

Strategic Outcome's Supported: 2 – A safe and health community
10 – A popular destination for visitors and tourists

OBJECTIVE

1. To support and encourage events in the Shire that benefit the community and meet the relevant objectives outlined in the Shire's Strategic Community Plan 2032, while ensuring events comply with relevant legislative requirements for public safety, health and amenity.

SCOPE

2. This policy applies to all public events held within the Shire including those on private land that require an event application and determination.
3. The following events fall outside of the Policy and therefore do not require an event application:
 - a. Social gatherings not open to the public, being small groups (generally less than 75 people over the age of 16 years).
 - b. Events held in or at a building or venue that is approved for the purpose of events (i.e. with Shire development and health approval) and the event itself is within the approval limitations.
 - c. Events held on crown land, where the event is run by or on behalf of the Local, State or Federal Government.
 - d. Seasonal use of sports fields or reserves by schools and registered sporting clubs for club related activities.
 - e. Minor fundraising activities by community groups (e.g. sausage sizzles - approval required for provision of food).
 - f. Political events or protests (note that these activities require application and approval from WA Police in accordance with the *Public Meetings and Processions Act 1984*).
 - g. Activities for which a Stallholder's Permit, Trader's Permit, or Permit to Perform has been issued under a Shire Local Law.
 - h. A major event as defined under the *Major Events Act 2023*.
4. Events that meet the following criteria are still subject to this policy, however they are considered temporary works and use, and are exempt from requiring Development Approval under the Shire's Local Planning Scheme, but are still the subject of this policy:
 - a. The use of land which is approved through an events approval process;
 - b. The activity does not involve alterations to the land or construction of permanent structure(s);
 - c. Each event is in existence for less than 96 hours (four days);

- d. Does not require a greater period than 10 days setup and breakdown of event infrastructure; and
- e. The cumulative total number of events at the property does not exceed more than 5 events in any 12-month period.

DEFINITIONS

5. **Council determined events** means an application for an event that includes or requires:
 - a. An Application for Approval of a Non-complying Event under the *Environmental Protection (Noise) Regulations 1997* (i.e. a Regulation 18 application)
 - b. Multi-day events of three (3) days or more.
 - c. Events involving more than one stage.
6. **Department of Health Guidelines** means the *Guidelines for Concerts, Events and Organised Gatherings 2022* (as amended).
7. **District** means anywhere within the Shire of Donnybrook Balingup.
8. **Event** means a gathering of people brought together for a common purpose by some prearrangement.
9. **Event booking** means a request to hire Shire managed parks, reserves and facilities.
10. **Event application** means a written request, with supporting documentation, to conduct an event within the Shire, usually by completing a relevant application form.
11. **Event approval** means a written determination, with or without conditions, providing the authorisation to conduct an event within the Shire.
12. **Major Event** means an event defined under the *Major Events Act 2023*, usually a large event of State, National or International significance that is required to be considered by the Minister for Tourism.
13. **Relevant legislative requirements** include, but is not limited to, provisions under the:
 - a. *Health (Public Buildings) Regulations 1992*
 - b. *Planning and Development (Local Planning Schemes) Regulations 2015*
 - c. *Major Events Act 2003*
 - d. *Caravan Parks and Camping Grounds Regulations 1997*
 - d. *Environmental Protection (Noise) Regulations 1997*
 - e. *Food Act 2008*
 - f. *Bush Fires Act 1954*
 - g. *Local Government Act 1995*
14. **Shire authorised officer** means an employee of the Shire of Donnybrook Balingup with relevant delegations and/or duties specific to their role.

15. **Signature event** includes:
- a. Balingup Medieval Carnivale
 - b. Balingup Small Farm Field Day
 - c. Donnybrook Apple Festival
 - d. Food and Wine Festival

POLICY STATEMENTS

16. Assessment of Event Venue

Event bookings may be made on Shire managed parks, reserves and facilities. These venues are reviewed regularly, with bookings potentially impacted by prescheduled works, seasonal restrictions or lease arrangements based on the specific venue. Where an event is proposed to take place on a private venue, written permission is required to be provided by the registered landowner before the Shire can determine the application.

Any park or reserve may be booked for an event however every endeavour should be made to ensure that at least 50% of the park or reserve remains available for use by the general public. Public facilities such as playgrounds cannot be booked exclusively, with the exception of the stage and amphitheatre at the Trigwell Place Recreation Area.

Applications will be considered on a 'first-come, first-served' basis. Should a situation occur where two (2) or more event applications are received at the same time, the Shire will prioritise an application for a major event or signature event (where applicable).

17. Assessment of Events

All events delivered within the district will require approval from the Shire through an event application.

Assessments will be based on the following criteria:

- The suitability and purpose of the event activity;
- The suitability and experience of the event organiser;
- The accessibility and suitability of the event's location and duration;
- The amenity of the event and likely impacts on surrounding residents; and
- Consideration of the social, environmental, economic, safety and reputational risks and benefits.

Impacts will be assessed based on:

- Number of attendees at any one time;
- Number and type of trading activities and temporary facilities;
- Alcohol availability;
- Potential noise impact; and;
- Impact on the use of the roads.

An event approval may be cancelled by a Shire authorised officer due to extreme weather conditions or under the direction of the Executive Director of Public Health, WA Police or Department of Fire and Emergency Services.

18. Timeframe for Assessment

Event applications and event bookings should be made at least sixteen (16) weeks prior to the proposed event date where it is to be Council determined. In all other instances event applications and event bookings should be made at least eight (8) weeks prior to the proposed event date.

19. Event Guidelines

Event organisers are required to comply with all legal requirements as outlined in the Department of Health Guidelines and any associated guidelines specified by the Shire.

20. Approval

Approval will include but is not limited to a written letter and/or maximum accommodation certificate under the *Health (Public Building) Regulations 1992*. Events that do not receive all relevant approvals or do not comply with the relevant conditions of approval are not to proceed. It is an offence to operate an event without a valid licence, permit or approval. Events that proceed without a formal approval or events that do not comply with the conditions of approval may result in further formal compliance action.

Applications and approvals for an event are not transferrable.

21. Roles and Responsibilities

a. The Shire

The Shire will play various roles in the event process, which may include facilitator, promotor, funder, regulator and strategic partner. While the Shire recognises that a whole of organisation approach in supporting the delivery of events is required, Shire authorised officers have specific roles and responsibilities within the assessment process.

The Shire will provide advice and information to organisers during the event's planning stage to assist in delivering the best practice planning and management of events.

The Shire may consult with local community groups, key authorities and other agencies including but not limited to the Department of Health, WA Police and Main Roads WA.

The Shire may provide financial support to Event Organisers through event sponsorship, grant or in-kind support subject to Council's Community Grants and Donations Policy.

Shire authorised officers may attend the event to carry out assessments to check for compliance with the requirements and conditions of approval without any notification.

b. Event Organiser

It is the responsibility of the event organiser to seek and obtain all approvals relating to the event prior to any form of promotional activity and advertising (including but not limited to listing the event on a public platform or forum).

Where the event will cause or is considered likely to cause an impact on adjoining businesses or residents, the event organiser is required to provide community engagement and/or notification in the format advised by the Shire.

The event organiser or an approved representative must be in attendance during the event.

The event organiser is responsible for all stallholders and traders attending or assisting in the event. The event organiser is required to maintain a list of stallholders and traders and copies of public liability insurance certificate of currencies. The Shire will communicate with the event organiser to manage any requirements necessary relating to stallholder and traders.

Food stallholders and traders permit applications will be assessed separately and incorporated into event conditions.

22. Commitments

a. Safety

The health and safety of all people attending events is a priority.

All health and safety issues are to be satisfactorily addressed prior to final approval and commencement of the event.

A Shire authorised officer is empowered to close events or areas within an event that are considered unsafe.

b. Inclusion

The Shire is committed to treat all people equitably with respect and dignity, regardless of gender, sexual orientation, ability, language, ethnicity, religious belief, cultural background, age, education, socioeconomic background or any other dimension of diversity not listed. The Shire encourages all events to be accessible and inclusive for everyone.

c. Smoke free events

Smoking or vaping is not permitted at events organised by the Shire and all events conducted on Shire managed parks, reserves and facilities.

d. Sustainability

The Shire encourages all events to progress towards best practice waste management.

23. Fees and charges

The Shire will impose fees and charges for all events in accordance with the annual fees and charges and statutory fees as adopted or varied by Council unless exempted through Council's Community Grants and Donations Policy.

Refunds will not be provided on the event application and permit fees if the event does not go ahead.

Event organisers are required to reimburse Council for the cost of any restoration or repairs which are required as a result of the event and/or its associated activities.

DELEGATION AND AUTHORISATION

24. For all events other than Council Determined Events:
 - a. Delegation 1.3.1 Appoint Authorised Persons
 - b. Delegation 8.1.3 Designate Authorised Officers
25. Information associated with event applications are routinely communicated to Council.

LEGISLATION

- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2016*
- *Health (Public Buildings) Regulations 1992*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Major Events Act 2003*
- *Caravan Parks and Camping Grounds Regulations 1997*
- *Environmental Protection (Noise) Regulations 1997*
- *Food Act 2008*
- *Bush Fires Act 1954*
- *Local Government Act 1995*
- *Environmental Protection Act 1986*

GOVERNANCE

Related Policy(s):

- COMD/CP-1 Community Grants and Donations

Related Procedure(s):

Nil.

Revision Requirements and Version Control:

Responsible Department(s):	Development Services (Community Development)		
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