

Procedure
3.02.1

Use of Public Land (Local Approvals Policy)

Department	Planning and Environment Group (PEG)
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1. Name of the document

The name of this document is Use of Public Land - Local Approvals Policy

2. Date of Commencement

This document takes effect from the date of its adoption by Council's Leadership Executive Group (LEG), the date of which is indicated in the header of this document.

3. Purpose of this Policy

The purpose of this policy is to:

- Ensure there remains an appropriate balance between passive and active recreation on public land for residents and visitors.
- Clarify what commercial activities may be carried out on public land and to regulate and manage those activities.
- Encourage a land use framework that encourages a healthy lifestyle.

4. Area to which this Policy Applies

The procedures included within this document apply to all public owned land within the Bega Valley Shire, including but not limited to:

- Footpaths
- Public reserves
- Road reserves, and
- Crown reserves under trusteeship of Bega Valley Shire Council.

5. Related Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Crown Lands Act 1989*
- *Crown Lands Regulation 2000*
- *Roads Act 1993*
- *Road Transport Act 2013*

6. Definitions

For the purpose of interpreting this policy the following definitions are to be applied:

Term	Definition
Amusement Device	Has the same meaning as within the <i>Local Government Act 1993</i> and <i>Work Health and Safety Act 2011</i> .
Busker	Includes a person who entertains in a public place by playing a musical instrument, dancing, singing, clowning, juggling, or performing acts of a similar nature whether or not for the intention of receiving donations from members of the public.
Council	refers to Bega Valley Shire Council
Fixed point of sale	The setting up or use within the road or public reserve of any box, stall, stand, building, stationary or fixed vehicle and in any single location, for the purpose of offering for sale any goods, or for the pursuit of any business or employment and remains consistent to the licence issued.
Licence	A contractual agreement that grants the licensee a personal right to occupy and use land for a particular purpose. It does not grant exclusive possession of the land, as is the case with a lease, and may permit the land to be used by other persons
Mobile Food Vending Vehicle	A vehicle parking on public streets and/or Public Reserves for the purpose of heating, preparing, refrigeration or storage for food for sale for human consumption, with the exception of Alcohol. Such vehicle must be removed from the location at the end of the trading day.
Mobile Information and Health Service	Includes a bus, trailer or van with a primary purpose to provide a community or information service. Does not include the sale of food.
Movable signage	Includes any advertisement or advertising structure that is not fixed to a physical point, limited in size and scale, and is removed from its position at the close of business every day. This signage includes 'A frame' signs, sandwich boards and the like.
Outdoor eating area	An area with seating used for the serving and consumption of food. The area provides a natural extension to an existing café, restaurant or food shop.
Outdoor Fitness Training	The use of a paid trainer, to provide guidance and instruction of personal fitness activities.
Passive Recreational Activities	Low impact recreational and leisure activities undertaken on a non-commercial and informal basis.
Public land	All Council owned or controlled land including Crown land that Council is the Trust manager of and community and operational land as defined under the <i>Local Government Act 1993</i> .
Real Estate Advertising Sign	Is a sign which is displayed for the duration of the construction, development or transaction period, advertising a property or building for sale, auction or lease.
Recreation and Tourism	Includes the use of land or water for commercial gain and can include the sale of items and or the provision of a service related to recreation and or tourism activities such as surf schools and the like.
Shopfront footpath display	Goods including boxes, stands, products and all materials that comprise and make up the display in a licensed area outside a specified retail premises.
Single events	Include a number of established community fairs and other local activities that occupy and use public land for an event once every twelve months or at an additional interval over the same period that is considered to have no appreciable impact on both local business and amenity.

7. Types of Use of Public Land Approvals

This document contains three different categories for which activities are regulated:

1. Exempt

NOTE: The below exemptions must be read in conjunction with the Definitions within Section 67 and Exemption Criteria within Sections 11 and 12 of this document.

- a. Passive Recreational Activities
- b. Busking
- c. Road Side Signage
- d. Activities Located within a Showground governed by a s.358 Committee

2. Fast Track

This type of application is reserved for land use approvals that involve routine approvals for minor activities.

- a. Street Stalls
- b. Weddings
- c. Fundraising Barbeques
- d. Type 'A' Hoardings, construction / work zones & waste skips

3. General Approval

For all other permissible land use activities that is not incorporated into the 'exempt' or 'Fast Track' approval process.

- a. Amusement Devices
- b. Outdoor Fitness Training
- c. Street Umbrellas
- d. Advertisement Flags
- e. Outdoor Eating
- f. Shopfront Footpath Displays
- g. Movable Signage
- h. Mobile Food Vending Vehicles
- i. Mobile Information and Health Service Vans
- j. Wedding Receptions
- k. Busking (when the exemption criteria is not satisfied)
- l. Single Events
- m. Recreation and Tourism

8. Unsuitable locations for the use of public land

At the discretion of Council, approval will not be given to a proposed land use under the following circumstances:

- Areas where high pedestrian usage exists with insufficient width and or area to accommodate the use.
- Specific public places (e.g. bus stops, taxi ranks or directly outside a fire escape or fire hydrant).
- Hazardous places such as the corners of street intersections, main roads where hazards to pedestrians and/or vehicles exist.
- Where the intended use is contrary to the purpose of the public land or reserve.
- Where damage to the environmental qualities of the public land or reserve may result.
- Where the use may overly impede or restrict public access.
- Any other location at the discretion of Council where the proposed land use would be deemed inappropriate.

9. Insurance, Risk Management and Property Damage

A copy of the Insurance must be submitted with any application under this Policy. The Insurance must incorporate the following:

- The Insurance exceeds \$20 Million for the purpose of Public Liability.
- The Insurance must be under the name of the applicant.
- The Insurance must remain valid for the duration of the land use.

Any application for the Use of Public Land shall be accompanied by a Risk Management Statement. A template Risk Management Template may be obtained by Council.

The applicant is responsible to clean up after any event and prevent damage to public land. If the approval holder fails to comply with this requirement Council may carry out the necessary work and seek reimbursement of costs from the applicant.

10. Fees

The fees payable under this document will be applied as prescribed under Councils Fees and Charges.

At its discretion, Council may pro-rata the annual rental fee (excluding the Initial Application Fee). The minimum period for the pro-rata of fees is 3 months.

The maps outlining the core and fringe areas for the purpose of Outdoor Eating and Shopfront Displays are included as Appendix 1 within this document and must be read in association with Councils Adopted Fees and Charges.

In certain circumstances, fees may be waived under the following circumstances:

- a. If the event is a Community Event and Not-for-Profit, and,
- b. At the discretion of the General Manager.

A letter must be addressed to the General Manager stating the reason why a fee exemption should apply.

Exemptions under this policy

11. Activities not requiring approval from Council under this policy

- Passive Recreational Activities
- Road side signage (with reference to Section 12)
- Busking (provided the busking activity complies with Section 13 within this document).
- Spreading of Ashes.
It is strongly recommended that the Local Aboriginal Lands Council be notified prior to the spreading of any ashes.
- Activities located within a Showground that is governed by a s.358 committee (under the *Local Government Act 1993*). The proposed use shall be consistent with the designed and intended use of the facility.

Note:

In certain circumstances approval may still need to be sought from the committee governing the use of the Showground reserve.

11a. Passive Recreational Activities

For the purpose of Section 11, Passive Recreational Activities is exempt under this Policy provided:

- The event is a non-commercial activity (including the activity of Fundraising) and is held on an informal basis.
- The event is not for the purpose of protesting or for political rallies.
- No Amusement Devices are incorporated into the activity.
- Does not incorporate the use of amplified music.
- The activity does not incorporate the erection of any structures or require any traffic management or control plans.
- Council staff are satisfied that the area is suitable for the nature of the activity and will cause minimal disruption and interference to adjoining areas.

12. Road side signage

For the purpose of Section 11, Road Side Signage is exempt under this Policy provided:

- The signage is for the purpose of advertising an event for a Not-for-Profit organisation.
- The signage is erected no earlier than 30 days before the commencement of the event and removed no later than 14 days after the event.
- Is erected within a road reserve governed by Bega Valley Shire Council.
- Land is securely fastened.
- The sign is in a location whereby it does not affect vehicular sight distance or otherwise create a hazard for vehicle users.
- The sign is not attached to a Traffic Advisory Sign or within 30m of a Traffic Advisory Sign.

13. Busking

For the purpose of Section 11, Busking is exempt under this Policy provided that:-

- No amplified sound is used, and
- Sufficient pedestrian access within the immediate area is maintained, and
- Is undertaken during daylight hours, and,
- Is undertaken within the limits of the area(s) noted below.

Busking Locations

Pre-approved locations where Busking may take place include:

- Bega
Ayres Walkway and Littleton Gardens
- Merimbula
Hylands Corner
- Other Areas (excluding Bega and Merimbula)
Within any open space provided that permission has been sought from the adjoining businesses, and, a distance of at least 2m is maintained to any access way to buildings.

14. Activities exempt under this document, but may require an approval under an alternate Policy or procedure

- Filming – Filming Policy.
Contact Councils Communications Coordinator on 6499 2222 for further information

'Fast track' applications

15. Activities eligible for a 'Fast Track' Approval from Council

- Street Stalls
- Weddings
- Fundraising Barbeques
- Type 'A' Hoardings and Waste Skip Bins.

Note:

This approval does not incorporate Type 'B' Hoarding (as defined under the Building Code of Australia). Any Type 'B' Hoarding will require the lodgement of a General full Public Land Use Application to Council.

16. What Information is to be provided for a 'Fast Track' Approval?

For all Applications:-

- Completed copy of the 'Fast Track' Application Form
- Copy of Insurance
- Application Fee

Additional Information Required For Fundraising Barbeques:

- Completed 'Temporary Food Stall Application' Form.

Additional Information Required For Hoarding and Waste Skip Bins

- Site Plan indicating the proposed location of the Hoarding or Waste Skip Bin. This plan shall detail the dimensions of the Hoarding and Skip Bin while noting the area and dimensions it will occupy.

17. General Conditions that apply to 'Fast Track' approved events

Street Stalls

- The stall must not be located within 30m of any other ticket seller, stand or stall.
- Final negotiation is with the adjacent shop owner or business proprietor as to the exact location of the street stall on the footpath area outside the shop or business frontage.
- Pedestrian movement must not be obstructed.
- Observe and obey all road parking limits within the immediate area.
- Be for the purpose of charitable fundraising and satisfy the requirements of the *Charitable Fundraising Act 1991*.

Weddings

- Although Council will endeavour to reserve the area requested for the specified time and day, Council is unable to guarantee exclusive rights to the area on this day.
- All litter originating from the event must be collected immediately at the conclusion of the event. All litter must be legally disposed at the conclusion of the event.

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- Alcohol may be provided within small quantities as part of the ceremony. Any alcohol served must be restricted to the bridal party.
 - If the ceremony is located within an 'Alcohol Free Area', no alcohol is to be provided as part of the ceremony.
 - If a marquee is to be used, it must not penetrate the ground deeply, as there may be reticulation in the area and you may be liable for any damage or expenses incurred.
 - A reception in association with the wedding will require a separate approval from Council in the form of a General 'Use of Public Land Approval'.

Fundraising Barbeques

- The fundraising BBQ must not be located within 30m of any other stand or stall;
- Nearby pedestrian movement shall not be interfered with;
- Gas cylinders shall comply with AS/ANZ 1596.2008.
- Road parking limits and rules shall be observed within the immediate area;
- Be for the purpose of fundraising for a not-for-profit organisation and satisfy the requirements of the *Charitable Fundraising Act 1991*;
- Compliance with the 'Guidelines for Food Businesses at Temporary Events' as issued by the NSW Food Authority.
- A copy of this document may be downloaded from the NSW Food Authority Website www.foodauthority.nsw.gov.au

Type 'A' Hoardings and Waste Skip Bins

- A clear distance of at least 2m is to be maintained between the outer extremity of the activity and the adjacent buildings or fences to provide sufficient area for pedestrian movement.
- A minimum distance of 1m is to be maintained between the outer extremity of the activity and the kerb line.
- Skips and hoardings placed on the footpath must maintain a clearance of at least 1m in front of existing doorways and driveways.
- The skip or hoarding shall not cover or impede access to public or private utility access or drainage pits or obstruct the view of advisory and regulatory signs and traffic controls.
- Hoarding and/or skip bins are not to be placed within 15m from an intersection. If hoarding and/or skip bins are to be placed within 15m from an intersection, a general full Use of Public Land Application must be lodged.
- If applicable, all conditions issued under the s.138 Certificate (*Roads Act 1993*) are to be complied with.
- All requirements of the *Work Health & Safety Act 2011* must be met.

Use of public land – general approvals

18. Amusement Devices

Approval for Amusement Devices under this Policy is only offered ancillary to a larger event (circuses, festivals, markets etc.). This document does permit Amusement Devices ancillary to a sporting event provided the sporting event is held in a location suitable for that particular sporting event (e.g. sportsground, oval etc.).

The application for an Amusement Device must be submitted concurrently with the application for the other event.

General Requirements

- The location of Amusement Device is restricted to parks and reserves and the location must be deemed suitable for the location of any such devices.
- The device must be registered under the *Work Health and Safety Regulation 2011*.
- The device must be erected in accordance with all conditions relating to its erection set out in the current certificate of registration issued for the device under the *Work Health and Safety Regulation 2011*.
- Each Amusement Device, whilst operating, must be under the supervision of a person at least 18 years of age, who is fully trained in all aspects of its safe operation
- The operator must maintain Public Liability Insurance for the duration of the activity.

Inflatable Devices

- Inflatable devices must be designed and constructed in accordance with AS 3533.1 – 1997.
- The device must not be operated during high wind velocities.
- The device must be held down securely at all times whilst in operation. If any part of the holding down system becomes detached, it is the operator's responsibility to clear all persons from the device (and, if necessary, deflate it) until such time as it can be securely restrained.
- Each device must be held down in accordance with the manufacturer's recommendations.

19. Outdoor Fitness Training

Fitness Activities Permitted

This document relates to any commercial fitness group and personal training activity. Fitness sessions are limited to the normal activities of a registered personal trainer, yoga teacher, tai chi instructor or the like, which may include, but not limited to:

- 'Boot Camp' style fitness training
- Gym sessions (with or without weights, fitness balls, skipping ropes etc.)
- Boxing and pad training
- Yoga, meditation and tai chi
- Organised aerobic activity, circuit training and a combination of any of the above.

Fitness Activities that are not permitted

- Any activity that Council considers intimidating for the general public, such as military or aggressive activities.
- Activity that incorporates amplified sound or music.
- Any activity that utilises equipment that may cause damage to the surrounding area.

Areas within Bega Valley Shire that may be utilised for Outdoor Fitness Training

Outdoor Fitness Training sessions may be conducted in the following locations:

- Parks, sportsgrounds and reserves.
- Beach reserves under the management of Council

Areas within the Bega Valley Shire that may not be utilised for Outdoor Fitness Training Activities

- Parks, sportsgrounds and reserves where there is limited space and high community usage.
- Areas where the activity is not consistent with the nature or ambience of the area.
- Areas where the environment may be adversely affected.

General Requirements

To maintain a regulatory function of Outdoor Fitness Training, the following are general conditions for any Personal Training Operator within the Bega Valley Shire.

- The number of participants in any single session is to be limited to a number that will not impact on the surrounding amenity of the area.
- The Outdoor Fitness Training Operator must maintain Public Liability Insurance exceeding \$20 Million throughout the duration of the approval period.
- The Outdoor Fitness Training Operator must be appropriately trained to satisfactorily and safely undertake the fitness training activities.
- Activities are only to occur during daylight hours.
- Activities shall be conducted to ensure footpaths and stairs are not excessively obstructed.
- The approved activity shall not interfere with any other Council approved or community booked event and shall not disrupt or interfere with general public rights of access of the parks and open spaces.
- Council reserves the right to alter or revoke any approval on circumstances of high demand for any particular area or in the circumstance of adverse impacts on adjoining areas.
- Although Council will endeavour to make the specified area available for the approved activity, Council will not provide exclusive use to any public open space.
- The applicant shall be responsible for the collection, removal and disposal of litter from the venue and surrounding public and carparking areas. All litter is to be removed immediately after the event and the area is to be left in a clean and tidy manner.
- The applicant shall keep a copy of the approval onsite at all times and produce the approval on request by any authorised officer of Council.

20. Street Umbrellas

Street Umbrellas may be used in conjunction with an approval for outdoor eating or a footpath shopfront display. Street Umbrellas are only permissible within a Commercial precinct.

To maintain a regulatory function, the following are general conditions for any Street Umbrellas within the Bega Valley Shire:

General Requirements

- Must be secured to withstand strong winds and maintain structural certification to the satisfaction of Council.
- A minimum of 300mm must be maintained from the outer extremity of the umbrella to the edge of the footpath.
- Must be wholly located within the leased area and have a minimum of 2.2 meters ground clearance.
- Designed to adequately reflect the commercial amenity and context of the area (i.e. no beach umbrellas).
- Be manufactured from fire retardant material if heating is used in conjunction of the umbrella.
- Be maintained in a sound and aesthetically acceptable condition to Councils satisfaction.
- Insurance for the purpose of Public Liability exceeding \$20 Million must be maintained for the duration of the approval period.

21. Advertisement Flags

With approval, Council may permit advertisement flags on the footpath within Commercial areas. 'Teardrop' flags whereby the flag surface is under tension and remains rigid (similar to those depicted in Figure 1) are permitted. 'Feather Banners', or other banners that are not rigid or tensioned (similar to those depicted in Figure 2) are not permitted under the provisions of this document.

Figure 1



Typical 'Teardrop Flag' design

Figure 2



Typical 'Feather Flag' design

To maintain a regulatory function, the following are general conditions for any Advertisement Flags within the Bega Valley Shire.

General Requirements

- The flag must only display material which advertises the business being conducted on that premises.
- Flags shall be professionally made and be maintained in good condition.
- A maximum of one flag is permitted for each premise.
- Flags shall not exceed 2.5 metres in height and 0.6 metres in width.
- Each flag shall be adequately anchored and secured to ensure stability in wind gusts.
- Each flag shall be removed from the footpath at the close of trade each day.
- Flags shall be located to provide a clear distance of at least 2m for public thoroughfare and shall be located a minimum 300mm from the street kerb. At its discretion, Council may consider a distance less than 2m if the particular time or location of the flag permits a variation to this standard.
- Insurance for the purpose of Public Liability exceeding \$20 Million must be maintained for the duration of the approval period.

22. Outdoor Eating

Council encourages the establishment of Outdoor Eating areas within Commercial zones. To maintain a regulatory function, the following are general conditions for any Outdoor Eating area within the Bega Valley Shire.

General Requirements

- A clear distance of at least 2m is required between the outer extremity of the area allocated for outdoor eating and the kerb line to provide sufficient area for pedestrian movement.
- The pedestrian corridor must be continuous with the frontage of the property and/or contiguous with the adjoining properties to provide for a constant pedestrian corridor along the footpath. In this regard the use of the outdoor eating area should comply with the requirements of AS1428, in terms of access at all times.

Furniture style

- Furniture should be strong, durable, waterproof and weather resistant, designed appropriately for its intended use. The design must not contain parts that are likely to cause damage to the pavement.
- All outdoor furniture shall be maintained at all times in a physically sound state and be able to sustain frequent use to prevent damage and movement to ensure public safety.
- The furniture used must be aesthetically suitable and involve a colour scheme and materials that are both practical and serviceable and in keeping with its surrounding area and shop front. Council reserves the right to reject unsuitable furniture.

Amenity

- All reasonable action should be taken to ensure that the area does not produce any nuisance or offensive noise.
- No entertainment or amplified music will be permitted in the outdoor eating areas without consent from Council.

Health considerations

- All food must be stored and prepared within the approved food preparation area of the premises.
- All furniture, other facilities and pavement shall be kept clean at all times.

Toilet Facilities

- Outdoor Dining associated with a food business will be considered with respect of the need to provide toilet facilities in regard to the Building Code of Australia.

Alcohol

- Where outdoor eating is approved in association with a licensed premise, liquor may not be supplied or consumed without approval from the NSW Office of Liquor Gaming and Racing.

Smoking

- The Smoke-free Environment Act 2000 makes all public outdoor dining areas smoke-free.

Advertisements

- Only the name or logo of the premises may be placed on any item of furniture.

It must appear once on each item and be a minor element of the furniture design. In the circumstance where the food premises sell a beverage, it is permissible that the beverage name be included on associated furniture.

Other advertisements may be permissible at the discretion of Council

Variations Permissible under this document

Council may vary the above mentioned standards under the following circumstances:

General Requirements

- a. Permit Outdoor eating at kerbside – Provided the eating area will not directly adjoin an area exposed to motor vehicle movement viz parking.
- b. Public Thoroughfare - The minimum thoroughfare distance (2m) may be varied to a minimum 1.5m in locations where Council's fixed street furniture exists and where the applicant can demonstrate that there will be no increased impact on pedestrian access when the tables and chairs are in place.

The minimum thoroughfare distance (2m) may also be varied to a minimum of 1.5m at particular times of day or night if public thoroughfare is minimal at that time.

Exclusions outside town centres

Notwithstanding the above Council may authorise picnic style tables and/or benches located outside a "general store" not within a town centre where the Council is of the opinion that the furniture will provide a genuine community benefit. No approval fee will be payable, however the authorisation is at the discretion of Council and subject to a written agreement between the storeowner and Council.

23. Shopfront footpath displays

In conjunction with business within Commercial areas, Council does permit the use of public space for the purpose for Shop Front Displays. To maintain a regulatory function, the following are general conditions for any Shopfront footpath displays.

General Requirements

- A clear thoroughfare of at least 2m is required to be maintained between the outer extremity of the display and the kerb line (or any other obstruction). At its discretion, Council may consider a distance less than 2m if the particular time or location of the shopfront display permits a variation of this standard.
- The pedestrian corridor must be continuous with the frontage of the property or contiguous with the adjoining properties to provide for a constant pedestrian corridor along the footpath.

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- The display shall be of stable construction with no part protruding beyond the main body of the stand and not involve sharp corners.
 - The display must have adequate stability and be placed or fixed as to prevent them from being moved by wind or other forces.
 - If food is displayed, it must be in accordance with the Food Standards Code.
 - Goods for display or sale may only be placed outside the premises to which they relate and only during business hours, after these hours the stall shall be removed.
 - The display is not permitted to obstruct the driveway or doorway of the owners or adjoining owner's property.
 - The applicant shall maintain Public Liability Insurance exceeding \$20 Million for the duration of the approval period.

24. Moveable Signage

In conjunction with business within Commercial areas, Council does permit the use of public space for the purpose of the display of moveable signage. To maintain a regulatory function, the following are general conditions for any Movable Signage within the Bega Valley Shire.

General Requirements

- A maximum of one sign shall be permitted to be displayed in front of each premise, arcade, alleyway or roadway.
- Signs shall not exceed 0.6 metres in width within the areas mapped as 'core' within Bega, Merimbula, Bermagui and Eden. Areas mapped as 'fringe' in Bega, Merimbula, Bermagui and Eden and other villages may maintain signage of no greater than 0.9m in width.
- Each sign shall be constructed to ensure stability and anchored and secured to ensure stability even in wind gusts.
- Each sign shall be removed from the footway at the close of trading each day.
- Signs shall be located to provide for a clear distance of at least 2m between the sign and the shop front (and any other obstruction) and shall be located a minimum 300mm from the street kerb. At its discretion, Council may consider a distance less than 2m if the particular time or location of where the Signage is located permits a variation to this standard.
- Signs shall be professionally made, painted and maintained at all times to an acceptable standard.
- Signs are not permitted within road reserves adjacent to a road signposted at a speed limit of 80km/hr or greater.
- The applicant shall maintain Public Liability Insurance exceeding \$20 Million for the duration of the approval period.

25. Mobile Food Vending Vehicles

In certain circumstances, Council will permit the use of public space for the placement of Mobile Food Vending Vehicles. To maintain a regulatory function, the following are general conditions for any Mobile Food Vending Vehicles within the Bega Valley Shire.

General Requirements

- All vehicles must be registered as per the requirements of the Road Transport Legislation (Road Transport Act 2013)

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- The operator must maintain Public Liability Insurance exceeding \$20 Million for the duration of the approval period.
 - No additional flashing or rotating lights, except those required under the relevant motor vehicle legislation, are permitted.
 - The vehicle is not permitted to operate within 500 meters of any retail food outlet selling a similar food product if that outlet is open.
 - Trade of the Mobile Vending Vehicle must only occur during daylight hours. The Mobile Food Vending Vehicle must then be removed at the close of trade for that day.
 - The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 60km/hr.
 - The vehicle is not to create a traffic hazard, obstruction or dangerous situation.
 - The vehicle must be made available for inspection by an Authorised Officer of Council for a health clearance certificate prior to the issue of approval.
 - All requirements of the *Work Health & Safety Act 2011* must be met.
 - All solid or liquid waste shall be removed from the site at the end of each trading day and disposed at an appropriate location to the satisfaction of Council.
 - Council maintains the right to request the Mobile Food Vending Van to progress to an alternate area if circumstances require.

25a. Mobile Information and Health Service Vans

Periodically, Council may receive a request for a mobile information or service van to be temporarily situated within a public place. An example of such a service may be Government Information Services, the Blood Bank or other Health Services.

Mobile Information and Health Service Vans incorporating Government and not-for-profit organisations are only permitted under this policy.

To maintain a regulatory function, the following are general conditions for any Mobile Information and Health Service Vans within the Shire.

General Requirements

- All pedestrian and access paths shall remain clear at all times during the approval period.
- All litter is to be removed immediately after the event and the area is left in a clean and tidy manner.
- Any electrical leads in use shall be taped or otherwise protected to avoid potential for electrocution and or trip hazard to the users of the area.
- Public Liability Insurance exceeding \$20 Million must be maintained for the duration of the approval period.

25b. Fixed Point of Sale

In certain circumstances, Council may permit the use of public space for the placement of a vehicle or structure for the purpose to achieve the definition of a Fixed Point of Sale.

Depending on the nature, scale and location of the proposed Fixed Point of Sale, Council at its discretion may require a lodgement of a Development Application.

A separate occupation licence issued by Council's Property Services Section in this instance will be required.

To maintain a regulatory function, the following are general conditions for any Fixed Point of Sale within the Bega Valley Shire.

General Requirements

- Fixed Point of Sale vending is permitted only in or on locations considered appropriate to the nature and scale of the use.
- Any fixed structure for the purpose of the sale of food, shall be connected to the reticulated water and sewer system. At its discretion, Council may authorise alternate methods in the absence of the connection to the reticulated water and sewer system.
- All conditions under the issued occupation licence must be complied with.
- If a Development Application has been submitted, all conditions of the Development Application shall be complied with.
- Payment of Fees will be in accordance with any lease agreement and in accordance with Councils adopted Fees and Charges.

26. Wedding Reception

A Wedding Reception on Public Land does require the lodgement of a full Use of Public Land Application. Any application shall be lodged in accordance with Councils Event Management Guide (Appendix 2).

27. Busking

As outlined in Section 11 of this document, Busking may be exempt. However, if the provisions as detailed under Section 13 are not met, a full Use of Public Land application is will be required.

General Requirements

- Amplified music is permitted, however the music shall be set and orientated such that it does not impact neighbouring businesses.
- Permission must be sought from adjoining businesses prior to the commencement of busking activities.
- A minimum 2m thoroughfare must be maintained to ensure adequate pedestrian access.
- A distance of at least 1m must be maintained from any doorway.
- All electrical cords must be taped and stored in such a way to eliminate any trip hazards..
- Public Liability Insurance for exceeding \$20 Million must be maintained for the duration of the activity.

28. Single Events

Single events are permitted in locations considered acceptable to the type and scale of event.

If the event does not impact on road traffic, the event coordinator shall notify Council in writing of the proposed event at least 30 days prior to the event.

If the event will have an impact on road traffic then compliance with the NSW Government Special Events Manual will be necessary. The Manual is available through the RMS (www.events.nsw.gov.au) or through Council. Several months' notice will be required for an event that has potential road traffic impacts.

In certain circumstances, the application for a Single Event may require the lodgement of the Event Management Guide. (Refer to Appendix 2).

Single Events may not require the lodgement of a Development Application. However, consideration of Section 321 of this Policy should be given to determine whether a Development Application is required.

Council may also consider it necessary to notify adjoining, adjacent neighbours to ascertain and consider community feedback prior to determining an application.

General Requirements

- The event shall be staged in compliance with the submitted Event Management Plan, Event Management Guide and Traffic Management Plan (if applicable) unless varied by any conditions of this approval.
- Consideration is given to the Council's Event Management Guide and all reasonable steps shall be taken to comply with this guide.
- Where food or beverages are prepared for sale the relevant premises are to comply with the *Food Act 2003*, Food Regulation 201004 and the National Food Safety Standards 3.2.2 "Food Safety Practices and General Requirements" and 3.2.3 "Food Premises and Equipment".
- Public Liability Insurance for exceeding \$20 Million must be maintained for the duration of the event.
- The approval holder must ensure that the event or ceremony is conducted safely and that pedestrians have free access to the remaining area of the sportsground/reserve/footpath.
- The applicant shall be responsible for the collection, removal and disposal of litter from the venue and surrounding public and carparking areas. All litter is to be removed immediately and appropriately disposed after the event.
- The approval holder is responsible for any environmental pollution resulting from the approved use. Should pollution occur the approval holder is responsible, at their own cost, for returning the affected area to its condition prior to the pollution having occurred. If the approval holder does not comply with this condition, Council may carry out the necessary work and the approval holder will be required to reimburse Council for any associated costs.
- The event coordinator is to ensure that activities taking place shall not cover or impede access to public or private utility access areas and drainage pits. Authorities such as Telstra and Country Energy must be given access to the site if required. The event activities shall not obstruct the view of advisory and regulatory signs and traffic controls.
- In accordance with Council's Outdoor Smoke Free Procedure, the event must be promoted as a Smoke Free Event.
- A copy of this approval must be kept onsite and readily available for the duration of the event.
- Any notification as required by Council must be undertaken prior to the event taking place. Notification will need to be undertaken in a manner that will notify the relevant parts of the community of the event.
- The promoter is reminded of their obligations under the *Work Health and Safety Act 2011* and the Work Health and Safety Regulation 2011, which is legislation administered by WorkCover NSW. This legislation requires Safe Systems to be implemented to manage safety risks. Further information on the OH&S requirements can be obtained by the local WorkCover NSW office in Bega phone (02) 6491 6600 or www.workcover.nsw.gov.au

29. Recreation and Tourism

Council remains supportive for the use of Public Land for the purpose of Recreation and Tourism. Below are the general requirements for the use of Public Land for this purpose. To maintain a regulatory function, the following are general conditions for Recreation and Tourism activities within the Bega Valley Shire.

General Requirements

- Recreation and Tourism uses are permitted only in or on locations considered acceptable to the type and scale of use.
- Use of water reserves may require an Aqua Licence to be issued by the Roads and Maritime Service (RMS).
- All requirements of the *Work Health and Safety Act 2011* must be met.
- The Recreation and Tourism Operator must submit to Council a copy of the Certificate of Currency by which notes cover exceeding \$20 Million for the purpose of Public Liability.
- Activities must cause minimal disruption and interference with the general public rights of access and enjoyment of the parks and open spaces.
- The approved activity shall not interfere with any other Council approved or community booked event that is being carried out within the public space.
- Council reserves the right to alter or revoke any approval on the terms of high demand for any particular area.
- Although Council will endeavour to make the specified area available for the approved activity, Council is unable to guarantee exclusive use to any public open space.
- The applicant shall be responsible for the collection, removal and disposal of litter from the venue and surrounding public and carparking areas. All litter is to be removed immediately after the event and the area is to be left in a clean and tidy manner.
- A copy of this approval must be kept onsite and readily available for the duration of the event.

30. Prohibition

Real Estate advertising signage on public land is prohibited.

Signage relating to Development Land Releases and noted within any Development Consent is not prohibited and may be displayed in accordance with any development consent.

31. Other Land Uses not specified in this Procedure

Periodically, Council may receive a request for the use of Public Land that is not covered by this Policy. In these circumstances, Council will assess each request on its merit and determine whether the proposed land use would be appropriate and in the public interest.

If appropriate, Council staff will determine the activity on its merit to determine whether it may be 'exempt', or require the lodgement of an application.

32. Other Land Uses on Public Land Not Regulated under this Policy

New Petrol Bowsers on Public Land is no longer permitted. However existing Petrol Bowsers must enter into a Licence Agreement with Council. Further information regarding leases on Public Land may be obtained from Councils Property Officer.

33. Public Land Use and Development Applications

In certain circumstances, a Development Application may need to be lodged in association with a Public Land Use Application if the proposed activity is outside the scope of this procedure.

34. Procedure for Non-Compliance

Any approval granted by the Council to activities included under this document will be limited to a maximum period of 12 months. On the expiry of this period, all private use of the public land is to cease unless a further application is made to and approved by Council prior to the approval expiry date.

Non-compliance protocols are aimed at achieving a responsible and amicable solution to the private use of public land. The procedure for Non-Compliance is to be consistent to Councils 'Enforcement and Compliance Policy'.

Breaches of conditions

1. Written and verbal notice to operator and applicant requesting compliance.
2. Penalty notice may be issued if failure to act after notice to comply.
3. Following a Penalty notice, approval may be revoked and articles impounded.

Operating with an expired approval

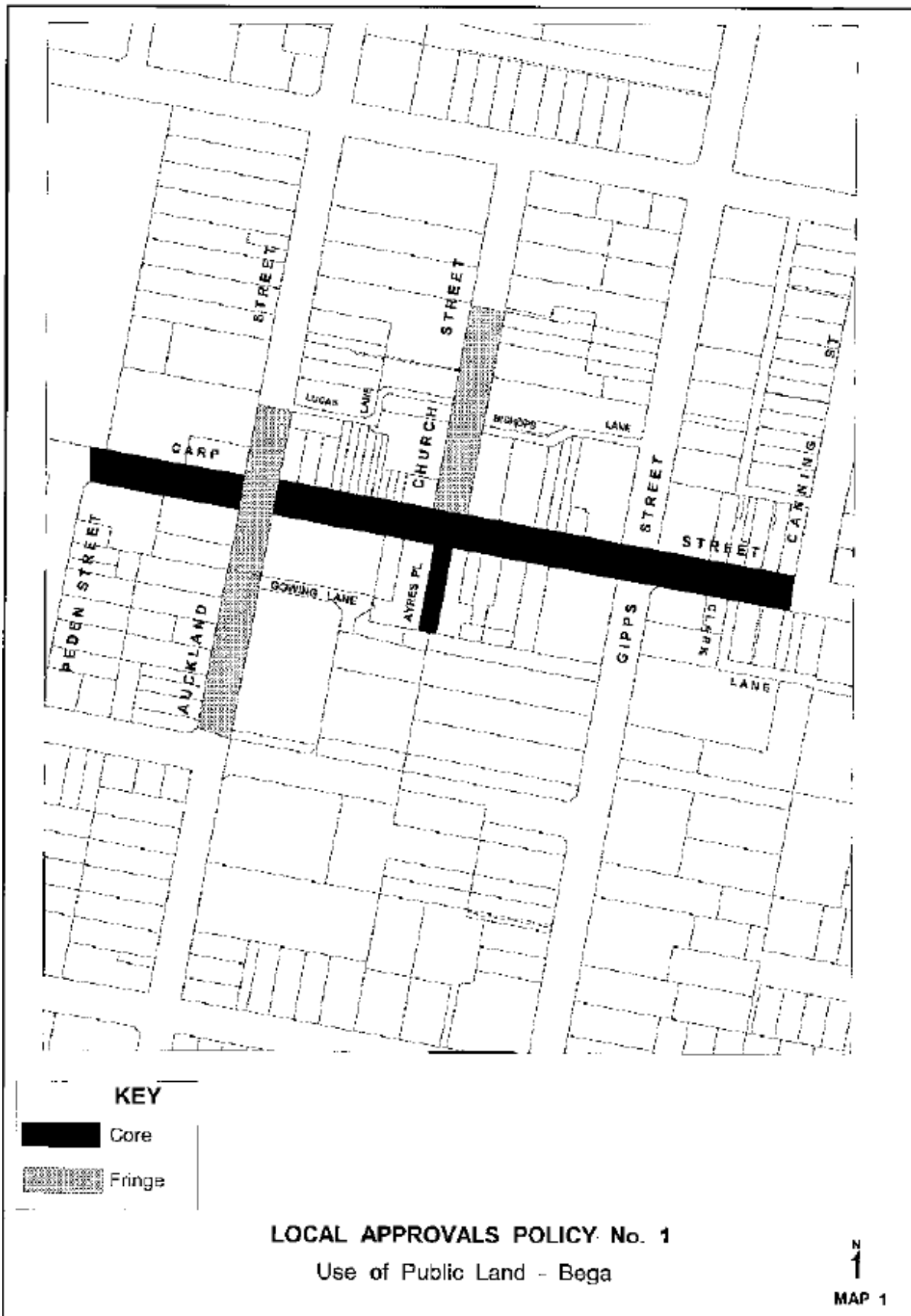
1. Written and verbal notice issued.
2. Application form is issued to operator and licensee.
3. Penalty notice may be issued if failure to act after notice to comply.
4. Continued non-compliance may then result in further action being taken (e.g. Court Action) or articles impounded.

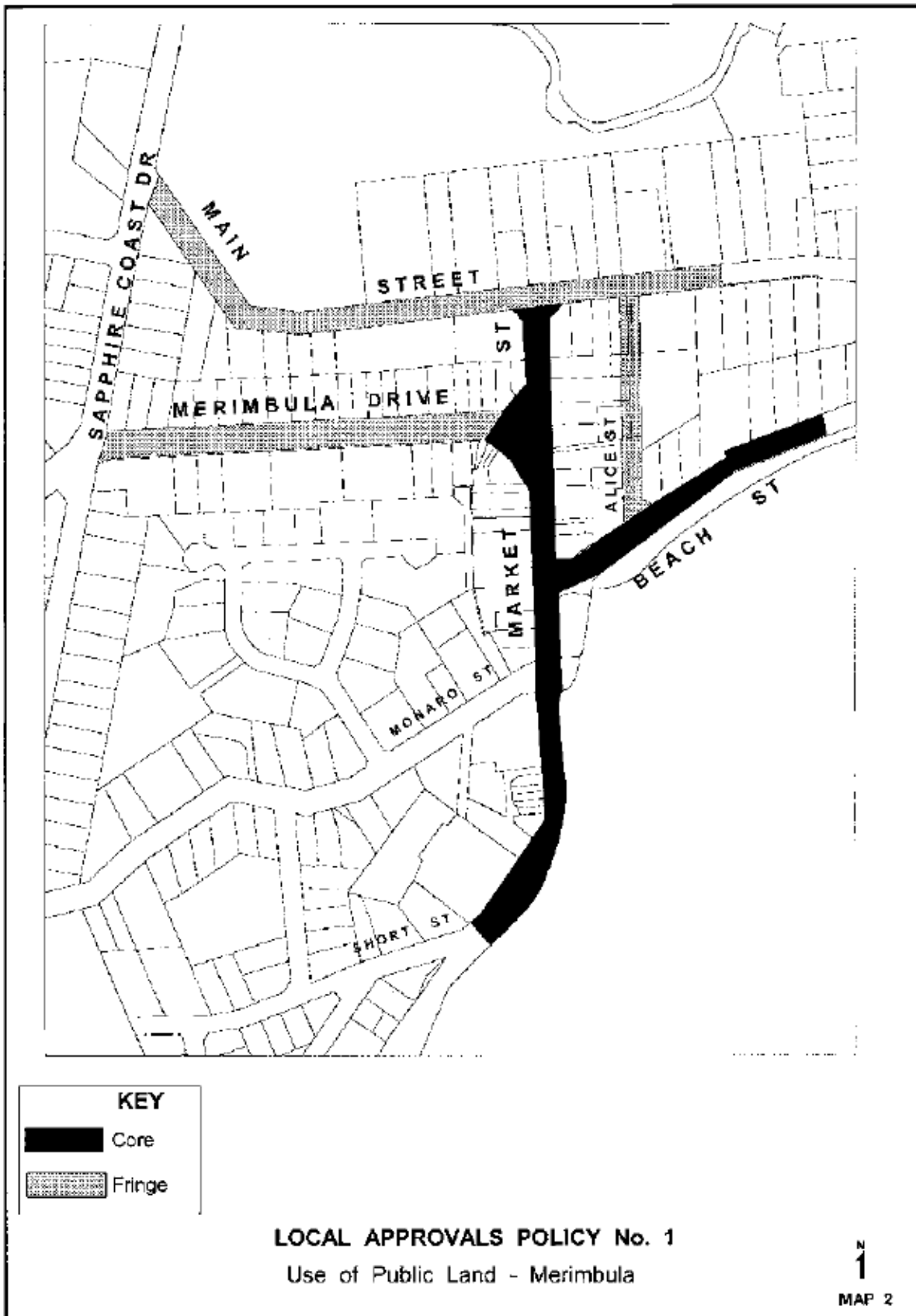
Operating without an approval

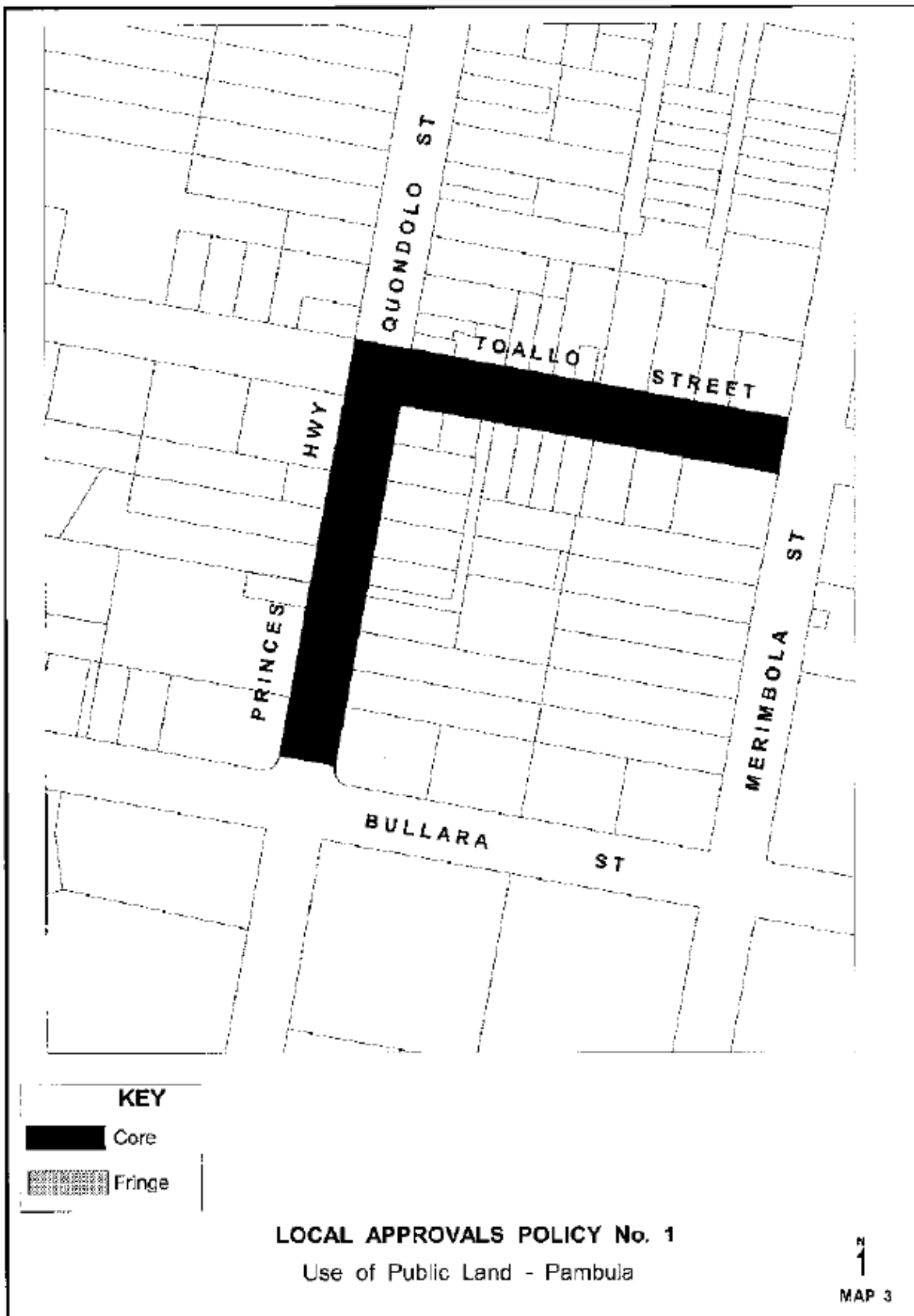
1. Application form is issued to the registered proprietor. Written and verbal notice issued.
2. Penalty notice may be issued if failure to act after notice to comply or articles may be impounded.
3. Continued non-compliance may then result in further action being taken (e.g. Court Action).

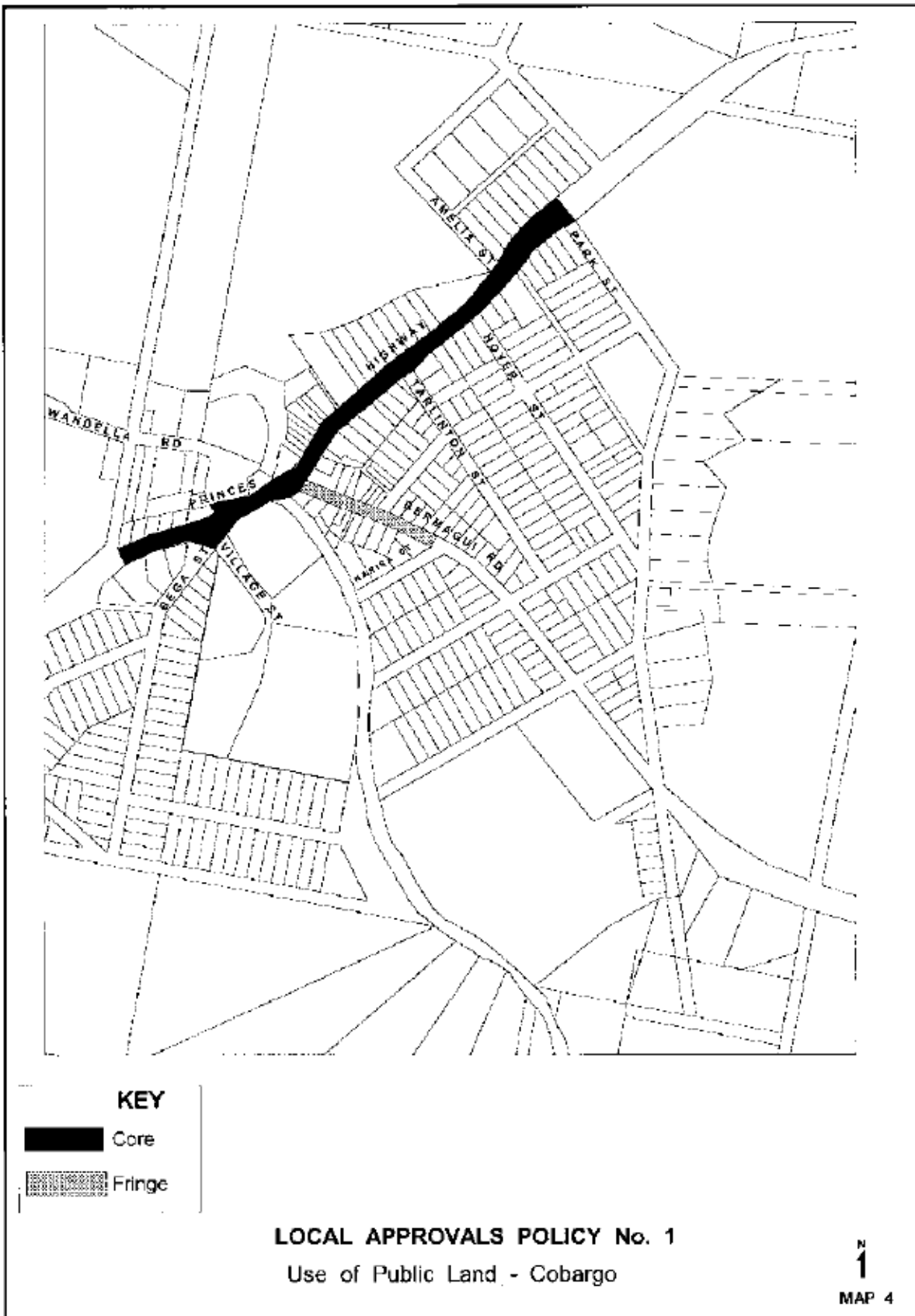
Operating without Public Liability Insurance

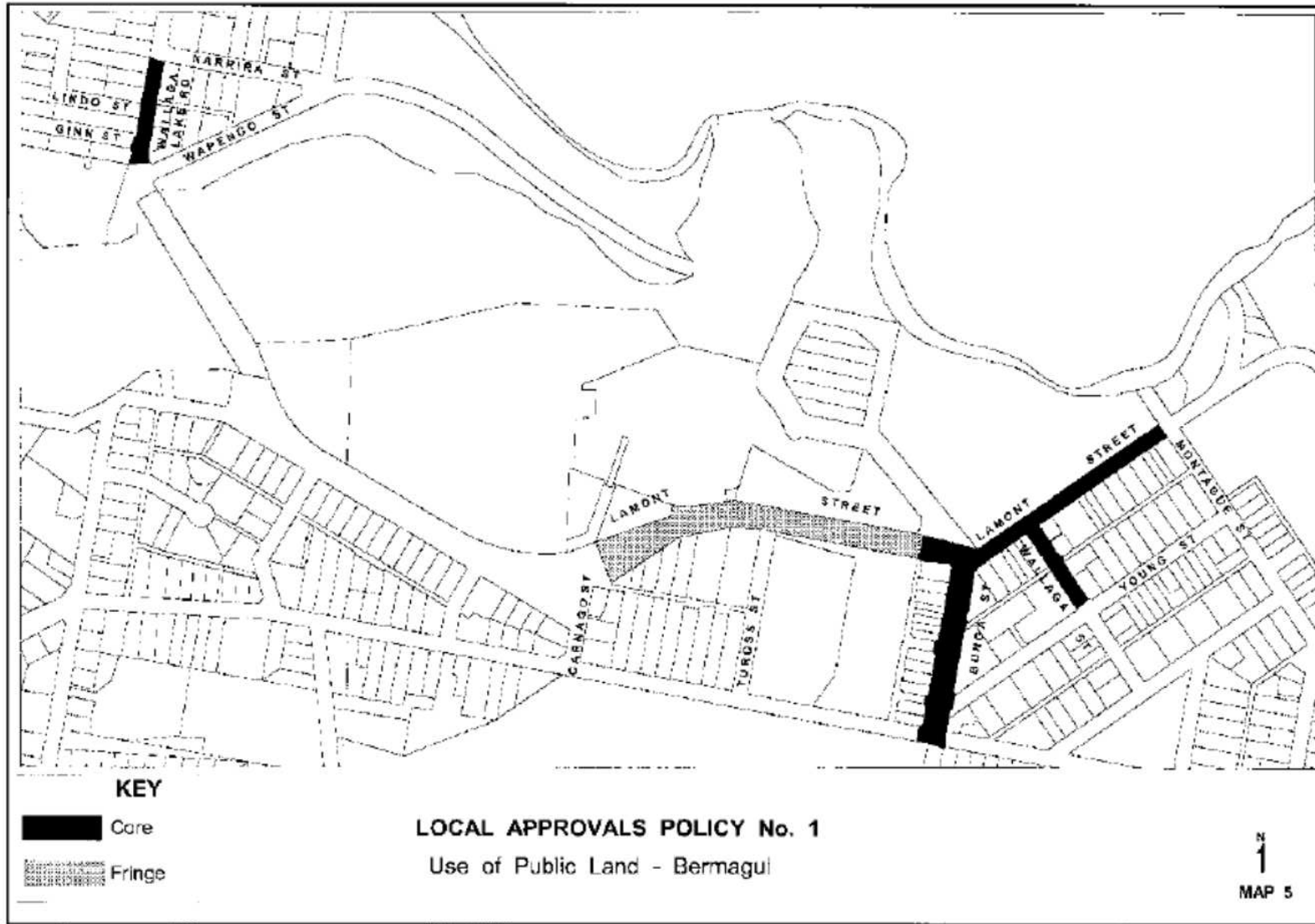
The approval automatically lapses. The use must immediately cease and procedure to impound the item(s) may be undertaken.

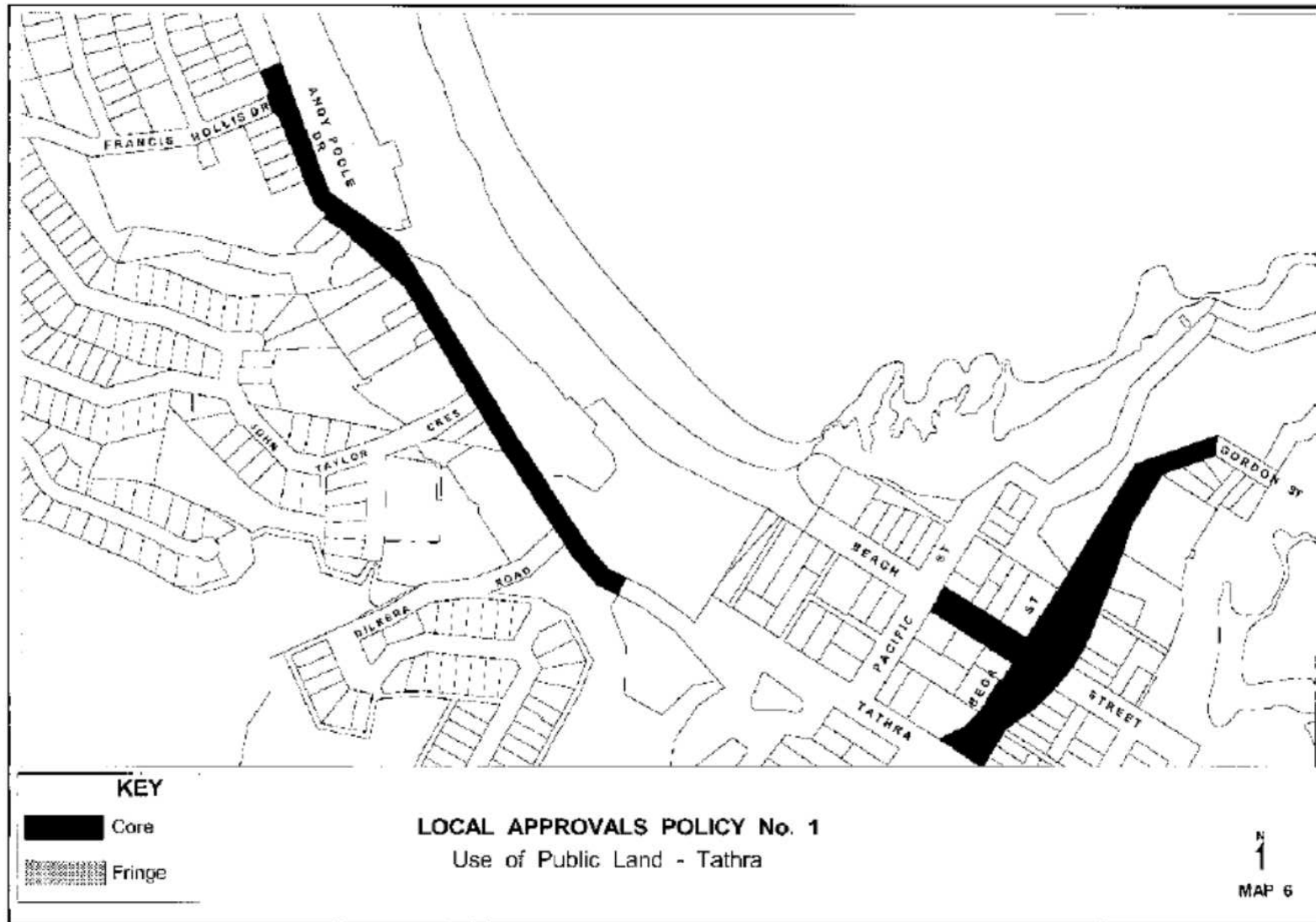


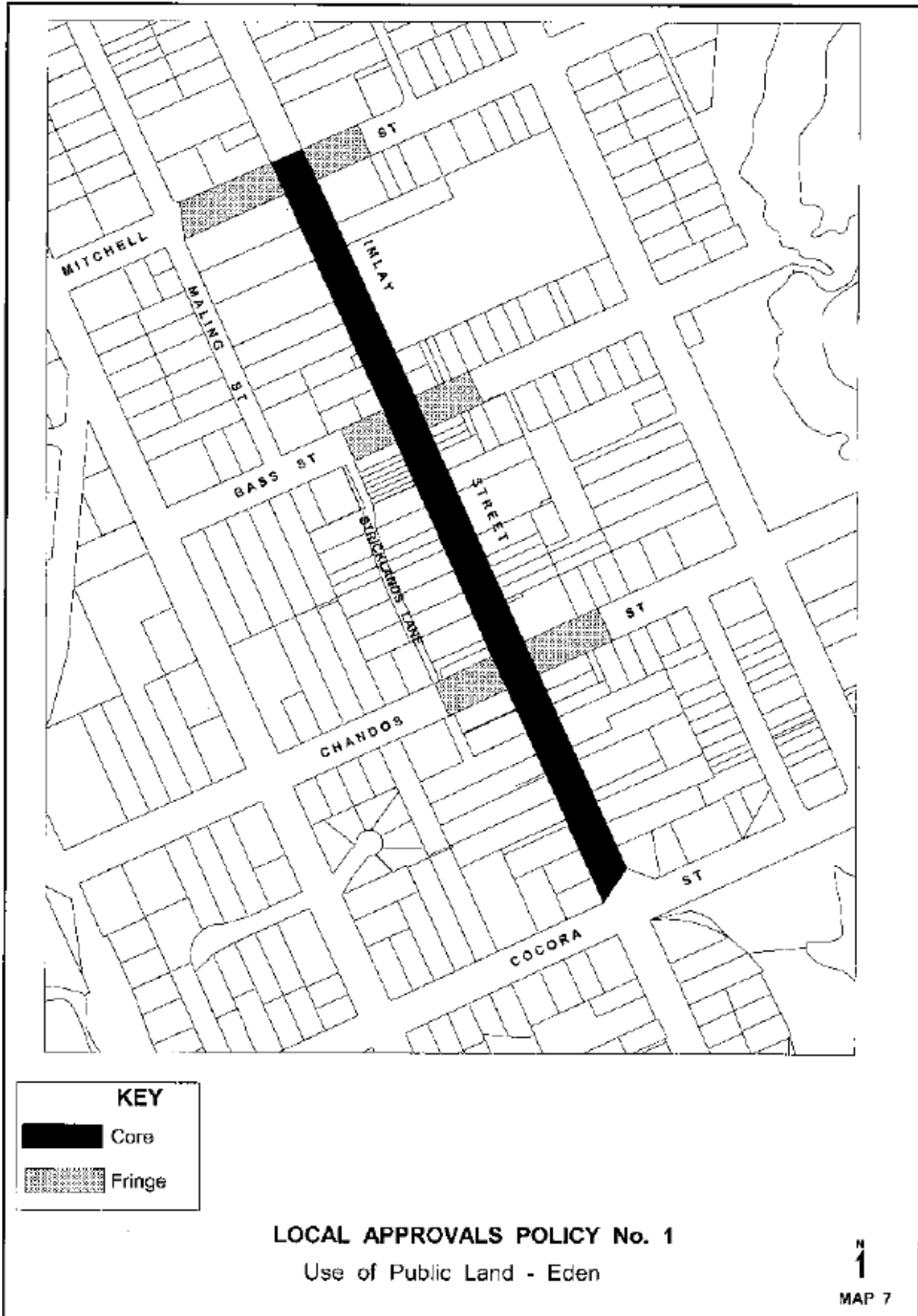












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