



POLICY MANUAL

Policy title:	APPROVALS AND USE OF LAND OWNED OR MANAGED BY COUNCIL
Policy number:	8.11.3
Objective:	Proper management of public land
Link to community vision/service:	A vibrant CBD
Program Area:	Sustainable Development/Infrastructure Services
Policy created: 27/5/14	Council reviewed
Last reviewed by staff: 27/5/14	TRIM Ref: ED14/12947

1.0 Objectives

- a) To provide a single approval pathway for people intending to undertake activities on public lands;
- b) To ensure that Council fulfils its obligations to the community in relation to public safety and amenity and the public interest generally;
- c) To provide clear guidance to people intending undertake activities on public land of Council's requirements.

2.0 Definitions:

Provisions relating to Special Events and Temporary Use of Land are contained within the Lismore LEP 2012 and further statutory approval requirements are contained within the Environmental Planning & Assessment Act, Local Government Act and Roads Act, and the definitions within those instruments apply.

“activity, special event or temporary use of land” means an activity of a nature that requires an approval of Council under the provisions of the Environmental Planning & Assessment Act, Local Government Act and Roads Act

“animal” means a vertebrate animal, and includes a mammal, bird, reptile, amphibian and fish, but does not include a human being. (Reference: Exhibited Animals Protection Act (1986) NSW).

“animal circus” means a circus which utilises animals.

“land owned or managed by Council” shall also include Crown land for which Council is the Trustee, Manager or land entrusted to Council.

Approvals and Use of Land Owned or Managed By Council

3.0 Approval Requirements

3.1 A person intending to undertake an activity, event or temporary use of land owned or managed by Council must obtain prior approval in writing from Council.

The purpose of obtaining written approval is to:

- a) Ensure owner's consent of Lismore City Council is formally requested, considered and granted on appropriate terms;
- b) Ensure appropriate risk management;
- c) Enable consultation with other agencies as appropriate;
- d) Ensure Council's statutory obligations under various legislation can be met.

Council will make application forms available for seeking necessary approval.

- 3.2 In considering any application for any activity, event or temporary use of land on land owned or managed by Council, consideration will be given to the following matters:
- a) In granting owner's consent on behalf of Council, regard will be had to past compliance history. A person, use or activity shall not be approved if (in the opinion of Council) there has been a history of non-compliance, a failure to act in good faith or substantiated complaints received that are not deemed trivial, frivolous, or vexatious.
 - b) Any proposal must be consistent with the provisions of Council's published guidelines that relate to the proposal. Where the General Manager (or their delegate) is of the opinion that strict compliance with a specified standard or requirement is unreasonable, or unnecessary, Council may permit a variation to the policy provided that the proposed variation would not conflict with the objectives of this policy or the Guidelines.
 - c) Approvals will be issued on an annual basis for a maximum period of 12 months and will expire one year from the date of issue. A new application must be lodged at the conclusion of this period should the applicant wish to continue.
 - d) Applicants will be notified in writing of the outcome of the application and conditions may be attached to the relevant approval which refer to provisions within the guidelines. Where an application is not approved the reasons for refusal will be provided by Council. Applicable fees must be paid prior to the use of the footpath area commencing.

4.0 No Animal Circus

4.1 No animal circus is permitted to utilise, occupy or operate on land owned or managed by Council in the Lismore Local Government Area.

5.0 Guidelines

5.1 Guidelines applicable to particular activities, events or temporary uses of land made under this policy will be published on Council's website, and include (but may not be limited to):

- a) Events
- b) Farmer's/Produce markets
- c) Pedestrian amenity, Footpath trading & Community fund raising
- d) Busking & Spruiking
- e) Kerbside and Carriageway Land Use
- f) Hire of Council Sports Grounds (Urban and Rural)
- g) Outdoor fitness

6.0 Fees

6.1 Fees in accordance with Council's adopted fees and charges will apply as referred to in the relevant guidelines. Exemptions from these lease/hire/licence fees will apply in the following circumstances only:

- a) where the applicant is a registered charity or a non-profit organisation; or
- b) where the footpath trading is conducted as part of a Council sponsored event relating to the promotion of the area in general;
- c) At the discretion of the General Manager (or their delegate)

7.0 Compliance and Enforcement

7.1 Failure to obtain written approval for the use of land owned or managed by Council or failing to comply with the terms of any approval issued under this policy will result in action in accordance with Council's adopted Enforcement Policy.