

Application to Operate a Commercial Vessel Based Charter/Tourism Operation

from the Public Boardwalk in the Fishing Boat Harbour, Fremantle

(Maximum Vessel Length not to exceed 15m)

Name of Applicant:

Address:

Business Name: **ABN:**

Name of Vessel:

Registration Number: **LFB/SPV Number:**

Length of Vessel: **Surveyed Passenger Capacity:**

Contact Details (Private): **(Business):**

(On Vessel):..... **Skipper:**.....

Proposed Hours/Days of Operation:

.....
.....

Business Proposal:

Please attach a brief description of your experience and of the business you are proposing to operate from the public boardwalk in the Fishing Boat Harbour, Fremantle. Please include details of where the vessel will be berthed outside of the proposed operating hours.

Signage:

Please attach an A4 drawing of the proposed canvas banner sign to be displayed.

Signature of Applicant:..... **Date:**.....

Management and Operational Arrangements Licence for Commercial Vessel Based Operation to Use the Public Boardwalk in the FFBH

1. Background

The Department Transport (the Department) with endorsement from the Fremantle Maritime Facilities Advisory Group (FMFAG) has agreed to formalise existing arrangements for the use of the Public Boardwalk for tourism-based commercial vessel operation/s on a longer-term basis. This will also provide operators some security of tenure for their operations.

The Department sees limited use of the boardwalk for commercial operations as appropriate, provided adjacent retail outlets agree, does not conflict with an existing agreement with them that allows use of one berth adjacent to their facilities for their customers and the public's use of the boardwalk is not overly restricted.

Adjoining lessees, Kailis' Fishmarket Café, Cicerellos and Joe Fish Shack Restaurants have advised of their support for the continuation of these services on the basis that the areas, the subject of this licence, are clearly defined and the number of operators limited. These Lessees consider that the charter/tour services add to the attraction of the harbour and provide visitors with complimentary activities.

2. Boardwalk Details

2.1 Location

The boardwalk in the retail precinct consists of two categories of boardwalk, as shown on Attachment 2:

1. Public boardwalk (yellow).
2. Private Jetty Licence area (blue).

2.2 Boardwalk Services/ Improvements

The characteristics of the boardwalk are as follows:

- Steel/ timber piled boardwalk structure.
- Timber decking approximately 4 metres wide and approximately 300 metres long.
- Timber chaffers at approximately 3 metre spacings.
- No power.
- Limited water.

- Ramp Access.
- Overhead pole lighting.

3. Management Arrangements

3.1 Designated Use Areas

The boardwalk is divided into the following designated use areas as shown on Attachment 3:

1. Recreational Boating (coloured yellow).

Recreational boaters may use these areas for casual berthing for a maximum period of 2 hours free of charge whilst using harbour facilities and services.

2. Charter/Tour Berths (coloured red).

Three areas have been identified for charter/tour operation and shown red on the attached plan. These areas have been separated to minimise any conflict over using adjoining areas whilst providing good public exposure for operations. The department at its discretion may for operational purposes relocate the berthing area/s to any other area/s adjacent to the boardwalk.

Approved charter/tour operators may use these areas in accordance with the operational conditions that follow in this document.

3. Private Jetty Licence areas (coloured blue).

The Licensee, who is also the abutting lessee as provided for in the Jetty Licence document, controls Private Jetty Licence areas. Hence the use of these areas is solely at the discretion of the Licensee.

3.2 Operational Conditions for Charter/Tour Berths

3.2.1 Public Use

The public will be allowed to use the Charter/Tour Berths on days when the commercial vessels are not operating.

The licensed charter/tour operator will be required to erect a temporary sign clearly indicating their priority use of their berth on the days they are operating.

3.2.2 Signage

- Signage will be restricted to one canvas banner between Boardwalk chaffers adjacent to the vessel i.e. approximately 3000 x 900mm.
- Details of the proposed signage must be submitted to the Harbour Managers office for approval.
- Banners can only be displayed whilst the vessel is operating and must be removed at the close of business each day.

- Product pricing and dollar signage lettering to be no larger than 100mm.
- Signage must only relate to the product/services provided.

3.2.3 Touting

- No touting of any kind will be permitted. Any breach of this condition will result in cancellation of the operator's licence.
- No pamphlets or any other advertising material is to be distributed.

3.2.4 Additional Conditions of Use

- The Department can specify any additional conditions or vary the conditions of the operator's licence regarding the use of the Boardwalk and the harbour waters as necessary from time to time to deal with specific or new issues.

3.2.5 Charges and Fees

- A fee per month is payable in advance for use of the Boardwalk berthing facilities.
- A Management Fee of 3% per annum of all fees invoiced is also payable monthly in advance.

3.2.6 Rights to Cancel

- Failure to meet the above conditions may result in the Department cancelling the operator's licence. The Department reserves its right to cancel the operator's licence at any time.

3.2.7 Vessels and Damage to Boardwalk

- Vessels being used for the commercial operations cannot exceed 15m in length overall and must comply with all relevant survey and marine safety requirements.
- The operator's vessels must not overload the boardwalk or the chaffers.
- The operator will be solely responsible for the repair of any damage done to the boardwalk caused by their vessels or operations.

3.2.8 Public Liability Insurance

- Operators must have a current public liability insurance policy (\$10,000,000) relating to the proposed harbour operations/boardwalk use. A copy must be supplied to the DepartmentT.
- Operators must indemnify the Minister of Transport against any claims resulting from its operations on the boardwalk or in the harbour.

3.2.9 Sub Letting/Assignment

- The operator's licence cannot be sub let or assigned without first obtaining the Department's written consent.

3.2.10 Approved Uses

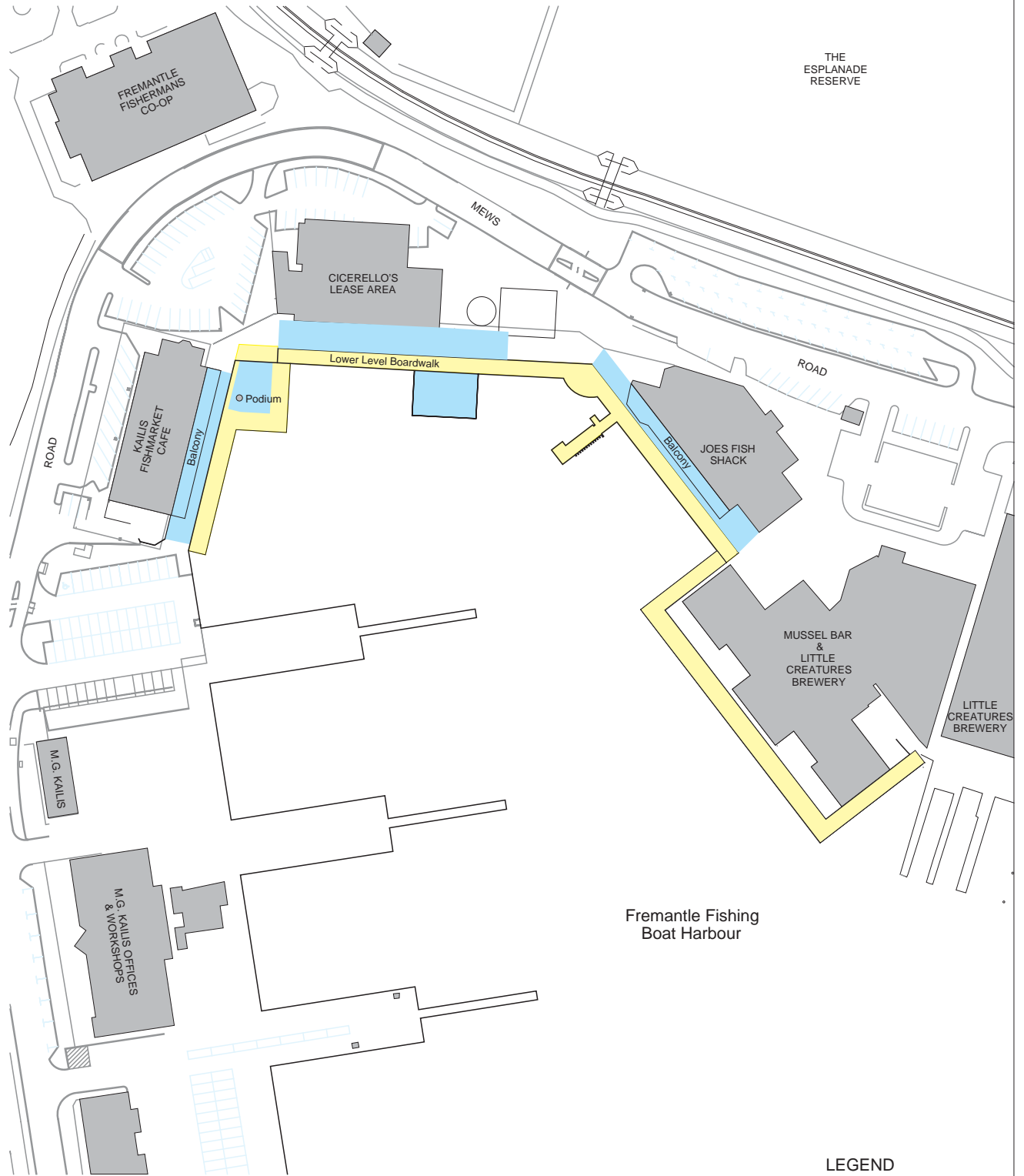
- The Licensee will only be allowed to provide the products/services agreed by the Department at the time of issuing the licence or at any time subsequently.
- In issuing licences, the Department will seek to provide a variety of non-competing services to maximise the interest and benefit to the public.
- The licence will include a condition specifying the product/services provided will be of a non-competitive nature with other services approved to operate from the Boardwalk.

4. Issuing of Licences

- There are a limited number of berths available and it is likely that at times the demand for these berths will exceed the number available. The Department recognises the need to adopt an open and consistent method in allocating these berths to charter/tour vessel operators.
- Allocation of berths after 1 October 2008 will be by calling public expressions of interest during August/September 2008 and at least every five years thereafter.
- Operators selected from the expressions of interest will be offered licenses for a period up to 5 years, generally in accordance with the operating conditions outlined above.
- The successful applicant/s will be required to enter into a non-exclusive licence to use the allocated boardwalk area on the terms and conditions specified in that Deed and detailed above. All costs associated with the preparation, execution and stamping of the Deed including all stamp duties payable on the Deed must be met by the applicant.

ATTACHMENT 2

FREMANTLE FISHING BOAT HARBOUR PUBLIC BOARDWALK LICENCE



LEGEND

- Public Boardwalk
- Private Jetty License Area

PREPARED BY
CARTOGRAPHIC SERVICES
 1 ESSEX STREET FREMANTLE



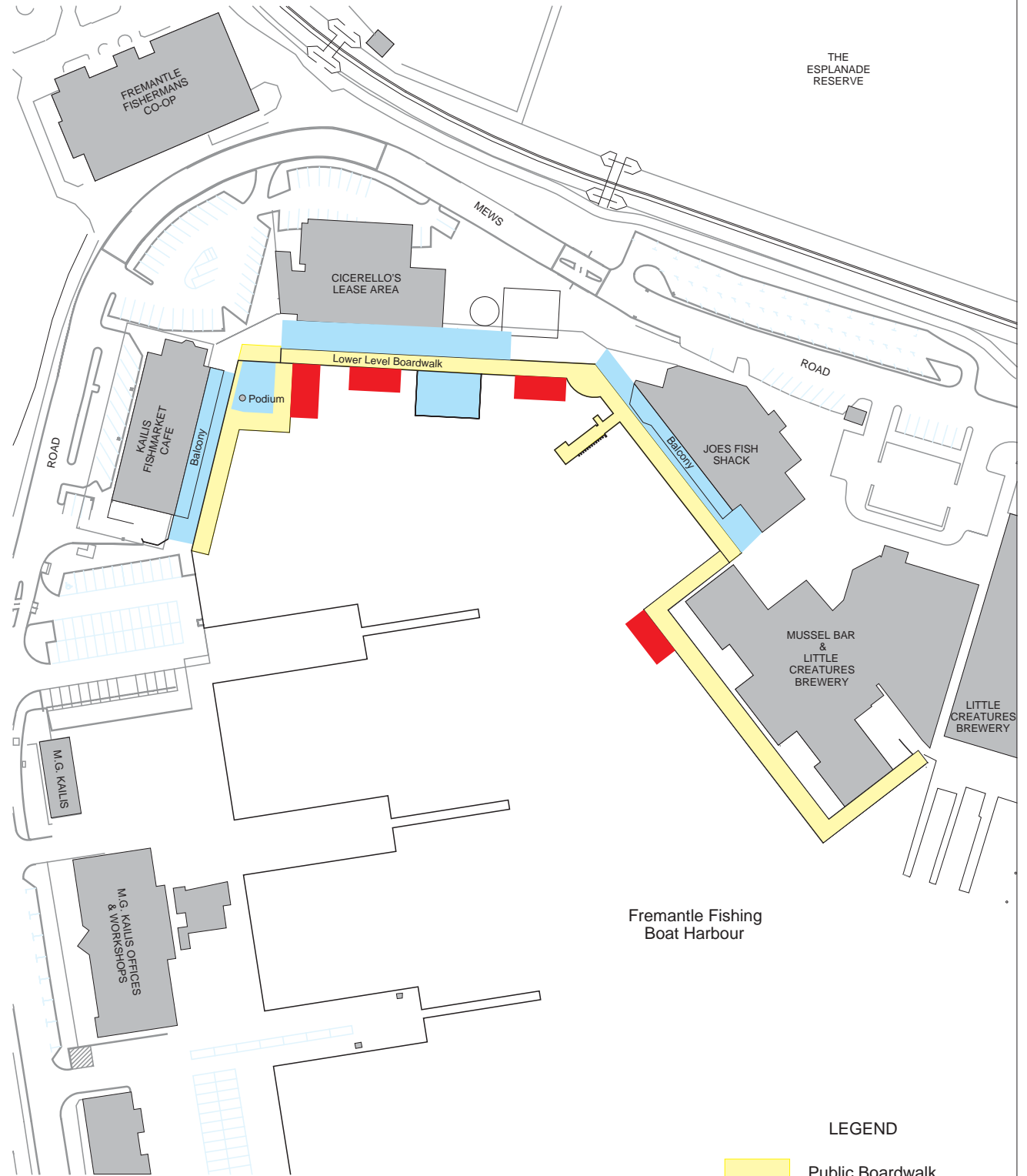
Government of **Western Australia**
 Department of **Transport**



PLAN 181 - 32 - 03 - C
 Date: 23 November 2010

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ATTACHMENT 3 FREMANTLE FISHING BOAT HARBOUR PUBLIC BOARDWALK LICENCE BERTHING LOCATIONS



LEGEND

- Public Boardwalk
- Private Jetty License Area
- Charter / Tours Berths

PREPARED BY
CARTOGRAPHIC SERVICES
1 ESSEX STREET FREMANTLE



Government of **Western Australia**
Department of **Transport**



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Date: 23 November 2010

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VESSEL USE OF LOWER LEVEL BOARDWALK

MANAGEMENT ARRANGEMENTS

THE LESSEES/SUB LESSEES OF CICERELLO'S, KAILIS SEAFOOD TAKEAWAY AND JOE'S FISH SHACK MANAGE VESSEL USAGE OF THE LOWER BOARDWALK AREAS IN FRONT OF THEIR INDIVIDUAL LEASE AREAS.

GUIDELINES FOR VESSEL USAGE OF THE LOWER BOARDWALK ARE AS FOLLOWS:

1. CUSTOMERS OF THE INDIVIDUAL ESTABLISHMENTS SHALL, WHERE POSSIBLE, MOOR THEIR VESSELS ALONGSIDE THE BOARDWALK AREA DIRECTLY IN FRONT OF THE PREMISES THEY ARE PATRONISING.
2. VESSELS USING THE LOWER BOARDWALK IN FRONT OF THE PREMISES THEY ARE PATRONISING SHALL NOT BE MOORED FOR ANY PERIOD GREATER THAN TWO HOURS UNLESS AUTHORISED BY THE PREMISES MANAGER.
3. ONE TEN (10) METER MOORING SPACE IN FRONT OF EACH PREMISES (EXCLUDING CICERELLO'S THAT HAS A JETTY LICENCE AREA) CAN BE RESERVED FOR THE EXCLUSIVE USE OF THE LESSEES CUSTOMERS AND A SIGN REFLECTING THIS ARRANGEMENT IS TO BE ERECTED BUT ONLY WITHIN THE ALLOCATED TEN METRE SPACE.
4. IF ALL VESSEL MOORING SPACE IS OCCUPIED IN FRONT OF A LEASED PREMISES, VESSELS MAY MOOR AT ANY OTHER LOCATION ALONG THE LOWER BOARDWALK (EVEN THOUGH THEY MAY NOT BE PATRONISING THAT RESTAURANT). VESSELS USING THE BOARDWALK ON THIS BASIS MUST NOT MOOR FOR ANY PERIOD GREATER THAN ONE HOUR.
5. ANY DISPUTES REGARDING THE OPERATION OF THESE GUIDELINES ARE TO BE REFERRED TO THE HARBOUR MANAGER FOR CLARIFICATION AND DETERMINATION.
6. ANY CIRCUMSTANCES NOT COVERED BY THE ABOVE OR ANY SPECIAL ARRANGEMENTS SHOULD BE REFERRED TO THE HARBOUR MANAGER FOR APPROVAL.

HARBOUR MANAGER
12-8-2010