NARACOORTE LUCINDALE COUNCIL

COUNCIL POLICY 92

COUNCIL LAND – PERMIT TO USE VERSION 6

RESPONSIBLE OFFICER: Director Corporate Services

LEGISLATION AND REFERENCES:
Development Act and Regulations, 1993
Food Act, 2001 and Regulations, 2002
Liquor Licensing Act, 1997 and *(Dry Areas - Short Term) Regulations, 1997*
Local Government Act, 1999
SA Public Health Act 2011
Road Traffic Act, 1961

PURPOSE OF POLICY

- To ensure that users and organisers of activities or events staged on Council land comply with a minimum set of standards to protect and preserve the land
- To establish clear guidelines to be followed by users and event organisers for approved functions, activities and events staged on Council land.
- To ensure a fair, transparent and accountable process is followed when permitting Council land to be used for community or commercial purposes

BACKGROUND

Council's land, including parklands and community open space are a community focal point, and the venues for a wide range of activities and events.

These activities and events may involve diverse requirements including, but not restricted to, temporary street closures, use of the Naracoorte Soundshell, erection of temporary structures, and drawing power from Council amenities.

EXCLUSIONS

This policy does not apply in the following circumstances:-

- permits granted under section 221 of the Local Government Act, 1999
- permits granted under section 222 of the Local Government Act, 1999 for agricultural purposes
- permits granted under section 222 of the Local Government Act, 1999 relating to footpath dining (*refer Policy No. 52 – Footpath Dining*)
- to Council land that is held by a third party under a formal lease or licence agreement

PROCESS

An application for use of Council Land (*called Application to Use a Public Space or Application to Fundraise)* must be completed and submitted to Council for approval prior to the event or activity.

Applications to use Council Land for business purposes, which are not associated with an approved Event (for example the Taste Festival or Frances Folk Festival) will be presented to Council for their consideration and decision.

Subject to approval, a Permit will be issued to the Applicant.

The Permit will include *Conditions of Use* which must be complied with.

The Permit must be displayed at all times and where required as a *Condition of Use* provided to adjoining property owners.

BUSINESS PURPOSES

Where the application is for business purposes a permit fee, as determined by Council, will apply.

In addition to the permit fee, the applicant will be responsible for all costs incurred by Council, including, but not limited to, road closure costs and additional refuse collection charges.

Where the business purpose is associated with an approved Event, for example the Taste Festival or Frances Folk Festival, a fee will not apply.

RAFFLE OR FUNDRAISING ACTIVITIES

Permits for raffles or fundraising activities will only be granted to not-for-profit organisations.

Trailers holding goods associated with a raffle or fundraising activity must not be parked in the Naracoorte CBD area for longer than permitted by parking regulations.

Aggressive or intrusive behaviour towards the public is inappropriate and will not be tolerated.

DELEGATIONS

The following delegations are granted in relation to an application for a permit to conduct a raffle or fundraising activity:-

- Corporate Services Employees
- General Inspector

OTHER RELEVANT POLICIES / PROCEDURES

Other Council Policies and Procedures which may be relevant and require consideration when applying this policy include –

52 Footpath Dining
112 Sale or Disposal of Land and Other Assets

Council Delegations and Sub-Delegations

POLICY REVIEW

This Policy will be reviewed every four years.

AVAILABILITY OF POLICY

The public may inspect a copy of this policy, without charge, at the Council's Naracoorte and Lucindale offices during office hours, and may obtain a copy for a fee fixed by Council.

Council employees can access a copy of the policy on Council's network or by contacting the Responsible Officer.

The Policy is also available on Council's website www.naracoortelucindale.sa.gov.au

ADOPTION AND AMENDMENT HISTORY

Date	***Authorised by***	***Minute Reference***
Next review		August 2019
25 August 2015	Council	Resolution 36/16
24 August 2010	Council	Resolution 87 / 11 - Expanded Policy adopted
25 March 2008	Council	Resolution 317/08 - Amend Corporate Structure
27 March 2007	Council	Resolution 401/07
26 April 2005	Council	Resolution 303/05
23 March 2004	Council	Resolution 396/04