



## Council Policy

### 12.7 EVENTS IN A PUBLIC PLACE PERMIT POLICY

#### PURPOSE

To provide a framework for Council to support and assess events held in public spaces on Council owned and/or managed land. The policy articulates the relevant legislative and regulatory requirements in accordance with the Local Law No.1 – General Local Law 2023.

Events play an important role in strengthening the community while providing significant economic, social, and cultural benefits. The Colac Otway Shire seeks to assist event organisers in ensuring that all events held on Council land enhance the resident, participant and visitor experience whilst being conducted in a safe manner.

#### SCOPE

The Policy applies to activities that meet the definition of an Event and that are to be conducted in public spaces, within the Colac Otway Shire.

An Event in Public Place permit is required for an Event where any of the following criteria apply:

- Will likely attract 50 attendees or more
- Are ticketed or are charging participants a fee to access the event site
- Involve amplified sound
- Are catered by an external supplier who is bringing any temporary cooking equipment or vehicles onsite
- Involve inflatable structures, carnival rides, animal nurseries, animal related entertainment or other high-risk event attractions
- Involve fireworks
- Involve a road closure or modified traffic conditions (vehicle and pedestrian)
- Require exclusive use of Council owned or managed parks, open spaces and roadways or will impact the use of public land or normal public activities
- Require use of power (on-site power or generators)
- Require vehicles to be driving on site (other than designated tracks) including vehicle access to drop off equipment
- Involves installation of infrastructure including but not limited to; temporary fencing, marquees, cooking equipment (in excess of two barbecues), (Note: table and chairs - limited to four sets - are not considered infrastructure)
- Involves consumption of alcohol

The policy does not apply to an Event held on:

- Private land
- Land managed by other agencies
- A recreation reserve where the activities are permitted under user agreements

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1

CM reference	D23/1155383	Date of adoption	22-11-2023
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## DEFINITIONS

**Affected Community** - Owners and/or occupiers of properties in the immediate vicinity, including all the abutting property occupiers to the road/street closure. This also applies to members of the general public who use public spaces.

**Bushfire Management Plan** - A bushfire management plan shows all the bushfire protection measures that will be implemented as part of a development to reduce the risk from bushfire to an acceptable level.

**Council** - Colac Otway Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.

**Council Officer** - The Chief Executive Officer and staff of Council, appointed by the Chief Executive Officer.

**Emergency Management Plan** – Is a document developed to identify potential emergency conditions and prescribe roles, responsibilities, and procedures to prevent loss of life and property. Emergency Management is concerned with responding to and managing unforeseen emergency incidents.

**Emergency Response Plan** – Is a document that identifies all potential emergency situations and details a set of procedures for responding to each emergency. The document prescribes roles, responsibilities, and procedures to be followed in the event of each emergency situation identified. The document aims to prevent loss of life and property. Emergency Management is concerned with responding to and managing unforeseen emergency incidents.

**Emergency Services** – Organisations that ensure public safety, security, and health by addressing and resolving different emergencies. Including but not limited to:

- Victoria Police
- Country Fire Authority (CFA)
- Fire Rescue Victoria
- State Emergency Service (SES)
- Ambulance Victoria
- Local Hospitals

**Event** - Any planned activity held on Council owned or managed land where any structure (permanent or temporary), open area, or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the amenity of the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed, and organised sporting competition at a venue built for that sport)
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events
- Live performances and concerts
- Festivals.

**Event Impact** - Any adverse impact on the amenity of the local area.

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2

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------



**Events Officer** – Officer of Council appointed by the Chief Executive Officer to provide ongoing support for the implementation, development, and assessment of events for approval within the Colac Otway Shire. Oversees the Event in a Public Place permit process, from submission of application up to the issuing of the authorised permit.

**Event Organiser** - Any individual, group or entity who undertakes the planning, control, management and/or implementation of an event.

**Full Road Closure** – An entire road is closed between designated points.

**High Risk Event** - Events that may include but are not limited to one or more of the following considerations:

- High density or large number of participants
- In an isolated or remote location
- Involves a road closure
- Includes food and/or beverages
- Is held on an environmentally sensitive site
- Involves high risk activities or
- Held during a fire danger period

**Notification Process** - The communication method by which approved road closure information detailing the road closure areas and times are distributed to the affected community.

**Notification Area** - Area of identified residents and/or traders who are deemed to be affected by the road closures.

The notification area is to include:

- Occupiers of properties whose:
  - Frontage is within the closed section or the proposed detour;
  - Primary/only access is via the closed section;
  - Property is in close proximity to the road closure and therefore could be affected.
- Businesses/services that normally use the closed road as a primary route (or have stops within) including but not limited to:
  - Bus companies;
  - Transport companies;
  - Operators of milk tankers and other large agricultural machinery.

**Partial Road Closure** - a portion of the road width is closed between designated points.

**Private Land** - any land not owned, managed, or occupied by local, state, or federal government.

**Public Spaces** - refers to any outdoor space or land, that is owned or managed by Council for the purpose of public utility or access. This may include parks, playing fields, gardens, reserves, river and creek frontages, streets, footpaths, nature strips, roadways, public transport stops and stations. It does not include privately owned land.

Uncontrolled when printed

3

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------



**Risk Assessment** –A risk assessment is a systematic process performed by a competent person, which involves identifying, analysing, and controlling possible hazards/risks present in a situation or a place. This decision-making tool aims to determine which measures should be put in place to reduce or mitigate those risks, as well as specifying which of them should be prioritised according to the level of likelihood and impact they have on the community, event participants, environment etc.

**Risk Management Plan** - Identifies all the potential risks that may arise from holding an event, and then lists the steps Event Organisers will take to reduce or mitigate the identified risks.

**Road Closure (Temporary)** - The temporary closure of a road to public vehicular traffic for a set period as required for the holding, set up and set down of an event.

**Waste Management Plan** – A plan that sets out the anticipated amount and type of waste produced by an event, and outlines strategies to minimise waste. The plan should also identify how waste will be collected, disposed of and how the site will be cleaned during and post operation.

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## REFERENCES

Council is committed to ensuring that events are conducted in accordance with relevant legislative requirements including those outlined in:

### External References:

- Building Act 1993
- Building Regulations (2006)
- Crown Land (Reserves) Act 1978
- Environmental Protection Act 1970
- Food Act 1984
- Local Government Act 2020
- Major Sporting Events Act 2009
- Municipal Emergency Management Plan
- Occupational Health and Safety Act 2004
- Planning and Environment Act 1987
- Road Management Act 2004
- Transport Act (1983)
- Working with Children Act 2005

### Internal References:

- Colac Otway Shire Local Law No.1 – General Local Law 2023
- Colac Otway Shire Planning Scheme
- Colac Otway Shire Council Plan 2021-2025
- Colac Otway Shire 2050 Community Vision

**Uncontrolled when printed**

CM reference	D23/1155383	Date of adoption	22-11-2023
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## STATEMENT OF POLICY

### VALUES

Colac Otway Shire Council recognises events are important to our community. Events contribute to the liveability, economy, and vibrancy of the area. Events play a significant role in positioning the Colac Otway Shire as a destination where people come to appreciate our diverse environment and friendly communities.

Council's regulation and assessment of events proposed on Council owned or managed land will be subject to the following principles:

- Community Safety and Risk Planning
- Management of impacts on community assets
- Management of impacts on residents and local businesses
- Contribution to a diverse and inclusive range of events in the Colac Otway Shire
- Employment of sustainable practices
- Support for locally owned and operated businesses
- Ratepayers do not subsidise events (with the exception of funds awarded through the Colac Otway Shire Grants Program)
- Maximises the economic, social, and cultural benefits for the local community.

Exercising sole discretion, Council may refrain from providing material support to events which contravene Council or community standards, in which case no further correspondence will be entered into.

Council will not permit events held on Council owned or managed land that are associated with and/or promote:

- Illegal activity
- Activity that does not adhere to relevant legislation, other permits, approvals, or permissions required from Council and/or other authorities
- Tobacco or gambling
- Offensive or sexually explicit material
- Discrimination on the grounds of race, gender, or religion
- Activities violating human rights
- Political parties.

### PUBLIC SPACES

Public spaces are designed to facilitate cultural, environmental, sporting, recreational and transportation purposes. Applications to host events that will restrict or exclude general public access and utilisation of these areas will be carefully assessed in terms of an event's contribution and benefit to the local community, whilst ensuring local amenity and public safety are duly considered.

Depending on the impact of the proposed event on public access and utilisation of the public space, event notification may be required (see Event Notification).

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CM reference	D23/1155383	Date of adoption	22-11-2023
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## EVENT NOISE AND AMENITY

Community events should seek to build upon the community vision by providing a welcoming, healthy, and safe experience with no foreseen negative impact on the region’s natural and built environment.

To minimise potential negative impacts of the event on public amenity, event organisers should adopt a strategic approach that seeks to liaise with key stakeholders, such as emergency services and Council departments to ensure their support for the event.

Event organisers have an obligation to ensure that their event complies with all requirements as set out by the Environment Protection Authority Victoria in relation to noise levels. Event organisers may be required to undertake a notification process prior to the event for any events that will generate significant noise or disruption for residents/businesses (see Event Notification).

## SAFE AND INCLUSIVE

### CHILD SAFE STANDARDS

The Colac Otway Shire has zero tolerance for child abuse and is committed to creating and maintaining a child safe culture where protecting children and preventing and responding to child abuse is embedded in the everyday thinking. All children and young people who attend and participate in events have a right to feel safe, be safe, and be heard. Event organisers are required to demonstrate how their event will accord with Child Safe Standards.

### INCLUSIVE AND ACCESSIBLE EVENTS

The Colac Otway Shire *Access, Equity and Inclusions Plan* outlines the vision for the shire as a “community [that] will embrace and celebrate diversity” where “all residents will have the same opportunities to participate in the life of the community to the extent they choose”. Event organisers should consider how their event supports inclusive participation and embraces diversity.

Everyone has a right to equal access to events and by making events feel welcoming and inclusive for everyone, people feel safer, stay longer, and enjoy themselves more. Event organisers are required to demonstrate how they plan to maximise accessibility and inclusiveness at their event.

## SUSTAINABLE EVENTS & WASTE MANAGEMENT

Colac Otway Shire Council is committed to ensuring that waste is minimised and effectively managed at all events held in Council owned or managed spaces.

As part of the commitment to decreasing the impact of this waste on the local community and environment, a permit will only be provided for any event that:

1. Does not use or distributes single use plastics or products including but not limited to bags, straws, cups, cutlery, balloons, bottled water
2. Has a Waste Management Plan including recycling options and waste mitigation strategies
3. Demonstrates how the site will be returned to pre-event condition

**Uncontrolled when printed**

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------



## EVENT SITE SELECTION

Event organisers are encouraged to contact Council early in the event planning process to discuss appropriate site selection. Site selection must consider if the site is appropriate for the nature of event to minimise environmental impacts.

## RISK MANAGEMENT

The Colac Otway Shire takes risk management and the safety of the community seriously. When we entrust public space to an event organiser, this is on the basis that:

1. A relevant Risk Assessment will be developed and implemented
2. The event organiser is intent upon managing a compliant and safe workplace and
3. Is equally intent on protecting the public and the asset.

The event approval process requires a rigorous risk minimisation process consistent with Council's Risk Management Policy.

## PUBLIC LIABILITY INSURANCE

All event organisers are required to have a current public liability policy of insurance. The policy must:

1. Be in the name of the event organiser to the amount of \$20 million
2. Cover all of the event activities including setting up, staging and dismantling the event
3. Extend cover to the Colac Otway Shire for claims for personal injury or property damage arising out of negligence of the event organiser.

It is a requirement that the Colac Otway Shire be noted on the certificate of currency as an "Interested Party" with the exception of some situations approved by Council's Risk department. The certificate of currency must state:

1. Level of cover
2. Period of cover
3. Any exclusion clauses.

Any conditions and exclusions must be approved by the Colac Otway Shire.

Approval for the event cannot be granted until the Events Officer has sighted the Certificate of Currency and/or a copy of the insurance policy.

A Certificate of Currency and/or copy of the insurance policy may also be requested from contractors supplying event services and/or infrastructure to the event, including but not limited to temporary fencing.

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7

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------





## INDEMNITY

All event organisers are required to complete and sign the Colac Otway Shire's Form of Indemnity.

In doing so the event organiser agrees to indemnify, and to keep indemnified, the Colac Otway Shire, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, or any of them, in connection with the event.

## RISK ASSESSMENT

It is a requirement of the Event in a Public Place permit application that the event organiser provides an Event Risk Assessment (for events deemed low risk) or a Risk Management Plan (for medium-high risk events) that considers key risks and mitigation procedures to the satisfaction of Council.

## BUSHFIRE AND EMERGENCY MANAGEMENT

Colac Otway Shire Council has a key role in ensuring events are conducted safely, in accordance with good practice and that the community is aware of events as well as their potential impacts. Emergency situations can arise at any time and in any place, whether it is a large-scale natural or weather-related disaster, fire, acts of violence, terrorism or pandemic, accident, illness, or death. It is critical that the event application process addresses emergency management, bushfire prevention, preparedness, and recovery.

An event organiser's primary responsibility is ensuring the health and safety of attendees during the event.

All events must submit an Emergency Management Plan (including detailed Evacuation Plan), and where applicable Bushfire Management Plan that considers keys risks and procedures to the satisfaction of the emergency management department.

Further to that, where an event is deemed high-risk a formally documented Emergency Response Plan must be developed in consultation with emergency services representatives. Once adopted, it should be made available to key on site event personnel, stakeholders, and emergency services.

## FIRE DANGER RATING DAYS

Colac Otway Shire is in a high fire risk region and all events proposed within the fire danger period are required to complete a Bushfire Readiness 4 Steps form which will summarise a fire plan in addition to the Emergency Management Plan which should also address fire risk. Fire Safety encompasses the event preparedness in bushfires, grass fires and structural fires.

Fire danger is high from October to April in the Colac Otway Shire. Event organisers should consult with the CFA on how to best prepare for the likelihood of a fire. On days of total fire ban, a permit must be obtained from the CFA to use an open flame for any purpose, including cooking, heating for temporary stalls, marquees or in the open.

Event organisers are also required to notify emergency services in writing of their event and any impact it may have on the provision of emergency services (see Event Notification).

**Uncontrolled when printed**

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------





## TRAFFIC & PEDESTRIAN MANAGEMENT

If an event will interfere with the normal use of a road (including parking, public gathering, signage, and infrastructure on the road) a traffic management plan is required.

A registered, qualified, and accredited individual or company must prepare a Traffic Management Plan when events require changes to current traffic conditions. A Traffic Management Plan (TMP), in accordance with AS1742.3, should be submitted to Council along with the completed Council Memorandum of Authorisation (MOA) and Risk Assessment (RA) documentation.

Applications for full road closures must be made to Council at least 3 months prior to the event. Applications for partial road closures i.e. lane closures, or another lower impact traffic management treatments must be made to Council at least 8 weeks prior to the event.

Arterial roads are the responsibility of the Department of Transport and Planning (DOTP), and local roads are the responsibility of Council.

Where DOTP roads are proposed to be utilised, in addition to the TMP, the applicant will be required to provide the relevant written approval from DOTP permitting the use of the road to both the Events Officer and the Infrastructure Department.

Part of Council's commitment to minimising the impact on our residents and local business operators, is to give as much notification as possible. This is done by working with event organisers to ensure the affected community are well informed and aware of any changed traffic conditions (see Event Notification).

Applications to alter pedestrian and/or vehicle traffic for the purpose of an event will be assessed according to:

1. The level of community "host tolerance"
2. The impact of the changes to traffic on local amenity
3. Impact on public parking and arrangements for event patron parking - Parking and/or park and ride must be detailed on site plans
4. The extent to which the proposed traffic changes influence the event's ability to contribute to and benefit the local community.

Patron access must be planned to ensure there is minimal disruption to neighbouring businesses or homes and to ensure clear access by emergency services and event staff.

## EVENT FENCING

Requests for the installation of temporary fencing are assessed as part of the Event in a Public Place permit.

Applications for temporary fencing must address the following:

1. Installation of fencing prior to bump in and following the conclusion of bump out
2. Installation carried out by a professional fencing company ensuring quality material, correct installation and adequate public liability insurance
3. Layout should give consideration to public amenities and facilities (e.g. toilet and playground access)
4. Include considerations specific to the installation of the temporary fencing by the qualified installer in the event Risk Assessment.

**Uncontrolled when printed**

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------



Installation of temporary fencing around a designated area for the purpose of an event will only be permitted upon the issue of an Event in a Public Place permit. Approval will be conveyed utilising a special permit condition outlining the permitted dates and times for the installation and removal of temporary fencing.

## EVENT NOTIFICATION

To maintain a balance between the impact of events and the benefits they provide to the local community, significant importance is placed on notifying the community of any changes to conditions including:

- Road Closures and/or delays
- Amplified sound
- Reduced access to public spaces.

Notification may include but is not limited to:

- Letters to the affected community
- Advance notification signage including Variable Message Signs (VMS)
- Electronic VMS signage placed along the event route
- Advertisements in local papers
- Flyers in places frequented by the affected community
- Social media notification
- Radio advertising
- Community information sessions
- Notification to relevant emergency services and external agencies
- Listing on the Colac Otway Shire events calendar.

Event organisers are responsible for all costs associated with event notification activities. The notification period prior to the event will be dictated by the size of the event and extent of event impact to ensure the affected community has sufficient notice.

## CHANGED TRAFFIC CONDITIONS

The extent and type of notification required for events that involve changed traffic conditions will be determined based on the level of impact on the affected community. The notification area will be identified accordingly and conveyed to the event organiser to guide their notification activities.

## PUBLIC TRANSPORT

Under the State's Transport Act, organisers of events in Victoria are required to notify the Public Transport Division of Public Transport Victoria (PTV), if their event is likely to impact public transport services (trains, trams, or buses). Proof of PTV notification is required in writing where applicable.

Uncontrolled when printed

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------



## EMERGENCY SERVICES

Emergency services must be notified of an event that could impact the delivery of emergency services. This includes events that involve road closures or changes to traffic conditions and high-risk events.

Emergency services should be consulted regarding emergency management planning for the event.

Proof of emergency service notification is required as part of the Event in a Public Place permit application.

## RESTRICTED ACCESS TO PUBLIC AMENITIES AND/OR FACILITIES

Where an event has exclusive use of a public space, preventing or restricting access to public facilities and/or amenities, notification may be required. The extent of the communications will be guided by the anticipated community impact at the discretion of Council Officers.

## PERMIT REQUIREMENTS

An Event in a Public Place permit is required when an event meets any of the permit criteria outlined in the 'Scope' section of this document. A permit is typically issued per event (which may span several consecutive days).

However, at Council discretion where there are multiple non-consecutive reoccurrences of the event that by nature are the same in terms of risk and event elements (e.g. Markets, club cycling races, educational workshops etc) a permit may be issued authorising multiple dates across a 12-month period.

## FEES

Council sets fees and charges for event related permits which are reviewed annually as part of Council's annual budget process. All fees payable in relation to events can be found in the Colac Otway Shire Council Fees & Charges for the respective financial year and must be paid prior to the permit being issued.

An exemption from paying the permit fee may be given where the permit application submitted is for:

- A community commemorative event of national significance
- An emergency service lead event
- Educational activities conducted by educational provider

or the applicant is a:

- Not-for-profit organisation delivering an event(s) with outcomes that align with the objectives of the Council Plan.

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11

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------



## TIMELINES

The timeline for the assessment of event applications is subject to the type of event, its complexity and whether the application requires third party approvals. Event applications may require between 8 weeks and 12 months to assess. Council should be notified of the event and applications lodged as early as possible to enable sufficient time for the event to be assessed. Permits may not be granted to events outside of the timelines outlined in the table below.

Event Type	Event Parameters	Application Timelines
Level Three (Low impact)	<ul style="list-style-type: none"> <li>Attendance &lt;500 people in a single location</li> <li>No road closures or public transport impacts</li> <li>Minimal infrastructure</li> <li>No trading</li> <li>Examples: small community events and group gatherings.</li> </ul>	8 weeks (minimum)
Level Two (Medium impact)	<ul style="list-style-type: none"> <li>Attendance 500-3,000 people</li> <li>Road closures and public transport disruptions</li> <li>Some infrastructure - marquees and amusement rides</li> <li>Food and beverage trading</li> <li>Examples: small fun runs, music events, cultural celebrations.</li> </ul>	3 to 6+ months
Level One (High impact)	<ul style="list-style-type: none"> <li>Attendance &gt;3,000 people</li> <li>Multiple road closures and event sites</li> <li>More infrastructure - marquees, amusement devices and stages</li> <li>Food, beverage, and other trading</li> <li>Site is of a sensitive and/or high-risk nature that may require consultation with other agencies</li> <li>Examples: parades, large sporting, music, and cultural events.</li> </ul>	6 to 12 months

## COMPLIANCE

The event organiser must comply with all conditions of the permit issued for the event.

Events involving other land managers and/or external agencies, will require support in writing and it is the responsibility of the event organiser to provide such documentation before the Event in a Public Place permit can be issued.

Council reserves the right to refuse event approval and/or marketing of events where there are event management concerns or if the event contravenes Council or community standards.

Issuing of an Event in a Public Place permit is subject to the event providing all necessary documentation and obtaining all required approvals (both internal Council approvals and external agency approvals) to the satisfaction of Council.

## PUBLIC RALLIES & DEMONSTRATIONS

Rallies, public protests, and demonstrations do not require permission from Council; however, we encourage organisers to contact Council's Events team and Victoria Police to ensure they can prepare for any impacts and notify the affected community.

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12

CM reference	D23/1155383	Date of adoption	22-11-2023
--------------	-------------	------------------	------------



## EVENT SUPPORT

Council strives to support event organisers through the Event in a Public Place permit application process. Event organisers should contact the Events Officer to discuss their event prior to submitting an application.

Council's Grants Program offers funding support for events held within the Colac Otway Shire (Subject to budget approval). Further information on grants is available on Council's website.

## COUNCIL AUTHORITY AND INSPECTION

All events will be subject to regular inspections by Colac Otway Shire Council officers (admission must be granted free of charge for the purpose of the inspection) to ensure compliance with the provision and conditions of the issued permit and all other relevant government legislation including Occupation, Health, and Safety.

## TERMINATION

Colac Otway Shire Council reserves the right to terminate a permit if:

- a) Permit conditions are breached
- b) Any laws are broken
- c) A misrepresentation is identified in the application.

## ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. However, any change or update which materially alters this document must be by resolution of Council.

## DOCUMENT CONTROL

Policy owner	Manager Economy & Business Enterprises	Division	Community & Economy
Adopted by Council	22 November 2023	Policy Number	12.7
File Number	D23/1155383	Review date	2027
Last Update	Updated in accordance with Council resolution regarding fee waivers	Officer Date	Maddison Harty 13 June 2024

**Uncontrolled when printed**

CM reference	D23/1155383	Date of adoption	22-11-2023
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