



# Toowoomba Regional Council Local Law Approval Information Guide

This guide is to assist in meeting the requirements and completing the applications within Local Law No. 1 (Administration) 2011

## **Subordinate Local Laws**

- 1.1 (Alteration or Improvement to Local Government Controlled Area and Roads)
- 1.2 (Commercial Use of Local Government Controlled Roads or Areas).
- 1.4 (Installation of Advertising Devices)
- 1.6 (Operation of Camping Grounds)
- 1.8 (Operation of Caravan Parks)
- 1.10 (Operation of Public Swimming Pools)
- 1.12 (Operation of a Temporary Entertainment Event)
- 1.14 (Undertaking a Regulated Activity on Local Government Controlled Roads or Areas)
- 1.19 (Bringing a Motor Vehicle onto, or Driving a Motor Vehicle on, a Mall)

The information provided in this Event Management Planning Guide has been compiled for your convenience. Toowoomba Regional Council makes no warranties about the accuracy or completeness of any information contained in the guide. The guide is not a substitute for independent professional advice and Council strongly recommends that event organisers obtain any appropriate professional advice relevant to their particular circumstances. Council will not accept any liability for any loss, damage or other injury resulting from its use and reserves the right to make changes, modifications, additions, deletions and corrections to the guide at any time and without notice.

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## Introduction

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Toowoomba Regional Council **VISIONS** a vibrant, inclusive, environmentally rich and prosperous region that embraces the future while respecting the past.

**OUR MISSION** is to work with the community and lead with good governance and sustainable practices to achieve the Vision.

**WE VALUE:** Integrity Respect Accountability and transparency Collaboration and teamwork Innovation Sustainability.

This guide has been designed to provide an overview of what approvals or bookings an activity may require from Council.

Please note considerations that may be required by State Government legislation are not addressed in this planning guide and it is recommended that you contact the Queensland Government on 137 468.

Council regulates prescribed activities on private property, Council land and roads to ensure that they are carried out in a safe manner for patrons, whilst preventing nuisances to the surrounding environment.

For further information contact Council by telephone on 131 872 or via email to [environmentalhealth.services@tr.qld.gov.au](mailto:environmentalhealth.services@tr.qld.gov.au)

## When is a local law approval required?

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An approval is required for the following activities when they are unable to meet the minimum requirements prescribed in the relevant subordinate local laws:

- footpath gardens
- footpath dining
- bringing or driving a motor vehicle on the mall
- Operating a commercial camping ground and/or caravan park
- Operating a public swimming pool/spa
- Temporary Entertainment Event at a private venue not approved for that purpose
- Advertising device that is not identified as development under Council's planning scheme
- Regulated Activities
  - Public Place activity
  - Depositing Goods and Materials on Local Government Controlled Areas and Roads
  - Driving/leading animals to cross a road

An activity where minimum requirements are prescribed must comply with **ALL** prescribed requirements.

An approval is always required for the following activities:

- All alterations or improvements to Council controlled land and roads except footpath gardens that meets the prescribed minimum standards
- Mobile and stationary roadside vending and all commercial activities on council controlled land except footpath dining that meets the prescribed minimum standards.
- Operation of a temporary Entertainment Event on council controlled area/road

## When no approval is required

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Under Council Local Laws, no approval is required for the following activities:

- Operation of shared facility accommodation;
- a wedding, family gathering and the like undertaken on a local government controlled area that is not open to the public;
- a school concert, musical or other similar production;
- a school dance or a graduation ceremony;

## Activities requiring approval

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Council encourages the making of applications well in advance of the date you intend undertaking your prescribed activity. This allows Council adequate time to review your submission, request further information if required and process any approvals while still allowing time for advertising and/or communication with key stakeholders and the general public.

As an applicant it is your responsibility to ensure all relevant branches in Council (*may include, but is not limited to; Waste Services eg: bins, Environmental Health eg: food licencing, Building eg: structure approval*) and external stakeholders (*may include, but is not limited to; liquor licencing and Health and Safety, Department of Transport and Main Roads*) have been contacted to ensure the activity will comply with all relevant legislation, policies and regulations.

Council will complete a thorough assessment of the application and in some instances a site inspection may be required. The assessment will address the location suitability, relevant legislation, policies and regulations will be complied with and ensure the impacts on location, environment and community are minimal.

An application may take up to 20 business days to process and approve. The time it takes to process and approve your application will depend on the complexity and your ability to submit all relevant information for assessment.

## Your activity approval

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Once you have met all the relevant assessment criteria and Toowoomba Regional Council has deemed your application successful, you will receive your activity approval. The activity approval will confirm the terms and conditions for your activity.

The approval is final confirmation that all steps required have been completed in preparation for your activity. Once you have received your approval you will need to have a copy on site with you at all times, available for presentation upon request.

Activities will not be approved for the following:

- Commercial activities –
  - Operating within the Central Business District (CBD) on a Council controlled Road (*Refer to Appendix A for a map showing the boundaries of CBD*).
  - Operating within a 50 metre radius of Open Level Rail Crossings and intersections controlled by traffic signals.
  - Operating on Council's multi-lane roads as follows: Bridge Street (West to Tor Streets); West Street (Bridge to Mort Streets); Kitchener Street (James to Margaret Street)
  - Operating within 50 metres of all major intersections (With major being defined as any street with a 60km/h speed limit).
  - Operating on a road with a speed limit exceeding 80km per hour.
  - Operating on Council's higher trafficked roads as identified below:
    - West Street (USQ Entrance to James Street);
    - Hume Street (Spring to James Streets);
    - Anzac Avenue (James to West Streets);
    - Bridge Street (Hume to Mary Streets);
    - Stenner Street (Ramsay Street to Drayton Road);
    - Alderley Street (Ramsay Street to Drayton Road);
    - Drayton Road (Stenner to West Streets);
    - Herries Street (Hume to Kitchener Streets);
    - Taylor Street (West Street to Holberton Street);
    - Hursley Road (Tor Street to McDougall Street);
    - Holberton Street (Anzac Avenue to North Street
    - Herries Street (West Street to Anzac Avenue)
- Inappropriate use of a motor vehicle on the mall.

## Other approvals and fees

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Your application fee (if applicable) does not include any additional fees that may be payable to other Toowoomba Regional Council departments for services, permits and/or bookings. For a full list of Councils fees please refer to [www.tr.qld.gov.au](http://www.tr.qld.gov.au)

Fees do not apply where the supply of goods or services is for religious, charitable, educational or political purposes.

Additional approvals and fees that might be required for your event may include, but is not limited to:

- Temporary Food Licences
- Extra waste bins
- Building approvals
- State Government approvals

Please note that if the activity is to be held within a park, the civic precinct or council facilities, a separate booking may be required this can be done by calling customer service on 131 872 or by attending a customer service centre. Where a booking is required your application will not proceed until the booking is confirmed.

## Events Register

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The events register is a community resource where anyone can submit an event<sup>1</sup> and have it listed for public viewing at no charge to the applicant. Events include – education / awareness, exhibitions, festivals, markets, performance, show or field days, sports and Council events.

For more information about the Events Register contact Community Development on 131 872 or website [www.tr.qld.gov.au/events](http://www.tr.qld.gov.au/events).

<sup>1</sup>Events are moderated by Community Development staff and are required to meet basic criteria before being published.

## Activity Types

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### **Alteration or Improvement to Local Government Controlled Areas and Roads**

Installing, changing, damaging or removing a structure in or on a local government controlled area or a road; or planting, clearing or damaging of vegetation in or on a local government controlled area or a road.

### **Commercial Use of Local Government Controlled Areas and Roads**

An activity where an operator is soliciting or carrying on the supply of goods or services (including food or drink) for profit.

This could be by means of either:

- **Mobile roadside vending** where the operator travels from place to place or supplies the goods or services to a customer in response to the customer waving down the operator.
- **Stationery roadside vending** where the operator carries the activity from specified place/s.
- **Footpath Dining** where dining activities are conducted on council footpaths.
- **Commercial Activity on Council controlled area** where the activity is conducted at a public place under Council control.

### **Installation of Advertising Devices**

The installation, erection or display of an advertisement or sign that is visible from a road or other public place.

An **advertising device** is a structure or device which is visible from a road or public place and which conveys information or directions of any kind and includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

### ***Operation of a Camping Ground***

An activity to permit access to, or use of, a commercial camping ground and does not include a caravan park.

### ***Operation of Caravan Parks***

Operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

### ***Operation of Public Swimming Pools***

Operation of a swimming pool that is made available for use to members of the public or a section of the public; or participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or persons who have a commercial relationship with the owner of the pool.

### ***Operation of a Temporary Entertainment Event***

An opening to the public, or the preparation for opening to the public, of an entertainment event.

This includes –

- Live music or entertainment
- Live artist performance
- Music event/concert
- Fair or festival
- School fete or event

### ***Depositing of Goods and Materials on Local Government Controlled Areas and Roads***

Where goods and materials are deposited/placed onto a Local Government controlled Area or Road for a period of time.

This includes –

- Landscaping supplies
- Building materials
- Portable toilets
- Skip bins
- Shipping containers
- Temporary fencing
- Stakes
- Machinery

### ***Driving/leading animals to cross a council controlled road***

Where animals crossing the road may impact the proper use of the road and/or create a safety hazard for users of the road.

### ***Public place activity (regulated activity)***

A non for profit activity which takes place on Local Government Controlled Areas or Roads, defined as one of the following:

- Sale of “The Big Issue” and/or similar publication
- Vintage car display
- Census or similar information collection activity
- Collecting donations for charity/incorporated body or for a community purpose
- Selling raffle tickets
- Cake stall or sausage sizzle
- 1 day car wash or similar fundraiser
- Placing of a display or information booth
- A gathering, meeting, Invitation-only ceremony, party or celebration for more than 50 people
- Local, regional, state or national significant sporting activity

- Musical or theatrical performance
- Novelty vehicle race, for example, a go-cart race
- Occupation or use of an area by an incorporated body
- Street parade or festival
- An activity which has as its principal purpose –
  - scientific research
  - nature conservation
  - wildlife or environmental preservation
  - a public benefit
  - structured physical or military training
  - a wedding
  - recreational boating
  - abseiling or rock climbing
  - archery
- touting

### ***Bringing a Motor Vehicle onto, or Driving a Motor Vehicle on, a Mall***

Where a motor vehicle is driven or brought onto a Mall in the Council area creating an impact on the proper use of the mall and/or create a safety hazard for users of the mall.

## ***A Breakdown of the Application***

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### ***Section 1 - Activity Type***

This is what you are applying for. These details must be completed regardless of what the activity involves. You can apply for more than one activity.

### ***Section 2 – Applicant Details***

This is the details of who the approval will be issued to. Take particular care in filling out the applicant details as these are legally required for the issuing of the Local Law Approval. Applicant details, including the name and address should reflect the details of the person or registered legal entity.

### ***Section 3 – Responsible Person(s)***

This is the person or persons responsible for ensuring compliance with the relevant laws and approvals, handling complaints received, liaising and communicating with Council and Council Officers. The responsible person(s) need to be contactable and available during the approval process and also during the undertaking of the activity.

### ***Section 4 – Activity Details***

This is a brief explanation of the activity to include the basic but crucial activity details. If needed/required, more explanation of the activity can be included in the activity management plan and submitted with the application.

These details must be completed regardless of what the activity involves.

### ***Section 5 – Public Liability***

It is important to note that only activities managed and controlled by Council are covered under its public liability insurance policy and the policy indemnifies Council and no other party. All other event organisers are required to provide a certificate of currency for at least \$10 million that covers the duration and scope of the event and notes Toowoomba Regional Council as an interested party. You should also ensure that any other party or provider associated with your event has public liability cover and that evidence of this cover is provided to you prior to the event.

## **Section 6 – Consents**

Written consent or agreement with property owner(s) is required for:-

- temporary entertainment events on private land where the approval holder is not the owner;
- commercial activities abutting or adjacent to private land where the approval holder is not the owner;
- operating a public swimming pool on private land where the approval holder is not the owner;
- operating a camping ground or caravan park;
- Alteration of improvement to Council controlled areas and roads adjacent to private property.;
- erecting, installing or displaying an advertising device.

## **Section 7 – Indemnity**

Ticking this means the applicant has entered into an agreement with Council against claims (including claims made against the person undertaking the prescribed activity by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through, or in connection with, the undertaking of the activity.

## **Section 8 – Declaration**

Where there is more than 1 applicant, this declaration is to be signed by all applicants, unless a principal applicant has been nominated, in which case the principal applicant can sign on behalf of all the joint applicants.

Where the sole or principal applicant is a company, the application form needs to be signed by an authorised person of the company.

## **Section 9 – Application Lodgement Fee**

Where a fee applies to an application it must be paid when the application is lodged. Payment must be made in full as no part payments will be accepted. You can pay in person, by phone or mail.

## **Section 10 – Applicant Checklist**

Depending on what you are applying for there are a number of documents that must accompany your application form. If these documents are not provided then your application will be considered not properly made and will not be processed until the information is provided.

## **Section 11 – Council’s Receiving Officer**

This is for Council use only and provides details on when the application applications are received by Council.

## **Activity Management Plan**

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Applications for commercial use of council controlled areas and roads, temporary entertainment events and public place activities requires an activity management plan to be submitted. The plan provides detailed information about your activity including the management procedures to be followed for a smoothly run and successful event. It also provides protection to event participants, organisers and the general public.

The activity management plan will need to include information on the below topics that are relevant to your event.

- Activity overview
  - Activity details
  - Insurance
  - Management staff
  - Key stakeholder consultation
  - Vendor/performer contact list
  - Equipment
  - Activity timeline

- Event requirements
  - Consents
  - Coordination and communications
  - Event promotions
  - Incident/Accident procedures
- Emergency/Incident management
- Public Health
  - Alcohol
  - Food Service Operations
  - Amenities
  - Camping and Accommodation
  - Water
  - Waste management
  - Nuisances (Noise, Dust, Light, Odour)
  - Fireworks and pyrotechnics
  - Balloons and lanterns
- Public Safety
  - Lighting and power
  - Temporary Structures
  - Security and crowd management
- Traffic Management
- Contingency
- Site Layout
- Hazard identification and risk assessment

## ***Pool Management Plan***

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Applications for operating a public swimming pool requires a pool management plan to be submitted. The plan provides detailed information about the pool operation including the management procedures to be followed.

The pool management plan will need to include information on the below topics that are relevant to your pool operations.

- Administration
  - Records
  - Signage
  - Communication systems
  - Operator qualifications
- Operating standards
  - Water quality
  - Monitoring and testing
  - Amenities
  - Maintenance
  - Supervision
  - Chemicals
- Emergency/incident management
- Hazard identification and risk assessment

## Helpful Additional information

The below information is provided to assist with your application and activity planning.

### Gas safety

The use of gas devices is regulated in Queensland under the *Petroleum and Gas (Production and Safety) Act 2004*. This Act includes particular safety requirements that must be complied with called preferred standards. The preferred standards that apply include Australia New Zealand Standard 5601.1:2013 Gas installations – General installations (AS/NZS5601.1) and Australia New Zealand Standard 1596:2014 The storage and handling of LP Gas (AS/NZS1596), unless an alternative is specified and formally recognised.

The operator of the gas device and/or a licensed gas fitter is responsible for assessing the risks of the gas device in relation to these requirements and the Australian Standards. Portable gas devices fuelled by LPG (such as barbecues, woks, bain maries, and outdoor heaters) must be used in accordance with the Act, preferred standards, and the manufacturer's specifications and instructions.

For further information visit [www.business.qld.gov.au](http://www.business.qld.gov.au) or contact 13 QGOV (13 74 68)

### Use of generators

If the existing Council controlled electrical facilities are not sufficient for the event, you may need to use generators. Always follow the manufacturer's instruction in the operator's manual. The hazards of incorrect generator use are poisoning from toxic engine exhaust, electric shock, electrocution, fire, and contact with hot surfaces.

### Vehicles in parks

Generally, only authorised Toowoomba Regional Council vehicles or emergency services are permitted in Toowoomba Regional managed parks and gardens. Limited access is available for vehicles engaged in the bump-in and bump-out and operation of an event. No vehicles, caravans, cranes, accommodation vehicles or trailers are permitted in any Toowoomba Region managed parks and gardens unless specific written authorisation has been given, which will be detailed in your approval.

Conditions include:

- all vehicles must be road registered
- all on site vehicles must be approved
- where bollards are in place, a marshal must be positioned at the bollards while the bollards are removed
- anytime that the marshal has to leave the entry, the bollard will be put back in position, e.g. at the conclusion of the bump-in
- vehicles are only allowed to enter when a marshal (wearing high visibility clothing) is available to escort them
- all vehicles must ensure their hazard lights are on and must travel at walking pace
- all vehicles must remain on pathways unless protective flooring has been laid to protect the surface
- all vehicles that remain on site are required to have drip trays placed underneath their engines
- public will have right of way at all times.

### Temporary Road or Footpath Closure

If you require a temporary footpath or road closure for your activity you will need to submit a Traffic Guidance Scheme (TGS) with your application. An example of a TGS has been provided in Appendix B.

A TGS is required when there is a road closure and in any situation where significant numbers of vehicles will be entering or exiting off-road parking facilities or when any control is necessary to direct traffic in a way that is different to that dictated by road rules or existing signage. This will include speed reductions which may be necessary to deal with venues where there is the potential for interaction of vehicle and pedestrian traffic.

A TGS **must be prepared by an accredited Traffic Control Provider** (found in yellow pages or google) in accordance with *Transport Operations (Road Use Management) Act 1995* and the Manual of Uniform Traffic Control Devices and includes:

DOCS-#7898340-v4-EHS\_-\_Local\_Law\_Approval\_Information\_Guide – Last edited: 26/07/2019

- Traffic Control Permit from Council to close or alter traffic conditions on a road
- Legible maps and/or diagrams of the event areas and sites
- Appropriate signage, barricading and traffic control to be installed
- Diagrammatic details of what type of traffic management devices will be used and in what positions
- Confirmation that all persons involved in directing vehicle movements are adequately qualified. This must be a Police Officer or an accredited Traffic Control Officer
- Complete and accurate details of what road closures are being sought and for what periods those roads will be closed
- Details of a least one effective diversionary route for traffic affected by each road closure
- Distinctly identified emergency vehicle accesses.

You are also required to:

- Apply to the Queensland Police Service – [www.police.qld.gov.au](http://www.police.qld.gov.au);
- Apply to the Department of Transport and Main Roads if the event is on a State controlled road [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au);
- Erect road closure notification signage not less than seven days prior to the event;
- Provide written advice to Queensland Ambulance Service and Queensland Fire and Rescue Service at least one month prior to the event date;
- Publish a public notice advising of the full road closure at least one week prior to the event. Prior to publication confirmation, provide to Council a copy of the public notice advertisement;
- Advise any affected public transport providers at least one month prior to the event date;
- Provide evidence of actions taken to consult with residents and businesses affected by the road closure (e.g. letterbox drops, public meetings, personal visits) and make available to Council details of any and all objections as known to you.

To ensure safe and proper traffic flow on the day, it is recommended that you conduct a pre-event meeting with all persons involved in the directing of vehicle movements.

### ***Camping and Accommodation***

Under Council's Local Laws, any sleeping, occupying or remaining overnight in a council controlled park or reserve is a restricted activity. Permission will only be granted under the direct written authorisation of the CEO or appointed delegate. Conditions and fees will apply.

### ***Food***

If food and refreshments are served or sold it may be necessary for food vendor operators to obtain a Temporary Food Business Licence. Generally food businesses that involve the preparation of food do require a licence. Some exemptions apply to not for profit organisations, the sale of packaged foods and the sale of whole fruit and vegetables.

If you are unsure about whether you require a food licence please contact Toowoomba Regional Council via email ([EnvironmentalHealth.Services@tr.qld.gov.au](mailto:EnvironmentalHealth.Services@tr.qld.gov.au)) or telephone (131 872). Mobile food businesses (e.g. ice cream or kebab vans) must hold a licence in Queensland. It is the responsibility of the event organiser to ensure all food vendors are licensed. Food businesses can apply for a licence by completing an online application (<https://epwweb2.toowoombarc.qld.gov.au/ePathway/Production/Web/Default.aspx?js=-688072423>).

### ***Re-instatement costs***

Where damage has occurred as a result of the event/activity, the approval holder and/or event owner is responsible for the cost of reinstatement to the Toowoomba Regional Council property. This also includes damage incurred by third parties, suppliers and any contracted services. Please be aware that costs can run into the thousands of dollars. Event Organisers are encouraged to budget for possible reinstatement costs and use protection i.e. proffloor or trackmat, marshals, etc. to avoid damage in parks and gardens.

If the event is held in a park a bond maybe required

- (a) as a guarantee that the whole of the area will be left in a clean and tidy condition following the event,
- (b) to cover costs for any rectification work, as a result of damage to, or cleaning of the site and
- (c) to cover any after-hours call out that may arise from the activity.

## ***Animal management***

If the event includes domestic animals, *Local Law No. 2 (Animal Management)* requires that all animals be under effective control or contained within an appropriate enclosure at all times. Further, as the event organiser is in charge of the animals please ensure you clean up after them. Protecting the community against risk of injury and damage is paramount while ensuring the animals do not create a nuisance. For more information please contact Toowoomba Regional Council on 131 872.

## ***Community safety and security***

Dependent on the type, scale and scope of the event you may wish to consult with the Queensland Police Service, Queensland Fire and Emergency Service and Queensland Ambulance Service. Council and/or the Queensland Police Service may require you to engage police officers on special duties, security guards and/or crowd control, at your expense. Please contact Queensland Police Service on 131 444 to determine their requirements or visit [www.police.qld.gov.au](http://www.police.qld.gov.au).

# Appendix A – Toowoomba CBD Area



