

<b>ORDINARY MEETING</b> <b>23 NOVEMBER 2011</b>	<b>8</b>
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RENEWAL APPLICATION FOR APPROVAL TO CONDUCT COMMERCIAL RECREATION ACTIVITIES ON TRINITY BEACH - DIVISION 9

Stuart Pollett : #3360165

**RECOMMENDATION:**

That Council approves a renewal application under Local Law No. 27 (Commercial Recreation Activities) to Trinity Beach Fitness, Water Sports and Lifestyle (previously known as Trinity Beach Water Sports) subject to the following conditions outlined:-

- Access for the small rescue boat is via a boat ramp; motorised vehicles are not to be hired; Council approves the use of one small motorised rescue boat which is only for use in an emergency situation;
- No vehicles are to be driven onto the beach, except in the case of an emergency;
- The storage shed/trailer must be registered, insured and towable and must be removed at the request of Council in the case of inclement weather or tidal conditions. That Council would encourage the shed to be aesthetically improved in its appearance.
- Public Liability Insurance to the value of \$10,000,000 indemnifying Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland.

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**INTRODUCTION:**

Council is in receipt of a renewal application for approval to conduct Commercial Recreation Activities on Trinity Beach Foreshore from Camyra Trust known as Trinity Beach Fitness, Water Sports and Lifestyle. The application for approval has been assessed against the requirements of Local Law No. 27 (Commercial Recreation Activities) which applies to the former Cairns City Council area.

**COMMENTS:**

This activity has been operating for a number of years as Trinity Beach Water Sports in accordance with Local Law No. 27. The new owners of the business wish to recommence the activity under the name of Trinity Beach Fitness, Water Sports and Lifestyle. Details of the activities to be conducted are the hire of non-motorised paddle boats, kayaks, catamarans, surf ski's, boogie boards and various land activities such as beach balls, play equipment, bicycle's and fitness classes. The emphasis of the business is to encourage locals to use the beach and enjoy safe activities.

STORAGE SHED

The Applicant requests that a small storage shed (which is a towable removable trailer see attachment 1) be placed on Council land in the location previously used by Trinity Beach Water Sports. The shed is for the storage of equipment associated with the activity and is quickly and easily removable. This application is for the storage shed to be placed on the Council Land (attachment 5).

At the Planning and Environment Committee Meeting dated 7 July, 2010, Council approved a similar storage trailer (Palm Cove) for a beach hire Commercial Recreational Activity on the condition that the trailer be removed at the request of Council or inclement weather.

RESCUE BOAT

All equipment for hire from this business is non-motorised. The applicant does however request permission to utilise a small motorised rescue boat (see attachment 2) which will be launched from Blue Water and driven to Trinity Beach and anchored, weather permitting. The boat is for emergency situations only and is not for hire.

FLOATING TRAMPOLINE

The applicant also applies for permission to install a floating trampoline, (see attachment 3), which is anchored and removed daily. The trampoline would be used on days where weather conditions allow its use.

**CONSIDERATIONS:**Corporate and Operational Plans:

This report was prepared in accordance with Corporate Plan Goal 5 – To increase the region's capacity for long term economic growth by supporting opportunities for local businesses and local employment.

Statutory:

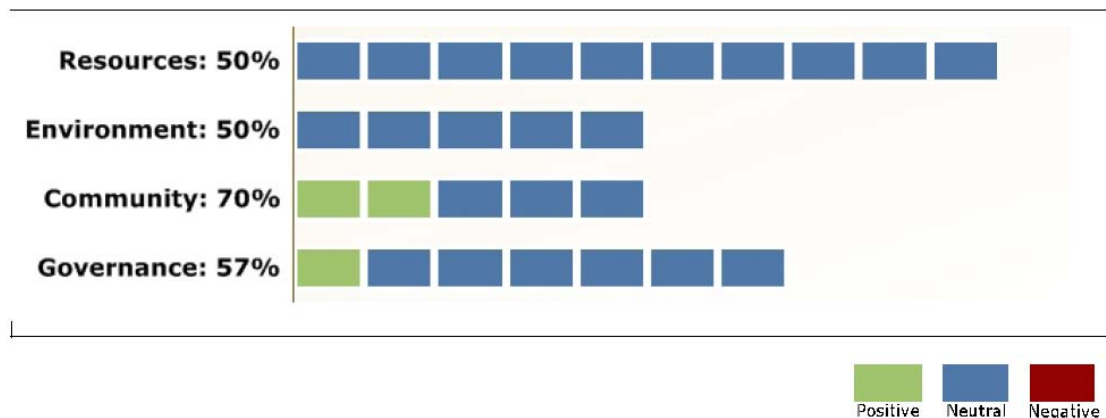
Local Law No. 27 (Commercial Recreation Activities)

Policy:

N/A

Financial and Risk:

Council costs in regulation of the operation are covered in the approved fees and charges. Risk:- Public Liability Insurance to the value of \$10,000,000 indemnifying Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland.

Sustainability:

Actions undertaken in relation to the activity will have a mainly neutral to positive effect on Council's sustainability in the Resources, Environmental, Community and Governance assessments.

**CONDITIONS**

If Council is of the view that it is appropriate to approve the application, it is recommended that Council make the approval subject to the conditions outlined below:-

- Access for the small rescue boat is via a boat ramp; motorised vehicles are not to be hired; Council approves the use of one small motorised rescue boat which is only for use in an emergency situation;
- No vehicles are to be driven onto the beach, except in the case of an emergency;
- The storage shed/trailer must be registered, insured and towable and must be removed at the request of Council in the case of inclement weather or tidal conditions.
- Public Liability Insurance to the value of \$10,000,000 indemnifying Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland.

**OPTIONS**

1. Council approve all activities outlined in the application.
2. Council approve all activities outlined in the application, subject to the conditions outlined in this report.
3. Council approve some activities however does not approve the installation of the trampoline or use of the motorised boat.
4. Council refuse to approve any of the activities.

It is recommended that Council adopts option 2 outlined above.

**CONCLUSION:**

The proposal for the use of the foreshore for beach hire equipment would be considered to be reasonable.

One issue that Council may wish to consider is the presence of the shed/trailer. As Council has previously allowed for a similar arrangement at Palm Cove it may be unreasonable to not approve the arrangement at Trinity Beach.

It may be appropriate for Council to flag that the arrangement for the shed/trailer is acceptable for this final approval, but when the licence is next renewed then Council may expect that the shed/trailer will need to be removed on a daily basis.

**ATTACHMENTS:**

Attachment 1 – Application, Risk and Environmental Management Plans

Attachment 2 – Removable Trailer

Attachment 3 – Rescue Boat

Attachment 4 – Water Trampoline

Attachment 5 – Photograph of proposed site for storage shed – Trinity Beach

Attachment 6 – Photograph of approved storage shed – Palm Cove

STUART POLLETT

**Senior Local Laws Compliance Officer**

KYLEE MILLER

**Co-ordinator Local Laws Compliance Unit**

LAURIE PHIPPS

**Manager Environmental Assessment**

**Attachment 1:****Risk Management Plan****Duty of care to workers & contractors**

Trinity Beach Watersports is a small family owned business. We have two people who run the business, Myra Stirling and Cameron Sisson. We plan to employ either casual or sub contractors, depending on crowds at the time.

We will have full Public Liability Insurance with a value up to \$10,000,000.00 in place.

**Duty of care to participants and customers**

We feel that by allowing Trinity Beach Watersports to have a license for a small boat will enable the safety and welfare of our customers. If by any chance our customers where to get into any trouble while using our equipment in the water, a safety craft (boat) could be placed in the water within seconds.

All equipment is kept in our storage container, when not in use & always kept away from public walkways & therefore of no hazard to the general public.

There are always two members of staff on duty at all times, so that we can be vigilant at all times while our customers are in the water.

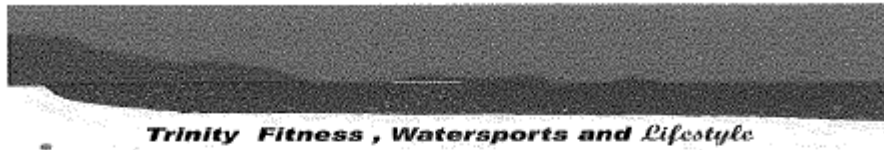
We supply full-length stinger suits for all our customers & advise they use them during stinger season. We also supply floatation lifejackets.

One member of our staff, Myra Stirling is also qualified Senior First Aider.  
A company mobile phone is always available, should an emergency call have to be made.

We ask for our customer's details before renting any equipment. We ask for their home address & their address while staying in Australia, this is in case we have any problems & need to contact their family.

Before renting our any equipment, we run through how to use the equipment & make sure that our customer's are happy & confident using it in open water. If we feel that they are not capable of handling the equipment in open water, then they will be refused rental. We do not rent out watercrafts to anyone under the age of 16 years, unless they are with a parent/guardian.

We have a First Aid Box on hand at all times. We have an Indemnity Form in place, which we have attached.



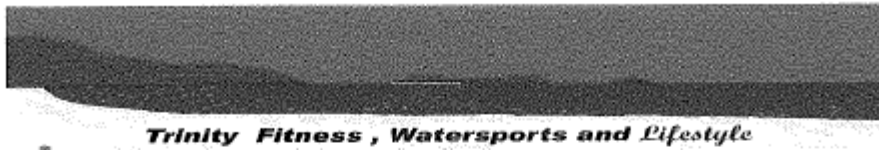
### **A Statement of Experience and Qualifications of all Staff**

Myra Stirling and Cameron Sisson are the new owners of Trinity Beach Watersports and both passionate locals. We are both very strongly committed to Australia and the Trinity Beach area, and have joined the Trinity Promotional Committee, and have formed a relationship with local member Sno Bonneau, to keep within the ongoing plans guidelines of the locals and council.

Myra is a fitness trainer, currently studying Certificate 3&4 in fitness, and has over 30 years experience working with the general public on a day-to-day basis, growing up at Lake Eacham on the Atherton Tablelands. She also is a qualified Senior First Aider.

Cameron has over 20 years experience working with the general public and owns a busy food outlet in Cairns. He also has a long history with water sports i.e. kayaking fishing etc. And also the father of three boys so had a good understanding of dealing with children and adolescents.

Cameron holds a boat licence and will regularly update their skills, whenever possible.



## Environmental Management Plan

### Details of Activities

Our activities will be non motorised i.e .paddle boats, kayaks, catamarans, surf skis, boogie boards, and various land based activities i.e. beach balls, play equipment, spades buckets etc, hire bikes and exercises classes and games for family and local communities.

### Details and area of Location

Trinity Beach, within the vicinity of Trinity Beach Water sports.

### Efforts to Protect Animal Life

As we do not intend to include motorised sports, there should be no threat to animal life.

### Efforts to Protect Plant Life

No chemicals are used in our business, and people will be directed to use steps to protect intended landscaping.

### Efforts to Minimise the Effects of Erosion

Liaising with council and local members with landscaping and new plants should protect the beach from any erosion. We will take extra care of the area surrounding the watersports.

### Efforts to Protect Areas or Items of Historical Heritage

As far as we are aware, there are no areas or items of historical heritage along the coastline of Trinity Beach, but every care will be taken to ensure that the beautiful coastline remains in pristine condition.

### Efforts to Minimise Potential Effects of Material Pollution

The new owners of Trinity Beach Watersports are very aware of the effects on pollution on the beach and surround areas. Each day that we are open for trading we will sweep the pathways and rakes the beach where we trade. All rubbish is placed in a personal bin that is part of our equipment; the rubbish is then disposed of.

There are no chemicals or soaps that we use; all our equipment is washed down with clean, fresh water. As the rescue boat will be brand new, it has been tested to be environmentally friendly before purchase.

**Efforts to Minimise Impacts on the Visual Amenity**

As a reasonable business owner, that only has the best intentions for Trinity Beach and the surrounding area; we will only work towards enhancing the visual appearance of Trinity Beach Watersports. The office is visually pleasing to the environment, made in sand colour with a thatched roof and will fit completely in the area provided, the side will open so it will be used as a booking office and information centre for the good of surrounding accommodation and businesses. At night, all equipment will be stored within the building or taken away.

**Efforts to Minimise Noise Pollution**

There should not be any noise pollution as activities would be based around families coming to the beach so no more than normal beach noises. The rescue boat has a small Suzuki motor and is not a noise issue.





*Trinity Fitness , Watersports and Lifestyle*

## **Recreation Activity Management Plan**

### **Detail of Activity**

Our activities will be non motorised i.e. paddle boats, kayaks, catamarans, surf skis, boogie boards, and various land activities for families i.e. beach balls, play equipment, spades, buckets, bikes, fitness classes and games for families i.e. beach cricket or volleyball. The idea is to encourage locals to the beach and enjoying safe activities for all ages.

### **Details of Location**

Trinity Beach, within the vicinity of Trinity Beach Watersports

### **Times of Operation**

**6.30am – 6.30pm for fitness. 7.00am – 5-00pm for water and land based sports.**

### **Expected Number of Participants**

Estimated number of guests per year is hard to estimate, but due to this being a new venture, the figures could be more than an average day now.

### **Exact Location of Activity**

This will be dictated by council by laws.

### **Vehicles or Vessels to be used**

We plan to use a small rescue boat with a small Suzuki motor, this will then ensure that it is ultra quiet for the residents of the area and environmentally friendly.

### **Number of Staff Required to Undertake the Activity**

There will be two members of staff during the weekends & one member of staff during the weekdays.

### **Details of any equipment display**

There will be a display of bikes, kayaks, cats and hire equipment that is usual for a watersports. All equipment will be properly stored at night.

**Safety Management**

We will have Public Liability Insurance up to the value of \$10,000,000 and will take every step to ensure that our guests and the general public are not put at any risk, at anytime.

**Any other details in relation to the activity**

We would like to encourage families to the beach so were going to have games of cricket or volley ball for weekend activities for a gold coin donation which would be donated back to the beautification of the beach.

**Attachment 2:**



**Attachment 3:**



**Attachment 4:**



*check*

**Attachment 5:**



**Attachment 6:**

