

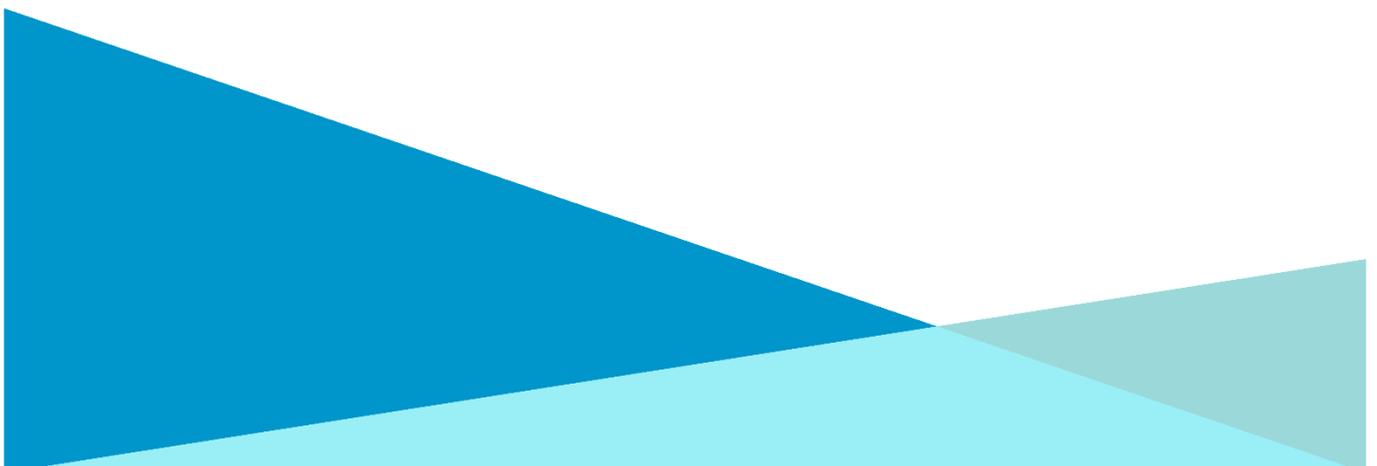


Trust Land

Doug Jennings Park

Wave Break Island

OPERATIONAL POLICY



Document control sheet

Enquiries

Enquiries about this document should be directed to:

Contact officer Mr Peter Kleinig
Position Manager (Waterways)
Phone 07 5539 7350

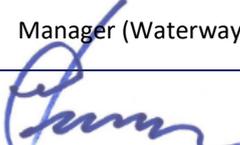
Version history

Version No	Date	Changed by	Nature of change
1.0	26/09/19	Peter Kleinig	Final
1.1	10/10/19	Peter Kleinig	Updated 7.2.2
1.2	17/10/19	Peter Kleinig	Updated 7.2 and 7.3
1.3	01/07/20	Peter Kleinig	Updated schedule 1
1.4	19/10/20	Peter Kleinig	Updated 7.2.2 and 7.4

Document sign-off

Author

Name Peter Kleinig
Position Manager (Waterways)

Signature		Date	26/09/19
-----------	---	------	----------

Approved

Name Jessica Bourner
Position Acting Chief Executive Officer

Signature		Date	03/10/19
-----------	---	------	----------

Operational Policy–Trust Land

Table of Contents

1.0 Policy Intent	5
1.1 Purpose	5
1.2 Scope	5
2.0 Trust Land	6
2.1 General	6
2.2 Wave Break Island	6
2.3 Doug Jennings Park	6
3.0 Activities	7
3.1 Use of trust land	7
3.2 Commercial activities	8
4.0 Authorities	8
4.1 Administering agency	8
4.2 Authority not required	8
4.3 Authority required	9
4.4 Considerations	9
5.0 Trustee Permit	10
5.1 Trustee permit	10
5.2 Making an application	10
5.3 Terms and conditions	11
5.4 Request for further information	11
5.5 Term of trustee permit	12
5.6 Traditional owners	12
6.0 Trustee Lease	13
7.0 Fees, Rent and Security Bond	13
7.1 Assessment fees	13

7.2 Rent and other fees	13
7.3 Security bond	15
7.4 Waiver of rent	16
8.0 Definitions	17
Schedule 1 – Fees, Rent and Security Bond	19
Schedule 2 – Map of Trust Land	20

1.0 Policy Intent

1.1 Purpose

Gold Coast Waterways Authority (**GCWA**) is the trustee of Doug Jennings Park, Wave Break Island and a land parcel at the southern tip of South Stradbroke Island (the **trust land**). A map that depicts the trust land can be found in schedule 2.

GCWA was appointed as the trustee of the trust land pursuant to section 44 of the *Land Act 1994* (the **Act**).

GCWA, as the trustee, has a responsibility under the Act to manage the trust land in a way that is consistent with the purposes for which the trust land was dedicated and for the benefit of the community.

Further, GCWA is required to manage, protect and maintain the trust land, and all improvements made to the trust land, in a way that does not diminish or derogate from the community purposes for which the trust land was dedicated.

In fulfilling its responsibilities, GCWA must also respect and remain consistent with the *Operational Policy—Secondary Use of Trust Land under the Land Act* (the **NRME Policy**) produced by Department of Natural Resources, Mines and Energy, the administering agency for the Act.

The purpose of this *Operational Policy—Trust Land* (the **Policy**) is to provide a framework for the use, administration and regulation of the trust land that is controlled and managed by GCWA for all purposes and activities.

The meanings of the words and terms **italicised** can be found in **Definitions** at section 8.

1.2 Scope

The Policy applies to Doug Jennings Park and Wave Break Island, and improvements located on these particular parcels of trust land, which are under the control and management of GCWA.

The Policy is intended to:

- (a) provide clarity on the permitted use of the trust land by the general public, individuals and other entities
- (b) provide clarity on the types of activities that may be conducted on the trust land
- (c) provide clarity on the frequency and size of activities that may be conducted on the trust land
- (d) provide clear processes for individuals, community groups, **not-for-profit organisations**, **government agencies** and commercial entities wishing to conduct an activity on the trust land
- (e) clarify when a **trustee permit** or a **trustee lease** will be required to conduct an **activity** on the trust land
- (f) regulate and facilitate use of the trust land for community and other approved activities consistent with the purposes for which the trust land was dedicated
- (g) regulate and facilitate the use of the trust land for a wide range of other activities, including **commercial activities**
- (h) ensure fair and equitable **fees** and **rent** apply for use of the trust land and the conduct of activities on the trust land.

The Policy does not apply to the trust land at southern tip of South Stradbroke Island, which is the subject of a joint trusteeship between GCWA and City of Gold Coast. As such, the management and regulation of activities on the southern tip of South Stradbroke Island are satisfactorily addressed by local laws administered by City of Gold Coast.

2.0 Trust Land

2.1 General

The trust land shall be available for use by individuals and the general public at all times, or as directed by GCWA, for the community purposes for which it was dedicated.

GCWA may, at its sole discretion, regulate use of the trust land as it sees fit to ensure that the trust land is used appropriately, and managed, protected and maintained as required by the Act.

GCWA, at its sole discretion, will determine the potential impact that a proposed activity will have on the trust land and, where required and appropriate, may issue an **authority** for the activity to be conducted on the trust land.

In the event of a dispute about the nature of an activity, or whether an authority is required, GCWA's decision shall be final.

2.2 Wave Break Island

Wave Break Island is a land reserve, 37.15 hectares in area, dedicated for the purposes of beach protection and coastal management

Wave Break Island is located in the Broadwater and is more particularly described as Lot 1 on Crown Plan 908847. GCWA was appointed as the trustee for Wave Break Island on 26 June 2015.

Only **low impact activities** shall be permitted on Wave Break Island, which is available for day-use by the general public for activities such as boating, fishing, picnicking and swimming.

No **medium impact activities** or **high impact activities** shall be permitted on Wave Break Island and no application for a trustee permit or trustee lease will be considered by GCWA for any such activities on Wave Break Island.

Generally, no commercial activities shall be permitted on Wave Break Island because these are inconsistent with the purposes for which the trust land was dedicated.

As provided by the Act, the following shall be considered **trespass related acts** on Wave Break Island:

- occupying, living or camping on the island
- building, placing and maintaining any structures, improvements or works on the island
- clearing, digging or cultivating the land of the island.

Visitors to Wave Break Island must either place all garbage, refuse and rubbish in the bins provided, or collect and remove their garbage, refuse and rubbish from the island.

2.3 Doug Jennings Park

Doug Jennings Park is a land reserve, 29.62 hectares in area, dedicated for the primary purpose of port and harbour use, with sub-purposes of associated park, kiosk and recreation.

Doug Jennings Park is located at Seaworld Drive, Main Beach, and is more particularly described as Lot 528 on Crown Plan WD6624. GCWA was appointed as the trustee for Doug Jennings Park on 22 June 2015.

Generally, Doug Jennings Park shall be available to the general public for low impact activities throughout the year.

GCWA adopted the *Model by-law about protection and use of trust land* (the **Model By-law**) contained in schedule 1 of the *Land Regulation 2009* made under the Act to protect and regulate the use of Doug Jennings Park.

The Model By-law sets out activities that are prohibited and activities that are otherwise regulated.

Under the Act, all or part of Doug Jennings Park can be made available through a permitting process for temporary exclusive use for certain activities on payment of rent and other appropriate fees.

Generally, Doug Jennings Park shall be available for medium impact activities and high impact activities throughout the year, except for certain public holidays and long weekends (for example, Australia Day and the Easter long weekend), and the period covered by the Christmas/New Year Compulsory Closure (the **Compulsory Closure**) for Queensland Government departments.

The reasons for GCWA's approach to certain public holidays, long weekends and the Compulsory Closure are twofold:

1. very high use of the park by the general public for recreational purposes during public holidays
2. GCWA's office is closed during these periods, which means GCWA is unable to provide administrative service and/or operational response to issues that may arise for medium and high impact activities.

Consistent with the Model By-law, the gates for Doug Jennings Park shall be locked between the hours of **8:00 pm** and **6:00 am** and vehicular access will be restricted during this period. Any vehicular access to Doug Jennings Park during this period will require prior written authority granted by GCWA and will incur the payment of fees for security services.

Doug Jennings Park includes the area known as "Moondarewa Spit", sometimes called "The Spit Finger". A map that depicts Moondarewa Spit can be found in schedule 2.

The area commonly called the "South Wall" of the Gold Coast Seaway (which is the rock structure parallel to the shoreline near the northern-most end of Doug Jennings Park) does not form part of Doug Jennings Park, nor is it trust land.

Access and use of the South Wall is beyond the scope of this Policy and enquiries about such should be referred to GCWA's Assets and Facilities Manager.

3.0 Activities

3.1 Use of trust land

Use of the trust land can include but is not limited to the following:

- (a) **general public** – recreational use by the general public
- (b) **private functions** – social gatherings, ceremonies, family gatherings, corporate functions or events
- (c) **activities conducted by community groups, government agencies or not-for-profit organisations** – school excursions, community events and smaller sporting events
- (d) **non-commercial activities** – activities that may be medium impact activities or high impact activities, but which are not conducted with a view to making profit – weddings, religious events, charitable fund-raising events
- (e) **commercial activities** – activities conducted by for-profit corporations, corporate and private groups and some not-for-profit organisations, which are conducted with a view to generating revenue or making a profit for the entity that conducts the activity, or for the benefit of another third party.

GCWA will not permit camping on the trust land, except in circumstances where camping forms part of an activity and there has been prior written authority granted by GCWA.

GCWA will not permit mobile or stationary vending for the supply of goods or services on the trust land. This includes supply of drinks, food, ice cream and other similar goods or products, as well as supply of arts and crafts.

GCWA may permit an activity where provision of drinks and food forms part of that activity and there has been the prior written authority granted by GCWA.

If there happens to be any dispute about the nature of a particular activity, GCWA's decision in respect of that activity shall be final.

Generally, government agencies shall be exempt from payment of rent for use of the trust land in the conduct of an activity by those agencies. However, GCWA may require government agencies to make payment for assessment fees, legal fees, security bonds and fees for security services.

3.2 Commercial activities

Commercial activities may involve the exchange of goods or services for a fee, such as:

- (a) events or functions where patrons are charged a fee to enter and/or to participate
- (b) activities or functions where the primary purpose is to raise funds or to make a profit for the entity conducting the activity or a third party
- (c) functions or events designed to promote other events that are conducted for commercial gain or to make a profit
- (d) guided tours, motorised activities or recreational activities
- (e) commercial photography or filming
- (f) fitness, training or sporting activities and events
- (g) animal training and competitions
- (h) leisure activities, events or tours
- (i) hire or recreational equipment
- (j) **advertising devices** that advertise an activity, event or function for a commercial entity.

4.0 Authorities

4.1 Administering agency

To remove any doubt, GCWA is the administering agency for an authority that may be granted to a person for use of the trust land under the Act.

4.2 Authority not required

The trust land is set aside for public enjoyment for recreational use: fishing, picnicking, swimming and other similar low impact activities. Low impact activities will have negligible impact on the trust land or improvements made to the trust land.

In most circumstances, it will not be necessary for a person to obtain an authority to undertake a low impact activity on the trust land and no rent or other fees will be payable, providing the low impact activity will be conducted by the person consistent with the purposes for which the trust land was dedicated.

4.3 Authority required

Where a proposed activity may have a more significant impact on the trust land, or the proposed activity may impact the use of the trust land by other members of the public, GCWA shall categorise the activity as either a medium impact activity or a high impact activity, and the person proposing to conduct the activity must obtain a relevant authority from GCWA under the Act.

GCWA will require an authority where the proposed activity:

- (a) will be for any purpose inconsistent with the primary purpose and sub-purposes for which the trust land was dedicated
- (b) will be conducted with a view to making a commercial profit
- (c) may impact on the enjoyment by other users of the trust land
- (d) may prevent or restrict public access to any part of the trust land
- (e) requires the installation of temporary structures and fencing, or the operations of vehicles, plant or equipment
- (f) which in the opinion of the GCWA acting reasonably, will have a significant impact on the use and enjoyment of the trust land by other users.

4.4 Considerations

GCWA will, as a minimum, consider the following:

- (a) intensity of use of the trust land for the activity, and duration of the proposed activity
- (b) whether the activity is to be conducted by an individual, not-for-profit organisation, government agency, local government, non-commercial, commercial or other user
- (c) suitability and appropriateness of the activity to be held on the trust land and level of risk in allowing the activity to proceed on the trust land
- (d) benefit to the public and whether there are any consequences for the public before, during or after the activity
- (e) whether the proposed activity is intended to generate an income or to derive a profit
- (f) whether attendees at the activity are charged a fee for admission or participation
- (g) whether the activity prevents, restricts or prohibits use of the trust land, or part thereof, for the primary purpose and the sub-purposes by other users
- (h) whether the activity is consistent with the purposes for which the trust land was dedicated
- (i) if inconsistent, whether the activity will diminish the value of the trust land and/or derogate from the purposes for which the trust land was set aside for public enjoyment
- (j) level of rectification, rehabilitation or restoration of the trust land that may be required as a result of the conduct of the activity
- (k) whether the proposed activity will be for carrying out organised traditional practices by the recognised traditional owners within the area.

5.0 Trustee Permit

5.1 Trustee permit

Users of the trust land for a purpose other than a low impact activity must make an application to GCWA for a **trustee permit** before commencing the activity on the trust land. A trustee permit may only be issued by GCWA in compliance with the Act, the Model By-law, this Policy, the NRME Policy and any other relevant legislative requirements.

5.2 Making an application

An application for a trustee permit must be:

- (a) in the **approved form**
- (b) supported by enough information to enable GCWA to decide the application, which could include other authorities, insurance certificates, licences, permits or plans as required by other government agencies or the local government
- (c) accompanied by the **assessment fee**
- (d) accompanied by rent, **security bond** and any other fees that are payable for the trustee permit, unless otherwise agreed in writing by GCWA
- (e) in the case of a high impact activity, supported by a **restoration plan** for the trust land, to the satisfaction of GCWA.

The approved form must include the following information:

- (a) name, address and contact details of the person responsible for the conduct of the proposed activity
- (b) details of the proposed activity including date, time, number of attendees or participants, duration, and location on the trust land
- (c) whether any temporary structures will be erected or installed on the trust land for the duration of the proposed activity, and the location of any such structures on the trust land.

In circumstances where GCWA requires a trustee permit for a low impact activity on the trust land, the application to conduct that activity (including the approved form, assessment fee, rent, security bond and all supporting information) must be received by GCWA for assessment at least **30 business days** before the date of the proposed activity.

For a medium impact activity on the trust land, the application for a trustee permit to conduct that activity (including the approved form, assessment fee, rent, security bond, any other fees and all supporting information) must be received by GCWA for assessment at least **30 business days** before the date of the proposed activity.

For a high impact activity on the trust land, the application for a trustee permit to conduct that activity (including the approved form, assessment fee, rent, security bond, any other fees and all supporting information) must be received by GCWA for assessment at least **90 business days** before the date of the proposed activity.

GCWA will consider an application for an activity based upon the information contained in the application. Where a person requests an amendment to information contained in the application (for example, a change to times, dates, security services, proposed structures etc.), then GCWA may apply a further assessment fee.

GCWA will decide an application for use of the trust land within the number of days for the respective activities (either low, medium or high impact) as set out above.

Where GCWA considers that an application for a trustee permit is not supported by enough information to enable GCWA to decide the application, GCWA may give the applicant a written request for the necessary further information. If the applicant does not provide GCWA with that further necessary information, then GCWA may refuse the application for the trustee permit.

Where the person making an application for a trustee permit requests an amendment to information contained in the application, GCWA will decide the application within the number of days for the respective activities (either 30 or 90 business days) from the date of the request for the amendment.

GCWA strongly encourages all applicants for trustee permits to ensure that the information contained within their applications (including the approved form and all supporting information) is accurate and complete before submitting the application.

5.3 Terms and conditions

The trustee permit may be issued by GCWA, at its sole discretion, subject to terms and conditions including, but not limited to, the following:

- (a) standard terms and conditions
- (b) special conditions that may be relevant and reasonable and as required by GCWA (which could include public notices for an activity)
- (c) provision of a safety management plan, traffic management plan, security management plan or similar, if required
- (d) engagement by GCWA in the assessment process with external and third-party stakeholders, which in the opinion of GCWA, may be affected by the conduct of the proposed activity on the trust land
- (e) payment of a security bond as and where appropriate, and as decided by GCWA acting reasonably
- (f) the trust land must be restored to the same condition as what it was before the commencement of the activity, or as close as practicable to that condition, and the work to rectify, rehabilitate, repair or restore the trust land to facilitate this must be completed within the period conditioned by the trustee permit
- (g) engagement of security services for the duration of an activity where required to do so by GCWA or at law to protect persons and property including the trust land before, during or after the activity, as appropriate
- (h) where access to the trust land is required between the hours of 8:00 pm and 6:00 am, additional fees for security services will apply
- (i) all users of the trust land must comply with the Act and the NRME Policy, and in the case of users of Doug Jennings Park, also the Model By-law
- (j) execution of a **deed of indemnity and release** where required by GCWA
- (k) provision of all relevant insurance certificates, licences, permits, plans and other approvals that are required by GCWA and/or at law.

5.4 Request for further information

GCWA, in its sole discretion, may request further information as and where reasonably required or necessary to enable GCWA to decide whether it may:

- (a) issue the trustee permit
- (b) issue the trustee permit, subject to additional or special conditions
- (c) refuse to issue a trustee permit

- (d) cancel, change or impose new conditions on the trustee permit at any time before or during the proposed activity.

The terms and conditions of the trustee permit will include the standard terms and conditions, and may be subject to any additions, alterations or changes that GCWA, in its sole discretion, considers to be appropriate, depending on the proposed activity.

Generally, the standard terms and conditions of the trustee permit shall be non-negotiable. However, GCWA may consider written requests for changes, depending on the nature of the proposed activity.

Where GCWA incurs any legal fees associated with changes to conditions for a trustee permit, then those fees will be recovered from the applicant.

GCWA may, in its sole discretion, agree or refuse to vary the standard terms and conditions of a trustee permit.

5.5 Term of trustee permit

Generally, GCWA will not grant a trustee permit for a term longer than 2 weeks, except for a trustee permit issued to a government agency.

In addition to the maximum term of 2 weeks for the activity, where appropriate and with prior approval by GCWA, GCWA may also grant the following:

- (a) up to 5 days to set-up or bump-in for an activity
- (b) up to 5 days to dismantle or bump-out for an activity
- (c) up to 5 days to rectify, rehabilitate, repair or restore the trust land affected by the activity, except where GCWA has previously approved a restoration plan for a longer period, as part of its decision-making for the application.

Under the Act and in certain circumstances, a trustee permit may be issued for a longer term up to a maximum term of 1 year, or 3 years where the trustee permit is registered with NRME.

If a trustee permit for a term longer than 2 weeks is required, the applicant must provide, in addition to an application (including the approved form, assessment fee, supporting information, rent, security bond and any other fees), all of the following:

- (a) full details of the proposed activity
- (b) reasons for the extended duration of the activity
- (c) evidence that the extended duration of the activity will not diminish or derogate from the purpose for which the trust land was dedicated
- (d) evidence that the extended duration of the activity is likely to be of public benefit to other users of the trust land.

GCWA may, at its sole discretion, agree or refuse to issue a trustee permit for the extended term, or GCWA may issue the trustee permit subject to any reasonable, special conditions for the extended term.

5.6 Traditional owners

Traditional owners for the area of the trust land may make an application for a trustee permit to carry out traditional activities on the trust land, which must also be conducted in accordance with the NRME Policy.

Traditional owners will be required to provide information and details of the traditional activities, as well as proof of traditional ownership and their connection to the trust land, before any trustee permit may be issued.

Some traditional practices will be strictly forbidden, including:

- (a) lighting of fires, other than at specific locations and with prior written approval granted by GCWA
- (b) use of firearms or weapons of any kind.

GCWA may issue a trustee permit for traditional activities for a maximum term of 2 consecutive days.

GCWA, at its sole discretion, acting reasonably, may refuse to grant a trustee permit over the trust land or part thereof and its decision shall be final.

6.0 Trustee Lease

As the trustee, GCWA may enter into a **trustee lease** for use of the trust land, or part thereof, pursuant to section 57 of the Act.

Generally, GCWA will not support a trustee lease over the trust land, or part thereof, as a trustee lease is an exclusive tenure that would restrict the use and enjoyment of the trust land by the general public, which is inconsistent with the purposes for which the trust land was dedicated.

A trustee lease will only be considered by GCWA in extenuating circumstances and will require prior written approval by the **Minister**.

A person giving consideration to a trustee lease should contact GCWA, in the first instance.

7.0 Fees, Rent and Security Bond

7.1 Assessment fees

An assessment fee must accompany the application for the trustee permit when submitted to GCWA for assessment.

The assessment fee is **non-refundable** and will not be refunded to an applicant where the application for the trustee permit is refused, or where an application for the trustee permit is subsequently withdrawn or otherwise terminated.

GCWA may apply a further assessment fee where a person requests an amendment to an application, or in circumstances where an amendment to a trustee permit and/or a deed of indemnity and release is required after the trustee permit has been issued and/or the deed has been executed.

An amendment to a trustee permit and/or a deed of indemnity and release may be required where:

- (a) the holder of the trustee permit requests the amendment to the permit or the deed
- (b) GCWA acting reasonably, determines that an amendment to the permit or the deed is required due to a change in the activity on the trust land.

Where an amendment to a trustee permit and/or the deed of indemnity and release is required, the further assessment fee may be deducted from the security bond.

7.2 Rent and other fees

Generally, low impact activities being conducted by the general public on the trust land will not attract rent or other fees.

However, if in the opinion of GCWA acting reasonably, the low impact activity does or will have a more significant impact on the trust land or use of the trust land by other users, GCWA may require the person conducting the low impact activity to make an application for a trustee permit.

In circumstances where GCWA requires a trustee permit for a low impact activity, GCWA in its sole discretion will decide the amount for a security bond and/or rent.

The rent and fees for activities on the trust land are set out in schedule 1, as amended from time to time, and subject to annual CPI review and adjustment.

With respect to fees and rent for activities on the trust land, GCWA has determined the following:

7.2.1 General public – recreational

- Generally, no fees or rent shall be payable for use of the trust land for low impact activities.

7.2.2 Not-for-profit organisations

- Generally, fees will apply but GCWA may waive rent where a not-for-profit organisation provides evidence as set out in section 7.4, including evidence that the not-for-profit organisation is a charity registered with the Australian Charities and Not-for-profits Commission (**ACNC**).
- In the absence of charity registration evidence, fees and rent will apply, as provided by this Policy.

7.2.3 Government agencies

- Activities being conducted by a government agency on the trust land shall be exempt from payment of rent—other fees shall apply, including assessment fees and fees for security services.

7.2.4 Non-commercial

- Fees and rent will apply for private functions or events, such as weddings.
- Fees and rent will apply for public non-commercial functions or events.

7.2.5 Commercial – Level 1

- Fees and rent will apply for commercial activities – level 1 – characterised as:
 - less than 100 attendees
 - low impact activity
 - limited area of the trust land impacted by attendees and vehicles.

7.2.6 Commercial – Level 2

- Fees and rent will apply for commercial activities – level 2 – characterised as:
 - 100 to 500 attendees
 - moderate impact activity
 - significant area of the trust land impacted by attendees and vehicles.

7.2.7 Commercial – Level 3

- Fees and rent will apply for commercial activities – level 3 – characterised as:
 - over 500 attendees
 - high impact activity
 - large area of the trust land impacted by attendees and vehicles.

Fees and rent shall be payable per day or part thereof.

Fees and rent shall also be payable for bump in/bump-out days connected with the proposed activity.

Where a person requests access to prepare and maintain the trust land for a proposed activity, additional rent and fees will also apply, including in the following circumstances:

- (a) where access is requested outside of normal **business hours** before, during or after the proposed activity
- (b) where the time to prepare the trust land for the activity includes additional work over an extended period prior to, during or after the proposed activity, including such work as watering, mowing, upgrading or ongoing maintenance of the grassed surface area of the trust land, which may be related to the proposed activity.

GCWA's decision about the application of additional fees and rent shall be final.

Subject to the standard terms and conditions of the trustee permit, the holder of a trustee permit shall not be eligible for a reimbursement of fees or rent where:

- (a) a trustee permit is granted but the activity does not proceed
- (b) the activity is approved for a full day but is carried out for only part of a day.

7.3 Security bond

Where appropriate, GCWA may, acting reasonably, request payment of a bond as security for the performance of the trustee permit holder's obligations under the terms or conditions of the trustee permit.

GCWA shall determine the security bond having consideration to factors, including:

- (a) type of activity
- (b) number of attendees
- (c) proposed use of the trust land
- (d) impact on the trust land
- (e) costs to rehabilitate, repair or restore the trust land after the activity.

The security bond shall be paid as directed by GCWA in accordance with the standard terms and conditions of the trustee permit.

If the trustee permit holder contravenes the terms or conditions of the trustee permit, or fails to rectify, rehabilitate, repair or restore the trust land within 5 days, or as otherwise conditioned by the trustee permit, GCWA shall apply the security bond held by GCWA in order to remedy the contravention of the terms or conditions and/or to rectify, rehabilitate, repair or restore the trust land, without further reference to the trustee permit holder.

Where monies of a security bond are not required by GCWA to remedy a contravention of the terms or conditions of the trustee permit, or to rectify, rehabilitate, repair or restore the trust land as a result of the

activity, the security bond shall be released by GCWA in full no later than 45 days after the expiry of the trustee permit.

Generally, the minimum amount for security bond for a commercial activity shall be the relevant amount set out in schedule 1.

7.4 Waiver of rent

Not-for-profit organisations will be required by GCWA to obtain a trustee permit for activities on the trust land that are not low impact activities.

Not-for-profit organisations may be eligible to make an application to waive payment of rent associated with use of the trust land.

An application by a not-for-profit organisation to waive rent must include written evidence of the following:

- (a) the charitable objectives or purposes of the not-for-profit organisation and the services and facilities that it provides
- (b) registration as a charity with the ACNC
- (c) the organisation's not-for-profit, charitable or public benevolent institution status
- (d) how the proposed activity is in pursuit of the not-for-profit or charitable objectives or purposes of the not-for-profit organisation.

It shall be at GCWA's absolute discretion whether to grant a waiver for rent to a not-for-profit organisation.

Where GCWA agrees to grant a waiver for rent, GCWA will advise the not-for-profit organisation of this decision prior to the issue of the trustee permit.

The waiver, if granted, does not extend to payment of assessment fees, a security bond, fees for security services, or any other fees for further assessment or costs that may be incurred as a condition of the trustee permit and which will be payable by the not-for-profit organisation to conduct the activity on the trust land.

8.0 Definitions

ACNC means the Australian Charities and Not-for-profits Commission.

Act means the *Land Act 1994*.

activity means any activity, event, function or use of the trust land for any purpose permitted under the Act.

advertising device means any kind of board, device or sign, including a variable message sign on a trailer or vehicle.

approved form means the form entitled *Application for a Trustee Permit* for use of the trust land or part thereof, which can be found on GCWA's website and as amended from time to time.

assessment fee means the non-refundable fee as amended from time to time, subject to annual CPI review and adjustment, payable to GCWA for its assessment of compliance and impact of the proposed activity on the trust land.

authority means a trustee permit or a trustee lease issued or entered into by GCWA in accordance with the Act.

business hours mean the hours when GCWA is open for business, generally between 9:00 am and 4:00 pm, Monday to Friday, excluding any public holidays that apply on the Gold Coast.

commercial activity means any activity that is being undertaken on the trust land with a view to generating revenue or making a profit.

Compulsory Closure means the compulsory closure arrangements for the Christmas/New Year period for the Queensland Government, as decided by the Office of Industrial Relations.

CPI review means a review of fees and rent in accordance with CPI.

CPI means the All Groups Consumer Price Index published from time to time by the Australian Bureau of Statistics for Brisbane, or such other index as is officially substituted for it, if the Consumer Price Index is discontinued.

deed of indemnity and release means a deed that must be entered into with GCWA where a high impact activity is to be conducted on the trust land, or as and when required by GCWA to indemnify GCWA and the Minister against all claims for loss or damage direct or indirect, which may be incurred as a result of use of the trust land for the activity.

fee means the fee payable to GCWA for the use of the trust land for an activity that is set out in schedule 1, and which is subject to annual CPI review and adjustment from time to time.

GCWA means Gold Coast Waterways Authority, which is a statutory authority established under the *Gold Coast Waterways Authority Act 2012*, its successors and permitted assigns.

government agency includes a local government, State or Commonwealth government departments, statutory authorities, government owned corporations and other entities acting for and on behalf of government.

high impact activity means any activity:

- (a) that will have a significant impact on the trust land
- (b) that will have a significant impact on the use of the trust land by the general public
- (c) where installation of temporary structures and/or fencing is required
- (d) where the attendees at the activity are in excess of 500 people
- (e) where rehabilitation or restoration of the trust land may be required after the activity
- (f) any other activity, which in GCWA's opinion, is a high impact activity.

land management plan means a land management plan prepared by GCWA specifically with respect to the management and use of Doug Jennings Park.

low impact activity means an activity:

- (a) engaged in by the general public that has limited or no impact on the trust land
- (b) that has limited or no impact on the use of the trust land by the general public
- (c) that may include picnics, swimming, fishing, boating and other low-level recreational uses
- (d) any other activity, which in GCWA's opinion, is a low impact activity.

medium impact activity means an activity:

- (a) that may have some impact on the trust land
- (b) that may have some impact on the use of the trust land by the general public
- (c) that may include private and public functions, weddings, sporting competitions and other higher-level recreational uses
- (d) any other activity, which in GCWA's opinion, is a medium impact activity.

Minister means the Minister responsible for administering the *Land Act 1994*.

Model By-law means the *Model By-law about protection and use of trust land*, which was adopted by GCWA on 9 September 2016 for the management of Doug Jennings Park pursuant to section 56 of the Act, and which is contained in schedule 1 of the *Land Regulation 2009*.

not-for-profit organisation means local associations, clubs, charities or community organisations that are incorporated or unincorporated and do not operate for a profit or for the financial benefit for its members.

NRME means Department of Natural Resources, Mines and Energy.

NRME Policy means the *Operational Policy—Secondary Use of Trust Land* produced by NRME under the Act, as amended from time to time and available on NRME's website at <https://www.dnrme.qld.gov.au/home/about-us/policies>.

Policy means this *Operational Policy—Trust Land*.

rent means the rent payable to GCWA for the use of the trust land for an activity that is set out in schedule 1, and which is subject to annual CPI review and adjustment from time to time.

restoration plan means a plan produced by an applicant for a trustee permit, satisfactory to GCWA acting reasonably, for restoration of the trust land to the same condition in which it was before the activity, or as close as practicable to that condition.

security bond means a bond payable to GCWA as security for use of the trust land for an activity, general minimum amounts of which are set out in schedule 1, and which are subject to review by GCWA depending on the nature of the activity.

trespass related act means an act in relation to trust land as provided by section 404 of the Act.

trust land means Doug Jennings Park, Wave Break Island and the southern tip of South Stradbroke Island as shown on the map in Schedule 2, and any other land which is held, or will be held, in trust by GCWA in the future.

trustee lease means a trustee lease entered into with GCWA for an exclusive use over all or part of the trust land pursuant to section 57 of the Act, this Policy, the NRME Policy and applicable legislation.

trustee permit means a trustee permit issued by GCWA over all or part of the trust land pursuant to section 60 of the Act, this Policy, the NRME Policy and applicable legislation.

Schedule 1 – Fees, Rent and Security Bond

ASSESSMENT FEES*

Assessment fee Payable for assessment of an application \$ 93.95

Further assessment fee Payable for assessment of amendments to an application \$ 93.95

Further assessment fee Payable for assessment of amendments to a trustee permit or a deed of indemnity \$ 93.95

RENT AND SECURITY BOND*

				Rent	Security Bond
Recreational / Non-commercial	Recreational, private and non-commercial events		Day or part thereof	\$ 358.80	\$ 1,000**
Commercial – Level 1	Corporate functions and events Sporting events	Less than 100 attendees	Day or part thereof	\$ 634.20	\$ 5,000**
Commercial – Level 2	Corporate functions and events Sporting events	From 100–500 attendees	Day or part thereof	\$ 4,055.70	\$ 10,000**
Commercial – Level 3	Corporate functions and events Sporting events	More than 500 attendees	Day or part thereof	\$ 4,756.10	\$ 20,000**
Bump-in / Bump-out	Bump-in/Bump-out plant and equipment		Day or part thereof	\$ 358.80	\$ POA
Other rent	Preparation, maintenance or restoration of the trust land in relation to an activity		Day or part thereof	\$ 358.80	\$ POA

OTHER FEES*

Security services fee As decided by GCWA \$ POA

After-hours access fee As decided by GCWA \$ POA

Legal Fees Special conditions for permits and deeds or amendments to permits or deeds \$ POA

* GCWA will review fees, rent and security bond annually. Fees and rent will be adjusted in accordance with Government Indexation Rate.

** This amount is a minimum for security bond. GCWA will decide a reasonable security bond based upon the activity.

Schedule 2 – Map of Trust Land

