

# Economic Development

# 3.4.7

<b>TITLE:</b>	<b>EVENTS</b>
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<b>REVIEWED:</b>	OMC 17 December 2015 – Pages 110 - 121 OMC 30 June 2016 – Pages 91 - 93 OMC 31 May 2018 – Pages 38 – 87
<b>ASSOCIATED LEGISLATION:</b>	Local Government Property and Public Places Local Law 2016 Trading, Outdoor Dining and Street Entertainment Local Law 2016 Building Code of Australia Electricity (Licensing Regulations) 1991 Environmental Protection (Noises) Regulations 1997 Health (Public Building) Regulations 1992 Health Act 1911 Health Local Laws 2006 Liquor Control Act 1988 Local Government Act 1995 Road Traffic Act 1974
<b>ASSOCIATED DOCUMENTS:</b>	Policy 4.2.1 Private and Community Works Policy 3.3.6 Trading in Public Places Policy 3.3.7 Horses on Cable Beach Policy 3.5.1 BRAC – Non Sporting Special Events Policy 3.4.4 Hire of Promotional Banner Sites
<b>REVIEW RESPONSIBILITY:</b>	Manager Community and Economic Development
<b>DELEGATION:</b>	LGA1 – Activities Requiring Approval

Previous Policy Number 5.1.7

## Part A

### Objective:

The Shire of Broome manages and coordinates events held in public places within the Shire, ensuring that events provide a wide variety of community and economic benefits for residents, as well as additional attractions for visitors.

The Shire seeks to ensure that events are undertaken in a manner that complies with regulatory requirements and standards, protects the health and safety of persons attending the event and minimises any adverse impacts which may be associated with the event. It endeavours to provide an application and approval process for events that is clear, efficient, consistent and timely.

## **Definitions:**

For the purposes of this Policy and Management Procedures the following definitions apply:

**Beach** means the coastal area located between the high water mark and the low water mark.

**Event:** means an occurrence held within the Shire of Broome by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation or community purposes, and shall include but is not limited to:

- (a) Concerts and events run as a commercial activity;
- (b) Ceremonies and processions;
- (c) Sporting and competitor events – marathons, triathlons, organised swims, and other similar events;
- (d) Shows and fairs including circuses, carnivals, and other customised venue based events;
- (e) Festivals, exhibitions and expos; and
- (f) Community events and fundraisers.

This does not include an occurrence which is held over multiple times and in multiple venues.

**Event Applicant:** means the person, company or organisation, excluding the Shire of Broome, who is responsible for organising an event and who makes application to the Shire of Broome for approval to stage an event.

**Exclusive Use:** means an event / occurrence held within the Shire of Broome on public land where the area to be used for the event is unavailable to all other activities for the duration of the event.

**Non-Exclusive Use:** means an event / occurrence held within the Shire of Broome on private or public land, where the area is available to be used for other activities for the duration of the event.

**Public Place:** means:

- (a) any thoroughfare or local government property; or
- (b) any place which the public is allowed to use, whether the place is or is not on private land, including park lands, squares, reserves, beaches, the intertidal zone and other land designated as being for the use and enjoyment of the

public.

**Trading Licence:** A licence to trade in a public place issued by the Shire of Broome in accordance with the Shire's Trading, Outdoor Dining and Street Entertainment Local Law 2016.

## Policy

1. This policy applies to all events held in public places within the Shire of Broome, with the exception of those held in:
  - (a) Educational premises including primary, secondary and tertiary educational facilities;
  - (b) Religious centres including churches and worship centres;
  - (c) Private property; provided that there is no variation to existing approvals including but not limited to;
    - i. Conditions associated with a Development Approval under the Shire of Broome Local Planning Scheme No. 6 (Planning Scheme); and
    - ii. Approvals required in accordance with the *Health Act 1911* and associated regulations; and
  - (d) Parks and reserves that are being used for general recreation, where the proposed activity:
    - i. Does not involve a ceremony; or
    - ii. Does not include any elements set out in Clause 3 of the Management Procedures below; or
    - iii. Is not open to the public.
2. An event permit application in the prescribed form is required for all events other than those outlined in the exceptions above.
3. Event permit applications shall be determined under delegated authority, unless the proposed event is considered by the Development Control Unit to present a sufficient risk to reputation, public safety or amenity, in which case it shall be determined by Council.
4. Applications for events on land that is managed by an entity other than the Shire, including but not limited to the Yawuru Registered Native Title Body Corporate (Yawuru RNTBC) and the Kimberley Ports Authority, require a further approval from that entity before the Shire can issue an event permit for the event.
5. An event that is proposed to occur frequently over a period of time does not fall within this policy and may require a Trading Licence or market licence under the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2016 (Trading Local Law) or a Development Approval as a land use under the Planning Scheme.

## Part B

### Management Procedures:

#### CLASSIFICATION OF EVENTS

1. In order to be considered an 'event' for the purposes of this Policy and Procedures, the occurrence must take place on a single, non-recurring basis. Activities which do not meet this requirement include:
  - (a) Commercial activity which takes place in the same or in multiple locations within a public place, on multiple occasions, and involves no permanent infrastructure. This type of activity would require a Trading Licence.
  - (b) Commercial activity in the form of a market, which means a collection of stalls set up or conducted for the purposes of trading. This type of activity would require a market licence under the Trading Local Law. It is noted that venue hire and other associated charges may apply to a market in accordance with the Shire of Broome Schedule of Fees and Charges.
  - (c) Commercial activity which takes place in the same location within a public place on multiple occasions, or for one occurrence lasting more than 120 contiguous hours (5 days) in duration, and/or involves the erection or permanent or semi-permanent infrastructure, and/or the establishment of an exclusive area that cannot be accessed by the general public. This type of activity would require Development Approval under the Planning Scheme and potentially a lease or licence to secure land tenure under the *Land Administration Act 1997*.
2. Events shall be classified into one of seven categories for assessment purposes. The categories are further described in Schedule 1 of these Procedures. They include:
  - (a) Category 1 (1- 120 patrons, where no elements in clause 3 of the Procedure are required);
  - (b) Category 2 (1 -120 patrons, where any elements in clause 3 of the Procedure are required);
  - (c) Category 3 (121 – 500 patrons);
  - (d) Category 4 (501 – 1,000 patrons);
  - (e) Category 5 (1,001 – 2,500 patrons);
  - (f) Category 6 (2,501 – 5,000 patrons); and
  - (g) Category 7 (5,001 or more patrons).
3. In order to be considered a 'Category 1' event, an event must not include any of the following elements:
  - (a) Changes to Shire infrastructure over and above any services that are available to the general public (e.g. utilisation of power or water supply beyond the use of a public water tap);
  - (b) Erection of any structures that exceed 5m x 5m, unless the structure is hired from an operator that holds a valid Trading Licence and the structure is erected or used in accordance with the Trading Licence;
  - (c) Supply or installation of electrical equipment including generators, cabling, extension cords, switches, fuses, AV equipment, etc;

- (d) Temporary road closure or suspension of ordinary traffic movement;
- (e) Fireworks or the use of laser lights;
- (f) Sale or consumption of alcohol;
- (g) Use of amplified equipment or extraordinary vehicle noise;
- (h) Preparation or sale of food to the public;
- (i) Selling or hiring of goods, wares or merchandise;
- (j) Large animals (e.g. camels);
- (k) Erection of event signage;
- (l) Additional toilet facilities;
- (m) Crowd control or other measures to ensure public safety or security; or
- (n) For events that occur on private property, attendance in excess of any established accommodation numbers or activities which differ in nature to any approvals already in place.

Events which propose any elements from the list above shall be classified as Categories 2-7, depending upon the number of patrons.

### **RISK MANAGEMENT**

4. Considering and managing risk is an integral part of planning for any event. Event Applicants proposing Category 2-7 events are to assess the potential level of risk as part of their event permit application, using the Event Risk Classification Tool in Schedule 2 of these Procedures.
5. Event Applicants must include the relevant risk management information with their event permit application, based on the level of risk identified using the Event Risk Classification Tool in Schedule 2 of these Procedures.

### **REFERRAL TO OTHER AUTHORITIES**

6. Where the proposed event is to take place on land that is jointly or solely managed by authorities other than the Shire of Broome, approval from such authorities is required before the Shire can determine the event permit application.
7. Advice is provided in the Event Guidelines regarding the existing process for referral to other authorities, as different processes apply based on land tenure and management authority.

### **ASSESSMENT OF APPLICATIONS**

8. Applications for Category 1 events shall be assessed by officers and approved under Delegated Authority, subject to any relevant conditions.
9. Applications for Category 2-7 events shall be referred to the Development Control Unit (DCU) for assessment.
10. When assessing an event permit application, the Shire will consider the likely impact on residents and the wider community, taking into account noise or nuisance, alcohol consumption, number of patrons, infrastructure and any additional factors, in accordance with any relevant legislation, regulations, Local Laws and Shire policies.

11. The DCU will make one of the following three decisions regarding an event permit application:
  - (a) **No objection.** This means that the proposed event can be approved under Delegated Authority, subject to any relevant conditions.
  - (b) **Further Information.** This means that the Event Applicant has not provided all relevant information to enable the DCU to make a decision. The Event Applicant will be contacted to provide the required documentation. Once provided, the event permit application will be reconsidered by the DCU.
  - (c) **Referral to Council.** This means that the proposed event is considered to present a sufficient level of risk to the Shire, either reputational or to property and public safety, to warrant consideration by Council.
12. Details of upcoming events will be recorded in the Council Information Bulletin.

### **TIMEFRAME FOR ASSESSMENT OF APPLICATIONS**

13. The assessment of an event permit application begins upon receipt of a complete application and event permit fee.
14. The Shire shall determine event permit applications within the timeframes established in Schedule 1 of these Procedures.
15. Should further information be requested, the unexpired portions of the timeframe for determining the event permit application shall cease to run until such time as the additional information has been received by the Shire or the Event Applicant has refused to provide the required information.
16. Where further information has been requested and not provided by the Event Applicant seven working days prior to the Event, the event permit application may be refused.
17. The Shire may at its discretion refuse to accept event permit applications where any portion of the timeframe for approval in Schedule 1 has elapsed when the application is lodged.

### **EVENT FEES:**

18. All events will attract an application fee in accordance with the Shire of Broome Schedule of Fees and Charges.
19. Where the event is a Category 2 or above, venue hire charges shall apply in accordance with the Shire of Broome Schedule of Fees and Charges, unless the event takes place on a beach and does not propose exclusive use of any area of the beach.
20. Other fees or charges may apply, including but not limited to those associated with public building approvals, noise assessments, food permits and waste removal, which shall be levied in accordance with the Shire of Broome Schedule of Fees and Charges.

21. Charitable, non-profit and community organisations based in the Shire of Broome may obtain a reduction on venue hire fees (not including bonds or services) for all Shire venues, excluding the Broome Recreation & Aquatic Centre and Broome Civic Centre. The request must be made at the time of lodgement of the event permit application and cannot be applied post-event. Event Applicants must submit a certificate of incorporation or proof of Broome residence with their request. Reductions will be considered as follows:
  - (a) Where the event has free entry, a 50% reduction may be applied; and
  - (b) Where an entry fee is charged, a 25% reduction may be applied.
22. Should an event permit application be submitted when more than 50% of the timeframe for approval in Schedule 1 has elapsed (i.e. the application is submitted 14 days before an event with a 30 days timeframe for approval) a penalty fee of 100% of the application fee shall be applied.

### **BONDS FOR EVENTS**

23. Bonds for events will apply in accordance with the Shire of Broome Schedule of Fees and Charges.
24. Bonds will be refunded in full following the successful completion of the conditions of approval outlined in the event permit.
25. Failure to comply with any of the conditions specified in the event permit may result in all or part of the bond money not being refunded to the applicant.

### **ANNUAL MAJOR EVENTS**

26. Events that have been endorsed by the Shire in advice through a Memorandum of Understanding or Council resolution are the only events that are entitled to reserve dates and / or Shire venues or reserves for future events.

### **EVENT SIGNAGE**

27. If signage is proposed in association with an event the Event Applicant is to submit details of the signage including proposed location, types of signage, dimensions and proposed method of erecting.
28. Signs cannot involve any advertising devices which are inflatable, or illuminated with pulsating, flashing or moveable electronic writing or animation.
29. Signs must not pose threat to public safety or health, obstruct sightlines of vehicles, cyclists or pedestrians and must not obstruct pedestrian movement. This includes placing signs on footpaths, median strips and roundabouts.
30. Signs erected in areas immediately abutting schools, aged care facilities and hospitals should not be placed in such a way or be of such a size to be a safety risk.
31. Signs must not be placed over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.7m.

32. Signs must be placed more than 0.5m from the kerb.
33. Signs must not be placed on any natural feature, including a rock or tree, walls, buildings, on a thoroughfare, or on any bridge or the structural approaches to a bridge.
34. Signs must:
  - (a) relate only to the activity described on the event permit application;
  - (b) Not be affixed to trees or other natural features; and
  - (b) Not use star pickets or other infrastructure that may damage parks and reserves' irrigation or turf.
35. Signs are not to be placed on any private property without the permission of the property owner and must be consistent with the event signage requirements in these Procedures.
36. Signs must not be erected in excess of 14 days before the event and must be removed within 2 days of the event. Failure to do so will result in the signs being removed by the Shire, with the removal charged to the event organiser as private works in accordance with Shire Policy 4.2.1 Private and Community Works.

#### **TRAFFIC MANAGEMENT PLANS**

37. A Traffic Management Plan (TMP) is required for all events held on roads in the Shire of Broome.
38. A TMP is required for all off-road events where any of the following criteria are met:
  - (a) the event is expected to adversely impact traffic routes and cause disruption to persons not involved in or attending the event;
  - (b) projected ticket sales exceed four times the number of formal public car parking spaces available within 400m of the entertainment venue;
  - (c) Larger numbers of patrons (over 500) are expected;
  - (d) Significant numbers of pedestrians are expected in the traffic mix;
  - (e) uncontrolled parking on the verge and/or footpath is expected;
  - (f) the event conflicts with other road activities occurring at the same time (e.g. road works); or
  - (g) any other situation where it is considered justified at the discretion of the Chief Executive Officer.
39. A TMP shall be prepared and certified by a person holding a current Advanced Worksite Traffic Management Accreditation; and shall be in accordance with the Main Roads WA Traffic Management for Works on Roads Code of Practice, the Main Roads WA Traffic Management for Events Code of Practice and Australian Standard 1742.3-1985: Traffic Control Devices for Works on Roads.
40. A TMP shall be submitted to the Shire as early as possible, but no later than eight weeks prior to the event.



41. A TMP shall adequately provide for the safety of Event Applicant, users and the public while maintaining an adequate level of service to road users; and shall examine all the hazards associated with traffic and road activities generated or impacted by the event and document the most appropriate plan for managing the risks arising. This may or may not require road closures and/or traffic detours.
42. Adequate and managed car parking, including over-flow parking, shall be provided for and identified in the TMP.

#### **OTHER APPROVALS TO USE ROAD RESERVE**

43. The Event Applicant is responsible for obtaining all necessary approvals for use of a road reserve from the Shire and/or Main Roads and the WA Police. These may include an Order for a Road Closure, Approval for Temporary Suspension of the Road Traffic Act/Regulations and/or a Permit to Hold a Public Meeting and/or Conduct a Procession.
44. Event Applicants seeking to close a road must obtain the written consent of not less than two thirds of adjacent land-owners prior to submitting the Application for an Order for a Road Closure to the Shire of Broome.
45. The CEO is authorised to approve (subject to conditions) or refuse any event on a local road in the Shire of Broome and is authorised to facilitate and liaise with community groups, organisations, individuals or businesses who wish to hold an event on a local road in the Shire.
46. Should a temporary road closure be approved by all relevant parties, it is required to be advertised in a newspaper circulating in the local Broome area two weeks prior to the event, or as otherwise approved by the CEO. The Shire of Broome will advertise the proposed closure at the expense of the Event Applicant.

#### **IMPLEMENTATION OF TRAFFIC CONTROL MEASURES**

47. Where required, the Event applicant shall implement the TMP using qualified staff with Event Traffic Controller Accreditation and/or Basic Worksite Traffic Management Accreditation in accordance with the requirements of the Main Roads WA Traffic Management for Events Code of Practice.
48. Where required, the Event Applicant shall supply, install and then post-event remove any temporary barriers to adjacent verge areas to assist in the management of uncontrolled parking on road verges.

SCHEDULE 1

<b>Category</b>	<b>Approval</b>	<b>Infrastructure</b>	<b>Numbers</b>	<b>Alcohol / Food</b>	<b>Trading</b>	<b>Closure of public vehicle / boat access facilities or requires Traffic Management</b>	<b>Timeframe for Approval</b>
<b>Category 1</b>	Under delegation	Not to exceed 5m x 5m	1-120 patrons	Permitted if not for sale and required approvals met (i.e.: Health, Dept. Racing Gaming & Liquor, WA Police)	Not permitted	Not permitted	30 days from receipt of completed application
<b>Category 2</b>	Under delegation unless otherwise determined by DCU	Permitted	1-120 patrons	Permitted if required approvals met (i.e.: Health, Dept. Racing Gaming & Liquor, WA Police)	Permitted	Permitted if deemed necessary for public or participant safety	30 days from receipt of completed application
<b>Category 3</b>	Under delegation unless otherwise determined by DCU	Permitted	121-500 patrons	Permitted if required approvals met (i.e.: Health, Dept. Racing Gaming & Liquor, WA Police)	Permitted	Permitted if deemed necessary for public or participant safety	60 days from receipt of completed application
<b>Category 4</b>	Under delegation unless otherwise determined by DCU	Permitted	501-1,000 patrons	Permitted if required approvals met (i.e.: Health, Dept. Racing Gaming & Liquor, WA Police)	Permitted	Permitted	90 days from receipt of completed application
<b>Category 5 to 7</b>	Under delegation unless otherwise determined by DCU	Permitted	1,001 patrons and above	Permitted if required approvals met (i.e.: Health Dept. Racing Gaming & Liquor, WA Police)	Permitted	Permitted	120 days from receipt of completed application

## EVENT RISK CLASSIFICATION TOOL

EVENT DETAILS	SCORE
<i>Number of Patrons Attending</i>	
More than 5,000	40
2,501 – 5,000	30
1,001 – 2,500	20
501 – 1,000	15
121 – 500	5
Less than 120 persons	1
Less than 50	0
<i>Entry Restrictions</i>	
Open to general public; free or prior numbers not known, general admission	4
Function for select membership – non-related persons (pre-sold tickets & allocated seating)	2
Private ‘family’ function (i.e. Birthday, Wedding. attended by mostly related persons)	1
<i>Crowd Dynamics</i>	
Harsh environment – crowd pushing and competition almost always occurs	15
Hostile elements – reasonable possibility of crowd pressures at some stage (i.e. Sporting fixtures)	7
Elderly, mobility impaired, require assistance and close supervision	4
Young children requiring close supervision	2
Healthy, predominantly good mobility – static crowd	0
<i>Lighting</i>	
Lighting dimmed or extinguished, Impaired by smoke haze	10
Normal Lighting	2
Held during the day (daylight hours) – open air or building with windows	1
<i>Duration</i>	
Greater than eight hours	10
Between four and eight hours	4
Between two and four hours	2
Between one and two hours	1
Up to one hour	0
<i>Structures (score all which apply)</i>	
Spectator stand temporary (score per stand)	10
Temporary facilities or one off event	5
Stage and support system – temporary – complex (score per stage)	4
Stage permanent or temporary – simple	2
Marquee – large area greater than 200m <sup>2</sup> (multiply score by No. of marquees)	4
Marquee – Medium 55m <sup>2</sup> to 200m <sup>2</sup> (multiply score by No. of marquees)	2
Marquee or stall – Small Less than 55m <sup>2</sup> in area (multiply score by No. of marquees)	1
<i>Egress Difficulty</i>	
Multi storey building or basement with only stair access to open space	10
2 storey building	6
Complex single storey building, multiple areas	4
Simple single storey building – one area	1
Open Air	0
<i>Type of Use</i>	
Pyrotechnical display (fireworks)	10
Entertainment with amplified music	10

High risk activities – crowd interaction	2
Medium Risk Activities	1
Low Risk Activities	0
<b>TOTAL</b>	
<i>Drugs &amp; Alcohol – Multiplier – Multiply Above TOTAL</i>	
BYO Alcohol; Alcohol is sold / provided	X 2
Alcohol banned	X 1
<b>SCORE</b>	

<b>RISK RATING</b>	<b>SCORE</b>	<b>LIKELIHOOD</b>	<b>REQUIREMENTS</b>
Low Risk	0 – 11	Serious incident unlikely	Minimum \$10 million Public Liability Insurance for commercial events
Medium Risk	11 – 50	Serious incident will occur at some time	Risk Management Plan and minimum \$10 million Public Liability Insurance  Workers' Compensation, Comprehensive Vehicle Insurance and Building Contents Insurance may be Applied
High Risk	50 – 100	Serious incidents often occur	Audited Risk Management Plan and minimum \$20 million Public Liability Insurance.  Workers' Compensation, Comprehensive Vehicle Insurance and Building Contents Insurance may be Applied

Adapted from the Department of Health's *Guidelines for Concerts, Events and Organised Gatherings* 2009.