



**Cairns Regional Council
Local Law No. 9 (Temporary Entertainment Events) 2016**

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Cairns Regional Council

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 9 (Temporary Entertainment Events) 2016*.

2 Purposes and how they are to be achieved

- (1) The purpose of this local law is to enable the local government to prevent or regulate the operation of temporary entertainment events.
- (2) The purpose is to be achieved by making it an offence to organise or participate in a temporary entertainment event without a permit and to provide for an application and permit process.

3 Relationship with other laws

This local law is:

- (a) to be read in conjunction with *Local Law No.1 (Administration) 2016* which contains provisions and definitions that apply to all local laws;
- (b) made under the Chapter 3 of the LGA and section 66 of the *TORUM Act* where on a road; and
- (c) otherwise in addition to, and does not derogate from, laws regulating land use planning and development assessment.

Part 2 Prescribed activity

4 Prescribed activity

- (1) Conducting a temporary entertainment event is a category 1 prescribed activity.
- (2) Permits granted are non-transferable permits.

5 Activities that do not require a permit under the authorising local law

An event that:

- (a) is conducted by community or charity organisations; or
 - (b) a private individual;
- and
- (c) is not conducted as or part of a commercial undertaking;
 - (d) involves less than 100 people attending the event; and
 - (e) complies with the requirements of Part 3.

6 Applications

- (1) Applications for temporary entertainment events are to be made in accordance with the requirements of *Local Law No. 1 (Administration) 2016*.

- (2) To obtain a permit an application must be made to the local government on the approved forms required under *Local Law No. 1 (Administration) 2016* and this local law.

7 Additional criteria for the granting of a permit

The following criteria must be considered for the granting of a permit:

- (a) the expected attendance numbers;
- (b) the operation of the temporary entertainment event must not unreasonably detract from the established amenity in the vicinity of the temporary entertainment event;
- (c) the premises must be suitable and convenient for the temporary entertainment event 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 and, where applicable, vehicles;
- (d) the premises must comply with environmental, health and safety standards;
- (e) the use of the venue must be a lawful use;
- (f) entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;
- (g) there must be enough sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public;
- (h) adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event;
- (i) adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event; and
- (j) the applicant for the permit must nominate a person who is responsible for:
 - (i) ensuring compliance with this local law before, during and after the event;
 - (ii) handling general complaints which may be received; and
 - (iii) liaising and communicating with the local government or an authorised person.

8 Conditions that must be imposed on a permit

The following types of conditions that must be imposed on a permit:

- (a) The temporary entertainment event must:
 - (i) provide an equal number of clearly marked waste and recycling bins in pairs around the venue to meet the needs of attendees and facilitate the separation of waste by event patrons and vendors; and
 - (ii) ensure any waste, recyclables and litter generated as a result of the event are collected and disposed of. Clean-up must be carried out within 24 hours of the event.
- (b) The permit holder must:
 - (i) display the permit in the manner, and at the locations, specified by the local government;
 - (ii) produce the permit for inspection by an authorised person on demand; and
 - (iii) provide the name and contact details, including street, telephone and email address, of each person and business that will operate the temporary entertainment event.
- (c) The permit holder must comply with any industry standards relevant to the event, even if the conditions of a permit provide for a lesser standard.

9 Conditions that will ordinarily be imposed on a permit

The following conditions will ordinarily be imposed on permits where applicable:

- (a) require the permit 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 including:
 - (i) not generating (or be likely to generate) noise, dust, excessive light or other adverse effects outside the venue to any significant degree (unless such matters may be effectively abated by control measures); and
 - (ii) amplification equipment and PA systems used in the conduct of the prescribed activity must be set up so as to minimise the noise impact on nearby residential premises.
- (b) provide an adequate number, which may be specified, of sanitary conveniences and maintain them in a sanitary state to meet the reasonable needs of all attendees and staff for both sexes;
- (c) collect and dispose of any refuse generated during the operation and conduct of the event;
- (d) specify the dates and hours of operation when the event can occur;
- (e) provide appropriate and safe access for:

- (i) emergency vehicles into the site at all times including access to the First Aid Station; and
 - (ii) pedestrian and vehicular access.
- (f) require a First Aid Station to be attended by a qualified First Aid Officer at all times during the event;
 - (g) require the permit holder to conduct a letter drop to residents and affected businesses in the vicinity of the venue pursuant to a map attached to the permit (being within a 500 metre radius or some other distance determined by an authorised person). The letter must detail the nature of the event, date, hours of operation and contact details of the event organiser;
 - (h) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by the local government's Environmental Health Officers;
 - (i) prescribe requirements about:
 - (i) crowd, traffic and parking control;
 - (ii) security measures to be implemented;
 - (iii) the number of personnel required;
 - (iv) evacuation procedures to be implemented as part of the operation of the temporary entertainment event;
 - (v) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event;
 - (vi) the exhibition of signage as part of the operation of the temporary entertainment event; and
 - (vii) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event;
 - (j) ensure that pyrotechnics displays are carried out by an individual or corporation with the appropriate fireworks licence issued by the relevant statutory body or government department. A current public liability policy must also cover the permit holder, operator and local government in the sum determined by the local government;
 - (k) require the design and construction of the place, including stage, lighting and sound towers, or other structures 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;
 - (l) ensure that any work is undertaken by suitably qualified persons;
 - (m) ensure that all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice and all electrical equipment used must have current test and tag indicators;
 - (n) provide copies of specified certificates and other necessary approvals;

- (o) require specified action to maintain or improve the place of the temporary entertainment event;
- (p) require the permit holder to provide specified equipment, and to take specified measures, for the safety of the public;
- (q) require the permit holder to provide specified facilities and amenities;
- (r) require the permit 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;
- (s) require the permit 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;
- (t) if the permit relates to an activity on a road – require the permit holder to indemnify the State;
- (u) 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;
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
- (v) require the permit holder to deliver a bond or security to the local government to secure compliance with the requirements of each of the permits and the provisions of the authorising local law;
- (w) ensure the management and supervision of the temporary entertainment event is adequate to protect public safety and prevent nuisance;
- (x) ensure signage used in the conduct of the prescribed activity is exhibited in a manner, and at the locations, specified by the local government.

Part 3 Requirements for minor temporary entertainment events under 100 people

10 Requirements for minor temporary entertainment events under 100 people

- (1) If conducted on local government controlled land or road:
 - (a) the event must have public liability insurance in the name of the local government and the event organizer or with the local government noted as an interested party at the sole discretion of the local government;
 - (b) the local government must be given at least 10 business days notice in writing:
 - (i) of the nature of the event;

- (ii) its location;
 - (iii) the likely number of people attending;
 - (iv) an address and telephone contact of the event organiser; and
 - (v) a copy of the insurance cover notice for public liability.
- (c) if the local government has not responded within 5 business days of the day of the event it may proceed without a permit; and
 - (d) if the local government responds in writing following receipt of the notice referred to in subsection (1)(b) within 5 business days indicating that a permit will be required then that event cannot proceed without a permit being obtained under Part 2.
- (2) All necessary licences or permits for food must be obtained for the purpose of the event.

CERTIFICATION

This and the preceding 6 pages bearing my initials is a certified copy of Cairns Regional Council *Local Law No. 9 (Temporary Entertainment Events)* 2016 made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 27 January 2016.

Peter Tabulo
Chief Executive Officer
Cairns Regional Council