

operation of temporary entertainment events means the opening to the public, with or without an admission fee, 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.

Examples of a temporary entertainment event include:

- *an expo;*
- *a circus;*
- *a rodeo;*
- *bazaar;*
- *flea market.*

⁴⁰ See footnote 36.

Schedule 17 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events.

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

Left intentionally blank

3 Documents and materials that must accompany applications for approval

- (1) A person may apply for an approval by lodging with the local government –
- (a) a completed application on the prescribed form; and
 - (b) payment of the prescribed fee; and
 - (c) a detailed statement of the nature of the entertainment to be provided and the duration of the event; and
 - (d) written consent of the land owner; and
 - (e) estimated daily attendance for the event; and
 - (f) evidence of the ability of the applicant to provide the necessary bank guarantee for the particular event, as determined in local government policy; and
 - (g) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
 - (h) a site plan to scale of (1:100) showing –
 - (i) details and drawings of buildings and or other structural elements of the entertainment event; and
 - (ii) location, type and numbers of all ablution facilities for both male and female patrons on the site; and
 - (iii) type of lighting (including floodlights) on the site; and
 - (iv) parking areas; and
 - (v) access to the site; and
 - (vi) the proposed location and description of any signs associated with the event; and
 - (vii) location and description of any safety equipment (if applicable); and
 - (viii) buffer zones, landscaping and screening of the site (if applicable); and
 - (ix) the direction and approximate distance from the site to areas likely to be affected by the operation of the temporary entertainment event, including: residences, schools, kindergartens and child care centres, hospitals,

nursing homes and conservation areas; and

- (i) a risk management plan assessed and verified by a suitably qualified person including: traffic management, waste management, emergency first aid, emergency evacuation, setting up and dismantling plan, dust suppression, security, post event rehabilitation, and noise management, as determined and considered necessary by an authorised person; and
- (j) evidence to the satisfaction of the local government that the temporary entertainment event will be conducted in compliance with the conditions of an approval under this local law; and

Example for paragraph (j) -

Evidence of the applicant's experience and track record in staging major temporary entertainment events.

- (k) the name of the company providing the service, if fireworks are to be used during the event; and
 - (l) copy of the liquor licence application if alcohol is to be available at the event; and
 - (m) names and contact details of food vendors if food is to be provided on site; and
 - (n) details of the equipment to be used if any amplified sound system is to be used at the event is to be included in the noise management plan; and
 - (o) if any animals are to be used at the event, the manner and places where the animals are proposed to be tethered, caged or kept and details of the use to which the animal(s) will be put, and the manner and frequency of collection, storage and removal of faeces; and
 - (p) a contact telephone number on which the applicant may be reached at all times; and
 - (q) first aid or medical facilities and services to be provided; and
 - (r) evidence of the currency of all other licences, permits, approvals or contracts required by the local government, or other agencies relating to the conduct of the event.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.
 - (3) If the application is for an approval to operate a temporary entertainment event at an established venue, the local government may waive the requirements of this section to an extent it considers appropriate.

4 Additional criteria for the granting of approval

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
 - (a) the temporary entertainment event will be conducted in a safe manner for the number of people expected to attend; and
 - (b) the temporary entertainment event will not unreasonably inconvenience nearby

- residents or detract from the local area amenity; and
 - (c) the temporary entertainment event will not adversely affect environmental values, including, but not limited to noise, dust, water and light pollution; and
 - (d) the proposed toilet and sanitary facilities are adequate.
- (2) Any other criteria the local government considers relevant to determine the application.

5 Conditions that must be imposed on approvals

- (1) The conditions that must be imposed on an approval are-
- (a) the specified days and times for the operation of the temporary entertainment event; and
 - (b) the operator must provide the required levels of amenities, facilities and services as determined by the local government; and
 - (c) the operator must take all measures specified by the local government, to ensure that specified limits of emissions are not exceeded; and
 - (d) clear access, to a minimum width of 3.5 metres, must be maintained at all times for emergency service vehicles, to the site and any off street parking area; and
 - (e) clear access must be maintained at all times with a 6 metre clearance from each fire hydrant on the site; and
 - (f) any event conducted in an indoor venue must comply with the fire evacuation procedure for that venue, maintain clear access to all exits and ensure safe exit routes to a place of safety that is external to the building; and
 - (g) the operator must provide evidence of a current public indemnity insurance policy to a minimum value of \$20,000,000, or an amount commensurate to the event. If the event is to be conducted on public land, the local government must be indemnified of any liability; and
 - (h) if alcohol is to be provided at the event, proof of the application for the liquor licence is to be supplied to the local government; and
 - (i) all waste generated at the temporary entertainment event must be disposed of on a daily basis as well as on the day following the conclusion of the event, by a registered contractor in accordance with the Waste Management Plan, or as otherwise directed by an authorised person; and
 - (j) all onsite food sales must be conducted in accordance with the provisions of the *Food Act 2006*; and
 - (k) toilet and ablution facilities must be provided, at the numbers and locations considered necessary by an authorised person; and
 - (l) toilet and ablution facilities must be cleaned on a minimum daily basis, or more frequently, as directed by an authorised person; and
 - (m) the site, including the grounds, all public rooms, amenities and facilities must be maintained in a clean and hygienic condition at all times, and all fixtures, fittings, appliances and other equipment provided for the temporary entertainment event maintained in a good and sound condition; and

- (n) any swimming pool on site must be monitored at all times, be manned by qualified life savers, and operated in accordance with the provisions of *Moreton Bay Regional Council Local Law No 1 (Administration) 2011 – Schedule 16 (Operation of Public Swimming Pools)*; and
- (o) any playground equipment must be installed, sited, constructed and maintained in accordance with all the relevant standards; and
- (p) any signs in relation to the venue must be installed in accordance with *Moreton Bay Regional Council Local Law No.1 (Administration) 2011 – Schedule 9 Installation of advertising devices*.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are-
 - (a) the applicant may be required to submit a development application for the proposed use of the venue or the conduct of the entertainment; and
 - (b) the applicant may be required to provide information regarding the proposed event to the Queensland Police Service, local hospital, Queensland Fire and Rescue Service and Queensland Ambulance concerning details of the temporary entertainment event, together with proof of such advice and any written responses from those organisations to the original advice; and
 - (c) the applicant may be required to notify all residents within an area identified by the local government, detailing when the proposed temporary entertainment event will be conducted, the contact telephone number of the approval holder and any other details an authorised person considers appropriate; and
 - (d) the applicant may be required to initiate a Noise Management Plan to reduce the risk of complaint and to keep noise emissions from the temporary entertainment event within approval limits; and
 - (e) the applicant may be required to establish a suitable buffer zone, including set backs from all boundaries to the satisfaction of the authorised person; and
 - (f) the applicant may be required to provide evidence that all buildings or other structures, including swimming pools or spa pools, located on the site for the purpose of the temporary entertainment event, comply with the provisions of the *Building Act 1975* and *Standard Building Law*; and
 - (g) the operator may be required to install suitable fire fighting appliances as required and directed by the local government in accordance with the *Fire and Rescue Services Act 1990*, the *Building Act 1975* and the *Building Code of Australia*; and
 - (h) off street car parking spaces for patrons of the temporary entertainment event, may be required, with access to off street parking areas to be highlighted in the Traffic Management Plan; and
 - (i) no pets, birds or other animals may be approved to enter any amenity within the facility, except assistance animals, or animals associated with the event. If the event is conducted on a local government controlled area, ensure that no animal associated with the event is tethered to any tree on the site; and
 - (j) a management plan may be required to ensure any footwear, clothing, linen or

towels supplied to patrons in conjunction with the operation of the temporary entertainment event are suitably laundered and sanitised before re-use; and

- (k) the local government may require the provision of adequate shade (both natural and artificial) as determined in the *"Creating Shade at Public Facilities - Policy and Guidelines for Local Government"* published by Queensland Health; and
- (l) the local government may require the approval holder to maintain records of the event. Such records may include information such as membership numbers, numbers of casual attendances or test results of pool water; and
- (m) arrange to have an event de-brief following the event, held at a suitable time and place determined by the local government.

7 Term of approval

The local government may grant an approval for a specified term.

8 Term of renewal of approval

An approval is not renewable however the approval holder may apply to the local government for an extension of the approval on the prescribed form.

9 Transfer of approval

An approval for this prescribed activity is not transferable.

10 Dictionary

entertainment includes recreation and amusement.