

# Commercial Activities on Public Land Policy

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## 1. Purpose

- 1.1 The purpose of this Policy is to promote an appropriate balance of commercial activities on public land that creates vibrant and diverse commercial zones and delivers positive experiences.

## 2. Scope

- 2.1 This Policy 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 Policy applies to:
- Council employees.
  - Councillors.
  - Business operators.
  - Members of the community.
  - Council owned businesses; and
  - Applicants.

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## 2.3 Commercial activities covered by this Policy 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

## 2.4 The process to authorise a licence or a commercial activity licence for the temporary or one-off use of this land is a coordinated approach involving the following AlburyCity teams:

- Events (Lead).
- Parks and Recreation.
- Education and Compliance
- Traffic and Transport; and
- Asset Management.

## 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.

<b>Activity</b>	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)
<b>Activity area</b>	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

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**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 Designated Controlled Activity Zones 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
- (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.

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**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.

## 4. References

4.1 This Policy exists 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

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. Content

5.1 The purpose of this Policy is to promote an appropriate balance of commercial activities on public land that creates vibrant and diverse commercial zones and delivers positive experiences.

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5.2 This Policy outlines the general circumstances that Council will use to authorise a Commercial Activity Approval for the temporary or one-off use of public land for a commercial activity.

5.3 General circumstances pertain to public land, activities, the licence process, exemptions from this Policy, and prohibited activities that are elaborated in this section of the Policy.

#### *Public Land*

Authorisations granted by Council under this Policy apply only to the temporary or one-off use of public land, but excluding public land covered by the Activities on Footpaths and Roads Policy.

#### *Designated controlled activity zone*

A designated controlled activity zone is a specific high-profile area of public land or road reserve in Albury that Council seeks to promote and enhance through controlled activation.

Designated controlled activity zones may also include 'Sub Zones' that relate to areas where additional controls apply, and 'Exclusion Zones' where public land within that zone may be subject to terms and conditions of a lease with Council.

Maps are available on the AlburyCity website outlining these specific areas.

#### *Prohibited activities*

Under this Policy the following activities are prohibited on public land:

- Advertising signs, novelties or articles displayed upon or from any stationary vehicle within a Public Recreation Zone, a Commercial Core Zone, or Mixed-Use Zone, as defined in AlburyCity's Local Environment Plan (2010);
- The advertisement of any activity or business other than that which is approved, licensed or associated with the applicant or listed as prohibited under AlburyCity's Local Environment Plan (2010).
- Street advertising anywhere within the Residential Zone(s) as defined in AlburyCity's Local Environmental Plan (2010), unless in accordance with an approved use under the Environmental Planning and Assessment Act 1979.
- Display and or sale of goods which in the opinion of AlburyCity may be offensive, dangerous or hazardous.
- Display and sale of animals or birds unless such activity takes place within the designated confines of an approved market or event; and
- The advertising for, or sale of a vehicle or other article on public land including a road reserve. This does not include a roadway where a vehicle is legally parked.

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## 6. Documentation

6.1 This Policy sits under the Activities on Public Land and Roads Framework. Related documentation and legislation include:

- 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

## 7. Authorisation

<b>Owner</b>	<b>Directorate</b>	Business Growth and Community
	<b>Responsible Officer</b>	Service Leader Business and Lifestyle Team Leader Events
<b>Authorisation</b>	Insert 'Approved Executive' or 'Adopted Council' Include date approved/adopted	
<b>Review Date</b>	June 2025	
<b>Register</b>	Indicate if this Policy is included in the Public Policy and Procedure Register.	
<b>Record of Amendments</b>	June 2021	Reviewed by Service Leader Engagement in conjunction with relevant officers.
	June 2021	Policy simplified and separated into a Procedure outlining process.

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