

Guidelines for Occupation of Roads, Parks and Public Reserves



Contents

1	Works requiring a Permit/Authorisation	3
2	Purpose of Guidelines	3
3	Scope	4
3.1	Non-Council Road or Land	4
3.2	Utility Providers	4
3.3	Events	4
4	Definitions	5
5	Occupation Fees	6
5.1	Permit/Authorisation Exclusions	6
5.2	Fee Exclusions	6
5.3	Fee Structure	7
6	Application process	7
6.1	How to Apply	7
6.2	Timeframe for Application	8
6.3	Decision on Application	8
7	Commencement of Works	8
7.1	Commencement	8
7.2	Stakeholder Notification	8
7.3	Unplanned Works	9
7.4	Emergency Works	9
8	Penalties	9
9	Extensions	9
10	Long-term use of Contractors or Sub-contractors	9
11	Inspections	10
12	Cancellation of Permit/Authorisation	10
13	General Conditions	10
14	Policies and Procedures	12
15	Related Legislation and Guides	12
16	Review	12
17	Web Addresses	13

1 Works requiring a Permit/Authorisation

To undertake commercial activities or works on, from or within a public road, park or public reserve under the care and control of the City of Launceston ("the Council"), all individuals, builders, contractors, businesses and organisations are required to have either a Permit or Authorisation before commencing such activity or work.

Works and commercial activities may include:

- placing objects or materials within or over a highway
- building any structures
- providing service connections
- use of machinery and/or vehicles for building works
- erect a hoarding, overhead protective awning, or scaffolding
- fencing
- landscaping works, including planting or removing a tree or other vegetation
- placement of skip bins and shipping containers

2 Purpose of Guidelines

The purpose of these guidelines is to:

- explain the process for undertaking commercial or building activities on, from or within a public road, park or public reserve
- give guidance on the types of activities that may be considered appropriate on a public road or in parks and public reserves
- detail the General Terms and Conditions that may be applicable to Permit/s and Authorisation/s for such activities
- ensure activities are carried out in accordance with relevant legislation and/or the Council's by-laws
- ensure activities are carried safely, efficiently and sustainably
- ensure the integrity of the Council's road/public road network is protected for current future needs; and that user disruption is minimised
- ensure the amenity of the Council's parks and public reserves is protected for use by current and future generations
- Minimise community impact wherever practicable

This document is not a specification and does not contain detailed conditions. The Permit or Authorisation will specify in detail what the Council's site-specific conditions are; and whether all works will be required to comply with the [Tasmanian Municipal Standard Specifications and Drawings](#).

The guidelines are not intended to override or otherwise set definitions under any Act, the by-law, or any other relevant legislation.

3 Scope

These guidelines apply to all individuals, builders, contractors, businesses and organisations seeking to undertake temporary commercial activities or building works within a public road, park or public reserve under the ownership, care and or control of the City of Launceston.

3.1 Non-Council Road or Land

The Council cannot issue a Permit or Authorisation to work in/on a public road or on land managed by other agencies (for example, the Department of State Growth, or the Tasmanian Parks and Wildlife Service), or on private roads. Permits or Authorisations for works undertaken on public road or land managed by these agencies should be directed to the relevant agency.

For road responsibilities, including the list of roads in the municipality that are the responsibility of the City of Launceston and the Department of State Growth, see our [Roads and Transport webpage](#).

When you enquire about works in a road, park or public reserve, we will let you know if it is not under the Council's control and direct you to the appropriate agency.

3.2 Utility Providers

It is acknowledged that many utility providers operate under legislation that allows them to operate in public streets, parks and public reserves without seeking specific authorisation from the Council. It is the Council's preference that for planned works, utility providers apply for authorisation to ensure Council's policy requirements are satisfied, and that both parties can manage and maintain safety and occupancy of the areas for the benefit of all users.

3.3 Events

Event organisers will continue to be encouraged, where it is practicable and more suitable to do so, to conduct their event off-road.

Fees will apply to events unless listed under the Fee Exclusion section below or if the Council determines otherwise.

4 Definitions

Applicant	A person who applies for a Permit or Authorisation to occupy a road, park or public reserve
Approved City Activation Trial	Activation trials create a community sense of place, encourage social connections, improve safety and bring vibrancy to the City of Launceston. Trials may include temporary infrastructure such as seating, games and interactive play, as well as public art and cultural storytelling. Activation trials do not include events, for-profit activities or busking. Approval from Manager Liveable Communities is required.
Authorisation	An authorisation issued under the <i>Local Government Act 1993 or Facilities and Highways By-Law No. 1 of 2021</i>
City	City of Launceston
Duty of care	The legal duty of all employers, employees and others including contractors and consultants who have an influence on the potential hazards at a work site, which requires them to take reasonable care to protect the health and safety of others at the work site including road users who may be at foreseeable risk of harm.
Emergency works	For the purposes of these guidelines, emergency work is building work, utility provider work or demolition work that: <ul style="list-style-type: none"> a) is required to be performed under an emergency order; or b) is required on reasonable grounds to be performed in an emergency, or to circumvent an emergency to: <ul style="list-style-type: none"> (i) protect public health or safety; or (ii) prevent significant damage to property; or (iii) prevent a waste of water; or restore a water supply that has been cut off to prevent a waste of water; or free a blocked pipe
Events	Means community and major events and festivals that take place annually, biennially, occasionally or once-off. It includes arts and cultural events, food and beverage, sporting and special interest events, community celebrations and civic commemorations, as well as one-off major events that have capacity to draw a substantial number of visitors to the city.
Footpath	The paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists
Permit	A permit issued under the Local Government (Highways) Act 1982
Planned works	Works that are planned for the future and do not require an immediate response. Planned works may be maintenance or capital type works.
Public Reserve	For the purposes of these Guidelines, public reserve means a reserve, area of bushland, park, flood levee or garden usually open to the public, and under the control and management of the Council.
Road	Means any street, road, lane, thoroughfare, footpath, bridge, or place open to or used by the public, or to which the public have or are permitted to have access, whether on payment of a fee or otherwise.
Traffic Management Plan (TMP)	A document containing Traffic Guidance Schemes and documentation of project details and assessment of risks in regard to traffic management at a site. The documentation of project details includes, responsible personnel, proposed timing of the works, approvals that have been gained, traffic volumes/type details, documentation of risk management and special provisions for specific road user types e.g., pedestrians and cyclists.
Unplanned works	Works to address unanticipated day-to-day maintenance or rectification of failures/breakdowns that require a timely response
Utility provider	Organisations that provide services utilised by the public, such as electricity, gas, water, sewerage, communications, transportation, etc.
Works	Construction and maintenance work in work sites wholly or partly within the road, park or public reserve boundaries or any other works that cause interference or obstruction to the normal use of the reserve by any user.

5 Occupation Fees

The aim of the occupation fees is to create a financial incentive to encourage applicants to occupy a public road, park or public reserve in a more efficient way, and to minimise disruption to users and the community in general.

Occupation of roads, parks and public reserves can impact our community through:

- traffic congestion;
- reduced access to amenities;
- alterations to services that may discriminate against users with a disability;
- effects on the reliability of public transport and emergency response;
- effects on emergency response access;
- compromised access and enjoyment of the space by users;
- compromised safety of pedestrians, cyclists, workers, dog walkers, visitors, tourists and the community in general; and/or
- businesses suffering from loss of trade, or difficulties in undertaking their business operations.

The fee structure therefore encourages applicants to consider, for example:

- Does the activity need to occur on, from or within the public road, park or public reserve?
- Where occupation is required, what measures can be taken to reduce the scale and time of the occupation?
- Can the occupation be staged to limit community impact?

5.1 Permit/Authorisation Exclusions

The Permit/Authorisation does not apply to the following activities (where covered by other specific policies and procedures, such as:

- On-Street Dining
- Mobile Food Vendors
- Private Driveway Vehicular Crossing Works (where no additional occupation of the public road occurs during the works)

5.2 Fee Exclusions

The fees do not apply to the following activities:

- Hire of parking bays (for other activities with specific policy and guidelines)
- Charitable organisations (activities/events)
- Council-sponsored events
- Approved City Activation trials
- Emergency works
- Public roads, parks or public reserves that are not under the ownership, care and/or control of the Council
- Traffic management only

- Utility providers
- Works on Council or government-owned buildings adjacent Road or Park Reserves

5.3 Fee Structure

The occupation fees are set by Council, reviewed annually, and published on our website [here](#). Fees will be invoiced and must be paid for prior to the issuing of the Permit/Authorisation.

The fees are structured such as:

- Location and size of the area being occupied
- Level of impact on users and the community
- Duration of occupation
- For occupations less than one week, fees are calculated on a 7 day pro rata basis, with a minimum fee applicable
- Permits/Authorisations exceeding the maximum weekly rate will be capped at the nominated rate
- Where Permit/Authorisation extensions are required, the Permit/Authorisation holder must contact the relevant issuing officer a minimum of 3 business days prior. Additional fees will apply.

6 Application process

6.1 How to Apply

Any application for a Permit or Authorisation is to:

- be in accordance with any form determined by the Council;
- be signed by the applicant;
- provide the information required by the form including, insurance details, accredited Traffic Management Plan and Traffic Guidance Scheme, pre-condition inspection photos; and
- identify the area to be occupied and the duration of occupation for determination and fee calculation.

The Council may require an applicant to (however not limited to):

- provide additional information related to the application before determining the application for a Permit/Authorisation; and/or
- give local public notice of the application for a Permit/Authorisation
- apply for Road Closure Permit (where applicable)
- undertake stakeholder notification

6.2 Timeframe for Application

Submission of an application for a Permit/Authorisation is required at least ten (10) working days prior to the intended commencement date of the proposed works. Late applications may be considered, but the Council cannot guarantee that the application will be considered in time for the Permit/Authorisation to be granted.

6.3 Decision on Application

The Council may:

- a) approve the application and issue a Permit/Authorisation subject to conditions; or
- b) refuse to approve the application and provide the applicant with written notice of the refusal.

Council is committed to supporting business development and growth through the controlled occupancy of Council's roads, parks and public reserves. It acknowledges that on occasions a proposed occupancy may not be possible, and in those instances, Council will work with businesses to find a suitable alternate solution where practicable.

7 Commencement of Works

7.1 Commencement

Works may not commence until:

- the application has been considered and the Permit/Authorisation has been issued to the applicant; and
- the relevant fee has been paid and receipted by the Council in full.

7.2 Stakeholder Notification

The Permit/Application holder is expected to notify relevant stakeholders prior to commencing works regarding any potential impacts it may cause to public transport providers, retailers, emergency services, etc., where required. The applicant must provide copies of communications to the City of Launceston and demonstrate efforts to minimise any impacts that may be caused by or arise from its works.

7.3 Unplanned Works

Instances commonly arise when a person must undertake works on, from or within the public street in response to a failure/breakdown of their infrastructure. Where these works are short term and low impact, advising or seeking approval from the Council may be unnecessary. Council must be contacted and advice sought from the relevant officer prior to undertaking works.

If the works disturb or will disturb Council infrastructure and/or cause or will cause interference or obstruction to the normal use of a road, park or public reserve by any user, the Council must be consulted to determine approval requirements.

7.4 Emergency Works

Due to the nature of emergency works, approval need not be obtained from the Council to commence the works; however, advice must be provided as soon as practicable after commencing works. Council will, where applicable, specify any required reinstatement work including sign-off.

8 Penalties

In the event that:

- an applicant commences works prior to the issuance of the Permit/Authorisation, or without paying the relevant fee as prescribed by the Council; or
- the Permit/Authorisation holder has failed to comply with a condition of the Permit/Authorisation,

then subject to the applicable legislation and/or by-laws, the Council may take any reasonable measure and/or action to resolve the issue or to ensure compliance including but not limited to:

- refusing an application previously submitted by the applicant;
- issuing an infringement notice to the applicant for the offence/s as prescribed and permitted under the relevant legislation or the By-Laws;
- revoking, cancelling or amending the Permit/Authorisation which had been previously issued.

9 Extensions

A request for an extension can only be made while the Permit/Authorisation is valid. The extension request must be submitted in writing at least three (3) business days prior to the expiry date. Requests for an extension after the expiry date of the Permit/Authorisation will not be accepted, and a new application must be completed.

10 Long-term use of Contractors or Sub-contractors

The Permit/Authorisation holder is responsible for ensuring contractors or sub-contractors acting (long-term) on their behalf are conversant with the terms of the Permit/Authorisation, requirements of all relevant legislation and codes of practice and the obligation to consult with and obtain approval from relevant parties, including the Council, prior to proceeding with works.

11 Inspections

The Council may inspect the works as appropriate to ensure compliance with the conditions of the Permit/Authorisation.

The Permit/Authorisation must at all times be posted clearly on the worksite so as can be easily reviewed from a public place.

12 Cancellation of Permit/Authorisation

The Council may cancel by written notice the Permit/Authorisation if the Permit/Authorisation holder has not complied with a:

- condition of the Permit/Authorisation or
- provision of any written law which may relate to the activity regulated by the Permit/Authorisation

13 General Conditions

Permits/Authorisations for occupation of roads, parks and public reserves are ordinarily subject to terms and conditions, the nature of which are outlined below. Each application will be considered on a case-by-case basis, with consideration given to the application, supporting information, relevant legislative and regulatory controls, and these Guidelines. The terms and conditions applicable to any such Permit/Authorisation will be determined as part of this process.

Area Clean and Tidy	The Permit/Authorisation holder is required to maintain the cleanliness of their Worksite and not impact the public space beyond the specified Worksite with litter or dust.
Posting of Permit/Authorisation	The Permit/Authorisation must be prominently displayed onsite at all times. Failure to display or obscuring the Permit/Authorisation from view will result in cancellation of the Permit/Authorisation
Comply with Acts and Regulations related to Work Health and Safety and Workplace Relations	While occupying public land the Permit/Authorisation holder is required to ensure the safety of the workplace, the public and nearby properties; and prevent unauthorised access to the Worksite. The Permit/Authorisation holder is also responsible for providing a safe system of work that complies with all Acts and Regulations related to Work Health and Safety and Workplace Relations, and including, where required, but not limited to, Working in a Road and Traffic Management Plans.
Comply with Planning Permit conditions	The Permit/Authorisation holder must comply with any relevant Planning Permit conditions
Conditions may be varied	The conditions of the Permit/Authorisation may be varied at the discretion of the Chief Executive Officer or Delegated Officer.

Council Trees	<p>Council trees may need to be trimmed to allow access to the Worksite and prevent damage to the trees. Council's arboriculture team shall direct this work at the applicant's cost.</p> <p>AS 4970-2009 (Protection of trees on development sites) applies to all works undertaken near Council trees.</p> <p>New underground infrastructure shall be installed so as not to disturb the tree roots of Council's trees. In locations where there are no trees present, it is Council's preference for new underground infrastructure to be located in footpaths under power lines to ensure greening can occur where no overhead powers lines occur.</p>
Damage to Council Infrastructure	<p>The Permit/Authorisation holder is liable for all damage caused by the use of land subject to the Permit/Authorisation (the Worksite).</p> <p>Photographic evidence of condition prior to commencement and post works must be submitted.</p> <p>The Permit/Authorisation holder is responsible for the reinstatement of all damage. The Permit/Authorisation cannot be closed until all reinstatement is completed to the satisfaction of the issuer. Where the reinstatement is not satisfactory, Permit/Authorisation Fees apply until reinstatement is accepted.</p>
Hoarding definition and conditions	<p>Hoarding is defined as the use of boards, fences, scaffolding or other standing structures to signal and secure the boundary of either a construction site, or existing building/structure undergoing renovation, maintenance, or refurbishment. Hoarding may be subject to Building and Planning approval, and may not display advertising other than that which is directly associated with the works being undertaken.</p>
Non-Exclusive Use	<p>The City of Launceston reserves the right to access the public land within the Worksite if required, and the issuing of a Permit/ Authorisation does not constitute a lease agreement.</p>
Occupation of Metered Parking Spaces	<p>The Permit/Authorisation does not give the holder permission to park a vehicle in a time limited parking space in excess of the posted time limit. Additional hooding fees apply for occupation of any metered parking spaces.</p>
Occupation of unmetered Parking Spaces	<p>Where unmetered parking spaces are to be occupied as part of the identified zone for the exclusive use of the undertaking, Road, Parks and Public Reserves Occupation Permit/Authorisation Fees apply.</p>
Permit/Authorisation not Transferable	<p>The issued Permit/Authorisation is not transferrable.</p>
Public Liability Insurance	<p>The Permit/Authorisation holder must maintain current public liability insurance cover up to a minimum of \$20m at all times whilst the Permit/Authorisation is in force.</p>
Quality of work	<p>All work must be undertaken and completed to a professional standard in accordance with relevant laws including but not limited to the <i>Building Act 2016 (Tas)</i>.</p>
Removal and Reinstatement	<p>On completion of the works, the Permit/Authorisation holder is required to remove hoarding/scaffolding and reinstate the worksite to its original condition to the satisfaction of the authorised City of Launceston representative. Failure to remove hoarding within the specified timeframe or leaving the site in a state of disrepair may result in addition fees or the City of Launceston seeking compensation for costs incurred for any repair works.</p>

Removal or Altering of Street Furniture or Public Assets	Where the removal of any public infrastructure is required to facilitate access, this must be identified in the application and approved prior to the issuing of the Permit/Authorisation. Removal of any hard infrastructure is prohibited unless noted on the Permit/Authorisation
Submitted Plan	The Permit/Authorisation holder must submit and comply with a Plan for the safe management of public users of the footpath and road/mall/park/public reserve. All variations to the submitted Plan must be communicated to and agreed by the City of Launceston

14 Policies and Procedures

The following policies and procedures are relevant to these guidelines:

- 27-Plx-012 Road, Parks and Public Reserves Occupation Policy
- [City of Launceston Event Planning Guide](#)
- [26-Plx-005 Tree Management Policy](#)
- [26-Plx-019 Nature Strip Policy](#)
- [26-HLPr-005 Guidelines for Nature Strips](#)
- [City of Launceston Accessibility Framework 2020-2024](#)
- 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Reserve

15 Related Legislation and Guides

The following key legislation and guides are relevant to these guidelines:

- [Local Government Act 1993](#)
- [Local Government \(Highways\) Act 1982](#)
- [Facilities and Highways By-Law Number 1 of 2021](#)
- [Parking Facilities By-Law Number 2 of 2023](#)
- [Roads and Jetties Act 1935](#)
- [Austroads Guide to Temporary Traffic Management](#)
- [AS 1742.3:2019 Manual of uniform traffic control devices, Part 3: Traffic control for works on roads](#)
- [AS 4970-2009 Protection of trees on development sites](#)
- [Traffic Control for Works on Roads - Tasmanian Guide \(DSG\)](#)

16 Review

These guidelines will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands.

17 Web Addresses

Links to City of Launceston web addresses have been provided throughout these guidelines. For reference, the full addresses are also provided below.

Web page	Web address
Austrroads Guide to Temporary Traffic Management	https://austrroads.com.au/network-operations/network-management/temporary-traffic-management
City of Launceston	www.launceston.tas.gov.au
Legislation and By-laws	https://www.launceston.tas.gov.au/Council/Legislation-and-Policy/Legislation-and-By-laws
Payments, Fees and Charges	https://www.launceston.tas.gov.au/Council/Payments-Fees-and-Charges
Roads and Transport webpage	https://www.launceston.tas.gov.au/Roads-and-Parking/Roads-and-Transport
Standards Australia	https://www.standards.org.au
Tasmanian Legislation online	https://www.legislation.tas.gov.au/
Tasmanian Municipal Standards (Local Government Association of Tasmania website)	https://www.lgat.tas.gov.au/lgat-advocacy/engineering-local-government-standards-and-guidelines