



LICENSING OF A TRADE OR BUSINESS ON OPEN SPACE AREAS



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COMMUNITY GROWTH - CULTURE

BACKGROUND

The City of Gosford covers an area of 1028 sq. kilometres with an expanding population of over 160,000 people. The area is characterised by an abundance of open space opportunities including: mountains, bushlands, beaches, wetlands, foreshores, estuaries, informal passive and active recreation areas. Open Space, including National Parks, accounts for around 35,000 hectares or approximately 33% of the Gosford Local Government Area. As these open space areas become more popular for permanent residents and tourists, a demand has arisen for the use of Council owned and managed open space areas to conduct a trade or business that will allow users to experience a variety of opportunities.

POLICY OBJECTIVES

The intention of this policy is to provide formal guidelines on the undertaking of a trade or business on open space areas in the Gosford Local Government Area to ensure ecologically sustainable use and protection of these areas and the safety and wellbeing of the community.

The purpose of this policy is to achieve seven (7) desired outcomes for the management of a trade or business on Council managed land. Council's objectives for this Policy are as follows:

- To maximise use of the open space areas for the public
- To allocate and regulate use by operators wishing to conduct a trade or business on open space areas
- To ensure minimal impact on the community and environment by operators conducting a trade or business on open space areas
- To address issues of risk management and safety associated with the undertaking of a trade or business on open space areas owned and managed by Council
- To address issues of environmental sustainability associated with the undertaking of a trade or business on open space areas owned and managed by Council
- To be consistent with Council's Plans of Management and Strategies for various open space areas
- To improve fairness and equity

POLICY STATEMENT

Council will permit the undertaking of a trade or business on open space areas owned by Council and where Council is the Crown Trust Manager subject to terms and conditions as determined by Council.

Trade or business activities conducted on open space areas must be ancillary to the purpose of the reserve and be of an educational nature and/or encourage active participation in a healthy lifestyle.

This policy has been prepared in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, *Crown Lands Act, 1989* and *Crown Lands Regulation 2006*.

This policy does not override any other Council requirements relating to trade or business activities including Council's Local Environmental Plan (LEPs), Development Control Plans (DCP), State Environmental Planning Policies (SEPPs) or provisions of the *Local Government Act 1993* or *Crown Lands Act 1989*.

DEFINITIONS

Trade or Business

For the purpose of this Policy, a 'Trade or Business' is defined as being any activity with a principle purpose to derive profit to an individual(s) or company and/or where a fee is obtained for a service provided. Not-for-profit groups may seek to gain exemption from this policy upon application in writing to Council.

Not-For-Profit Organisations

For the purpose of this Policy, 'Not-For-Profit Organisations' are defined as associations for which "any profit from the trading should be put back into the association and not given to its members" (NSW Dept of Fair Trading). Applications to Council for exemption from temporary licensing must adhere to requirements as set out under the Associations Incorporation Act 1984 and include a Certificate of Incorporation as provided by the NSW Department of Fair Trading or be able to provide evidence of registration as a public company limited by guarantee under the Commonwealth Corporations Act 2001.

Licence

For the purpose of this policy, a 'Licence' is defined as a contractual agreement between Gosford City Council (Licensor) and a person or organisation (Licensee) for which a Licensee may conduct a trade or business on an agreed open space area/s owned and managed by the Licensor. The 'Licence' will not allow for exclusive use of the land and the general public must be able to access the agreed upon reserve/s at all times.

LAND TO WHICH THIS POLICY APPLIES

For the purpose of this Policy, 'Open Space' is defined as any community land and Crown Land reserves where Council is the Crown Trust Manager used for structured or casual recreational activities. This open space includes mountains, bushlands, beaches, foreshores, estuaries, informal passive reserves and active recreation areas.

STATUTORY CONSIDERATIONS

This policy shall not derogate from Council's responsibility to comply with any competent statutory obligation.

Where this Policy conflicts with any competent statutory obligation, the statutory obligation shall prevail to the extent of any such conflict.

"Statutory Obligation" means any mandatory obligation (statutory duty) imposed upon Council by any competent Act, Regulation, Ordinance, Rule or Instrument enacted by the Parliament of New South Wales or, to the extent that it is relevant, by the Parliament of the Commonwealth of Australia.

TEMPORARY LICENSING

A trade or business intending to undertake an activity on an open space area owned and managed by Council is required to obtain a temporary licence or approval from Council, as the reserve manager.

Temporary licensing is allowable under the *Local Government Act 1993* and *Crown Lands Act 1989* if in line with Council's Local Environmental Plan (LEP) and any associated plans of management.

Applications to conduct a trade or business on open space areas must meet with the core objectives of that category and classification of land as defined under the *Local Government Act 1993*, *Crown Lands Act 1989*, associated plan of management and/or dedicated purpose of the reserve.

Council reserves the right to refuse any application where it is considered to be of little overall community benefit and/or does not meet the core objectives of the land as defined under the *Local Government Act 1993*, *Crown Lands Act 1989* or the relevant plans of management.

ACTIVITIES NOT GOVERNED BY THIS POLICY

The following activities are subject to separate approval processes and will not be considered under this Policy:

- Activities not considered to be a trade or business activity
- Trade or business activities deemed to be special events
- Trade or business activities subject to a lease arrangement

PROHIBITED ACTIVITIES

The following is prohibited under this policy and will not be considered for approval:

- Activities that are not considered ancillary to the purpose of the reserve
- Activities considered to be harmful to the environment
- Activities considered to be dangerous for participants or to the general public
- Activities which could be considered to unreasonably disrupt other users of the reserve and/or adjoining neighbours
- Activities involving the sale of goods (including equipment) on open space reserves

REVOKING OF LICENCES AND UNLICENSED ACTIVITIES

Council, as owner or Reserve Trust Manager, reserves the right to terminate the licence if there is a breach by the licensee of any of the licence conditions.

As per section 68 of the *Local Government Act 1993*, any operators conducting activities requiring Council approval, including a trade or business activity, found to be operating without required approval are guilty of an offence as outlined under sections 626 and 627 of the Act and will be penalised in accordance with the Act.

PROCEDURE

The Procedure (attached), being an administrative process, may be altered as necessary by the Chief Executive Officer.

TENURE

In accordance with the *Crown Lands Act 1989* and *Local Government Act 1993*, temporary licensing will be for a maximum 12 month period over the relevant financial year.

FEES

An application fee and a licensing fee are payable as provided for in Council's Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.

(Min No 2011/242 - 24 May 2011)

(Min No 2013/388 - 16 July 2013 - Review of Policies)

ATTACHMENT - PROCEDURE

LICENSING OF A TRADE OR BUSINESS ON OPEN SPACE AREAS

1. General Provisions for all Operators

- 1.1. All licences are valid for up to a 12 month period only within the designated financial year.
- 1.2. The licence will not allow for exclusive use of the land and the general public must be able to access the agreed upon open space area/s at all times.
- 1.3. Each licence will be for the use of the allocated open space area/s only. A back up location will not be provided. Should conditions be deemed unsafe it is the responsibility of the Licensee to re-schedule.
- 1.4. The licence does not grant approval for the use of waterways. Licences for the use of waterways, where applicable, are to be obtained through the relevant governing authority.
- 1.5. The licensee, or other authorised employee of the licensee, is responsible for supervising activities, and must be a person approved by the appropriate governing body and Council.
- 1.6. Council reserves the right to remove from or refuse entry to the licensed area any person regardless of any arrangements or contract with the licensee.
- 1.7. The licensee shall not sublet, assign or otherwise deal with the licensed area.
- 1.8. No relationship of landlord and tenant is or is intended to be created between the parties hereto by virtue of this licence or in any way whatsoever.
- 1.9. In the event of the sale of the business, a licensee who has been awarded a licence may, upon written approval by Council's Manager Culture, transfer their licence.
- 1.10. Council reserves the right to terminate a licence if the licensee breaches any conditions of the licence. No compensation is payable in respect of the termination of a licence.
- 1.11. The licence is subject to the provisions of the Crown Lands Act 1989 and the Local Government Act 1993 where applicable.
- 1.12. Monetary compensation cannot be claimed for the inability to utilise the location/s stipulated in the licence for reasons including but not limited to Council restoration works, Council construction works, special events, lack of use by licensee and inclement weather.
- 1.13. Council has determined a maximum number of licences to be issued within the Gosford Local Government Area (LGA). The setting of maximum operators has been determined to provide a balance between trade or business activities, general community use and to ensure ecologically sustainable use and protection of Council managed open space areas. In particular locations, trade or business activities may not be deemed appropriate.
- 1.14. Council, as the Reserve Manager, may determine any amendment to the number and/or type of licences issued upon an annual review of these procedures
- 1.15. Any new request for activities or locations outside the current procedures will be considered on an annual basis and be subject to Council approval.

- 1.16. An application fee and a licence fee is payable as provided for in Council's Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.
- 1.17. The licence fee is payable at the commencement of the licence period. Non-payment of licence fees within the requested timeframe will be considered in breach of licence conditions.
- 1.18. The licensee is responsible for obtaining any associated required approvals (e.g. NSW Maritime, Office of Environment & Heritage) and providing evidence of this approval as requested.
- 1.19. Any Solicitor fees or fees associated with obtaining the required approvals will be borne by the Licensee.
- 1.20. Operators are to comply with all requirements as stated by the governing body for the activity, where applicable. Failure to comply will result in the licence being negated.
- 1.21. Compliance with all conditions laid down by the NSW Police Service, NSW Fire Service, NSW Roads and Maritime Services and any other Departments/Authorities.
- 1.22. The licensee shall maintain all other insurances as may be required by the Workers' Compensation Act or any other Act or Acts of Parliament in regard to the conduct of activities of the licensee on the licensed area. A copy of such coverage is to be submitted to Council before using the licensed area.
- 1.23. The licensee must take out public liability insurance cover for a minimum sum of twenty million dollars (\$20,000,000), for the duration of the licence.

Assets: - Council and the Minister administering the Crown Lands Act 1989 will not be responsible for any equipment brought on site.

Liabilities: - Licensee's are to produce a current Public Liability Policy.

The policy must note Council and the Minister administering the Crown Lands Act 1989 as interested parties of the site for the date(s) of use and contain a cross liability clause, or contain a general condition that these type of activities are specifically covered by the policy.

Indemnity: - The Licensee agrees to indemnify, protect, defend and hold harmless the Council of the City of Gosford and the Minister administering the Crown Lands Act 1989 from and against any and all claims, demands, actions and proceedings whatsoever in relation to personal injury or property damage caused by or occasioned during the licensee's use of the reserve and shall indemnify the Council for any and all fees, costs and expenses incurred in respect thereof.

Note 1. This indemnity does not operate where the said personal injury or property damage is sustained as a result of a negligent act or omission on the part of Council or its servants.

Note 2. The Licensee will be responsible to have this indemnity noted and accepted by its insurer.

Personal Accident/Workers Compensation:- The Licensee is responsible to ensure that all parties involved in the participation of the activity have suitable insurance cover. Council and the Minister administering the Crown Lands Act 1989 will not be responsible for any personal injury to activity participants and requires indemnification from the Licensee should any claims be made against Council and the Minister administering the Crown Lands Act 1989.

- 1.24. Certificates of Accreditation (copies only) are to be submitted for:
- Organisation - Business Registration and ABN Certification
 - Instructors Certification from the relevant Peak Body, current Senior First Aid Certificate and current CPR certificate.
- 1.25. A comprehensive Risk Management Plan is to be submitted including safe work procedures, risk assessments, emergency action plan and relevant first aid qualifications.
- 1.26. An Environmental Risk Assessment is to be submitted including an analysis on the adverse effects the activity may have on the environment significant to the proposed location and the potential change to the environment that may occur as a result and ways in which these impacts may be reduced or mitigated.
- 1.27. A proposed session timetable and site map is to be provided for each location.
- 1.28. A Working with Children Protection Card is to be provided by all employers and employees who will be actively participating (ie. instructing) in the stated activity with clients under the age of 18.
- 1.29. Unloading/loading of equipment must comply with Council's WH&S procedures including appropriate vehicle reversing procedures.
- 1.30. Council designated car park spaces are for Council operational use only.
- 1.31. Ensure that all equipment is in a safe condition, good repair and appearance to the satisfaction of relevant governing body, governing authority and/or Council. Any equipment deemed to be unsafe, is to be removed by the operator immediately.
- 1.32. Operators must keep accident/incident report forms on them at all times and be able to provide Council a copy on request.
- 1.33. Any accident or incident that occurs whilst operating the approved trade or business must be recorded and reported to Council's Manager Culture within 2 business days.
- 1.34. Commercial signage is strictly prohibited on open space areas zoned 6(a) Open Space (Recreation) under Council's Gosford Planning Scheme Ordinance. Signage erected by operators for advertising purposes, including A-Frames or banners, will be impounded on sight by Council Officers.
- 1.35. The enclosure and/or roping off of areas is prohibited.
- 1.36. Operators must take suitable precautions to ensure the safety and orderly behaviour of the participants and spectators and must endeavour at all times not to disturb or inconvenience the general public.
- 1.37. There is to be no interference or trespass onto any area that is cordoned off for works, upgrading or regeneration on open space areas or onto any area of a beach/foreshore reserve that is designated as a restoration area.
- 1.38. Items or equipment are not to be attached to vegetation or impact on the natural environment in any way.
- 1.39. Emergency vehicle accesses to open space areas are to be kept clear at all times.
- 1.40. Operators are not permitted to access Council's electricity or water supply, unless expressly authorised by the Manager Culture.

- 1.41. All electrical equipment used must have been tested and tagged as per Work Cover Code of Practice within 6 months of use.
- 1.42. The consumption of alcohol is not permitted.
- 1.43. The area must be left in a clean and tidy condition at the conclusion of the activity/event devoid of all rubbish and debris.
- 1.44. The cost to restore any damage, be it environmental or other, be borne by the commercial operator. Use of the areas during periods of inclement weather requires additional authorisation from the Asset Manager.

2. Surf School Terms & Conditions

- 2.1. All licences are valid for up to a 12 month period only within the designated financial year. Applicants will need to re-apply on an annual basis.
- 2.2. All instructors must hold as a minimum Level 1 Surf Coaching Accreditation.
- 2.3. A First Aid Officer must be present during all activities and an individual with a Bronze Medallion Certificate, or equivalent water safety qualifications, must be present during any aquatic activities.
- 2.4. Student to Instructor ratio is a maximum of 8 students to 1 instructor. Any groups proposed to be over 24 students in peak times will be required to liaise with Council.
- 2.5. Any activities not detailed as a component of the submitted timetable (e.g. private 1 on 1 lessons, school groups) must be emailed 24 hours prior to lesson for approval unless otherwise agreed with the Manager Culture.
- 2.6. Beach access only is permitted.
- 2.7. Unmarked shade structures (no advertising) are permitted immediately prior to and during designated lesson times only.
- 2.8. Shade structures must be disassembled and removed from the beach immediately after lesson completion.
- 2.9. Marker flag/s must be displayed during designated lesson times and removed from the beach immediately after lesson completion.
- 2.10. Hire of equipment is prohibited.
- 2.11. Consult with the Senior Beach Lifeguard or Patrol Captain on duty each day of operation in relation to lesson classes, safe lesson areas and times of operation.
- 2.12. Operate within daylight hours.
- 2.13. Participants must wear coloured rash vests to allow easy identification in the water.
- 2.14. Instructors must wear a rash vest that makes them easily identified in the water by their participants & Beach Lifeguards/Volunteer Lifesavers.
- 2.15. The flagged (red & yellow) swimming area has precedence over all beach activities.
- 2.16. All activities are to be conducted outside the flagged area including the 60 metre buffer zone (black and white feathers).
- 2.17. All Licensees must comply with conditions as provided by their governing body. Failure to do so will be seen as a breach of Council's licensing conditions.

- 2.18. Vehicles and/or trailers are not permitted on the beach or foreshore areas.
- 2.19. Vehicles and/or trailers are not permitted to park on the beach, promenade, within the foreshore reserve or any public area not legally designated for public vehicular parking. Vehicles must park in designated public parking spaces where available.

3. Stand Up Paddle Terms & Conditions

- 3.1. All licences are valid for up to a 12 month period only within the designated financial year. Applicants will need to re-apply on an annual basis.
- 3.2. All instructors must hold the relevant qualification against the industry standard for coaching/instructing in either flat/enclosed waters or open water/surf locations.
- 3.3. An individual with a Bronze Medallion Certificate, or equivalent water safety qualifications, and a First Aid Certificate must be present during any aquatic activities.
- 3.4. Student to Instructor ratio is a maximum of 8 students to 1 instructor in enclosed flat water locations, a maximum of 3 students to 1 instructor in surf locations. It is the responsibility of the instructor to determine the number of students according to the surf conditions.
- 3.5. Any activities not detailed as a component of the submitted timetable (e.g. private 1 on 1 lessons) must be emailed 24 hours prior to lesson for approval.
- 3.6. Instructors must ensure that in open water/surf locations that participants are safely separated during lessons based on prevailing conditions.
- 3.7. Beach/lagoon foreshore access only is permitted.
- 3.8. Unmarked shade structures (no advertising) are permitted immediately prior to and during designated lesson times only.
- 3.9. Shade structures must be disassembled and removed from the beach/lagoon foreshore immediately after lesson completion.
- 3.10. Hire of equipment is prohibited.
- 3.11. Consult with the Senior Beach Lifeguard or Patrol Captain on duty each day of operation at beach locations in relation to lesson classes, safe lesson areas and times of operation.
- 3.12. Operate within daylight hours.
- 3.13. Participants must wear coloured rash vests to allow easy identification in the water.
- 3.14. Instructors must wear a rash vest that makes them easily identified in the water by their participants & Beach Lifeguards/Volunteer Lifesavers.
- 3.15. The flagged (red & yellow) swimming area has precedence over all beach activities.
- 3.16. All activities on the beach are to be conducted outside the flagged area including the 60 metre buffer zone (black and white feathers).
- 3.17. All Licensees must comply with conditions as provided by their governing body. Failure to do so will be seen as a breach of Council's licensing conditions.

- 3.18. Operators are not to use park furniture, including seats and tables, for the undertaking of activities and/or the storage of equipment or participants' personal items.
- 3.19. Vehicles and/or trailers are not permitted on the beach or foreshore areas.
- 3.20. Vehicles and/or trailers are not permitted to park on the beach, promenade, within the foreshore reserve or any public area not legally designated for public vehicular parking. Vehicles must park in designated public parking spaces where available.

4. Personal Trainers, Fitness Groups & Boot Camps Terms & Conditions

- 4.1. All licences are valid for up to a 6 or 12 month period only within the designated financial year. Six (6) month licences are available for the summer season (October to March) only. Applicants will need to re-apply on an annual basis.
- 4.2. All instructors must hold as a minimum a Certificate IV in the appropriate field or against the industry standard.
- 4.3. A First Aid Officer must be present during all activities and an individual with a Bronze Medallion Certificate, or equivalent water safety qualifications, must be present during any aquatic activities.
- 4.4. Client numbers are not to exceed 18 at any one time regardless of the number of trainers.
- 4.5. Numbers for group training at Terrigal Beach are to not exceed 10 clients in summer season (October to March), regardless of the number of trainers.
- 4.6. Training sessions located adjacent to residential areas are not to commence until after 7.00am Monday to Saturday and 8.00am Sundays.
- 4.7. Operate within daylight hours.
- 4.8. Trainers are not to use park furniture, including seats and tables, for the undertaking of fitness activities and/or the storage of training equipment or participants' personal items.
- 4.9. Trainers are not to attach or suspend any item or equipment from trees, buildings and/or structures in open space areas.
- 4.10. Trainers are not permitted to drag tyres or any fitness or training equipment on any open space areas.
- 4.11. Trainers must ensure that their clients, specifically in regard to group training, run in single file in narrow or busy areas.
- 4.12. Training on promenades, stairways, cycleways and pathways is prohibited. These areas may, however, be transited but should not be utilised for static or repeated activities.
- 4.13. The use of carparks, in particular Wilson Road carpark at Terrigal, by operators is prohibited. Operators found to be conducting activities in carparks will be subject to a penalty fee as detailed in Council's fees and charges.
- 4.14. The use of competition turf sportsgrounds by operators is prohibited. Operators found to be conducting activities on competition turf sportsgrounds will be subject to a penalty fee as detailed in Council's fees and charges. A penalty fee will also be issued to operators conducting activities on closed grounds.

- 4.15. Training on the surrounds of competition turf sportsgrounds, in particular Terrigal Haven Oval, is prohibited. Operators found to be conducting activities on sportsgrounds will be subject to a penalty fee as detailed in Council's fees and charges.
- 4.16. The use of amplified music or amplifying audio equipment is prohibited.
- 4.17. Aggressive and intimidating activities are not condoned and will be considered a breach of the licence and may be subject to penalties and/or licence revocation.
- 4.18. All Licensees must comply with conditions as provided by their governing body. Failure to do so will be seen as a breach of Council's licensing conditions.
- 4.19. Vehicles and/or trailers are not permitted on the beach or foreshore areas.
- 4.20. Vehicles and/or trailers are not permitted to park on the beach, promenade, within the foreshore reserve or any public area not legally designated for public vehicular parking. Vehicles must park in designated public parking spaces where available.

5. Canoe, Kayak and Paddleboat Operations Terms & Conditions

- 5.1. All licences are valid for up to a 12 month period only within the designated financial year. Applicants will need to re-apply on an annual basis.
- 5.2. All Licensees must have the required Hire and Drive licence for the designated waterway as issued by NSW Roads and Maritime Services.
- 5.3. All Licensees must comply with the terms and conditions as set out in their Hire and Drive Licence as issued by NSW Roads and Maritime Services. Failure to do so will be seen as a breach of Council's licensing conditions.
- 5.4. As per NSW Roads and Maritime Services requirements, a First Aid Officer must be present during all activities.
- 5.5. Foreshore access only is permitted.
- 5.6. Operate within daylight hours.
- 5.7. Unmarked shade structures (no advertising) are permitted during designated operating hours only.
- 5.8. Shade structures must be disassembled and removed from the reserve immediately after operating times.
- 5.9. Safety equipment, including life jackets, must be made available as per NSW Maritime requirements.
- 5.10. A rescue vessel must be available at all times.
- 5.11. The type and use of any rescue vessel must comply with Council's current Coastal Lagoons Plan.
- 5.12. Rescue vessels are not to be operated except in the case of an emergency.

6. Corporate Group Training Terms & Conditions

- 6.1. All licences are valid for up to a 12 month period only within the designated financial year. Applicants will need to re-apply on an annual basis.
- 6.2. A Corporate Group Training form must be submitted for each event unless otherwise agreed with the Manager of Culture.

- 6.3. Licence locations will be determined on a case-by-case basis.
- 6.4. Participant numbers may be restricted during peak times in priority locations at the discretion of the Manager of Culture.
- 6.5. All operators must hold relevant qualifications and/or have demonstrated extensive experience in undertaking the activity.
- 6.6. The use of competition turf sportsgrounds by operators is prohibited unless otherwise agreed with the Manager of Culture. Operators found to be conducting activities on sportsgrounds will be subject to a penalty fee as detailed in Council's fees and charges. A penalty fee will also be issued to operators conducting activities on closed grounds.
- 6.7. Activities on the surrounds of competition turf sportsgrounds, in particular Terrigal Haven Oval, are prohibited unless otherwise agreed with the Manager of Culture. Operators found to be conducting activities on sportsgrounds will be subject to a penalty fee as detailed in Council's fees and charges.
- 6.8. Operators and participants are not to use park furniture, including seats and tables, for the undertaking of activities.
- 6.9. Operators are not to attach or suspend equipment from trees, buildings and/or structures in the reserves.
- 6.10. Operators are not permitted to drag tyres or equipment on any beach or reserve.
- 6.11. Activities on promenades, stairways, cycleways and pathways are prohibited. These areas may, however, be transited but should not be utilised for static or repeated activities.
- 6.12. The use of carparks, by operators is prohibited. Operators found to be conducting activities in carparks will be subject to a penalty fee as detailed in Council's fees and charges.
- 6.13. All activities on the beach are to be conducted outside the flagged area including the 60 metre buffer zone (black and white feathers).
- 6.14. Vehicles and/or trailers are not permitted on the beach or foreshore areas.
- 6.15. Vehicles and/or trailers are not permitted to park on the beach, promenade, within the foreshore reserve or any public area not legally designated for public vehicular parking. Vehicles must park in designated public parking spaces where available.
- 6.16. The use of amplified music or amplifying audio equipment is prohibited.
- 6.17. Operate within daylight hours.
- 6.18. All Licensees must comply with all conditions as provided by regulatory and governing bodies for the activity. Failure to do so will be seen as a breach of Council's licensing conditions.
- 6.19. An annual administration fee will be charged in accordance with Council's fees and charges.
- 6.20. A fee will be charged per event unless otherwise agreed by the Manager of Culture.

7. Clinics and Coaching Terms & Conditions

- 7.1. All licences are valid for up to a 12 month period only within the designated financial year. Applicants will need to re-apply on an annual basis.
- 7.2. All operators must hold the relevant qualifications against the industry standard for coaching/instructing for the undertaking of the activity.
- 7.3. A First Aid Officer must be present during all activities and an individual with a Bronze Medallion Certificate, or equivalent water safety qualifications, must be present during any aquatic activities.
- 7.4. Student to instructor ratio during any aquatic activities must comply with the Surf Life Saving Australia Water Safety Policy ratios.
- 7.5. All operators must comply with all conditions as provided by regulatory and governing bodies for the activity. Failure to do so will be seen as a breach of Council's licensing conditions.
- 7.6. Licence locations will be determined on a case-by-case basis.
- 7.7. Participant numbers may be restricted during peak times in priority locations at the discretion of the Manager of Culture.
- 7.8. The use of competition turf sportsgrounds by operators is prohibited. Operators found to be conducting activities on competition turf sportsgrounds will be subject to a penalty fee as detailed in Council's fees and charges. A penalty fee will also be issued to operators conducting activities on closed grounds.
- 7.9. Training on the surrounds of competition turf sportsgrounds, in particular Terrigal Haven Oval, is prohibited. Operators found to be conducting activities on competition turf sportsgrounds will be subject to a penalty fee as detailed in Council's fees and charges.
- 7.10. Operators and participants are not to use park furniture, including seats and tables, for the undertaking of activities.
- 7.11. Operators are not to attach or suspend equipment from trees, buildings and/or structures in the reserves.
- 7.12. Activities on promenades, stairways, cycleways and pathways are prohibited. These areas may, however, be transited but should not be utilised for static or repeated activities.
- 7.13. The use of carparks, by operators is prohibited. Operators found to be conducting activities in carparks will be subject to a penalty fee as detailed in Council's fees and charges.
- 7.14. The flagged (red & yellow) swimming area has precedence over all beach activities.
- 7.15. All activities on the beach are to be conducted outside the flagged area including the 60 metre buffer zone (black and white feathers).

- 7.16. Consult with the Senior Beach Lifeguard or Patrol Captain on duty each day of operation at beach locations in relation to lesson classes, safe lesson areas and times of operation.
- 7.17. Vehicles and/or trailers are not permitted on the beach or foreshore areas.
- 7.18. Vehicles and/or trailers are not permitted to park on the beach, promenade, within the foreshore reserve or any public area not legally designated for public vehicular parking. Vehicles must park in designated public parking spaces where available.

8. Dog Obedience Training Terms & Conditions

- 8.1. All operators must hold the relevant qualifications against the industry standard for coaching/instructing for the undertaking of the activity.
- 8.2. All operators must be registered with Royal NSW Canine Council (Dogs NSW).
- 8.3. All operators must hold the relevant qualifications against the industry standard for coaching/instructing for the undertaking of the activity.
- 8.4. All operators must comply with all conditions as provided by regulatory and governing bodies for the activity. Failure to do so will be seen as a breach of Council's licensing conditions.
- 8.5. A First Aid Officer must be present during all activities.
- 8.6. All dogs must be registered to a Gosford LGA address.
- 8.7. All dogs must be micro-chipped and registered on the NSW Companion Animal Register.
- 8.8. Dogs over the age of 6 months that have not been de-sexed are not permitted.
- 8.9. All dogs must be vaccinated.
- 8.10. Dogs that are of Restricted Breeds, have been declared Dangerous under the Companion Animals Act 1998 or have been classed as "Dangerous" by Council are not permitted.
- 8.11. Dogs known or suspected to be suffering from an infectious disease are not permitted.
- 8.12. Each dog must have a dedicated handler i.e. 1 dog 1 handler.
- 8.13. Children from 12 years and under 16 years are permitted to train their own dog provided they can control their dog and adult supervision is present for the duration of training.
- 8.14. Dogs must be under control and on a lead at all times unless directed by an Instructor within a class situation.
- 8.15. Dogs are not permitted within ten (10) metres of a children's playground.
- 8.16. Operators are responsible for ensuring the removal of excrement from the reserve.

- 8.17. Operators and participants are not to use park furniture, including seats and tables, for the undertaking of activities and/or the storage of equipment or participants' personal items.
- 8.18. Operators are not to attach or suspend items or equipment from trees, buildings and/or structures in the reserves.
- 8.19. The use of carparks, by operators is prohibited. Operators found to be conducting activities in carparks will be subject to a penalty fee as detailed in Council's fees and charges.
- 8.20. Vehicles and/or trailers are not permitted to park within the reserve or any public area not legally designated for public vehicular parking. Vehicles must park in designated public parking spaces where available.
- 8.21. Classes will not be approved in environmentally sensitive areas such as those that contain significant or endangered flora and fauna.
- 8.22. Licence locations will be determined on a case-by-case basis.
- 8.23. Operate within daylight hours.
- 8.24. The hire or sale of equipment is prohibited.

9. Commercial Fishermen – Access Across Beaches Terms & Conditions

- 9.1 All licences are valid for up to a 12 month period only within the designated financial year. Applicants will need to re-apply on an annual basis.
- 9.2 A written application be submitted to Council's Culture section including the following details:
 - Applicant's name, address and telephone number
 - Commercial fishing licence number and date of issue
 - Particulars of 4WD vehicle/s
 - Particulars of boats to be launched/retrieved from the beach
- 9.3 Access is restricted to a 13 week period from 30 March to 30 June. Any requests for "one off" occasions outside this restriction should be directed to Manager Culture.
- 9.4 Vehicles are not permitted on beach areas, except to deliver and retrieve boats and equipment.
- 9.5 No vehicular access to any part of the frontal dune is permitted, except at designated access points.
- 9.6 The use of the beach is not to interfere with the normal use of the beach by the public.
- 9.7 The applicant is required to display the applicant's name clearly on the door of the authorised vehicle(s) to help reduce public concern whilst vehicle is on the beach.