

Schedule 24 Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law, excluding the operation of a temporary entertainment event.

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

(1) An approval under the authorising local law is not required for –

- (a) activities of a cultural nature which, in all reasonableness, will not cause a prolonged nuisance or inconvenience to the wider community in the local government controlled area or adjacent to a road (including tombstone openings and funerals etc); or
- (b) a public place activity approved by local law (eg. a temporary entertainment event or public place activity under an approval for the commercial use of a local government area or road).

(2) In this section—

cultural nature means activities undertaken in accordance with recognised traditional and cultural practice of the Torres Strait Islander and/or Aboriginal community in which it is practiced and/or acknowledged.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) full details of the proposed public place activity; and
- (d) if applicable, Native title consent and land-owner consent; and

- (e) a copy of a risk management plan; and
- (f) any other documentation or materials requested by the local government in writing.

4 Additional criteria for the granting of approval

The additional criteria for approval are that –

- (a) the event will not unduly interfere with the usual use and enjoyment of the area or road; and
- (b) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (d) adequate provision will exist for the disposal of refuse generated by the conduct of the event; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the event; and
- (f) adequate provision will exist for vehicles to park at or near the activity (where applicable); and
- (g) satisfy any other criteria the local government considers relevant to determine the application.

5 Conditions that must be imposed on approvals

Intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must –

- (a) comply with the standard public liability insurance condition; and
- (b) comply with specified safety requirements; and
- (c) ensure that any damage sustained as a result of the approval holder or the approval holder's agent or employee's action or omission, to a road, or any public infrastructure within the road or a local government controlled area, it must –
 - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
 - (ii) report the damage to the local government; and
 - (iii) pay to the local government the amount it would cost for the local

government to have all damage rectified or with the local government's approval, carry out repairs at its own expense to the satisfaction of the local government; and

- (d) conduct the activity only on days and times, and at the specific locations or areas, specified in the approval; and
- (e) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- (f) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (g) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause nuisance; and
- (h) maintain a defined access point for emergency vehicles at all times; and
- (i) pay any rental specified in the approval to the local government at specified intervals; and
- (j) maintain the area where the activity takes place in clean, tidy and orderly condition.

7 Term of approval

The term of the approval shall be the term stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.