



Planning Proposal – November 2014

Special Events as Exempt Development

Planning Proposal – November 2014,
Special Events as Exempt Development

14/ 54087 Final

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Introduction

Summary of Planning Proposal

This planning proposal relates to all public land under the ownership or management of Council including public roads vested in Council within Ballina Shire.

The planning proposal intends to amend schedule 2 of *Ballina Local Environmental Plan 2012* (LEP 2012) by inserting within *Schedule 2 Exempt development, Special events*. A definition of the term *Special events* is also proposed to be included within the *Dictionary* to LEP 2012.

Planning Context

Council resolved at its Ordinary Meeting held on 28 June 2012 as follows:

1. *That Council endorse the new 'Events on Public Land Policy' (which is a revision of the Special Events Policy), as attached to this report and place this policy on exhibition for public comment. If no submissions are received this decision will be taken to be Council's adoption of the new policy.*
2. *That a review of the special events identified in the Event Guidelines be undertaken to determine their suitability for identification as exempt development in accordance with the provisions of the Environmental Planning & Assessment Act 1979.*
3. *That on the basis of the above review, Council proceed with the preparation of a planning proposal to amend Schedule 2 of the Ballina LEP 2011 to include special events as exempt development.*
4. *That Council proceeds to submit the planning proposal to the NSW Department of Planning & Infrastructure for gateway determination.*

This planning proposal has been prepared in response to Council's June 2012 resolution and specifically, items 2, 3 and 4 above. The planning proposal has also been prepared having regard for Council's adopted 'Events on Public Land Policy' (Appendix 1).

Ballina LEP 2012

Ballina LEP 2012 provides a list of additional exempt development not covered by SEPP (Exempt and Complying Development Codes) 2008 within schedule 2. The schedule currently identifies two types of exempt development, being various types of signage and commercial use of footpaths. The schedule does not presently provide for *Special events* to occur as exempt development.

It is proposed to amend schedule 2 by inserting the following:

Special events

- (1) Must be on land vested in, owned or managed by Council.
- (2) Must not include the erection of permanent structures on the land.
- (3) Must not include clearing or disturbance of native vegetation.
- (4) Maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

It is also proposed to insert within the *Dictionary* to Ballina LEP 2012 the following definition:

Special event means a function or event open to the public or a section of the public and includes a ceremony, concert, cultural celebration, dance, exhibition, festival, fete, fair, gathering, market, open air theatre, parade, sporting event and street parade.

The term *land vested in* is used to extend the provisions to certain public roads which are vested in Council under the terms of the *Roads Act 1993*.

Council's Events on Public Land Policy

This policy provides safeguards for events to ensure that any reasonably foreseeable environmental impact created by the event is kept to a minimum level. When event organisers propose an event on public land in accordance with this policy, they are required to apply for an approval pursuant to this policy.

The assessment of the application and the approval, if issued, is subject to conditions that relate to potential environmental impacts such as noise, vegetation removal, hours of operation, car parking and other relevant matters. The consideration of this policy, and associated *Event Guidelines*, and the applied conditions ensure that potential environmental impacts, and bushfire risk if located on bushfire prone land, of *special events* are managed and mitigated where necessary.

State Environmental Planning Policies

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not contain any relevant exempt development provisions related to *special events* proposed on land vested in, owned or managed by Council within Ballina Shire. The provisions that it does contain relate to signage and temporary structures associated with community events.

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable *special events* to occur as exempt development. This is to encourage community based economic and social activities. In some instances, employment opportunities will be increased.

The proposal also seeks to remove duplication of approvals processes, (i.e., the potential need for both a development application and an application under the *Local Government Act 1993*) thereby providing a single process for the consideration of a *special event* on public land. Council is seeking to reduce 'red tape'.

Part 2 - Explanation of the Proposal

This planning proposal relates to all land within Ballina Shire that is public land under the ownership or management of Council including public roads vested in Council.

This planning proposal seeks to enable *special events* to be undertaken as exempt development.

The planning proposal intends to enable this by amending schedule 2 of the Ballina LEP 2012 by specifically listing *special events* as exempt development.

More specifically, it is proposed that the Ballina LEP 2012 be amended as follows (or in a similar manner to enable the intended outcome of this planning proposal):

A. Insert provision enabling special events as exempt development.

Insert the following in alphabetical order in Schedule 2 – Exempt development:

Special events

- (1) *Must be on land vested in, owned or managed by Council.*
- (2) *Must not include the erection of permanent structures on the land.*
- (3) *Must not include clearing or disturbance of native vegetation.*
- (4) *Maximum period of 52 days (whether or not consecutive days) in any period of 12 months.*

This provision is proposed to specifically enable certain *special events* to occur without the need for development consent as exempt development.

The development standards nominated do not include a reference to approvals required under other Acts. For example the use of community land requires an approval under the provisions of s68 of the *Local Government Act 1993*. It is considered that a reference to approvals required under other Acts is not required in the context that the land involved is land vested in, owned or managed by Council.

Council has statutory obligations to consider special events under the applicable legislation notwithstanding the development being *exempt development* under the provisions of the *Environmental Planning and Assessment Act 1979*. Therefore listing Acts under which approvals may be required is not considered to be required. If a reference is considered to be required then a Note as drafted below, inserted after the nominated development standards, may be suitable to highlight the issue of other approvals:

Note:

In addition to the requirements specified for special events other legislative requirements for approvals, licences, permits and authorities still apply. For example, special events proposed for community land require approval under the Local Government Act 1993.

Council's 'Events on Public Land Policy' requires the lodgement of a completed *Event on Public Land Application Form*. Following consultation with the Rural Fire Service (RFS) the *Event Guidelines (Draft)* and associated *Temporary Events on Public Land Application Form (Draft)* have been drafted to incorporate specific safeguards relating to bushfire risk management. It is intended that this material will be integrated into Council's event policy framework upon completion of the amendment.

It is through the mechanism of the completed *Temporary Event on Public Land Application Form* that Council will make a determination of the applicable approval requirements for *special events and ensure* that such requirements are complied with.

B. Insert a definition for *Special events* within the Dictionary to Ballina LEP 2012.

Insert the following definition within the *Dictionary* to Ballina LEP 2012:

Special event means a function or event open to the public or a section of the public and includes a ceremony, concert, cultural celebration, dance, exhibition, festival, fete, fair, gathering, market, open air theatre, parade, sporting event and street parade.

Part 3 - Justification

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report.

The planning proposal is consistent with Ballina LEP 2012 and the Ballina Shire Development Control Plan 2012.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) provides the most current instrument for exempt development within NSW. The SEPP does not identify *special events* as exempt development or otherwise. The SEPP does identify certain temporary structures associated with

community events as exempt development. However community events have not been nominated as an exempt development category other than for certain nominated major event sites.

If schedule 2 of LEP 2012 is not amended to include *special events* as exempt development, all *special events* that historically have been classified as exempt development under Council's previously applicable DCP, will require the lodgement of development applications. Council is seeking to avoid this situation.

Importantly, *special events* will remain subject to review and consideration in relation to potential impacts through the approval process under Council's *Events on Public Land Policy* (which is administered under the *Local Government Act 1993* in the case of community land). The advantage of this process is that it removes the potential duplication of approvals processes and is likely to be faster and less costly than the development assessment process, whilst still maintaining the opportunity for Council to assess and mitigate impacts associated with *special events*.

The provisions proposed are intended to also encompass land managed under Trust including land contained in the Ballina Coastal Reserve Trust. Council is the appointed manager of this Trust. The Trust is managed pursuant to the provisions contained within the Ballina Coastal Reserve Plan of Management (POM). The following extract from the POM detail the role of the Trust Manager and the powers of the Reserve Trust:

Role of the Reserve Trust Manager

- *Responsible for the care, control and management of the Crown Reserve on behalf of the community of NSW on a day to day basis.*
- *Ensure activities on the Reserve are consistent with the public purpose for which the Crown land is reserved or dedicated.*
- *Make sound financial decisions.*
- *Implement the adopted PoM.*

Powers of the Reserve Trust

Council as the appointed Reserve Trust Manager may:

- *Issue temporary licences for periods of up to 12 months for activities specified in Clause 34- Crown Lands Regulation 2000 such as camping, entertainment, advertising, functions, exhibitions, markets, shows, sporting events. Licences for terms over 12 months and all leases must be endorsed by the Minister for Land and Water Conservation;*
- *Transfer monies between separate Crown reserves under the umbrella of the single Coastal Reserve Trust without the Minister's consent;*
- *Apply to the Public Reserves Management Fund for funding for Reserve improvements;*
- *Regulate, control or prohibit persons using the Reserve by the introduction of By-laws.*

It is considered that the proposed amendment to schedule 2 of Ballina LEP 2012 would enable exempt development to be undertaken on land managed by Council

under Trust. It is also noted that whilst the need for development consent would be removed by the proposed *special events* exempt development a licence requirement still exists and will be maintained.

Section B - Relationship to the Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposal is consistent with the Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The proposal is not in conflict with the outcomes or actions of the strategy and supports Ballina as a Developing Major Regional Centre.



4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

The planning proposal is consistent with Council's 2013 – 2023 Community Strategic Plan and specifically the prosperous economy objectives contained within this plan.

Objective PE 1.3 has the objective of minimising the costs and regulatory requirements of doing business in Ballina Shire.

The planning proposal is also consistent with the following plans:

Ballina LEP 2012

The Ballina LEP 2012 provides a list of exempt development not covered by SEPP (Exempt and Complying Development Codes) 2008 within schedule 2. The schedule



currently identifies two types of exempt development, being various types of signage and commercial use of footpaths. The schedule does not presently provide for *special events* to occur as exempt development.

Ballina LEP 2012 replaced BLEP 1987 on 4 February 2013 (for the majority of the shire). Given that BLEP 1987 permitted *special events* as exempt development in conjunction with the Ballina Combined Development Control Plan 2002, this planning proposal to make *special events* exempt development into the future is consistent with Council's historic planning policy.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the planning proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

6. Is the planning proposal consistent with the applicable Ministerial Directions (S. 117 directions)?

A Section 117 Direction checklist for the planning proposal is contained in Appendix 2. Where the planning proposal has been identified as inconsistent with a Direction it is viewed as being justifiably inconsistent for the reasons nominated.

Section C - Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The proposed amendment to Ballina LEP 2012 enabling *special events* as exempt development includes the following provision to qualify as exempt development:

- (4) *Must not include clearing or disturbance of native vegetation; and*

As previously stated, Council has adopted a policy in 2012 relating to *special events* being the *Events on Public Land Policy*. This policy together with the *Event Guidelines* (Draft) must be considered when Council issues a permit for *special events*. Environmental impacts and bushfire risk management issues are required to be considered under the provisions of these documents.

Considering that *special events* will not be classified as exempt development unless no clearing or disturbance to native vegetation is required and the application of Council's events policy and licensing requirements to proposals, it is unlikely that *special events* carried out under the revised provisions will have any adverse impact on critical habitat or threatened species or result in adverse bush fire risk outcomes.

8. Are there any other likely environmental effects as a result of the planning proposals and how are they proposed to be managed?

The requirements for approval under Council's *Events on Public Land Policy* and the other limitations of the proposed exempt development provisions seek to safeguard the environment and address bushfire risk concerns where relevant. Therefore, no significant adverse environmental impacts are likely to arise as a result of the planning proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

Amending schedule 2 of the Ballina LEP 2012 to permit *special events* as exempt development is likely have positive social and economic effects. In particular, enabling events to obtain approval without going through the development application process will likely make the shire more attractive to event organisers. This will likely have a positive economic impact on the locality. The proposal also removes the potential for duplication of processes. Employment implications are envisaged to be positive.

Additionally, the *Events on Public Land Policy* requires a thorough assessment to be undertaken by Council prior to the issue of a permit for the event. The assessment takes into consideration all factors that are usually considered during the development assessment process. This approach is intended to ensure that environmental impacts created by an event are minimal.

Amendments made to the *Event Guidelines* (Draft) encompass bushfire risk management considerations which have been reviewed by the RFS.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation has been undertaken with the Rural Fire Service (RFS) and NSW Trade and Investments Crown Lands (previously Department of Primary Industries – Crown Lands Division) as nominated by the then Department of Planning and Infrastructure following a positive Gateway Determination on 15th December 2012 (Appendix 5).

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Following the Gateway Determination being altered on 12th August 2014 (Appendix 5), in response to an amended planning proposal, consultation with the RFS and Crown Lands was again undertaken.

Rural Fire Service Response

The responses of the RFS dated 11 September 2014, 10 April 2014 and 7 March 2013 are contained within Appendix 3.

The RFS initially objected to the proposed LEP amendment as the planning proposal had not considered S117(2) *Direction 4.4 Planning for Bushfire Protection*. Advice was provided that Council should consider either excluding events on bush fire prone land or develop controls under the *Local Government Act 1993* assessment and approval process.

Council subsequently developed a bush fire risk assessment process with the assistance of specialist consultants *Land and Fire Assessments Pty Ltd*. This process has been incorporated within draft *Event Guidelines*. The draft *Event Guidelines* require the development of a Bush Fire Emergency Evacuation Plan if the special event is located on bush fire prone land.

Following amendments to the *Event Guidelines* additional consultation was undertaken with the RFS who were invited to review the following documents:

- *Draft Temporary Events Application Form* including *Bushfire Prone Land Questionnaire*, (Appendix 6),
- *Proforma Bushfire Evacuation Plan* (Appendix 7), and
- *Draft Event Guidelines* (Appendix 8).

Advice received from the RFS, in their letter dated 10 April 2014, indicated that the RFS raised no concerns in relation to bush fire providing Council procedures relating to assessing bush fire impacts are implemented.

Further advice from the RFS dated 11 September 2014 confirmed that no concerns are raised in respect to bush fire. This is on the proviso that bush fire considerations are included in the application assessment process for public events under Section 68 of the *Local Government Act 1993*. Appropriate bush fire risk assessment processes have been included within Council's draft *Event Guidelines*.

The responses from the RFS are contained in Appendix 3.

NSW Trade and Investments – Crown Lands

The responses of Crown Lands dated 12 March 2013 and 14 August 2014 are contained in Appendix 4.

Crown Lands supported the original planning proposal in principle and commended Council for its intention to remove duplication of approvals and foster community based economic and social activities. Concern was however raised in respect to a

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then proposed provision which sought to limit the number of people attending *special events* on land zoned for environmental protection.

The then proposed 500 person limit has been deleted following consideration of this response and the difficulties associated with regulating such a limit.

Additional consultation was undertaken with Crown Lands due to changes made to the planning proposal since their advice dated 12 March 2013. In a response dated 14 August 2014 advice was provided that Crown Lands raised no objection in principle to the revised planning proposal.

Crown Lands also provided advice relating to the requirements for land owners consent in cases where a third party is the proponent instead of Council. It was indicated that it may be preferable for the Council or the Trust to be the proponent for local events as this would not require owners consent. This issue is however of no direct relevance to this planning proposal.

Part 4 - Mapping

The proposed amendment relates only to the written component of Council's local planning instrument (Ballina LEP 2012). As such, no mapping is proposed as part of the amendment.

Part 5 – Community Consultation

This planning proposal was exhibited from 24 September 2014 until 24 October 2014, in accordance with sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979*, as directed through the Department of Planning and Environment's Gateway determination process. No public submissions were received.

Part 6 – Project Timeline

The proposed timeline for completion of the planning proposal is as follows:

| Plan Making Step | Estimated Completion |
|---|-------------------------|
| Gateway Determination (Original) | December 2012 |
| Gateway Determination (Alteration) | August 2014 |
| Government Agency Consultation | August - September 2014 |
| Public Exhibition Period | October 2014 |
| Public Hearing (if required) | N/A |
| Submissions Assessment | November 2014 |
| RPA Assessment of Planning Proposal and Exhibition Outcomes | November 2014 |
| Submission of Endorsed LEP to DoP&E for Finalisation | N/A |

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| Plan Making Step | Estimated Completion |
|--|----------------------|
| RPA Decision to Make the LEP Amendment (if delegated) | January 2015 |
| Forwarding of LEP Amendment to DoP&E for Notification (if delegated) | February 2015 |

Appendices

Appendix 1 – Ballina Shire Council Events on Public Land Policy

POLICY NAME: EVENTS ON PUBLIC LAND
POLICY REF: E05
MEETING ADOPTED: 23 August 2012
Resolution No. 230812/24
POLICY HISTORY: (Previously Special Events Policy)



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OBJECTIVE

The objectives of this policy are to;

- Provide a documented process on how event organisers may obtain approval to hold an event on public land in Ballina Shire such as parks, open spaces or streets under the ownership and/or control of Ballina Shire Council.
- Ensure that event organisers are aware of Council's requirements so as to assist and encourage the efficient organisation of events; and
- Ensure that event organisers receive requisite approvals in a timely and orderly manner.

BACKGROUND

Events are conducted regularly in Ballina Shire, from street parades and marches, fun runs, cycle races, music festivals, cultural celebrations, sporting events, open air theatres, concerts, circuses and the like.

Ballina Shire Council values the importance of local events that aim to showcase the rich cultural diversity and history of our local Ballina Shire community and that deliver economic, social and environmental benefits. However council also recognises that events can have significant environmental and public safety implications. The premise to this policy is to promote good practice by event organisers so that the benefits to the community can be maximised and negative social impacts minimised or eliminated.

Event organisers are made to comply with a number of requirements as set out by Council's regulatory framework when conducting an event. Council anticipates that the following policy will be beneficial in providing a formal process to ensure such requirements are met.

This policy does not cover events held on private land; lodgment is required through a Development Application.

DEFINITIONS

The following definitions are applicable for the purpose of this policy:

| | |
|---------------------|--|
| Council | Ballina Shire Council |
| Event | Often one time, or infrequent occurrences of limited duration that provide the general public with leisure and social opportunities beyond everyday experiences. Events are distinct and organised programs usually of sporting, cultural, community or special interest group significance. |
| Public Land | Land under the ownership or care and control of Council |
| Private Land | Any land that is not public land |

Event Guidelines A document designed to assist event organisers with the Regulations and procedures associated with staging events on public land in Ballina Shire.

Long term Greater than one year and a maximum of three years

SCOPE OF POLICY

This policy applies to:

- Council employees
- Councillors
- Community members
- Not for profit community groups
- Commercial organisations
- Event organisers
- Sporting organisations

RELATED DOCUMENTATION

Related documents, policies and legislation:

This policy should be read in conjunction with;

- Application Form - Events on Public Land
- Event Guidelines
- Policy – Donations
- Policy – Festival & Event Support Program
- Policy - Markets

POLICY

Events held on public land in Ballina Shire such as parks, open spaces or streets under the ownership and/or control of Ballina Shire Council will require lodgement of a completed Events on Public Land Application Form. Applicants must refer to the Event Guidelines when completing an application.

Event applications may be subject fees and charges and/or ground bonds in accordance with Council's Adopted Fees & Charges.

Applications will be assessed with approval conditions issued in accordance with the Event Guidelines.

Assessment

In assessing applications staff will consider a range of assessment criteria including, but not limited to:

- Environmental impacts – potential damage to local flora and fauna and impact on the Council infrastructure
- Social impacts – impact on residential amenity, conflicts with other user groups and organisations, availability of land

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- Economic impacts – likely economic benefits and dis-benefits to the locality and the Shire.

When matters such as these cannot be resolved operationally, the event assessment may be reported to Council for determination.

Long Term Event Approvals

Existing events in the Ballina Shire requiring long term approval (for a maximum of three years) are to be processed operationally by way of the Events on Public Land Policy each year.

New events to the Ballina Shire requiring long term approval (for a maximum of three years) requires advice to Councillors and is to be processed operationally by way of the Events on Public Land Policy each year.

Provisions for Financial Support

Festival and Event Support Program

Council's Festival and Event Support Program provides funding to support festivals and events held within Ballina Shire. The annual allocation is based on the financial year, with community organisations and non-profit groups planning such festivals encouraged to apply. Applications typically open in December each year with funding announced in March. Refer to Council's Festival & Event Support Program Policy.

Community Donations Program

Council provides an annual allocation of funding through the Community Donations Program to assist community groups in the provision of services that benefit the community. Applications typically open in April each year with funding announced early in the financial year. Refer to Council's Donations – Financial Assistance Policy.

REVIEW

The Events on Public Land Policy is to be reviewed every 4 years.

Appendix 2 - Section 117 Direction Checklist

| Section 117 Direction Checklist Planning Proposal – Special Events (Exempt Development) | |
|--|--|
| DIRECTION NO. | Compliance of Planning Proposal |
| 1. Employment and Resources | |
| 1.1 Business and Industrial Zones | Consistent. |
| 1.2 Rural Zones | Consistent. |
| 1.3 Mining, Petroleum Production and Extractive Industries | Does not apply to planning proposal. |
| 1.4 Oyster Aquaculture | Does not apply to planning proposal. |
| 1.5 Rural Land | Consistent. |
| 2. Environment and Heritage | |
| 2.1 Environmental Protection Zones | Consistent. |
| 2.2 Coastal Protection | Consistent. |
| 2.3 Heritage Conservation | Consistent. Ballina LEP 2012 contains the provisions nominated within this Direction. |
| 2.4 Recreation Vehicle Areas | Consistent. |
| 3. Housing, Infrastructure and Urban Development | |
| 3.1 Residential Zones | Does not apply to planning proposal. |
| 3.2 Caravan Parks and Manufactured Home Estates | Does not apply to planning proposal. |
| 3.3 Home Occupations | Consistent. Home occupation provisions are already contained within Ballina LEP 2012. |
| 3.4 Integrated Land Use and Transport | Does not apply to planning proposal. |
| 3.5 Development Near Licensed Aerodromes | Justifiably inconsistent This planning proposal may affect land within the vicinity of a licensed aerodrome. This planning proposal is considered to be of minor significance and therefore is considered to be justifiably inconsistent with this direction. |
| 3.6 Shooting Ranges | Does not apply to planning proposal. |
| 4. Hazard and Risk | |
| 4.1 Acid Sulphate Soils | Consistent. Some public land contains acid sulphate soils. However, the requirement for approval for <i>special events</i> under Council's <i>Events on Public Land</i> policy enables assessment of this issue prior to an event occurring. Potential impacts on acid sulphate soils associated with signage are considered to be minimal. |
| 4.2 Mine Subsidence and Unstable Land | Does not apply to planning proposal. |
| 4.3 Flood Prone Land | Justifiably inconsistent The proposed exempt development provision may permit <i>special events</i> within the flood planning area. The proposed provisions are however considered to be of minor significance and therefore justifiably inconsistent with this direction. |

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| 4.4 Planning for Bushfire Protection | Consistent Consultation has taken place with the RFS as required and controls have been incorporated within Council's Local Government Act 1993 events approval processes which have satisfied the RFS. Integration will be completed once the planning proposal is finalised. |
| 5. Regional Planning | |
| 5.1 Implementation of Regional Strategies | Consistent. The planning proposal is consistent with the FNCRS. In particular the policy supports Ballina as a Developing Major Regional Centre. |
| 5.2 Sydney Drinking Water Catchments | Does not apply to Ballina Shire. |
| 5.3 Farmland of State and Regional significance on the NSW far North Coast | Consistent. |
| 5.4 Commercial and Retail Development | Consistent. Ballina LEP 2012 contains relevant provisions consistent with this direction. |
| 5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA). | Repealed. |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) | Repealed. |
| 5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1) | Repealed. |
| 5.8 Second Sydney Airport: Badgerys Creek | Does not apply to Ballina Shire. |
| 5.9 North West Rail Link Corridor Strategy | Does not apply to Ballina Shire. |
| 6. Local Plan Making | |
| 6.1 Approval and Referral Requirements | Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types. |
| 6.2 Reserving Land for Public Purposes | Consistent. |
| 6.3 Site Specific Provisions | Consistent. |
| 7. Metropolitan Planning | |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 | Does not apply to Ballina Shire. |

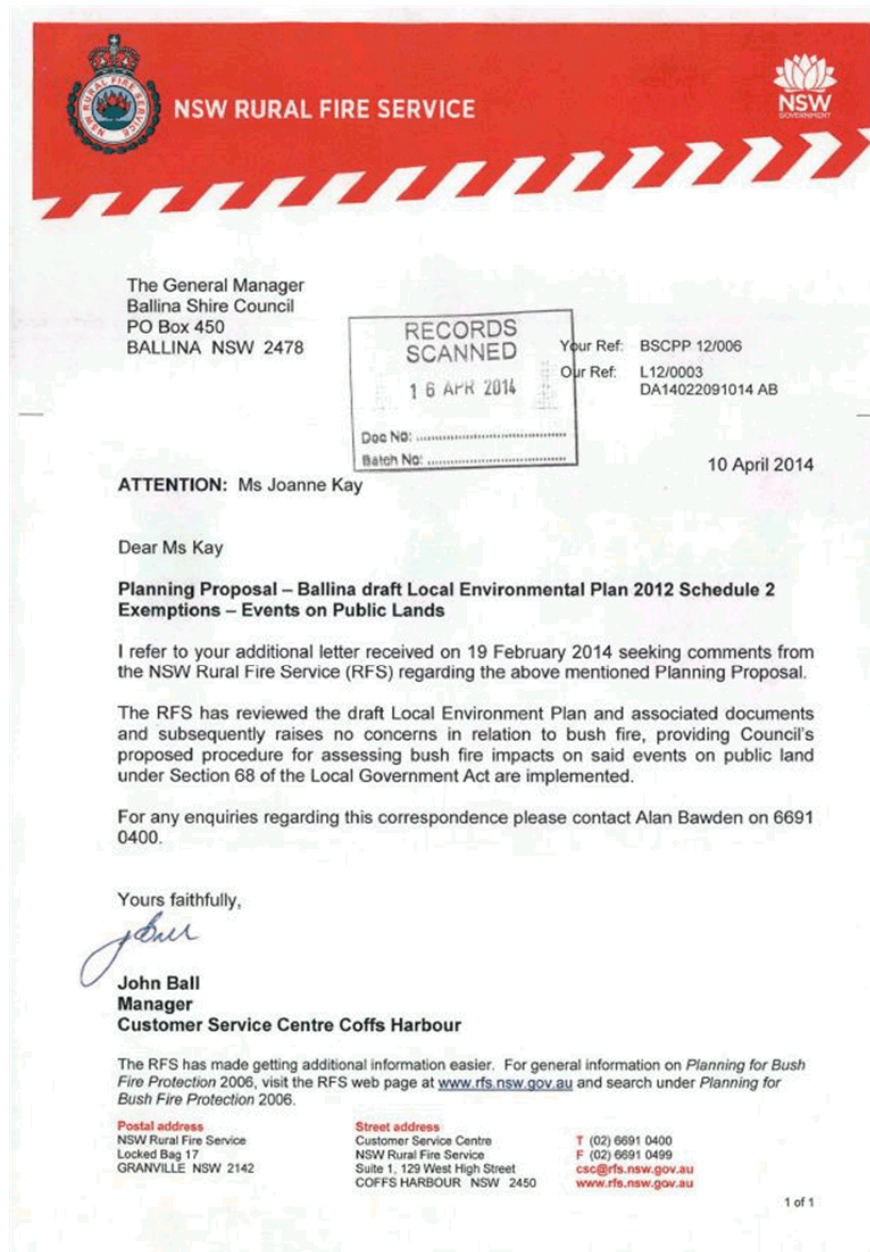
Appendix 3 – Rural Fire Service Responses, 11 September 2014, 16 April 2014 and 12 March 2013



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The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

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All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Telephone: (02) 8741 5555
e-mail: csc@rfs.nsw.gov.au

Facsimile: (02) 8741 5550



The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Your Ref: BSCPP 12/006
Our Ref: L12/0003
DA13010886059 AB

Attention: Ms Joanne Kay

7 March 2013

Dear Ms Kay,

Planning Proposal BSCPP 12/006: LEP 2012 Amendment, Schedule 2 Exempt Development - Events on Public Lands

I refer to your letter dated 15 February 2013 seeking the NSW Rural Fire Service comments under section 56 of the Environmental Planning and Assessment Act 1979 for the above mentioned Planning Proposal.

The NSW Rural Fire Service (RFS) understands the amendment is to include "events on public lands and ancillary signage" as exempt development in Schedule 2 of the Ballina LEP 2012. Further the proposed exemption applies to all public lands including road reserves and is to be applied Shire wide. The control of events on public lands will be managed through Ballina SC 'Events on Public Lands' policy with approvals granted under the Local Government Act.

The RFS notes that the amendment will incorporate public land that is identified as bush fire prone land on the Ballina Shire Bush Fire Prone Land Map.

The RFS objects to the proposed amendment on the following grounds:

1. The Planning Proposal has not considered the requirements of Director General S117(2) Direction 4.4 'Planning for Bush Fire Protection.

The Direction 4.4 sets out specific bush fire requirements to consider when drafting a LEP amendment. As 'events' maybe held on land mapped bush fire prone, Council must address the S177(2) direction.

2. The use of the exemption provisions in the LEP to 'reduce red tape' does not validate the exclusion of bush fire assessment for these proposed events.

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Council should consider either excluding events on bush fire prone land as exempt development or develop controls under the Local Government Act assessment and approval process.

If Council elects to prepare bush fire risk controls within the 'Events on Public Land' policy, the RFS should be consulted prior to the adoption of the amended policy.

The draft LEP 2012 amendment should not proceed until the 'Events on Public Land' policy has been accepted by the RFS.

For any enquiries regarding this correspondence please contact Alan Bawden on 6655 7002.

Yours faithfully,



John Ball
Manager – Customer Service Centre Coffs Harbour

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

Appendix 4 – NSW Trade and Investment – Crown Lands Response, 12 March 2013 and 14 August 2014



Our Ref: 07/3517-04
Your Ref: BSCPP 12/006 Special Events

12 March 2013

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Matthew Wood

Dear Sir

Re: Planning Proposal BSCPP 12/006 Special Events

I refer to your letter of 15 February 2013 regarding the above proposal to amend the Ballina Local Environmental Plan (LEP) 2012.

Crown Lands supports the proposal in principle and commends Council in its intention to remove duplication of approvals and foster community based economic and social activities many of which are located on Crown land in the Ballina LGA.

It is noted that Councils Events on Public Land Policy requires a thorough assessment to be undertaken, including environmental impacts, prior to the issue of a permit under Section 68 - Local Government Act and any approval is subject to conditions addressing possible environmental impacts.

Following the above, the main concern we wish to raise is in relation to Provision (5) which caps the number of people on land zoned for environmental protection purposes. Council would be aware of the concerns raised by Crown Lands with respect to the proposed environmental zoning in the Ballina LEP of substantial areas of coastal Crown land reserved for public recreation and/or having high public recreation values. It is appreciated that this matter is currently subject to review. However, depending on how this it is resolved, it is suggested Provision (5) may potentially be an unreasonable constraint on the approval of large events on coastal Crown land, such as surfing contests or carnivals, and thus compromise the intent of the proposal in such cases.

Trade & Investment | Crown Lands Far North Coast
Level 3, 49-51 Victoria Street, PO Box 272 Grafton NSW 2460
Tel: 02 6640 3400 Fax: 02 6642 5375
www.crownland.nsw.gov.au | ABN: 335 377 620 19

9.4 Planning Proposal - Special Events (Exempt Development).DOC

If you require any further clarification or assistance with this matter please don't hesitate to contact me by Ph: (02) 66403401.

Yours sincerely



Peter Baumann
Natural Resource Management Project Officer
Far North Coast

PAGE 2 OF 2

9.4 Planning Proposal - Special Events (Exempt Development).DOC

From: Peter Baumann [mailto:peter.baumann@crowmland.nsw.gov.au]
Sent: Thursday, August 14, 2014 11:57 AM
To: Klaus Kerzinger
Subject: TRIM: RE: Planning Proposal 12/006 Special Events

Hi Klaus

Further to our previous submission Crown Lands has no objections in principle to the revised planning proposal.

Please note that contemporary references to our agency (i.e. P.10) are currently Trade & Investment Crown Lands (no Division) or simply Crown Lands.

For formal references to the Minister (ie P.7) we generally use "the Minister administering the Crown Lands Act 1989" or if necessary the following definition "the Minister for the time being administering the Crown Lands Act 1989 or any act consolidating or replacing that Act"

Given the intention to streamline process it may be relevant to consider that land owners consent from the Crown is required for DAs on Crown land (including Crown land managed by Council) where a third party is the proponent (recognising that a public authority as proponent - including a Crown Reserve Trust - does not require owners consent) also land owners consent from the Crown is currently required for S68 – LGA applications involving Crown land. This adds to establishment time of approvals and fees. In many cases it is more effective and preferable for Council or the Trust to be proponent for approval of local events.

It may be useful to refer to the Crown Lands Legislation White Paper and Crown Lands Management Review which includes recommendations to streamline landowners consent. For further details see the link below;

http://www.lpma.nsw.gov.au/crown_land/comprehensive_review_of_nsw_crown_land_management

If you need any further details or other assistance please contact me.

Regards
Peter

Peter Baumann | Natural Resource Management Project Officer, Crown Lands
NSW Trade & Investment | Level 3, 49-51 Victoria Street GRAFTON 2460 | PO Box 2185 DANGAR NSW 2309
T: (02) 6640 3401 | F: (02) 6642 5375 | E: peter.baumann@crowmland.nsw.gov.au
W: www.crowmland.nsw.gov.au

Appendix 5 – Gateway Determination 15 December 2012 and altered Gateway Determination dated 12 August 2014.



Office of the Director General

Contact: Denise Wright
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Denise.Wright@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460
Our ref: PP_2012_BALLI_006_00 (12/18830)
Your ref: 12/47700

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Dear Mr Hickey,

Planning proposal to amend draft Ballina Local Environmental Plan 2011

I am writing in response to your Council's letter dated 20 November 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend draft Ballina Local Environmental Plan (LEP) 2011 to list special events and associated signage as exempt development.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Notwithstanding the above, Council is advised that public events are currently covered under s68 of the Local Government Act 1993.

Structures associated with events, such as marquees, tents and stages are currently provided for under the State Environmental Planning Policy (SEPP) - Temporary Structures and are proposed to be transferred into the Codes SEPP as part of the amendments currently being undertaken. Community notice and public information signs are also proposed to be transferred to the Codes SEPP. These amendments are anticipated to be finalised in the first quarter of 2013.

Council may therefore wish to amend the planning proposal, or not proceed with it following consideration of the existing and proposed legislation covering these land uses.

The amending LEP is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6455 Website: www.planning.nsw.gov.au



Should you have any queries in regard to this matter, please contact Denise Wright of the regional office of the department on 02 6641 6600.

Yours sincerely,

Sam Haddad

Sam Haddad
Director General

15/12/2012

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6455 Website: www.planning.nsw.gov.au



Ballina Shire Council Planning Proposal – November 2014
Special Events as Exempt Development

29



Gateway Determination

Planning proposal (Department Ref: PP_2012_BALLI_006_00): to list special events and associated signage as exempt development under draft Ballina LEP 2011.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to draft Ballina Local Environmental Plan (LEP) 2011 to list special events and associated signage as exempt development should proceed subject to the following conditions:

1. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Services
 - Department of Primary Industries – Crown Lands Division

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 15th day of December 2012.

SHaddad
Sam Haddad
 Director General
 Delegate of the Minister for Planning and Infrastructure

BALLINA PP_2012_BALLI_006_00 (12/18830)



Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Our ref: 14/13328
Your ref: BSCPP 12/006 (1396)

Dear Mr Hickey

Planning Proposal PP_2012_BALLI_006_00 – Alteration of Gateway Determination


I refer to your letter of 10 July 2014 in relation to revisions to Planning Proposal PP_2012_BALLI_006_00 for Special Events as Exempt Development across Ballina Local Government Area.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 15 December 2012 for PP_2012_BALLI_006_00, as altered. The Alteration of the Gateway determination is enclosed.

I also note that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. The Written Authorisation to Exercise Delegation is also enclosed.

If you have any questions in relation to this matter I have arranged for Ms Tamara Prentice of the Department's Grafton regional office to assist you. Ms Prentice can be contacted on (02) 6641 6616.

Yours sincerely

 12 August 2014
Stephen Murray
General Manager, Northern Region
Housing, Growth and Economics

Northern Region 49 Victoria St Grafton NSW 2460 Locked Bag 9022 Grafton NSW 2460
Telephone: (02) 6641 6600 Facsimile (02) 6641 6601 Website planning.nsw.gov.au




Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2012_BALLI_006_00).

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to alter the Gateway determination dated 15 December 2012 (as since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Change the description of the Planning Proposal
from "...to list special events and associated signage as exempt development..."
to "...to list special events as exempt development..."; and
2. Delete condition 5, and replace with a new condition 5:
"5. The timeframe for completing the planning proposal is by 22 March 2015."

Dated 12th day of August 2014.


Stephen Murray
General Manager, Northern Region
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning

BALLINA PP_2012_BALLI_006_00 (12/18830)



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ballina Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number | Name |
|----------------------|---|
| PP_2012_BALLI_006_00 | Planning proposal to list special events as exempt development. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated *12th August* 2014


Stephen Murray
General Manager, Northern Region
Housing, Growth and Economics
Department of Planning and Environment

BALLINA PP_2012_BALLI_006_00 (12/18830)

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

| Stage | Date/Details |
|---|-------------------------------------|
| Planning Proposal Number | PP 2012 BALLI 006 |
| Date sent to Department under s56 | 23 November 2012 |
| Date considered at LEP Review Panel (if applicable) | N/A |
| Gateway determination date | 15 December 2012 (as since altered) |

Table 2 – To be completed by the RPA

| Stage | Date/Details | Notified Reg Off |
|---|--------------|------------------|
| Dates draft LEP exhibited | | |
| Date of public hearing (if held) | | |
| Date sent to PCO seeking Opinion | | |
| Date Opinion received | | |
| Date Council resolved to adopt LEP | | |
| Date LEP made by GM (or other) under delegation | | |
| Date sent to DP&I requesting notification | | |

Table 3 – To be completed by the department

| Stage | Date/Details |
|-------------------------------|--------------|
| Notification Date and details | |

Additional relevant information:

Appendix 6 – Draft Temporary Events on Public Land Application Form

Temporary Events on Public Land Application

Lodge Applications at Ballina Shire Council | 40 Cherry Street | Ballina (Mon-Fri 8.15am to 4.30pm)
 mail PO Box 450 Ballina 2478 | dx 27789 | f 02 6681 1375 | e council@ballina.nsw.gov.au
 t 02 6686 4444 | w www.ballina.nsw.gov.au | abn 53 929 887 369



Important Note: Refer to the Event Guidelines document when completing the application

1. Applicant details

The applicant is the organisation, company or individual taking responsibility for management of the event and must be the holder of the public liability insurance.

| | |
|--|--|
| Applicant name: <input type="text"/> | ABN: <input type="text"/> |
| Postal address: <input type="text"/> | |
| Email address: <input type="text"/> | |
| Preferred method of contact for correspondence: <input type="checkbox"/> Email <input type="checkbox"/> Post | |
| Business phone: <input type="text"/> | Alternate phone: <input type="text"/> Mobile: <input type="text"/> |
| Event Manager: <input type="text"/> | Mobile: <input type="text"/> |
| Organisation type <input type="checkbox"/> Not for profit <input type="checkbox"/> Commercial company <input type="checkbox"/> Individual <input type="checkbox"/> Other: <input type="text"/> | |

2. Public liability insurance

It is essential that the hirer holds a minimum \$20,000,000 public liability insurance cover specific to the scheduled event. It is the responsibility of the hirer to verify with their insurer that their insurance policy terms will cover the proposed event.

| | | |
|---|---|---|
| Has a copy of the Certificate of Currency been attached to the application? | <input type="checkbox"/> Yes <input type="checkbox"/> No* | * Applications will not be accepted without a current Certificate of Currency |
|---|---|---|

3. Event details

| | | |
|---|---|--|
| Event name: <input type="text"/> | | |
| Location: <input type="text"/> | | |
| Event date/s: <input type="text"/> | | |
| Start time: <input type="text"/> | Finish time: <input type="text"/> | Anticipated attendance: <input type="text"/> |
| Target Market: <input type="text"/> | Website: <input type="text"/> | |
| Setup date and time: <input type="text"/> | Pack down date and time: <input type="text"/> | |

4. Description of event

| |
|-----------------------------------|
| Description: <input type="text"/> |
|-----------------------------------|

5. Food

| | |
|--|---|
| Will food be served or sold at event? | <input type="checkbox"/> Yes* – complete Question below |
| | <input type="checkbox"/> No – proceed to Question 6 |
| *Provide details: including gas use on site <input type="text"/> | |
| Complete Food Vendor form on page 7 | |

Privacy Protection Notice
 The completed temporary events on public land application form contains personal information which is being collected for the purpose of processing this application. The information will be processed by the Strategic and Community Facilities Group and may be made available to public enquiries under the Government Information (Public Access) Act. Provision of the information is voluntary, however, if insufficient information is provided, Council will be unable to process the application. The information will be stored in Council's electronic document management system.

9.4 Planning Proposal - Special Events (Exempt Development).DOC

| 6. Alcohol & Security | |
|--|--|
| Will alcohol be consumed, served or sold at event? | <input type="checkbox"/> Yes it will be consumed (BYO) OR |
| | <input type="checkbox"/> Yes it will be served or sold – refer to the NSW Office of Liquor, Gaming and Racing for licensing requirements |
| | <input type="checkbox"/> No – proceed to Question 7 |
| Liquor Licence holder name: | Phone: |
| Address: | Fax: |
| Provide number of dispensing and consumption areas to be available | Dispensing: _____ Consumption: _____ |
| List operating hours during event: | |
| How will boundaries of the dispensing and consumption areas be defined? | |
| What security measures will be taken to ensure the limitation of disorderly, unsafe conduct or underage drinking? <i>include number of guards, supplier and hours of operation</i> | |
| If the event located in an alcohol free zone? | <input type="checkbox"/> Yes* * provide details: <input type="checkbox"/> No |

| 7. Electricity | |
|---|---|
| If there is existing council controlled electrical facilities, do you require access? | <input type="checkbox"/> Yes* * provide details: <i>including access times</i> <input type="checkbox"/> No |
| Will generators be used at the event? | <input type="checkbox"/> Yes* * provide details: <input type="checkbox"/> No |
| Will you be engaging the services of a qualified electrician? | <input type="checkbox"/> Yes* * provide details: <input type="checkbox"/> No |

| 8. Amenities | |
|---|--|
| Will additional amenities be provided at event? | <input type="checkbox"/> Yes – complete below <input type="checkbox"/> No – proceed to Question 9 |
| How many portable toilets will be provided? | Male: _____ Female: _____ Disabled: _____ |
| Who will be supplying the portable toilet facilities? | Phone: _____ |
| Delivery date and time: | Collection date and time: |

| 9. Waste management | |
|---|---|
| Will additional bins be provided at event? | <input type="checkbox"/> Yes – complete below <input type="checkbox"/> No – proceed to Question 10 |
| Bins required | per 100 attendees |
| | per 100 attendees – if no food or drinks served/sold |
| | per 100 attendees – if food or drinks served/sold |
| over 1,000 attendees | 2 x 3m front loader skip bins and 2 x 240L recycle bin per 100 attendees |
| Types and number of bins supplied for event | <input type="checkbox"/> General waste Number of bins: _____ |
| | <input type="checkbox"/> Recycle Number of bins: _____ |
| | <input type="checkbox"/> Front load skip Number of skips: _____ |
| Bin supplier: | Phone: _____ |
| Delivery date and time: | Collection date and time: |

| 10. Water | |
|--|---|
| Is a town water supply available at event? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

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| | |
|--|--|
| 11. Temporary structure | |
| Will temporary structures be used at event? <small>stage, marquee, scaffolding, raised seating</small> | <input type="checkbox"/> Yes* – complete below <input type="checkbox"/> No – proceed to Question 12 |
| *Provide details of the structures: including size, usage and hours of operation | |
| 12. Live or Amplified Music or Public Address System | |
| Will any systems of amplification be used during the event? | <input type="checkbox"/> Yes* – complete below <input type="checkbox"/> No – proceed to Question 13 |
| *Detail the amplification: including activity taking place, direction of the speakers, hours of operation and type of equipment being used | |
| Has a noise management plan been developed? | <input type="checkbox"/> Yes* - please attach <input type="checkbox"/> No |
| *Detail how noise levels at the event will be monitored and minimised? amplified music must be contained within the event site. | |
| 13. Temporary road closures | |
| Will the event require temporary road/carpark closure? | <input type="checkbox"/> Yes* <input type="checkbox"/> No – proceed to Question 14 |
| Select relevant: | <input type="checkbox"/> Road closure <input type="checkbox"/> Carpark closure *provide details: |
| * A copy of a compliant Traffic Control Plan and/or Parking Plan prepared by an accredited Traffic Control provider must be attached to application. | |
| 14. Parking and public transport | |
| Is there ample parking on or near the site? | <input type="checkbox"/> Yes* – complete below <input type="checkbox"/> No |
| *Provide details: including disabled parking | |
| Are there plans for providing public transport? | <input type="checkbox"/> Yes* – complete below <input type="checkbox"/> No – proceed to Question 15 |
| *Provide details: | |

| 15. Vehicle access | | | | |
|---|---------|--|-------|--------------|
| Will vehicles require access on council land? | | <input type="checkbox"/> Yes* – complete below <input type="checkbox"/> No – proceed to Question 16 | | |
| *Where is access required? | | *Provide reason for access: | | |
| List all vehicles requiring access | Vehicle | Make | Model | Registration |
| | 1 | | | |
| | 2 | | | |
| Have emergency vehicular access points been identified? | | <input type="checkbox"/> Yes* – complete below <input type="checkbox"/> No | | |
| *List access points: | | | | |

| 16. Aquatic activities | |
|---|---|
| Will any water based activities be part of event? | <input type="checkbox"/> Yes* – complete below and contact Road and Maritime Services/Cape Byron Marine Park as permits may be required <input type="checkbox"/> No – proceed to Question 17 |
| *Provide details of all water-based activities: | |

| 17. Fireworks | |
|--|--|
| Will fireworks display be conducted at event? | <input type="checkbox"/> Yes – complete below. A licence from WorkCover must be obtained by your pyrotechnician. <input type="checkbox"/> No – proceed to Question 18 |
| Licensed operator supplying the fireworks | Telephone |
| Location where fireworks will be conducted | |
| Detail the fireworks launch site, exclusion zone and how this will be managed: | |

| 18. Amusement Rides | |
|--|---|
| Are you proposing to have amusement rides at event? | <input type="checkbox"/> Yes* <input type="checkbox"/> No – proceed to Question 19 |
| *Under Section 68 of the Local Government Act 1993, Council may be required to receive and review applications for approval to operate a specified Amusement Ride or Device. This requires lodgement of a separate Section 68 application. | |
| *Complete Application to Operate an Amusement Device on Page 8 | |

| 19. First aid and medical services | |
|---|------------------------|
| First aid service supplier/provider: | |
| Number of first aid personnel: | Start and finish time: |
| Detail arrangements for emergency responses and event access: | |
| How will all event related staff will be informed of the emergency evacuation plan: | |

| |
|--|
| 20. Environmental management |
| What steps will be taken to avoid environmental impacts? |

| |
|--|
| 21. Community safety |
| What security arrangements do you have in place for equipment left overnight due to setup/pack down or 2 day (or more) events? |
| Is additional lighting being provided? <input type="checkbox"/> Yes* – complete below <input type="checkbox"/> No |
| *Details: |

| |
|--|
| 22. Site damage |
| What steps will be taken to avoid site damage? |

| |
|--|
| 23. Access and equity compliance |
| Is the site accessible for wheelchairs and for people with disabilities? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Does the proposed promotional material for the event specify if the event is wheelchair accessible? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Will appropriate disability access toilets be provided? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Road/carpark closures: is adequate and suitable disability parking incorporated on the site plan? <input type="checkbox"/> Yes <input type="checkbox"/> No |

| |
|--|
| 24. Promotion and signage |
| Do you intend to erect any on-site banners/signs? <input type="checkbox"/> Yes* provide details: <i>permissible up to 7 days prior at the event site only</i> <input type="checkbox"/> No – proceed to Question 25 |
| *Details: |

| |
|---|
| 25. Wet Weather Alternative |
| Detail the contingency plans in case of inclement weather: <i>including method of notifying potential attendees</i> . |

| |
|---|
| 26. Risk Management Plan |
| It is essential that the hirer prepares a risk management plan specific to the scheduled event. A copy of the risk management plan must be lodged with this application. |
| Has a copy of the Risk Management Plan been attached to the application? <input type="checkbox"/> Yes <input type="checkbox"/> No* * Applications will not be accepted without a copy of the Risk Management Plan |

| | | | | | | | | | | | | | | | | | | |
|---|---|----------------------------|-----------------------|-------------------|------------------------|-------------------|---|------------|--|--|------------------------|--|-----------------|-----------------|--------------------------------|----------------|----------------|--|
| 27. Site Plan | | | | | | | | | | | | | | | | | | |
| Attach a site plan, which clearly indicates all of the following applicable to the event: | | | | | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td>• Emergency access points/evacuation routes</td> <td>• Power outlets/generators</td> </tr> <tr> <td>• Safe assembly areas</td> <td>• Amusement rides</td> </tr> <tr> <td>• Temporary structures</td> <td>• First aid posts</td> </tr> <tr> <td>• Security, crowd control and/or police locations</td> <td>• Lighting</td> </tr> <tr> <td>• Liquor consumption areas/non-alcohol areas</td> <td>• Amenities/portable toilet facilities</td> </tr> <tr> <td>• Site entrances/exits</td> <td>• Fireworks launch site/exclusion zone</td> </tr> <tr> <td>• Waste outlets</td> <td>• Market stalls</td> </tr> <tr> <td>• Parking and disabled parking</td> <td>• Water supply</td> </tr> <tr> <td>• Food vendors</td> <td></td> </tr> </table> | • Emergency access points/evacuation routes | • Power outlets/generators | • Safe assembly areas | • Amusement rides | • Temporary structures | • First aid posts | • Security, crowd control and/or police locations | • Lighting | • Liquor consumption areas/non-alcohol areas | • Amenities/portable toilet facilities | • Site entrances/exits | • Fireworks launch site/exclusion zone | • Waste outlets | • Market stalls | • Parking and disabled parking | • Water supply | • Food vendors | |
| • Emergency access points/evacuation routes | • Power outlets/generators | | | | | | | | | | | | | | | | | |
| • Safe assembly areas | • Amusement rides | | | | | | | | | | | | | | | | | |
| • Temporary structures | • First aid posts | | | | | | | | | | | | | | | | | |
| • Security, crowd control and/or police locations | • Lighting | | | | | | | | | | | | | | | | | |
| • Liquor consumption areas/non-alcohol areas | • Amenities/portable toilet facilities | | | | | | | | | | | | | | | | | |
| • Site entrances/exits | • Fireworks launch site/exclusion zone | | | | | | | | | | | | | | | | | |
| • Waste outlets | • Market stalls | | | | | | | | | | | | | | | | | |
| • Parking and disabled parking | • Water supply | | | | | | | | | | | | | | | | | |
| • Food vendors | | | | | | | | | | | | | | | | | | |

9.4 Planning Proposal - Special Events (Exempt Development).DOC

| 28. Application Attachments | |
|---|--|
| Ensure you have completed all sections of application – the following documents must be attached to the application | |
| <input type="checkbox"/> Certificate of Currency (Public Liability Insurance) | <input type="checkbox"/> Program of Activities |
| <input type="checkbox"/> Food Vendors List (if applicable) | <input type="checkbox"/> Traffic Management Plan/Parking Strategy and supporting documentation (if applicable) |
| <input type="checkbox"/> Noise Management Plan (if applicable) | <input type="checkbox"/> Waste Management Plan |
| <input type="checkbox"/> Application to Operate an Amusement Device (if applicable) | <input type="checkbox"/> Risk Management Plan |
| <input type="checkbox"/> Site Plan | |

| 29. Declaration | |
|--|-----------------|
| I declare that all information required and documents supplied in this application are true and correct and I am authorised to sign on behalf of the organisation. | |
| Name | Position |
| Signature | Date |

| 30. Lodgement | |
|---------------|--|
| In Person | Customer Service Centre: 8.15am to 4.30pm Monday to Friday (excludes public holidays). 40 Cherry Street Ballina |
| Mail | Ballina Shire Council PO Box 450 BALLINA NSW 2478 |
| Email | council@ballina.nsw.gov.au |

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9.4 Planning Proposal - Special Events (Exempt Development).DOC



Temporary Events on Public Land – Food Vendors List

| Event details | | | | | | | |
|----------------------|--------------------|---|-------------------------|--|-------------|-------------------|--|
| Event name | | Event Location | | | Event date | | |
| Event organiser name | | | | Event organiser contact number | | | |
| # | Food Business name | Name of council that issued the licence for this business | Current Food Licence No | NSW Food Authority Food Business Notification No | Expiry date | Type of food sold | Food business contact name, phone number and email |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |

7 of 8 Temporary Events on Public Land Application – Version updated 16 December 2013

7

Operate an Amusement Device Application Form

Lodge Applications at Ballina Shire Council | 40 Cherry Street | Ballina (Mon-Fri 8.15am to 4.30pm)
 mail PO Box 450 Ballina 2478 | dx 27789 | f 02 6681 1375 | e council@ballina.nsw.gov.au
 t 02 6686 4444 | w www.ballina.nsw.gov.au



| 1. Operator details | | |
|--|--------------------------------|-------------------------------|
| Name of Registered Owner/Operator of the device: | ABN: | |
| Postal address: | | |
| Email address: | | |
| Preferred method of contact for correspondence: | <input type="checkbox"/> Email | <input type="checkbox"/> Post |
| Business phone: | Alternate phone: | Mobile: |
| On-site contact name: | Mobile: | |

| 2. Amusement device details |
|--|
| Type of amusement device: |
| Manufacturer or sole importer of amusement device: |
| Date of device first registration: |

| 3. Registration details | | |
|--|--|--|
| Registration Number: | State of Issue: | Expiry Date: |
| Name of Registered Owner: | | |
| Address of Registered Owner: | | |
| Has a copy of the Registration Certificate been attached to the application? | <input type="checkbox"/> Yes <input type="checkbox"/> No* | * Applications will not be accepted without a copy of the current Registration Certificate |

| 4. Location details | | |
|---|-------|-----|
| Location(s) for the operation of amusement device: | | |
| Proposed period of operation: | From: | To: |
| Name all individuals trained to operate the amusement device during the period applied for: | | |
| 1. | | |
| 2. | | |
| 3. | | |

| 5. Amusement device insurance details | | |
|---|--|---|
| It is essential that the hirer holds a minimum \$10,000,000 public liability insurance cover for the specific device. It is the responsibility of the operator to verify with their insurer that their insurance policy terms will cover the proposed device. | | |
| Has a copy of the Certificate of Currency been attached to the application? | <input type="checkbox"/> Yes <input type="checkbox"/> No* | * Applications will not be accepted without a current Certificate of Currency |

Appendix 7 – Draft Emergency Evacuation Plan Proforma

BUSHFIRE EMERGENCY EVACUATION PLAN – PRO FORMA

Please fill in details as required.

Event Details

Event Name:

Date:

Location:

Identification of Emergency Roles for Event Staff & Emergency Contact Numbers

The following outlines roles and responsibility regarding the implementation of the Emergency Procedures in the event of a bushfire.

| | Area of Responsibility | Name & Mobile Phone Number |
|---|--|----------------------------|
| Event Organiser (or nominated representative) | <p>Prior to the commencement of an event, the event organiser (or nominated representative) is to:</p> <ul style="list-style-type: none"> • Check Fire Danger Rating for the day of the event and if a Total Fire Ban has been declared. If A Total Fire Ban is in place, consult with the Rural Fire Service Control Centre or call 1800 679 737 to determine if the event should proceed. • Consult with emergency services if deemed necessary. • Review site plan for evacuation/shelter to ensure it meets the environmental conditions of the day. <p>On becoming aware of a bushfire:</p> <ul style="list-style-type: none"> • Ascertain the nature of the bushfire and determine appropriate action, including whether the event is to be cancelled. • Ensure that the appropriate fire service has been notified. • Communicate with Event Assistant/s • If necessary, initiate evacuation and control entry to affected area. • Ensure the progress of the evacuation and any action taken is recorded in an incident log. • Brief the fire service personnel upon arrival on type, scope and location of the bushfire and the status of the evacuation and, thereafter, act on the senior officer's instruction. | |
| Event Assistant/s | <p>Assist the Event Organiser (or nominated representative) with assessment of fire rating for the day of the event, prior to event commencing.</p> <p>On becoming aware of a bushfire:</p> <ul style="list-style-type: none"> • Communicate with Event Organiser (or nominated representative). • Secure location and assist with evacuation of all persons in Area of responsibility. • Act on Event Organiser (or nominated representative) instructions. | |

Emergency Contact Numbers

| Name of Organisation | Name/ Place of Contact | Phone Number |
|--|---|--------------|
| NSW Rural Fire Service | Local Fire Control Centre (weekdays only) | 66 843 662 |
| | NSW Rural Fire Service Information Line | 1800 679 737 |
| Ballina Fire Station (Fire & Rescue NSW) | General enquiries | 6686 2038 |
| | Emergency | 000 |
| NSW Police Service (Ballina) | Open 24 hours | 66 818 605 |
| Ballina Shire Council | General Inquiries | 66 864 444 |
| | After Hours | 66 266 954 |
| State Emergency Services | Emergency | 132 500 |
| NSW Ambulance Service | Ballina | 000 |
| Lismore Base Hospital Ballina District Hospital | General Inquiries | 66 218 000 |
| | | 66 862 111 |

All fires to be reported to 000

Triggers for Evacuation and Identification of "Safe Refuge Areas"

In the event of a bushfire, a decision is made well in advance to either: EVACUATE the occupants of a premise to another location away from the effects of the bushfire or to SHELTER-IN-PLACE and have those occupants move to a safe refuge on-site.

This decision is a matter of safety and needs to consider the proximity to vegetation, time required to transport people from one place to another, availability of transportation, or whether there is a location on-site that would be safer for the occupants to congregate.

In the case of an event held on public land the decision to trigger the plan would likely involve moving event participants into a safe refuge area in proximity of the site where the event is held (i.e. EVACUATE). However, there might be situations when the decision is made to move to event participants a safe refuge on-site (i.e. SHELTER-IN-PLACE).

Please tick the relevant evacuation trigger you are planning to implement in case of a bushfire emergency:

EVACUATE SHELTER-IN-PLACE

Your Site Plan needs to clearly identify a safe assembly area and escape routes in case of a bushfire emergency. In the case of fun runs, charity walks and the like, which are held along stretches of beach, foreshores, established walking trails and footpaths; organisers must identify several refuge/assembly areas along the route. Examples of refuge/assembly areas may include sports grounds, parks, beaches, car parks, etc.

Have you identified the following features on your Site Plan?: (Each box must be ticked indicating completion of task)

Safe assembly area or areas

Evacuation route or routes

Site Map Attached

Emergency Procedure

During a bushfire emergency, identify the procedures, which are to be adhered to in the event of an evacuation. For example, the following actions should be included at a minimum:

- The 'Event Organiser' (or nominated representative) should
 - Ensure communications i.e. mobile phone on hand
 - Remain calm and explain to the participants what is happening
 - Monitor local radio (ABC local radio on 94.5 FM) and public service announcements
 - Ensure that all persons are informed of the evacuation process and initiate the evacuation in accordance with agreed sequence
 - Advise the local emergency service that the site is being evacuated and that all participants (include how many) are sheltering in a safe refuge/assembly area or areas
 - Shall be identifiable with appropriate attire
- The 'Event Assistant/s' should
 - Ensure all persons are accounted for
 - Assist all persons in his/her area to evacuate
 - Report to the 'Event Organiser' (or nominated representative) and assist the 'Event Organiser' (or nominated representative) wherever required
 - Shall be identifiable with appropriate attire

Communication

It is expected that the event organisers would have the required communication tools to ensure that all emergencies are attended to promptly. This is particularly important when running events such as fun runs and charity walks, where there is a potential for exhaustion or injury to occur and, thus the requirement to communicate promptly to emergency personnel so they can attend promptly to the emergency. The same communication procedure would apply in the case of a bushfire emergency.

Have the event organisers implemented a communication procedure to ensure that all emergencies are attended to promptly?

Yes

Training

To ensure that operational procedures are followed in an orderly manner during an emergency, it is crucial for all members of the emergency team to be thoroughly familiar with what is expected of them. For this to occur, it is necessary for event staff to be educated on the emergency procedure, to understand roles and responsibilities, and to undertake regular exercises to test the emergency procedure. It is recommended, that event organisers consider undertaking fire drills on a regular basis.

Further Information

Further information on general Bushfire safety and management can be found at the Rural Fire Service (RFS) website <http://www.rfs.nsw.gov.au/>

RFS publications and fact sheets can be found at http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=192

Information on Total Fire Ban and Current Fire Danger Map can be found at the RFS website http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1109

Your nearest Fire Control Centre is:

Ballina Rural Fire District

Street Address: 70-90 Station Str
Mullumbimby 2482

Postal Address: PO Box 219
Mullumbimby 2482

Phone: 6684 3662

Fax: 6684 3959

I, the undersigned, as Event Organiser, understand the requirements for event bushfire management. I also understand the roles of both the Event Organiser and Event Assistant/s, and requirements to be implemented.

Signature

Date

DRAFT

Appendix 8 – Draft Event Guidelines



Event Guidelines
Prepared by Ballina Shire Council

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1. INTRODUCTION

The Event Guidelines are designed to assist event organisers with the regulations and procedures associated with staging events in parks, open spaces or public roads under the ownership and/or control of Ballina Shire Council.

2. APPLICATION & APPROVAL PROCESS

2.1 Application Form

Applications are to be lodged via the 'Events on Public Land Application Form'. To allow sufficient processing time, organisers are encouraged to lodge applications up to 3 months prior to the proposed event.

Events that include a temporary road closure will need to submit an application a minimum 4 months prior to the event.

Venue availability is often a determining factor, so applicants are encouraged to lodge their applications with as much notice as possible.

Restrictions relating to Events certain land

Events conducted upon bushfire prone land are required to provide additional details. Section 16 provides more information in regard to the location of bushfire prone public land and additional details required. Events on public land, which are located on identified bushfire prone land, may not be permitted to proceed during total fire ban days, despite being granted an approval pursuant to this approval process. The event organiser will need to contact the local Rural Fire Service (RFS) Control Centre on total fire ban days prior to the event proceeding (further detail provided in Section 16).

2.2 Fees & Charges

Applicants may be subject to fees and charges and/or ground bonds in accordance with Council's adopted Fees and Charges. Further information is available on Council's website www.ballina.nsw.gov.au.

2.3 Approval Conditions

Applications will be assessed within one month of lodgement. Organisers may be required to attend a meeting with Council staff to discuss the issued approval conditions.

Council may refuse applications where insufficient information is provided, events are deemed a hazard to the general public and/or the environment or where Council believe there is lack of event management skills and experience held by the applicant.

3. YOUR RESPONSIBILITIES

3.1 Event Organiser

An event organiser is defined as the legal entity responsible for the event, that is, the entity who has taken out public liability insurance coverage specific for the planned event.

4. PERMITS & REGULATIONS

Depending on the elements in your event, there may be approvals, permits or licences required.

4.1 Ballina Shire Council Approvals

- **Event Approval** under Section 88 of the *Local Government Act 1993*
Permission to hold an event on public land under the ownership or care and control of Council.
- **Venue Hire**
Bookings for all Council managed outdoor venues, reserves or sporting grounds. Liaison may be required with local sporting organisations before a booking can be confirmed.
- **Development Application** for Temporary Structures
In some cases large events may require a Development Application (DA) for the erection of temporary structures, which exceed the exempt development size limits contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). A DA can take up to 12 weeks to be processed. Annexure 1 contains an extract from the SEPP, current as at 9 July 2014, relating to temporary structures which are exempt development.
- **Food Vendor Permits** i.e. market stall holders, vendors
All food traders at the event shall be registered with Ballina Shire Council or their home Council. A list of food vendors is to be supplied to Council upon application.
- **Noise Regulations** i.e. amplified music
Set up, operate or use a loudspeaker or sound amplifying device
- **Temporary Road Closures** – (Issued under Section 138 under *Roads Act 1993*) – Occupying the Road Reserve / Temporary Road Closures from the Local Traffic Committee
Application for a road closure is made via a **separate** submission to the Ballina Shire Local Traffic Committee.
- **Amusement Rides & Inflatables** (in conjunction with WorkCover)
Council may be required to review applications for approval to operate specified Amusement Rides or Devices. This requires lodgement of a **separate** Section 88 Application.
- **Fireworks** (in conjunction with WorkCover)
The licensed pyrotechnician you engage must notify Council at **least seven working days** prior to the display. While notice must be given to council of an intention to use any firework, council has no power to approve the use of fireworks. However, council may object to or impose conditions on an applicant's use of fireworks. Council can object to a proposed fireworks display where sites are deemed unsuitable and/or there are concerns of any potential environmental or social impacts.

4.2 External Agency Approvals

You may also require the following additional services to be provided as part of your event. Applications for the following services can be made direct to each respective service provider;

- Temporary Event Liquor Licences (Office of Liquor, Gaming and Racing)
- Fundraising Authorisations (Office of Liquor, Gaming and Racing)
- Notice of Public Assembly (NSW Police)
- User Pays Police (NSW Police)
- Road Occupancy Licence, Special Event Clearways (Roads & Maritime Services)
- Events on Waterways (Roads & Maritime Services)
- Cape Byron Marine Park i.e. permission to use Seven Mile Beach and waters north of Lennox Head Headland
- Civil Aviation Safety Authority and Air Traffic Control (Brisbane Centre) i.e. air based activities and helicopter landings

5. INSURANCE & RISK MANAGEMENT

5.1 Public Liability Insurance

It is a requirement of Council's insurer that the event applicant provide to Council a copy of their **Public Liability Certificate of Currency for a minimum \$20 million dollars**. Council may request higher coverage. Upon receipt of the Certificate of Currency, Council's Risk Department will review the policy to ensure it aligns with Council's insurers requirements. It is the applicant's responsibility to ensure all sub contractors hold adequate insurance specific to the work or activity being carried out.

5.2 Risk Management

Risk management is now a significant consideration in event planning. During the planning stage it is essential that you develop a **risk management plan** for the event. Once this is developed it is important that the risks continue to be monitored and reviewed.

The risks you identify will depend on the nature of the event. These could include but are not limited to:

- Inadequate first aid facilities and planning
- Financial - from cost overruns, cancellation or poor attendance on event day
- Reputation damage through non-arrival of performers or deliveries of goods
- Equipment failure
- Property damage or loss
- Inadequate security and cash handling procedures
- Lack of appropriate alcohol or gaming licence
- Food poisoning
- Lost children or inadequate child protection and supervision measures
- Breach of noise restrictions
- Lack of security plan identifying how to manage assets, crowd control and/or undesirable behaviour
- Larger than expected crowds and inadequate crowd management
- Sun exposure or adverse/extreme weather and changes during the event
- Injury, explosion or fire caused from inadequate fireworks planning
- Inadequate emergency response planning, including lack of planning to manage a potential bushfire emergency
- Inadequate signage resulting in breach of safety and road regulations
- Inadequate traffic, roads and pedestrian management planning
- Inexperienced organisers resulting in poor event management

Please be aware that Council may cancel an event approval at short notice in the case of a severe weather event.

Early planning for a potential emergency will ensure that your event runs smoothly and the safety of all event attendees is maintained.

5.3 Bushfire Risk Management

It is the responsibility of the event organiser to ensure that all event attendees can be promptly evacuated to a place of safety in the event of an emergency. Event organisers are required to prepare an evacuation plan in the case of any emergency, including bushfire. If your event is to be held on bushfire prone land as identified in Section 16.5, a bushfire evacuation plan must be prepared for implementation in case of a bushfire emergency.

5.4 Incident Reporting

It is advisable to have a system in place at your event to **record incidents** or accidents that may occur. It is important that everyone working at the event has a clear understanding of how to record incidents and what to do with this record at the end of the event. Council must be notified of any incidents that have been notified to the event organiser.

5.5 Work Health & Safety

Event organisers have a **duty of care** to provide a safe environment in which staff, volunteers, performers and contractors can work. Depending on the nature of the event, you will have certain legislative responsibilities that you must adhere to. Reference to the following publications can assist in determining your responsibilities;

- *Work Health & Safety Act 2011;*
- *Work Health & Safety Regulation 2011;*
- *Codes of Practice*
- *Australian Standards*
- *NSW WorkCover Guidance Material*

Contact WorkCover to discuss your responsibilities in relation to the workplace health and safety issues relevant to your particular event. Go to www.workcover.nsw.gov.au or phone WorkCover NSW on 13 10 50.

Draft

6. EVENT SITE

6.1 Suitability

The event site will need to be carefully assessed to ensure it is suitable for the event. A number of factors will need to be considered, these include, but are not limited to; venue capacity, facilities, parking, access, exposure to strong winds, potential bushfire hazard and/or venues adjacent to residences. The site should not have the potential to become waterlogged or be subject to flash flooding in the event of a sudden storm.

In the case of an emergency (including a potential bushfire), the site plan must clearly identify safe assembly areas and escape routes. Site plans for bushfire prone land (refer to Section 10.5) must identify the nearest refuge open space areas adjacent to the potential hazardous vegetation (eg. roadway within 20 metres of vegetation or beach area within 50 metres of vegetation) and water bodies.

6.2 Electricity Supply and Installation

Electricity is available at selected parks and reserves and will need to be sufficient to cater for the event, including the needs of anticipated food vehicles/stalls/amplified music. For some larger events where electricity supply is limited, or in areas where there is no electricity, a generator will be required for power supply. A site inspection will determine if there are Council controlled electrical facilities in appropriate locations at the event site. Electrical work is to be carried out by an appropriately qualified and insured electrician.

If your event will be held at night it is essential to ensure walkways and exits are adequately lit in case of an emergency evacuation and to provide safe access to and from the site. You should also ensure you have back-up generators to provide adequate lighting in case of a blackout. Details of existing and proposed lighting for night-time use must be submitted with your application.

6.3 Accessibility

To make your event as inclusive as possible it should be accessible to people with a disability. To maximise accessibility, the event site should be able to facilitate:

- public and/or private transport to and from your event,
- parking areas for people with a disability,
- accessible facilities such as toilets and food and drink counters,
- viewing areas for people with a disability,
- access for emergency vehicles,
- wide entrance and exit paths, and
- information in large print for people with sight impairment.

6.4 Temporary Residencies

Council will not normally permit a temporary residence on public land. The only instance where a temporary residence may be considered is for the provision of overnight security and for the tending of animals.

6.5 Pollution Control

It is the responsibility of the event organiser to ensure that in the preparation for, and during the event, land contamination, air and/or water pollution does not occur. Details of measures taken to prevent such issues should be provided with your application.

6.6 Site Plan

It is necessary for the event organiser to carefully consider the layout of the event site in the context of existing site features. The layout will need to take into account access for emergency vehicles (fire trucks, police and ambulances), traffic management (public parking, disabled parking and pedestrian access), access for servicing of garbage receptacles and toilets, first aid facilities, movement in and out of the site by stallholders and staff and sufficient space for free movement of the public.

The site plan must provide an overview of the proposed event. The site plan must be drawn to scale and clearly show where the event will be staged and contain details of the locations of all entrance, exits and facilities etc.

The site plan needs to clearly identify a safe assembly area and escape routes in case of an emergency (including a potential bushfire).

The content of your site plan should reflect the various aspects of your event. Some suggested inclusions are locations of:

Structures & Site Features

- the stage and other structures, such as barricades, screens etc
- scaffolding
- the event coordination centre and emergency response room
- entertainment areas / restricted access areas
- liquor outlets including approved liquor consumption areas / no-alcohol (dry) areas
- food vendors/stalls
- toilets, including accessible toilets
- sound and lighting control points
- on bushfire prone land – vegetation location and water bodies i.e. ocean, creek, river, bay

Access and thoroughfares

- all entrances and exits
- safe assembly evacuation areas
- access for emergency vehicles (fire, trucks, police and ambulances), including routes around and through the event used by vehicles
- on bushfire prone land (refer to Section 16.5) the nearest refuge open space areas adjacent to the potential hazardous vegetation (eg. roadway within 20 metres of vegetation or beach area within 50 metres of vegetation)
- routes around and through the event used by vehicles, including emergency access
- paths and lighting for pedestrians
- parking (if on bushfire prone land, ensure that parking does not occur in proximity of areas with long dried grass and/or unkempt dried vegetation.)
- parade route
- accessible points for persons with a disability, including ramps and wheelchair-accessible routes

Facilities

- fire-fighting equipment
- free drinking water points
- secure areas for storing lost property, prohibited and confiscated goods
- areas for staff / volunteers / lost children
- electricity and stand-by generators
- shelter and shade
- security guards
- waste receptacles and recycling facilities
- toilets
- first aid facilities
- facilities for people with a disability
- public address systems
- location of nearest hydrants
- any static water supplies proposed in non-town water reticulated areas e.g. tanker facilities (ensuring sufficient water supplies are available for fire fighting where events are on bushfire prone land).
- location of open flame charcoal/gas or electric cookers (avoiding locating these facilities in close proximity to fuels and dried up vegetation to avoid a potential bushfire ignition).

Volunteers/staff

- car park attendants
- Event Organiser (or nominated representative) and Assistant/s for Emergency Response

7. NOISE MANAGEMENT

Balancing a need for entertainment with the community's right to enjoy reasonable quiet can be a challenge. Generally all events are required to comply with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008*.

However Council can approve an event which will exceed the prescribed noise levels if satisfied that the event will be run and managed in such a way as to minimise any impacts on nearby residential areas.

For major events noise prediction information and a noise management plan will be required to be supplied by the event organiser with the event application for Council's approval.

Even smaller events may be required to prepare a noise management plan and distribute a community notification leaflet, see below, if a noise impact is anticipated.

7.1 Noise Prediction

Events which are likely to affect a significant number of residents around the venue need to be assessed for potential noise impacts. Therefore, a noise prediction report should be included in the application. Noise level predictions are commonly performed using a computer model but for small scale events 'hand' calculations may be acceptable.

Noise prediction reports should contain the following information:

1. Venue details.
2. Likely environmental conditions.
3. Equipment location and type.
4. Where barriers are positioned for sound attenuation.
5. Proposed sound levels for a worst case scenario.
 - a. At the mixing desk and nearest noise sensitive premises.
 - b. Distance from mixing desk to the stage loudspeakers.
 - c. Noise modeling or other predictions expressed graphical detail on a map of the venue and including affected outside areas showing noise level contours.
6. Analysis, conclusion and recommendations.

7.2 Noise Management Plan

Noise management plans can provide reassurance at an early stage to all parties that the event is likely to be well managed. Noise management plans should consider measures that will reduce the event's noise impact on the community, such as:

1. *Maximum approved sound levels at the mixing desk and noise sensitive occupiers*

2. *Stage and venue design and layout*

The natural features of the stage and venue location should be used to reduce the noise exposure of affected residential premise. The stage should be arranged so that:

- a) the stage music is directed away from noise sensitive premises.
- b) the flying speakers point towards the ground.
- c) the largest distance possible occurs between the noise source and receiver.
- d) potential physical or natural barriers are used to screen any noise.

3. *Time and duration of the event*

Control over the start and finish times and duration of the event will reduce the noise impact on noise sensitive occupiers.

4. *Sound monitoring and reporting*

Sound monitoring must be performed for the duration of the event by a suitably qualified acoustic consultant. It will include sound checks at the stage mixing desk and at least one location outside the venue at noise sensitive premises. The monitoring should be continuous and recorded.

A report should be submitted to the approving authority approximately seven (7) days after the event to assess whether the approval conditions were met.

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The Council may also conduct random compliance checks. Council may undertake noise monitoring at the mixing desk and outside the venue, including the boundary of neighbouring stakeholders to assess the overall noise impact of the event. Any complaints may be responded to separately or in liaison with stakeholders.

5. Community notification leaflet

The community notification leaflet should be drafted by the promoter and checked by Council prior to circulation. It should be issued seven (7) days before the event to give occupiers adequate notice time and it should be written clearly in a positive manner. Details should include:

- a) Venue name and location
- b) Dates, start and finish times
- c) Attended complaint telephone service numbers
- d) Other useful information to occupiers such as the event receiving approval from the Council and being subject to a noise management plan, which can serve to reassure the public that the event is being well managed,
- e) Any relevant non-noise related information such as traffic management, security and public transportation catering to the event.

The distribution area of the leaflets will be negotiated with the Council and will depend on the likely impact area of the event.

In addition to using leaflets some events may be required to notify the public via newspapers or other media as required by the authority. The use of media may be appropriate if the area of noise impact is very large.

6. Complaint records and response procedures for staff

Applicants must maintain a record of complaints, including the names and addresses of complainants (if provided), times, dates and type of noise. The information should be passed on to others for action or be available at the request of Council's authorised officers. A procedure should be created for all relevant staff. Event management and the acoustic consultant responsible for noise management are to be kept informed of all noise complaints.

8. TRAFFIC & TRANSPORT ISSUES

You will need to contact Council to discuss the possible traffic and transport issues that could arise as a result of your event activity. This includes setting up (bump-in) and dismantling (bump-out) the event site.

8.1 Traffic Management / Control Plans

If you anticipate that your event will have an impact on traffic and/or transport then you will be required to develop a **Traffic Management / Control Plan** (TMP or TCP). This plan needs to address road and traffic related matters, including for example: vehicle numbers, turning movements, parking, effects on surrounding roads and pedestrian access. Your event may not require road closures, but still may require a Traffic Control Plan (TCP) or be referred to the Local Traffic Committee (LTC) for approval. You should begin discussing your TMP / TCP with Council as soon as practicable but **no later than 4 months** prior to the event. All Traffic Management / Control Plans are to be prepared by a licensed Traffic Control Company in accordance with the current Traffic Control at Works Sites Manual and are to be submitted to Council for approval as part of the application.

8.2 Road Closure - Ballina Shire Local Traffic Committee

An application for a major special event that includes a road closure will be referred to Council's Traffic Committee. The Committee is made up of representatives of Council's Civil Services Group, the NSW Police and the Roads and Maritime Services (RMS). The Committee will give advice on the acceptability of a proposal, necessary amendments to the proposal, and the requirements for a Traffic Control Plan (if needed). Most special events in Ballina Shire are unlikely to require detailed and complex Traffic Management Plans.

An application for a major event should be submitted to Council at least 4 months prior to the date of the proposed event, given that Council's Local Traffic Committee meets every 2 months.

8.3 Parking

It is important to provide sufficient parking for people attending and working at your event. If your event is not accessible by scheduled public transport it may be necessary to provide shuttle bus services and/or additional parking facilities. If you need to set up additional parking areas, certified traffic marshals may be required. Remember suitable Disabled parking is to be provided in close proximity to the event. In addition, if on bushfire prone land, ensure that parking does not occur in proximity of areas with long dried grass and/or unkempt dried vegetation.

8.4 Public Transport

An event that is serviced by public transport benefits from:

- a reduction in congestion on roads around the event,
- having less parking facilities required for private cars, and
- easier access for people who cannot travel by car.

9. FOOD VENDORS

All food suppliers, including not-for-profit and charity fundraisers, are required to sell safe and suitable food in compliance with the Food Standards Code (the Code). The NSW Food Authority publishes the *Guidelines for Food Businesses at Temporary Events* which provides minimum standards for the preparation, display, handling and labelling of food and beverages in line with the Code.

It is important to be familiar with Part 3.2.2 (Food Safety Requirements) of the Code, which is particularly relevant to events. Among other things, it relates to the storage, processing, display and distribution of food; the skills and knowledge of food handlers and their supervisors; the health and hygiene of food handlers; and the cleaning and maintenance of premises and equipment.

You must always consult with Council to obtain approval for the sale of food and beverages and for the installation of temporary food stalls. Part 3.2.3 (Food Premises and Equipment) of the Code should also be consulted. It gives guidance on complying with the food safety standards in relation to the construction and fit-out of food stalls, premises and transport vehicles, as well as other necessary services such as water, waste disposal, lighting, ventilation, cleaning and personal hygiene facilities. The Guideline should also be consulted for recommendations on the location of food stalls and minimum standards for stall construction. An adequate supply of potable (town supply) water is to be available either from town mains or from supply tanks/containers at each food vehicle or stall.

Water used for any activities in the preparation of food, personal hygiene, cleaning and sanitising must be of a potable standard. Non-potable water may be used for cleaning and similar uses only where it will not compromise the safety of food on the premises.

Details of the appropriate Standards can be accessed via Food Standards Australia New Zealand www.fsanz.gov.au or by contacting Council's Environmental Health Officer on telephone 6888 1210.

If you are serving food you are required to notify the NSW Food Authority and a notification form can be completed online. Not-for-profit fundraising suppliers are exempt from this notification requirement. Food businesses of the type generally involved in temporary events are not required to hold a NSW Food Authority Licence. For more information on notifying the NSW Food Authority on telephone 1300 552 406 or for online notification go to www.foodnotify.nsw.gov.au.

Food vendors that sell unpackaged, ready-to-eat, potentially hazardous foods are required to appoint a Food Safety Supervisor. For further details visit www.foodauthority.nsw.gov.au or contact Council's Environmental Health Officer on telephone 6888 1210.

Certain liquor licences also require that food must be available if liquor is served.

Written evidence should be supplied to Council at least 2 weeks prior to the event listing all food stall vendors secured. Vendors that reside outside of Ballina Shire require evidence of proof of current registration. Evidence should also be supplied that vendors have notified the NSW Food Authority.

The gas installation on any food vehicle shall be installed by a licensed gasfitter. The installation shall comply with the appropriate provisions of Australian Standard 1596-1997 Storage and Handling of LP Gas and Australian Standard 5601-2010 Gas Installations (or most recent editions). The Australian Dangerous Goods Code 1998 (Federal Office of Road Safety) (or most recent editions) applies to any vehicle with a gas installation that is to operate on a public road. A current compliance plate shall be affixed to the vehicle. Note: The removal of any gas appliance or changes made to the original gas installation require further certification and affixing of a new compliance plate. Any vehicle not fitted with a compliance plate applicable to the current installation will not be permitted to operate. Any gas fired appliance used in the open may not have a gas bottle greater than 9Kg attached to an appliance and the bottle must be retained (so that it cannot be tipped over).

On bushfire prone land sites, event organisers are required to provide details of any proposed appliances to be used on site eg. open flame charcoal/gas or electric cookers. It will also be necessary that all food vendors with kitchen cooking appliances have fire extinguishers and a fire blankets consistent with the *Guidelines for food businesses at temporary events*.

Council's Environmental Health Officer may attend the event. Where an inspection is deemed necessary food inspection fees will be charged in accordance with the Council's adopted scale of fees and charges.

10. ALCOHOL

There are two forms of alcohol regulation that are used to manage alcohol consumption in public areas. These are Alcohol Free Zones and Alcohol Prohibition.

Alcohol Free Zones

An Alcohol Free Zone (AFZ) is a regulation put in place to prevent disorderly behaviour caused by the consumption of alcohol on public roads, footpaths and public car parks. AFZs are in place in Wardell, Alstonville, Ballina and Lennox Head CBDs prohibiting the consumption of alcohol 24 hours a day, seven days a week.

Alcohol Prohibited

Areas that are Alcohol Prohibited prohibit the carrying and or consumption of alcohol in public areas such as parks, reserves and beaches by the placing of signs prohibiting these actions. Council has implemented Alcohol Prohibition in all parks and reserves between the hours of 10.00pm and 7.00am seven days a week, unless signposted differently.

All sports fields and surrounding reserves are Alcohol Prohibited areas. Alcohol may not be consumed in these areas unless there is a licensed bar operating in association with a sporting event where alcohol may be consumed in the licensed area only.

Council can erect Alcohol Prohibited signage upon the request of the event organiser(s) to ensure compliance with the regulation.

Council may vary these alcohol controls for a 'one off' special event in consultation with local police. Details of any proposal to sell or consume alcohol must be provided with the special event application.

Sell or Supply Alcohol at Event

To sell or supply alcohol at an event, the appropriate liquor licence must be obtained from the NSW Office of Liquor, Gaming and Racing. Of the categories available, the one most likely to be relevant for the purpose of the event is a limited licence.

Applications for a limited licence must be lodged at least 28 days before the special event start date. NSW Police, local council, residents and other interested persons can lodge a submission in relation to a liquor licence application.

To sell or supply alcohol at an event the applicant must notify local police and the local council; if the council is the consent authority for the land where you propose to stage the event.

To determine the appropriate liquor licence required, go to the NSW Office of Liquor, Gaming and Racing's website www.olgr.nsw.gov.au or telephone (02) 9995 0894 for further information.

Responsible Service of Alcohol (RSA) certification is mandatory for any person (paid or volunteer) involved in the sale, supply and service of alcohol at an event, including security staff with crowd control duties. The use of glass containers to serve alcohol is prohibited for safety reasons.

Council and/or police may require applicants to engage User Pays Policing Services, where fees apply for police to attend the event at the organiser's expense.

BYO Alcohol at Event

Event organisers may wish to allow attendees at the event to bring and consume their own alcohol (BYO). If this is the case, event organisers must notify Council in their application to ensure proposed consumption is not in an Alcohol Free Zone or Alcohol Prohibited area. If this is the case Council and local police will need to determine if the zoning will be lifted for a 'one off' special event. If the area is designated to allow BYO alcohol consumption, additional amenities and waste bins are required and signage advertising the designated areas must be displayed.

There may also be a requirement for additional security officers to be engaged during the event. Events of more than one day that wish to allow alcohol consumption must also advertise the designated area in the local newspaper.

11. TEMPORARY STRUCTURES

In some cases large events may require a Development Application (DA) for the erection of temporary structures, which exceed the exempt development size limits contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). A DA can take up to 12 weeks to be processed. Annexure 1 contains an extract from the SEPP, current as at 9 July 2014, relating to temporary structures which are exempt development.

It is strongly recommended that the applicant makes contact with Council's Development and Environmental Health Group to discuss the requirements and allow sufficient time for the application to be processed. A fee will be charged in accordance with Council's adopted scale of fees and charges. When the application is lodged it must be accompanied by a detailed report of your proposed activities together with a site plan, hours of operation, waste management strategies, security measures etc.

The main purpose of the DA is to check for fire safety provisions including egress paths and emergency exit widths, door furniture, emergency and exit lighting, structural adequacy and wind loading. Council will require evidence from an appropriately qualified and insured practicing structural engineer that the structure, when assembled, will be adequate for its intended purpose. The structural engineer will be required to state limitations such as live loads and maximum wind loadings for which the structure has been designed. Council will also require a copy of the equipment supplier's Public Liability Certificate of Currency.

The event organiser must ensure that all conditions contained in the development consent for the erection of the temporary special structures/s are adhered to. All plant and equipment installed or used on the event site shall be maintained in a serviceable condition and operated in a proper and efficient manner at all times. The event organiser must ensure that the structure is not left unattended at any time without barricading, signage and security staff (at the organiser's cost) to prevent unauthorised public access. Temporary structures must be removed by clean up date.

Council's Development and Environment Health Group may wish to inspect the assembled structure prior to its use. A fee will be charged in accordance with Council's adopted fees and charges for this service.

12. AMUSEMENT RIDES OR DEVICES

12.1 Amusement Rides

Under Section 68 of the *Local Government Act 1993*, Council is required to receive and review applications for approval to operate specified Amusement Rides or Devices. This applies to the operation at both public and private events. Close regulation by Council ensures that amusement devices commonly erected at community events are set upon suitable ground and are adequately insured.

The definition of what is a device, and the standards that must be met for approval are set out in the *Local Government (General) Regulation 2005* Clauses 71-75 and the *Work Health and Safety Regulation 2011*.

Where amusement rides or devices are proposed, applicants are to supply a copy of the following with the Special Event Application:

- Owner/operator contact details,
- When and where the device will be operated,
- Whether there will be trained people to operate the device,
- Details of the device,
- Copy of the current Registration for the device including any special conditions applicable to its operation,
- Current **public liability insurance** for a minimum \$10 million dollars ,and
- Confirmation there is a log book being kept for each ride which has been completed by the operator at each erection.

It is required that these documents be presented at **least 12 weeks** in advance of commencement of the event to enable Council staff to conduct checks if deemed appropriate.

Mechanical rides may only be set up on suitable sites, preferably level and sufficiently firm to withstand the operation of the ride in all weather conditions. It may be a requirement that the event organiser obtains a structural engineers report should the ground conditions or method of support of the device or structure be of concern to Council's Inspecting Officers.

The application must nominate a suitably qualified and experienced person who will be present throughout the event and be responsible for the review of documentation and inspection of amusement devices prior to their operation. This person must be satisfied at all times that the amusement devices are erected in accordance with all conditions (if any) relating to their erection and set out in the current certificate of registration issued for the amusement devices under the *Workplace Health and Safety Regulation 2011*. In the event that a Council Officer is required for inspection, either the Applicant or to the Event organiser will be charged on a time basis for "professional time".

It is strongly recommended that the promoter makes contact with Council's Development and Environmental Health Group on telephone 6686 1210 to discuss the relevant requirements.

12.2 Inflatables

Certain inflatable devices are or will in the near future come under the requirements set out above in 12.1. Note: When considering the suitability of a site Council will take into account the potential for sudden wind gusts. Very exposed sites such as those along beaches or adjacent to the Richmond River or North Creek will not generally receive approval to set up or operate inflatable devices.

12.3 Helicopter Landing / Air Based Activities

Operators will need to obtain all relevant approvals from the Civil Aviation Authority (telephone: 13 17 57) and Air Traffic Control - Brisbane Centre (telephone: (07) 3866 3224). Operators must also comply with (**Schedule M – Helicopter Rides Operating Requirements**) of Council's Commercial Activities on Public Land - Application Guidelines. Details are to be clearly marked on your site map.

Written approval will need to be issued by Council. Council reserves the right to decline an application where an event site is deemed unsuitable or unsafe for the general public.

13. FIREWORKS

Under the *NSW Explosives Act*, WorkCover administers a system of licences and notifications to control and regulate fireworks.

The licensed pyrotechnician you engage for your event must notify WorkCover seven working days before any fireworks display.

Once approved, WorkCover will issue a written 'Notification of Pyrotechnic Display' to the pyrotechnician. This is to be **supplied to Council** prior to the event taking place.

The licensed pyrotechnician must also notify the following organisations:

- Local fire brigade at least two days before the event
- Local police at least two days before the event, and
- Any other applicable agencies or interested parties.

Should your event take place during a total fire ban, an exemption would need to be obtained from the Local Fire Control Officer **in writing** and provided to Council prior to the event taking place.

Residents within the immediate vicinity of the event (a minimum of 500m radius) must be advised of the fireworks component of the event by way of letterbox drop, not less than one week prior to the event. This notification will often form part of the Community Notification Leaflet (*refer to Section 7 - Noise Management*) issued as part of your event approval.

Council requests that notification of the fireworks display be placed in the 'public notices' section of the local newspaper not less than **one week prior to the event**. The public notice should include details of the fireworks display and time frames, with emphasis on encouraging all pet owners to have their animals secured.

Careful consideration to the appropriateness of the event site for a fireworks display should be given, taking into account any potential environmental and social impacts. Some sites will be unsuitable for fireworks displays.

Details regarding the launch site and exclusion zones for the fireworks must be included in your **site plan**.

For detailed information about the operation of fireworks and the permits required go to www.workcover.nsw.gov.au or phone WorkCover NSW on telephone 13 10 50.

14. SERVICES

14.1 Toilet and ablution facilities

The existing toilets at an event site have been installed by Council to cater for general users. As the event organiser, you may be required to supply additional toilet facilities specifically for attendees.

It is essential that there are sufficient toilet facilities at your event for the number of expected attendees. There is no uniform Australian standard for the number of toilets. However, as a guide, the Safe and Healthy Mass Gatherings Australian Emergency Manual provides the following guidance for the provision of toilet facilities at special events.

Toilet facilities for events where alcohol is NOT available

| Patrons | Males | | | Females | |
|---------|-------|---------|-------------|---------|-------------|
| | WC | Urinals | Hand basins | WC | Hand basins |
| < 500 | 1 | 2 | 2 | 6 | 2 |
| < 1000 | 2 | 4 | 4 | 9 | 4 |
| < 2000 | 4 | 8 | 6 | 12 | 6 |
| < 3000 | 6 | 15 | 10 | 18 | 10 |
| < 5000 | 8 | 25 | 17 | 30 | 17 |

* This table is reproduced with the permission of Emergency Management Australia, Attorney General's Department.

Toilet facilities for events where alcohol IS being consumed – either BYO or sold through liquor permit

| Patrons | Males | | | Females | |
|---------|-------|---------|-------------|---------|-------------|
| | WC | Urinals | Hand basins | WC | Hand basins |
| < 500 | 3 | 8 | 2 | 13 | 2 |
| < 1000 | 5 | 10 | 4 | 16 | 4 |
| < 2000 | 9 | 15 | 6 | 18 | 6 |
| < 3000 | 10 | 18 | 10 | 20 | 10 |
| < 5000 | 12 | 25 | 17 | 33 | 17 |

The above figures may be reduced for short duration as follows:

| Duration of event | Quantity required |
|-------------------|-------------------|
| 8 hours plus | 100% |
| 6 – 8 hours | 80% |
| 4-6 hours | 75% |
| Less than 4 hours | 70% |

Where alcohol will be available, the number of facilities needs to be substantially higher. Other factors that should be considered when determining the toilet facilities required include the duration of the event, the crowd demographic and crowd peaks during the event. At least one toilet should be accessible for people with a disability.

14.2 Water

The event organiser must consider the availability of potable water that is needed for drinking, washing etc and the supply source. If an extensive quantity of water is required and it is sourced from a Council supply, Council may require it to be metered and paid for.

14.3 Waste

One of the key areas of responsibility in conducting an event is to effectively manage waste on the event site and surrounding areas. The existing rubbish bins and sanitary disposal units at the event site have been installed by Council to cater for general users.

As the event organiser you are responsible for supply of additional waste facilities generated at the event site and surrounding areas, at your expense. Even small events can generate large amounts of waste. You may be required to generate a **Waste Management Plan** as part of your application for event approval.

Some aspects for consideration in regard to waste management before, during, and after your event are:

- promoting your event as waste wise,
- the use of glass bottles is prohibited for safety reasons,
- using waste receptacles – the type (such as those with lids or covers), quantity and placement,
- emptying of receptacles - frequency, operational issues (e.g. will waste trucks be able to access necessary areas at your event),
- managing waste which has not been placed in receptacles,
- having policies that encourage vendors to reduce packaging, and contractors to adopt waste reduction strategies,
- recruiting volunteers to clean litter during and after the event, and providing them with the appropriate training and protective equipment,
- identifying procedures for the ongoing storage and disposal of sewage waste,
- adopting recycling measures, including public messages and signage to encourage recycling, and
- conducting a post-event site clean-up, including of the zone just beyond the event perimeter.

The following is a guide to the types of waste you will be likely to manage at the event:

- **General rubbish** – bins must be placed around the entire event site and close to areas where food is being sold or consumed.
- **Recyclable items** – clearly identified recycle bins must be placed side by side with general rubbish with general rubbish bins (not back to back).
- **Food providers and stall holders waste** – food providers and stall providers should have bins for their own waste disposal. These bins should be placed away from any food consumption, preparation or storage areas.
- **Toilet facilities waste** - it will be expected that all liquid waste be completely removed from the site within 24 hours of the event.

As a guide minimum number of additional bins for attendee use (not including existing public bins) at special events are:

- 1 x 240L bin per 100 attendees – if no food or drinks served/sold,
- 2 x 240L bin per 100 attendees – if food or drinks served/sold,
- 2 x 3m front load skip bins and 2 x 240L recycle bin per 100 attendees, for events greater than 1,000 attendees

Waste bins both general waste and recyclables are available to hire **free of charge** for community event organisers from Council's **Waste Management Centre**. Charges apply for the transportation of bins to and from the event as well as waste disposal charges. Please contact the Waste Management Centre on telephone 6688 1287 for information on pricing

Ballina Shire Council is committed to sustainability and encourages all events to work towards making a positive contribution to waste management. To discuss waste minimisation options for your event contact Council's Waste Education Officer on telephone 6688 4444.

15. SIGNAGE & BANNER POLES

15.1 Signage at the Event

Signage promoting the event must not be set up at the site without the prior approval of Council. A **temporary signage plan** outlining the location, size and layout of the signs must be submitted with your event application. All event signage must comply with the exempt development requirements specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). Annexure 2 contains an extract from the SEPP, current as at 9 July 2014, relating to event signage which is exempt development.

15.2 Council's Banner Poles

Banner poles are located at the following key locations;

- Canal Bridge (northern approach x 2)
- Fishery Ck Bridge (southern approach x 2)
- Kerr Street (intersection Kerr/Swift x 2)
- River Street (pedestrian crossing near Woolworths x 2)
- Coast Road (northern approach to Lennox Head x 2).

To book Council's banner poles please contact Council on telephone 6686 4444. Please refer to Council's website for annual fees and charges.

15.3 Council's Community Event Signage Infrastructure

Council's Community Event Signage Policy provides a clear, documented process of how event organisers may obtain approval to install temporary, short term community event signage, which relates to specific events taking place in the Ballina Shire. Council has identified a number of sites throughout the Shire as being suitable for the promotion of community events where signage infrastructure has been provided.

To book these locations please contact Council on telephone 6686 4444. Please refer to Council's website for annual fees and charges.

16. BUSHFIRE EMERGENCY EVACUATION MANAGEMENT

During an emergency, such as a bushfire event, it is the responsibility of the event organiser to ensure that all participants can be promptly evacuated to a place of safety. If your event is to be held on bushfire prone land (as identified below), organisers are required to prepare a basic **Bushfire Emergency Evacuation Plan** to be implemented in case of a bushfire emergency. Council has prepared a **Pro-Forma** to assist event organisers in preparing this document, which is located on the Events on Public Land page on Council's website). This is to be lodged with the *Events on Public Land* application form, along with your site map.

A standard bushfire evacuation plan typically involves the following components;

- The identification of emergency roles for staff
- Triggers for evacuation
- Identification of "Safe Refuge Areas"
- Identification of evacuation routes
- Emergency procedure
- Communication and training recommendations

Documentation for the preparation of a bushfire evacuation plan is located on the *Events on Public Land* page on Council's website.

16.1 Identification of Emergency Roles for Event Staff & Emergency Contact Numbers

The following outlines roles and responsibility regarding the implementation of the Emergency Procedures in the event of a bushfire

| | Area of Responsibility | Name & Mobile Phone Number |
|---|---|----------------------------|
| Event Organiser (or nominated representative) | <p>Prior to the commencement of an event, the event organiser (or nominated representative) is to:</p> <ul style="list-style-type: none"> • Check Fire Danger Rating for the day of the event and if a Total Fire Ban has been declared. If A Total Fire Ban is in place, consult with the Rural Fire Service Control Centre or call 1800 679 737 to determine if the event should proceed. • Consult with emergency services if deemed necessary. • Review site plan for evacuation/shelter to ensure it meets the environmental conditions of the day. <p>On becoming aware of a bushfire:</p> <ul style="list-style-type: none"> • Ascertain the nature of the bushfire and determine appropriate action, including whether the event is to be cancelled. • Ensure that the appropriate fire service has been notified. • Communicate with Event Assistant/s. • If necessary, initiate evacuation and control entry to affected area. • Ensure the progress of the evacuation and any action taken is recorded in an incident log. • Brief the fire service personnel upon arrival on type, scope and location of the bushfire and the status of the evacuation and, thereafter, act on the senior officer's instruction. | |
| Event Assistant/s | <p>On becoming aware of a bushfire:</p> <ul style="list-style-type: none"> • Communicate with Event Organiser (or nominated representative). • Secure location and assist with evacuation of all persons in Area of responsibility. | |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • Act on Event Organiser (or nominated representative) instructions. | |
|--|--|--|

Emergency Contact Numbers

The following information must be included within your application.

Name of Organisation

- NSW Rural Fire Service
- Fire Brigade & Rescue NSW
- NSW Police Service
- Ballina Shire Council
- State Emergency Services
- NSW Ambulance Service
- Ballina District Hospital
- Lismore Base Hospital

All fires to be reported to 000

16.2 Triggers for Evacuation and Identification of "Safe Refuge Areas"

In the event of a bushfire, a decision is made well in advance to either: EVACUATE the occupants of a premise to another location away from the effects of the bushfire or to SHELTER-IN-PLACE and have those occupants move to a safe refuge on-site.

This decision is a matter of safety and needs to consider the proximity to vegetation, time required to transport people from one place to another, availability of transportation, or whether there is a location on-site that would be safer for the occupants to congregate.

In the case of an event held on public land the decision to trigger the plan would likely involve moving event participants into a safe refuge area in proximity of the site where the event is held (i.e. EVACUATE). However, there might be situations when the decision is made to move to event participants a safe refuge on-site (i.e. SHELTER-IN-PLACE).

Your Site Plan needs to clearly identify a **safe assembly area and escape routes** in case of a bushfire emergency. In the case of fun runs, charity walks and the like, which are held along stretches of beach, foreshores, established walking trails and footpaths; organisers must identify several refuge/assembly areas along the route. Examples of refuge/assembly areas may include sports grounds, parks, beaches, carparks, etc.

Evacuation routes should also be marked on the Site Plan.

16.3 Emergency Procedure

During a bushfire emergency, identify the procedures, which are to be adhered to in the event of an evacuation. For example, the following actions should be included at a minimum:

- The **Event Organiser (or nominated representative)** should
 - o Ensure communications (i.e. mobile phone on hand)
 - o Remain calm and explain to the participants what is happening
 - o Monitor local radio (ABC local radio on 94.5 FM) and public service announcements
 - o Ensure that all persons are informed of the evacuation process and initiate the evacuation in accordance with agreed sequence
 - o Advise the local emergency service that the site is being evacuated and that all participants (include how many) are sheltering in a safe refuge/assembly area or areas
 - o Shall be identifiable with appropriate attire
- The **Event Assistant/s** should
 - o ensure all persons are accounted for
 - o Assist all persons in his/her area to evacuate
 - o report to the Event Organiser (or the nominated representative) and assist the Event Organiser (or nominated representative) wherever required
 - o Shall be identifiable with appropriate attire

16.4 Communication and Training

It is expected that the event organisers would have the required communication tools to ensure that all emergencies are attended to promptly. This is particularly important when running events such as fun runs and charity walks, where there is a potential for exhaustion or injury to occur and, thus the requirement to communicate promptly to emergency personnel so they can attend promptly to the emergency. The same communication procedure would apply in the case of a bushfire emergency.

To ensure that operational procedures are followed in an orderly manner during an emergency, it is crucial for all members of the emergency team to be thoroughly familiar with what is expected of them. For this to occur, it is necessary for event staff to be educated on the emergency procedure, to understand roles and responsibilities, and to undertake regular exercises to test the emergency procedure. It is recommended, that event organisers consider undertaking fire drills on a regular basis.

16.5 Bushfire Prone Land - Public land under the ownership and/or control of Ballina Shire Council

- **The beach and the land directly behind between Ballina and Lennox Head**
Note: This is the location of the Westpac Charity Walk - route alternates between the beach and the land directly behind between Ballina and Byron Bay.
- **Land adjacent to Shaws Bay, Ballina**
Note: Fun Runs, which start from the from the Ballina Amphitheatre (on south side of Shaws Bay) across Missingham bridge along break wall, then turning left parallel to beach and returning back along Compton Drive. The portion of the Fun Run along Compton Drive north of Shaws Bay road intersects with mapped bushfire prone land.
- **Alstonville High School and land adjacent to the Lismore Road**
Note: The Alstonville Wollongbar Fun Run, which departs from Alstonville High School and travels adjacent to the Lismore road. Portions of the land along Lismore Road are mapped bushfire prone land.
- **Lennox Park Foreshore, Lennox Head**
Note: This is the location of the Skullcandy Oz Grom Open and the Lennox Longboard Classic. Although the park is not mapped as bushfire prone land, the land parcel encompassing the park is mapped as such.
- **Tintenbar Oval**
Note: This oval requires careful event management due to limited access and surrounding vegetation. Any event will be closely examined to determine suitability having regard to potential bushfires.
- **Any other public land that may be mapped as bushfire prone land. Bushfire prone land mapping is subject to change in accordance with the provisions of the RFS.**

16.5 Further Information

Further information on general Bushfire safety and management can be found at the Rural Fire Service (RFS) website <http://www.rfs.nsw.gov.au/>

RFS publications and fact sheets can be found at:
http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=102

Information on Total Fire Ban and Current Fire Danger Map can be found at the RFS website http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1109 or call 1800 679 737

Your nearest Fire Control Centre is:

Ballina Rural Fire District
Street Address: 70-90 Station Str
 Mullumbimby 2482
Postal Address: PO Box 219
 Mullumbimby 2482
Phone: 6684 3682
Fax: 6684 3950

17. FURTHER DETAILS

To download a copy of the **Events on Public Land Policy** and/or **Events on Public Land Application Form** please visit Council's website www.ballina.nsw.gov.au.

For further information about the Event Guidelines document or to make an application to stage an event in Ballina Shire, please contact:

Holly Archibald
Events & Grants Support Officer
Strategic and Community Facilities Group
Telephone: (02) 6686 4444
Email: holya@ballina.nsw.gov.au.

Caroline Klose
Corporate Communications & Tourism Coordinator
Strategic and Community Facilities Group
Telephone: (02) 6686 4444
Email: carolinek@ballina.nsw.gov.au

ANNEXURE 1 – EXEMPT DEVELOPMENT – TEMPORARY STRUCTURES**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Current version for 22 February 2014 to date (accessed 9 July 2014 at 18:01)

**Division 3 Temporary Uses and Structures Exempt Development Code
Subdivision 1 General requirements for temporary uses and structures****2.108 General requirements**

(1) To be exempt development under this code, development specified in this Division must:

- (a) have the consent in writing of the owner of the land on which the development is carried out or, if a council or public authority has the control or management of the land, the consent in writing of the council or public authority,
- (b) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure,
- (c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
- (d) not result in damage to any protected tree growing on the land or on adjacent land,
- (e) if it is the erection of a temporary structure—be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
- (f) if it is the erection of a temporary structure—be able to resist loads determined in accordance with the following Australian and New Zealand Standards:
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,
- (g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,
- (h) have an approval for the use of the land related to the purpose of the temporary structure, unless the use of the temporary structure is specified as exempt development or is ancillary to the principal use of the land.

(2) In this clause, any development standard that specifies a separation distance to a side or rear boundary:

- (a) only applies in respect of a boundary with adjoining land that is under a different ownership, and
- (b) does not apply in respect of adjoining land that is owned by the council or other public authority if the written consent of the council or other public authority has been obtained.

Note. Under section 68 of the [Local Government Act 1993](#) certain activities require the approval of the council.**Subdivision 2 Scaffolding, hoardings and temporary construction site fences****2.109 Specified development**

The construction, installation and removal of a scaffold, hoarding or temporary construction site fence that is used in connection with development that is exempt development or complying development is development specified for this code.

2.110 Development standards

The standards specified for that development are that the development must:

- (a) enclose the work area, and
- (b) if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*, and
- (c) be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

Note 1. A structure on public land or on or over a public road requires the prior approval of the relevant authority under the [Local Government Act 1993](#) or the [Roads Act 1993](#), respectively.**Note 2.** The [Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2011](#) contain provisions relating to scaffolds, hoardings and other temporary structures.

Subdivision 5 Temporary structures and alterations or additions to buildings for filming purposes**2.115 Specified development**

The construction or installation of a temporary structure (other than a tent or marquee), and a temporary alteration or addition to a building or work, solely for filming purposes is development specified for this code.

2.116 Development standards

The standards specified for that development are that the development must:

- (a) be erected, used, altered or added to in connection with filming that is exempt development, and
- (b) not be at the location for more than 30 days within a 12-month period, and
- (c) if it is an alteration or addition to a building or work—not remain in place for more than 30 days within a 12-month period, and
- (d) not, in its altered or added to form, be accessible to the public.

Subdivision 7 Tents, marquees or booths for community events**2.119 Specified development**

The construction or installation of a tent, marquee or booth used for a community event is development specified for this code if it is carried out on land other than land within a rural, residential or environment protection zone.

2.120 Development standards

The standards specified for that development are as follows:

- (a) for all tents, marquees and booths being used at the same time—the development must not have a total floor area exceeding 300m²,
- (b) each tent, marquee or booth must be located at least 3m from any boundary of the land,
- (c) each tent, marquee or booth must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent, marquee or booth, unless it is attached to or abuts a building with no separation,
- (d) each tent, marquee or booth must be erected at ground level,
- (e) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) 1 exit if the tent or marquee has a floor area of not more than 25m²,
 - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m²,
 - (iii) 4 exits in any other case,
- (f) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,
- (g) each tent or marquee must have a width for each exit of at least:
 - (i) if the floor area of the tent or marquee is less than 150m²—850mm, or
 - (ii) in any other case—1m,
- (h) no tent or marquee can have a wall height exceeding 4m,
- (i) each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m,
- (j) no tent or marquee can contain tiered seating,
- (k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies):
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (l) each tent, marquee or booth must not remain on the land for more than 7 days after the event,
- (m) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

Subdivision 8 Stages or platforms for private functions**2.121 Specified development**

The construction or installation of a stage or platform used for a wedding, private party or other private function is development specified for this code if it is carried out on any of the following land:

- (a) land within a rural, residential or environment protection zone and used for residential accommodation,
- (b) land in a zone other than a rural, residential or environment protection zone,
- (c) Crown land (within the meaning of the [Crown Lands Act 1989](#)),
- (d) land vested in or under the control and management of the council or other public authority of the area in which the development is carried out.

2.122 Development standards

The standards specified for that development are as follows:

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) if it is development carried out on land used for residential accommodation—the stage or platform must be located:
 - (i) at least 1m from any boundary of the land, and
 - (ii) behind any building setback fixed by an environmental planning instrument or development control plan applying to the land,
- (c) if it is development carried out on land not used for residential accommodation—the stage or platform must be located at least 3m from any boundary of the land,
- (d) the stage or platform must be erected at ground level,
- (e) the stage or platform must have a height as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform not exceeding 2m,
- (f) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (g) if it is development carried out on land used for residential accommodation or land in a business or special purpose zone:
 - (i) the stage or platform must not be erected on the land for more than 7 days, and
 - (ii) the number of days for which the stage or platform is erected on the land together with the number of days for which stages or platforms have previously been erected on the land for private functions in the same calendar year must not exceed 30 days,
 - (h) the stage or platform must not remain on the land for more than 2 days after the function,
 - (i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the function,
 - (j) the function must take place only during the following periods:
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday.

Subdivision 9 Stages or platforms for community events

2.123 Specified development

The construction or installation of a stage or platform used for a community event is development specified for this code if it is carried out on land other than land within a rural, residential or environment protection zone.

2.124 Development standards

The standards specified for that development are as follows:

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) the stage or platform must be located at least 3m from any boundary of the land,
- (c) the stage or platform must be erected at ground level,
- (d) the stage or platform must have a height, as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform, not exceeding 2m,
- (e) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (f) the community event must take place only during the following periods (unless it is a community event to which Subdivision 11 applies):
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (g) the stage or platform must not be erected on the land for more than 7 days,
- (h) the stage or platform must not remain on the land for more than 2 days after the event,
- (i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

ANNEXURE 2 – EXEMPT DEVELOPMENT – EVENT SIGNAGE**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Current version for 22 February 2014 to date (accessed 9 July 2014 at 16:26)

Division 2 Advertising and Signage Exempt Development Code**Subdivision 1 General requirements for advertising and signage****2.83 General requirements**

(1) To be exempt development under this code, development specified in this Division must:

- (a) have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land, and
- (b) be approved under section 138 of the *Roads Act 1993*, if the sign or part of the sign projects over a public road, including a footway, and
- (c) not be carried out on or in relation to a building being used as restricted premises, and
- (d) not cover any mechanical ventilation inlets or outlets located on any building on which it is carried out, and
- (e) not obstruct or interfere with any traffic sign, and
- (f) not result in more than 3 business identification signs being constructed or installed in relation to a building if the building houses only one commercial tenant, and
- (g) not result in more than 8 business identification signs being constructed or installed in relation to any building, and
- (h) not result in more than one business identification sign being constructed or installed in relation to a home business, home industry or home occupation in a residential zone.

(2) This clause does not affect any other requirement of this Policy in relation to exempt development.

Note. The *Summary Offences Act 1988* regulates or prohibits certain business signs.

Subdivision 10 Community notice and public information signs**2.100 Specified development**

The construction or installation of a sign that provides information on, or advertises services or activities on a site for, a public or community institution or organisation is development specified for the purposes of this code.

2.101 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than one sign facing any road frontage, and
- (b) not have a surface area of more than 3.5m², and
- (c) not be higher than 5m above ground level (existing), and
- (d) be located wholly within the boundaries of the site, and
- (e) be securely fixed and installed in accordance with:
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (f) if on the site of a heritage item or draft heritage item—not be attached to a building, and
- (g) not be illuminated.

Subdivision 11 Temporary event signs**2.102 Specified development**

The construction or installation of a sign or banner that advertises a commercial, community or retail event or a private function (including sponsorship of the event or function) is development specified for the purposes of this code.

2.103 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than one banner and one other type of temporary sign facing any road frontage, and
- (b) not have a surface area of more than 8m², and
- (c) be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall, and
- (d) not be higher than 5m above ground level (existing), and
- (e) not be permanently fixed to a building, fence or wall, and

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- (f) if advertising a commercial or retail event—not be constructed or installed in a residential zone, and
 - (g) not be illuminated, and
 - (h) not be displayed earlier than 14 days before the event, and
 - (i) be removed within 2 days after the event.

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