

Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity

named in section 1 of schedule 1 is a category 2 activity.

- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Operation of temporary entertainment events

Section 5

1. Prescribed activity

Operation of temporary entertainment events.

2. Activities that do not require an approval under the authorising local law

(1) Section 6(2) of the authorising local law does not apply if—

- (a) the opening to the public of the temporary entertainment event constitutes development under the Planning Act, for example, the use of an indoor recreation facility under the planning scheme of the local government; or
- (b) the operation of the temporary entertainment event is undertaken by, or on behalf of, the local government; or
- (c) the operation of the temporary entertainment event complies with the minimum standards prescribed in subsection (3).

(2) Despite subsection (1), and for the avoidance of doubt, an approval is required under the authorising local law if—

- (a) the place at which the temporary entertainment event is operated includes a local government controlled area or a road; or
- (b) the operation of the temporary entertainment event—
 - (i) occurs more than once in any 12 month period; or
 - (ii) includes the playing of music or the use of a microphone through an amplifier device; or
- (c) the temporary entertainment event includes the operation, for entertainment purposes, of 1 or more of the following—
 - (i) a motorbike;
 - (ii) a motorised scooter;
 - (iii) a motor vehicle.

(3) The person who operates the temporary entertainment event must—

- (a) take all necessary action to maintain the place of the temporary entertainment event; and
- (b) provide all necessary equipment, and to take all necessary measures, for the safety of the public; and
- (c) provide all necessary facilities and amenities for the temporary

- entertainment event; and
- (d) limit the hours of operation of the temporary entertainment event; and
 - (e) provide all necessary equipment, and take all necessary measures, to reduce the adverse effect of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
 - (f) take out and maintain public liability insurance, and, if requested by an authorised person, produce documentary evidence of the insurance to the local government before the event commences—
 - (i) if the event occurs on a local government controlled area or a road—in an amount not less than \$20,000,000.00 per occurrence;
 - (ii) if the event occurs on land other than a local government controlled area or a road—in an amount not less than \$10,000,000.00 per occurrence; and
 - (g) minimise noise emission from the temporary entertainment event to an acceptable level; and
 - (h) ensure that the design and construction of the place of the temporary entertainment event is safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and
 - (i) if the event includes an activity on a road—give a written indemnity to each of the State and the local government; and
 - (j) ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
 - (k) provide adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
 - (l) adequately provide for the collection and disposal of waste generated by the temporary entertainment event; and
 - (m) adequately provide for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
 - (n) ensure that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event are maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (o) adequately provide for—

- (i) crowd, traffic and parking control; and
- (ii) security measures to be implemented; and
- (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
- (iv) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
- (v) the exhibition of signage as part of the operation of the temporary entertainment event; and
- (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event.

3. Documents and materials that must accompany an application for an approval

- (1) A site plan of the place of the temporary entertainment event which details the proposed location of, where applicable—
 - (a) the stage and direction of amplified noise; and
 - (b) each emergency response station; and
 - (c) each liquor consumption area; and
 - (d) all litter/refuse facilities; and
 - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
 - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food; and
 - (g) each entry and exit point; and
 - (h) each registration and marshalling area.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.
- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.
- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.

- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address and contact details of each person and business who will operate the temporary entertainment event.
- (9) A copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than—
 - (a) \$10,000,000.00 for an event on land other than a local government controlled area or a road;
 - (b) \$20,000,000.00 for an event on a local government controlled area or a road.
- (10) If requested—details of proposed arrangements for each of the following which may include, but is not limited to—
 - (a) consultation with key stakeholders; and
 - (b) notification of the event to the surrounding residents and businesses, including contact details for the person or business who operates the temporary entertainment event; and
 - (c) cleaning and sanitation; and
 - (d) noise management, including audio equipment; and
 - (e) waste and recycling; and
 - (f) catering services with each food business licence issued under the *Food Act 2006*; and
 - (g) toilet and wash basin facilities; and
 - (h) drinking water quality and supply; and
 - (i) security services; and
 - (j) emergency response; and
 - (k) traffic management and road closure arrangements; and
 - (l) risk assessment and management strategy; and
 - (m) fire response; and
 - (n) camping controls, including shower and ablution facilities and medical response.
- (11) Copies of applicable approvals and certifications, for example—
 - (a) a permit under the *Liquor Act 1992* if the consumption of liquor is to be

- permitted ; and
- (b) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
 - (i) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
 - (ii) AS 2293 – Emergency escape lighting and exit signs; and
 - (iii) AS 1851 – Maintenance of fire protection system and equipment; and
 - (c) a report from an approved electrical contractor, taking into account—
 - (i) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
 - (ii) AS/NZS 3001 - Transportable structures and vehicles including their sites; and
 - (d) a certified structural safety report for all temporary construction work; and
 - (e) if applicable—a fireworks licence issued by the Department of Natural Resources and Mines; and
 - (f) a certificate for each amusement ride (if any) issued by Workplace Health and Safety Queensland; and
 - (g) a temporary food business licence issued under the *Food Act 2006*; and
 - (h) a traffic control permit; and
 - (i) a special event permit issued under the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*.

Note: An application for an approval for the prescribed activity, and all documents and materials that must accompany the application for the approval, must be made to the local government at least 12 weeks prior to the date of commencement of the proposed entertainment event identified in the application.

Note: Rockhampton Regional Council's website provides guidance on application processes for temporary entertainment events and compliance with this subordinate local law.

4. Additional criteria for the granting of an approval

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
- (3) Entertainment provided at the place must not generate significant noise, dust or

light pollution or other significantly adverse effects on the surrounding neighbourhood.

- (4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.
- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
- (7) The applicant for the approval must nominate a person who is responsible for —
 - (a) ensuring compliance with the authorising local law before, during and after the event; and
 - (b) handling general complaints which may be received; and
 - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.
- (9) If the temporary entertainment event involves the use of 1 or more animals and is to be held on a local government controlled area or road, the use of the animals must be in accordance with any applicable guideline or policy of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

5. Conditions that must be imposed on an approval

The approval holder must produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may —

- (a) require specified action to maintain or improve the place of the temporary entertainment event; and
- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and

- (f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and
- (g) regulate noise emission from the temporary entertainment event; and
- (h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and
- (i) if the approval relates to an activity on a road – require the approval holder to indemnify each of the State and the local government; and
- (j) require the approval holder to ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
- (k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
- (l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and
- (m) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
- (n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
- (o) prescribe requirements about—
 - (i) crowd, traffic and parking control; and
 - (ii) security measures to be implemented; and
 - (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
 - (v) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
 - (iv) the exhibition of signage as part of the operation of the temporary entertainment event; and
 - (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event.

7. Term of an approval

- (1) The term of an approval must be determined by an authorised person having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

**Schedule 3 State-controlled roads to which the local
law applies**

Section 7

No State-controlled roads listed.

Schedule 4 Dictionary

Section 4

amplifier device has the meaning given in the *Environmental Protection Act 1994*.

building has the meaning given in the *Building Act 1975*.

land has the meaning given in the *Sustainable Planning Act 2009*.

motorbike has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

motorised scooter has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

premises means any land, building or structure and includes any part thereof.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

structure has the meaning given in the Act.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.