



Title: Activities on Community Land requiring Approval

Category: Service design or definition

Key words: Activities, community land, parks, application form

File number: P-5-2

Policy owner: Director Corporate Services (Governance)

Authorisation: Adopted by CSC 8 May 2008 (Minute 96)

Review date: January 2010

Modification history: This is a new policy

Related legislation: Local Government Act 1993

Related policies:

Related procedures:

Related forms:

Contents:

1. Purpose
2. Objectives
3. Scope
4. Definitions
5. Principles
6. Responsibilities
7. Procedures
8. Determination of Application
9. Payments
10. Public Notification
11. Applicant's Notification
12. Flexibility of Policy
13. Exempt Activities

1. Purpose

This policy describes the way Council will assess and determine applications to conduct activities requiring approval to be conducted on community land pursuant to the provisions of Chapter 7 of the Local Government Act 1993.

1.1 Background

Councils are given responsibility under the Local Government Act 1993 to approve the carrying out of certain activities. This policy addresses those activities listed in Part D of Section 68 "Community Land". These activities include open air concerts, carnivals, circuses, or community gatherings and are typical of the "one-off" type activities that attract a large number of people.

This policy will apply to such activities proposed to be held on those of Council's parks that can be designated for these purposes. These activities, if not properly managed can have a negative impact on the amenity of nearby residents and the general public by increased vehicular and pedestrian traffic, increased parking demands, excessive noise levels and temporary loss of access to the land for general-purpose public recreation. Safely, effectively and conveniently providing for such large numbers involved in an activity, may require additional facilities such as sanitary facilities, garbage collection, security and crowd/traffic control.

Activities are often complex and may depend on approvals from a range of different agencies. The key to staging a successful activity is good communication, as early as possible in the process, between the promoter of the activity, Canterbury City Council and other consent authorities.

As Council is the custodian of its parks on behalf of the community, it is responsible for the approval of activities allowed in these areas. A permit issued by us entitles the permit holder to a degree of assurance that the activity they wish to undertake (provided it is undertaken in accordance with the approved conditions) is condoned, will be safe, properly and adequately serviced and will be compatible with the neighbourhood amenity. It also provides to members of the community better assurance that the possible impacts of the proposed activity have been properly anticipated and assessed beforehand and that appropriate regulatory measures are in place and applicable to the way it is conducted.

This policy also specifies those activities that are exempt from the requirement for prior Council approval. These will include such things as picnics in our designated picnic grounds (where the anticipated attendance will be less than 50 people) and other small scale, low impact community gatherings.

2. Objectives

- To provide guidance for people proposing to conduct activities on community land and to provide a specification of the standards of local amenity, safety and convenience to the community in the way Council exercises its functions.
- To provide procedures for notification to relevant Council staff and external authorities where necessary in respect of particular activity proposals.

- To ensure that applications are considered comprehensively and determined consistently and in a manner that balances environmental amenity, safety, and convenience impacts with the social/cultural/educational benefits such activities provide.
- To ensure that results from any social impact studies are considered.
- To ensure that the applicant is aware of his/her responsibilities to Council and the community.
- To ensure appropriate notification occurs of relevant activity proposals to all affected parties including nearby residents.

3. Scope

This policy applies to all councillors, staff and members of the public involved in promoting, booking and conducting activities on community land.

4. Definitions

Community land for the purposes of this policy is defined as:

- Community classified public land
- Crown Reserve land, reserved for public recreation, the Reserve Trusteeship of which is vested in Council or in respect of which Council is the body in control of the reserve pursuant to the provisions of Section 48 of the Local Government Act 1993.
- land owned by a Minister or agency of State Government and that is formally vested in Council's care, control and management.

Activities - include open air concerts, carnivals, circuses, community gatherings, religious events, large family gatherings etc.

Permit – Document issued by Council granting authorisation to use a particular park subject to particular conditions.

5. Principles

When assessing and determining an application pursuant to Chapter 7 of the Local Government Act 1993 for a proposed activity intended to be conducted on community land, Council's Environmental Compliance Officers will:

- Not approve any application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant legislation.
- Ensure the protection of the environment.
- Ensure the protection of public health, safety and convenience.
- Give proper consideration to any items of cultural and heritage significance which might be affected by the proposed activity.
- Protect the public interest.

6. Responsibilities

Manager Governance and Administration

The Manager Governance and Administration is responsible for receiving application forms, confirming the availability of the particular community land for the particular activity and issuing permits based on advice from the Manager Environmental Compliance.

Manager Environmental Compliance

The Manager Environmental Compliance is responsible for assessing and determining applications in accordance with the provisions of the Local Government Act 1993.

7. Procedures

7.1 Lodgment of Application

Applicants must submit the appropriate Standard Section 68 Application form, **no less than 90 days** prior to the activity to allow us adequate time to consult with nearby residents and adequate processing time. Advice before making application on the most suitable venue for the activity is available by contacting us, and intending applicants are encouraged to do so..

Applicants promoting or advertising the activity before receiving written consent from us, do so at their own risk. The size and nature of the activity will determine the location and the activity may need to be modified, or consideration given to an alternate site covered by this policy, depending upon the likely impact on surrounding neighbourhood and residents.

A site plan (template available from Council) is to be submitted with your application showing details of (as applicable) stalls, stage, sound equipment, waste storage, sanitary facilities and other relevant details.

7.2 Application Details and Council Requirements

Applicants will be required to provide the following information to Council and meet the following Council requirements.

7.2.1 Attendance

Actual (if known) or an estimate of the number of people to attend the activity is to be provided with the application. The estimated attendance will be taken into account in determining the proposed venue suitability, details of the adequacy of nominated activity management arrangement and other logistical matters.

Any approval issued will apply specifically to the nominated number of attendees. Exceedence of the approved number of attendees may invalidate public liability insurance coverage arrangements and leave the approval-holder solely personally liable for any damages arising from the activity. In addition, in these circumstances, Council is entitled to order the activity approval revoked and the activity cease.

7.2.2 Activity duration

The applicant is required to provide starting and finishing times for the activity, including realistic estimates of time required for the setting up and dismantling of equipment before and after the activity. Any approval issued will be time-limited by the inclusion of a suitable condition in the terms of the approval.

7.2.3 Noise/Amplified Sound

Any approval issued will contain conditions specifying that the noise level (L10) from the activity (measured for a period of not less than 30 minutes) is not to exceed the normal background noise level (L90) for the area, by more than 5 decibels when measured at the nearest residential boundary.

The applicant may be required to provide background noise readings prior to the activity. All noise readings are to be undertaken by a qualified and suitably experienced acoustic consultant. If required, noise readings are to be submitted to us **14 days prior to the activity**.

Any approval given will contain conditions that require any public address system proposed to be used is to be used for approved purposes, and at the approved levels (by reference to background levels). The speakers used for the P.A. system should be small, low power units, and be no more than 30 watts. They should be mounted on a pole inclined downwards at an angle of approximately 45 degrees and at a height of no more than 3 metres and configured and used otherwise in accordance with any requirements we may specify.

A designated person (either the applicant or the applicant's nominee) for the activity must be available at all times and when requested by us, take steps to bring about a reduction of the noise level of the speaker or P.A. systems. Depending on the nature of the proposed activity, Council officers may be appointed to monitor the activity in relation to the noise levels. The cost of wages for any officer that attends the site to monitor or investigate any complaints received will be either deducted from the activity applicant's bond or be specified to be payable by the applicant as a separate charge.

7.2.4 Parking/Traffic

The applicant is to take steps to limit the impact of parking in nearby streets by those participating in the activity. Applicants should include in their application details of arrangements made to minimise parking and traffic difficulties associated with the proposed activity. In this regard, any promotional or advertising material produced for the activity by or on behalf of the applicant is to include any arrangements for parking and traffic management required by Council. Advertising material should also encourage the use of public transport or vehicle sharing.

Where requested by us and/or the Police, the applicant must provide suitably identifiable traffic marshals to assist with traffic control. The relevant police precinct will be advised by us, regarding the estimated attendance and the nature of the activity together with names and contact numbers of those in official capacities. Applicants may be required to attend meetings with us and Police prior to the activity.

No vehicles are to enter our parks without our approval, either before, during or after the activity. We will advise the police of major activities so that they can make application to the Roads and Traffic Authority, where necessary, for road closures. This action occurs approximately 30 days prior to the activity and is at the request of the police.

7.2.5 Lighting/Electricity

Where it exists, we may authorise the use of existing floodlighting if the activity extends into the evening. At venues where floodlighting does not exist or is inadequate from a safety aspect, the activity's finishing time will be no later than sunset. Temporary floodlighting is not to be brought onto the park or reserve except where we have given prior specific approval to do so.

Most parks only have limited availability of mains power. Where power points are available, one heavy-duty extension lead no longer than 10 metres in length may be used. Total electrical load is not to exceed the maximum rated output of any outlet. The applicant may apply for permission to run a generator, which if approved, will be subject to its own particular noise control regulations.

7.2.6 Waste Management

Garbage, recycling facilities and cleaning arrangement details to cater for the anticipated attendance are to be provided by the applicant, no less than 60 days prior to the activity. Applicants will also be required to submit waste management details prior to approval for the activity.

The costs for managing waste associated with approved activities is the responsibility of the applicant. We can provide waste management services at a cost to the applicant. If the applicant fails to adhere to the approved Waste Management Plan, any waste removal charges will be deducted from the bond and/or subject of a further specific charge to the applicant.

Applicants are to comply with the standard waste minimisation and management guidelines that apply to the use of parks for major activities and are responsible for the ongoing tidiness of the park throughout the activity.

7.2.7 Toilet Facilities

Adequate additional toilet facilities, as determined by us, including those for the disabled, are to be provided by the applicant for the duration of the activity. Details of additional units are to be submitted with the application.

7.2.8 Amusement Devices/Temporary Structures/Livestock

A separate application and approval is required for the use of amusement devices. The Local Government (General) Regulation 2005 require that before granting approval, we will need to be satisfied that any operator of amusement devices:

- has a current log book (as per Construction and Safety Regulations 1950).
- has a current contract of public liability insurance or indemnity of at least \$10m cover in place. Copies are to be submitted to us no less than **30 days prior to activity**.
- The devices are registered under the Occupational Health and Safety Regulation 2001.

All amusement devices and temporary structures (stages etc) are to be assembled in accordance with conditions set out in the Work Cover registration certificates and our amusement device permit.

The application for a permit to operate amusement devices must be completed and lodged with us, together with any fees, at least **30 days prior to the activity**.

Animal rides (pony/camel etc.) are not subject to an operator's licence but mobile farm exhibitors and circus operators need to be licensed under the Exhibited Animals Protection Act 1998. Proof of public liability coverage of at least \$10m in both cases is required.

7.2.9 Food Stalls/Mobile Food Vans

All temporary food outlets, where food is being sold or provided to the public, are to comply with our conditions for a "One Day Food Stall" and the Australian Institute of Health Surveyors' Food Vending Vehicles Code. Details are available from us.

All outlets are to be established and available for inspection by our inspectors on the day of the activity. Details of food stalls are to be included in the application.

7.2.10 Security/Crowd Control

Sufficient accredited security personnel are to be employed by the applicant for the duration of the activity. Duties are to include continual monitoring of vehicular activity, crowd surveillance, co-ordination of emergency plans and assurance of orderly crowd dispersion at the end of the activity.

7.2.11 Emergency Procedures/First Aid Facilities

The applicant is responsible for advising emergency services, including Fire Brigade and Ambulance of all details pertaining to the activity. We will advise Police of the activity.

Unobstructed access must be provided at all times for emergency vehicles. The applicant must provide details of emergency procedures (including those for disabled persons) within 30 days of the activity.

Suitably qualified first aid personnel are to be available on site and a first aid station is to be signposted, equipped, operational and located at a prominent location on site.

7.2.12 Alcohol in Council's Parks

The selling and/or consumption of alcohol in parks within the City of Canterbury will require our prior approval.

7.2.13 Insurances/Indemnities

The applicant must hold a current public liability insurance policy for the activity of at least \$10m with an insurer to our satisfaction and supply proof of currency at least **30 days prior to the activity.**

The applicant shall indemnify and keep us indemnified against all actions, claims demands, suits, losses, costs and expenses which are brought or made against us or which we sustain or incur or for which we become liable in respect of or in any way arising from the applicant's use of Council's facilities for the activity.

7.2.14 Disability Access

It is the responsibility of the hirer to ensure that services and/ facilities, such as toilets, stalls, attractions, passageways etc, can be accessed by people with disabilities.

8. Determination of Application

Council may determine an application:

- (a) by granting approval to the application, either unconditionally or subject to conditions, or
- (b) by granting “deferred commencement” approval. In this case, approval is granted subject to a condition that the approval is not to operate until the applicant satisfies the Council as to any matter specified in the condition.
- (c) by refusing approval.

Council may reject an application if it is not clear as to the approval sought or if the application form is not easily legible. However, before rejecting an application, Council will, within 5 working days, attempt to obtain from the applicant a form of application that is clear as to its purpose and/or easily legible. The refund of the application fee for any application rejected will accompany the notice of rejection.

9. Payments

9.1 Security Bond

A pre-paid bond will in most cases be required as a guarantee against non-compliance with conditions of approval for the activity and/or to cover the cost of repairing or making good any loss or damage to Council property suffered as a result of the activity. The bond will be held in trust and is refundable after the completion of the activity, less any associated charges (additional cleaning, costs of making good any damage that occurs, wages of staff who attend the activity in an official capacity and any additional equipment which may be acquired/utilised by us etc.).

Bond money will not be invested unless the period between its lodgment with Council and the date we anticipate it being refunded is one year or more.

9.2. Fees and Charges

Activities held on Council owned or controlled land may attract a hiring fee for the use of the land, particularly if the activity being held encroaches onto playing fields. This hiring fee will be in addition to the bond, is not refundable, is specified in our Fees and Charges schedule and will attract applicable Goods and Services Tax.

In addition, if our costs exceed the amount of the bond, the hirer will agree to pay such additional costs within 14 days of receipt of an invoice for such amount.

10. Public Notification

We may notify nearby residents of the activity via local newspapers and/or by letter. In such cases, we allow up to 10 days for any resident, group or organisation to comment on how the activity will affect them. These comments may assist us in determining whether or not to allow the proposed activity or conditions that may need to attach to any approval.

Any advertising of the proposed activity outside the designated activity areas is not permitted without Council’s specific approval.

11. Applicant's Notification

The applicant will be notified, in writing, of our decision as soon as possible (usually within 30 days). If approved, all conditions for the activity will be set out in the permit.

The applicant is to also comply with all regulations signposted at the entrance to each park except where these are specifically varied or suspended as specified in the approval.

12. Flexibility of Policy

We acknowledge that activities covered by this policy will vary in size and nature. This policy has reasonable flexibility so we can consider, within reason, any special requests that may be unique to a particular activity that are not already covered in this policy.

If any special requests are approved by us, it does not set a precedent and these requests may not automatically or necessarily be approved for future activities.

13. Exempt Activities

For the purposes of this policy, an activity is exempt from the need for an approval if it is:

- (a) a small scale, low-impact activity; and
- (b) with an expected/actual attendance of less than 50 people and
- (c) occurring between the hours of 9.00am and 5.00pm and
- (d) not involving any of the following:
 - (i) amusement devices
 - (ii) food preparation for commercial sales
 - (iii) sale of food or drink
 - (iv) the use of megaphones or electronic sound amplification systems
 - (v) the use of generators or Council's power supply
 - (vi) the erection of temporary structures
 - (vii) any aspect that contravenes Council's Park Direction notice for the particular park concerned.

and is to be conducted in any of the following areas:

- Wiley Park
- Gough Whitlam Park
- Peace Park
- Rotary Park
- Belmore Sportsground including Terry Lamb Reserve
- Wise Reserve
- John Mountford Reserve
- Non-sporting field parts of Punchbowl Park, Salt Pan Creek, McLaughlin Oval, Bennet Park, Clemton Park, Parry Park, Rudd Park, Beaumont Park, Rosedale Reserve, Croydon Park, Lees Park, Earlwood Park, Ewen Park and Beaman Park