

Council MANAGEMENT OF PUBLIC SPACES POLICY

1. INTRODUCTION

This Policy and associated procedures or guidelines provide the framework for making fair and equitable decisions regarding public space usage, approvals and management requirements. This Policy provides direction about the activities and events permissible within public space and the terms under which they are managed.

2. POLICY STATEMENT AND SCOPE

Public space provides our community with numerous opportunities to fulfil individual, social, cultural, environmental and economic benefits. Council is committed to providing and maintaining quality public space areas for family, social and community activities and events.

This Policy applies to all beaches, parks, reserves, sports fields, roads and footpaths owned by and under the care, control and management of Port Macquarie-Hastings Council.

Activities may include (but not limited to);

- Outdoor dining and trading
- Display of an A-Frame sign
- Beach or water operators including surf schools, stand up paddle board hire, kayak or canoe hire
- Personal / group fitness trainers or boot camps
- Adventure tour operators or visitor attractions
- Semi-permanent food or mobile food vendors
- Location filming
- Special and major events
- Weddings, private functions or ceremonies
- Engage in trade or business
- Direct or procure theatrical, musical or other entertainment for the public
- Construct a temporary enclosure for the purpose of entertainment
- For fee or reward, play a musical instrument or sing
- Set up or operate loud speaker or sound amplifying device
- Set up, operate or use a loudspeaker for the purpose of entertainment
- Deliver a public address or hold a religious service or public meeting
- Mooring of specific vessels at Lady Nelson Wharf
- Alcohol use on Public Reserves and Beaches

Council approval may be required for the use of these spaces for activities by businesses, individuals, groups or community organisations and schools.

Activities which involve a temporary or permanent structure may require Development Approval.

3. OBJECTIVES

The objectives of this Policy are:

- Provide the framework for sustainable public use and management of Council’s public spaces
- Provide for appropriate and equitable access to public space for business activities and active and passive recreation
- To support local economic development and commercial vitality
- Protect the safety of persons using these areas
- Protect and preserve the flora, fauna and the visual amenity of the area
- Outline the application and approval process associated with use of public spaces
- Define activities which are permissible or not appropriate for the area
- Prevent unauthorised encroachments and illegal activities
- Provide appropriate enforcement action for policy non-compliance

4. RESPONSIBILITIES AND AUTHORITIES

The Group Manager Community is responsible and accountable for the implementation of this policy.

The Group Manager Environmental and Regulatory Services is responsible for ensuring compliance with this Policy.

This policy applies to Council staff involved in the operation and management of public space.

5. PROCEDURES AND GUIDELINES

A-Frame Sign Procedure

Activities in Public Places Procedure

Alcohol Use on Public Reserves and Beaches Procedure

Commercial Activities on Council-managed Land Procedure

Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Procedure

Lady Nelson Wharf Mooring Guidelines

Outdoor Dining and Trading Procedure

Parks, Reserves and Sports Field Guidelines

Use of Council Sports facilities - Information Sheet

Port Macquarie Entertainment Precinct Event Use Procedure

6. REFERENCES

Beach Driving Policy

Bushfire Risk Mitigation on Public Land Policy

Council Adopted Fees & Charges Schedule

Dogs in Public Open Spaces Policy

Enforcement Policy

Port Macquarie Hastings Council Filming Protocol

Procurement Policy

Smoke Free Outdoor Areas Policy

Volunteer Policy

7. DEFINITIONS

Term	Definition
Chief Executive Officer	1st tier management position and titled as such
Director	2nd tier management position and titled as such
Group Manager	3rd tier management position and titled as such
Council Officer	Member of Council staff

Council	Port Macquarie-Hastings Council
Public Space	All beaches, headlands, parks, reserves, sports fields and gardens under the care, control and management of Port Macquarie-Hastings Council

8. LEGAL & POLICY FRAMEWORK

Local Government Act 1993
Crown Lands Management Act 2016
Work, Health and Safety Act 2011
Electricity Supply Act 1995
Environment Protection and Biodiversity Conservation Act 1999
Biodiversity Conservation Act 2016
Charitable Fundraising Act 1991
Roads Act 1993
Public Spaces (Unattended Property) Act 2021
NSW Food Act 2003
Port Macquarie-Hastings Local Environmental Plan 2011
Protection of the Environment Operations Act 1997
Road Transport Act 2013 No 18

9. PROCESS OWNER

Group Manager Community
Group Manager Economic & Cultural Development
Group Manager Environmental and Regulatory Services

10. AMENDMENTS

This policy replaces the following;

- A-Frame Sign Policy 2013
- Activities in Public Places Policy 2013
- Alcohol Use on Public Reserves and Beaches Policy 2018
- Commercial Activities on Council-managed Land Policy 2017
- Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy 2018
- Mooring Agreement for Lady Nelson Wharf Policy 2010
- Outdoor Dining Policy 2018
- Parks and Reserves Use Policy 2010
- Port Macquarie Entertainment Precinct Event Use Policy 2018