

# Policy

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**Title:** **Commercial Activities in City of Hobart  
Parks and Reserves**

**Category:** **Recreation, Parks, Bushland and Reserves**

**Date Last Adopted** 7 March 2016

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## 1. Objectives

The purpose of this policy is to outline a framework and principles for making decisions about the use of the City of Hobart's parks and reserves for commercial activities.

This policy ensures that public interest remains paramount, while allowing for commercial activities in circumstances that provide community benefit and enhance the City's parks and reserves.

The objectives of this policy are to:

1. Encourage commercial activities in the City's parks and reserves that enhance recreation and visitor experience.
2. Establish a system that identifies areas within the City's parks and reserves where:
  - (i) opportunities exist for prescribed commercial activity types;
  - (ii) specific commercial activities should not operate.
3. Apply an equitable process in the assessment, procurement, regulation and charging of commercial operators for the commercial use of parks and reserves.

## 2. Background

This policy provides guidance on the allocation and approval of commercial activities in City of Hobart managed parks and reserves.

For the purposes of this policy, the City of Hobart's parks include parks, bushland reserves, foreshore areas and sporting facilities. The City of Hobart owns or is trustee to many parks and reserves that are used for a range of commercial activities.

This policy was developed at the request of the Council to guide Council's decision making in response to requests to run commercial activities in parks and reserves.

Opportunities for commercial use of parks and reserves may arise where the City of Hobart:

- (i) identifies opportunities and seeks expression of interest;
- (ii) is approached by businesses to operate specific commercial activities (which are to be assessed in accordance with this policy).

### 3. Policy

That:

Commercial activities operating within City of Hobart Parks and Reserves require approval.

The City of Hobart will facilitate a system to assess, determine and regulate commercial activities that are deemed suitable.

During the development of master plans for parks and reserves the City of Hobart will identify the areas not suitable for commercial activities and also where opportunities may exist for prescribed commercial activity.

Proposals for commercial activities will be assessed against the criteria outlined below and will need to:

- (i) be located within suitable areas (as identified in master plans/area based plans).
- (ii) demonstrate how they contribute to the public's interest via park activation, enhancing visitor experience and compatibility with the area's use and values.

#### 1. Assessment Criteria

Applications for commercial activities operating within the City of Hobart's parks and reserves will be assessed against the following assessment criteria.

**Demonstrated need** – why the proposal needs to be undertaken on public land and particularly the proposed location.

**Compatibility** – how the proposal provides a product/service compatible with:

- (i) the park's facilities and user needs (i.e. as identified in strategic documents like master plans etc).

- (ii) community / key stakeholder views (including potential conflict issues with other park users).

**Value** – If the proposal provides additional beneficial infrastructure for the area or income which may offset management costs.

**Activation** – how the proposal enhances visitor experience or helps activate the park.

**Impacts** – consideration of impacts on park values (environmental, social, cultural, recreational) and:

- (i) the amenity of the general locality;
- (ii) established businesses in the vicinity;
- (iii) the City's ability to sustainably maintain the facility / infrastructure (i.e. avoid overuse).

**Sustainability** – how the proposal incorporates and promotes ethical, environmental and sustainable practices.

## 2. Consultation

Consideration of community / stakeholder views will form part of the assessment process. Consultation that has taken place as part of the development of master / area based plans may inform the assessment of the proposal. A recommendation will be made on a case by case basis on the extent of community consultation required.

## 3. Forms of Approval

Landlord approval may be granted to the applicant - subject to an assessment of the proposal's suitability being undertaken in accordance with the above criteria and demonstration that the proposal aligns with the relevant master / area based plan.

The City of Hobart reserves the right to undertake an expression of interest process or similar where it is deemed prudent for probity, management or strategic reasons.

Following landlord approval, the applicant will be responsible for gaining all applicable statutory approvals (e.g. planning permit, place of assembly permit etc.).

Approval to undertake the commercial activity may be given by way of lease, licence or permit depending on the type of application (Table 1).

**Table 1. Approval types and level of site security.**

Type of permission	Usual application	Site sharing	Usual time frame	Applicant security over land	Delegation required
Lease	Semi-permanent/ daily/24 hour use.	Nil	>5 yrs <20 yrs	High security	Council
License	Daily use or seasonal use	Ability to share	Annual	Medium security	Council
Permit	Daily use to occasional use	Ability to share	Annual	Low to medium security	General Manager

**Note:** The relevant City of Hobart Director has the discretion to require that any proposal, regardless of size, be assessed in accordance with this policy or referred to Council for its consideration.

#### **4. Withdrawal of Approval**

Lease, licence, permit conditions will include a revocation clause. In certain circumstances the City of Hobart may hold the right to revoke a licence/permit approval subject to contract conditions.

#### **5. Fees and Charges**

The City of Hobart's fees and charges schedule will be applied where proposals fit within the schedule and are deemed appropriate.

If a proposal does not align with the City of Hobart's fees and charges schedule, then a commercial valuation may be undertaken to determine the appropriate charges.

All direct costs arising from the proposal (including its set-up) will be the proponent's sole responsibility.

Any increased park maintenance/operational costs and/or costs associated with reinstatement or repairs resulting from the commercial activity will be charged on a cost recovery basis to the operator.

Appropriate bonds will be applied.

#### **6. Exclusions**

This policy does not apply to:

- (i) Wellington Park.

- (ii) the following users of the City of Hobart's parks and reserves:
  - (a) non-commercial recreation use by community members;
  - (b) not-for-profit organisations that provide a service to their members and do not receive a financial reward beyond their direct costs to conduct the activity; and
  - (c) primary or secondary school activities conducted as part of the school curriculum.
- (iii) filming and photography (refer to fees and charges).

## 4. Legislation, Terminology and References

- *Local Government Act 1993* (No. 95 of 1993).
- *Local Government (Building and Miscellaneous Provisions) Act 1993* (No. 96 of 1993).
- *Land Use Planning and Approvals Act 1993* (No. 70 of 1993).
- Hobart City Council - *Parks, Recreation and Natural Areas By-Law (By-Law 5 of 2008)*.

### Terminology

For the purposes of this policy, City of Hobart parks and reserves include parks, bushland reserves, foreshore areas, sporting facilities and undeveloped open space.

Commercial activity is activity undertaken as part of a commercial enterprise.

#### Commercial Activity

- (1) Carry out or be involved in commercial and / or business activities on public land.

#### Non Commercial Activities

- (i). Emergency services.
- (ii) Passive recreation.
- (iii) Informal gatherings.

City of Hobart - refers to the organisation

Council - refers to the Alderman's decision making for the City of Hobart

## Associated policy/procedures

The areas in parks and reserve deemed not suitable for commercial activities will be identified in Master Plans or Area Based Plans.

### Related Policies

- Hobart City Council - Leases to Non-Profit Organisations
- Hobart City Council - Leasing of Sportsgrounds
- Hobart City Council - Public Filming and Photography
- Hobart City Council - Use of Salamanca Square for Events
- Hobart City Council - Charging of Entry Fees

<b>Responsible Officer:</b>	Director Open Space and Recreation
<b>Policy first adopted by the Council:</b>	15/12/2014
<b>History</b>	
Amended by Council	7/3/2016
<b>Next Review Date:</b>	March 2017