



Our ref: P33439 42.2025.1.1  
Contact: Mr C Bradridge

Date of Determination:  
22 January 2025

Lismore City Council  
PO Box 23A  
LISMORE NSW 2480

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**NOTICE TO APPLICANT OF DETERMINATION OF THE APPLICATION TO ERECT A TEMPORARY STRUCTURE AND ANCILLARY ACTIVITIES, SET UP, OPERATE OR USE LOUDSPEAKER OR SOUND AMPLIFYING DEVICE AND USE A STANDING VEHICLE FOR SELLING ANY ARTICLE IN A PUBLIC PLACE**

**APPLICATION NO:** 42.2025.1.1  
**PREMISES:** Business Centres across the Lismore LGA (Council owned or managed land)  
**APPLICANT:** Lismore City Council  
**OWNER:** Lismore City Council

**DATE FROM WHICH THIS APPROVAL OPERATES: 22 January 2025**

Pursuant to Chapter 7 of the Local Government Act, 1993, notice is hereby given of the determination by Council of the subject application.

The application has been determined by the GRANTING OF APPROVAL subject to conditions. The conditions and reason for imposition of each condition follows:

**GENERAL**

1. The Event and promotion must at all times comply with the Event Application and supporting documents as well as all conditions of approval as stated below.

All work associated or carried out in connection with this approval must comply with any applicable standards established by the Local Government Act and Regulations thereunder.

**Reason:** *To correctly describe the terms of the approval.*

**OPERATION**

2. This approval is operational for multiple events to be managed by Destination and Economy (or the respective Lismore City Council department) until 31 January 2030.

All work associated or carried out in connection with this approval must comply with any applicable standards established by the Local Government Act and Regulations thereunder.

**Reason:** *To correctly describe the terms of the approval.*

## **ROAD CLOSURES**

3. This consent does not approve road closures. Any road closures shall require separate approval and to be managed under a Traffic Control Plan (TCP) that has been endorsed by Lismore City Council's Traffic Advisory Committee.

*Reason: To correctly describe what has been approved*

4. The use of the land must not unreasonably interfere with the amenity of the neighbourhood or create a noise nuisance.

All entertainment and amplified music and the use of sound generating equipment, including any public address system must cease by pm. The management and departure of patrons and the closing down of the event must be appropriately managed to minimise noise generation and must not unreasonably interfere with the amenity of the neighbourhood.

*Reason: To preserve the amenity of the neighbourhood.*

## **PUBLIC LIABILITY**

5. Public Liability Insurance to the value of twenty million dollars (\$20,000,000.00) shall be maintained for the duration of the temporary event. A copy of the insurance policy is to be provided to Council for its records **prior to the holding of the event.**

*Reason: To ensure public liability insurance.*

## **ACCESS STANDARDS**

6. There will at all times be a minimum width of 2 metres between the shop frontage of the building and the promotion stalls on the footpath to provide a continuous accessible path of travel. The siting of the promotion stalls are not to create obstruction, restrict, or impede the free use of the footpath by pedestrians.

*Reason: To ensure public safety is provided and accessible movement of all patrons.*

7. The location of each marquee / stall space shall be designated with sufficient markings on the pavement to clearly indicate the location of each designated stall space. Each individual marquee / stall is to be located wholly within the marked confines of the designated stall space.

*Reason: To correctly describe what has been approved.*

## **TEMPORARY STRUCTURES**

8. Any temporary structures are to be erected in accordance with good building purposes, be structurally adequate and in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (see Appendix 1) or alternatively obtain the appropriate approval.

*Reason: To ensure the temporary structure is adequate for its intended purpose.*

## **FOOD SAFETY**

9. Food preparation and serving of food is to be carried out in accordance with NSW Food Authority "Guidelines for food businesses at temporary events" (copy attached). The minimum requirements of the *Food Standards Australia New Zealand (FSANZ)* must be complied with, in particular, *Standard 3.2.2: Food Safety Practices and General Requirements* and *Standard 3.2.3: Food Premises and Equipment*. Stallholders that are cooking and preparing food on site must have hand washing facilities (warm running water, single-use paper towels and liquid soap).

**Reason:** *To comply with the Food Safety Standards and to ensure public health and safety.*

**NOTE:** In addition to the enclosed NSW Food Authority "Guidelines for food businesses at temporary events", a range of food safety facts sheets are available at <http://www.foodauthority.nsw.gov.au/retail/markets-and-temporary-events> and a full copy of the FSANZ Food Standards can be viewed or downloaded at <http://www.foodstandards.gov.au/>

10. **A minimum of 10 working days prior to conducting the event**, a list of the attending food business must be supplied to Council. The information provided to Council must include the name of the business and the businesses current Lismore City Council Food Registration Number.

**Reason:** *To comply with NSW statutory requirements.*

## **WORK HEALTH AND SAFETY**

11. Compliance at all times with the requirements of the Work Health and Safety Act 2011.

**Reason:** *To comply with Workcover Authority of NSW requests.*

## **EMERGENCY MANAGEMENT**

12. Notification is to be made to the NSW Police Service, NSW Fire and Rescue and the NSW Ambulance Service a minimum of forty eight (48) hours prior to the commencement of the event.

**Reason:** *To ensure public safety is provided.*

13. Emergency vehicle access/egress must be maintained. Emergency vehicles and personnel must not be obstructed or prevented from conducting their necessary duties. A clear passage of minimum 4 metres width, without any height restrictions, must be available for emergency vehicle/s to have access for the duration of the event.

**Reason:** *To enable prompt response in the event of an emergency*

## **VEHICULAR ACCESS**

14. All vehicles associated with the operation of the event shall be legally parked at all times (no double parking of vehicles is permitted in the road reserve).

**Reason:** *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 4.15(b))*

15. Signage and traffic control personnel shall be provided and readily available to ensure adequate direction is provided for both pedestrian and vehicle traffic to the designated car parking areas and nominated pedestrian crossings, road closure events and maintenance of traffic management facilities at all times during the event. All signage and traffic control personnel shall comply with relevant standards in regard to traffic control, signage and occupational health and safety.

*Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road.*

#### **CRIME PREVENTION & SAFETY**

16. The provision of adequate public lighting throughout the event to facilitate safe access and egress to persons attending the event.

*Reason: To provide adequate public lighting.*

#### **SANITARY ACCOMMODATION**

17. The applicant shall ensure that sanitary accommodation based upon a unisex ratio of 1 closet pan per 75 persons shall be provided the event venue. The toilet facilities shall be grouped and secured to ensure they cannot be easily tipped over (single facilities are not appropriate), in locations that are highly visible and have appropriate levels of lighting to ensure the safety of patrons. All toilet facilities shall be cleaned and maintained to appropriate sanitary standards for the duration of the temporary event.

The applicant shall be responsible for the cost of any clean-up activities arising during the event or following removal of temporary sanitary facilities due to failure to properly secure or maintain the facilities.

*Reason: To ensure adequate sanitary accommodation for users of the site(s) during the temporary event.*

#### **WASTE MANAGEMENT**

18. All waste generated during the operation of the event and activities ancillary to the event must be appropriately managed so as to prevent any littering and to ensure no other nuisances are caused.

*Reason: To protect the environment.*

#### **AMENITY**

19. Upon the cessation of the event and any activities ancillary to the event, the area is to be cleaned and left in a tidy condition and with all waste generated at the event to be disposed of so as to prevent any littering and to ensure no other nuisances are caused.

*Reason: To ensure area is maintained in a clean condition, for the benefit of the community and to protect the environment.*

20. All structures are to be dismantled and removed from the respective sites at the end of the event. The street and laneways are to be left in a clean and tidy state which existed prior to the event.

*Reason: To maintain the amenity of the area.*

21. The applicant shall ensure that entertainment activities do not result in the emission of offensive noise within the night time period being 10.00 pm to 8.00 am as defined by the NSW Department of Environment and Climate Change (EPA) Industrial Noise Policy.

Offensive noise means:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood.*

#### **USE OF COUNCIL LAND**

22. The applicant shall protect all surfaces, buildings and other Council assets at all times. A protection plan must be in place, either a separate plan, or part of meeting notes, that shows the planned protection of Council assets. The requirements of this condition include (but are not necessarily limited to):

- All trees, gardens and grassed surfaces protected
- Water and electricity services identified and protected
- All hard and soft surfaces including fences, gates, asphalt, gravel, buildings, etc, protected.

**Reason:** *To ensure the protection of existing built public infrastructure*

23. The applicant shall bear the cost of all restoration works to Council's property or infrastructure damaged during the conduct of the event on public lands. The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property before commencement of the development.

**Reason:** *To ensure the community assets are maintained or restored to a satisfactory standard.*

#### **ADJOINING OWNER PROPERTY RIGHTS**

24. The applicant shall ensure that adjoining owner property rights are maintained at all times for the duration of the temporary event. This will require the applicant to ensure that appropriate patrols/supervision is provided to prevent the public from entering private lands during the event, and the NSW Police are informed of any trespassing activities.

**Reason:** *To ensure that there is no trespassing on private property by any unauthorised persons and to preserve the environment and existing amenity of the neighbourhood.*

**NOTES:**

- (1) Lismore City Council is committed to sustainability and encourages all events to work towards making a positive contribution to waste management including finding ways to phase out single use plastics including plastic bags, takeaway food and beverage containers, cutlery, straws, balloons and decorations, and single use water bottles. To discuss waste minimisation options for your event please call the Waste / Water Education Officer on 02 6623 2004.
- (2) It is the obligation of the Event Manager to comply at all times with Work Health and Safety Act 2011, in particular that any electrical installations are undertaken in accordance with the appropriate requirements.
- (3) Council also advises that the proposed Event may result in your company and Council being joined in any public liability claim should an incident occur.

**LAPSING OF APPROVAL**

This approval lapses after 31 January 2030.

**REVIEW OF DETERMINATION**

Under the provisions of Section 100 of the Local Government Act, 1993, an applicant may request the Council to review a determination of the application. The request for a review must be made within twenty eight (28) days after the date of the determination.

**DISSATISFACTION WITH DETERMINATION - RIGHT OF APPEAL**

Under the provisions of Section 176 of the Local Government Act, 1993, an applicant who is dissatisfied with the determination of Council with respect to the application for an approval may appeal to the Land and Environment Court. The appeal must be made within 12 months after the date from which the approval operates.

Should you have any further enquiries regarding this matter, please contact me.

Yours faithfully



Mr C Bradridge  
**Development Assessment Officer (Planning)**

## APPENDIX 1

# State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Division 3 Temporary Uses and Structures Exempt Development Code,  
Subdivision 7 Tents, marquees or booths for community events,

## Temporary Uses and Structures Exempt Development Code

### General requirements

- (1) To be exempt development under this code, development specified in this Division must:
  - (a) have the consent in writing of the owner of the land on which the development is carried out or, if a council or public authority has the control or management of the land, the consent in writing of the council or public authority,
  - (b) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure,
  - (c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
  - (d) not result in damage to any protected tree growing on the land or on adjacent land,
  - (e) if it is the erection of a temporary structure—be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
  - (f) if it is the erection of a temporary structure—be able to resist loads determined in accordance with the following Australian and New Zealand Standards:
    - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
    - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
    - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,
  - (g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,
  - (h) have an approval for the use of the land related to the purpose of the temporary structure, unless the use of the temporary structure is specified as exempt development or is ancillary to the principal use of the land.
- (2) In this clause, any development standard that specifies a separation distance to a side or rear boundary:
  - (a) only applies in respect of a boundary with adjoining land that is under a different ownership, and
  - (b) does not apply in respect of adjoining land that is owned by the council or other public authority if the written consent of the council or other public authority has been obtained.

**Note.** Under section 68 of the [Local Government Act 1993](#) certain activities require the approval of the council.

### 2.120 Development standards

The standards specified for that development are as follows:

- (a) for all tents, marquees and booths being used at the same time—the development must not have a total floor area exceeding 300m<sup>2</sup>,
- (b) each tent, marquee or booth must be located at least 3m from any boundary of the land,

- (c) each tent, marquee or booth must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent, marquee or booth, unless it is attached to or abuts a building with no separation,
- (d) each tent, marquee or booth must be erected at ground level,
- (e) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
  - (i) 1 exit if the tent or marquee has a floor area of not more than 25m<sup>2</sup>,
  - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m<sup>2</sup>,
  - (iii) 4 exits in any other case,
- (f) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,
- (g) each tent or marquee must have a width for each exit of at least:
  - (i) if the floor area of the tent or marquee is less than 150m<sup>2</sup>—850mm, or
  - (ii) in any other case—1m,
- (h) no tent or marquee can have a wall height exceeding 4m,
- (i) each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m,
- (j) no tent or marquee can contain tiered seating,
- (k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies):
  - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
  - (ii) 7.30 am to 12.00 am on Friday or Saturday,
  - (iii) 8.00 am to 8.00 pm on Sunday,
- (l) each tent, marquee or booth must not remain on the land for more than 7 days after the event,
- (m) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.