

PERMITS & AUTHORISATIONS POLICY	
Council Policy	
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## 1. POLICY STATEMENT

- 1.1 The Port Augusta City Council recognises the community value with regard to the use of Local Government land and community land.

The *Local Government Act 1999* regulates the use and management of local government land and community land within South Australia. Local Government land includes land owned by Council or land under its care, control and management.

- 1.2 Council acknowledges its responsibilities and recognises that it needs to provide a balanced approach towards the use of land for community purposes and authority over its land use for community, private or commercial purposes.
- 1.3 Council owns both community and operational land. Council attempts to optimise the use of its land holdings for the benefit of the community and/or to maximise the amount of revenue it derives from its land holdings including road reserves and unmade roads.

## 2. PURPOSE

### 2.1 Purpose

To provide a framework for applications for permits and authorisations for use of Local Government Land and community land by community groups, businesses and the public.

### 2.2 Scope

This policy specifically deals with all Local Government land including open public space, public footpaths, roads, road reserves and unmade roads owned by the Council or under Council's care and which is covered by permit to third parties.

### 2.3 Definitions

**Permit:** an official Council document allowing a group, individual or business permission to undertake or conduct specific activity on Council controlled land.

**Authorisation:** written permission or approval from Council for the purpose of hosting an event or activity on Council controlled land.

### 2.4 Strategic Reference

#### 4 Infrastructure

- 4.2 We have safe, accessible and well-utilised CBD, public spaces and built environments that reflect the priorities of our community.

#### 5 Governance and Financial Sustainability

- 5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

## 3. PRINCIPLES

- 3.1 Applications are regularly received from individuals and organisations for the use of Local Government Land and community land for business purposes, recreational activities and community events. This policy ensures Council complies with its obligation to maintain and optimise the best use of Council controlled land.

Decisions to grant permits of Council controlled land are made under delegation by the Chief Executive Officer. Fees for use and access to Council controlled land, is outlined in the Fees and Charges Register.

Guidelines and framework against which applications for permits and authorisations on Council controlled land are assessed include the following:

- a) Events
- b) Commercial fitness activities and recreational activities
- c) Outdoor dining areas
- d) Street stalls
- e) Mobile vendors
- f) Busking
- g) Filming
- h) Parking
- i) Pontoon
- j) Encroachment permits (Pursuant to Section 221 & 222 of the Local Government Act)

### **3.2 Event Bookings on Council Land**

3.2.1 To ensure Council's interests are protected during events, it is necessary for Event Organisers to make formal application to Council for the use of Council land. Applicants are to submit an Event Application form.

The public must also be aware that Council controlled land is community open space, and therefore, other than for a major community event, cannot be exclusively booked by one party.

#### **3.2.2 Application for Event Booking**

Applicants are to be referred to either the Sport & Facilities Officer or Manager Sporting & Recreation Facilities, when making enquiries about hiring of Council land.

3.2.3 Applications are to be lodged with Council at least 2 months prior to the event date.

3.2.4 A security bond may be applicable for events, which must be paid at the Civic Centre prior to the application being approved.

3.2.5 A permit or authorisation approval is provided to the event organiser along with appropriate documentation detailing their responsibilities during the course of holding the event.

#### **3.2.6 Oval Hire**

Hire fees are determined based on hire requirements and are to be paid prior to the function. All bookings are charged, whether oval is used or not, unless notice of cancellation has been received at least 10 working days prior to the event.

3.2.7 The permit holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-Law relating to the activity.

### **3.3 Commercial Fitness Activities & Fitness Groups**

Council is committed to improving community health and wellbeing. It is acknowledged that outdoor spaces are gaining popularity and increased use by groups/individuals offering personal training and other fitness activities.

3.3.1 To provide consistency in the management and use by fitness professionals of Council controlled land and to manage the use of the land in respect of impact on a community asset, including wear-and-tear on recreational surfaces and facilities (especially large groups), it is important that use of an open public space:

- a) is undertaken in a safe manner to ensure the safety of participants, as well as the public;
- b) ensures that other users of Council open space area are not disadvantaged by increased use by fitness groups;
- c) reduces the impact of fitness activities on Council open public spaces in relation to the condition and maintenance of community assets;
- d) ensures that the use of Community Land is in line with the objectives of the Community Land Management Plans.

#### **3.3.2 Application Process**

All individual applicants/instructors and fitness groups intending to use the Council's open public space are required to contact Council with regard to their intended activity.

A permit is required for all commercial fitness professionals that want to use Council open public spaces for commercial gain. Applicants are to complete an 'Open Public Space Fitness Activity Application Form' to apply for a permit.

The 'Terms of Conditions and Procedures - Use of Council Open Public for Fitness Groups' document will be provided to applicants and details the following:

- a) Permitted activities
- b) Activities requiring special permission permit
- c) Groups exempt from obtaining permits (eg local sporting groups)
- d) Eligibility
- e) Permitted areas of use
- f) Expected standards for use
- g) Application and approval process
- h) Termination or breach of permit

The Manager Sporting & Recreation Facilities will be responsible for issuing and monitoring open public space permits and to enforce any breach of the permit terms of conditions or reasonable direction.

### **3.4 Outdoor Dining Permits**

3.4.1 Council supports the use of appropriate public footpaths to assist local businesses in providing an enhancing dining experience through increased seating availability. Council is responsible for regulating the use of outdoor dining areas to ensure continued public access while creating a pleasant dining experience option within the City.

3.4.2 An Outdoor Dining permit will be issued at the discretion of the Council Officers and the following matters will be given consideration:

- Community benefit
- Public safety
- Impact of pedestrian and mobility impaired persons
- Impact on the amenity of the street and locality
- Suitability of the location for the activity
- Vehicular traffic and protection to diners

3.4.3 Applicants are to complete an 'Application for Permit - Outdoor Dining' form to apply for a permit. If approved, a permit is provided to the business operator along with appropriate documentation detailing their responsibilities.

3.4.4 Businesses seeking to establish permanent structures on footpaths may be considered as "development" under *Planning, Development and Infrastructure Act 2016*. An additional application will be required for structures of a permanent nature or for an encroachment on Council land.

### **3.5 Street Stalls**

3.5.1 Council has guidelines in place for the management of street stalls to ensure the amenity of the area is maintained and overcrowding of stalls within the Commercial Road precinct does not occur.

3.5.2 Community groups and not for profit organisations may be granted a permit to operate from local government land without fee for the purposes of raising funds for charity, subject to the group providing proof of an adequate public liability insurance policy and meeting other statutory requirements if applicable.

3.5.3 Application for approval to establish a Street Stall

- a) All applicants wishing to establish a street stall, sell raffle tickets, national fundraisers along Commercial Road, must submit an 'Application for Street Stall' form three working days prior to the event.
  - b) Street stall applications that involve the sale of food and/or drink items, must be lodged with a completed "Food Business Notification Form". The owner of the stall will need to comply with the appropriate requirements of the *Food Act 2001*.
  - c) Only one fundraising street stall per day will be permitted and only one advisory/consultation type street stall per day will be permitted.
- 3.5.4 If approved, an authorisation approval is provided to the street stall holder along with appropriate documentation detailing their responsibilities during the course of holding an event on land, which is either owned or under the care, control and management of Council.

### **3.6 Mobile Vendors**

- 3.6.1 The use of Local Government Land relative to Council's Local Government Land By-Law for business purposes must be approved by Council.
- 3.6.2 A mobile vending business requires a permit under Section 222 of the *Local Government Act 1999* to operate a business on a public road or road reserve in the Council area.
- 3.6.3 The permit holder must comply with location rules adopted by Council under Section 225A of the Local Government Act. The holder of a permit must ensure compliance with all statutory requirements. The issue of a permit by Council does not cover compliance with other legislative requirements.
- 3.6.4 Mobile food businesses may operate from authorised locations and subject to conditions set out within the Mobile Food Vendor Permit.

### **3.7 Busking**

- 3.7.1 Persons seeking to perform on Local Government Land are required to obtain a permit which specifies the area and times approved for busking.
- 3.7.2 These permits are issued at no cost however the permit holder must comply with the conditions set out in the 'Application to Busk' form. Permission must be granted to the applicant by the business premises owner or manager prior to the Council permit approval being issued.

### **3.8 Filming**

- 3.8.1 Film companies and persons seeking to film on Local Government Land are required to obtain authorisation from Council. Applicants are asked to complete the 'Application for Filming and Photography' form outlining the location of filming and intended dates.
- 3.8.2 Activity or filming on Council's roads will require the following documentation to be provided prior to approval:
  - 1. Appropriate Risk Assessments for the activities which are being undertaken
  - 2. Traffic Management Plan with appropriately trained Workzone Traffic Management officers in attendance. (Any disruption to traffic will require authorisation from Council including any blocking off of the road).

### **3.9 Parking**

- 3.9.1 Regulation 17 of the Road Traffic Regulations 2014 provides that if a Council has installed permit zone signs to establish a permit zone in its area, the Council may determine the class vehicles to stop in the permit zone and the persons entitled to such permits, and may vary any such determination.

- 3.9.2 Council has established permit zones within the CBD. The following class of vehicles may be entitled to apply for permits for the purposes of parking within permit zones:
- a) Security companies
  - b) Australia Post contractors
  - c) Freight/food delivery companies
  - d) Taxi companies
- 3.9.3 Applicants must complete an 'Application for Permission to Park in a Permit Zone' form. Conditions apply to permit holders.
- 3.9.4 The Australian Road Rules make specific provisions for disability parking, taxi ranks and bus zones.

### 3.10 **Pontoons**

- 3.10.1 Pontoons have been installed for the benefit of the community and visiting vessels. Permanent mooring at the pontoons is not permitted under any circumstances.
- 3.10.2 Commercial Charter Boats must apply for a "permit" for access to the Eastside and Westside Pontoons for passenger embarking and disembarking and for the purpose of loading/unloading any goods associated with the business. Temporary mooring conditions apply.

#### 3.10.3 **Eastside Pontoon**

Recreational vessels may temporarily moor at the eastside pontoon for periods of up to 4 hours in any one calendar day, without prior approval of Council.

Council is to be notified of boating events to ensure visiting boats are provided access to the Eastside Pontoon.

Emergency Service vessels will be provided unlimited access to the Eastside Pontoon at all times.

Fishing is **permitted** from the Eastside Pontoon at all times.

Swimming is permitted in accordance with signage.

Applicants seeking use of the Eastside Pontoon are to make contact with Council and complete the: 'Application Form - Mooring at Eastside Pontoon'.

#### 3.10.4 **Westside Pontoon**

The Westside Pontoon is to be used for boat operators wishing to launch and retrieve their vessels on a short term basis **only**. Fishing is **prohibited** from the Westside Pontoon at all times.

All owners of vessels using the Pontoons shall adhere to relevant legislation (e.g. Harbors & Navigation Act 1993 and Regulations 1994 and EPA Codes of Practice).

### 3.11 **Encroachment Permit**

- 3.11.1 Many property owners choose to manage the Council owned area in front of their residences to a different standard than the service level provided by Council to enhance the visual appeal of the property. The strip of Council land between the kerb (or road edge) and the property boundary is known as the verge.
- 3.11.2 Approval needs to be obtained for any work that is on Council property which may include driveway construction, concrete/paved footpaths, private stormwater outlet to kerb, underground electrical services, landscaping, temporary occupation of Council land, traffic management and other miscellaneous work.
- 3.11.3 Encroachment generally involves building work, which constitutes "development" under the *Planning, Development and Infrastructure Act 2016*. As a result, a proposed encroachment will generally require a Section 221 Permit, a Development Approval and a section 222 Permit if the structure is being used for a business purpose, before construction can commence.

- 3.11.4 The *Local Government Act 1999* requires that all private development of the verge has Council approval. Enquiries of this nature are to be made through Council's Infrastructure Department.

### **3.12 Permitted Activity on Local Government Land**

Having regard to the provisions of By-law No. 3 - Local Government Land, the following applies to activities on open space Local Government Land:

- 3.12.1 Any person may participate in any game, recreation or amusement which involves the use of a ball or other object, or play or participate in any organised activity on Local Government Land including the following:
- 3.12.1.1 Football, cricket, soccer, softball, netball, basketball, handball, volleyball, badminton, model cars, fitness activities, baseball, swimming, judo, skateboarding, bicycles, scooters, model aeroplanes, fundraising activities, mobile health clinics.
  - 3.12.1.2 The following land owned or under the care, control and management of the Council is established for the purposes outlined above:
    - a) Chinnery Park Reserve (locked facility)
    - b) Central Oval Precinct (locked facility) and adjacent sealed carpark area
    - c) ETSA Oval Complex (locked facility)
    - d) Robert 'Bert' McKenzie Park
    - e) Eastside Foreshore
    - f) Rotary Park
    - g) Northey Crescent Reserve
    - h) Volunteer Park
    - i) Lions Park
    - j) View Street Park
    - k) Back Beach Area
  - 3.12.1.3 The following land is established for specific purposes:
    - a) Port Augusta Golf Club land; golf
    - b) Old Westside Tennis Reserve; dog training activities
    - c) Port Augusta Bowling Club (Disraeli Square); lawn bowls
    - d) Port Augusta Tennis Association Courts; tennis
    - e) Bailey Street Reserve; horse riding, trotting
    - f) Racecourse Reserve; horseracing and training
  - 3.12.1.4 Playing or practising the game of golf within parks or any other reserve is prohibited pursuant to Clause 9.27.4 of the By-law.
- 3.12.2 Marriage ceremonies and special events may be undertaken at the following locations:
- a) Eastside Foreshore
  - b) Westside Water Tower
  - c) Gladstone Square
  - d) Fountain Gallery
  - e) Keith Jones Memorial Park
  - f) Lions Park
  - g) Rotary Park
- 3.12.3 Any person may exercise their horse/s by swimming them in the following areas within the Port Augusta Harbour:
- a) from high water mark at the end of Gardiner Avenue, Port Augusta West adjacent to the Foreshore Caravan Park between the hours of 4:00am and 9:00am on any day;
  - b) from high water mark on the Eastside Foreshore between the Great Western Bridge and "a line from the light post located on the Eastside Foreshore (at the entrance point to the old Eastside Jetty), to the end of the Westside boat ramp pontoon, to the Joy Baluch Bridge", between the hours of 6:00am to 8:00am on any day and between the hours of 6:00am to 9:00am during the period 1 May up to and including 31 August;

- c) from high water mark on the Eastside Foreshore between the Port Augusta Yacht Club and the Pontoon, between the hours of 4:00am and 9:00am on any day; and
- d) from high water mark at the end of Rupara Street, Port Augusta (Back Beach) between the hours of 4:00am and 9:00am on any day.

3.12.4 Port Augusta is subject to a Total City Dry Zone, therefore consumption of alcohol is prohibited in all public open space within Port Augusta and Stirling North.

If the consumption or sale of alcohol is anticipated an event on Local Government Land, a Limited Licence from Consumer and Business Services (Office of the Liquor & Gambling Commissioner) must be sought.

3.12.5 The permit holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-Law relating to the activity.

3.12.6 The scattering of ashes is permitted on open space Local Government land that is open to the public. Prior notification of the intention to scatter ashes under this clause must be given to the Manager of the relevant Local Government land. Anyone undertaking this activity should be mindful of others in the area at the time the activity is undertaken.

A person must not, without the Approval of the Attorney-General, dispose of ashes at sea or at any other location, except in a lawfully established cemetery or natural burial ground, on private residence with the permission of the owner of the land or on a piece of land in accordance with this clause.

#### **4. RESPONSIBILITY & REVIEW**

##### **4.1 Responsible Officer**

Director City Services

##### **4.2 Availability**

This policy will be available on Council's website.

##### **4.3 Review**

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

#### **5. REFERENCES**

##### **5.1 Legislation**

By-Law No 3 - Local Government Land  
Disability Discrimination Act 1992  
Food Act 2001  
Local Government Act 1999  
Planning, Development and Infrastructure Act 2016

##### **5.2 Other References**

Application for Permit - Outdoor Dining  
Application for Street Stalls  
Application Form - Open Public Space Fitness Activity Permit  
Community Land Management Plans  
Event Application Form  
Food Business Notification Form