

TEMPORARY ENTERTAINMENT EVENTS AND REGULATED ACTIVITIES ON COUNCIL CONTROLLED AREAS AND ROADS POLICY

LOCAL LAW POLICY



1 Scope

This policy applies to temporary entertainment events and regulated activities conducted by third parties on Rockhampton Regional Council controlled areas and roads where the approval of Council may be required in accordance with *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011* and *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*. The policy does not apply to:

- (a) Events/activities undertaken by or on behalf of Council;
- (b) Major venues/community venues/other facilities controlled/operated by Council where third party use is managed by alternate means (for example, hire agreement);
- (c) Activities authorised by an existing tenure agreement for the relevant Council controlled area;
- (d) Activities authorised under a separate Council local law;
- (e) Street performing;
- (f) Events/activities undertaken on private land; and
- (g) Events/activities undertaken on State Government controlled areas and roads.

2 Purpose

The purpose of this policy is to encourage temporary entertainment events and regulated activities on Council controlled areas whilst ensuring associated impacts and risks are appropriately managed resulting in the safety and wellbeing of patrons, the broader community, infrastructure and environment.

3 Related Documents

3.1 Primary

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

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011

3.2 Secondary

Environmental Protection Act 1994

Human Rights Act 2019

Land Act 1994

Local Government Act 2009

Local Law No. 1 (Administration) 2011

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Work Health and Safety Act 2011

Car Wash Fundraiser Risk Assessment

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Corporate Plan 2022 – 2027

Display or Information Booth Risk Assessment

Enterprise Risk Management Process Procedure

Environmental Sustainability Policy

Event Guide Best Practice

Fees and Charges Schedule

List of Food Vendors/Stall Holders Form

Medium/Major Impact Private Event/Gathering/Ceremony (Public Place Activity) on Council Controlled Areas and Roads Application Form

Medium/Major Impact Regulated Activities on Council Controlled Areas and Roads Application Form

Medium/Major Impact Temporary Entertainment Event on Council Controlled Areas and Roads Application Form

Queensland Development Code (MP 3.2) – Tents

Refund, Exemption and Reduction of Fees and Charges Policy

Regulated Area Risk Assessment

Sustainability Strategy (Towards 2030)

Temporary Event Risk Assessment

Temporary Event Application Review Notification Whole of Council Work Instruction

4 Definitions

To assist in interpretation, the following definitions apply:

Authorised Person	A person who is appointed with the relevant powers under <i>Local Law No. 1 (Administration) 2011</i> to monitor and enforce compliance as provided in Council's local laws.
Community Organisation	As defined in schedule 8 of the <i>Local Government Regulation 2012</i> : (a) An entity that carries on activities for a public purpose; or (b) Another entity whose primary objective is not directed at making a profit.
Council	Rockhampton Regional Council
Delegated Officer	An employee appointed to a position with the relevant legislative delegation under <i>Local Law No. 1 (Administration) 2011</i> , <i>SLL1.12</i> or <i>SLL1.14</i> .
Employee	Local government employee: (a) The Chief Executive Officer; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
LNFP	Local Not-for-Profit Community Organisation, as defined in Council's Fees and Charges Schedule, a community organisation benefitting the Council Local Government Area, and the organisation: (a) Has operating purposes other than to provide goods or services at a profit; (b) Does not have as its principal objective the generation of profit; (c) Is not an association or body of members representing entities that have the principal objective of generating a profit; (d) Does not have in its governing rules, legislation, regulations or constitution, the

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	<p>objective of generating a profit;</p> <p>(e) Does not pay income tax;</p> <p>(f) Is not able to transfer ownership or make distributions of surpluses to its members; and</p> <p>(g) Receives contributions of labour or resources from members or supporters, who do not expect a commensurate pecuniary return.</p>
Permitted Equipment /Structures	<p>Non-invasive, low risk temporary equipment and structures that are not considered 'Temporary Entertainment Equipment/Structures', cause minimal site overlay, require minimal setup and management, and can be quickly and easily removed. For example:</p> <p>(a) Up to two marquees where each marquee:</p> <p>(i) Does not exceed 3 metres by 6 metres in size; and</p> <p>(ii) Is weighted to manufacturer's instructions; and</p> <p>(iii) Is not pegged or staked into the ground, shrubs, trees, and/or other infrastructure,</p> <p>(b) Arbors;</p> <p>(c) Arches;</p> <p>(d) Easels;</p> <p>(e) Fold up tables;</p> <p>(f) Seating;</p> <p>(g) Carpet runners;</p> <p>(h) Acoustic music; and</p> <p>(i) Battery operated public address systems.</p>
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Regulated Activity	<p>Activities regulated and assessed in accordance with SLL1.14, including:</p> <p>(a) Driving or leading of animals to cross a road;</p> <p>(b) Depositing of goods or materials; and</p> <p>(c) Public Place Activities that do not involve the soliciting or carrying on the supply of goods or services (including food or drink) for profit, specifically:</p> <p>(i) The placing of a display or information booth;</p> <p>(ii) Conducting a social gathering or meeting of more than 50 people;</p> <p>(iii) Conducting or taking part in:</p> <p>(A) An organised sporting activity of regional, State or national significance;</p> <p>(B) A street parade;</p> <p>(C) A vintage car display;</p> <p>(D) A novelty vehicle race, for example, a go-cart race;</p> <p>(E) An invitation-only ceremony, party or celebration attended by more than 50 people;</p> <p>(F) A training event held on no more than 1 day; or</p> <p>(G) A training event held on more than 1 day without payment of a fee,</p> <p>(iv) Exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association; or</p> <p>(v) Film and television production (excludes live-to-air reporting, news or current affairs for an existing program or program with a definite on-air schedule, and audio/visual recording of a private wedding/ceremony/celebration).</p> <p>Excludes:</p> <p>(a) A picnic, day outing, walk or the like undertaken by not more than 50 persons;</p>

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	<p>(b) An invitation only gathering of friends or family, including, for example, a barbecue or birthday party, undertaken by not more than 50 persons, provided the undertaking of the activity does not include the placing of temporary entertainment equipment, for example, a jumping castle or an inflatable water side, on a local government controlled area or road;</p> <p>(c) A cake stall, sausage sizzle, car wash or similar fundraising event; and</p> <p>(d) An authorised public assembly undertaken in compliance with the requirements of the <i>Peaceful Assembly Act 1992</i>.</p>
SLL1.12	<i>Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011</i>
SLL1.14	<i>Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011</i>
Temporary Entertainment Equipment/ Structures	<p>Equipment, structures and the like temporarily installed and commonly used for the purpose of entertaining and which crowds/persons are typically drawn to, including but not limited to:</p> <p>(a) Amusement devices (including inflatable devices such as jumping castles, water slides);</p> <p>(b) Staging;</p> <p>(c) Dancefloors;</p> <p>(d) Petting zoos;</p> <p>(e) Soft play and other similar children’s entertainment equipment;</p> <p>(f) Marquees exceeding 100m²; and</p> <p>(g) Other equipment/structures causing significant site overlay and requiring significant setup and management.</p>
Temporary Entertainment Event	<p>As defined in <i>Local Law No. 1 (Administration) 2011</i>, the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.</p> <p>Council approval is required to authorise the conduct of the event pursuant to SLL1.12. For example, festival, concert, circus, polo, sporting events/competitions, markets, amusement rides.</p>

5 Policy Statement

Council acknowledges and is committed to ensuring that the primary purpose of Council controlled areas is for community use and enjoyment. Council ensures areas are preserved and remain appropriate for the needs of the community in accordance with its Corporate Plan, strategies and legislative/regulatory obligations.

While most general and recreational public uses within areas concur with the purpose of the land and do not need the formal consent of Council (for example, a small gathering within a park for a child’s birthday party), some activities are regulated by Council’s local laws and require approval or are otherwise restricted or prohibited because of their potential risks and impacts to the operation of the area or road, its users, and/or adjoining properties.

Council recognises that certain third party secondary uses may enhance Council controlled areas and provide a benefit to the community by bringing people together and creating lively spaces. On this basis, Council encourages the hosting of, and attendance at these third party events/activities and, through this policy, aims to ensure application requirements are tailored based on the nature, size, scale, impacts and risks associated with the event/activity, whilst still aligning with the objects of the local laws.

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5.1 Guiding Principles

The following principles are relevant to events/activities proposed to be undertaken by third parties:

- (a) **Alignment with Council's Strategic Direction** – Event/activity must align with Council's strategic direction as detailed in Council's Corporate Plan and Sustainability Strategy (Towards 2030);
- (b) **Community Use Prioritised** – Impacts on the day-to-day recreational use by residents and visitors is considered and adequately managed with any conflicts resolved prior to approval;
- (c) **Safety Prioritised** – Event/activity must not impose an adverse safety risk to residents, visitors, and occupants of the land (for example, Rockhampton Zoo animals);
- (d) **Limited Impacts on Community Assets** – Event/activity must be suitable for the area and not adversely impact on public infrastructure or other community assets. For example, major impact events/activities may be restricted to certain areas and are required to provide detailed management plans;
- (e) **Limited Impacts on Residents and Local Businesses** – Limitations may be imposed on the number and nature of events/activities in key precincts to manage any likely negative impacts on residents, visitors and local businesses. For example, new or additional road closures are restricted/avoided, particularly in high use areas or where alternate routes are not available. Approval for events/activities may also be conditioned to ensure appropriate community notification and consultation is undertaken where Council deems necessary;
- (f) **Limited Financial Impacts on Ratepayers** – Council fees and charges associated with the application/undertaking of the event/activity are borne by the applicant to ensure no direct or inadvertent ratepayer subsidy. A delegated officer may, as a condition of approval, also require applicants to give reasonable security (for example, bond) to ensure any damage caused is made good;
- (g) **Sustainable Environmental Practices** – Events/activities must employ sustainable environmental practices including minimum requirements for waste management and other measures to facilitate protection of the environment and liveability of our Region.

5.2 Framework

A framework of administrative and operational documents together with informative guides/tools for applicants support this policy. Whilst those documents provide detailed information for applicants and employees assessing applications, the following outlines the general requirements.

5.2.1 Event/Activity Screening

Effectively a pre-lodgement meeting/self-assessment allowing the applicant to broadly outline the key factors of the proposed event/activity prior to submitting any documentation. The information provided by the applicant is aligned to the criteria in Table 1. The applicant is then made aware of the requirements to proceed and may also be informed at this point of any likely restrictions/limitations (for example, unavailability of desired location). Tentative information of the event/activity may be recorded by Council at this point, however such action does not infer a formal approval.

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Table 1 – Impact Category Criteria

Impact Category	Criteria
Minor Impact	<p>The proposed event/activity:</p> <ul style="list-style-type: none"> (a) Is declared under Schedule 1, section 2 within SLL1.14 and SLL1.12 as not requiring an approval, or (b) Is not classified as either a regulated activity or a temporary entertainment event requiring an application and approval under SLL1.14 or SLL1.12, and (c) Occupies only a single Council controlled area, and (d) Involves no road closures and/or major traffic interruptions, and (e) Involves no high risk activities (for example, pyrotechnic displays such as fireworks), and (f) Involves no activities requiring a high risk work licence (for example, operation of a crane or forklift, scaffolding), and (g) Involves no temporary entertainment equipment/structures, and (h) Does not exceed one day in duration, and (i) Is likely to generate minimal noise emissions and any proposed use of an amplifier device is within the hours and levels stipulated in the <i>Environmental Protection Act 1994</i>, and (j) Is likely to attract fewer than 50 attendees/guests (unless a cake stall, sausage sizzle, car wash or similar fundraising event), and (k) Can be met with existing site power and lighting infrastructure, and (l) Can be met with existing access/parking infrastructure, and (m) Can be met with existing site waste provisions, and (n) Does not involve the commercial sale of food/drinks/liquor, and (o) Can be met with existing sanitation amenities and facilities, and (p) Will not unreasonably impede on regular community use in the area and neighbouring properties, and (q) Poses low risks to animals and plant matter in the area. <p>Examples may include a small (<50 people) invitation-only wedding or birthday party, educational excursion, or a fundraising cake stall.</p>
Medium Impact	<p>The proposed event/activity:</p> <ul style="list-style-type: none"> (a) Is classified as either a regulated activity or a temporary entertainment event requiring an application and approval under SLL1.14 or SLL1.12; (b) Occupies no more than two Council controlled areas/roads; (c) Involves no road closures and/or major traffic interruptions; (d) Involves no hazardous/high-risk activities (for example, pyrotechnic displays such as fireworks); (e) Does not exceed two consecutive days duration (excluding bump in/out); (f) Is likely to attract fewer than 1,000 persons; (g) Does not involve the selling or consumption of liquor; and (h) Is likely to impact on regular community use in the area and neighbouring properties. <p>Examples may include invitation-only ceremony/celebration attended by 50 or more people (for example, large wedding), markets, film and television production, or the temporary deposit of goods/materials in a park (for example, short-term storage of landscaping supplies for works on adjoining private property).</p>

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Impact Category	Criteria
Major Impact	<p>The proposed event/activity:</p> <ul style="list-style-type: none"> (a) Identifies as either a regulated activity or a temporary entertainment event requiring an application and approval under SLL1.14/1.12, and (b) Involves road closures and/or major traffic interruptions, and/or (c) Is likely to pose significant impacts on nearby residents and/or businesses, and/or (d) Is likely to attract 1,000 or more persons, and/or (e) Involves the selling or consumption of liquor, and/or (f) Involves hazardous/high risk activities (for example, pyrotechnic displays such as fireworks). <p>Examples may include festivals, concerts, circuses or pop-up polo.</p>

5.2.2 Registration/Application Requirements

Applications are encouraged well in advance to allow Council sufficient time to undertake assessment and request further information or clarification where necessary while still allowing adequate time for the applicant to arrange advertising and/or communication with key stakeholders, public, and/or invited guests. No advertising or other communications are to be undertaken until a registration confirmation or approval is granted.

Mandatory submission requirements vary depending on impact category determined for each individual event/activity. Requirements imposed for each category align to the relevant local law (where applicable) and Council policies. Examples of some of the required documentation to support medium/major impact events/activities may include:

- (a) Full details of proposed event/activity including provision of site plans;
- (b) Details and specifications of any equipment and/or vehicles proposed to be used during the event/activity;
- (c) Evidence of a current public liability policy to the value of up to \$20,000,000;
- (d) Traffic management plan;
- (e) Stakeholder and community consultation information;
- (f) Risk assessment and management strategies;
- (g) Details of any proposed signage;
- (h) Evidence of compliance with other agencies' requirements (for example, Office of Liquor and Gaming Regulation, Department of Transport and Main Roads);
- (i) Evidence of compliance with sanctioning or state controlling body requirements; and
- (j) Details of how the applicant proposes to dispose of and manage waste generated from the event/activity.

Requirements are clearly communicated to applicants at the initial screening, the point of application submission and are also available on Council's website.

5.2.3 Assessment Timeframes

Following receipt of a properly made application together with all supporting documentation, applications are assessed within the following timeframes:

- (a) Minor impact – 30 working days;
- (b) Medium impact – 60 working days; or
- (c) Major impact – 120 working days.

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Applications received outside of these timeframes may:

- (a) Incur an additional express application fee and delay the approval of the application, or
- (b) Be refused due to insufficient capacity for Council to complete an adequate assessment.

When determining a decision on an application, a delegated officer considers (as a minimum) the following:

- (a) Alignment to the Guiding Principles in paragraph 5.1 of this policy; and
- (b) Compliance and consistency with the purpose of relevant legislation/regulations and policies (for example, events/activities involving the operation of an amusement device must demonstrate compliance with *Amusement Devices Code of Practice 2023*); and
- (c) Conflicts with other approved uses/events/activities within the area; and
- (d) Whether the proposed operation and management of the event/activity is adequate to protect public health, safety and amenity and prevent environmental harm.

Submitting an application does not guarantee approval.

5.2.4 Approval Terms and Conditions

5.2.4.1 Minor Impact Events/Activities

A written notice of approval is not mandatory for minor impact events/activities as these lower-risk events/activities are not governed by, or are exempt from requiring an approval under Council's local laws. Instead, such events/activities may be acknowledged by Council in the form of a registration confirmation for non-exclusive use.

In addition to satisfying Council that the event/activity will be held safely, the registration ensures a record of the event/activity is maintained to acknowledge the applicant's non-exclusive use. As part of the registration confirmation, Council officers communicate clear expectations regarding holding a safe event/activity ensuring all risks are adequately controlled and managed by the applicant. Other general requirements and information (for example, site specific restrictions) are advised through the registration confirmation. Should the registered event/activity need to be rescheduled, for example due to weather, applicants may contact Council to arrange.

5.2.4.2 Medium and Major Impact Events/Activities

Medium and major impact events/activities are regulated by Council local laws as either a regulated activity or temporary entertainment event and require conditional approval under Council local laws.

Medium and major impact event/activity approvals are subject to conditions outlined in schedule 1 of *SLL1.12* and *SLL1.14* which are acknowledged by the applicant at the point of application and later affirmed within the subsequent written notice of approval. Non-standard conditions may also be included within the notice where a delegated officer considers appropriate.

Approval for an event/activity that includes the installation of a temporary tent (marquee) that has a plan area more than 500m² are conditional on a building permit from a Queensland licenced Building Certifier being obtained. A temporary tent (marquee) that has a plan area more than 100m² but less than 500m² must comply with the Queensland Development Code MP 3.2 – Tents.

As outlined in *SLL1.12* and *SLL1.14* the term of an approval including the term for which an approval may be renewed or extended are determined by a delegated officer having regard to the information submitted by the applicant. Approvals are not transferable.

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5.3 Compliance

In accordance with *Local Law No. 1 (Administration) 2011*, a delegated officer may amend/suspend/cancel an approval where necessary (for example, if the applicant has failed to comply with the conditions of the approval).

Council may also undertake enforcement action if at any time, an authorised person considers a person is engaging in conduct that is, or is preparatory to, a contravention of a declared prohibited or restricted activity authorised by *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

5.4 Fees and Charges

Fees and charges relevant to each event/activity are in accordance with Council's adopted Fees and Charges Schedule for the current financial year. All fees and charges must be paid prior to the registration confirmation/approval being issued for the event/activity.

Reduced fees and charges for events/activities organised and operated by certain applicants (for example, LNFP fundraising community event) are detailed within the adopted Fees and Charges Schedule. Applicants must provide evidence where required (for example, proof of the organisation's not-for-profit status) to be eligible.

5.5 Security Bonds

As medium and major impact events/activities may result in damage to property and infrastructure, a delegated officer may, as a condition of approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.

5.6 Refunds

Application fees are not refundable. Refund of other fees and charges associated with an event/activity that does not proceed for reasons including, but not limited to adverse weather, sudden illness, or other factors outside of the control of the applicant are considered on a case-by-case basis and must be submitted in accordance with Council's Refund, Exemption and Reduction of Fees and Charges Policy.

5.7 Human Rights Considerations

The local laws to which this policy relates aim to regulate certain activities/events, including those that are open to the public, on Council controlled areas and roads. It does not impose restrictions or requirements on a person's right to assemble peacefully with others in such areas and the right to freedom of movement. This is consistent with the *Human Rights Act 2019*, specifically the right to peaceful assembly and freedom of association and the right to freedom of movement.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Deputy Chief Executive Officer.

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Chief Financial Officer
Policy Quality Control	Legal and Governance



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