

	<b>Function:</b> ENVIRONMENTAL SERVICES (COMPLIANCE)	<b>Adopted:</b> 7 <sup>th</sup> August 2013 <b>Resolution No.:</b> C161:13
	<b>Policy Number:</b> ENV004	<b>Last Review:</b> 5 <sup>th</sup> April 2023 <b>Resolution No.:</b> C113:0423
	<b>Version Number:</b> 2	<b>Next Review:</b> As Required
<b>ON STREET ACTIVITIES AND OCCUPATION OF PARKLANDS POLICY</b>		

## 1. Introduction

- 1.1. Council encourages and supports activities in the Copper Coast that promote a sense of vibrancy and activation that does not have adverse impacts on local traders and residents. The Local Government Act 1999 provides the legislative basis for the enactment of By-Laws. Council will exercise its powers as appropriate under the applicable by-Laws to support this Policy.
- 1.2. Activities that Council may manage on streets or on parklands include:
  - Busking
  - Pamphlet Distribution
  - Pedestrian Advertising
  - Preaching
  - Park Lands Occupation (excludes events)
  - Street Stalls / Raffles / Badge Days
- 1.3. These activities will be managed through the issuing of permits. Activities that provide a sense of entertainment and enjoyment are to be considered busking.
- 1.4. Other activities not listed above, may also be managed in accordance with this Policy.

## 2. Scope

- 2.1. It is the policy of Council to encourage the use of open space in a manner that caters for the competing needs and interests of all users of such space.
  - 2.1.1. Council will work with and engage the local community to ensure the actions of permit holders do not impede or create adverse impacts.
  - 2.1.2. Council will engage the services of South Australia Police where any activity is deemed to be unlawful and/or in breach of the peace, beyond Council jurisdiction.
  - 2.1.3. Street activity should not impede or disrupt pre-existing safety design elements.
  - 2.1.4. Council is cognisant of its role in minimising harm to users of the public realm. To this end, Council may request a current police background check of street permit applicants, particularly regarding offences involving children.
  - 2.1.5. Council is committed to enabling accessibility by requiring at least 1.5 metres of clear footpath.

### 3. Applicable Legislation

3.1. The following legislation applies to this Policy:

- Local Government Act 1999
- Dog and Cat Management Act 1995
- Planning Development and Infrastructure Act 2016
- Emergency Management Act 2004
- Expiation of Offences Act 1996
- Public Assemblies Act 1972

3.2. The Local Government Act 1999 provides the legislative basis for the enactment of By-Laws. Council will exercise its powers as appropriate under the By-Laws to support this Policy.

3.3. This Policy is not a mandatory requirement but essential for good governance.

### 4. Integration with Corporate Objectives

This Policy supports Council's Strategic Plan 2019 - 2029

- Social Objective – Wellbeing  
To enhance the quality of life of our community by encouraging health, wellbeing and safety.  
1.4 To play a lead role in the development of a safe and orderly community for all residents.
- Cultural Objective – Opportunity  
To promote community identity by supporting rich lifestyle experiences including arts, heritage, culture and leisure activities.  
4.2 Facilitate accessible, available and enjoyable open spaces for leisure.

### 5. Related Council Policies and Documents

5.1. This Policy is also designed to operate in conjunction with other Council policies including but not limited to:

- Mobile Vending Policy
- Council Enforcement Policy

### 6. Definitions

For the purposes of this Policy, the following definitions apply:

- 6.1. **Abuse** means improper usage or treatment of an entity, often to unfairly or improperly gain benefit.
- 6.2. **Argue** means to give reasons or cite evidence in support of an idea, action, or theory, typically with the aim of persuading others to share one's view.
- 6.3. **Authorised Officer** is defined as an Authorised person delegated authority under Section 44 of the Local Government Act 1999.
- 6.4. **Busker/s** means an independent musician, actor or street performer or group of the same (up to six (6) people) performing in a public place and may include the collection of money for the performance.

- 6.5. **Chief Executive Officer (CEO)** means the appointed Chief Executive Officer under Section 96 of the Local Government Act 1999 and includes any person acting or delegated by the Chief Executive Officer's under Sections 100 and 101 of the Local Government Act 1999.
- 6.6. **Council** means the Copper Coast Council and any delegate of the Council.
- 6.7. **Fit and Proper Person** means a person who has no relevant criminal history.
- 6.8. **Pamphlet Distribution** means the handing out of literature to give general information about a legal activity or product.
- 6.9. **Park Land Occupation** means the using of Park Lands for any activity covered by this guideline.
- 6.10. **Pedestrian Advertising** means the activity of carrying advertising generally slung over the shoulders in the form of a sandwich board.
- 6.11. **Permit** means verbal or written permission given by a Council Officer to conduct an activity on Council land in accordance with the set conditions.
- 6.12. **Preaching** means to proclaim, advocate or inculcate asserted religious or moral truth and right conduct in speech or in writing.
- 6.13. **Prohibited locations** means locations where an activity is not permitted at any time due to specific issues.
- 6.14. **Public Place** means any street corner, road, footpath or Park Land under the care of the Copper Coast Council, but does not include private streets or private property.
- 6.15. **Public Officer** means a member, employee, volunteer or, contractor authorised to perform work on behalf of Council.
- 6.16. **Relevant Criminal History** includes but is not limited to a criminal record of offences such as sex offences (including child sex offences), drug dealing and violent crimes (against person or property).
- 6.17. **School Hours** - 8:30 am to 4:00 pm school days during school terms as dictated by the State Government.
- 6.18. **Street Occupation** means for the purpose of this guideline includes Parklands occupation.

## 7. Application

- 7.1. This Policy provides equitable practices and limitations in the application, assessment, issuing of permits and requirements when undertaking approved activities.
- 7.2. All applications for permits will need to be assessed to ensure that it meets the criteria outlined in this Policy and will be assessed by the Compliance Officer or a suitably qualified person in the Development Services Department for determination.
- 7.3. Permit holders are responsible for ensuring that they conduct their activity within the conditions as stated in these guidelines and on their permit.

- 7.4. Initial Permits must be applied for in person at the Council office located at 51 Taylor Street, Kadina with the following information:
- Personal details such as name, address, phone number and email address.
  - One (1) photo identification (e.g. drivers licence, passport, student ID card) OR two (2) non-photo identification (e.g. credit card, medicare card).
  - If under 16 years of age, written permission from a parent or guardian.
  - Children under 16 years of age will only be permitted outside school hours and during daylight hours.
  - Requests from school groups are welcome and will be assessed on merit.
  - All permits (including daily or monthly) require at least five (5) business days' notice unless otherwise indicated.
  - Provide evidence of Public Liability Insurance.
- 7.5. Free standing street stalls, badge days, and raffles are permitted on Council land in the towns of Kadina, Moonta and Wallaroo and subject to the following:
- Only to be held in the commercial business districts on Wednesday, Thursdays, Fridays and Saturdays.
  - Only one (1) stall is to be operated on any one (1) day in each of the towns.
  - Stall holders are to be representatives of 'not for profit' and 'incorporated groups'.
  - Any nationally and state declared badge day is permitted to be held in the three towns on the same day, on any business week day eg: Red Cross, Legacy, and Cancer Council.
- 7.6. Subsequent applications can be made by email or on line for up to two (2) years, after which updated identification will be required. Should there be a change in any circumstances including address, phone number or email address, Council should be advised when making a subsequent application.

Length of Permit, Short Term (Daily) or Long Term (Monthly)						
Permit type	Busking	Pamphlet Distribution	Pedestrian Advertising	Preaching	Park Lands Occupation	Street Stalls etc
Daily Permit	✓	✓	✓	✓	✓	✓
Monthly Permit	✓	✓	✓	✓	✓	

- 7.7. All fees are set each year by the Council and the adopted Register of Fees and Charges document is available on Council's website.
- 7.8. Authorised Officers under the Local Government Act will investigate and respond to complaints or reports of activities occurring outside the permit conditions.
- 7.9. Any complaints received about street activities may serve as an indicator as to the effectiveness of this Policy and may result in the permit being revoked.
- 7.10. Failure to comply with conditions imposed on any permit issued in accordance with this Policy or directions of an Authorised Officer or Police Officer may result in the permit being revoked and/or an expiation being issued.

7.11. All on street activities and occupations of parkland applications, permits and conditions are available for viewing on Council's website.

7.12. PERMIT CONDITIONS – GENERAL

In addition to any non-standard condition that may apply to a specific permit application all or some of the following general conditions may apply to a permit issued in accordance with this Policy:

Permit Holder MUST:

- Be a fit and proper person.
- Agree to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of the permit.
- Carry a valid permit at the time of the performance/activity, display the permit in a prominent position and the activity must be consistent with the description on the permit.
- Provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the permit holder.
- Undertake the activity in the areas specified.
- Undertake the activity during the times specified on the permit.
- If between the ages of 12 and 16 years, supply written permission from a parent or guardian at the time of application.
- If under 12 years of age, be constantly supervised by a parent/guardian.
- If under 16 years of age undertake the activity outside school hours and only during daylight hours.
- Treat members of the public with respect and not abuse or argue with any member of the public including Authorised Officers.
- Cease immediately if directed to cease by an Authorised Officer of Council or Police Officer.
- Cease activity immediately if a crowd of persons are congregating in the area preventing the free flow of pedestrian or vehicular traffic.
- Pick up any litter associated with the activity in the vicinity of the activity.

Permit Holders MUST NOT:

- Obstruct pedestrian flow, fire exits or undertake the activity in doorways, particularly in Commercial areas.
- Use street furniture to undertake the activity or damage any infrastructure.
- Undertake the activity for longer than sixty (60) minutes per location, and cannot use a location more than once a day (street stalls and badge days excluded).
- Use mechanical, electronic or other means of amplification (busking excluded).
- Leave equipment in a position that may cause a hazard to the general public.

7.13. PERMIT SPECIFIC CONDITIONS - BUSKING

All or some of the following specific conditions may apply to a permit for Busking issued in accordance with this Policy:

Busking Permit Holder MUST:

- Maintain a minimum distance of fifty (50) metres from any other busker, event or promotion.
- Keep noise from amplification or percussion limited to where it can only be heard within fifty (50) metres and does not cause a nuisance to traders or residents.

Busking Permit Holder MUST NOT:

- Approach members of the public for the purpose of selling their goods, nor can they seek the assistance of someone else to sell their goods.
- Use sharp objects or other dangerous items including knives, sword or chainsaws.
- Use stockwhips or whips of any kind.
- Use fire or any flammable liquid.
- Play bagpipes.
- Use paint, chalk or aerosol on any infrastructure including the floor.
- Use a child or animal as part of the performance.
- Advertise any product, service or sponsor.
- Charge a specific fee for a performance.
- Busk in a prohibited location.

Busking Permit Holder MAY:

- Supply for sale a small amount of approved original merchandise such as CD's or DVD's that directly relate to the artist performing and the busking performance.

7.14. PERMIT SPECIFIC CONDITIONS - PAMPHLET DISTRIBUTION AND PEDESTRIAN ADVERTISING

All or some of the following specific conditions may apply to a permit for pamphlet distribution and pedestrian advertising issued in accordance with this Policy:

Permit holder MUST:

- Conduct the activity at the agreed location.
- Be related to either a significant State Event or an event in the Copper Coast, if event related.

Permit Holder MUST NOT:

- Place flyers or pamphlets on vehicles.
- Deposit flyers or pamphlets in letterboxes either public or private.
- Use any table or other infrastructure to distribute the literature.
- Use private property unless explicit permission has been obtained from the property owner.

7.15. PERMIT SPECIFIC CONDITIONS - PREACHING

All or some of the following specific conditions may apply to a permit for preaching issued in accordance with this Policy:

Permit holder MUST:

- Maintain a minimum distance of five (5) metres from any Entrance to a Business, Public Building, Event, Promotion or Stall Holder.

Permit Holder MUST NOT:

- Use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience.
- Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind where it might present a nuisance or danger to a person using the land or be of an unsightly nature.
- Obstruct or impede the free flow of pedestrian or vehicular traffic or otherwise prevent such thoroughfare.
- Approach or single out for specific attention any member of the public or business.
- Approach any children under the age of 18 years.

7.16. PERMIT SPECIFIC CONDITIONS - PARK LANDS OCCUPATION

All or some of the following specific conditions may apply to a permit for the Occupation of Park Lands issued in accordance with this Policy:

Permit Holder MUST:

- Pick up any litter associated with the activity in the vicinity of the activity.

Permit Holder MUST NOT

- Use fire or any flammable liquid.
- Play bagpipes.
- Use paint, chalk or aerosol on any infrastructure including the floor.
- Advertise any product, service or sponsor.

## 8. Complaints

- 8.1. Complaints under this Policy must be in writing to the Chief Executive Officer and lodged in accordance with Council's Complaints Policy.

## 9. Council Delegation

- 9.1. Pursuant to Section 44 of the Local Government Act 1999, Council has delegated to the Chief Executive Officer authority to administer Council's policies.
- 9.2. This Policy will be implemented by the Chief Executive Officer or relevant portfolio Director and managed in accordance with Council's scheme of delegations.
- 9.3. In terms of this Policy, the Chief Executive Officer sub delegates to the Director Development Services and applies to an Authorised Person and associated administrative staff under the Local Government Act 1999 and Council By-Laws. Only Authorised Persons can enforce a breach of the By-Laws.

## 10. Adoption and Review



- 10.1. This Policy shall be reviewed every two (2) years, or more frequently, if legislation or Council requires by the Development Services Department and a report shall be provided to Council for consideration and adoption.

## 11. Records Management

- 11.1. Official records will be managed in accordance with Council's Records Management Policy pursuant to Section 125 of the Local Government Act 1999.

## 12. Availability of Policy

- 12.1. Policies will be available for inspection without charge at Council's Principal Office and on Council's website [www.coppercoast.sa.gov.au](http://www.coppercoast.sa.gov.au).
- 12.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils' Register of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	5 <sup>th</sup> April 2023	