



Outdoor Facility Hire Policy

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Function:	16 - Property Management	Responsible Officer:	Manager, Property & Buildings

A - PREAMBLE

1. The City of Salisbury has responsibility for a number of open space areas which have been developed and maintained at a considerable cost to ratepayers.
2. In order to ensure long term benefits for its community the use of these areas is based on the following principles:
 - a. Effectiveness: Council manages its open space areas in a responsible manner and ensures high standard of maintenance of these facilities.
 - b. Flexibility: Council's provision of open space areas is responsive to changing leisure needs and social values of the community.
 - c. Local needs: The provision and use of open space areas is based on local needs.
 - d. Accountability: Council receives an appropriate financial return for the cost of administration and maintenance of open space areas through the user's contribution toward those costs. These costs are contained within Council's Fees and Charges Register.
3. The City of Salisbury owns and maintains a number of outdoor facilities that are available for hire for commercial, community or private purposes including small and large events, displays, fund-raising activities, weddings etc.
4. Requests are received by the City of Salisbury for permission to hire these outdoor facilities within the City.
5. Council aims to ensure that the hire of outdoor venues, does not increase its liability (personal injury risks, property damage, public health issues etc.) and to this end this policy addresses these issues.
6. Management of these outdoor facilities is complex and requires a series of procedures, checks and balances to be put into place.
7. Council has a procedure for dealing with hire applications for Council land that is currently leased.
8. This policy will serve as a guide to the City of Salisbury for any hire of outdoor facilities within its jurisdiction.

B - SCOPE

1. This policy is applicable to all Council outdoor facilities that are available for hire with the exception of the Civic Plaza which will be managed under the SCH Room Booking Policy.
2. All booking requests will be required to conform to this policy.
3. This policy replaces any previous approval or process in regard to the booking of outdoor facilities within the City of Salisbury.
4. This policy clearly identifies the terms and conditions of hire of these facilities.
5. The policy also formally states Council's position in regards to applications from circuses and organisations (with performing animals) to conduct performances within the City of Salisbury.
6. This Policy provides clear direction for the use of land within the City and to ensure that circuses/carnivals or activities with animals are managed in accordance with the required standards and legislation.
7. This policy is not applicable to privately owned property.

C – POLICY PURPOSE/OBJECTIVES

1. The purpose of this policy is to:
 - a. provide Council with guidelines, procedures and hire fee schedules for the hire of Council outdoor facilities throughout the City of Salisbury;
 - b. provide a clear, open, equitable and accountable process for the booking of Council outdoor facilities within the City;
 - c. ensure that the hire of outdoor facilities is consistent with the community interest;
 - d. ensure that the hire of outdoor facilities does not impact negatively on the future expenditure of Council;
 - e. define the allowable usage of council's outdoor facilities; and
 - f. define the conditions of hire that must be adhered to by the parties booking outdoor facilities.

D - DEFINITIONS

1. **Commercial Hirers** – are those who expect to generate income from their venture and whose net profits are dispersed to individual members.
2. **Community Groups** – are those that meet for the purpose of providing a service for the community benefit and do not profit from the function.
3. **Local Groups** whose membership is primarily made up of residents within the City of Salisbury or individuals or groups whose primary function is within the City of Salisbury area.
4. **Non commercial Hirers** – not for profit organisations which are registered charities/cooperatives/individuals whose profits are not dispersed to individual members.
5. **Private functions** are individuals who hire a venue for a function such as a wedding, birthday or family function.

E - POLICY STATEMENT

1. A number of City of Salisbury Council areas are available for hire for the staging of events and promotions.
2. The Hirer must agree to the terms and conditions of hire specified in the Casual Permit Application Form.
3. Outdoor facilities for hire are:

- a. Pioneer Park;
 - b. Harry Bowey;
 - c. Carisbrooke Park;
 - d. Mobara Park Playing Fields;
 - e. Mobara Park Cultural Park;
 - f. St Kilda Foreshore;
 - g. Unity Park;
 - h. John Street;
 - i. Pitman Park (including the Rose Garden & Waterfall);
 - j. Bridgestone Park (eastern field); or
 - k. Any other facility that is suitable for hire within the City of Salisbury with the exception of the Civic Plaza which will be managed under the SCH Room Booking Policy.
4. The City of Salisbury has identified criteria for usage of designated reserves. These are listed on the Council Website.
 5. Other venues not listed may be hired, however conditions of hire, charges etc. will be negotiated.
 6. Activities Not Permitted unless detailed risk management and mitigation strategies are implemented:
 - a. activities that are likely to cause damage to the outdoor facility/surrounds;
 - b. activities likely to cause nuisance to neighbouring residents/properties;
 - c. activities that contravene Council's By-Laws;
 - d. activities where a relevant approval under the Planning Development and Infrastructure Act has not been obtained;
 - e. activities that are not complementary to the venue or surrounding area; and/or
 - f. the display or distribution of materials which is of a libellous or defamatory nature.
 7. **Circuses or other events with performing animals**
 - a. Applications from circuses that use exotic animals which require either caging or shackling of their feet will be considered only if the applicant fully complies with the State Government legislation preventing cruelty to animals and produces a letter of certification from the RSPCA or similar accredited organisation that the animals are being cared for satisfactorily.
 - b. Applications from circuses and organisations with performing animals, other than exotic animals, will be considered provided that the organisation acknowledges in writing that it is aware of the provisions of the South Australian Code of Practice for the Welfare of Animals in Circuses and that the organisation will comply with all aspects of this code.
 - c. The organisation, at least 3 months prior to any proposed performance within the City (where the land and/or facility owned or vested in Council is the preferred performance site) will submit to Council the required "Casual Hire Application Form". On receipt of the application, Council will determine whether the land/facility is available and whether it is suitable for the activity proposed having due regard to:
 - i. An application is lodged under the *Development Act 1993*.
 - ii. Whether any signage proposed for the site and/or environs will require a separate Development Application.
 - iii. Whether any other hirer of the land/facility may be detrimentally affected by any decision to hire the premises to the organisation.
 - iv. Adequacy of public safety.
 - v. Adequacy of car parking and access.

- vi. The duration of the requested hire term.
 - vii. The possibility of damage to the facilities and whether security fee should be imposed.
 - viii. What commercial hiring rate for use of the facility should be levied?
 - ix. Details of the measures to be employed to ensure that environmental health standards are not compromised.
 - x. Details of the measures to be employed to ensure that the requirements of the *Environment Protection Act 1993* are addressed.
 - xi. Any other matter that is considered relevant at the time.
- d. No application will be considered until Council is satisfied that there is compliance with the intentions of this policy.

8. Operational Guidelines

- a. Operational procedures have been developed for processing all applications for outdoor facility hire. These procedures can be found on the City of Salisbury Website.

9. Council Termination Of Events

- a. Council reserves the right to terminate an event at its absolute discretion if it is deemed to be inappropriate or offensive or if it operates outside of the agreed terms and conditions.

10. Right of Refusal

- a. The City of Salisbury has the right of Refusal.
- b. The City of Salisbury reserves the right to refuse any booking without the necessity to give reasons for such refusal to the Hirer.
- c. Council may refuse the booking if in the opinion of its staff it is not satisfied that the area being hired is suitable for the type of event/promotion being undertaken by the Hirer.
- d. The City of Salisbury reserves the right to refuse any booking and to cancel a booking already made if it is desirable in the public interest. With such cancellations Council will refund the Hirer all monies paid.

11. Appeal Process

- a. Any appeal made in relation to the outcomes of the approval process for booking of reserves and facilities must be in writing and addressed to the Chief Executive Officer.

F - LEGISLATION

1. The City of Salisbury requires the Hirer to comply with all relevant legislation at the State and National level which makes acts of discrimination, vilification, incitement, offensive conduct and public disorder unlawful.
2. The Hirer is required to ensure that no vilification, discrimination or incitement of hatred or violence against any person or persons based on age, gender, religion, race, ethnicity, culture, sexuality, sexual preference or physical or mental ability by any speaker at the event.
3. If the Hirer breaches this condition then the bond paid will be forfeited and the Hirer precluded from any future hiring of City of Salisbury facilities.
4. There is no legislative requirement for Council to have a policy relating to allowing circuses or carnivals or other events involving animals. However, the following Acts apply to circuses and organisations with performing animals:
 - a. The *South Australian Code of Practice for the Welfare of Animals in Circuses* outlines how animals are to be housed and treated (i.e. minimum sizes of exercise yards that must be provided).

- b. The *Environment Protection Act 1993* provides for the protection of the environment and aims to reduce any possible impact on the environment.
- c. Development approval will be required under the *Development Act 1993*. Council advises all potential applicants to seek advice from Council's Development Assessment Team in this regard.
- d. Any approval for hiring of Council property must be considered with regard to the relevant principles under the *Local Government Act 1999*.
- e. The *South Australian Public Health Act 2011* provides for the control of unsanitary conditions, offensive activities (e.g. waste, odours), health risks etc. Council's Environmental Health Team should be contacted in this regard.

H - ASSOCIATED PROCEDURES

- 1. Other City of Salisbury polices and guidelines that must be considered in association with this policy include but are not limited to:
 - a. Cultural Strategy;
 - b. Marketing Strategy;
 - c. The Game Plan Strategy
 - d. Corporate Signage Policy & Guidelines; and
 - e. Landscape Strategy

Document Control

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