

# COMMERCIAL AND GROUP USE OF PUBLIC OPEN SPACE

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**Council Policy**

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POLICY OWNER:  
**Director Corporate Services**

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POLICY REFERENCE:  
**CORP/INT**\_POL\_ECM 10825141



## 1. PURPOSE

1.1 The purpose of this Policy is to:

- ensure the sustainable use of public open space while providing equitable access for general community use and commercial and organised activities.
- reduce and manage the potential impact of commercial and organised activities on public assets.
- encourage and support the utilisation of public open space for health and recreational pursuits.

## 2. SCOPE

2.1 This Policy applies to:

- all public open space in the North Sydney Local Government Area.
- the users of public open spaces who deliver products or services to the public for payment.
- Educational institutions that use public open spaces for operational purposes, excluding uses approved under the Sporting Facilities Booking Policy and emergency evacuation drills.
- any user undertaking any commercial activity as defined in this policy, regardless of the number of participants.
- any private activity that requires exclusive use of a public open space, or where the number of participants exceeds 21 persons.

2.2 This Policy does not apply to:

- Sports field bookings as covered by Council's Sporting Facilities Booking Policy.
- Public events that may be attended by any member of the community and are covered by Council's Event's policy.
- Filming as covered by Council's 'Filming within Council Area' Policy.
- Private activities attended by less than 60 people in areas of public open space as identified in Council's fees and charges policy.

### 3. DEFINITIONS

TERM	DEFINITION
<b>3.1</b> Authorised Officer	Council Rangers and Parking Officers
<b>3.2</b> Accredited user	A person, business, or educational establishment authorised by the issuance of a permit by North Sydney Council to undertake an ongoing or repeated activity in Council's public open spaces.
<b>3.3</b> Approved user	A person, business or educational establishment authorised by North Sydney Council to use public open space through a single use booking
<b>3.4</b> Commercial Activities	Includes all activities that require payment from customers or users to deliver their product or service. This includes: <ul style="list-style-type: none"> <li>3.4.1 fitness training (personal and group)</li> <li>3.4.2 commercial aquatic activities including kayak hire and tours</li> <li>3.4.3 picnics, celebrations, and events organised by commercial providers</li> <li>3.4.4 professional dog walking.</li> <li>3.4.5 sale or hire of goods or services</li> <li>3.4.6 promotions and advertising</li> <li>3.4.7 any activities not mentioned above that are carried out in a public open space for payment</li> </ul>
<b>3.5</b> Private activities	Includes gatherings of persons with no services provided by commercial operators.
<b>3.6</b> Public open space	Includes all land that is provided for the use of the community and administered through its representatives in government. Specifically, 'public open space' includes land designated as public parks and reserves, sportsgrounds, beaches, swimming pools, cycleways, shared pathways and footpaths within public parks/open spaces that are within the ownership of North Sydney Council or Crown Land vested in the care and control of North Sydney Council.
<b>3.7</b> Fee or fees	An amount payable to North Sydney Council prior to the activity commencing.
<b>3.8</b> Group	Any gathering of people where numbers exceed 21 individuals.
<b>3.9</b> Educational establishment	Any non-government primary, secondary, tertiary, or vocational education provider

## 4. PROVISIONS

- a) The use of public open space for any commercial activities or private activities within the scope of this policy requires written approval from Council.
- b) Use of public open space areas for commercial activities and private activities will not be exclusive, unless specifically referenced in the terms and conditions of the approval.
- c) Marquees, tents, jumping castles, amplified sound, confetti, uncooked rice, synthetic flower petals, coloured powders, and drones are not permitted.
- d) North Sydney Council has discretion to refuse an application for the use of public open space under this policy.
- e) An "Approved" or "Accredited" user must comply with the "Terms and Conditions of Use" that may be issued by Council for their relevant activity.
- f) Fees for the use of Public Open Space are payable for the activity in accordance with Council's adopted Fees and Charges schedule.
- g) Breaches of this policy or the "Conditions of Use" may result in the cancellation of any ability to undertake the activity in North Sydney Council public open spaces areas. Continued operation after withdrawal of authorisation will result in fines being issued by an authorised officer under the Local Government Act 1993.
- h) Persons carrying out commercial activities without authorisation from North Sydney Council may be fined and/ or prohibited from future use of North Sydney Council public open spaces for their activity.
- i) Notwithstanding other provisions of this policy, water craft hire, tours and all other aquatic activities that are dependent on an ongoing use of a foreshore reserve(s), will be granted a permit only after a competitive (expressions of interest or similar) process has been undertaken to enable a set of undertakings/conditions being entered into specific to the characteristics and requirements of the relevant foreshore and surrounding area and ongoing management of the proposed use.

## 5. ROLES & RESPONSIBILITIES

RESPONSIBLE	ACCOUNTABLE
5.1 Responsible Officer	The Service Unit Manager Public Presentation is the responsible officer for this Policy and is accountable for its currency and communication.
5.2 Mayor and Councillors	Endorse the Policy and ensure that the Community Strategic Plan/Appropriate Informing Strategy align with the Policy.
5.3 Chief Executive Officer	Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this Policy.
5.4 Executive Leadership Team (ELT)	ELT are responsible for ensuring their Divisions adhere to the requirements of this Policy and providing guidance in respect of the strategic objectives of the Policy within their Division and the organisation.
5.5 Employees	Employees must adhere to the requirements of this Policy and operate within its authorities.
5.6 Enforcement Officers	Council Authorised Officers (including Rangers) will monitor all public open spaces to ensure commercial users, schools and groups are approved or accredited for the space in which they are conducting their activity.

## 6. RELATED DOCUMENTS

DOCUMENT	LOCATION
6.1 Policies	Code of Conduct Outdoor Fitness training <a href="https://www.northsydney.nsw.gov.au/downloads/download/190/code-of-conduct---outdoor-fitness-training">https://www.northsydney.nsw.gov.au/downloads/download/190/code-of-conduct---outdoor-fitness-training</a>
	Fees and Charges <a href="https://portal.lgsolutions.net.au/Fees/Public/North%20Sydney%20Council">https://portal.lgsolutions.net.au/Fees/Public/North%20Sydney%20Council</a>
6.2 Plans published on website	Open Space and Recreation Asset Management Plan <a href="https://www.northsydney.nsw.gov.au/downloads/download/247/open-space-and-recreation-asset-management-plan">https://www.northsydney.nsw.gov.au/downloads/download/247/open-space-and-recreation-asset-management-plan</a> North Sydney Community Strategic Plan 2025 – 2035 <a href="https://www.northsydney.nsw.gov.au/downloads/download/233/community-strategic-plan">https://www.northsydney.nsw.gov.au/downloads/download/233/community-strategic-plan</a> Plans of Management (for relevant Park or Reserve)

DOCUMENT	LOCATION
<b>6.3 Strategy</b>	Open Space and Recreation Strategy – Strategic Direction 4, (4.1, 4.2, 4.3, 4.4). <a href="https://www.northsydney.nsw.gov.au/downloads/file/3904/open-space">https://www.northsydney.nsw.gov.au/downloads/file/3904/open-space</a>
<b>6.4 Guideline document</b>	Open Space and Recreation Strategy – Strategic Direction 4, Conditions of Use for Commercial Activities in Public Open Space

## 7. RELATED LEGISLATION AND GUIDANCE

LEGISLATION/GUIDANCE	NOTES
<b>7.1 Legislation</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Public Spaces (Unattended Property) Act 2021</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Crown Lands Management Act 2016</li> </ul>

## 8. VERSION HISTORY

Version	Date Approved	Approved by	Resolution No.	Review Date
1	23 March 2026	Council	54/2026	2028