



Outdoor Commercial Recreation Policy

Policy outcome	<ul style="list-style-type: none">• To encourage Commercial Recreation Activities (CRA) in public space to provide a variety of opportunities to enhance residents and visitors' experience and contribute to the development of a healthy and inclusive community.• To ensure CRA operators are providing quality, safe activities which contribute to a Vibrant Port Phillip.• To ensure CRA operators have measures in place to minimise impacts on public space, Council assets or to residential amenity.• To provide opportunities for people of all backgrounds regardless of age, gender, culture and ability.• Support Council to deliver an alternative to organised sport to encourage diverse opportunities of physical activity
Responsible area	Open Space, Recreation and Community Resilience
Version	
Planned review date	



To provide a framework through which the City of Port Phillip can manage the provision of a range of high quality outdoor commercial recreation providers across the municipality.

This policy applies to businesses who wish to conduct outdoor commercial recreation activities within Port Phillip's public space.

This policy applies to:

Any sport, recreational, wellness or health activity conducted in public space. Outdoor commercial recreation businesses include, but are not limited to:

- Skydiving
- Kiteboarding
- Stand Up Paddle Boarding
- Dog Training
- Pony Rides
- Sports Academies
- Recreation classes (including fitness, personal training and wellness providers) facilitating sessions with 15-50 participants and/or heavy infrastructure.

This policy does not apply to:

- Events, promotions or markets
- Indoor activities
- Motorised water sports i.e., jet skis
- Seasonal and casual use of sports grounds for sports clubs
- Itinerant traders
- Any activity licenced or excluded under separate section of the Local Law or policy
- Activities held at Albert Park Reserve (this area is managed by Parks Victoria)

1.1 Assessment Criteria

Commercial Recreation Principles

All applications will be assessed against the following principles:



1. Provide the community with social, recreation and active opportunities to increase community participation and improve health and wellbeing.
2. Conducted in a safe manner that implement high-quality risk management plans and adherence to industry standards. This includes strategies for sustainable use of public open space and how the impact of such activities will be minimised.
3. Are inclusive for all, including promotion of gender equality and enhances opportunities for women and girls.
4. Are well governed and have a suitable business model to ensure financial viability of the business plus value for money for the local community.
5. Operators provide an educational experience, promote skill development and learning opportunities.

1.2 Site Limitations/ Restrictions

Across the municipality, Council will only issue:

- One Skydiving licence, to be located at Moran Reserve Elwood.
- Up to three Kite Boarding licences, to be located at West Beach St Kilda.

Outside of Skydiving and Kiteboarding, operators can apply for their preferred site. Approval will be based on suitability of the site; the impact of activity on the environment and community; and if a sustainable approach to use of public open space has been demonstrated.

1.3 Application

Applications will be assessed through an Expression of Interest (EOI) Process on an annual basis, timings will be provided on the Council Website. Applications will not be considered outside of this timeline.

Successful applicants will be granted a 1-year licence, with the option of a 2-year extension.

1.4 Licence

All operators within scope of this policy will require a Tour Operator Licence Agreement which is approved by Council as the land manager, and DEECA as the landowner under the Crown Land Act 2009 (Lease and Licence Terms). A Tour Operator Licence is issued to a person who conducts an organised tour or outdoor recreation activity for profit (financial or non-financial) on public lands in Victoria.

Further information on the Tour Operator Licence can be found on DEECAs webpage [Tour Operators Licence - DEECA](#)



The licence only applies to the regular commercial activity operations. Event permits will need to be obtained for any activity which is outside the licence conditions.

1.5 Requirements

The following is required in order to operate a commercial recreation activity on Council managed public space:

- All operators will be required to adhere to Federal, State or Local Government regulations.
- It is the responsibility of the CRA operators to seek and gain all approvals relating to their activities and meet all legal and regulatory requirements. Council may require approvals from other relevant regulatory bodies, such as (but not limited to) Victoria Police, WorkSafe, Parks Victoria, Maritime Safety Victoria, CASA (Civil Aviation Safety Authority) or State Sporting Associations.
- All operators must use equipment and infrastructure that is well maintained, structurally sound and can withstand exposure to climatic conditions.
- Infrastructure and signage can only be installed and displayed during operation hours. This must be taken down and removed off site, unless otherwise specified on their licence, once the provider has concluded operations for the day.
- Pre-safety checks must be undertaken prior to all operations to evaluate and eliminate any risks/ hazards that may harm participants and the community.
- All operators are responsible for all their staff, including ensuring they are appropriately insured and qualified (industry related qualification/s) and have appropriate Child Safety Policies.
- Noise from activities must not unreasonably disturb other users or adjacent residents/businesses and must comply with Council's Outdoor Event Noise Management Guidelines, the Environment Protection Act (EPA) 2017 and the State Environment Protection Policy.
- Water-based activities must follow EPA advice regarding water quality when programming their activities - [EPA Water Quality](#)

1.6 Trailers

- Providers can apply, as part of a separate licence, for up to one onsite trailer at the same location as their Commercial Recreation Licence.
- This is subject to Council approval, and only some sites and businesses will be eligible. Conditions will be outlined in the permit and will include location and times of approval.
- If successful, onsite trailers will attract an annual trailer licence fee in addition to the providers annual licence fee.

1.7 Restrictions

All maintenance, capital projects and council permitted events take precedence over commercial recreation activities.



In the instance that scheduled works or an event impacts operations, providers can apply to relocate to an alternative location on a temporary basis. Council officers will work with the operator to determine if there is a suitable location.

Other activities that are restricted under this licence include:

- Activities that do not meet goals or objectives of the Council Plan
- Activities that include promotion of tobacco, gambling or alcohol
- Activities in environmentally sensitive areas such as bushland and sand dunes

1.8 Liability and Indemnity

All CRA require Public Liability Insurance of a minimum of \$20m indemnifying Council.

The licence holder shall indemnify the City of Port Phillip from any claim or demand arising from or in relation to any act, omission, damage, loss, charge, liability, outgoing, payment, expense or cost related to the outdoor commercial recreation activity. The approved licence holder is responsible for managing risks associated with the activities at their allocated site/s.

Operators must have risk management in place that includes provisions to cancel activities in unsafe situations.

Council may cancel or modify CRA at any stage due to safety concerns, identified risks or unsafe practices.

1.9 Non-Compliance

The Council reserves the right to terminate a licence and licence if:

- licence conditions are breached.
- any laws are broken.
- a misrepresentation is identified in documentation.

1.10 Appeal process

Appeals regarding the CRA licence process are to be addressed in writing to Coordinator Sport and Recreation.

Appeals will be assessed against this policy, any applicable regulations and any other relevant council policy, strategy or local laws.

The outcomes will be issued in writing.



1.11 Fees and Charges

There are two types of fees which apply to all CRA, an annual fee and a per participant fee.

Annual Fee

- This is a once off annual fee which is paid prior to the issuing of the licence and licence.
- This fee is set through the annual Council budget process, or as varied by Council resolution, in alignment with DEECA fee structures.
- An annual fee will be required for each location.

Per Participant Fee

- A per participant, per day user fee is also required for CRA operations.
- This fee is paid on a quarterly basis.
- This fee is set by DEECA under their Tour Operator Licence program and administered by Council.

For more information on DEECA licences or fees visit [Tour Operators Licence](#)

Per Participant Recording and Reporting Requirements

All operators are required to maintain a record of the number of persons who participate in the recreation activity daily. These records are required to be kept up to date and may be audited by Council at any time during operations.

Cancellation and refunds

No refunds of fees will be provided for outdoor commercial recreation operators wishing to cancel their licence prior to the expiry date, or if an area allocated in their licence is not usable during the season.

- City of Port Phillip Council Plan 2021-2031
- City of Port Phillip Public Space Strategy 2022-2032
- City of Port Phillip Local Law No.3 (Community Amenity) 2013
- Crown Land Acts Amendment (Lease and Licence Terms) Act 2009
- Department of Sustainability and Environment - Licensing system for Tour Operators and Activity Providers on Public Land in Victoria 2018
- City of Port Phillip Outdoor Events Policy 2022
- Council's Outdoor Event Noise Management Guidelines 2022



- City of Port Phillip Sport and Recreation Strategy 2015 - 2024
- City of Port Phillip Fitness Training Policy 2021
- Local Government Act 1989
- Child Safe Standards Policy 2018
- Foreshore Management Plan 2012

Council

Refers to City of Port Phillip

Commercial Recreation

Any organised sport, recreational, wellness or health activity conducted in public space – including beaches, foreshore, parks and other council managed open spaces. The activity must be recreation based implementing an educational component.

Crown Land

Land that is managed and controlled by Council as the appointed Committee of management under the Crown Land (Reserves) Act 1978 by the DEECA.

DEECA

Refers to Department of Environment, Energy and Climate Action which is a State Government department responsible for protecting the environment, climate change, managing water resources, land and emergency management and providing guidelines and licences for Tour Operators

Public or Open Space

Public space is an all-encompassing term that the City of Port Phillip use for all external spaces in the City that the public can access and use. It includes privately and publicly owned land that is zoned and set aside for different purposes.

Outdoor Commercial Recreation operator

A person/ business who conducts commercial recreation activities to the community within City of Port Phillip

Tour Operator

Means a person or business who conducts an organised tour or outdoor recreation activity for profit on public lands in Victoria.

Itinerant trading

Refers to a business that trades goods from any temporary method of transport including a caravan, trailer, table, stall or other similar structure at Council approved locations

Event



Refers to all outdoor events, promotions and markets on Council managed public space within the municipality. Including (but not limited to) events which are run by private organisations, businesses, schools, special interest groups or community groups.

Licence or Permit

An official document issued by Council under Local Law that authorises a use or activity.

Licence holder

Refers to the individual who has been issued the licence.

Document history

Version	Date of approval/adoption	Changes made	ECM record
Version 3	19 June 2024	<ul style="list-style-type: none"> Updated scope to enable 'recreation classes' (those currently only permitted to operate under the PT Policy) to apply for this licence. 	
Version 2	17 August 2022	<ul style="list-style-type: none"> Alignment to the Council Plan and key Council strategies including Public Space Strategy 2022 -2032, Fitness Training Policy 2021 and Sport and Recreation Strategy 2015-2024 Guiding principles to allow Council to review businesses that wish to deliver inclusive, innovative, and accessible recreational opportunities 	



Version	Date of approval/adoption	Changes made	ECM record
		<ul style="list-style-type: none"><li data-bbox="691 409 1185 539">• The opportunity for new open spaces across the municipality to be considered as a site for businesses to deliver outdoor commercial recreation<li data-bbox="691 551 1129 607">• Endorsement of new commercial operators for the 2022-2025 term	