

CITY OF BANYULE

USE OF COUNCIL OWNED LAND FOR CIRCUSES AND CARNIVALS

COUNCIL POLICY

October 1997

1. INTRODUCTION

Amendment S56 to all Planning Schemes in the State was approved on 29 April 1997. Under the provisions of this amendment there is no need to obtain a planning permit for circuses and carnivals, provided that guidelines contained in a Code of Practice (incorporated into the amendment) are met. The Code however requires that the owner of the land must give written consent for the land to be occupied by a circus or a carnival.

2. POLICY CONTEXT

The City of Banyule has responsibility for a number of open space areas which have been developed and maintained at a considerable cost to the ratepayers of the municipality. In order to ensure long term benefits for its community the use of these areas is based on the following principles:

- Effectiveness: Council manages its open space areas in a responsible manner and ensures high standard of maintenance of these facilities.
- Flexibility: Council's provision of open space areas is responsive to changing leisure needs and social values of the community.
- Local needs: The provision and use of open space areas is based on local needs.
- 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.

3. DEFINITIONS

Council	means Banyule City Council
Council Land	means any land either vested in or under the control of the Council including roads, streets, reserves, parking areas, watercourses, reservations and the like together with any improvements erected thereon.
Land	means and includes all land within the municipal district but does not include (a) a highway with the meaning of the <i>Road Safety Act 1986</i> ; or (b) any land under the control of a Statutory Authority.

Statutory Authority means

- (a) Government Department; or
- (b) body established by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth.

4. SCOPE AND PURPOSE

This Policy applies to any application to use land owned by Council for the purpose of a circus or carnival.

The purpose of this Policy is to provide clear direction for the use of Council owned and controlled land by circuses and carnivals.

5. THE POLICY

It is Council policy that in addition to any requirements of the document entitled “A ‘*Good Neighbour*’ Code of Practice for a Circus or Carnival” the following requirements shall apply to any request or application to use Banyule Council Land (“Council”) for a circus or carnival.

1. Any person wishing to use Council Land for the purpose of a circus or carnival must comply with the requirements of Local Law No. 1 (General Law).
2. When considering an application for a permit to use Council Land for the purpose of a circus or carnival made under Local Law No. 1 Council will have particular regard to:
 - a) the size and nature of the circus and carnival;
 - b) the location and size of the site;
 - c) the proposed hours of operation and duration of the event;
 - d) the likelihood of damage to the site and the likely effects on the amenity of the neighbourhood;
 - e) the likely effects on traffic and parking in the area;
 - f) the availability of sanitary services to the land;
 - g) the level of disruption to other users of the land; and.
 - h) the treatment, handling and care of animals and the manner of use of performing animals in acts.
3. The applicant must also enter into a licence agreement with Council for the use of its land. The licence fee will apply.
4. The applicant must pay a bond, the amount of which will be established after consideration of potential ground damage. The bond will be not less than \$1,000 and will be retained in full or in part if ground damage occurs.
5. The applicant must pay for any cost of appropriate vehicular access to the site and any necessary reinstatement works.

6. Council will advise local police and fire brigade following any approval to use its land for a circus or a carnival.
7. The applicant will be required to have public liability insurance of \$10 million or more, which should extend cover to Banyule City Council as joint insured. The policy should have a “cross liability” clause and preferably a “waiver of subrogation” clause. A Certificate of Currency of the policy must be provided at the time of application.