

COMMUNITY SERVICES

TITLE: COMMERCIAL ACTIVITIES ON CABLE BEACH POLICY
(the Policy)

ADOPTED:

REVIEWED:

ASSOCIATED LEGISLATION: Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003 ("the Local Law")

ASSOCIATED DOCUMENTS: Trading Licence Application Form

REVIEW RESPONSIBILITY: Manager Emergency, Ranger & Beach Services

DELEGATION: Manager Emergency, Ranger & Beach Services

Introduction:

Cable Beach is a highly valued environmental, cultural and social asset under the care and control of the Shire of Broome that is enjoyed by visitors and residents alike.

The Shire's overriding consideration is the maintenance of Cable Beach for predominantly family oriented and informal recreational pursuits.

The Shire's Plan for the Future identifies that the Shire will work with the community and other agencies to encourage appropriate investment and business development to ensure a diverse economic base from which all members of the community may benefit. To support economic development the Shire supports the granting of six Trading Licences for commercial activities on Cable Beach.

The Commercial Activities on Cable Beach Policy (the Policy) is made under and complements the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003 (Local Law). The Policy must be read in conjunction with the Local Law.

Objective:

The Objectives of the Policy are to:

1. Provide additional information that is not defined in the Local Law for the administration of the Local Law that applies specifically to commercial activities on Cable Beach.
2. Set out the criteria and conditions for the approval of Trading Licences that specifically applies to commercial activities (other than commercial camel activities) on Cable Beach.

Definitions:

"Operators" means those persons associated with commercial activities, either as employees or as the owner.

"Commercial activities" means those activities associated with commercial activities (other than commercial camel activities) on Cable Beach

"Council" means the council of the Shire of Broome

"Licence" means a licence issued under the Local Law

"Licencee" means the holder of a licence

"Local Government" means the Shire of Broome

"Local Law" means the Trading, Outdoor Dining and Street Entertainment Local Law 2003

"Stall" means a movable or temporarily fixed structure, stand or table and includes a vehicle.

Policy:

General

1. The Shire will grant licences for the six (6) identified commercial activities on Cable Beach, these being:
 - (i) Parasailing
 - (ii) Catamaran Hire
 - (iii) Jet Ski Hire
 - (iv) Beach Gear Hire
 - (v) Teaching Surf Board riding.
 - (vi) Dinghy Hire
2. No individual or business shall hold or have any interest, financial or other, in more than one Trading Licence to conduct commercial activities on Cable Beach at any one time.

3. Trading Licences for commercial activities on Cable Beach will be approved for a period of three (3) years.
4. The Shire will invite applications for each of the six (6) available Trading Licences for commercial activities on Cable Beach with reference to the Local Law and the criteria set out in the Policy.
5. The Shire will assess applications for Trading Licences for commercial activities with reference to the Local Law and the criteria set out in the Policy.
6. In setting the level of fees and charges reference shall be made to the Local Government Act 1995 Section 6.17 which states:

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors:

- a) the cost to a local government of providing the service or goods*
- b) the importance of the service or goods to the community*
- c) the price at which the service or goods could be provided by an alternative provider*

7. Council will impose and recover fees and/or charges pursuant to Section 6.16 of the Local Government Act 1995 which in parts 2 (a) and 2 (d) states:

(2) A fee or charge may be imposed for the following:

- (a) Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government*
- (d) Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate.*

11. Fees as determined by Council from time to time will appear in the Fees and Charges Schedule of the Annual Council budget or by giving public notice of at least seven days of its intention to set a fee and will be payed:
 - (a) when making application for a licence to conduct commercial activities

- (b) at the time of being approved to conduct commercial activities under a licence, and
- (c) annually thereafter for the period of the licence.

Area of Application of the Policy:

This policy applies to that portion of Cable Beach between a point formed by the westerly prolongation of Murray Road to the low water mark and a point located 500 metres north of the vehicle entry ramp adjacent to the Broome Surf Club. Commercial activities are to be conducted in this area of Cable Beach between the high and low water mark.

Trading Licence Application

1. The Shire shall call for Applications for Trading Licences for commercial activities on Cable Beach by advertising six months prior to the expiry of a Trading Licence or following the cancellation of a Trading Licence.
2. Applications for a Trading Licence for commercial activities may only be made on the appropriate Trading Licence Application Form.
3. Applications for a Trading Licence for commercial activities must be made with consideration to the criteria set out in the Policy and the requirements of the Local Law.
4. The Application Fee must be paid at the time of submitting the Application.

Processing of Trading Licence Applications

1. Shire Officers will make an assessment of each application for a Trading Licence for commercial activities based on the criteria and make recommendations to Council who will make the final decision.
2. All applications will be assessed against the criteria with some being non-weighted and others being weighted as indicated.

Criteria for applicants for a trading licence for commercial activities on Cable Beach

Essential criteria – non-weighted

Prior to being assessed, applicants for a trading licence must provide the information below. Failure to provide this information may result in the application not being assessed.

1. A completed Application for Trading Licence Form

2. Evidence of access to appropriately zoned land and all necessary approvals for premises from which the commercial activity will operate.
3. A certificate of currency demonstrating public liability insurance cover to \$10 million.

Criteria – weighted

The following essential criteria will be assessed using a weighted scoring system.

Experience 35%

1. Applicants must provide details of experience in conducting the commercial activities or other similar operations. Applicants must also provide relevant details of any staff and key personnel that will be involved in the conduct of the activity, including their experience in the conduct of the activity.
2. Applicants must provide details of three (3) referees who can be contacted by the Shire about previous similar commercial activities.

Operational planning 60%

1. Applicants must submit the following documentation to allow the Council to assess the approach to operating the proposed activity:
 - a) Risk Management plan
 - b) Occupational Safety & Health plan
 - c) Business/operational Plan
 - d) Tourism WA accreditation and/or other applicable accreditations
 - e) Any other supporting documentation that the applicant wishes to submit to assist the Shire to understand how the activity will be operated.

Locally owned and operated 5%

1. Applicants may submit information that details the extent that the business is locally owned and operated.

(Note: the Shire will give a higher weighted score to applications that demonstrate that the business is locally owned and operated)

Information to be detailed on the trading licence

General

1. Licencee's name
2. Business name and ABN
3. Postal and residential address of licencee
4. Address at which equipment associated with the commercial activity will be stored.
5. Trading Licence expiry date
6. Location of permitted area of commercial activities on Cable Beach
7. Approved operation hours
8. Description of activity
9. Description of items for sale, hire or offer
10. Any other information required.

Conditions to be noted on the trading licence to conduct commercial activities on Cable Beach

1. All commercial activities, including the placing of signs are to occur within the area approved for the specific activity to be conducted as detailed on a plan of the area.
2. A licencee must immediately comply with any direction given at any time by the Chief Executive Officer of the Shire of Broome or his or her delegate, or an Authorised Officer, including the Shire of Broome Rangers and Lifeguards.
3. A licencee may place only one portable sign in the area of activity carried out by the licencee. That sign must comply with the Shire of Broome, Signs, Hoardings and Bill Posting Local Law. The sign must be removed at the end of each trading session.
4. A licencee must, at the conclusion of business each day, remove all and any refuse and litter associated with the operation of their activity and ensure the site is left in a clean and safe condition.
5. The Shire of Broome reserves the right to close Cable Beach to all activities, including commercial activities at any time.
6. A licencee must at all times comply with the Control of Vehicles (Off Road Areas) Act 1978. A Licencee must have a permit issued by the Department for Local Government & Regional Development approved by the Minister for Local Government.
7. Any other special conditions

Grounds for cancellation of a trading licence

A trading licence may be cancelled and licensee rights and privileges may be suspended subject to Sections 2.7 and 2.8 of the Local Law.

Licence approval may be revoked by Council at anytime in its absolute discretion. Before revoking any approval, the Council shall allow the licensee a reasonable opportunity (being not less than 14 days) to show cause why the Council should not proceed to revoke the licence approval. Grounds for revoking a licence may include, but are not limited to the following:

- (1) The licensee breaches a condition of the Local Law, or a condition detailed on the licence after Council has given the licensee a notice in writing to remedy the breach. In the case of a breach that the Council considers to be serious and/or continuing, Council may terminate the licence.
- (2) The licensee fails to obtain or maintain any of the approvals, certificates or licences that the licensee requires to conduct the licenced activity.

The Shire of Broome may elect to deal with a breach of licence conditions by issuing an infringement notice. The penalty shall comprise of a monetary penalty as detailed in the first schedule of the Local Law.

When the Shire of Broome elects to deal with a breach of the licence conditions in this manner the licensee must pay the penalty within twenty eight (28) days.

Where a licence holder elects not to pay an infringement and have the matter determined by the Court, and that Court subsequently finds the Licence Holder guilty, the offence for which the infringement was issued is deemed to have been committed on the date the infringement was issued.

The Shire of Broome's election to deal with a breach of licence conditions by way of issuing an infringement notice does not constitute acceptance of the breach or prevent the Shire of Broome from dealing with the breach by exercising the power of termination under the licence agreement.

COMMUNITY SERVICES

TITLE: **COMMERCIAL CAMEL ACTIVITIES ON CABLE BEACH
POLICY (the Camel Policy)**

ADOPTED:

REVIEWED:

**ASSOCIATED
LEGISLATION:** Local Government Act 1995
Shire of Broome Trading, Outdoor Dining and
Street Entertainment Local Law 2003 (the Local
Law)

**ASSOCIATED
DOCUMENTS:** Trading Licence Application Form

**REVIEW
RESPONSIBILITY:** Manager Emergency, Ranger & Beach Services

DELEGATION: Manager Emergency, Ranger & Beach Services

Introduction

Cable Beach is a highly valued environmental, cultural and social asset under the care and control of the Shire of Broome that is enjoyed by visitors and residents alike.

The Shire's overriding consideration is the maintenance of Cable Beach for predominantly family oriented and informal recreational pursuits.

The Shire's Plan for the Future identifies that the Shire will work with the community and other agencies to encourage appropriate investment and business development to ensure a diverse economic base from which all members of the community may benefit. To support economic development the Shire supports the granting of three Trading Licences for commercial camel activities on Cable Beach.

The Commercial Camel Activities on Cable Beach Policy (Camel Policy) is made under and complements the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003 (Local Law). The Camel Policy must be read in conjunction with the Local Law.

Objectives:

The Objectives of the Camel Policy are to:

1. Provide additional information that is not defined in the Local Law for the administration of the Local Law that applies specifically to commercial camel activities on Cable Beach.
2. Set out the criteria and conditions for the approval of Trading Licences that specifically applies to commercial camel activities on Cable Beach.

Definitions:

"Camel operators" means those persons associated with commercial camel activities, either as employees or as the owner.

"Commercial camel activities" means those activities associated with camel tours/rides on Cable Beach

"Council" means the council of the Shire of Broome

"Licence" means a licence issued under the Local Law

"Licencee" means the holder of a licence

"Local Government" means the Shire of Broome

"Local Law" means the Trading, Outdoor Dining and Street Entertainment Local Law 2003

Policy:

General

1. The Shire will grant three (3) Trading Licences for commercial camel activities on Cable Beach.
2. No individual or business shall hold or have any interest, financial or other, in more than one Trading Licence to conduct commercial camel activities on Cable Beach at any one time.
3. Each Trading Licence shall allow each Licencee to have a maximum of sixteen (16) camels on Cable Beach at any one time.
4. The three (3) trading licences provide for a maximum of 48 camels on Cable Beach at any one time.

5. Trading Licences for commercial camel activities on Cable Beach will be approved for a period of three (3) years.
6. At the morning session, all camels must be removed from Cable Beach by 10.00am. No camels shall enter Cable Beach before 2.30pm in the afternoon.
7. No commercial camel activities are to take place on Cable Beach between the hours of 10.00am and 2.30pm.
8. The Shire will invite applications for each of the three (3) available Trading Licences for commercial camel activities on Cable Beach with reference to the Local Law and the criteria set out in the Camel Policy.
9. The Shire will assess applications for Trading Licences for commercial camel activities with reference to the Local Law and the criteria set out in the Camel Policy.
10. In setting the level of fees and charges reference shall be made to the Local Government Act 1995 Section 6.17 which states:

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors:

- a) *the cost to a local government of providing the service or goods*
 - b) *the importance of the service or goods to the community*
 - c) *the price at which the service or goods could be provided by an alternative provider*
11. Council will impose and recover fees and/or charges pursuant to Section 6.16 of the Local Government Act 1995 which in parts 2 (a) and 2 (d) states:
 - (2) *A fee or charge may be imposed for the following:*
 - (a) *Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government.*
 - (d) *Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate.*
 11. Fees as determined by Council from time to time will appear in the Fees and Charges Schedule of the Annual Council budget or by giving public notice of at least seven days of its intention to set a fee, and will be payed:

- (a) when making application for a licence to conduct commercial camel activities
- (b) at the time of being approved to conduct commercial camel activities under a licence, and
- (c) annually thereafter for the period of the licence.

Area of Application of the Camel Policy

1. This policy applies to that portion of Cable Beach between a point formed by the westerly prolongation to the low water mark of the northern boundary of Reserve 36477 to a point formed by the westerly prolongation to the low water mark of the Northern Boundary of Lot 405 Lullfitz Drive. Commercial camel activities are to be conducted in this area of Cable Beach between the high and low water mark.
2. Camel Operators are to only access the area of application (Cable Beach) via a Council approved route from the approved place of stabling camels, this route will form part of the Trading Licence and area of application.

Trading Licence Application

1. The Shire shall call for Applications for Trading Licences for commercial camel activities on Cable Beach by advertising six months prior to the expiry of a Trading Licence or following the cancellation of a Trading Licence.
2. Applications for a Trading Licence for commercial camel activities may only be made on the appropriate Trading Licence Application Form.
3. Applications for a Trading Licence for commercial camel activities must be made with consideration to the criteria set out in the Camel Policy and the requirements of the Local Law.
4. The Application Fee must be paid at the time of submitting the Application.

Processing of Trading Licence Applications

1. Shire Officers will make an assessment of each application for a Trading Licence for commercial camel activities based on the criteria and make recommendations to Council who will make the final decision.
2. All applications will be assessed against the criteria with some being non-weighted and others being weighted as indicated.

Criteria for applicants for a trading licence for commercial camel activities on Cable Beach

Essential criteria – non-weighted

Prior to being assessed, applicants for a trading licence must provide the information below. Failure to provide this information may result in the application not being assessed.

1. A completed Application for Trading Licence Form
2. Evidence of access to appropriately zoned land and all necessary approvals for premises from which the commercial camel activity will operate.
3. A certificate of currency demonstrating public liability insurance cover to \$10 million.

Criteria – weighted

The following essential criteria will be assessed using a weighted scoring system.

Experience 35%

1. Applicants must provide details of experience in conducting the commercial camel activities or other similar operations. Applicants must also provide relevant details of any staff and key personnel that will be involved in the conduct of the activity, including their experience in the conduct of the activity.
2. Applicants must provide details of three (3) referees who can be contacted by the Shire about previous similar commercial camel activities.

Operational planning 60%

1. Applicants must submit the following documentation to allow the Council to assess the approach to operating the proposed activity:
 - a) Risk Management plan
 - b) Occupational Safety & Health plan
 - c) Business/operational Plan
 - d) Tourism WA accreditation and/or other applicable accreditations
 - e) Any other supporting documentation that the applicant wishes to submit to assist the Shire to understand how the activity will be

operated.

Locally owned and operated 5%

1. Applicants may submit information that details the extent that the business is locally owned and operated.

(Note: the Shire will give a higher weighted score to applications that demonstrate that the business is locally owned and operated)

Information to be detailed on the trading licence

General

1. Licencee's name
2. Business name and ABN
3. Postal address of licencee
4. Address of stabling of camels
5. Trading Licence expiry date
6. Shire approved route
7. Location of permitted area of commercial camel activities on Cable Beach
8. Approved operation hours
9. Description of activity
10. Description of items for sale or offer
11. Any other information required

Conditions to be noted on the trading licence to conduct commercial camel activities on Cable Beach

1. All commercial activities, including the placing of signs are to occur within the area approved for the specific activity to be conducted as detailed on a plan of the area.
2. A licencee must immediately comply with any direction given at any time by the Chief Executive Officer of the Shire of Broome or his or her delegate, or an Authorised Officer, including the Shire of Broome Rangers and Lifeguards.
3. A licencee may place only one portable sign within the set down/pick up area of activity carried out by the licencee. That sign must comply with the Shire of Broome, Signs, Hoardings and Bill Posting Local Law. The sign must be removed at the end of each trading session.
4. A licencee must, at the conclusion of business each day, remove all and any refuse and litter associated with the operation of their activity and ensure the site is left in a clean and safe condition.
5. The Shire of Broome reserves the right to close Cable Beach to all activities, including commercial activities at any time.

6. Council approved access route noted on each licence to be adhered to at all times.
7. All camels are to be fitted with manure collection devices; any manure that may escape the manure collection devices is to be collected immediately along the Shire approved access route and along the entire distance of the tour.
8. Front and rear Camels are to be fitted with lights facing to the front and the rear, every second camel to have a reflective leg band.
9. A minimum of 2 staff to be in attendance when leading a camel train of two or more camels, one staff member is to lead, the other is to be at the rear. If ten or more camels are in a train, then a minimum of three staff are to be in attendance; one staff member is to lead the camel train, one staff member is to be at the rear of the camel train and one in the middle.
10. Camel operators are to ensure at least 30 metres between each camel train at all times. Should tides not permit, then as far apart as is practicable.
11. The only trading activities permitted on the area of application are:
 - (i) Camel tours
 - (ii) The taking and sale of photographs, and
 - (iii) The sale of other memorabilia associated with individual camel tours, which are only allowed in the approved set down/pickup area.
12. Any other special conditions

Grounds for cancellation of a trading licence

A trading licence may be cancelled and licensee rights and privileges may be suspended subject to Sections 2.7 and 2.8 of the Local Law.

Licence approval may be revoked by Council at anytime in its absolute discretion. Before revoking any approval, the Council shall allow the licensee a reasonable opportunity (being not less than 14 days) to show cause why the Council should not proceed to revoke the licence approval. Grounds for revoking a licence may include, but are not limited to the following:

- (1) The licensee breaches a condition of the Local Law, or a condition detailed on the licence after Council has given the licensee a notice in writing to remedy the breach. In the case of a breach that the Council considers to be serious and/or continuing, Council may terminate the licence.

- (2) The licensee fails to obtain or maintain any of the approvals, certificates or licences that the licensee requires to conduct the licenced activity.

The Shire of Broome may elect to deal with a breach of licence conditions by issuing an infringement notice. The penalty shall comprise of a monetary penalty as detailed in the first schedule of the Local Law.

When the Shire of Broome elects to deal with a breach of the licence conditions in this manner the licensee must pay the penalty within twenty eight (28) days.

Where a licence holder elects not to pay an infringement and have the matter determined by the Court, and that Court subsequently finds the Licence Holder guilty, the offence for which the infringement was issued is deemed to have been committed on the date the infringement was issued.

The Shire of Broome's election to deal with a breach of licence conditions by way of issuing an infringement notice does not constitute acceptance of the breach or prevent the Shire of Broome from dealing with the breach by exercising the power of termination under the licence agreement.

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