

# Commercial Activities on Public Land Procedure

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# 1 Purpose

- 1.1 AlburyCity has a Commercial Activities on Public Land Policy to assist with promoting an appropriate balance of commercial activities on public land to create vibrant and diverse commercial zones and deliver positive experiences.
- 1.2 This Procedure will outline the process to apply for a Commercial Activity Approval to undertake Commercial Activities on Public Land.

# 2 Scope

- 2.1 This Procedure applies to the shared use of public land in the local government area of Albury but excludes public land that is covered by the Activities on Footpaths and Roads Policy and the Non-Commercial Sporting and Recreational Activities on Public Land Policy.

- 2.2 This Procedure applies to:

- Business operators.
- Members of the community.
- Applicants

- 2.3 Commercial activities covered by this Procedure are:

- Advertisement
- Busking
- Events
- Filming and photography
- Markets, festivals and stalls
- Mobile food and drink vending
- Motorcades or processions
- Novelty items
- Outdoor dining
- Promotion
- Public address
- Public collection and surveys
- Public meetings
- Street vending
- Temporary structures
- Tourism tours
- Vending

# 3 Definitions

- 3.1 A full table of definitions is provided in the 'Activities on Public Land and Roads – Application Guidelines' available on the AlburyCity website.

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**Activity** Means an activity that is regulated and managed by this Policy for a period up to 12 months.

Note:

- (i) 'temporary' activity can be either short-term activity (e.g., 1 day a month for up to 3 months) or annual (i.e., not more than 12 months).
- (ii) 'one-off' activity is an activity occurring once within a financial year and is of short duration (e.g., RSPCA Million Paws Walk)

**Activity area** Means the area of public land in which an authorised activity is or is to be carried out, subject to conditions set out in the Commercial Activity Approval

### **Commercial Activity Approval**

An authorisation issued by AlburyCity for the operation of a commercial activity in a public space

### **Designated controlled activity zone**

Means a specific high-profile area of public land or road reserve in Albury that AlburyCity seeks controlled activation regarding its shared use. Maps of the zone locations are available on the AlburyCity website.

### **Markets, festivals and stalls**

Activity on public land that ranges from the provision of fresh food to the provision of goods and services

### **Mobile food and drink vending**

Carrying out of the retail sale of food, drinks and related products on public land or road from a mobile outlet such as a food truck, van, cart or other similar vehicle.

### **Non-designated controlled activity zone**

Means a specific area of public land or road reserve in Albury that is not a Designated Controlled Activity Zone

**Public address** Includes public meetings or a religious service, but does not include public gatherings, demonstrations, rallies and/or protests on public land

### **Public collection and surveys**

Includes selling of raffle tickets, soliciting of donations, and street stalls for a community or charitable purpose. Includes the collection of information or statistics from members of the public via discussion, interview or written documentation.

**Public land** Means any land on Councils Land Register (including a public reserve) vested in or under the control of AlburyCity, but does not include:

- (i) a public road, or
- (ii) land to which the Crown Land Act 1989 applies, or

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- (iii) a common, or
- (iv) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
- (v) a regional park under the National Parks and Wildlife Act 1974, or
- (vi) space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**Public meeting** Means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

**Street vending** The selling of goods and services on public land

**Take away food and drink premises**

Means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Temporary structure**

Includes a booth, tent, marquee or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure, as defined by the Environmental Planning and Assessment Act 1979.

**Tourism tours** Means a walking, orientation or related activity with a pick-up point with no signage and structures. Separate from a bike tour

## 4 References

4.1 This Procedure accompanies the Commercial Activities on Public Land Policy under the Activities on Public Land and Roads framework. The other policies under this framework are:

4.1.1 Activities on Footpaths and Roads Policy

The purpose of this Policy is to outline a process through which Council would authorise the temporary or one-off use of a footpath or road. Applications under this Policy are for an 'approval' to undertake an activity on a footpath or in a road reserve.

4.1.2 Non-Commercial Sporting and Recreational Activities on Public Land Policy

The purpose of this Policy is to outline a process through which Council would authorise a user agreement for the temporary use of a park, reserve, oval or sportsground for a sporting or recreational activity. Applications are via an Expression of Interest for a 'user agreement' that would be granted to a non-commercial organised sporting or recreational entity.

4.1.3 Restricted Activities on Public Land Policy

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The purpose of the Restricted Activities on Public Land Policy is to ensure that public land that is available to our community is safe, convenient and accessible to all.

#### 4.1.4 Activities on Public Land and Roads – Application Guidelines

The Application Guidelines set out the process, circumstances and criteria used to assess an application for the temporary or one-off shared use of public land. The guidelines are also the primary reference point for community and business members.

## 5 Activity

The following steps define the process to apply for a Commercial Activity Approval from AlburyCity. This approval process is required for any commercial activities proposed to be undertaken on public land.

1. Complete an [Application Form](#) online through the AlburyCity website. The same application form can be utilised if responding to an Expression of Interest called for by AlburyCity to support specific activation or event.
2. The application is assessed by relevant Council officers. This can include officers from some or all of the following teams:
  - Events
  - Parks and Recreation
  - Education and Compliance
  - Traffic and Transport
  - Asset Management

Assessment includes considering public safety risk, environmental risk, amenity, length of time proposed for the activity, accessibility, the type of activity proposed, other activity already in proximity to the proposed area, impact of the activity and asset management considerations.

3. If approved, the Commercial Activity Approval will be granted and may include conditions imposed on the commercial activity by Council.
4. Renewal of the Approval. An Approval authorised by Council under the Commercial Activities on Public Land Policy and Procedure is in most cases valid for a specified time, up to 12 months. For a 12-month Approval, the renewal process will be initiated by Council. For temporary or one-off licences, the applicant will be required to initiate a renewal process via a new application.

A Commercial Activity Approval authorised under this Procedure can be revoked if conditions applied to the activity are breached. A breach can also relate to a change in the basis on which an Approval was issued, without seeking an updated Approval from Council to reflect the change.

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## 6 Fees and Charges

- 6.1 All fees and charges relevant to Commercial Activities on Public Land are available in the AlburyCity Fees and Charges Schedule on the AlburyCity website.
- 6.2 Fees and charges are reviewed and publicly exhibited annually through AlburyCity's budget review process.
- 6.3 An application fee applies and is additional to fees payable for the licence
- 6.4 Fees are payable when an application is submitted and if a renewal of an Approval has been approved. If the application is refused a refund is to be provided.

## 7 Documentation

- 7.1 This Procedure accompanies the Commercial Activity on Public Land Policy and sits under the Activities on Public Land and Roads Framework.

Related documentation and legislation includes:

- Environmental Planning and Assessment Act 1979.
- State Environmental Planning Policy No. 64 – advertising and signage.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- Albury Local Environmental Plan (2010).
- Albury Development Control Plan (2010); and
- Guidelines for mobile food vending vehicles (2017).
- Activities on Public Land and Roads Framework - Application Guidelines

## 8 Authorisation

<b>Owner</b>	<b>Directorate</b>	Business Growth and Community
	<b>Responsible Officer</b>	Service Leader Business and Lifestyle
<b>Authorisation</b>	Insert 'Approved Executive' or 'Adopted Council' Include date approved/adopted	
<b>Review Date</b>	Insert date four years from last issue date, or earlier if required	
<b>Register</b>	Indicate if this Policy is included in the Public Policy and Procedure Register.	
<b>Record of Amendments</b>	June 2021	Created by Service Leader Engagement in order to separate processes from the accompanying Policy document
	June 2021	A new document.

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