

MURRAY RIVER COUNCIL
COUNCIL POLICY

EVENTS POLICY

POL-402.V#2



murray river
council

1. INTRODUCTION

An event can be considered as any organised activity that takes place wholly or partly on public land (including roads, footpaths, parks, council venues and sports grounds) or on private land that requires approval from Council and/or other government agencies. Generally, such events require Council approval under the Local Government Act 1993.

The scale of some events may require the lodgement of a Development Application (DA) under the Environmental Planning and Assessment Act 1979. Similarly, some events that take place on private land, such as dance parties, may also require a Development Application (DA).

Events range from small functions to large multi-organisational experiences, involving thousands of people, requiring complex management. Events can be private affairs with attendance by invitation or public occasions with attendance open or by ticket.

Small events may include weddings and parties, community fund raising activities, and product launches. Some small events, such as large social gatherings in parks, may not require Council approval.

Medium sized events can include festivals, carols in the park, concerts, rallies, local and major sporting events, parades and marches and Council approval may be required and for larger events a Development Application (DA) may be required.

Medium sized and larger events can be a catalyst for economic development; make a major contribution to positioning the local community as a tourist destination; and boost the awareness of the local community as a centre of sport, arts, culture or industry.

Irrespective of size, events will require:

- ▶ Planning, organisation and publicity.
- ▶ Risk assessment and risk management plans.
- ▶ Approval from Council and in some cases a range of other Government bodies.
- ▶ Access to resources that Council's manage.
- ▶ Strong partnerships involving government agencies, volunteer organisations, community cultural groups and the business community.
- ▶ Public communication and consultation if necessary.
- ▶ Access and equity issues to be considered.

2. OBJECTIVES

This Policy is to assist event organisers decide when an event requires development consent or other approval from Murray River Council.

3. SCOPE:

This Policy applies to the whole of the Murray River Council Local Government Area whether an event is held on either private or public land.

4. POLICY STATEMENT

The holding of events can have a positive impact on the community and local economy and Murray River Council would like to support local events for that reason. However events can also have negative impacts on the local community and our environment and so this Events Policy is intended to ensure that local events are conducted in a safe and controlled manner whether a Development Application or not is required.

Any event in the Murray River Council Local Government Area is expected to have Public Liability insurance cover and have prepared a Risk Management Plan. Copies of these documents must be prepared to Council's satisfaction and a copy provided to Council.

For events where Council is an interested party, (eg: if the event is held on public land or requires Council approval) Council will consider the following matters in the application of this Policy:

- ▶ whether the event is a private or non-private event
- ▶ whether the event can occur adhering to public health orders (COVID and other restrictions)
- ▶ whether the event is conducted on private land, within a road reserve (which includes the footpath) or on other public land
- ▶ whether the event is sponsored or financially supported by Council (written evidence is required from Economic Development department of Council)
- ▶ whether the conduct of events of a similar type and size as might be proposed has been or is the usual use of the land
- ▶ the frequency events are conducted on the land
- ▶ whether structures are to be erected such as a marquee or stage
- ▶ whether the event will create loud noise
- ▶ the hours of operation of the event and pre and post event activities
- ▶ the distance to residential receptors

In addition to the above, unless the use of the land is usually used for the holding of events of a type and size that are being proposed, an event will require a Development Application (DA) from Council if:

- ▶ the number of guests is likely to cause adverse traffic impacts or impacts on the amenity of others, defined as more than 800 guests attending the event, or
- ▶ a noise level exceeding 55 decibels at the property boundary is proposed and the nearest residential receptor is within 250 metres of the land on which the event is to be conducted and the event will extend beyond midnight,
- ▶ the frequency of events is more than once in any month or 12 occasions in any year.

Insurance

Every event must have appropriate Public Liability Insurance to ensure that individuals are financially protected and there is protection against loss should an incident occur. Public Liability Insurance is a critical part of responsible management of an event and is an important part of managing risk.

Risk Management Plan

Risk is anything that can impact on an event's success that you planned. A Risk Management Plan is an essential aspect of planning any event. Managing risk will help to make it safe for all concerned and ensure you enjoy success. Risk management should not be a daunting process; it is merely a process to establish all the factors that may have a negative impact on your event. It is about making better, fully informed decisions. Some factors that may have a negative impact on your event, but are not limited to include: The duty of care to residents, organisers, workers, performers, contractors and all of those present at your event is the responsibility of the organisers and must be addressed at all times.

Application Process for holding an Event

If you are wanting to hold an event that is compliant with the above you are required to submit the documentation as outlined in the Events Procedure, an associated document to this Policy, to the Economic Development Department of Council to determine if your event meets the criteria.

Special Considerations

Any event that occurs on a road or is likely to adversely and significantly impact on road users requires consideration of the Transport for NSW - Guide to Traffic and Transport for Special Events, may require an approval from Council under the Roads Act 1993 and may require development consent from Council under the Environmental Planning and Assessment Act 1979.

Any event that occurs on public land requires an approval from Council under s68 of the Local Government Act 1993 and may require development consent from Council.

Any event that proposes the erection of any structure, other than a structure that is within the development standards in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 requires development consent from Council.

Any event that has the potential to conflict with public health orders will need to demonstrate how the event can be proceed adhering to these orders. Note that Council reserves the right to review, request changes to or even cancel the event if COVID or other restrictions at the time are likely to have an impact on the event occurring.

5. RESPONSIBILITIES

A range of government organisations share responsibility for events management and administer related legislation. Some agencies have specific responsibilities for assisting event planning and in particular with the development of an event emergency management plan. These include:

Ambulance Service of NSW	Responsible for assisting with an emergency management plan and providing care for the sick and injured
Fire and Rescue NSW or NSW Rural Fire Service	Responsible for assisting with an emergency management plan and providing a direct response to specific emergencies relating to fire and hazardous materials
NSW Police	Responsible for assisting with an emergency management plan and for the control of crowds, traffic and alcohol licence compliance
Transport for NSW: Roads and Maritime Services	Responsible for any disruption to road users, application for a Road Occupancy Licence to secure event space and any other traffic issues relating to special events. The Maritime Services Division is responsible for all events directly involving NSW waterways. It may also be necessary to liaise with Transport for NSW to ensure coordinated traffic management.

Other agencies have specific responsibilities for legislation and the development of guidelines impacting on events management. These include:

Office of Environment and Heritage	Environmental issues including noise and waste management
Casino, Liquor and Gaming Control Authority and the NSW Office of Liquor, Gaming and Racing	Fundraising and licensing the sale of alcohol at events where applicable
NSW Food Authority	Food handling guidelines for temporary events
Safework NSW	Fireworks, Workplace Health and Safety, community safety and risk assessment

6. EVALUATION AND REVIEW

It is the responsibility of the Director Community & Economic Development to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

7. LEGISLATION, ASSOCIATED DOCUMENTS AND DEFINITIONS

Legislation

- ▶ Local Government Act 1993 (NSW);
- ▶ Environmental Planning and Assessment Act 1979
- ▶ Roads Act 1993
- ▶ Summary Offences Act 1988
- ▶ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP)

Associated Documents

- ▶ MRC Procedure - Events
- ▶ Transport for NSW - Guide to Traffic and Transport for Special Events
http://www.rms.nsw.gov.au/trafficinformation/downloads/special_events_guide_part1.pdf
- ▶ AS 4282 – 1997, Control of the Obtrusive Effects of Outdoor Lighting.
- ▶ SEPP - <https://www.legislation.nsw.gov.au/#/view/EPI/2008/572>
- ▶ http://www.police.nsw.gov.au/data/assets/pdf_file/0007/275560/Notice_of_Intention_to_Hold_a_Public_Assembly.pdf
- ▶ <http://www.liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences>

Definitions:

Term	Definition
DA	Development Application
Non-Private Event	Any other event, whether it is for a community purpose, charity or where the organisers, landholder or vendors obtain a gain.
Private Event	Means the event is for invited guests only, where guests do not pay an entry fee or pay for food and beverages.
TCP	Traffic Control Plan
TMP	Traffic Management Plan

8. DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue	27 June 2017 to 27 Oct 2020	VF/17/102857 & DOC/20/40175	200617
2	Information updated and clarification of when a Development Application is required	27 October 2020 to	VF/17/102857 & CTL/19/14	231020

Council reserves the right to review, vary or revoke this policy at any time

This Policy is scheduled for review in 2024

Disclaimer:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.