listed below, must be lodged with Council at time of application. Once awarded it is the licensee's responsibility to maintain current qualifications and certificates for all coaches:
 - Current Surf Rescue Certificate (SLSA Community Award), or
 - Current Bronze Medallion (SLSA proficient annually), or
 - Ocean Rescue Award (RLSS proficient annually), and
 - Current Advanced Resuscitation Certificate, and
- 1.2 Level 1 (Flat Water) Stand Up Paddle Boarding coaching accreditation with a recognised Australian based Surf Coach/Stand Up Paddle Boarding Coach Educational Accreditation Organisation, Council or Academy, and
- 1.3 Senior First Aid Certificate (from a recognised registered training organisation).

2 Risk, Safety & Operational Management Protocol

- 2.1 Ensure compliance with the Work Health and Safety Act 2011 (WHS Act 2011) and the Work Health and Safety Regulation 2011 (WHS Regulation 2011), and
- 2.2 Prepare, submit to Council and adhere to a documented "Risk, Safety and Operational Management Plan" according to legislative requirements. This is to include a risk assessment to cover the whole operations of your activity taking into account all associated hazards, the likelihood of consequence and appropriate control of identified hazard, first aid, emergency response and evacuation plan. This is also to include demonstrated experience in stand up paddle boarding operations in flat waters and surf conditions to a high professional standard, understanding and knowledge of local conditions, natural and cultural history, ecological processes and possible constraints to the stand up paddle boarding school, capacity to meet licence conditions, capability to promote interpretive and educational information and demonstrated compatibility with the Reserve purpose or any Plans of Management.

3 Insurances

- 3.1 The Licensee will effect and keep in force at the Licensee's own expense a public risk policy in an amount not less than twenty million dollars (\$20,000,000) (or otherwise for such amount as the Council shall from time to time direct) during the term of this Agreement. Such a policy to include indemnity of Ballina Shire Council and the Minister responsible for administering the Crown Lands Act.
- 3.2 The Licensee will effect and keep in force at the Licensee's own expense a Professional Personal Indemnity policy in an amount not less than two million dollars (\$2,000,000) (or otherwise for such amount as the Council shall from time to time direct). Such a policy to include indemnity of Ballina Shire Council and the Minister responsible for administering the Crown Lands Act.

4 Policies of Insurance

- 4.1 In respect of any policy of insurance effected by the Licensee pursuant to condition 3 above, the Licensee will, within seven (7) days of written request by the Council produce to the Council a Certificate of Currency for the said policy and a copy of the policy conditions.

5 Special Conditions

- 5.1 Stand up paddle boarding school licence holders are required to meet all of the conditions of the Head Licence No. RI 587307 between Ballina Shire Council and NSW Department of Primary Industries excepting the provisions for sub-letting.
- 5.2 Each stand up paddle boarding school licence holder will indemnify the Minister administering the Crown Lands Act 1989 and the Ballina Coastal Reserve Trust and a copy of the insurance providing this indemnity will be submitted for the records of the Ballina Coastal Reserve Trust.

6 Licence Fee

- 6.1 Each stand up paddle boarding school licence holder shall pay to the Council an annual licence fee as determined by the Council.
- 6.2 The first payment shall be made on or prior to the commencement date of this licence with subsequent payments each year thereafter until expiry date of the Tender period.
- 6.3 The Council may cancel or withdraw the licence at any time and without prior notice if any payments due under this Licence remain unpaid for thirty (30) days after they become due.

7 Operating Conditions

- 7.1 Stand up paddle boarding schools are permitted to operate within the Richmond River and its tributaries, Shaws Bay, Prospect Lake, Lake Ainsworth and Seven Mile Beach north of Lake Ainsworth up to the Shire boundary only.
- 7.2 Stand up paddle boarding schools are not to operate at the same location in the surf or the Richmond River, should a licensed surf school be present.
- 7.3 Stand up paddle boarding schools must maintain a distance of 250m from any other licensed commercial operator, including other stand up paddle boarding schools and surf schools, when operating in the Richmond River and its tributaries and Seven Mile Beach.
- 7.4 Stand up paddle boarding schools must maintain a distance of 150m apart from all other licensed commercial operators when operating in Lake Ainsworth, Prospect Lake and Shaws Bay.
- 7.5 Stand up paddle boarding schools are not permitted to operate within 150 metres of flagged swimming areas.
- 7.6 Stand up paddle boarding schools are only permitted to run booking based operations and are not to operate reserve based hiring of equipment or shopfronts.
- 7.7 Stand up paddle boarding schools do not have priority over any other licensed commercial operator when using the parks or beaches.
- 7.8 Each stand up paddle boarding school is encouraged to liaise with other licensed stand up paddle boarding schools, surf schools and elite surf coaching schools to ensure that only one school is in the same area, at one time and the surf areas are shared.
- 7.9 Any licensed stand up paddle boarding school shall not interfere with any other beach user, or enjoy exclusive use rights over any reserve.

- 7.10 Stand up paddle boarding schools should use bright colours on all garments and paddle boards when on the beach to assist in easy and quick identification.
- 7.11 Instructors from each stand up paddle boarding school should be easy to identify from a distance and be distinguishable from students and other stand up paddle boarding schools, surf schools, elite surf coaching schools and the general public by using distinctive garments with clear and visible colour coding and with business name visible.
- 7.12 Close liaison is to be maintained with the Lifeguard or Surf Life Saving Patrol, if on duty at a particular beach, used by an stand up paddle boarding school.
- 7.13 All participants in the stand up paddle boarding school are to be educated relating to the prohibition of surf craft in flagged areas on the beach under the care of Surf Life Saving Officers.
- 7.14 No vehicles are to be driven on the beach or in any grassed reserve under the care and control of Council.
- 7.15 Stand up paddle boarding schools are not permitted to operate on sand dune areas.
- 7.16 Advertising on the reserve is only permitted when attached to vehicles and trailers, uniforms and paddle boards.
- 7.17 Stand up paddle boarding schools must adhere to all regulatory and advisory signage at all times.
- 7.18 Stand up paddle boarding schools must adhere to any additional conditions or directions from Council or Council ranger's onsite at any time.
- 7.19 Any class area or parking area is to be kept in a clean and tidy condition, free from litter and refuse at all times.
- 7.20 Trailers and or the like (including vehicles containing or promoting a commercial activity/business) when not in use/operation must not be left at any time unattached or unattended on public roadsides, carparks and reserves. NSW Road Rules also applies on public roads, road reserves and carparks.
- 7.21 Stand up paddle boarding schools must adhere to all regulatory and advisory signage at all times.
- 7.22 Stand up paddle boarding schools are required to provide caution and safety at all times when in close proximity to other beach and water users.
- 7.23 When "all beach closures" due to sharks are called by authorities, this includes all ocean and river locations and must be complied with.
- 7.24 Council reserves the right to undertake an onsite audit of the stand up paddle boarding school at any time covering qualifications of instructors, safety and operating equipment, operations, compliance with conditions and daily signed records, including details of participants. All audit requirements must be made available by the stand up paddle boarding school to Council as requested onsite.
- 7.25 If found non-compliant, Council as per the "Commercial Activities on Public Land Policy" may issue a verbal or written warning or stop the stand up paddle boarding school operating until demonstrated compliance exists and/or revoke the licence.
- 7.26 Stand up paddle boarding schools are responsible for ensuring that instructors are not prohibited persons under the Child Protection legislation (please refer to www.kids.nsw.gov.au).
- 7.27 Stand up paddle boarding schools are to avoid becoming navigational hazards to other water users.
- 7.28 A NSW Marine Parks Permit/approval is required if operating within the Cape Byron Marine Park boundaries.

- 7.29 Any other conditions that Council may impose from time to time must be immediately and strictly adhered to.

8 Class Frequency and Size

- 8.1 A maximum of fourteen (14) clients per lesson are permitted if operating within the Richmond River and its tributaries.
- 8.2 A maximum of seven (7) clients per lesson are permitted if operating at Seven Mile Beach nor of Lake Ainsworth and up to the Shire boundary.
- 8.3 A maximum of three (3) clients per lesson are permitted if operating within Lake Ainsworth, Prospect Lake or Shaws Bay.
- 8.4 Stand up paddle boarding schools must provide a minimum of 1 instructor per seven (7) clients.
- 8.5 A maximum of two (2) sessions per day from each stand up paddle boarding school is permitted.
- 8.6 Stand up paddle boarding schools are limited to operating one session at a time and must not run two or more sessions concurrently.
- 8.7 Stand up paddle boarding schools must be cancelled or relocated if conditions are unsafe, dirty water or shark warnings are issued or if a surf carnival, or major event is being held that the stand up paddle boarding school is not a part of. All directions from Lifeguards, Surf Life Saving Patrols, Maritime Authority Officers, Cape Byron Marine Park Officers and Council Officers must be complied with.

9 Assignment or Transfer of Licenses

- 9.1 Ownership of stand up paddle boarding school licenses is limited to one (1) license per company.
- 9.2 Licenses are not transferable or saleable.

10 Approaching Marine Mammals

- 10.5 Stand up paddle boarding schools must comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 for the interaction with marine mammals.
- 10.1 Stand up paddle boarding schools are to liaise with the Department of Environment and Heritage (NPWS) on a regular basis and comply with any requests or directions from the NPWS by necessity.
- 10.2 Stand up paddle boarding schools must inform all clients of conditions 1 & 2 (approaching marine mammals) before departing the beach/river edge.