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.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 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

A person may undertake the prescribed activity without a current approval granted by the local government if—

(a) the undertaking of the prescribed activity is limited to a local government controlled area or road; and

(b) the person undertaking the prescribed activity enters into a written agreement with the local government about the undertaking of the prescribed activity including, without limitation, the subject matter of each condition in section 6.

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

(1) A plan of the place of the temporary entertainment event which details—

(a) the boundaries of the place; and

(b) the water supply system for the place; and

(c) the position of each waste container at the place; and

(d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; 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.

(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, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event.

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.

5. Conditions that must be imposed on an approval

The approval holder must—

(a) display the approval in the manner, and at the locations, specified by the local government; and

(b) 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 the State; 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; and

(p) require the approval holder to deliver a bond or security to the local government to secure compliance with the requirements of each of the approval and the provisions of the authorising local law.

7. Term of an approval

(1) The term of an approval must be determined by the local government 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 transferable.

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

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State–controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

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

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

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.*

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003.*

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Longreach Regional Council by resolution dated the 15th day of December 2011.

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Acting Chief Executive Officer

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