

**ORDINARY MEETING****25 SEPTEMBER 2008****36**

APPLICATION TO OPERATE A PUBLIC ENTERTAINMENT VENUE –  
 “ILLUMINATION” - MCGREGOR ROAD SMITHFIELD – DIVISION 9

Alex Skubij: #1831562

**RECOMMENDATION:**

**That pursuant to *Local Law No 10 (Public Entertainment Venues)* Council approve the application to conduct a public entertainment event (outdoor) known as “Illumination” at the AJ Hackett Bungy Tower on Saturday 1 November 2008, in accordance with the conditions as outlined in Option 1.**

**INTRODUCTION**

This application is to conduct a public entertainment event (outdoor) known as “Illumination” at the AJ Hackett Bungy Tower starting at 8.00pm on Saturday 1 November and finishing at 5.00am on Sunday 2 November 2007.

The event is described as “an annual white outfit event”, involves amplified music and is aimed at an over-18 audience. An application for variation of liquor licence conditions (extension of hours of operation) for the venue will be lodged with the Liquor Licensing, within the State Treasury Department. The night’s programme will consist of various performances including synchronised movement to sound, DJs, and fire performances, on two separate stages. The applicant is expecting attendance to be approximately 600 people.

**BACKGROUND**

This event has been held on nine previous occasions at various venues including this particular site, and the applicant has stated that this proposal will be the same as last year’s.

Officers dealing with the application last year found the applicant to be very professional and co-operative, and a letter from the Bungy site operator commending the event has been submitted. A discussion with Snr Sgt T. Nolan of Smithfield Police after last year’s event also confirmed that no problems were encountered.

**Local Law**

The objects of *Local Law No 10 (Public Entertainment Venues)* are to:-

- (a) protect the health and safety of persons using public entertainment venues;

- (b) protect the amenity of areas in which public entertainment venues are situated; and
- (c) regulate the use of, and activities conducted at public entertainment venues.

When processing applications under this Local Law, the following criteria must be taken into account;

- (a) the establishment of the public entertainment venue must not be such as to unreasonably detract from the established amenity in the vicinity of the public entertainment venue;

**Comment:** *The applicant has submitted a detailed application showing careful planning, and has successfully organised an identical event at this same location last year, without any problems being encountered*

- (b) the public entertainment venue must not generate (or be likely to generate) noise, dust, excessive light or other adverse effects perceptible outside the public entertainment venue to any significant degree (unless such matters may be effectively abated by control measures);

**Comment:** *Due to the elevated site location and distance from the nearest dwelling the only likely adverse effect is noise, and this has been discussed in point (a) above.*

- (c) the public entertainment venue must contain a sufficient number of sanitary conveniences for both sexes;

**Comment:** *Provision of sanitary conveniences is considered adequate for this event.*

- (d) the situation of the public entertainment venue and the nature of the activities to be conducted must be such that refuse generated during the operation of the public entertainment venue can be adequately collected and disposed of;

**Comment:** *Provision of refuse bins is considered adequate for this event.*

- (e) the premises must be suitable and convenient for use as a public entertainment venue taking into account the type of activity proposed, the numbers of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons

**Comment:** *Details submitted with the application show the site is suitable for the intended purpose.*

- (f) where applicable, vehicles;

**Comment:** *Not applicable.*

- (g) the premises must comply with the relevant environmental, health and safety standards required by law;

**Comment:** *No points of non-compliance noted in the application or during discussions with the applicant.*

- (h) use of the public entertainment venue must comply with the planning scheme; and

**Comment:** *Complies for a one-off event*

- (i) any other criteria prescribed by local law policy.

**Comment:** *Not applicable*

This application addresses all of the above issues and a similar event held last year did not cause any problems.

The following three options for dealing with this application are suggested:

### **Option 1**

Council approve the application subject to the following conditions;

1. The event is approved to run no later than 5.00am on Sunday 2 November 2008 with no objection to it commencing earlier than 9.00pm as originally intended.
2. The permissible noise level measured at the nearest occupied building must not be more than 70dB(A) before 10:00pm and not more than the lesser of the following after 10:00pm.
  - a) 50dB(A) or;
  - b) 10dB(A) above the background noise level.
3. If the sound level at the nearest occupied dwelling exceeds the levels outlined above, or, if in the opinion of Council Officers or Queensland Police Officers the noise emitted is unreasonable, the promoter must direct the persons controlling the volume to reduce the volume so as not to exceed these levels. The promoter is responsible for ensuring that the person in control of sound production complies with directions on noise reduction.
4. Amplification equipment used at the event shall be set up so as to minimise the noise impact on residential premises.
5. The applicant must monitor and record sound levels at regular intervals to ensure compliance with the noise levels set out in condition 1.

6. During the event, the Council Officers shall be able to contact the promoter or a person acting on behalf of the promoter by mobile phone. The person acting on behalf of the promoter must be able to exercise control over the volume of the sound at the mixing console.
7. The applicant must advise residents within an 800 metre radius of the venue the time, location and nature of the event prior to 17 October 2008.
8. The applicant must have a current public liability insurance policy to the value of \$10 000 000.
9. The applicant must ensure that adequate transport to and from the event is available for guests throughout the duration of the event.
10. Access for emergency vehicles into the venue must be provided at all times during the event.

## **Option 2**

Council refuse this application because of the possibility of the proposed event having an adverse effect on the amenity of the immediate area through excessive noise.

## **CONSIDERATIONS**

### Statutory:

Section 7 of *Local Law No 10 (Public Entertainment Venues)* makes it an offence for a person to “operate a public entertainment venue on land or use land for a public entertainment venue except in accordance with a current approval issued under this local law for that purpose”. The maximum penalty for offending against this section is 50 penalty units.

### Policy

Council has instructed that applications for events of this nature are to be referred to a Council meeting for decision.

### Financial

None

### Social:

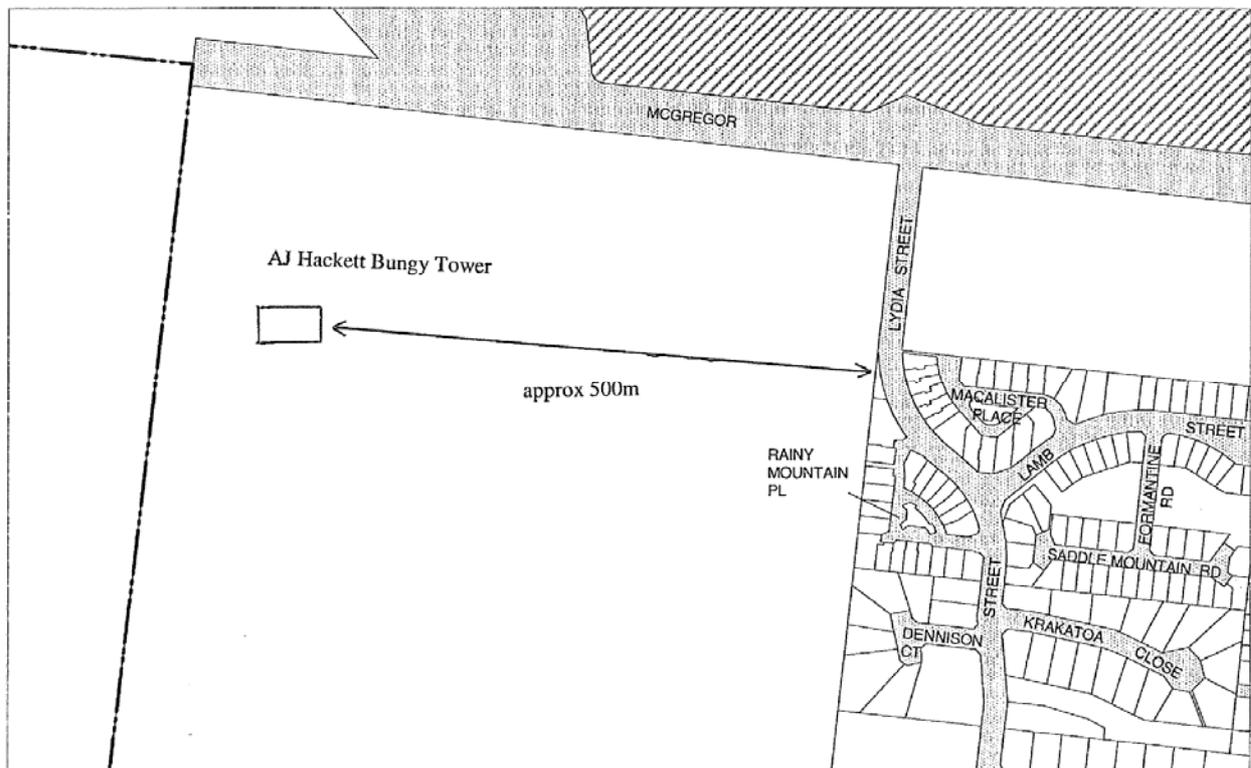
This event, if approved, would provide a venue for a liquor-licensed adult concert with performances by live artists and DJs. There is potential for this event to cause a noise nuisance to nearby residents, but the applicant was able to keep noise down to reasonable levels during this event last year.

## CONSULTATION

Extensive consultation was carried out last year with City Assessment, Queensland Police Service, Queensland Department of Tourism, Fair Trading and Wine Industry Development – Licensing, as it was a new event and there were concerns about the possibility of noise problems (which were not substantiated). This year, Snr Sgt Tim Nolan of Smithfield Police has confirmed he has no objections for the event to be repeated.

## CONCLUSION

If the application is approved the event promises to add to the variety of entertainment or a section of the Cairns community by providing quality artistic talent and exciting technology. Furthermore, the applicant has already showed that this event can be held at this venue without causing undue noise issues.



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