



Use of Public Land Handbook

a guide for users of public land in Ballina Shire

10/2015

Version 2	Markets on Public Land Policy reviewed September 2016
Version 1	created October 2015



Use of Public Land Handbook

Table of Contents

PURPOSE OF THIS HANDBOOK	4
REGULATION OF ALCOHOL ON PUBLIC LAND	5
BUSKING ON PUBLIC LAND	11
COUNCIL BANNER POLES	15
COMMERCIAL ACTIVITIES ON PUBLIC LAND	19
COMMUNITY EVENT SIGNAGE	23
EVENTS ON PUBLIC LAND	31
FILMING ON PUBLIC LAND	33
FESTIVALS AND EVENTS - COUNCIL SUPPORT	35
COMMERCIAL USE OF FOOTPATHS	37
MARKETS ON PUBLIC LAND	41
MONUMENTS & MEMORIALS ON PUBLIC LAND	43
PUBLIC ART IN BALLINA SHIRE	45
WEDDINGS ON PUBLIC LAND	47

PURPOSE OF THIS HANDBOOK

Ballina Shire Council has produced this handbook to make it easier for members of the public to access and understand Council's policies relating to the use of community land.

This handbook contains guidelines for users of public land in Ballina Shire, and should be read in conjunction with Council's public land policies, which include:

- A02 Alcohol Regulation on Public Land
- B01 Busking
- B02 Banner Poles
- C10 Commercial Activities on Public Land
- C17 Community Event Signage
- E05 Events on Public Land
- F04 Filming on Public Land
- F05 Festivals and Events – Council Support
- F07 Commercial Use of Footpaths
- M01 Markets on Public Land
- M02 Monuments and Memorials on Public Land
- P03 Public Art
- W03 Weddings on Public Land

For further information regarding the use of public land in Ballina Shire, please contact Ballina Shire Council on telephone 6686 4444 or email council@ballina.nsw.gov.au.

guidelines for the

REGULATION OF ALCOHOL ON PUBLIC LAND

policy | A02

Ballina Shire Council acknowledges that there is from time to time a problem with excessive consumption of alcohol in public places leading to anti-social behaviour, alcohol-related violence and damage to both private and public property in our community.

In order to assist the Police and respond to the community's requests to manage the problems associated with such behaviour, regulations on the consumption of alcohol in public places have been implemented in Ballina Shire.

1. Alcohol-Free Zones and Alcohol Prohibited areas

Ballina Shire has Alcohol-Free Zones in Ballina, Lennox Head, Wardell and Alstonville, and will continue to maintain these Alcohol-Free Zones (see attached maps).

To assist with the operation of the Alcohol-Free Zone in Lennox Head, Ross Park and the surrounding public reserve are designated as Alcohol Prohibited areas 24 hours a day, every day (see attached map).

Should Alcohol-Free Zones be required in other locations within the shire, consideration will be given to such requests and any comments from the NSW Police, and a report on such requests will be prepared for consideration by Council.

2. Sports fields and sporting events

All sports fields and surrounding reserves are Alcohol Prohibited areas. This declaration will make sporting events more family friendly. It will assist sports clubs in meeting their licensing obligations by ensuring the only alcohol that is consumed at a sporting event is purchased from the licensed bar and consumed in the licensed area.

3. Special events

On nominated days such as ANZAC Day, New Year's Eve, New Year's Day, Australia Day and during special events, Council may impose Alcohol Prohibition in a park or reserve where problems have been experienced, or to prevent the consumption of alcohol where it is not appropriate.



4. Further information

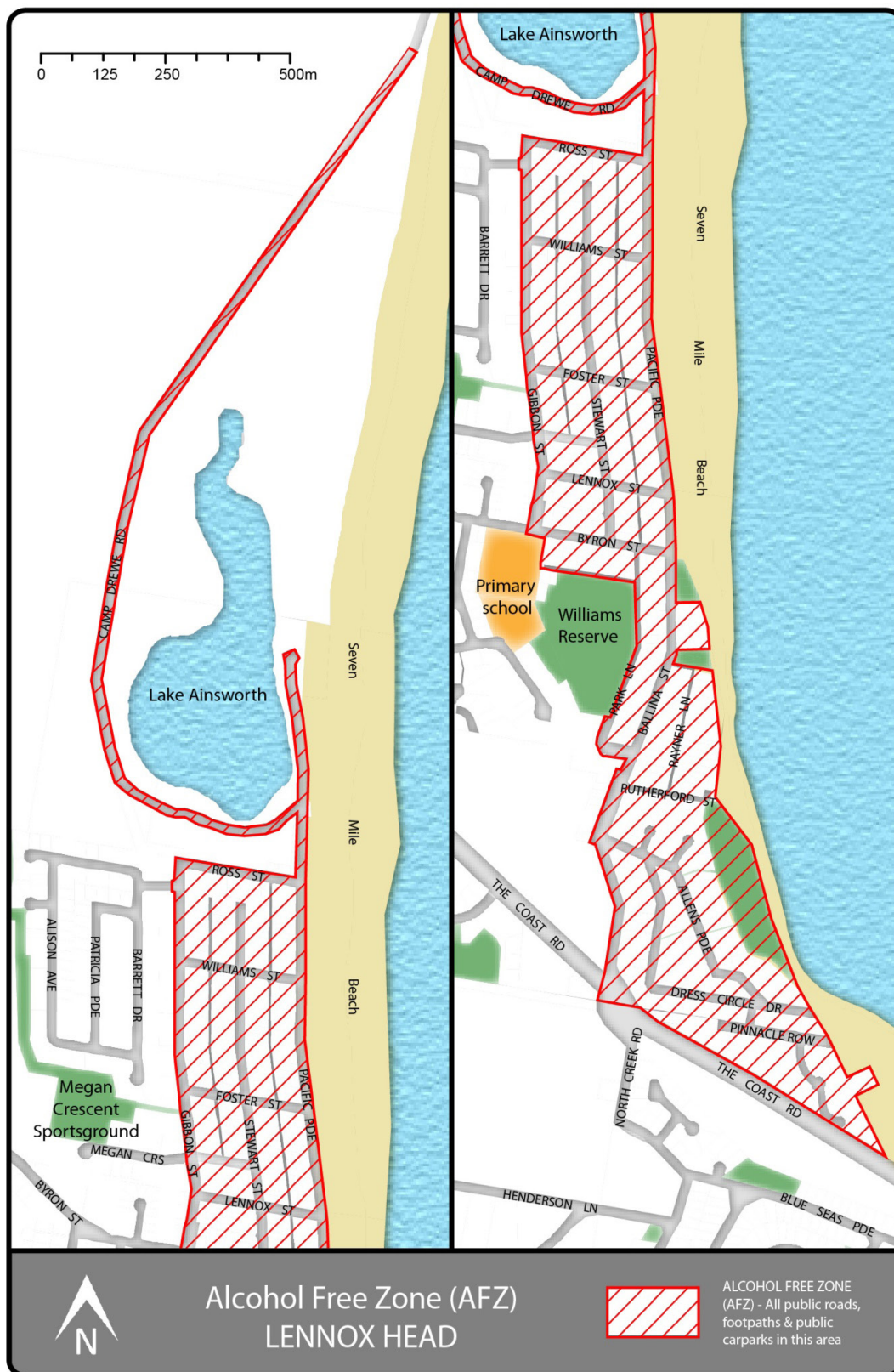
For further information, please refer to Council's **Alcohol Regulation on Public Land policy** and **relevant documentation**.

Ph: 6686 4444

ballina.nsw.gov.au

5. Maps - Alcohol-Free Zones and Alcohol Prohibited Areas











guidelines for BUSKING ON PUBLIC LAND

policy | B01

A busker is an entertainer who provides performances for the public by playing a musical instrument, dancing, singing, pavement art, clowning or juggling, or performing other acts of a similar nature in public places.

All buskers performing within Ballina Shire must have the approval of Council. Applications must be made on Council's Busking Application form and be received by Council at least 14 days before the commencement of the requested period of busking. Council will charge a fee. Approvals will be for 3 months or 12 months and are not transferable or refundable. If you are under 18, Council will consider waiving the fee.

If your act involves dangerous materials or dangerous implements, you will need a **Special Busking Approval**. If your act does not involve this equipment then you will need a **Standard Busking Approval**.

1. Obtaining busking approval

Standard Busking Approval

To obtain a Standard Busking Approval you will need:

- a passport photo
- proof of identity
- parental permission (if you are under 18)
- to comply with Council's General Busking Conditions.

Special Busking Approval

To obtain a Special Busking Approval you will need all of the previous, plus:

- a first aid certificate and a first aid kit
- relevant licences/certificates, eg chainsaw operators certificate, pyrotechnics certificate
- public liability insurance indemnifying Council to the value of \$5 million
- to comply with Council's Special Busking Conditions.



2. Busking do's and dont's

DO'S	DONT'S
Buskers must display their Standard or Special Busking Approval in a prominent, highly visible position in the busking site at all times	Buskers must not interfere with pedestrian flow or public amenities, or cause obstruction to traders or delivery or emergency vehicles
Buskers must keep the site in use clean while they are working, and ensure their use of the site does not pose a threat to public safety	Buskers may not perform within 5 metres of the entry to retail outlets without approval from affected shop or property owners
The minimum distance between busking acts is 30 metres	Buskers may not perform in front of, or beside bank ATMs, or within 10 metres of any public phone
Buskers shall only use battery-operated amplifiers. Amplified acts may only be performed between 7 am and 10 pm	Buskers may not perform within 10 metres of any street intersection or pedestrian crossing
On any one day, buskers may perform for a total period of up to 3 hours at the same spot. However, performances must be a maximum duration of 1 hour, and there needs to be at least 1 hour between performances	Buskers may only sell recordings consisting of the busker's own work. Buskers may not display or offer other goods and services for sale, or associate themselves with such advertising in conjunction with their performance
Busking may include pavement art where it can be seen as a form of public entertainment	Buskers must not consume alcohol or perform under the influence of alcohol
Buskers are restricted to certain places within Lennox Head and Ballina as shown on Maps 1 and 2	Buskers may not use public seating while performing
	Percussion instruments (eg drums, cymbals) are prohibited in busking acts

3. Who won't receive a busking permit

Busking permits will **not** be issued for:

- tarot card and palm readers, fortune readers
- artists selling their works (such as portrait artists)
- masseurs or masseuses
- vendors of any kind
- solicitors of money for any other purpose.

4. Further information

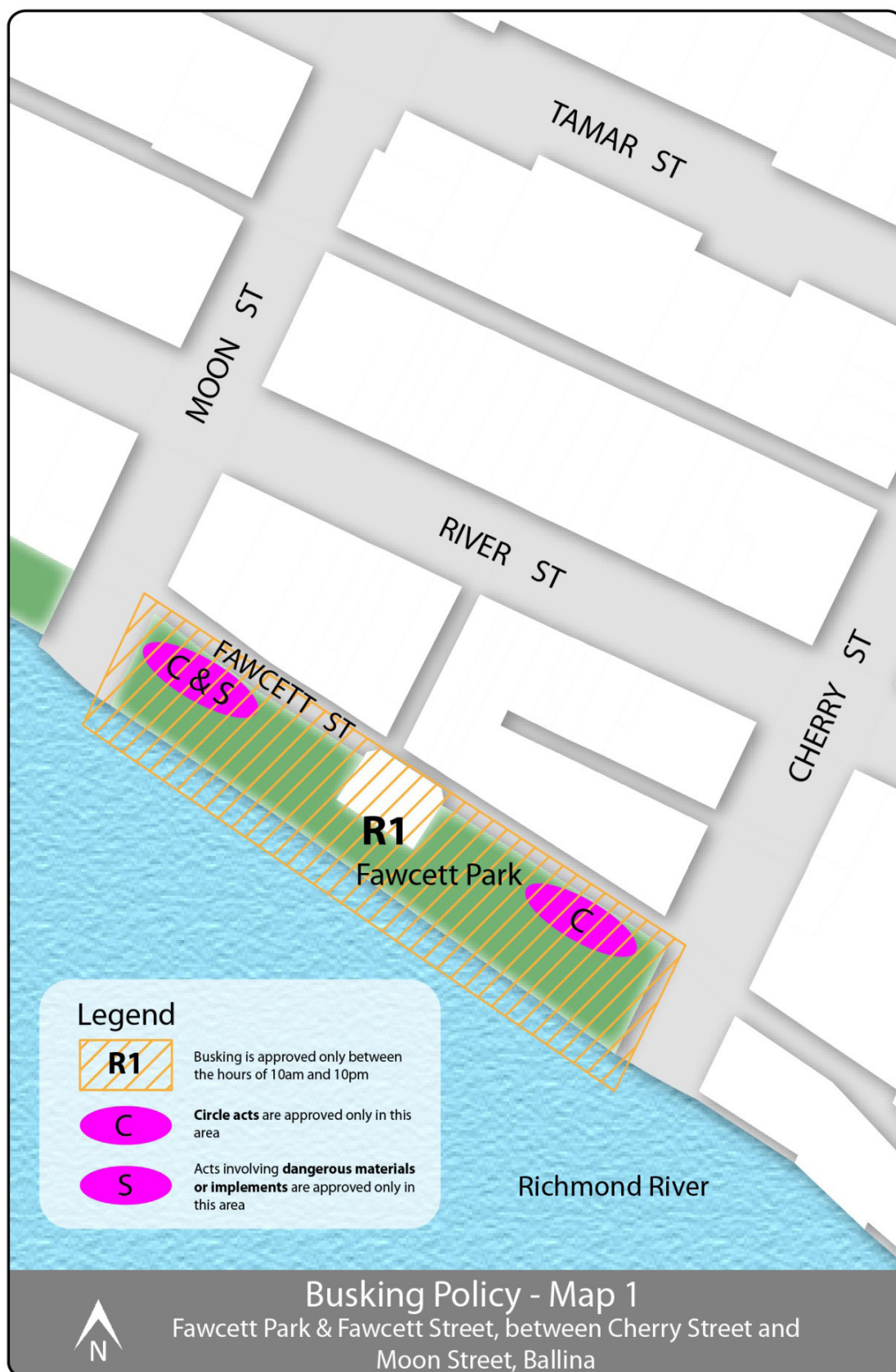
For further information, please refer to Council's **Busking policy**.

Ph: 6686 4444

ballina.nsw.gov.au



Map 1 Ballina



Map 2 Lennox Head



guidelines for the use of

COUNCIL BANNER POLES

policy | B02

Ballina Shire Council has a number of banner poles throughout the shire that provide a vibrant, attractive and cost effective method of establishing a visual presence for events and activities.

Council regularly uses the banner poles to display community messages on a wide range of issues but when the poles are not in use by Council, there are opportunities for the poles to be used to promote other activities.

The primary purpose of the banner poles is to promote activities that provide a community benefit. Applications for use of the banner poles will only be approved for not-for-profit groups or agencies (such as State or Federal Government Departments) or institutions (such as schools and hospitals) providing a service within Ballina Shire.

As a general rule the event being promoted must have a strong community focus. However, if the event is commercially driven, the co-ordinator or promoter of that event must be a not-for-profit group.

Council will charge a minimal fee to recover operating costs associated with the use of the poles. The fee is included in Council's annual fees and charges.

Applications must be made on Council's **Application for Banner Poles Signage** and be received by Council at least 14 days before the commencement of the requested period of banner display.

Council officers must erect the banners to ensure all occupational health and safety regulations are met. They will not be put up more than six weeks before the event and will be taken down the day following completion of the event.

1. Banner Design

DO'S	DONT'S
use graphics that are simple and bold	project an offensive message, display an offensive image or use offensive language
use text only where it forms part of the established image of the event or logo	incite hatred or aggression in any form
avoid dates and venue information which are difficult to read	be unlawful under local, state or federal law
avoid white backgrounds, which may be difficult to see against the backdrop	promote political, racial or religious intolerance
	allocate more than 10% of the banner area for direct sponsorship recognition.

2. Banner Specifications

Where new banners are to be manufactured, environmentally friendly materials are to be used where possible to be in keeping with Council's commitment to reduce our environmental footprint.

The size requirement for banners is 2360mm high x 850mm wide, this includes a triple sewn 105mm wide hem tube at the end of each banner. This hem tube is to be open from both ends of the banner (so that it can slide over the horizontal arms). Therefore when creating artwork, the canvas should be 2150mm high by 850mm (see style sheet for instructions).

The banner material used must be "breeze through material (mesh type)" or heavy gauge sign vinyl, which are available from professional sign writers.

Banners made from vinyl material must have 4 semi-circle flaps cut through the centre of the banner, with a minimum 200 mm radius.

3. Further information

For further information, please refer to Council's **Banner Poles policy**.

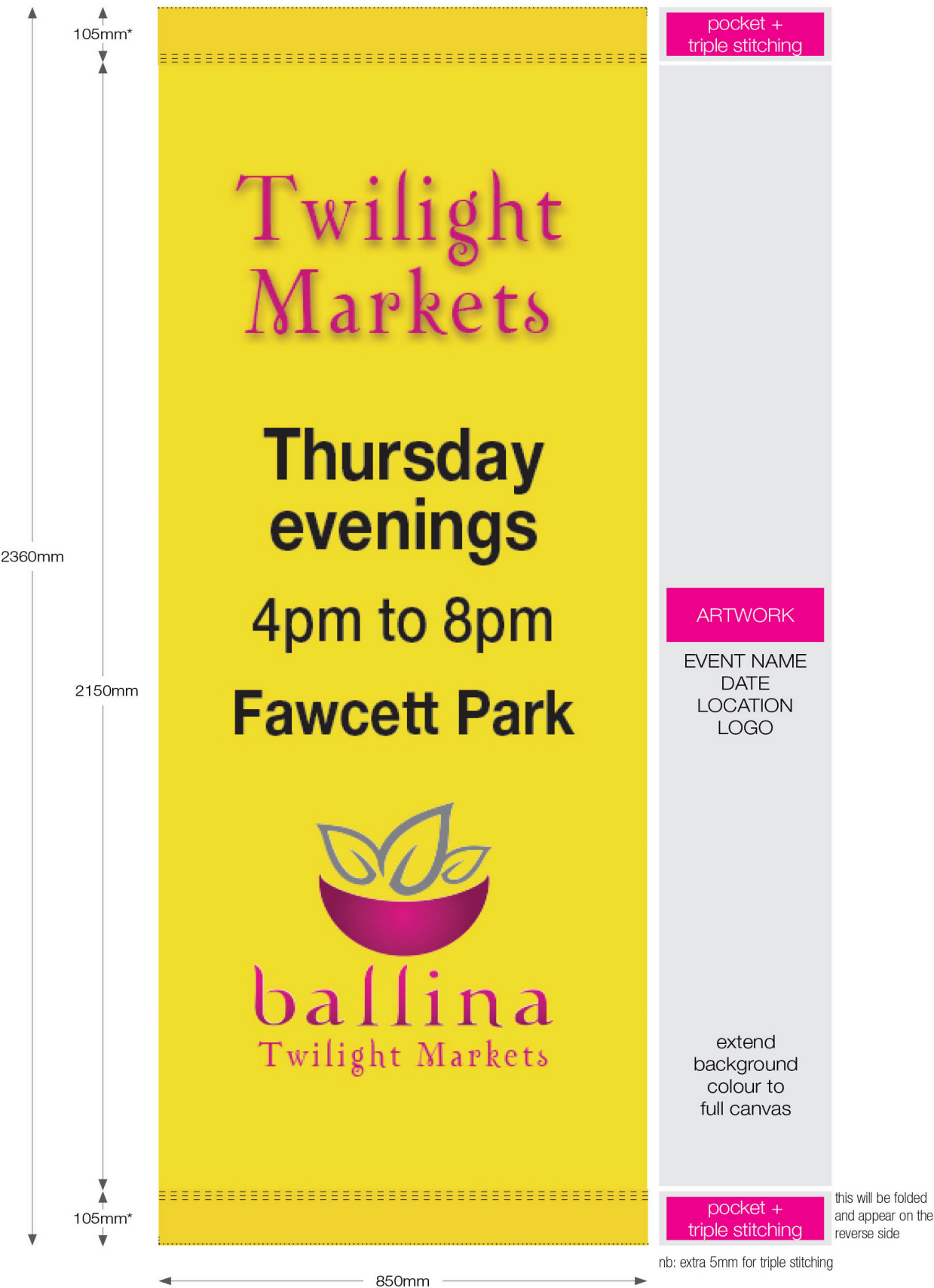
Ph: 6686 4444

ballina.nsw.gov.au



Location: Angels Beach Drive, East Ballina (roundabout)

Banner Pole Stylesheet Front



Banner Pole Stylesheet Back



guidelines for

COMMERCIAL ACTIVITIES ON PUBLIC LAND

policy | C10

If you want to undertake a commercial or business activity on public land under Council's control then you will need a Commercial Activities Licence. If you want to undertake a commercial or business activity that involves crossing public land or transferring people or items on, off or over the public land then you will need a Commercial Activities Licence. There is an application form and an application fee, and it may take up to 3 months to process your application.

If your application is successful, Council will charge a licence fee which must be paid annually, in advance, for the life of the licence. The annual licence fee will be determined taking into account, but not limited to, the following:

- nature of the activity
- scale of operation
- use of and impact on the public land
- impact on the community, both beneficial and detrimental.

Options for determination of annual licence fees will include indexing at or above CPI, independent valuation, price based on turnover or calling fresh tenders/expressions of interest to assess the value of the licence.

Renewal of a licence will typically be issued for a period of 1 year. Longer term licences will normally be issued for a maximum period of 3 years, with these licences requiring Crown approval. Any decision to offer a licence for a period of more than 1 year will be determined by the elected Council.

Licences are not tangible assets and cannot be transferred to a new operator. Licensees are entitled to hold only one licence within each licensed activity. Should a licence holder fail to operate a licence for a continuous period of 4 months, then the licence will lapse, unless Council has provided advice to the contrary.

1. Selection criteria

Council will assess the information provided in all applications for licences based on the following selection criteria:

- demonstrated successful experience in the activity to a high professional standard
- demonstrated history and experience of environmentally acceptable operations
- demonstrated appropriate level of knowledge and understanding of local conditions, natural and cultural history, ecological processes and constraints
- demonstrated experience in, or capacity to meet licence conditions including the keeping of records and prompt payment of fees
- demonstrated ability to comply with appropriate safety requirements and duty of care responsibilities
- demonstrated capability to promote interpretive and educational information that ensures clients are receiving instruction in minimal impact techniques, environmental protection and ethics of appropriate behaviour
- demonstrated compatibility with a Crown Reserve purpose or any plans of management
- economic and tourism development benefits to the Ballina Shire through associated activities such as marketing, use of shire facilities, etc.



2. Breaches of licence conditions

Licences will generally have conditions. Council can ask that a breach of licence conditions be remedied. Council reserves the right to revoke any licensed activities for reasons including environmental protection, public safety and changes in policy or legislation.

Licences may also be terminated in the following circumstances:

- if any fees payable, or any part thereof, are in arrears for 30 days, whether formally demanded or not
- if proof of current public liability insurance cover is not provided prior to commencement of, or during a licence period
- if the licensee breaches any conditions of this policy or the licence
- if the licensee has committed an act of bankruptcy
- if the licensee commits an unlawful act or breaches the requirements of any other relevant authority
- no pro-rata refunds will be provided where a licence is cancelled, terminated or handed in during the year for which the licence fee is applicable.

3. Number and type of licences to be issued

Council will limit the number of licences issued for certain uses in accordance with the following table. Other activities will be assessed on merit.

4. Further information

Applicants should be familiar with Council's Application Guidelines and Operating Requirements for Commercial Activities on Public Land. For further information, please refer to Council's **Commercial Activities on Public Land policy**.

Ph: 6686 4444

ballina.nsw.gov.au



ACTIVITY	NUMBER OF LICENCES	STUDENT/TEACHER RATIO	MAXIMUM NUMBERS	NUMBER OF CLASSES PER DAY
BIKE HIRE	not limited	not applicable	capacity of business location for holding bikes	not limited
COMMERCIAL BOAT USE OF PUBLIC WHARVES AND PONTOONS	not limited	capacity of boat	capacity of boat	not limited
COMMERCIAL FISHERMEN	as per DPI Licence	not applicable	as per DPI Licence	not applicable
DOG TRAINING SCHOOLS	not limited	1 instructor per 10 dogs	10 dog clients	8.30 am – 5.00 pm during daylight hours
ECOTOURISM TOURS	not limited	1 operator per 30 clients	30 clients	not limited
ELITE SURF COACHING	6	1 instructor per 7 clients	7 clients	each school, 2 sessions/day
FISHING TOURS	not limited	4 clients per tour operator	4 clients	not limited

ACTIVITY	NUMBER OF LICENCES	STUDENT/TEACHER RATIO	MAXIMUM NUMBERS	NUMBER OF CLASSES PER DAY
FITNESS TRAINING GROUPS	not limited	1 instructor per 20 clients	20 clients	2 sessions/day/operator
GUIDED BIKE TOURS	not limited	1 operator per 9 clients	10 bikes at any time	2 sessions/day/operator
HANG GLIDING AND PARAGLIDING	1 club or 4 operators	1 instructor per 1 hang gliding client 1 instructor per 2 paragliding clients	8 hang gliders 4 paragliders	as safety conditions prevail
HELICOPTER RIDES	not limited	capacity of helicopter	1 helicopter at any time using a reserve	8.30 am – 5.00 pm during daylight hours
HORSE RIDING GUIDED TOURS SEVEN MILE BEACH	2	1 instructor per 4 clients	10 horses	2 sessions/day 1 operator/day on alternate days week days only, no public holidays
HORSE RIDING GUIDED TOURS SOUTH BALLINA BEACH	This commercial activity is approved by Crown Lands. Ballina Shire Council requires the licensing of the operation for its use of the public road network to access the beach. Council places no operational conditions on this activity.			
HOT AIR BALLOONING	not limited	capacity of basket	1 hot air balloon at any time using a reserve	not limited
KAYAK AND CANOE TOURS	not limited	1 instructor per 4 clients – high risk 1 instructor per 12 clients - low risk	20 kayaks	not limited
KITE SURFING SCHOOLS	2	6 clients with 1 instructor	2 kites	not limited
PERSONAL FITNESS TRAINERS	not limited	1 instructor per 2 clients	2 clients	not limited
PONY RIDES FOR PRIVATE PARTIES	not limited	1 instructor per 1 client	4 ponies at any time	8.30 am – 5.00 pm during daylight hours
SAILING SCHOOLS	2	capacity of boat	8 small boats, Shaws Bay 12 small boats, Richmond River	8.30 am – 5.30 pm during daylight hours
SEA PLANE RIDES	1	capacity of plane	capacity of plane	8.30 am – 5.00 pm daily
SKY DIVING	not limited	8 parachutes per jump	8 per jump	daylight operation

ACTIVITY	NUMBER OF LICENCES	STUDENT/TEACHER RATIO	MAXIMUM NUMBERS	NUMBER OF CLASSES PER DAY
STAND-UP PADDLE BOARDING	3	1 instructor per 7 clients	14 clients, Richmond River 7 clients, Seven Mile Beach north of Lake Ainsworth 3 clients, Lake Ainsworth, Shaws Bay, Prospect Lake	each school, 2 sessions/day
SURF SCHOOLS	5	1 instructor per 8 clients	20 clients	each surf school, 2 sessions/day
WIND SURFING SCHOOLS	not limited	2 clients with 1 instructor	3 wind surfers	not limited
OTHER ACTIVITIES	to be decided on the merit of each application and with reference to other commercial activities already in operation and by determination of Council through a review of this policy.			



guidelines for

COMMUNITY EVENT SIGNAGE

policy | C17

Ballina Shire Council supports community events. Council has identified a number of sites throughout the shire (see attached signage locality maps) as being suitable for the promotion of community events, where signage infrastructure has been provided so that the community is made aware of upcoming events.

There is provision for the erection of multiple signs at each location.

Council will not permit signs to be located on public land other than the designated sites. Unauthorised signs will be removed and impounded, and Council may issue a penalty notice.

Applications must be submitted on Council's application form, and can be lodged 4 weeks (minimum) and 4 months (maximum) prior to the date of the event. Incomplete applications will not be accepted. An application fee will be charged.

1. Eligibility

To be eligible to use the community event signage sites, you must:

- be a not-for-profit incorporated organisation or a commercial organisation promoting a community-based event
- be an applicant preferably based in the Ballina Shire
- be promoting an activity or event that will take place in the Ballina Shire
- have lodged an application for approval under Council's Events on Public Land policy (for events on public land) or the applicant must have lodged a development application for the event (for events on private land)
- comply with Council's risk and insurance requirements
- have completed all acquittals stipulated by Council (if the applicant has received previous support from Council)
- encourage a high level of community participation in the event.

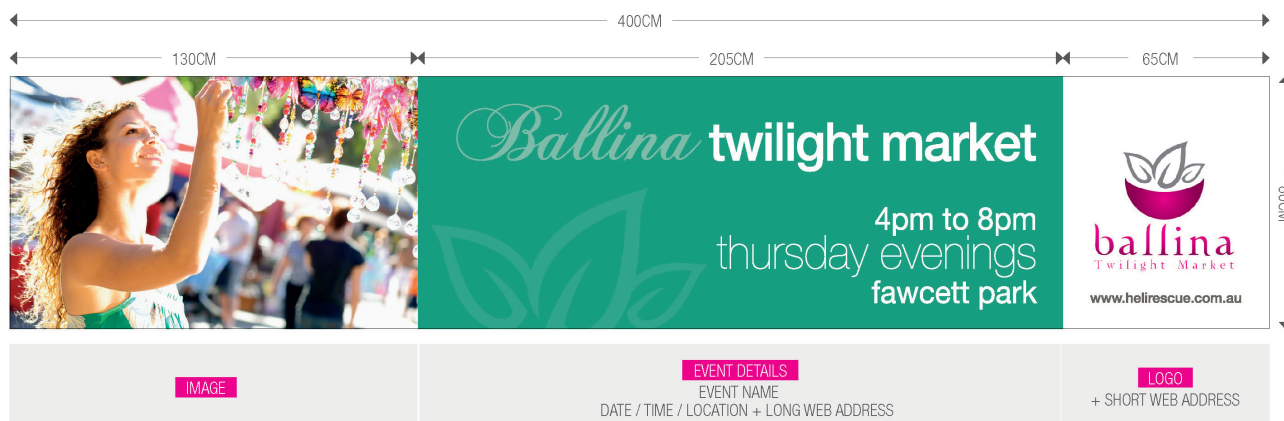
Events that are **not eligible** to make an application under this policy are:

- weekly sporting competitions
- garage sales
- events that are entirely of a commercial nature, with no perceived community benefit (as determined by Council's General Manager).

2. Conditions

Council will require you to comply with conditions including:

- design templates and/or existing signs are to be reviewed and approved by Council prior to printing. (Approval will be issued within 5 working days of receipt)
- signs may be erected up to 6 weeks prior to the event, if selected sites are available
- signs must be removed within 3 days of the conclusion of the event
- signs are to be erected by the applicant
- signs must be secured to designated sites to the satisfaction of Council.



3. Signage design Do's and Don'ts

Signage should be of a professional standard and in accordance with Council's **Community Event Signage Guidelines**.

DO'S	DONT'S
Include dates and venue information in large, bold writing	project an offensive message or display offensive language or an offensive image
use graphics that are simple, bold and look good	promote a commercial activity or organisation (outside the scope of the policy)
use text only where it forms part of the established image event of the event or logo	incite hatred or aggression in any form
confine sponsorship logos to less than 10% of the total sign area	display anything unlawful under any local, state or federal law
	promote political or racial views

4. Site allocation

Allocation of sites is on a "first come, first served" basis, however where there is a clash of bookings preference that cannot be resolved, priority will be given to signs relating to events held in the locality of the signage site and/or community events that have a higher level of community participation.

Booking preferences will be given to the following events, in order of priority:

1. Community events that are funded via our Festivals and Events – Council Support policy
2. Council-approved regular markets
3. Community events that have obtained approval under Council's Events on Public Land policy

4. Other community events organised by not-for-profit incorporated associations (eg school fetes, cultural or sporting events)
5. Commercial events (that have a community benefit).

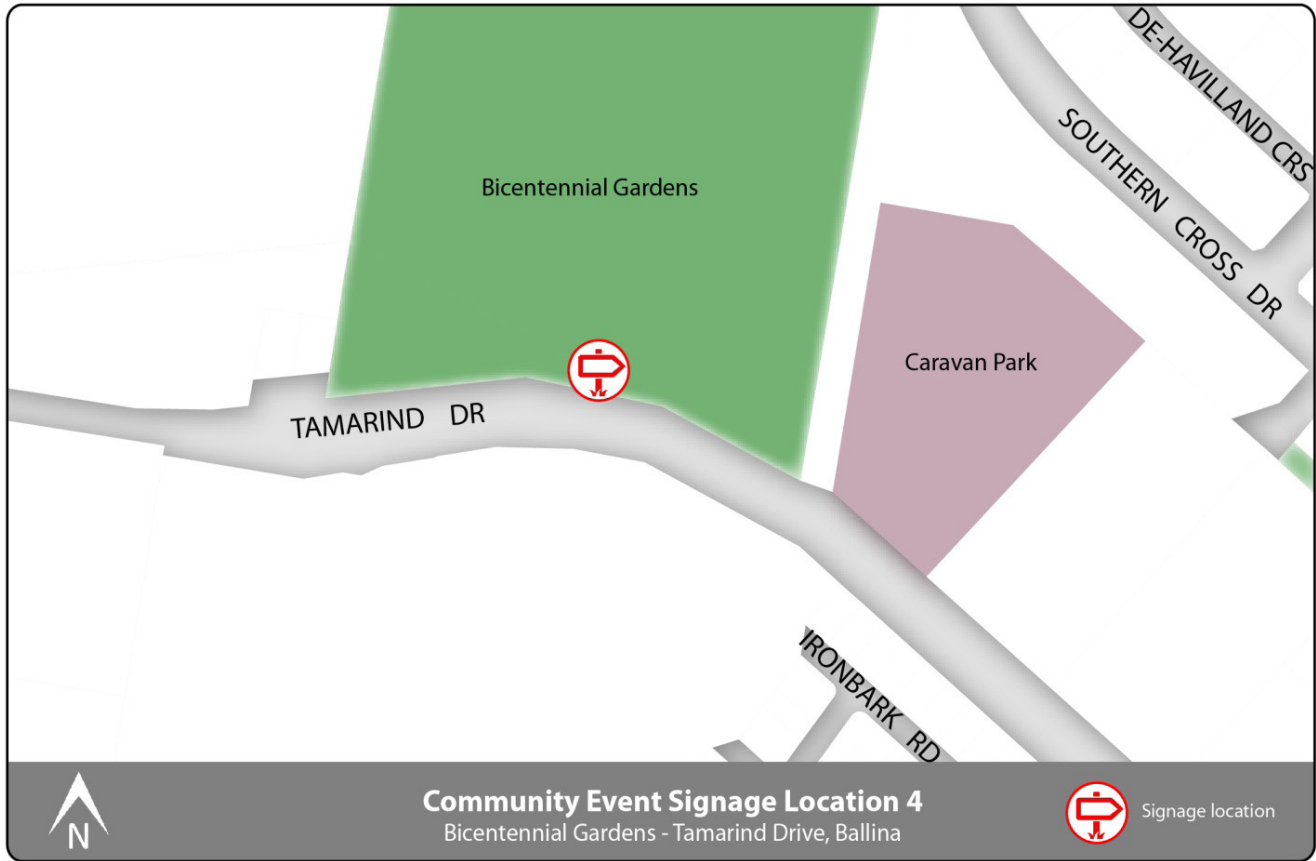
5. Further information

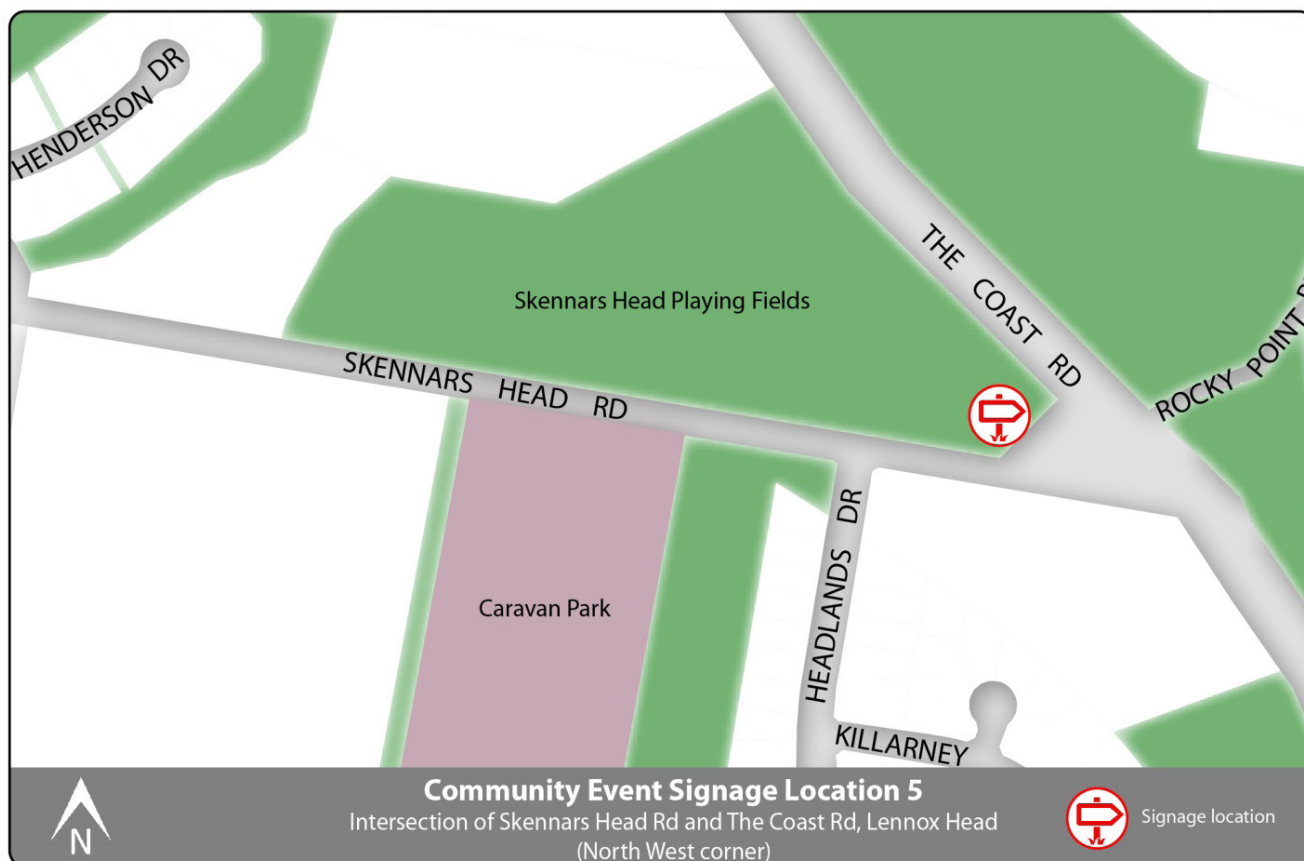
For further information, please refer to Council's **Community Event Signage policy**.

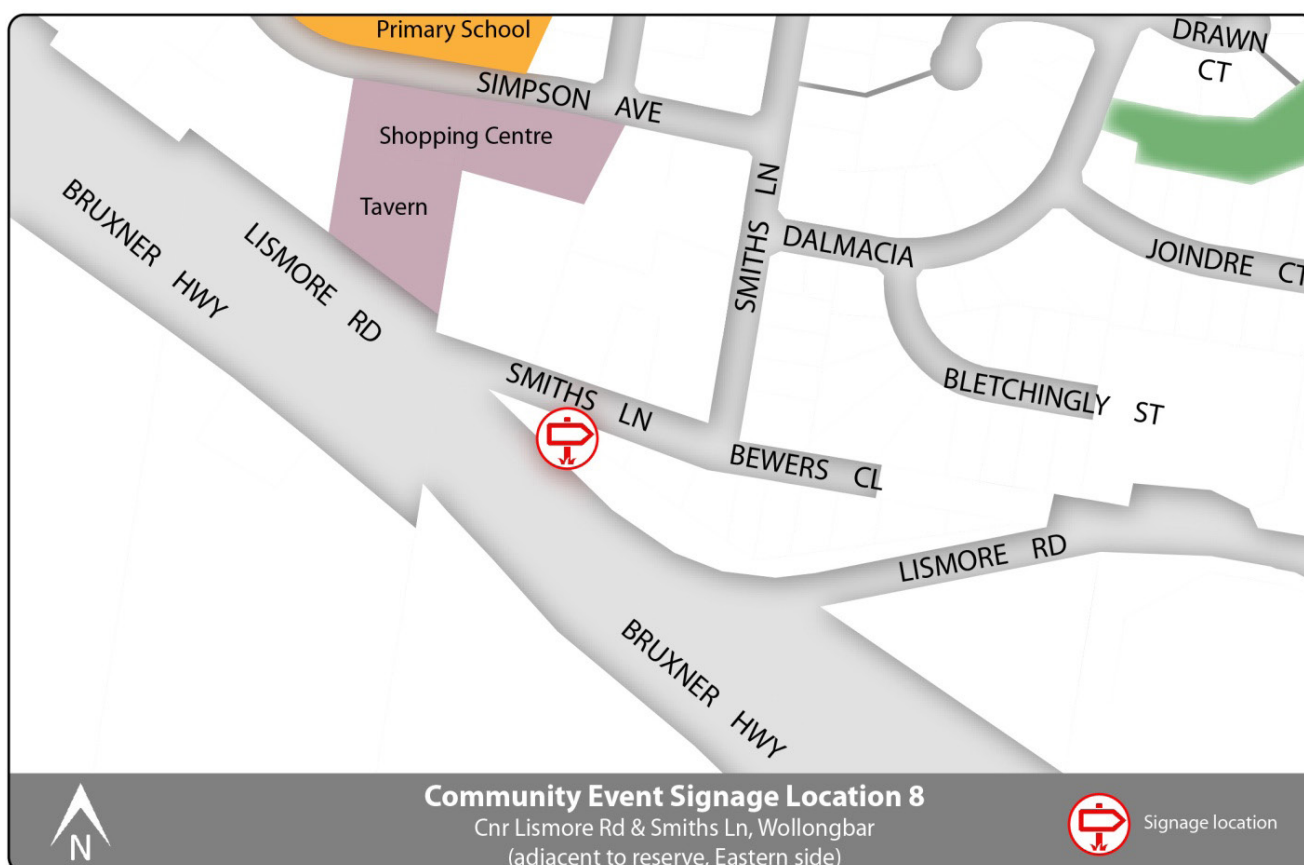
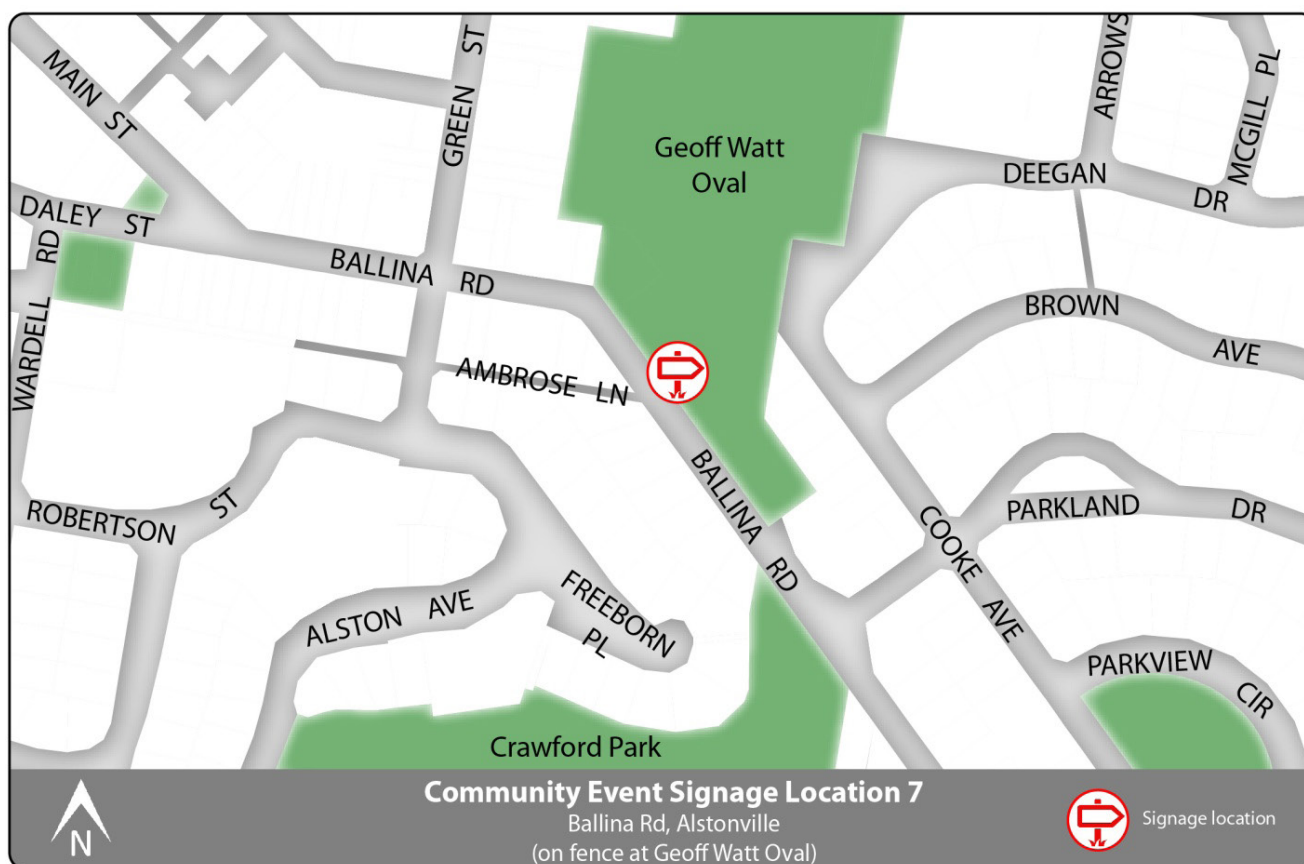
Ph: 6686 4444

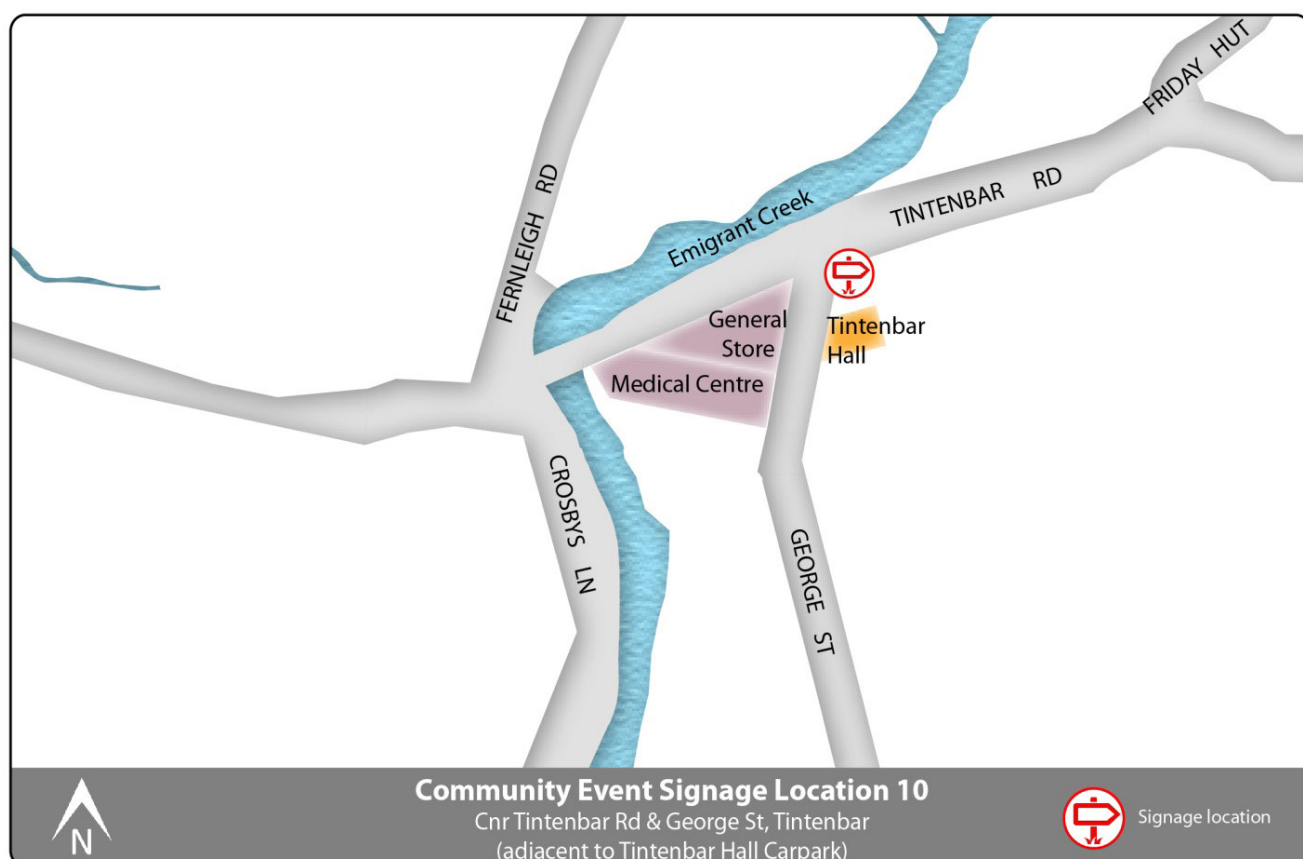
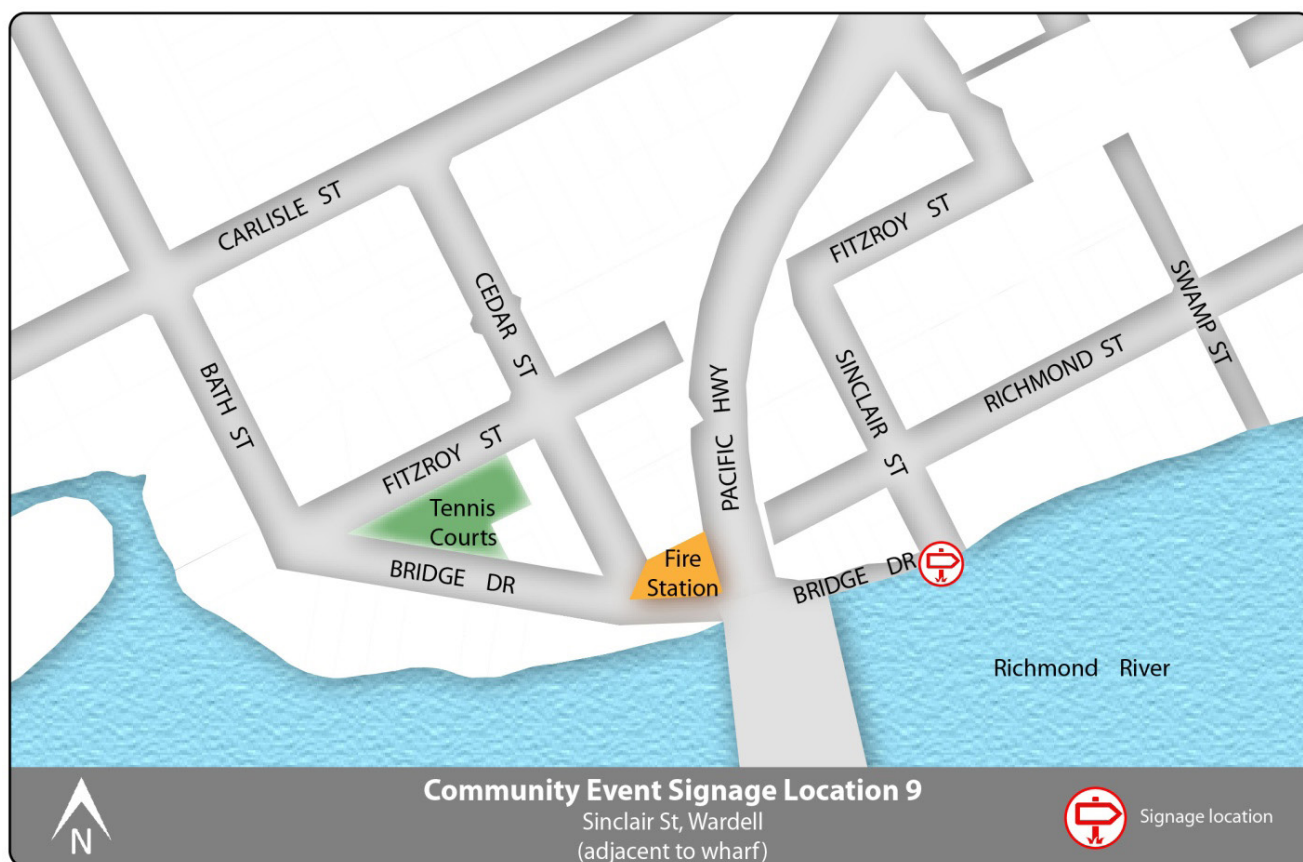
ballina.nsw.gov.au











guidelines for EVENTS ON PUBLIC LAND

policy | E05

Ballina Shire Council values the importance of local events that showcase the rich sporting and cultural diversity and history of our Ballina Shire community, and deliver economic, social and environmental benefits.

To hold an event on public land in Ballina Shire (including parks, open spaces or streets) you will need to lodge with Council an **Application for Events on Public Land**. Applicants must refer to the **Event Guidelines** when completing an application form. A fee will be charged and you will need to give Council enough time to consider your application (allow 40 days).

Any approval given to you will last for a maximum of 3 years, and then it will have to be renewed.

In making your application, you need to consider:

Environmental impacts

Potential damage to local flora and fauna, and impact on Council infrastructure

Social impacts

Impact on residential amenity, conflicts with other user groups and organisations, availability of land

Economic impacts

Likely economic benefits and detriments to the locality and the shire

Risk assessment

Event organiser must provide Council with a Risk Management Plan. Management of risk is a critical factor in the professional management of any event. A Bush Fire Hazard Assessment should be undertaken, if relevant to the site. Council has guidelines on risk management for events on public land

Further information

For further information, please refer to Council's **Events on Public Land policy**.

Ph: 6686 4444

ballina.nsw.gov.au



guidelines for FILMING ON PUBLIC LAND

policy | F04

Ballina Shire Council wants to facilitate commercial filming on public land as required in the *Local Government Filming Protocol 2009*. Council also wants to promote the balance between community interests, environmental, cultural and heritage protection and economic development in Ballina Shire.

Approval for commercial filming on public land is required for:

- feature films
- telemovies and mini series
- television series
- documentaries
- corporate and music videos
- television commercials
- digital content for mobile and other portable devices
- digital effects and animation and post-production.

Filming applications will be assessed by a Council officer, with approval conditions issued. An application fee will be charged. Depending on the nature and location of the proposed filming, additional environmental assessments and approvals may be required.

It is understood that lead times for notice of filming activities need to be flexible as many productions change schedules and locations at short notice. Council will endeavour to accommodate all reasonable requests. Applicants are encouraged to provide as much notice to Council as possible.

Further information

For further information, please refer to Council's **Filming on Public Land policy**.

Ph: 6686 4444

ballina.nsw.gov.au



guidelines for

FESTIVALS AND EVENTS COUNCIL SUPPORT

policy | F05

Ballina Shire Council values the importance of local festivals that aim to showcase the rich cultural diversity and history of our local community, and that deliver economic, social and environmental benefits.

Council wants to obtain maximum leverage from its support of community festivals and events, and believes this can best be achieved when support is provided by a financial contribution, through a cash donation or sponsorship.

1. How to apply

Each year Council invites submissions from the community as part of the annual Operational Plan process. Submissions must be made on Council's application form. A Councillor workshop considers all submissions and recommends to the next Ordinary meeting of Council a distribution of the available funds.

2. Eligibility criteria for applicants

- must be a not-for-profit organisation
- must be an incorporated organisation or be sponsored by an incorporated organisation
- should preferably be based in Ballina Shire and the proposed activity must take place within Ballina Shire
- all acquittals required by Council must have been completed (if the applicant has received previous support from Council)
- must have a demonstrated capacity for festival and event management
- must demonstrate the need for support from Council and the mid- to long-term sustainability of the festival or event
- the application must be supported by a financial or business plan

3. What Council needs to know

- will the festival or event provide a public benefit in the fields of art and culture, sport and recreation, general health, well-being and education, learning and knowledge?
- will the festival or event meet an identified need and/or develop community strengths?
- will the festival or event be innovative and relevant for the target audience?
- does the event have documented support from groups that would benefit from the event?
- will the festival or event provide social benefits to the broader community?
- how will the festival or event make a positive contribution to the economy?
- what is the anticipated community participation rate, and does it represent value for money?
- how will Council's support be acknowledged?
- is the festival or event viable, and are support funds being sought from other sources?
- will the festival or event be managed to limit adverse environmental impacts?



4. How can Council's donation or sponsorship be spent?

WHAT'S PERMITTED	WHAT'S NOT PERMITTED
waste management	capital expenditure
traffic management	contribution to charities
equipment hire	ongoing operational/administrative costs not directly related to the festival or event
promotion and marketing	retrospective projects
insurance	wages for event organisers
venue hire	
sound equipment and technician	
specialised services, eg marketing consultant for the festival or event	

5. Further information

For further information, please refer to the **Festivals and Events – Council Support policy**.

Ph: 6686 4444

ballina.nsw.gov.au



guidelines for the

COMMERCIAL USE OF FOOTPATHS

policy F07

Ballina Shire Council supports vibrant and stimulating commercial centres where the public is encouraged to shop and dine in an outdoor environment and take advantage of the favourable local climate.

Responsible small-scale street vending and footway restaurants on public footpaths will enhance and promote the established central business areas of the shire, particularly those of Ballina, Lennox Head, Alstonville and Wardell as focal shopping, business and social places.

1. Applications

A development application is usually not required, but approval from Council is still required. Applications must be submitted to Council on the Commercial Use of Footpaths Application Form, together with the prescribed application fee (where applicable). Applications must include:

- accurate scaled and dimensioned plans of the application area
- details of the proposed placement of landscaping, lighting, temporary structures and/or furniture.

2. Footway Restaurants

Applications for a footway restaurant must include details of the intended operation of the alfresco dining area, including:

- nature of dining
- hours of operation
- seating capacity
- type of service, etc.

Applications must be accompanied by detailed evidence that the existing kitchen, washing and trade waste facilities are suitable to cater for the proposed additional capacity associated with the application area. It must specify whether the applicant will be applying for a licence for the service and consumption of alcohol within the approval area. If the approval area is within a designated Alcohol-Free Zone, a special exemption will need to be obtained.

The use of a footpath area for a purpose authorised under this policy must not commence until a valid street

vending or footway restaurant approval has been issued and all conditions have been complied with.

3. Is a development application needed?

The commercial use of footpaths can be approved without a development application if it meets the following requirements:

- it involves the use of footpaths within a road reserve for which Council is the roads authority under the *Roads Act 1993*
- it's for the purpose of small-scale commercial/business use such as alfresco dining, display of merchandise and the like
- it occupies an area not greater than 30 m² per operator
- it's operated in conjunction with an authorised adjoining use
- it does not involve the erection of permanent enclosures/structures
- it does not interfere with the safety and free passage of other users of the footpath
- it does not result in the loss of any car parking.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 also specifically covers the use of footpaths for dining and has different controls to Council's policy. In the event of an inconsistency, the SEPP will prevail.



4. What's permitted?

- no permanent structures are permitted within an approval area, and all temporary structures and/or furniture must remain wholly within the specified boundaries of the approval area
- items placed in the approval area must be stable and suitably designed to prevent damage to the footpath, withstand weather conditions and maintain an attractive appearance
- clothing racks and/or display tables must have lockable wheels so they can be secured on the footpath
- landscaping, lighting, structures and/or furniture within an approval area must be designed and configured to positively contribute to the overall streetscape
- no advertising signs, including free-standing A-frames, are to be placed within the approval area, other than incidental advertising
- the placement of temporary structures within an approval area must allow sufficient clearance for pedestrians to make normal use of the footpath without unreasonable impact.



5. Occupation Fee

Council will charge a footpath occupation fee based on a per metre rate of the approval area in accordance with Council's annual schedule of fees and charges. The fee is based on a reasonable return on land value, which may vary for different parts of the commercial areas.

6. Non-compliance

A street vending consent or footway restaurant approval may be cancelled by Council with 90 days' notice within the first year of its operation, and with 30 days' notice in any subsequent year. No claim for compensation will arise from such cancellation, and the applicant will be responsible for vacating the approval area.

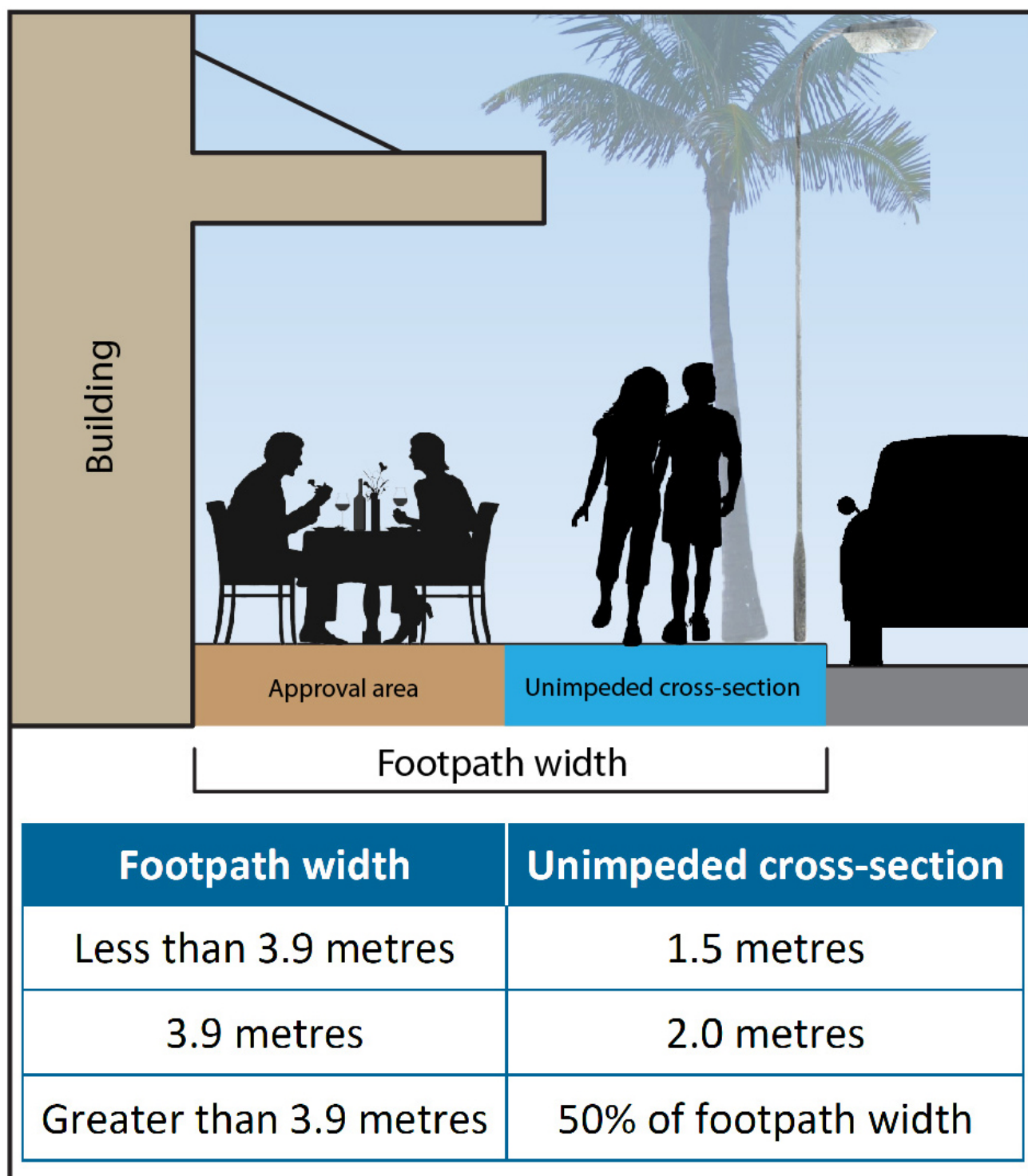
Council regularly monitors approvals granted to ensure compliance with conditions. Non-compliance may result in on-the-spot fines being issued.

7. Further information

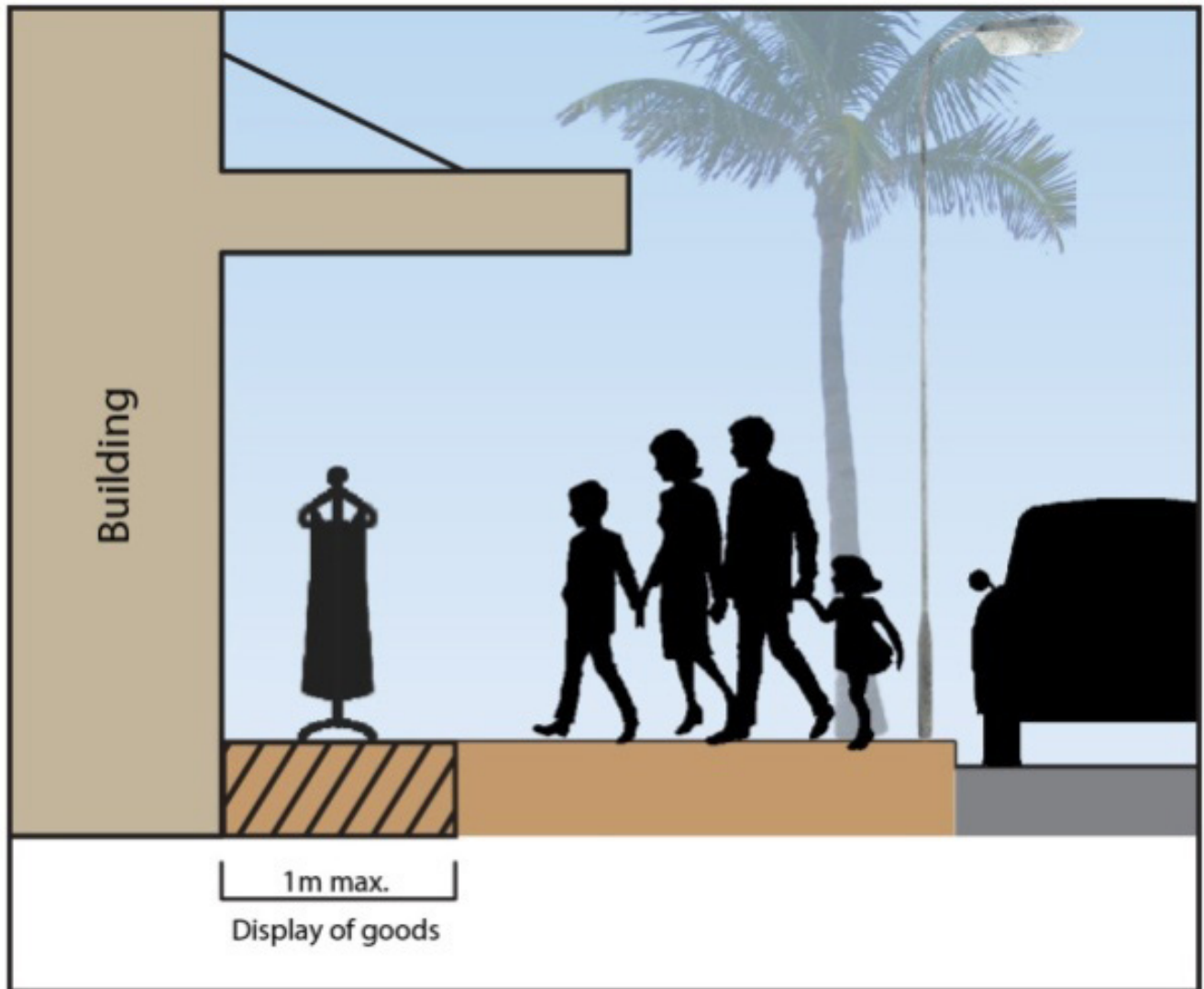
For further information, please refer to Council's **Commercial Use of Footpaths policy**.

Ph: 6686 4444
ballina.nsw.gov.au





The placement of temporary structures within an approval area must allow sufficient clearance for pedestrians to make normal use of the footpath without unreasonable impact



Displays of goods must extend no further than 1 metre forward of the property boundary.

guidelines for

MARKETS ON PUBLIC LAND

policy | M01

Council's Market Guidelines are designed to assist market managers with the requirements and procedures associated with operating markets in parks, open spaces or public roads under the ownership and/or management of Ballina Shire Council.

These guidelines must be addressed as part of any application for a licence to conduct a market on public land.

1. Application and approval process

Applications to operate a market on Council owned or managed land are to be lodged via the Markets on Public Land Application Form with the accompanying documents including a market management plan addressing these guidelines.

To allow sufficient processing time, market managers are required to lodge applications at least three months prior to the proposed market commencement date.

Fees & charges

Applicants may be subject to fees and charges in accordance with Council's adopted Fees and Charges, available on Council's website.

An explanation of the fees is as follows:

Initial application

An application fee is payable upon lodgement of the market application or an application for renewal. This fee partially covers staff time in processing the application.

Ongoing (licence fees)

Licence fees are payable for the occupation of public land for the purpose of a market. The payment of a licence fee represents a return to the community for the occupation of community land. Markets operated by a not for profit group may be eligible for a discounted licence fee, in recognition of the benefit provided to the community by an organisation.

Inspection fees

These fees are set each year in Council's schedule of fees and charges and are payable for the inspection of temporary food premises by Council.



Consumption charges

These fees include water, waste and electricity costs where access to Council services is required. The charges for these services may vary and are determined as part of the market application process.

Assessment, Approval and Licencing

Council aims to assess applications within two months of lodgement. Market managers may be required to attend a meeting with Council staff to discuss the application and potential licence conditions.

Council may decide not to grant a licence for a market to operate for reasons including:

- insufficient information is provided
- a market or land is deemed unsuitable having regard for the environmental, social, economic, infrastructure and/or risk considerations for the proposed market
- Council believes there is lack of market management skills and experience held by the applicant.

Approval conditions will be set out as part of a licence to occupy land. Initial approval for a market will typically be for 12 months with the potential to renew for a further period of up to three years.

Council may call for expressions of interest for the operation of a market:

- at the expiration of a licence
- in response to an application for a market operation
- where Council wishes to invite the use of a land parcel for a market.

3. Market Manager responsibilities

A market manager is the legal entity responsible for the operation of the market. Market managers are required to have public liability insurance coverage specific for the operation of the markets.

As part of the application and assessment process, Council requires the submission of a market management plan (refer to point 6).

4. Permits & regulations

Depending on the elements in the market, there may be specific approvals, permits or licences required.

Examples of approvals issued by Ballina Shire Council include market approval, venue hire/booking, food vendor permits, amplified sound, temporary road closures and amusement ride and inflatable device

approvals.

Examples of approvals issued by other agencies include liquor licences, fundraising authorisations, notice of public assembly, and RMS approvals for use of some roads or waterways.

5. Market location

Suitability

The market site will need to be carefully assessed to ensure it is suitable for the operation of a market. A number of factors will need to be considered, these include, but are not limited to: site capacity, facilities, parking, public amenities, access, exposure to strong winds and adjacent residences. The site should not have the potential to become waterlogged or be subject to flash flooding in the event of a sudden storm.

In the case of an emergency (including a potential bushfire), the site plan must clearly identify safe assembly areas and escape routes.

Electricity Supply and Installation

Electricity is available at selected parks and reserves. For larger markets where electricity supply is limited, or in areas where there is no electricity, a low noise emitting generator will be required for power supply. A site inspection will determine if there are Council controlled electrical facilities in appropriate locations at the market site. Any costs associated with upgrades or connections to existing electricity supplies will be the responsibility of the market manager.

Night markets will need to ensure adequate lighting for walkways and exits in case of an emergency evacuation, and to provide safe access to and from the site. Market managers will also be required to ensure back-up generators are available to provide adequate lighting in case of a blackout. Details of existing and proposed lighting for night-time use must be submitted with the market application.

Accessibility

To make the market as inclusive as possible it should be accessible to people with a disability. To maximise accessibility, the market site and operation must be considered in relation to providing:

- public and/or private transport to and from the market
- parking areas for people with a disability
- accessible facilities such as toilets and food and drink counters

- access for emergency vehicles
- wide entrance and exit paths, and
- information in large print for people with sight impairment.

6. Market Management Plan

A market management plan must address the following:

Manager Details

The market manager's details, including whether the market manager is a not for profit entity or a commercial operator.

Stall and Product Information

The style of market and proposed goods for sale (including origin of the goods and details of any certification for the goods) and the maximum number of stallholders.

Site Plan

It is necessary for the market manager to carefully consider the layout of the market site in the context of existing site features. The layout will need to take into account access for emergency vehicles (fire trucks, police and ambulances), traffic management (public parking, disabled parking and pedestrian access), access for servicing of garbage receptacles and toilets, first aid facilities, movement in and out of the site by stallholders and staff and sufficient space for free movement of the public.

The site plan must provide a plan drawn to scale of the proposed market site, clearly showing where the market will operate and contain details of the locations of all entrance, exits and facilities etc.

The site plan needs to clearly identify a safe assembly area and escape routes in case of an emergency (including a potential bushfire).

The content of a site plan should reflect the various aspects of the market. Some suggested inclusions are locations of:

Structures & Site Features

- the market manager's stall
- entertainment areas, exclusion areas
- liquor outlets including approved liquor consumption areas / no-alcohol (dry) areas
- food vendors/stalls
- toilets

Access and thoroughfares

- all entrances and exits
- distance between stalls and public spaces and thoroughfares
- safe assembly evacuation areas
- access for emergency vehicles at least six metres wide, (fire, trucks, police and ambulances), including routes around and through the market used by vehicles
- parking, including stallholder parking
- accessible points for persons with a disability, including ramps and wheelchair-accessible routes.

Facilities

- fire-fighting equipment / first aid
- electricity access points
- shelter and shade
- waste receptacles and recycling facilities
- toilets access points
- water and electricity
- first aid facilities
- facilities for people with a disability
- sitting/eating areas
- location of nearest hydrants
- any static water supplies proposed in non-town water reticulated areas, eg tanker facilities (ensuring sufficient water supplies are available for firefighting where markets are on bushfire prone land)
- location of open flame charcoal/gas or electric cookers (avoid locating these facilities in close proximity to fuels and dried up vegetation to avoid potential bushfire ignition).

Pedestrian, Traffic and Parking Management

Traffic and transport issues can arise as a result of market activity. This includes setting up and packing down the market site.

If it is anticipated that the market will have an impact on traffic and/or transport then a Traffic Management/Control Plan (TMP or TCP) may be required. This plan needs to address road and traffic related matters, eg including vehicle numbers, turning movements, parking, effects on surrounding roads, disabled access and pedestrian access.

An application for a market that includes a road closure will be referred to Council's Traffic Committee. The Committee is made up of representatives of Council's

Civil Services Group, the NSW Police and the Roads and Maritime Services (RMS). The Committee will give advice on the acceptability of a proposal, necessary amendments to the proposal, and the requirements for a Traffic Control Plan (if needed).

It is important to provide sufficient parking for people attending and working at the market, including stallholder car parking. Markets which are not accessible by scheduled public transport may need to provide additional parking facilities.

Waste Management Plan

One of the key areas of responsibility in conducting a market is to effectively manage waste on the market site and surrounding areas.

The market manager is responsible for supply and appropriate disposal of additional waste facilities generated at the market site and surrounding areas. Market Management Plans must include a Waste Management Plan.

As a guide, the minimum number of additional bins required for attendee use (not including existing public bins) at markets are:

- 1 x 240L bin per 100 attendees if no food or drinks served/sold
- 2 x 240L bin per 100 attendees if food or drinks served/sold
- 2 x 3m front load skip bins and 2 x 240L recycle bin per 100 attendees, for events greater than 1,000 attendees.

Risk Management Plan

Risk management is a significant consideration in the operation of markets. During the planning stage it is essential that a risk management plan is developed specifically for the market location. Once this is developed it is important that the risks continue to be monitored and reviewed. A sample risk matrix is included in the Market Application Form.

The risks identified in a risk management plan will depend on the nature, location, time and duration of the market. Night markets or markets selling alcohol may be required to provide additional security or safety measures.

A risk management plan should incorporate provisions for cancellation of a market due to a severe weather event.

Council reserves the right to cancel a market approval

at short notice where risk or safety concerns are identified.

Public Liability Insurance

The market manager must obtain and hold public liability insurance in a minimum amount as directed by Council, with Council listed as an interested party on the policy. Council may request evidence of insurance coverage at any time. It is the market manager's responsibility to ensure all sub-contractors hold adequate insurance specific to the work or activity being carried out.

Fire Management

It is the responsibility of the market manager to ensure that all market attendees can be promptly evacuated to a place of safety in the event of an emergency. Market managers are required to prepare an evacuation plan in the case of any emergency, including fire and the supply and use of fire equipment.

Incident Reporting and Complaint Handling

Market managers are required to have a complaint management process as part of the market management plan. Complaints received by Council regarding the day to day operation of the market (ie, stallholder disputes) will be directed to the market manager for resolution in accordance with the complaint management process. The complaints management process should provide for both verbal and written complaints, recording of the complaints in a register, appropriate remedies for complaints and confidentiality of personal and private information received by the market manager.

Work Health & Safety

Market managers have a duty of care to provide a safe environment in which staff, volunteers, performers and contractors can work. Depending on the nature of the market, there are certain legislative responsibilities that must be adhered to. WorkCover NSW has further details regarding WHS requirements for markets.

Noise Management

Balancing a need for entertainment with the community's right to enjoy reasonable quiet can be a challenge. Generally all markets are required to comply with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008.

However, Council can approve a market which will exceed the prescribed noise levels if satisfied that the market will be run and managed in such a way as to minimise any impacts on nearby residential areas.

Markets may be required to prepare a noise management plan and distribute a community notification leaflet, if a noise impact is anticipated.

Maintenance and Repair to Licence Area

The market manager will be responsible for documenting and reporting to Council any damage caused to the licence area as a result of the market's operation.

Where the operation of the market has caused damage to the licence area, the market manager will have the responsibility for remediating any damage or payment of any costs to Council for the remediation of any damage.

Market management plans are to include a system for recording and reporting damage and maintenance.

Amusement Rides and Devices

Amusement rides and devices require a separate s68 approval from Council and WorkCover. These applications should be made separately in accordance with the approval process in Council's Events on Public Land Policy.

The use and/or operation of any amusement rides or devices should be identified in the market management plan including a separate risk assessment for each ride or device.

Electrical Connections and Outlets and/or Use of Portable Gas Supply

Safety and effective market operation are key considerations with respect to electricity and gas supply. Market management plans must identify electricity and gas needs and how these supplies will be safely managed on site.

Signage and Promotion

Signage promoting the market must not be set up at the site without the prior approval of Council. A temporary signage plan outlining the location, size and layout of the signs must be submitted with market applications. All market signage must comply with the applicable planning requirements under the Ballina Local Environmental Plan 1987 and 2012 and any applicable state policy.

Council also has community event signage infrastructure in various locations. For further information see Council's website for Community Event Signage and Banner Pole policies.

Food Vendors

All food suppliers, including not-for-profit and charity fundraisers, are required to sell safe and suitable food in compliance with the Food Standards Code. The NSW Food Authority publishes guidelines which provides minimum standards for the preparation, display, handling and labelling of food and beverages in line with the Code.

Council registration is needed for stalls that include the sale of food and beverages and for the installation of temporary food stalls.

Water used for any activities in the preparation of food, personal hygiene, cleaning and sanitising must be of a potable standard. Non-potable water may be used for cleaning and similar uses only where it will not compromise the safety of food on the premises.

On bushfire prone land sites, market managers are required to provide details of any proposed appliances to be used on site eg. open flame charcoal/gas or electric cookers. It will also be necessary that all food vendors with kitchen cooking appliances have fire extinguishers and a fire blankets.

Council's Environmental Health Officer may attend the market. Where an inspection is deemed necessary food inspection fees will be charged in accordance with the Council's adopted scale of fees and charges.

Market management plans must identify how compliance with relevant food safety requirements will be achieved.

Alcohol

Details of any proposal to sell or consume alcohol must be provided with the market application. The market management plan must outline how alcohol sales will be managed and how risks will be mitigated, along with details of appropriate liquor licensing and RSA compliance.

Council has two forms of alcohol regulation that relate to alcohol consumption in public areas. These are Alcohol Free Zones and Alcohol Prohibition.

Alcohol Free Zones

An Alcohol Free Zone (AFZ) is a regulation put in place to prevent disorderly behaviour caused by the

consumption of alcohol on public roads, footpaths and public car parks. AFZs are in place in Wardell, Alstonville, Ballina and Lennox Head CBDs prohibiting the consumption of alcohol 24 hours a day, seven days a week.

Alcohol Prohibited

Areas that are Alcohol Prohibited prohibit the carrying and or consumption of alcohol. Signs prohibiting alcohol may be placed in public areas such as parks, reserves and beaches. Council has implemented Alcohol Prohibition in all parks and reserves between the hours of 10.00pm and 7.00am seven days a week, unless signposted differently.

All sports fields and surrounding reserves are Alcohol Prohibited areas.

Council can erect Alcohol Prohibited signage upon the request of the Market managers to ensure compliance with the regulation.

Services

Toilet and ablution facilities

Market managers may be required to supply additional toilet facilities specifically for attendees depending on the existing availability of toilet facilities.

Water

The market manager must consider the availability of potable water that is needed for drinking, washing etc and the supply source. If an extensive quantity of water is required and it is sourced from a Council supply, Council may require it to be metered and consumption charges to be met by the market operator.

7. Further Information

For further information, please refer to Council's **Markets on Public Land Policy and Appendices:**

- *Guidelines – Information to be Submitted with an Application for Event Approval – Markets*
- *Guidelines – Understanding Risk Management for Markets*

Applications need to be consistent with Council's **Event Guidelines and Events on Public Land Policy.**

General market enquiries

Strategic and Community Facilities Group
Sustainability Planner
Ph: 6686 1284

Leasing and licencing enquiries

Strategic and Community Facilities Group
Property Officer Community Land
Ph: 6686 1284

Food approvals

Development and Environmental Health Group
Environmental Health Officer – Food specialist
Ph: 6686 1221

Signage

Community banner poles bookings and enquiries
Events Support Officer
Ph: 6686 4444

Rangers

Development and Environmental Health Group
Ph: 6686 1210

Waste management

Civil Services Group
Ph: 6686 1287

Road closures/traffic management enquiries

Civil Services Group
Ph: 6686 4444

Work Health and Safety enquiries

NSW WorkCover
Ph: 13 10 50

ballina.nsw.gov.au

guidelines for

MONUMENTS & MEMORIALS ON PUBLIC LAND

policy | M02

The creation or placement of memorials or monuments on public land is only permitted with the approval of Council, other than for small roadside memorials.

Memorials and monuments located on public land

The creation or placement of memorials or monuments on public land is only permitted with the approval of Council, other than for small roadside memorials.

Seats with plaques

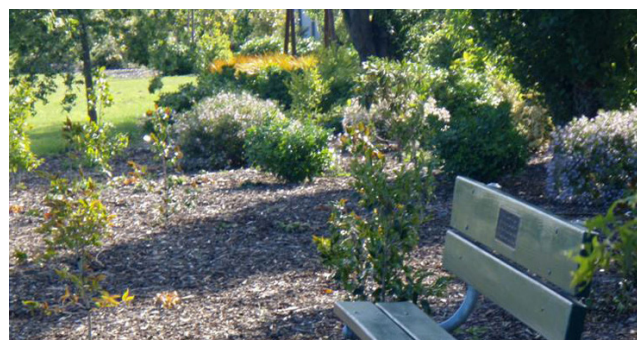
Such memorials will not be permitted on public land unless the person, event or location is of historical significance and the memorial is approved by resolution of Council.

Plinths and rocks with plaques

Such memorials will not be permitted on public land unless the person, event or location is of historical significance and the memorial is approved by resolution of Council.

Trees

- a. Council will consider applications for the planting of trees on public land. The location and species of the trees will be to Council's specifications. Trees will not be marked with plaques. The cost of trees will be at the expense of Council.



- b. Applications must be made in writing with a clear description of the proposed location.

Roadside memorials

Council approval is not required for the placement or creation of small roadside memorials. However, if a memorial is considered by Council to be a safety risk to the public or if the RMS requires its removal then the memorial will be removed without notification.

Further information

For further information, please refer to Council's **Monuments and Memorials on Public Land Policy**.

t 1300 864 444 | **w** ballina.nsw.gov.au



guidelines for

PUBLIC ART IN BALLINA SHIRE

policy | P03

Public art is important to Ballina Shire Council. Council wants innovative items of public art in key locations which identify and reinforce the shire's cultural identity, community values and create a strong sense of place. In particular, the traditional links with Ballina Shire and the Bundjalung Aboriginal nation.

One way that Council will implement its public art policy is through conditions on commercial, retail or tourist developments having a capital value in excess of \$1 million, which are proposed to be undertaken on land zoned for Business purposes under Council's local environmental plan.

Council will impose a condition of development consent, to incorporate an item of public art having a minimum value of \$15,000 as an integral part of that development. If this is not practical then

Council will encourage the proponent of the development to contribute an equivalent amount toward the provision of public art in a public place.

Each year Council will consider a budgetary allocation for the provision of public art.

Council also has a Public Art Advisory Panel, which is responsible for providing advice to the Council's General Manager in relation to the effective implementation of the Public Art policy.



Further information

For further information, please refer to Council's **Public Art policy**.

Ph: 6686 4444

ballina.nsw.gov.au



guidelines for WEDDINGS ON PUBLIC LAND

policy | W03

If you wish to conduct a wedding on public land under Council's control and you want some certainty that your preferred site will be available to you, then you have to make a written application. There is a fee, and Council will need at least 14 days' notice to process your application.

1. What Council needs to know

You need to tell Council the:

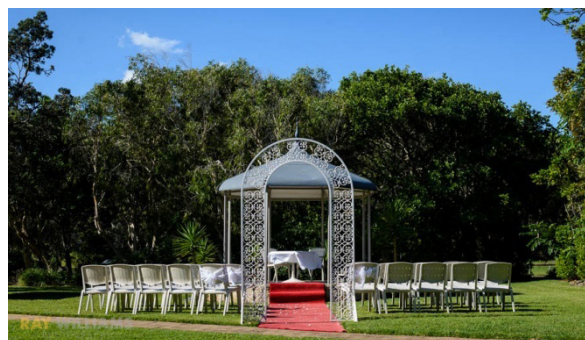
- wedding date and time
- proposed duration of the ceremony
- venue (precise location – include a map)
- proposed use of amplified music (if any)
- approximate size of the wedding
- any equipment such as chairs and small domestic-scale shade structures.

2. What's not permitted

Council will generally not approve:

- ceremonies longer than 2 hours
- marquees
- wedding receptions
- loud music.

Council cannot approve the use of Crown land that is not under its control, eg nature reserves and vacant Crown land.



3. Further information

For further information, please refer to Council's **Weddings on Public Land policy**.

Ph: 6686 4444
ballina.nsw.gov.au





40 cherry street • po box 450 • ballina nsw 2478
t 02 6686 4444 • f 02 6686 7035 • e council@ballina.nsw.gov.au

ballina.nsw.gov.au