

Hire of Community Open Space and Facilities

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| Classification: | Council Policy |
| First Issued / Approved: | 12 November 2013, C9481 22 March 2016, C10590 12 March 2019, C11994 |
| Last Reviewed: | 23 November 2021, C231121/13016 |
| Next Review: | November 2025 |
| ECM Tracking No.: | 1848887 |
| Responsible Officer: | Chief Executive Officer |
| Relevant Legislation: | <i>Development Act 1993</i> <i>Disability Discrimination Act 1992</i> <i>Disability Inclusion Act 2018</i> <i>Food Act 2001</i> <i>Heritage Places Act 1993</i> <i>Independent Commissioner Against Corruption Act 2012</i> <i>Liquor Licensing Act 1997 and Codes of Practice</i> <i>Local Government Act 1999</i> <i>Native Vegetation Act 1991</i> <i>National Parks and Wildlife Act 1972</i> <i>Public Health Act 2011</i> <i>Road Traffic Act (Miscellaneous Regulations) 1961</i> <i>Work Health and Safety Act 2012</i> |
| Related Policies: | By-Law No 1 Permits and Penalties By-Law No 2 Moveable Signs By-Law No 3 Local Government Land By-Law No 4 Roads Heritage Policy Community Engagement (Public Consultation) Policy Community Funding, Sponsorship and Donation Policy Community Land Management Plans Regional Public Health and Wellbeing Plan 2020-225 Enforcement Policy Climate Change Policy Fees and Charges (Non Rates) Waivers Discounts and Subsidies Policy Leasing and Licensing of Community Facilities Policy Open Space Policy Parking Policy Road and Traffic Management Policy Use of Road Reserves for Commercial Purposes Policy Volunteer Policy |

1. Introduction

- 1.1. This Policy covers the short term, exclusive-use, hire of community open space and community facilities; and
- 1.2. documents in relation to permits for casual and seasonal hire of Council community open space and community facilities, the:
 - 1.2.1 application process, including Council's requirements of applicants;
 - 1.2.2 assessment criteria; and
 - 1.2.3 approval process.

2. Strategic Plan Desired Outcomes

Principles: Spans all Strategic Plan Principles

Theme: Community

Environment

- Goals:*
- 1: A resilient, healthy and connected community
 - 2: Our City will be a leading environmental custodian

- Priorities:*
- 1.1 Flexible, fit for purpose facilities and places
 - 1.2 Resilience, wellbeing and recreation
 - 1.3 A sense of community
 - 1.4 Facilities, services and programs that meet our community's needs
 - 2.3 Use natural resources efficiently and minimise waste
 - 2.4 Healthy Habitats and biodiversity

3. Our Approach

- 3.1. Our community feels welcomed and included and embraces diversity.
- 3.2. Provide opportunities for our community to connect and pursue recreational, cultural and sporting passions.
- 3.3. Provide multipurpose facilities to meet the broad, intergenerational needs of the community now and into the future.
- 3.4. Council provides affordable and accessible community facilities and services that contribute to our community's quality of life.
- 3.5. Council provides access to community open space assets within parks, gardens and reserves for residents and community groups and public events for hire.

4. Legislative Requirements and Corporate Policy Context

- 4.1. Development Act 1993
- 4.2. Disability Discrimination Act 1992
- 4.3. Disability Inclusion Act 2018
- 4.4. Food Act 2001
- 4.5. Heritage Places Act 1993
- 4.6. Independent Commissioner Against Corruption Act 2012
- 4.7. Liquor Licensing Act 1997 and Codes of Practice
- 4.8. Local Government Act 1999
- 4.9. Native Vegetation Act 1991
- 4.10. National Parks and Wildlife Act 1972
- 4.11. Public Health Act 2011
- 4.12. Road Traffic Act (Miscellaneous Regulations) 1961
- 4.13. Work Health and Safety Act 2012

5. Interpretation

For the purpose of this Policy, the following definitions apply.

- 5.1. “Authorised Officer” means any person to whom power has been delegated in relation to this Policy.
- 5.2. “Community Groups or Organisations” means groups or organisations that are incorporated for the benefit of the community and the profits of which are retained within the organisation.
- 5.3. “Community Facility” means a building or asset, generally located on Community Land, primarily available to facilitate community activities in accordance with Council’s corporate desired outcomes.
- 5.4. “Community Land” means land so defined in the Local Government Area.
- 5.5. “Community Open Space” means all Council owned or managed public open space i.e. parks, gardens and reserves.
- 5.6. “Council” means The City of Burnside or its Administration, as appropriate.
- 5.7. “Hire” refers to the priority use of an area of community open space, community facility or community land (as determined by the conditions of the Permit) for short term use, but in any event for a period of less than one year.
- 5.8. “Public Event” refers to an event held over one or more days:
 - 5.8.1 which may have the potential to attract a crowd and/or have a potential for significant sensitivity, risk or controversy; and/or

- 5.8.2 any event that the Authorising Officer deems to be a Public Event.
- 5.9. "Management Guidelines" means administration management protocols applicable to a particular activity, event, site and/or facility.
- 5.10. "Permit" means the Council document authorising the use of community land, community open space and community facilities.
- 5.11. "Permit Guidelines" means the documentation setting out details of the community open space and community facilities, their general usage and the permitted and prohibited activities applicable to them.
- 5.12. "Private Event" means:
- 5.12.1 an event, wedding, birthday party and other similar function, which is not intended to or does not generate revenue for the organiser; or
- 5.12.2 any event that the Authorising Officer deems to be a Private Event.
- 5.13. "Waste" waste collection is limited in parks and reserves. All waste brought to and associated with a function or event should be removed.

6. Policy

- 6.1. Permits and/or hire agreements are required for certain activities undertaken on community land, community open space or community facilities.
- 6.2. Authorisation by permit will be required if the activities involve temporary road closure, parking on reserves, vehicle displays, filming and certain commercial activities.
- 6.3. Some activities may also require development approval. Refer to Section 11.4
- 6.4. Some areas of community land are excluded from permit hire use. Some activities are prohibited. Refer to Section 9 and 10.
- 6.5. Each activity type requires consideration and approval by an Authorised Officer. Applicant form(s), must be completed and submitted to Council, along with any Council requested documents. The full application will not be processed unless accompanied by a signed statement that the Applicant has read and agrees to the Permit Guidelines and/or Terms and Conditions of Hire.
- 6.6. All Application Forms are available from the City of Burnside website www.burnside.sa.gov.au
- 6.7. Where there are fees payable associated with the Permit and/or hire, they must be paid after permission is granted, but prior to issue of the Permit and/or hire taking place. In some cases this will extend to items such as a bond, advertising and/or insurance. Payment of the cost of reinstating an area may also be required after conclusion of the activities or expiry of the Permit / hire.
- 6.8. Permits and Hire Agreements are valid for a specified period of time, site(s) and activities and are not transferable.
- 6.9. Permits and Hire Agreements may be revoked, as determined by an Authorised Officer.

- 6.10. Applicants to whom a Permit and/or Hire Agreement is issued may be required to complete a Post-Evaluation Report to Council on the conclusion of the activities. Details of the requirements of such a report will be provided by the Authorised Officer requesting the report.

7. Categories of Hire Permits

7.1. Casual

7.1.1 Private Event

Events of short duration, of up to a maximum of one day that generate no revenue to the organiser. Available to individuals, community groups or organisations. Examples include but not limited to a wedding, family gathering, community meeting, or hourly non-regular tennis court hire or as deemed by an Authorised Officer

7.1.2 Public Event

Events that have the potential to attract a crowd, generate revenue as deemed by an Authorised Officer. Events may also require a liquor license, road closure, vehicles driving on reserves, event containment (including but not limited to fences and/or other structures such as marquees), fireworks, animals or entertainment equipment such as jumping castles and circus tents, or any other relevant request as determined by the Authorised Officer.

7.2. Seasonal

7.2.1 Non Commercial

Open Space

Regular use booking(s) by individuals, community groups or organisations with exclusive use, but not effective control of a designated site for non-commercial activities for a period of up to one year (for example, a not-for-profit community group using a particular agreed park space once a week for six months).

Facilities

Regular use booking(s) by individuals, community groups or organisations with exclusive use of that facility for a particular time frame (for example, not for profit community group using the Community Centre for chess).

7.2.2 Commercial

Regular use booking(s) by commercial groups, instructors, personal trainers, businesses or organisations with exclusive use of the whole or part of a designated site, but not effective control, for an activity which will generate commercial gain for the organiser, individual, group or organisation for a period of up to one year (for example personal trainers, tennis coaches instructing students on community tennis courts or photographers wanting regular repeated use of particular park location or facility to undertake their commercial activity).

8. Activities Requiring Permission

- 8.1. Certain activities undertaken on community land, community open space or in community facilities, require a permit and/or hire agreement. This is including, but not limited to:
 - 8.1.1 Undertaking cleaning or repairs to vehicles;
 - 8.1.2 Entertaining and/or preaching including singing, busking or playing musical instruments;
 - 8.1.3 Using an amplifier or other amplifying sound device;
 - 8.1.4 Promoting, organising, participating in any game or organised sport, recreation or amusement as specified by By-Law 3;
 - 8.1.5 Carrying out any activities that impact on flora and fauna (as specified by By-Law 3 and subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*);
 - 8.1.6 Consuming, carrying, possessing or being in charge of liquor between the hours of 9pm and 9am, except where a Liquor Licence and Permit for that site is held as per By-Law 3. (Note that permission will not be given for Kensington Lookout, which is classified as a Dry Zone at all times);
 - 8.1.7 Conducting or participating in a marriage ceremony;and
 - 8.1.8 Conducting sport or fitness instruction.
 - 8.1.9 A full and exhaustive list of activities requiring a permit can be found on the City of Burnside website under By-Law 3: [City of Burnside By-Laws](#).

9. Prohibited Activities

- 9.1. Inappropriate or By-Law 3 contravening use of equipment/and/or facilities, as deemed by an Authorised Officer.
- 9.2. Causing annoyance or unreasonable interference with any other user of local government land (by making noise or creating a disturbance, engaging in socially unacceptable behaviour or inappropriate conduct) as deemed by an Authorised Officer.
- 9.3. Whistle blowing (except where it occurs in the course of a game on grounds dedicated to that purpose).
- 9.4. Creation of an obstruction.
- 9.5. Interference with, damage or defacing of local government land or assets.
- 9.6. Use of missiles or wilful breaking of glass or other such materials.
- 9.7. Offering clothing, merchandise, equipment, food, refreshments, goods, services or other products for sale, except as part of an organised event which has an approved Council Permit / Hire Agreement.

10. Exclusion Areas

- 10.1. Areas identified in Community Land Management Plans and Management Protocols produced pursuant to this Policy.
- 10.2. Any other area as advised by an Authorised Officer.
- 10.3. Areas nominated by Council from time to time.

11. Permit Application and Approval Process

- 11.1. Application Forms need to be submitted sufficiently in advance of the event to allow time for considered assessment (including consultation or communication where relevant) and processing of any associated approvals.
- 11.2. Applications for Public Events with road closures, must be submitted 6 (six) months in advance. Late applications will be accepted at the discretion of the Authorised Officer.
- 11.3. Applications for regular annual Public Events must be submitted 3 (three) months in advance. Late applications will be accepted at the discretion of the Authorised Officer.
- 11.4. Applications which are not considered by Council to be reasonably incidental to the approved use of the community open space or facility may require a separate Development Approval. For more information on the process, refer to the City of Burnside website www.burnside.sa.gov.au
- 11.5. Council is not obliged to provide a location for any group or event. Generally, appropriate sites will be made available to any individual, group or organisation on a "first come first served" basis, if an application meets the assessment criteria, unless there are prior agreements in place.
- 11.6. Council reserves the right to consider each request on a case-by-case basis and retains the right to ask for further information or refuse an application.

12. Assessment Criteria

- 12.1. Application assessment reflects the needs and expectations of the community, as documented in the City of Burnside Strategic Community Plan.
- 12.2. The following Assessment Criteria apply to all Public Event applications.

12.2.1 Social Benefit

The opportunity for the local community to be involved through volunteerism, attendance and participation; fostering a sense of community spirit within the Council area; celebrating local attractions, culture and history; and the ability to provide recreation, personal health and entertainment opportunities.

12.2.2 Environmental Impact

Demonstrate that the event will have a minimal impact on the natural environment by embracing environmental sustainability principles and appropriate waste minimisation practices such as recyclable products.

12.2.3 Impact on the Community

The likely impact of events such as noise, nuisance, safety, parking of cars or buses, number of patrons, alcohol availability and consumption and road closures; and balancing the frequency and community benefit of events and the needs and requirements of affected businesses and residents.

12.2.4 Supporting Information

If required: provision of evidence of a minimum of \$10 million (\$10,000,000) Public and Product Liability Insurance; of a Site Plan; of an Event Management Plan; and of a Risk Management Plan; provision of any parking, road closure, signage and security requirements; Traffic Management Plan; and details of any consultations or communications undertaken or proposed.

12.2.5 Economic Impact of the Event

The potential to raise significant funds for projects within the community (e.g. through local community based associations); and the potential to attract additional visitors and economic activity.

12.2.6 Timing of the Event

Consideration will be given to the timing of the event having regard to the likelihood of the event to compliment or conflict with another event.

12.2.7 Image and Marketing Exposure

The ability to demonstrate a level of demand for the event with clearly defined objectives and outcomes; consideration will be given to the ability of the event to attract positive media exposure for Council; demonstrate an ability to generate a high level of public interest through marketing and media campaigns; and enhance a broader public awareness of the City of Burnside.

12.2.8 Financially Sound

Applicants may be required to identify the revenue sources for their event; those sources may include applicant's capital, donations, sponsorship (cash and in-kind) from private and relevant public sector bodies and earnings from ticket sales and merchandising.

13. Fees, Bonds, Signage, Insurance and Other Requirements

- 13.1. Permit / hirefees are determined in accordance with Council's Fees and Charges Schedule, which is reviewed annually.
- 13.2. The Schedule of Fees and Charges can be found on the City of Burnside website www.burnside.sa.gov.au
- 13.3. A reduced or subsidised fee or charge may be approved if, in the opinion of the Authorised Officer as per the Fee Subsidy Structure (Community Centre and other Facilities Appendix 1) in the Fees and Charges (Non Rates) Waivers Discounts and Subsidies Policy and the application delivers worthy and substantive community outcomes in accordance with the Fees and Charges (Non Rates) Waivers Discounts and Subsidies Policy. This subsidy matrix provides a clear and transparent process, in which fee subsidies will be assessed.

- 13.4. An Applicant may be required to pay:
 - 13.4.1 a bond of such sum as the Authorising Officer reasonably requires;
 - 13.4.2 the cost of any road closure advertisement, which must be paid prior to placement of the advertisement.
- 13.5. The erection of signage, banners or flags on community land requires separate Council approval prior to installation and must comply with the *Development Act, 1993*, By-Law No 2 Moveable Signs and Council Signage Guidelines.
- 13.6. Some events may require consultation or communication with affected residents and/or businesses and/or media, for example Public Events at Hazelwood Park. The Authorising Officer will inform the Applicant of any requirements for consultation or communication required for Permit approval. The Applicant must pay all costs associated with that process.
- 13.7. In accordance with the Terms and Conditions of Hire, the Applicant must, if Council requires, provide evidence of public liability insurance indemnifying the Council to a minimum sum of ten million dollars (\$10,000,000). The Authorising Officer may, if an event is deemed to be of higher risk, require a higher level of cover.

14. Cancellation of an Event

- 14.1. If an event is cancelled for unavoidable reasons such as inclement weather the Applicant must, at their own expense, promptly notify Council and, if required, the general public.
- 14.2. The Applicant is responsible for any costs attributed to the planning prior to the event and as a result of the cancellation of the event(s).
- 14.3. The Authorised Officer will assess the requirement to refund any fee or bond that has been paid prior to the cancellation.

15. Special Exemptions

- 15.1. Council reserves the right to consider each Application request on a case-by-case basis and require conditions or approve exemptions at the discretion of the Authorised Officer.

16. Reinstatement

- 16.1. Council may choose to inspect the site(s) in question prior to hire in conjunction with the Applicant, to determine the site(s) "before hire" condition. The Applicant must reinstate the area(s) and its facilities for which the Permit / hire agreement was issued to the satisfaction of Council at the conclusion of the use of the community land or community facility.
- 16.2. Applicants are liable for any damage to public property that occurs as a consequence of the event and must pay the costs of the repair of. All such costs are deductible from any bond and any costs in excess of the bond must be paid to Council by the Applicant.

17. Post Event Reporting

- 17.1. Council may request applicants to lodge a Post Event Evaluation Report, within twelve (12) weeks of the conclusion of the event, with sufficient detail for Council to assess the social and economic benefits of the event. The Authorised Officer will notify the Applicant of this requirement at the time of permit approval.
- 17.2. A Post Event Evaluation Report should include: appropriate financial details; attendance estimates from a reliable source; business or community feedback received; survey data if collected; evidence of any media exposure; details of any incidents and how they were solved; and an overview of the event including achievements and lessons learned.

18. Council Support

- 18.1. Council will consider, but is not obliged to grant, requests for Council support on a case by case basis in accordance with the Community Funding, Sponsorship and Donation Policy as appropriate.

19. Issue and Revocation of Permits

- 19.1. Pursuant to Section 44 of the *Local Government Act, 1999* Council delegates the power to issue Permits under this Policy to the Chief Executive Officer, with the power to further delegate to an Authorised Officer of Council.
- 19.2. If the Chief Executive Officer refers an Application to a meeting of Council for determination, applicants may attend any relevant Council Meeting to provide such further information as Council may require using a deputation.
- 19.3. Permit holders found to be in breach of any Terms and Conditions of Hire or any relevant Council By-Law, except with the approval of the Authorised Officer or any other direction provided by Council may have their Permit revoked, at Council's discretion.

20. Compensation

- 20.1. Council will not pay compensation to adjacent property owners or businesses as a result of issuing a Permit.

21. Road Closures

- 21.1. Approval is required. The permit will document the details of the approval.
- 21.2. All applications that impact the use of roads or road related areas under the care, control or management of Council will be assessed against this Policy, other road use related policies of Council, By-Law No 4 Roads and legislation.
- 21.3. In addition to the Terms and Conditions of Hire, the Applicant is required to:
 - 21.3.1 provide sufficient time for applications for road closures to be assessed and for consultation and advertising to occur in advance of the road closure;
 - 21.3.2 provide Council with written proof of public notification to all residents and/or business operators who may be affected by the temporary closure of a road or road-related area or use of Council land;
 - 21.3.3 confirm commencement and end times of the required temporary road closure (which may differ from the actual event times); and

- 21.3.4 pay the costs of the required road closure advertising. In accordance with the *Road Traffic Act 1961*, Council is required to advertise the road closure in at least one newspaper circulating in the area prior to the event.

22. Parking on Reserves

- 22.1. Approval is required. The permit will document the details of the approval.
- 22.2. The Applicant seeking to hold an event must address the parking needs of attendees. This issue will be taken into account when assessing the suitability of areas where applications have been received to hold events.
- 22.3. Parking on reserves is not permitted unless on an area or road that is constructed or set aside by the Council for that purpose. In exceptional circumstances, where the Authorising Officer (in their absolute discretion) considers that there are valid reasons and no alternatives, an application for permission may be made.
- 22.4. Applications which request vehicle access or parking (including in relation to all event staff, contractors, deliveries, food vendors, stall holders and the general public) will be assessed against this Policy, road use related policies of Council, By-Laws and legislation.

23. Commercial Traders, Photographers and Entertainment Providers

- 23.1. Council encourages people to participate in commercial activities that do not damage or prevent others from enjoying its community and or facilities. Examples of such activities are commercial tennis instruction, personal or group fitness training instruction, photography, trading or acceptable entertainment provision. A separate approval by permit for such activities is required, to ensure compliance with Council requirements on issues such as public liability, safety, public notification and minimising inconvenience to residents.
- 23.2. Permits for the commercial activity will only be provided for those areas on community land or in facilities which have been identified as suitable for that activity, taking into account Council's Community Land Management Plans, Heritage Areas and By-Laws such as those covering erection of signs and structures.
- 23.3. Existing Permit holders will be given priority to book their desired location and times but Council reserves the right to negotiate alternative sites and change bookings after review, or to decline to issue a Permit or withdraw a Permit from a previous or existing Permit holder.

24. Filming and Photo Shoots

- 24.1. Approval is required if the filming or photo shoot is for commercial purposes. An assessment fee is required to be paid prior to the assessment commencing.
- 24.2. Council receives requests to film or take images on community land for commercial use in print, television, online or cinema productions. Approval for such activities is required to ensure compliance with Council's Filming Photo Shoot in the City of Burnside Terms and Conditions on issues such as public liability insurance, safety, public notification and minimising inconvenience to residents.

24.3. The Applicant must also provide documents referred to in the Filming/Photo Shoot Permit Application, which may include a \$20M Public Liability Insurance certificate, Risk Management Plan, an Accredited Traffic Management Plan and other approvals as required.

24.4. The Filming/Photo Shoot Permit will document the details of the

25. Review and Authority

25.1. This Policy will be reviewed every four years in line with Council's Policy and Protocols Framework.

26. Availability

26.1. This Policy is available to be downloaded free of charge, from Council's website www.burnside.sa.gov.au/Council/Policies.

26.2. This Policy will be available for inspection free of charge, from at the Civic Centre during ordinary business hours. A copy may be purchased for a fee as set annually by Council.

27. Further information

For further information about this policy please contact:

City of Burnside Civic Centre:

401 Greenhill Road

Tusmore SA 5065

Tel: 08 8366 4299 Email; burnside@burnside.sa.gov.au