POLICY 10.14
Community Facilities & Services
Community Use of Public Space
Version: 1 | Next Review: August 2030

DISTRICT COUNCIL of TUMBY BAY

1. INTRODUCTION

The District Council of Tumby Bay (the Council) is committed to fostering safe, inclusive and vibrant public spaces that enhance the social, cultural and economic life of the community.

This Community Use of Public Space Policy (the Policy) establishes a clear and consistent framework for the use of public spaces for activities such as busking, street stalls, itinerant trading and other community focused initiatives. It seeks to balance activation and community benefit with the need to protect public safety, amenity, accessibility and the rights of residents, businesses and visitors.

Through appropriate regulation and support, Council aims to ensure that the use of public spaces contributes positively to the character and vitality of the district while maintaining equitable access for all users.

2. POLICY OBJECTIVE

The objective of this Policy is to provide a fair, transparent and consistent approach to managing community use of public spaces. Specifically, the Policy seeks to:

- encourage activation, vibrancy and cultural expression within public places,
- support community participation, local enterprise, public performance and fundraising activities,
- ensure that activities are conducted safely, responsibly and with minimal impact on pedestrians, businesses, traffic flow and public amenity,
- provide a clear and efficient framework for the assessment, approval and management of permits, and
- minimise risks, conflicts and complaints associated with the use of public spaces.

3. LEGISLATIVE REQUIREMENTS

This Policy is made and applied in accordance with the legislative powers and responsibilities conferred on the Council under the *Local Government Act 1999* and other relevant South Australian legislation.

3.1 The *Local Government Act 1999* (the Act) provides the principal authority for this Policy and enables Council to regulate the use of public land and roads within its area. Key provisions include:

a) As per section 200 of the Act, a person must not use community land for a business purpose unless the use is approved by the Council.

b) As per section 222 of the Act, a person must not use a public road (including footpaths and walkways) for a business purpose unless authorised by a permit granted by the Council.

c) Section 44 of the Act states that Council may delegate its powers and functions including the issuing of permits and approvals, to the Chief Executive Officer or other authorised officers.

d) Section 7 of the Act provides that Council has a role in promoting the wellbeing of its community, including supporting economic, social and cultural development.

3.2 In addition to the Act, the following legislation may apply depending on the nature of the activity:

a) The *Food Act 2001* applies to activities involving the preparation, handling or sale of food (e.g. street stalls and itinerant food vendors) and this requirement requires compliance with food safety standards, registration and hygiene practices.

b) The *Work Health & Safety Act 2012* and Regulations apply to all activities conducted on Council land, particularly special events and activities involving structures or equipment. This requirement requires risk management, safe operation of equipment (including amusement devices), and protection of workers, volunteers and the public.

c) The *Road Traffic Act 1961* applies to activities occurring on roads, footpaths and road reserves and ensures that activities do not obstruct traffic, impede pedestrian movement, or create safety hazards.

d) The *Liquor Licensing Act 1997* and *Dry Area Legislation* applies where alcohol is involved or where activities occur within declared Dry Areas. This requirement restricts the consumption and supply of alcohol in public places unless appropriately authorised.

e) The *Lotteries and Gaming Legislation* (e.g. *Lotteries Act 2019*) applies to fundraising activities conducted through street stalls or events, including raffles, competitions or prize draws.

f) The *Planning, Development and Infrastructure Act 2016* may apply where structures, repeated trading, or semi-permanent use of land occurs, particularly for itinerant traders or events operating over extended periods.

g) The *Summary Offences Act 1953* applies to conduct in public places, including behaviour that may cause nuisance, obstruction or disorder (relevant to busking and public activities).

4. SPECIAL EVENTS

4.1 Pursuant to section 44 of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer or the delegated Council Officer, the power to approve and allocate a Special Event Permit and the subsequent power to grant those approvals necessary to satisfy conditions within the said permit, subject to the receipt of reasonable information to satisfy the said requirements.

4.2 Special Events Permits are issued by the Chief Executive Officer or the delegated Council Officer to ensure that:

a) a Special Events Permit Application Form is completed by the applicant,

b) all general conditions of the permit and requirements and/or information as outlined in the Special Events Permit Application Form and the Special Events Risk Assessment Checklist are provided and met by the applicant,

c) proof of a current certificate of registration issued from Workplace Services for any piece of equipment (amusement structure) that will be operated on Council

land will be provided to Council, as required under Work Health Safety regulations, and

4.4 The Application Form, the Special Events Risk Assessment Checklist, required documentation, and letter of notification are filed together in Council's electronic records management system.

5. **BUSKING**

5.1 Busking is a regulated public space activity involving live performance of music, entertainment or artistic acts in a public place, typically for voluntary donations, rather than fixed pricing, and requiring a permit and managed separately from trading activities like stalls or itinerant trading.

5.2 Busking Permits are issued by the Chief Executive Officer or the delegated Council Officer.

5.3 The terms and conditions that apply to busking within the district of Tumby Bay are set out in the Community Facilities & Services Busking Permit Application Form.

6. STREET STALLS

6.1 A street stall is a temporary, fixed position trading setup located in a public place (usually a footpath, roadside or council land), requiring a council permit, where goods or services are sold from a stall, table or similar structure, and is distinct from mobile or itinerant trading.

6.2 Council recognises the demand from community organisations for street stalls to allow fund raising and promotional activities at strategic locations within Tumby Bay and for private businesses to utilise footpaths for sidewalk sales.

6.3 Council will agree to grant permission to community groups and private businesses to utilise designated footpath areas subject to guidelines contained within this Policy.

6.3.1 Street Stalls for Community Organisations

a) Street Stalls will only be permitted from designated areas of the footpath area in Spencer Street, Tumby Bay.

b) Authorised Organisations will be permitted to conduct street stalls on the conditions that they are from within the Council area and:

- are a non-profit organisation, or
- a sporting or service club, or
- are fundraising on behalf of an official charity or event (i.e. Red Cross, Cancer Foundation, etc).

c) Terms and conditions of the permit are set out in the Street Stall/Sidewalk Sale Permit Application Form.

6.3.2 Sidewalk Sales for Private Businesses

a) Sidewalk Sales will only be permitted on the designated area of Footpath adjacent to the Business that is applying for the permit.

b) Terms and conditions of the permit are set out in the Street Stall/Sidewalk Sale Permit Application Form.

c) A permit will only be granted following written application from the organisation on the Street Stall/Sidewalk Sale Permit Application Form.

d) No permit fee will apply.

7. ITINERANT TRADERS

7.1 An itinerant trader is a person or business (typically operating from a vehicle, such as a food van or coffee van) that moves around and carries out temporary trading on public roads or council land, subject to a council permit and conditions.

7.2 The approval or permit given under the Act for itinerant traders may be given on conditions the Council considers appropriate. The Council hereby attaches the following conditions to either an approval or permit:

a) An itinerant trader's permit granted pursuant to section 222 of the Act may, but will not necessarily, grant exclusive rights in relation to part of a road and may be issued for a particular event or for a fixed term.

b) An itinerant trader's permit may not be issued for a term exceeding one (1) year.

c) An itinerant trader's permit is not required for persons who are simply travelling along a road (e.g. delivery of pre-purchased goods).

7.3 Council will consider each application on its individual merits with the following guidelines for applicants.

a) Section 7 of the Act provides that the functions of Council include:

- to provide for the wellbeing and interests of individuals and groups within its community,
- to establish or support organisations or programs that benefit people in its area or Local Government generally.

b) Itinerant businesses should not supplicate the service of existing fixed premises.

c) Itinerant businesses should not operate within 100m, of any existing fixed retail premises within the district, or, any larger distance that Council deems appropriate in the particular circumstances.

d) That Council believes that the encouragement of the use of Council facilities for the benefit of the local business community, and the generation of employment and investment opportunities within the district, justifies charging an appropriate monetary fee for Council's permission to use such land for business purposes.

e) The terms and conditions for approval are set out in the Itinerant Traders Application Form.

8. REVIEW & EVALUATION

This policy has been reviewed considering the National Competition Policy. The objectives of the issuing of approvals and permits, is to provide a framework for permitting certain activities within the Council area. The Council believes that there is no potential to restrict competition within the provisions of this Policy, taking into account any likely benefit or detriment to the Community.

9. DELEGATIONS

9.1 Council delegates Executive Membership Team and Administration Staff (Front Office) to grant permits for special events, busking. street stalls for community organisations, sidewalk sales for private businesses, and itinerant traders as per conditions of this Policy.

9.2 Delegation made to a specific position (including Chief Executive Officer) extends to any person appointed to act in the position. In the absence of the Chief Executive Officer, delegation extends to the Deputy CEO.

10. POLICY REVIEW

This Policy will be reviewed every four (4) years. The Council has the right to review this policy at any time, if considered desirable.

11. AVAILABILITY OF THIS POLICY

This Policy will be available for inspection at the Council's Office during ordinary business hours and via the Council's website, www.tumbybay.sa.gov.au. Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

12. FURTHER INFORMATION

File reference	R26/9913
Responsibility	General Manager Environmental Services
Version	1
Effective date	11/08/2026
Last revised date	N/A
Minutes reference	10c/82026
Next review date	August 2030
Applicable Legislation	*Local Government Act 1999* *Summary Offences Act 1953 (SA)* *Road Traffic Act 1961 (SA)* *Dry Area Legislation* *Food Act 2001 (SA)* *Lotteries Act 2019 (SA)* *Liquor Licensing Act 1997 (SA)* *Planning, Development & Infrastructure Act 2016 (SA)* *Work Health & Safety Act 2012 (SA) & Regulations* *National Competition Policy*
Related Policies	*Council's Roads By-Law 2025* *Council's Moveable Signs By-Law 2025* *Council's Local Government Land By-Law 2025* Council's Community Land Management Plans
Related Procedures & Documents	Itinerant Traders Application Form Street Stall / Sidewalk Sale Permit Application Form Special Permit Event Application Form Special Events Risk Assessment Checklist Form Community Facilities & Services Busking Permit Application Form

AUTHORITY: Adopted by Council: 11/08/2026 {Motion 10c/82026}

SIGNED: ……..

Responsible Officer