

# Operational policy

## Visitor Management

### Commercial vending activities on QPWS managed areas

*Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of National Parks, Sport and Racing. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### Policy Issue

This policy details the key issues, policy statements and procedures associated with granting authorities for commercial vending activities on Queensland Parks and Wildlife Service (QPWS) managed areas.

#### Background

On occasions, applications are received from interested parties proposing to conduct of commercial vending activities on QPWS managed areas. For the purposes of this operational policy, QPWS managed areas include:

- protected areas (state land) dedicated under the *Nature Conservation Act 1992*, including national parks (scientific), national parks, national parks (recovery), conservation parks and resources reserves; and
- recreation areas declared under the *Recreation Areas Management Act 2006*; and
- state forests and forest reserves managed under the *Forestry Act 1959*.

Commercial vending activities, which generally involve mobile operations, include the provision of services such as the sale of food and beverage items, ice, bait, and firewood. These services are provided by operators as a convenience for park users and as an income-generating activity.

In many cases, vending can be undertaken outside QPWS managed areas whilst continuing to provide a service to park users. Some QPWS managed area car-parks and picnic areas for example, are located on land tenures managed by other authorities including local authorities, and as such, may be conducted off-park subject to approval being obtained from the particular relevant authority.

As a consequence of vending activities being conducted primarily for gain, the activities are classified as 'commercial' in nature and as such require authorisation by the chief executive prior to the commencement of activities.

The following legislative provisions provide that commercial activities cannot be conducted on a QPWS managed area unless the person conducting the activity is authorised to do so under a commercial activity permit or commercial activity agreement:

- s96 Nature Conservation (Protected Areas Management) Regulation 2006;
- s27 Forestry Regulation 1998; and
- s111 *Recreation Areas Management Act 2006*.

## Policy

### Approval

Owing to the type of activity involved, any approval for a commercial vending activity in a QPWS managed area will only be authorised under a commercial activity agreement entered into with the chief executive on behalf of the state. Applications for the grant of an authority authorising this particular type of activity will be assessed on a case-by-case basis in consideration of relevant assessment criteria and an assessment of the applicant's suitability to hold a commercial activity agreement.

Approval for commercial vending operations will generally only be granted where:

- the provision of the service is consistent with the management principles and any management plan for the particular area;
- the proposed service will not cause any adverse environmental or cultural impacts;
- the proposed service enhances the overall visitor experience;
- the proposed service is not in direct competition with services provided nearby, outside QPWS managed areas; and
- the relevant legislative assessment criteria have been satisfied.

### Legislation

Commercial activity agreements authorising vending operations on QPWS managed areas are issued under the following legislative provisions:

- s67 of the Nature Conservation (Administration) Regulation 2006
- s69 of the *Recreation Areas Management Act 2006*
- s56 of the *Forestry Act 1959*

### Fees

The standard application fee for a commercial activity agreement as provided for in relevant legislation will apply to all applications associated with commercial vending activities. An annual agreement fee generally equivalent to the annual fee as provided for in the case of commercial activity permits will also apply.

Given the nature of commercial vending operations, there is no additional fee structure provided for in legislation as in the case of tour based commercial operations which attract a per person fee based on the duration of the tour.

Accordingly, the principle of an annual 'estate access fee' will be applied by the chief executive and included in the relevant schedule of the agreement under "Fees" payable.

The application of this fee will be applied in the interests of fairness and equity with the holders of commercial activity permits and agreements who are required to pay daily site fees in addition to application and permit fees.

#### Method of calculation of the 'estate access fee'

For the purposes of this policy, the annual estate access fee to be applied to commercial activity agreement holders conducting commercial vending activities in QPWS managed areas will be as follows:

- **Base fee x 365 (days)**

The base fee will be the equivalent to the regulated fee for one (1) person taking part in a commercial activity (other than for filming or photography) authorised under a commercial activity permit lasting less than 3 hours in any one (1) day (e.g. Under NCA, RAM and FA, the applicable standard daily site fee for 1 person taking part in a commercial activity, of less than 3 hours duration, which is currently \$1.69 per person (2012-13).

For example, (for 2012-13), the annual estate access fee to be applied for that year will be: \$1.69 x 365 i.e. \$616.85.

Operators will be invoiced annually (in advance) on the anniversary of their agreement and the fee applied for each year of the agreement will be equivalent to that as stated in the schedules of relevant legislation for an activity lasting less than 3 hours.

As with negotiating any agreement, an in-kind contribution may be considered to offset some or all fees.

Where QPWS perceives that a number of parties are interested in a limited commercial opportunity (e.g. a single vending operation at a particular location), QPWS may conduct an Expression of Interest or Tendering process, in order to grant the authority.

With respect to the 'estate access fee', the process and/or criteria for selecting the successful tenderer may include consideration of the 'estate access fee' offered by each party.

#### **Disclaimer**

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#### **Approved By**

Natalie Ormsby

Signature

30 September 2013

Date

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