



## Outdoor Commercial Recreation Licence Guidelines

### Expression of Interest – 2025 to 2028

#### Definitions

**Council** is City of Port Phillip

**Expression of Interest** or **EOI** is this document, which invites submissions for the licence to operate in public open space, parks or foreshore areas.

**Tour Operator** refers to the Outdoor Commercial Activity operator

**Tour Operator Licence** refers to the finalised document which has been signed by the operator, Council and Department of Environment, Energy and Climate Action (DEECA).

**Property** means the public space as indicated by the applicant's preferred location in this EOI.

**Licence** refers to the Tour Operator Licence in which the CRA operator is granted if successful in their application.

**Respondent** is a company, business, organisation, or individual that submits an Expression of Interest.



## Outdoor Commercial Recreation Licence Details

### Licences available

This Expression of Interest seeks to provide licences as per Council's Outdoor Commercial Recreation Policy. Applications may be submitted to permit activities on Council owned/managed land including parks, reserves and the foreshore (on sand/beach).

Commercial recreation activities can be held on Council managed land, **including:**

- Informal parks and reserves
- On-sand/beach

Please note in-water activities will require an additional permit from Parks Victoria if approved by Council.

### Excluding:

- Formal sports grounds and fields
- There are restrictions on maximum licences for some activities and/or locations, as outlined in Table 1.

Table 1

Activity Type	Location	Maximum number of licences available
Skydiving	MO Moran Reserve St Kilda	1
Kiteboarding	West Beach St Kilda	3

### Licence duration

Commercial Recreation Licences will be provided for a maximum 3-year term based on the following:

- Returning CRA operators will be offered a 3-year licence term.
- New CRA operators will be offered an initial 1-year term with the opportunity to extend for a further 2-year term based on review of operations and compliance with licence conditions.



The details in *Table 2* below outline the licence details and considerations for the EOI process.

**Table 2**

Item	Details
Site Address	Various parks, open space or foreshore locations within City of Port Phillip.
Available Area	Public open space areas that suit the activity and align with licence restrictions listed in Table 1
Land Status	Council owned land  Crown Land. Council is the appointed Committee of Management under the provisions of the Crown Land (Reserves) Act 1978
Permitted Use	The Outdoor Commercial Recreation licence applies to any commercial sport, recreational, wellness or health activity conducted in public open space. This includes but is not limited to: <ul style="list-style-type: none"> <li>• Skydiving</li> <li>• Stand Up Paddleboarding</li> <li>• Kitesurfing</li> <li>• Dog Training</li> <li>• Wellness activities</li> </ul>
Onsite storage	Operators can apply, as part of a separate permit, 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 operator's annual licence fee.
Estimated Outgoings	Licence fees are based on Council's Annual Fees and Charges and the User Fee (per participant fee) is issued by the Department and Environment, Energy and Climate Action (DEECA).
Proposed Form of Agreement	Standard Licence Agreement under 17B of the <i>Crown Land Reserves Act 1978</i> (Vic).



## Expression of Interest Details

### Application

Applications must contain all the requested information, details and documentation to enable Council (in its sole discretion) to evaluate in accordance with the Outdoor Commercial Recreation Policy. An application that does not meet these requirements may be deemed by Council as non-compliant and the application rejected. Breach of any applicable laws or Council policies in connection with the preparation of an application, will result in the submission being voided.

**Applications must be lodged by Tuesday 10 June 2025 (5.00pm).**

Council will not consider any applications lodged after the closing time stated above.

### Terms and Conditions

The EOI is, and shall remain, the property of Council. It may only be used for the purpose of preparing a licence based on the information provided in the application. No representation made by or on behalf of Council in relation to the EOI shall be binding on Council unless that representation is in writing.

This is in accordance with Council's Privacy and Data Protection Act 2014 and Council's Information Privacy Policy.

Applicants agree that:

- It will have no claim against Council or any officer, employee or adviser of Council with respect to the exercise of, or failure to exercise, any right under this EOI.
- Applications and all accompanying documents become the property of Council.
- Council may use, retain, and copy the information contained in applications for the purpose of evaluating, short listing, and developing any resultant licence. This information may also be used to review and further develop the process, or in response to a claim raised by an applicant regarding or concerning the EOI process.
- All applications and associated documents will be confidential, in-line with current privacy laws.
- Applicants will not make any false or misleading claims or statements in relation to their submission.

# Outdoor Commercial Recreation Activity



- Applicants will submit the consents required by Council for undertaking security, probity and/or financial investigations.
- A director or authorised officer will make a declaration in the form set out in Schedule 3 if a conflict of interest is applicable.

Applicants and their officers, employees, agents and advisers must not:

- Engage in any collusive tendering, anti-competitive conduct or any other similar conduct that contravenes any laws, with any other perspective applicant or any other person in relation to the preparation or lodgement of their application.
- Communicate with nor solicits information related to this EOI process from employees of Council, ex-employees of Council and/or contractors or ex-contractors of Council, or with the utilisation of information unlawfully obtained from Council.
- Breach any applicable laws or Council policies regarding inducements in connection with the preparation of their application.

Council reserves the right to:

- Reject any application or to exclude any applicant from the process during or after evaluation of the EOI.
- Amend this EOI upon giving applicants written notice of an amendment.
- Vary or extend any time or date in this EOI for all or any respondent or other persons, at any time and for such periods as Council in its absolute discretion considers appropriate.
- Suspend or vary the EOI process or any part of it, at any time.
- Terminate further participation in the EOI process by any applicant for any reason, regardless of whether the EOI submitted conforms with the requirements of the EOI process.
- Call for a new EOI.
- Publish the name of the Outdoor Commercial Recreation Activity or applicant(s) (whether successful or unsuccessful)
- Allow or not allow a related party to take over an application in substitution for the original applicant.
- Perform such security, probity and/or financial investigations and procedures as Council, at its absolute discretion, may determine necessary in relation to each respondent, its partners, associates, subcontractors, or related entities including consortium members and their officers or employees.



## Fee Structure

### Council annual fee

The Outdoor Commercial Recreation annual fee is set through the annual Council budget process, or as varied by Council resolution, and is required to be paid prior to the operation of the activity in October each year.

### Department of Environment Energy and Climate Action (DEECA) User fee:

The Tour Operator Licence issued by DEECA requires payment of an individual user fee. This fee is per head, per day and (as of April 2025) was set at:

- User fee – adult - \$2.40\*
- User fee – child (16 and under) and school student - \$1.60\*

*\*Fee set by DEECA and subject to change based on their fee setting processes*

CRA operators are responsible for maintaining a record of the number of users who participate in the recreational activity daily, reporting this number to Council and calculating and reconciling the DEECA “Use Fee” on a quarterly basis (unless otherwise requested).

## Evaluation Criteria

Applicants are to provide the information and documents specified in the criteria below. Applications will be assessed against the following criteria, based on the Commercial Recreation Principles:

1. Commercial recreation activity provides social, recreation and active opportunities for the community.
2. Activity provides health, wellbeing and educational benefits to the community.
3. Program design promotes accessibility and inclusivity, including gender equality.
4. Equitable, low impact and sustainable use of public open space.
5. Commercial recreation activity conducted with safe practices.
6. Commercial recreation activity provides economic benefit to the Port Phillip community.
7. Relevant business experience or previous licence in City of Port Phillip.

If an application does not include all the information and documents required as specified, it may be deemed non-compliant and be rejected.