

LOCAL APPROVALS POLICY

– EVENTS



PURPOSE OF THIS POLICY

The purpose of this Policy is to provide clarity to all events holders on what events/activities may be undertaken without approval and detail the considerations taken into account by Council where approval is required.

Always read this policy in conjunction with the Related Procedures identified below.

POLICY STATEMENT	This policy provides support to organisers that want to run certain types of events on community land while meeting the legislative obligations for approvals of specific parts of events under <i>Local Government Act, 1993</i> and clarifies the relationship with the <i>Environmental Planning and Assessment Act, 1979</i> .
SCOPE	Councillors, Officers, Employees, Event holders
RELATED PROCEDURES	<ul style="list-style-type: none"> • Corporate Policy: Temporary Food Business – CP0037 • Corporate Policy: Reduction, Waiver or Refund of Council Fees and Charges Policy • Corporate Policy: Third Party Activities on Council Land and Roads – CP0040 • Corporate Policy: Use of Public Open Space by Commercial Fitness Groups and Personal Trainers • Draft Corporate Policy: Leasing and Licensing Council Property
RELATED DOCUMENTS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 • Wollondilly Local Environmental Plan 2011 (Wollondilly LEP)
COMPLIANCE REQUIREMENTS	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulation 2021</i> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulation 2021</i>

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POLICY OWNER	Executive Planner – Business & Investment
ADOPTION DATE	26 September 2023
NEXT REVIEW DATE	28 September 2023

1. PRINCIPLES

This Local Approvals Policy – Events (Policy) has been prepared in accordance with the requirements specified in the Local Government Act, 1993, particularly Section 158, and includes:

1. the circumstances in which a person is exempt from the necessity to obtain an approval from Council under Section 68 of the Local Government Act 1993 (LG Act) for the installation or operation of an amusement device, or an event on community land;
2. where a person requires an approval from Council under Section 68 of the LG Act for the installation or operation of an amusement device, or an event on community land, and the criteria Council must take into consideration in determining whether to give or refuse an approval; and
3. other matters relating to approvals.

2. ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITY
COUNCILLORS	To set the policy direction for the Shire in relation to events on community land.
CEO	To support staff in the effective management of events on community land.
DIRECTOR	To support staff in the effective management of events on community land.
MANAGER	To support staff in the effective management of events on community land.

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	To ensure adequate resourcing to support the processing of applications for use of community land under this policy.
STAFF	To process applications for events on community land in a timely manner.
EVENT HOLDERS	To provide Council with sufficient information and time to consider their application for an event on community land.

3. BACKGROUND

Wollondilly Shire Council understands the benefits to our residents of being able to hold and attend events within the Shire. Historically, there has been impediments in the Planning system that have made events difficult to hold, particularly on Council owned land.

In 2019, Council started the process to amend the Wollondilly LEP to improve opportunities to hold events and support the visitor economy. The Policy will assist local businesses and communities in their recovery from the impacts of the drought, bushfire, recent flood events, and the COVID-19 pandemic.

Just like the Wollondilly LEP amendment, the Policy aims to make it easier to celebrate in Wollondilly, particularly for community and cultural events and markets.

4. PRELIMINARY

4.1 Name of Policy

This Policy is Wollondilly Local Approvals Policy – Events (the Policy).

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4.2 Commencement and amendments

The Policy commenced on 26 September 2023.

The Policy has been amended as follows:

#	AMENDMENT DATE	DESCRIPTION OF AMENDMENT
Nil		

4.3 Aims of the Policy

To provide a simplified approval process for events on community land, including;

- to specify any circumstances where Council approval under Section 68 of the LG Act is not required; and
- where approval is required, to specify criteria the Council must consider in determining an application for an approval.

This Policy supports the Community Strategic Plan's aspirations for enhanced community and event use of community land.

To provide clear guidance to approval requirements for amusement devices throughout the Wollondilly Local Government Area.

To regulate the operation of amusement devices on any land within the Shire.

To meet all the necessary legislative obligations in the preparation and administration of a Local Approvals Policy under the LG Act.

4.4 How to use this Policy

Step 1 – Check Section 0 to see if the activity requires approval

Step 2 – Check Section 5 to see if there are any relevant exemptions for the activity

Step 3 – Check Section 6 for relevant assessment considerations for the activity

Step 4 – Check Section 7 to see if there are any other matters relevant to the activity

Step 5 – Lodge an application through NSW Planning Portal (if required)

4.5 Definitions

“Community land” means public land that is vested in Council and classified as community land in accordance with the LG Act, and includes parks, natural areas, recreation spaces and cultural or heritage sites.

“Exempt event” means an event where an approval is not required under Section 68 of the LG Act, subject to it meeting any criteria specified in this Policy. A booking for the site of the event is likely to be required.

“Food trucks or mobile food vendors” means food truck, van, trailer, cart or similar vehicle.

“Platform height” of an inflatable device means the height of the highest part of the device designed to support persons using it (the platform), as measured from the surface supporting the device to the top surface of the platform when the device is inflated but unloaded.

“Public place” has the same meaning as in the LG Act.

“Small amusement device” means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.

4.6 Land to which the Policy applies

This Policy applies to all land within the Wollondilly Local Government Area.

The requirements relating to different types of events only relates to community land within the Wollondilly Local Government Area.

Note: Amusement devices are included in the Policy and can be operated on any land within the Wollondilly Local Government Area. Amusement devices require approval in certain circumstances, as identified in Section 5 of the Policy.

4.7 Activities to which the Policy applies

This Policy applies to a range of activities on community land that typically form part of an event.

In accordance with the requirements of Section 68 of the LG Act, the following activities may need approval for your event:

- Engage in a trade or business on community land;
- Direct or procure a theatrical, musical or other entertainment for the public on community land;
- Construct a temporary enclosure for the purpose of entertainment on community land;
- For fee or reward, play a musical instrument or sing on community land;
- Set up, operate or use a loudspeaker or sound amplifying device on community land;
- Deliver a public address or hold a religious service or public meeting on community land;
- Install or operate amusement devices; and
- Use a standing vehicle or any article for the purpose of selling any article in a public place.

4.8 Relationship with EP&A Act

Council make changes to the planning rules associated with events in an effort to make events and community building activities easier to undertake.

Events in public spaces may need a number of bookings or approvals. These may include a booking to use the space, approval from Council for use of land under the Local Government Act or formal development consent from Council under the Environmental Planning and Assessment Act, 1979.

Typically, small scale events with minimal impact are likely to be carried out with a valid booking (if required) and in accordance with the exempt activities identified in Section 5 of this Policy.

For events that require an approval from Council under section 68 of the Local Government Act, development consent may also be required under the Wollondilly LEP and the EPA Act.

Please contact Council's Duty Planner on 4677 1100 if you require further information on whether development consent is required for your event.

5. EXEMPT ACTIVITIES

This section provides information on the activities that are considered to be exempt.

5.1 Amusement devices

Amusement devices, or carnival rides, are an integral component to many family focused events. This can include inflatable, mechanical or static devices for the entertainment of attendees.

The following types of devices do not require approval from Council under this Policy:

- a. Devices that do not require registration with Safework NSW, including playground devices, water slides and inflatable devices with a platform height of up to 3 metres.
- b. A "small amusement device" as defined in Section 4.5 of this Policy and meets the criteria in clause 75b of the LG Regulation.

Any amusement device operated under these provisions must have a valid contract of insurance or indemnity and a valid booking for the site/location.

5.2 Small scale event

An event is a broad categorisation that seeks to allow community members and organisations to come together and celebrate and commemorate specific occasions. Examples of such events include weddings, birthday parties, ANZAC day, religious celebrations, community awareness and activation.

The following event types do not require approval from Council under this Policy:

- a. Events with a maximum of 1,500 attendees at any one time;

- b. ANZAC day and Remembrance Day memorials with a maximum of 5,000 attendees at any one time;
- c. Vehicle shows/exhibitions with a maximum of 50 vehicles for display; and
- d. School fetes (if to be held on Council land).

Any community and cultural event held under these provisions must ensure:

- e. The event is planned and operated in a safe manner;
- f. They have a valid booking for the site;
- g. Appropriate parking and toilet facilities provided to support the event; and
- h. All waste must be removed following the event.

Note: A safe event may require consideration of security, first aid, evacuation plans and general site safety.

5.3 Food truck or mobile food vendors

Food trucks or mobile food vendors have become an integral part of events and activation of public and private spaces.

A maximum of ten (10) mobile food vendors on community land can operate without the need for approval under this Policy.

Note: a food truck or mobile food vendor does not count towards the number of market stalls operating under Part 5.5 of this policy.

Any food stall or food truck operating under these provisions must ensure each vendor:

- a. Has a valid booking for the site/location/event;
- b. Is registered with Council's Environmental Health Unit;
- c. Has public liability insurance [for \$20 million, and noting Council as an interested party in relation to personal injury and property damage]; and
- d. Removes litter and waste generated by their operation.

Note: The following information should be provided to Council's Environmental Health Unit at least two weeks prior to the event/operation of the food stall:

- a. Contact details for the food business including:
 - i. Trading name the food business,
 - ii. Proprietor/company name and business address,
 - iii. Australian Business Number (ABN) and/or Australian Company Number (ACN),
 - iv. Food Safety Supervisor name and number (where required),
- b. The nature of the food business (ie. food stall, mobile food vendor, or trailer);
- c. Short description of food sold;
- d. The day/s the vendor will trade;
- e. A copy of their most recent food safety inspection (within the past 12 months) if they have had one; and
- f. A copy of current certificate of currency for the value of \$20,000,000

5.4 Loudspeakers

Loudspeakers or other sound amplification devices are integral to the successful operation of certain events. In certain locations, they are included in the facility (such as sporting fields) and other locations they are brought in specifically for the event.

The operation of a loud speaker or sound amplification device in conjunction with another activity identified in this Policy, or an existing sporting event or sporting facility does not require approval from Council, if:

- a. Used between the hours of 8:00am and 10:00pm, except for ANZAC day services which can be used for dawn service; and
- b. Controlled to reduce noise impacts to nearby residents.

5.5 Markets

Market or fund-raising stalls are a common sight at various types of events and within public spaces. These stalls can be open in nature, or enclosed in a marquee or tent.

A maximum of twenty (20) market stalls can operate without the need for approval under this Policy. As noted above, a food truck or mobile food vendor is not included in the calculation of the maximum number of market stalls.

Any markets operating under these provisions must:

- a. Not exceed 1,000 attendees at any one time;
- b. Hold public liability insurance [for \$20 million, and noting Council as an interested party in relation to personal injury and property damage];
- c. Have a valid booking for the site/location/event;
- d. Not impact the flow of pedestrians or vehicles; and
- e. Remove litter and waste generated by their operation.

6. ACTIVITIES THAT REQUIRE APPROVAL

If your event or activity is not exempt, the following section provides information what Council takes into consideration when determining an application.

6.1 Amusement devices

The following matters will be considered by Council to install or operate an amusement device:

- a. The ground or surface condition on which the device is to be or has been erected;
- b. Whether the device is registered under the Work Health and Safety Act 2011 and WHS Regulation;
- c. Whether there is a current log book for the device as referred to in Chapter 5, Part 5.2, Division 4, Subdivision 2 of the WHS Regulation; and
- d. Whether there is in force a contract of insurance or indemnity for the device that complies with cl 74 of the LG Act.
- e. Whether fencing is required to separate the device from public areas;
- f. Whether the device:
 - i. Is to be, or has been installed;
 - ii. Is to be, or is being operated, in accordance with all conditions (if any) relating to its installation or operation set out in the current certificate of registration issued for the device under the WHS Regulation; and
 - iii. In the case of a device that is to be or is installed in a building, whether fire egress will be obstructed.
- g. Whether there is a valid booking for the site/location.

6.2 Circus

A circus is a traveling group of trained performers (including clowns, acrobats and animals) but does not include a petting zoo. A circus includes a range of additional impacts, including noise and waste generation. Development consent must be obtained via a development application, allowing Council to assess these impacts. In addition, the following Section 68 activities will also require separate approval:

- Engage in a trade or business;
- Direct or procure a theatrical, musical or other entertainment for the public;
- Construct a temporary enclosure for the purpose of entertainment;
- Set up, operate or use a loudspeaker or sound amplifying device;
- Install or operate amusement devices; and/or
- Use a standing vehicle or any article for the purpose of selling any article in a public place.

Note: Please contact Council's Duty Planner on 4677 1100 if you would like more information on operating a circus in the Shire.

6.3 Large scale event

A large scale event will need Council approval if it is not classified as a small scale event under Section 5.2 of this Policy.

The following matters will be considered by Council to hold an event:

- a. The hours of operation, including set-up and pack-down periods and loudspeaker operation;
- b. The expected number of attendees;

Note: the maximum capacity of an event will be based on the specific location.

- c. Whether alcohol and food handling/sales are proposed;
- d. The number and location of toilet facilities;
- e. The suitability of management provisions (emergency, waste, site management); and
- f. The provision of lighting for evening events.

Note: A development application enabling assessment under the EPA Act may be required in addition to the necessary approvals under Section 68 of the LG Act, including where any community or cultural event exceeds 5,000 attendees at any one time.

6.4 Food truck and mobile food vendors

The following matters will be considered by Council to operate a food truck on community land:

- a. Consider the hours of operation, including set-up and pack-down periods;
- b. the impact on parking and access to the place where the food sales are taking place;
- c. The availability or proximity to waste container/bin;
- d. Proximity to residential properties or other noise sensitive land uses; and
- e. The cumulative impact of the number of food trucks or mobile food vendors.

Note: Any food truck or mobile food vendor must have regard to Council's Temporary Food Business Policy.

6.5 Markets

The following matters will be considered by Council to run a market on community land:

- a. Consideration of the duration of the markets;
- b. The hours of operation on any day, inclusive of set-up and break-down;
- c. Whether all goods and/or display stands will be appropriately secured to prevent them from being moved by wind or other forces;
- d. Suitability of management provisions (emergency, waste, site management);
- e. Whether food storage and handling is consistent with Food Authority food handling regulations and guidance documents;
- f. Whether there will be permanent physical change to the location where the markets occur;
- g. Whether barriers are required to maintain pedestrian access along existing footpaths; and

- h. Whether a clear path of travel of a minimum of 1.5m for pedestrian circulation around the stall location.

7. OTHER MATTERS RELATING TO APPROVALS

7.1 Fees and charges

There are fees associated with an application for approval under this Policy. Refer to Council's current Fees and Charges for more information.

There may also be a charge for use of Council land (ie: the booking of a space or facility). Please contact Council on 46771000 for more information.

7.2 Refunds

Any refund will only be given in accordance with Council's "Reduction, Waiver or Refund of Council Fees and Charges Policy".

7.3 Review of determination

- a. An applicant for a Section 68 approval may request Council to review a determination or decision. This request must be made in writing and addressed to Director – Shire Futures.
- b. A decision cannot be reviewed if:
 - i. Not within 28 days of the date of determination,
 - ii. The activity has already occurred, or
 - iii. The decision was made by the CEO under Clause 7.8.
- c. In requesting a review, the applicant may provide additional information in support of the original activity/activities proposed.
- d. The review of a decision is to be conducted by another Council officer who is:
 - i. Independent of the original decision; and
 - ii. Not subordinate to the officer who determined the original application.
- e. After conducting its review of a decision, Council may confirm the decision, change the decision or modify conditions included on an approval.
- f. Any notice of a decision on a review to grant or vary development consent is to specify the date from which the approval (or the approval as varied) operates.
- g. The outcome of a review is final. This policy does not provide opportunity for a subsequent review.

7.4 Applications for other activities

Applications for all other activities (as described in the Table of Section 68 of the Act) not listed in this Policy are to be on the approved form available on Council's website and will be assessed in accordance with Section 89 of the Act.

7.5 Fireworks

Fireworks are regularly part of larger festivals and celebrations. There are detailed requirements for fireworks including the relevant approval from SafeworkNSW.

Note: more information on the approvals for fireworks can be found on [SafeworkNSW website](#).

If your event incorporates fireworks, in addition to obtaining approval from SafeworkNSW, you need to notify Council at least seven working days prior to the display.

Fireworks do not need approval under the LG Act.

7.6 Application requirements (general)

If not exempt and you require a section 68 approval, the following information will need to be provided in support of an application made under this Policy:

- a. a detailed description of the event;
- b. a site plan (to include location of control area, boundaries of event, amenities, parking, emergency egress/access);
- c. detail on how the environmental impacts of the event will be managed, including amenities, hygiene, waste, water, general environment;
- d. the relevant fee; and
- e. For food stall/food truck, details of vendors, including registration with NSW Health and previous food safety inspections.

Note: Applications for approval under Section 68 must be lodged via the NSW Planning Portal.

7.7 Application requirements – Amusement devices

If the amusement device is not exempt and you require a section 68 approval, the following information will need to be provided in support of an application made under this Policy for an amusement device:

- Completed application form – Install and Operate an Amusement Device;
- Site plan showing the proposed location of the amusement device/s;
- A copy of the SafeWork NSW registration certificate;
- A copy of the current log book for the device; and
- Certificate of Currency for public liability insurance or indemnity in accordance with cl 74 of the LG Regulation, i.e. insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$20 million in respect of each incident), and noting Council as an interested party in relation to personal injury and property damage.

Note: There are fees associated with amusement devices. At present, a fee is payable for every 3 devices included for Council approval. Refer to Check fees and charges.

<https://www.wollondilly.nsw.gov.au/council/corporate-planning-and-reporting/fees-and-charges/>

7.8 Authority of the CEO

The CEO has authority to approve a Section 68 Application that isn't in accordance with the provision of this policy if the activity will not have an unreasonable impact on the environment and the amenity of the area.

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7.9 The Application Process

STAGE	OVERVIEW
LODGEMENT	<p>Council requires lodgement of an application in accordance with the Policy at least 4 weeks prior to an event.</p> <p>Where an event also requires the closure or use of a public road, the application must be lodged at least 12 weeks prior to the event. This allows Council to obtain the approval of the Local Traffic Committee.</p> <p>Council may reject your application if it is unclear or illegible. If Council rejects your application within 7 days, you may be eligible for a refund of your application fee.</p>
ACKNOWLEDGEMENT	<p>Council will provide written acknowledgement (typically via email) to acknowledge the receipt of the application.</p>
ADDITIONAL INFORMATION	<p>Council may request additional information that is considered necessary to make an assessment and determination.</p>
AMENDMENT	<p>At any time prior to determination, the applicant may make amendments to the application.</p>
WITHDRAWAL	<p>An applicant can withdraw an application at any time before it is determined. Any refund of fees is at the discretion of council and dependent upon the amount of resources used in processing the application to that point.</p>
CONCURRENCE	<p>For certain applications, Council may require the approval of a state agency like NSW Rural Fire Service or the NSW Police. This is called concurrence.</p>

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	<p>Agencies have up to 40 days to provide their concurrence.</p> <p>Any event that requires concurrence must be lodged with Council at least 12 weeks prior to the event to ensure all necessary approvals are obtained prior to the event.</p>
DETERMINATION	<p>Council will determine an application by either granting approval (usually subject to conditions) or by refusing approval. The determination will provide details why conditions were imposed or why the application was refused.</p> <p>Council will notify the application in writing (typically email) of the determination.</p>
REVIEW OF DETERMINATION	<p>An applicant can request a review of the determination. This request must be made within 28 days of the date of the determination.</p>
AMENDING AN APPROVAL	<p>An applicant may request an amendment to an approval, so long as the approval will be substantially the same approval.</p> <p>An approval may be modified or revoked due to a number of possible circumstances, including if conditions on the approval are not complied with or if Council becomes aware of information that may have resulted in additional conditions or withholding approval.</p>