

# **Huntfest Review**

**July 2015**

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## 1. EXECUTIVE SUMMARY

At its Extraordinary Meeting of Council held on Tuesday 9 June 2015, Council resolved:

*THAT:*

1. *The Council appoint Dr Catherine Dale to conduct a review of Council's planning process and the timeline of legal advice sought and received for Huntfest.*
2. *The finding of the review be reported back to Council and the community at the July 2015 Council meeting.*

In accordance with the Council's resolution a review has been undertaken of the process involved with the approval of the Huntfest event, including the development approval requirements and the issue of the initial licence and subsequent amendments. The background of the event, development application determination for temporary structures, the process to issue the event licence (and amendments sought), Council resolutions, as well as legal advice obtained during the operation of the licence, have been considered in this report.

There are four distinct approval processes relevant to the Huntfest event, two of which require Council approval and two which are external to Council.

Council is responsible for: Development application process (*Environment Planning and Assessment Act 1979* and *State Environment Planning Policies (SEPP)*) and an event licence under the *Crown Lands Act 1989*. In Section 5 of this report the Development approval requirements for temporary structures and the legal advice that supports the findings that the use is permissible under the *State Environment Planning Policies (Infrastructure 2007)* Clause 65 is outlined. The Development Approval for temporary structures was determined by officers under delegated authority.

In Section 6 the licence requirements and the process for the subsequent amendments is examined. The licence and subsequent amendments were approved by Council.

As outlined in this report, having reviewed the legal advice, relevant legislation and Council policies, it is considered that this event and associated activities is permissible. It is also considered that the appropriate approvals have been issued as approved by staff under delegation and by Council, in accordance with Council's policies and processes, the *Environmental Planning and Assessment Act 1979* and the *Crown Lands Act 1989*.

An extensive review of legislation, legal advice, Council policies, relevant documents and Council reports has been undertaken in preparing this report. The key aspects of the event approval processes have been examined, however Council may determine that further clarification or expansion of an issue is required and this can be resolved at the Council meeting on 28 July 2015.

It is recommended that the independent members of the Audit Committee receive this report (or the amended report should Council so resolve), and provide feedback to Council. In undertaking its review of this report, the Audit Committee members will have access to any further records or information that may be requested.

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## 2. BACKGROUND

The Huntfest event has been held at the Narooma Sport and Leisure Centre and NATA Oval on the June long weekend since 2013. The event format has been as follows:

- |               |  |
|---------------|--|
| 8-9 June 2013 | Huntfest<br>(Photographic and DVD Competition including Hunting and Camping Expo)  |
| 7-8 June 2014 | Huntfest<br>(Photographic and DVD Competition including Hunting and Camping<br>Hunting Expo, incorporated the display of firearms, archery and simulator)  |
| 6-7 June 2015 | Huntfest<br>(Photographic and DVD Competition including Hunting and Camping Expo<br>incorporating all activities permissible under an Arms Fair Permit, archery<br>and imitation firearm laser game, the operation of a mobile air rifle range,<br>and use of all of NATA oval). |

At its Extraordinary Meeting of Council held on Tuesday 9 June 2015, Council resolved:

*THAT:*

- 1. The Council appoint Dr Catherine Dale to conduct a review of Council's planning process and the timeline of legal advice sought and received for Huntfest.*
- 2. The finding of the review be reported back to Council and the community at the July 2015 Council meeting.*

*[Councillors Harding, Brice and Leslight were recorded as voting against this Motion.]*

This report provides a review of Council's planning processes involving the Huntfest event, including the timeline of legal advice sought and received.

Three members of the public provided submissions regarding the Extraordinary meeting. These submissions are available on Council's website at [www.esc.nsw.gov.au/inside-council/council/meetings/2015/june/extraordinary-council-meeting-9-june-2015](http://www.esc.nsw.gov.au/inside-council/council/meetings/2015/june/extraordinary-council-meeting-9-june-2015)

There are four distinct approval processes relevant to the Huntfest event being:

- Development application process (*Environment Planning and Assessment Act 1979* and *State Environmental Planning Policies (SEPP)*). This approval was determined by Council staff under delegation.
- Event licence under the *Crown Lands Act 1989*. The licence and subsequent amendments were determined by Council.
- Crown lands approval under the *Crown Lands Act 1989*. This approval was determined by the Minister administering the Crown Lands Act 1989.
- Firearms approval under the *Fire Arms Act 1996*. This approval was determined by the Firearms Registry.

As indicated above, only matters related to the development application and event licence are under the control and responsibility of Council.

For the purpose of preparing this report, 'planning process' has been taken as being Council's approval process; being two distinct and separate processes that have been required to be undertaken to obtain the relevant approvals to hold the Huntfest event.

### 3. DESCRIPTION OF LAND

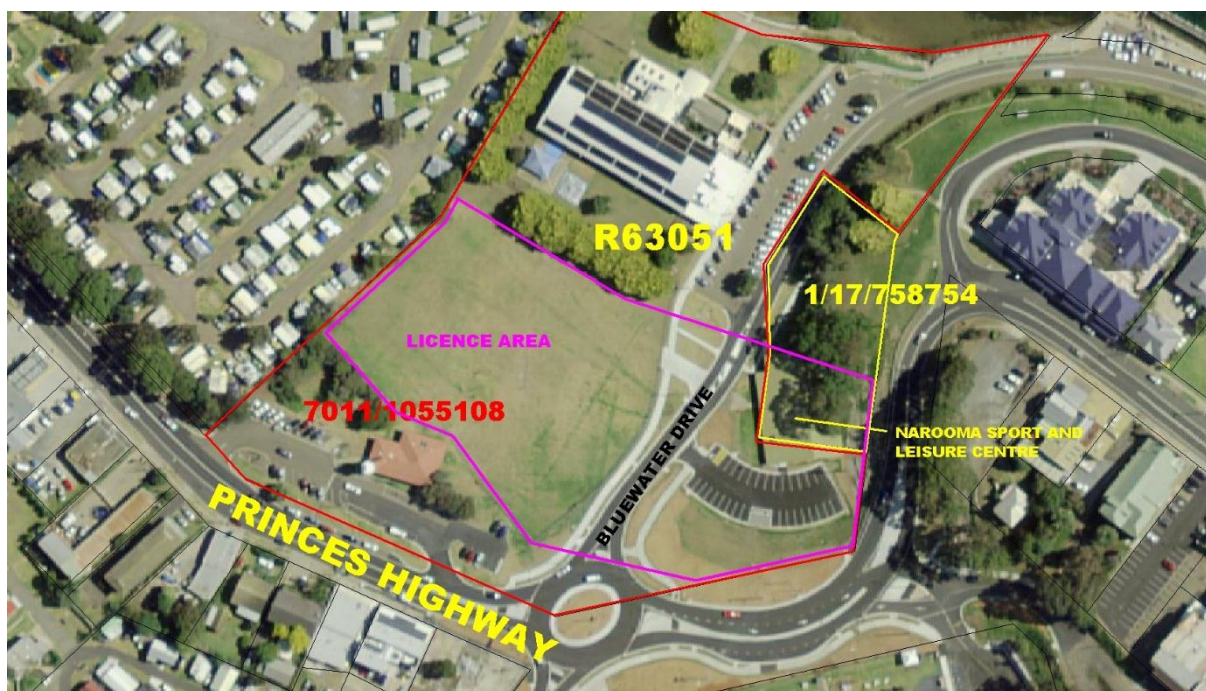
The land upon which Huntfest is held is Crown Reserve (R63051), under the trusteeship of the Eurobodalla (South) Reserve Trust for which Council is the Trust Manager under Part 5 of the *Crown Lands Act 1989*, comprising:

- Lot 1 Section 17 DP 758754 upon which the Narooma Sport and Leisure Centre is primarily constructed; and
- Lot 7011 DP 1055108 upon which the car park and NATA Oval are constructed.

The land is zoned RE1 Public Recreation, pursuant to the *Eurobodalla Local Environmental Plan 2012*.

The land is governed by the *Bill Smyth Reserve, Narooma Leisure Centre, Narooma Pool, NATA Oval, Wagonga Foreshore Reserve and Ken Rose Park Plan of Management (2008)* (Plan of Management). The Plan of Management outlines the permissible uses and how Council, in consultation with Crown Lands Division, grants leases, licences or other interests on the reserve. In accordance with Section 102 of the *Crown Lands Act 1989*, Council as Trust Manager cannot grant a licence for the use of a Crown Reserve for a term greater than 12 months without the consent of the Minister administering the Crown Lands Act 1989.

#### Illustration 1: The current licence area for Huntfest



- The red area is the land to which the Development Application for the use of temporary structures applies.
- The yellow area is the land that has the Sport and Leisure Centre (not covered by the DA applied for by the South Coast Hunters Club for Huntfest).

- The pink area is the area covered by the Huntfest licence.



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#### 4. INITIAL HUNTFEST APPLICATION 2012

On 7 May 2012, the South Coast Hunters Club (Club) placed a tentative booking through the Council Booking Office for the use of the Narooma Sport and Leisure Centre to conduct a photographic and DVD competition and include an outdoor area with stalls promoting and selling game meats, local seafood, displays of camping and hunting equipment (no firearms or ammunition), 4WD vehicles, local wine tasting (not pursued and subsequently not permitted) and displays by other interested organisations. The event was presented as a two day event to run over the June long weekend and earmarked to become an annual event.

As the event included the use of the reserve outside the Leisure Centre and it was indicated there would be temporary structures, an Event Application was required to be lodged with Council.

On 14 June 2012 Council received an 'Application for Hire of Eurobodalla Shire Council Facility' and an 'Event Application Form'. The application for a 5-year licence to conduct Huntfest was submitted by the Club and applied to the Narooma Sport and Leisure Centre (Lot 1 Section 17 DP 758754) and adjacent land (Lot 7011 DP 1055108).

In accordance with Council's event approval process, the event application was distributed to relevant staff including Parks Coordinator, Insurance Risk Coordination, Traffic Officer, Recreation Coordinator, Food Inspector, Waste Minimisation Officer, Duty Development Officer and Building Certification Coordinator for comment. Feedback from Council's Development Services Division advised that the use of temporary structures (marquees) would require development consent. The temporary structures detailed in the site plan exceeded the total floor area of 300sqm set out under the Codes SEPP (Clause 2.119 & 2.120), therefore a Temporary Structures Development Application needed to be submitted.

At the time of lodging the application, the Club requested an indication of Council's in-principle support for the event to support an application for funding which was required to be lodged by the Club prior to 8 July 2012. Due to time required to assess the application and make a recommendation to Council in accordance with the event approval and licence granting process, a report to Council prior to 8 July 2012 was not possible.

Consequently, at the Ordinary Meeting of Council held on 26 June 2012, Council resolved as a matter of urgent business:

*THAT Council note its support, in principle, for the proposed use of the Narooma Sport and Leisure Centre by South Coast Hunters Club for Huntfest.*

On 3 July 2012, Council wrote to the Club advising of Council's resolution and stated that:

*'While this support has been provided, formal approval by way of a development consent for the structures and the event application is still required'.*

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A copy of the letter is provided as an attachment. (ATTACHMENT 1)

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## 5. THE DEVELOPMENT APPLICATION OVERVIEW

### 5.1 Development Approval for temporary use of structures

As outlined in Section 4, the only aspect of the event requiring Development Consent was the use of temporary structures. The basis for this determination is reviewed in section 5.2.

On 30 July 2012, Council received a development application for the temporary use of structures for the purpose of South Coast Hunters Club holding an annual June long weekend festival, referred to on the application as 'Temporary Use of Structures'. The development application related to Lot 7011 DP 1055108 not Lot 1 Section 17 DP 758754, on which the Narooma Sport and Leisure Centre is primarily located.

The *Eurobodalla Advertisement and Notification Code* sets down advertising and notifying requirements for certain identified types of development. The proposal complied with all relevant development standards and controls, and was not identified as being required to be either advertised or notified. Although the land is managed by Council, Clause 3.3 of the Code removes the obligation to advertise any development application where the proposal is consistent with an adopted Plan of Management. The Plan of Management allowed for the type of land use to which the development related.

On 2 August 2012, the development application was referred to Roads and Maritime Service (RMS) and to Council's Infrastructure Services Directorate for comment. The issue of concern was the potential conflict between the location of the temporary structures and significant construction activities planned for Bluewater Drive, Princes Highway, and the subject land (Lot 7011 DP 1055108) due to the Narooma Streetscape project.

On 16 August 2012, RMS advised that it had no objection to the development application.

Following extensive consideration by the Infrastructure Services Division of the construction works program and timing, the application was modified to include an alternate location of the temporary structures on NATA Oval, which forms part of the same parcel of land (Lot 7011 DP 1055108). This was to ensure that construction works did not impact the event if the timing of the works did not proceed as scheduled, in association with the Narooma Streetscape Project.

Development consent 51/13 for the temporary use of structures to be located on Lot 7011 DP 1055108, was issued on 12 October 2012 by officers under delegation. (ATTACHMENT 2)

On 20 November 2013, amended site plans were submitted to Council in accordance with Condition 2 of the development consent, requiring plans to be submitted if an alternate site was required. These amended plans were submitted as a result of changes to the area where the temporary structures were located resulting from the completion of works associated with the Narooma Streetscape Project undertaken by Council.

The amended plans were approved by officers under delegation on 17 January 2014.

The legal consideration relating to the requirement for development consent or otherwise is addressed in sections 5.2 and 5.3.

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## 5.2 Legal considerations and timeline of advice

On 21 May 2015, Council received correspondence from the Environmental Defenders Office (EDO) NSW, outlining its opinion in regard to Huntfest, what action it sought Council to take in response to its opinion and seeking advice as *'to what action Council proposes to take in respect to the above threatened breaches of Council's 2012 Consent and EPA Act.'* A copy of the correspondence is contained in confidential attachments, due to the fact that this letter contains legal matters related to Council and South Coast Hunters Club (CONFIDENTIAL ATTACHMENT 1).

On Friday 22 May 2015, Council officers wrote via email to its lawyers, Sparke Helmore, requesting that it review the matter and draft an appropriate response to the EDO. (CONFIDENTIAL ATTACHMENT 2).

On Monday 25 May 2015, due to the prospect of the matter being raised at the Council meeting of Tuesday 26 May 2015, Council's lawyers were asked via telephone conversation to prepare an urgent advice, that day, on the matter.

That advice was provided to Council on 25 May 2015. A copy of the advice was provided to Councillors that afternoon. A copy of the advice is included as a confidential attachment. (CONFIDENTIAL ATTACHMENT 3)

On Tuesday 26 May 2015 at Council's Ordinary meeting, the matter of approval for Huntfest was raised as a matter of urgency. The matter was not listed in the agenda as a business item but was accepted as a matter of urgency. The following Motion was considered by Council:

**THAT:**

1. *Council immediately revoke its approval for the additional activities at Huntfest (the sale and display of firearms and ammunition, a mobile air rifle range, archery courses, a hunting simulator and animal skinning).*
2. *If an expansion of Huntfest was to continue, that a DA process that follows the legislation as required under the Environmental Planning and Assessment Act 1979 be conducted.*

*[Councillors Brown, Burnside, Innes, Leslight, Pollock and Schwarz were recorded as voting against this motion.]*

The Motion on being put to the Council, was declared lost.

On Friday 29 May 2015, Council's lawyers wrote to EDO in response to its letter of 21 May 2015. A copy of the letter from Sparke Helmore was provided to Councillors on 29 May 2015. A copy of this letter is included as a confidential attachment. (CONFIDENTIAL ATTACHMENT 4)

On Monday 1 June 2015, Council's lawyers were requested to provide further advice on the matter in response to a letter to the Mayor from Councillors Harding and Brice dated Sunday 31 May 2015. A copy of this letter is included as a confidential attachment. (CONFIDENTIAL ATTACHMENT 5)

On 2 June 2015, Council's lawyers, Sparke Helmore, provided further written advice in response to the matter raised. A copy of this advice was provided to Councillors on 2 June 2015. A copy of this advice is included as a confidential attachment. (CONFIDENTIAL ATTACHMENT 6)

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### 5.3 Legal advice and the Environment Planning and Assessment Act 1979

All of Council's legal advice related to this matter has been provided to Councillors in confidence. This advice is privileged and should be maintained as confidential and privileged advice and cannot be released.

However, in order to address the issues presented by the EDO, the following commentary is provided based on the legal advice received by Council.

The primary issue raised by the EDO in its letter of 21 May 2015, was that of 'use' of the site for the event to be held. The EDO maintained that due to the proposed expansion and difference in the number and type of activities proposed as part of the event, the development consent 51/13, issued by Council was being breached.

The advice from Council's lawyers does not concur with the views of the EDO. As outlined in correspondence from Sparke Helmore (letters dated 25 May 2015 (CONFIDENTIAL ATTACHMENT 3) and 2 June 2015 (CONFIDENTIAL ATTACHMENT 6), pursuant to clause 65 of the *State Environment Planning Policies (Infrastructure 2007)* (ATTACHMENT 3), development consent is not required for uses identified in Council's Plan of Management for the land. These activities includes 'catering', 'entertainment', 'exhibitions', 'markets', 'sales', 'shows' and 'sporting' and organised 'recreation events'. As the activities that were to be carried out at the Huntfest event fall within the ambit of the above mentioned uses, Council's lawyers maintained that development consent was not required for the use of the land.

Council's lawyers concluded that the position of the EDO, that the South Coast Hunters Club was required to lodge a development application with Council under the *Environment Planning and Assessment Act 1979* was '*misconceived*' (letter dated 2 June 2015) (CONFIDENTIAL ATTACHMENT 6). Council's lawyers also stated that the '*EDO have not dissected the use of the land nor have they offered an opinion on the characterisation of the use as it relates to each parcel of land*' (letter dated 25 May 2015) (CONFIDENTIAL ATTACHMENT 3).

The development consent, 51/13 issued by Council was for the temporary use of structures, not for the use of the land, and related to Lot 7011 DP 10055108, not Lot 1 DP 758754 upon which the Narooma Sport and Leisure Centre is primarily located. (Refer to Illustration 1) The development consent was triggered by the fact that the temporary structures detailed in the site plan exceeded total floor area of 300 sqm set out under Codes SEPP (Clause 2.119 and 2.120).

A further significant point that should be noted is that the *Environment Planning and Assessment Act 1979* does not separately define or treat the sale and display of firearms or related goods. Such activities are separately regulated and controlled under the *Fire Arms Act 1996*, by the NSW Government. In respect to the subject event as outlined in Section 6 of this report, it is considered that the additional approvals required under such legislation were obtained by event organisers.

It should also be noted that the land and venue that is utilised for this event, is also utilised for other events without development consent, on the same basis that the subject event has been allowed to proceed.

The advice received by Council's lawyers support the position taken by Council in dealing with this event. The advice received by Council and the relevant legislation illustrate that the Huntfest event and associated activities are permissible and have the appropriate approvals both for the use of temporary structures and the use of the site on which the event is held.



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## 6. HUNTFEST LICENCE AND AMENDMENTS

### 6.1 Huntfest Event 2013

Following receipt of the event application on 14 June 2012, the event application was distributed to relevant staff including Parks Coordinator, Insurance Risk Coordination, Traffic Officer, Recreation Coordinator, Food Inspector, Waste Minimisation Officer, Duty Development Officer and Building Certification Coordinator for comment.

A meeting to discuss the Events Policy and approval process in respect of the Huntfest event was held on 4 October 2012 with the then Director Community and Corporate Outcomes, the then Divisional Manager Corporate Services, South Coast Hunters Club representatives and three Councillors.

On 23 October 2012, Council considered a report (ATTACHMENT 4) on Huntfest. In accordance with standard Council process for licences, no formal community consultation was undertaken, albeit all Council reports unless otherwise resolved are public documents and available for community members to make a presentation to Council. Neither Council Policy nor legislation (*Crown Land Act 1989*) required community consultation when considering an application for a licence to hold an event.

Council received five written objections following the previous granting of in principle support at its meeting of 26 June 2012, prior to the meeting on 23 October 2012. Almost all matters raised by the five correspondents were, in the main, dealt with under NSW government legislation and therefore outside local government jurisdiction.

Five members of the public spoke in Public Forum regarding the report. These submissions are available on Council's website at [www.esc.nsw.gov.au/inside-council/council/meetings/2012/2012-ordinary-council-meeting/public\\_forum\\_submissions.pdf](http://www.esc.nsw.gov.au/inside-council/council/meetings/2012/2012-ordinary-council-meeting/public_forum_submissions.pdf)

At its meeting on 23 October 2012, Council resolved:

*THAT Subject to the consent of the Minister administering the Crown Lands Act 1989 Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a five-year licence, in accordance with Section 102 of the Crown Lands Act 1989, to South Coast Hunters Club Inc to conduct the Huntfest event within Crown Reserve R63051 at the Narooma Leisure Centre annually over the June long weekend, commencing 1 June 2013 and terminating 31 May 2018 subject to conditions including:*

- (a) A licence fee in accordance with Council's adopted fees and charges for use of Council facilities.*
- (b) Payment of a \$1,000 bond, refundable if the area is left clean and undamaged.*
- (c) Provision of evidence of public liability insurance cover for \$20 million noting Council and the Minister administering the Crown Lands Act as interested parties.*

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- (d) *The event organiser will be responsible for ensuring that all aspects of the event will be undertaken in accordance with the Work Health and Safety Act, 2011 and Work Health and Safety Regulations, 2011.*
  - (e) *Meeting conditions in accordance with Development Consent DA 51/13.*
  - (f) *The organisers are required to list the temporary food vendors and have them inspected by Council's Food Surveillance Officer.*
  - (g) *The organisers are responsible for the collection and disposal of all waste to a Council waste facility.*
  - (h) *The organisers are responsible for ensuring the public toilets are maintained in an acceptable condition for the duration of the event.*
  - (i) *In the interest of public health and safety, the organisers should provide confirmation that the ambulance and hospital have been notified of the event.*

*[Councillor Harding was recorded as voting against this motion.]*

On 13 November 2012 a request for consent from the Minister administering the Crown Lands Act 1989 for the five year licence was forwarded to Crown Lands, and the consent was received on 27 November 2012. Copies of the licence agreement were forwarded to South Coast Hunters Club Inc. for signature on 28 November 2012.

Following execution of the licence by the Club and the then General Manager on behalf of Council, the Licence Agreement was executed by the Minister administering the Crown Land Act 1989 on 21 March 2013.

All necessary documentation which was to be provided as a condition of the licence was received by Council prior to the event. This included updated event information such as the Site Plan, Waste Management Plan, list of food vendors, Risk Management Plan (general event plan), Emergency Response Plan, Traffic Management Plan and Certificate of Currency for Public Liability Insurance.

A site induction was completed on 29 May 2013. This process involved Council's Risk and Parks coordinators meeting the event organiser on site to go through the inherent risks of the venue. This process enabled both Council staff and the event organiser to resolve any last minute issues. Once the event organiser was inducted the venue became the responsibility of the event organiser.

On the 8 and 9 June 2013, Huntfest was conducted in accordance with the Licence including Development Consent requirements and Council's Event Policy 2012.

## 6.2 Huntfest Event 2014

A petition opposing Huntfest was tabled at Council's Ordinary meeting held on 23 July 2013 with two additional pages of the petition tabled at Council's Policy and Strategic Committee meeting held on 6 August 2013.

On 11 November 2013 the South Coast Hunters Club applied for three amendments to its Huntfest Event Licence granted in 2012.

The amendments applied for were:

Amendment 1: To enable the display of firearms,

Amendment 2: To have interactive video games/simulators, and

Amendment 3: To conduct introduction to archery within a 20 foot steel container.

On 28 November 2013 clarification was sought from the NSW Department of Premier and Cabinet (DPC) on Council's role in approving events that generated both community support and opposition. On 29 November 2013 advice was received that: *"DPC requires events to possess appropriate permits, Council approval and be legal. Local Councils are the experts in their area, so the 'approval' responsibility lies with each individual Council and their subsequent policies"*. Council's Event Policy (2013) did not exclude an event of this nature.

As a result of the request from the Club for amendments to the Events Licence, Councillors were briefed on 3 December 2013 on the request for the three amendments. Subsequently, a report was presented to the Ordinary Meeting of Council on 10 December 2013 outlining the three amendments requested and providing details on each variation for Council consideration (ATTACHMENT 5). Fourteen members of the public spoke in Public Forum regarding the amendment. These submissions are available on Council's website at [www.esc.nsw.gov.au/inside-council/council/meetings/2014/december/ordinary-council-meeting-9-december-2014/Public-Forum-9-December-2014-Agenda-Items.pdf](http://www.esc.nsw.gov.au/inside-council/council/meetings/2014/december/ordinary-council-meeting-9-december-2014/Public-Forum-9-December-2014-Agenda-Items.pdf)

At its meeting on 10 December 2013, Council resolved:

*THAT:*

1. *Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a variation to the five-year licence to conduct the Huntfest event within NATA Reserve issued to South Coast Hunters Club Inc. for the following activities subject to consent of the Minister administering the Crown Lands Act:*
  - (a) *Display firearms subject to the issue of an Arms Fair Permit by NSW Police;*
  - (b) *Display and operation of hunting simulators; and*
  - (c) *Conduct introduction courses to archery subject to the activity being wholly contained within a steel shipping container and participants being under the direct supervision of an accredited archery instructor.*
2. *All costs associated with the proposed variation to the licence including an administration fee of \$1,100 be borne by the Licensee.*

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On 17 December 2013 a request for consent from the Minister administering the Crown Lands Act 1989 to the three proposed amendments to the licence was forwarded to Crown Lands. The consent for the amendments received on 7 January 2014 was subject to the Club obtaining the required approvals in accordance with the *Firearms Act 1996* from the Firearms Registry, appropriate supervision and security being in place and the Club holding public risk insurance that covered the intended activities. Copies of the Deed of Variation to the Licence were forwarded to South Coast Hunters Club Inc. for signature on 9 January 2014.

Following execution of the Deed of Variation to the Licence by the Club and the General Manager on behalf of Council, the Deed of Variation executed on behalf of the Minister was received on 21 February 2014.

On 29 May 2014 a copy of Commissioner's Permit – Arms Fair Principal Dealer issued on 19 May 2014 and a copy of Commissioner's Permit – Imitation Firearm Laser Game issued 20 May 2014 was received. In order to obtain the Arms Fair Permit, the applicant had to provide to the Firearms Registry:

- a Code of Conduct specifying the responsibilities of all participants in relation to the supervision and security of their allocated space and stock; and
- a Risk Assessment prepared in accordance with Australian Standards for Risk Assessment completed by the holder of a current licence for security consultation.

Staff noted the Commissioner's Permit for the Arms Fair authorised the licenced firearms dealer to display and sell firearms and sought clarification of this aspect from the Huntfest organisers. It was confirmed that stall holders intended to sell firearms which was not permissible under the Licence Agreement.

Following legal advice on 3 June 2014 (CONFIDENTIAL ATTACHMENT 7), Council's lawyers wrote to the South Coast Hunters Club Inc. advising that the stallholders did not have permission to sell firearms, only to display and that the Licence Agreement for the specified use of the Crown Reserve was between the Club and the Council as Trust Manager. The Club was requested to ensure its adherence and that of the event participants to the Licence Agreement and the Deed of Variation as issued by Council.

All necessary documentation required to be provided as a condition of the licence was received prior to the event. This included updated event information such as the Site Plan, Waste Management Plan, list of food vendors, Risk Management Plan (general event plan), Emergency Response Plan, Traffic Management Plan and Certificate of Currency for Public Liability Insurance.

A site induction was completed on 5 June 2014.

On the 7 and 8 June 2014, Huntfest was conducted in accordance with the Licence including Development Consent requirements.

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### 6.3 Huntfest Event 2015

At the Ordinary Meeting of Council on 26 August 2014 Council considered a Notice of Motion and resolved:

*THAT in regard to the current Huntfest licence should any further amendments regarding weaponry and / or ammunition be applied for in the lead up to the 2015 Huntfest that consultation occur for a period of 28 days and a report be presented to council within 49 days of the original advertising of the amendment.*

On 29 August 2014 the Club wrote to Council to apply for amendments to its Huntfest Event Licence to encompass all legal activities covered under an "Arms Fair Permit".

The amendments requested were:

- Amendment 1: Firearms – The 'Arms Fair Permit' to encompass all legal activities covered under an "Arms Fair Permit" held by a licensed firearms dealer,
- Amendment 2: Operate a SSAA Mobile Air Rifle Range under a NSW Police approved licence,
- Amendment 3: Have full use of NATA Oval for Huntfest activities and parking.

In accordance with the Council resolution at its meeting of 26 August 2013, a public notice of the proposed amendments to the Huntfest Licence was included in the Council Notice Board in the local print media and placed on public exhibition seeking submissions from 10 September until 8 October 2014. A media release seeking feedback on the request for the Huntfest licence amendment was issued on 9 September 2014.

Council received a total of 511 submissions with one duplicate, 271 supporting the amendments and 218 opposing the amendments. Twenty-one submissions did not address the amendments.

On 25 November 2014 two reports were presented to the Ordinary Meeting of Council: Councillor Brown declared a significant, non-pecuniary conflict of interest in respect to report FBD14/076 (ATTACHMENT 6) and FBD14/077 (ATTACHMENT 7) and vacated the chair.

Four members of the public spoke in Public Forum regarding the variation to the licence. These submissions are available on Council's website at [www.esc.nsw.gov.au/inside-council/council/meetings/2014/november/ordinary-council-meeting-25-november-2014/Public-Forum-25-November-2014-for-web.pdf](http://www.esc.nsw.gov.au/inside-council/council/meetings/2014/november/ordinary-council-meeting-25-november-2014/Public-Forum-25-November-2014-for-web.pdf)

Council considered Report FBD14/076 Huntfest – Variation to Licence Submissions and resolved:

*THAT Council note the information contained in the submissions from the public consultation process and send a full copy of the report to the Minister for Primary Industries Katrina Hodgkinson, the Minister for Regional Infrastructure Troy Grant, the Minister for Local Government Paul Toole, the Member for Bega Andrew Constance.*

On 22 December 2014 letters were forwarded to the Minister for Local Government, Deputy Premier, Minister for Primary Industries and Member for Bega advising of Council Minute 14/339 and the event licence amendments and timeline of processes followed.

Council also considered Report FBD14/077 Huntfest – Variation to Event Licence and resolved:

*THAT:*

- 1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a variation to the five-year licence to conduct the Huntfest event with NATA Reserve issued to South Coast Hunters Club Inc. to provide for the following subject to consent of the Minister administering the Crown Lands Act.
  - a) to extend the licence area to cover the whole of NATA reserve*
  - b) to permit the operation of a mobile air rifle range; and*
  - c) to allow all legal activities covered under an Arms Fair Permit subject to the issue of an Arms Fair Permit by NSW Police**
- 2. All costs associated with the proposed variation to the licence including an administration fee of \$1,100 be borne by the Licensee.*

*[Councillors Harding and Brice were recorded as voting against this motion.]*

On 8 December 2014 a request for consent from the Minister administering the Crown Lands Act 1989 to the three proposed amendments to the licence was forwarded to Crown Lands.

On 15 December 2014, an email was received from Crown Lands advising that Crown Lands noted the resolution of Council and advised that Crown Lands will address the matter of Ministerial consent to the licence variation only after the Arms Fair Permit under the *Fire Arms Act 1996* was received from the NSW Police.

In response to the email from Crown Lands, Council's Property Manager confirmed in an email dated 5 December 2014 that: *"verbal advice that the Arms Fair Permit will not be issued by NSW Police until a few weeks prior to the event. Provided the Minister is satisfied with the proposed amendment to the licence, the Club will not be able to undertake any activities unless Permit is issued"*.

On 24 March 2015 email advice was received from Crown Lands confirming that the Crown would consent to the Licence amendments.

Following execution of the licence by the Club and the General Manager, on behalf of Council, the Deed of Variation was executed on behalf of the Minister on 29 April 2015.

All necessary documentation was received prior to the event including a copy of the Commissioner's Permit – Arms Fair Principal Dealer dated 22 April 2015.

All necessary documentation required to be provided as a condition of the licence was received prior to the event. This included updated event information such as the Site Plan, Waste Management Plan, list of food vendors, Risk Management Plan (general event plan), Emergency Response Plan, Traffic Management Plan and Certificate of Currency for Public Liability Insurance.

A site induction was completed on 4 June 2015.

On the 6 and 7 June 2015, Huntfest was conducted in accordance with the Licence including Development Consent requirements.

## 7. CONCLUSION

The review of the process involved with the approvals of the Huntfest event and the granting of the initial event licence and subsequent amendments has been undertaken.

It is considered that having reviewed the relevant documents and legal advice, Huntfest is a permissible use in accordance with the *Bill Smyth Reserve, Narooma Leisure Centre, Narooma Pool, NATA Oval, Wagonga Foreshore Reserve and Ken Rose Park Plan of Management (2008)* which governs the use of the subject land and pursuant to Clause 65 of the SEPP (Infrastructure 2007) did not require Development consent.

Development consent was required for the temporary structures associated with the event and the approval process for the temporary structures was carried out in accordance with the *Environmental Planning and Assessment Act 1979*.

The licence and the amendments to the licence were granted by Council as Trust Manager for the Eurobodalla (South) Reserve Trust in accordance with Section 102 of the *Crown Lands Act 1989*. Council resolved to grant a licence for Huntfest in 2012 and approved subsequent amendments to the licence in 2013 and 2014.

Community consultation was not a legal requirement in the assessment process for the Development consent for the temporary structures under the *Environmental Planning and Assessment Act 1979*. It is also not a legal requirement in granting the licence and the amendments to the Licence in accordance with the provisions of the *Crown Lands Act 1989*. It was also not a requirement of Council's Events Policy.

While community consultation was not a requirement under legislation or Council policy, Council has the authority to resolve that community consultation be undertaken in consideration of the amendment to the licence, which it did on 26 August 2014. As a result, community consultation was undertaken in accordance with Council's resolution.

Accordingly, reviewed the legal advice and Council policies, this event and associated activities is permissible and it is considered that the appropriate approvals which have been granted are in accordance with Council's policies, processes and legal obligations.



In Reply Please

Quote Reference: E12.6277

3 July 2012

[REDACTED]  
Secretary  
South Coast Hunters Club Inc  
[REDACTED]  
NAROOMA NSW 2546

Dear [REDACTED]

**Event Application - HuntFest**

Thank you for the application to conduct the above event at the Narooma Sports and Leisure Centre on 8 and 9 June 2013.

The application was raised at the Council meeting on 26 June 2012 where it was resolved by Council to provide in principle support for the proposed use of the Narooma Sports and Leisure Centre for this event.

While this support has been provided, formal approval by way of a development consent for the structures and the event application is still required and this assessment is now underway.

As part of the assessment, initial concerns have been raised that the name "HuntFest" is not in keeping with the nature coast image that Council promotes in attracting visitors to our Shire. We would welcome the opportunity to discuss possible alternatives/variations if the Club is agreeable.

It is anticipated that fees for the use of the facilities and the Reserve would be in accordance with Council's adopted fees and charges, currently:

Sport and Leisure Centre Building	\$343 inc GST per day of the event
Sport and Leisure Centre Grounds	\$272 inc GST per day, including set up and set down
Bond (amount to be determined), refundable if the area is left clean and undamaged.	

However, as fees for events are subject to individual agreement the above amounts are subject to Council approval and may change.

If you require further information please contact me on 4474 7305.

Yours faithfully



Tony Armstrong  
Divisional Manager Corporate Services

Please Quote

Our Ref: 80.0926.D

12 October 2012



NAROOMA 2546

Dear Sir/Madam

**NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION FOR TEMPORARY USE OF STRUCTURES (FOR THE PURPOSES OF SOUTH COAST HUNT CLUB HOLDING AN ANNUAL JUNE LONG WEEKEND FESTIVAL)**

Pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act 1979, notice is hereby given of the determination of the consent authority of the development application number 51/13 dated 2 August 2012 and described by plan number 13/51 relating to land described as Lot 7011 DP 1055108, Princes Highway NAROOMA.

**Date of determination:** 12 October 2012  
**Consent to operate from:** 12 October 2012  
**Consent to lapse on:** 11 October 2017

The development application has been determined by granting of consent subject to the conditions set out below. These conditions have been applied to this consent for the following reasons:

- ensure that the proposed development:
  - (a) achieves the objectives of the Environmental Planning and Assessment Act, 1979;
  - (b) complies with the provisions of all relevant Environmental Planning Instruments;
  - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- To ensure the protection of the amenity and character of land adjoining, and in the locality of the proposed development.
- To ensure that all traffic, carparking and access requirements arising from the development are addressed.
- To ensure the development does not conflict with the public interest.

## GENERAL CONDITIONS

1. This development must be carried out in accordance with the plans stamped and numbered 13/51 and supporting specifications and documentation, or as modified by these conditions or as noted in red by Council on the approved plans. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

**Note:** Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

*Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency. [ 2.05 ]*

2. **Alternative site**

In the event that the Council or the festival organiser requires the festival to be located or expanded elsewhere on Lot 701 DP 1055108 to that of the designated area shown on the approved plan, then details including a layout plan are to be submitted to Council for approval.

3. **Catering**

Any on site catering provider must comply with the NSW Food Authority's "Food Handling Guidelines for Temporary Events" and must notify the Food Authority prior to the event.

4. **Mobile Food Vending Machines**

Any on site catering provided from food vending machines must be in accord with the NSW Food Authority's "Mobile Food Vending Guidelines" dated August 2009.

5. **Noise Control**

The hours of operation of the event are restricted in terms of noise limits between 7am and 8pm on Friday, Saturday and Monday and between 8am – 8pm on Sunday. In this regard, the LAeq noise level emitted from any loud speaker other mechanical device, motors, machinery or implement associated with the event, shall not exceed 5dB(A) above the background level (LA90) on any day, when measured at the boundary of the premises and in the absence of the noise source under consideration.

Measurements are to be carried out in accordance with the NSW Industrial Noise Policy and corrections are to be made to the above criteria for intermittent, tonal, impulsive and low frequency noise.

6. **Site Waste Management**

All waste material is to be collected in rubbish bins and the like and disposed of at an authorised waste facility.

7. **Completion requirement**

All temporary structures, facilities and signage (where permitted) associated with the event shall be removed from the site on conclusion of the event.

7. **Toilets**

Toilet and hand washing facilities are to be provided in accordance with the below table:

Toilet facilities for events where alcohol is not available

	Males			Females	
Patrons	WC	Urinals	Hand Basins	WC	Hand Basins
<500	1	2	2	6	2
<1000	2	4	4	9	4

Where portable toilets are to be provided:

- Details concerning number and their location shall be submitted to Council at least THREE DAYS PRIOR to the commencement of the event.
- Satisfactory arrangements are to be made for their servicing;
- During the hours of darkness, toilets are provided with adequate lighting;
- Directional signage to toilets must be provided;
- Universal access: Council requires the provision of access for the disabled.
- Hand basins must be provided with liquid soap dispensers, hand drying facilities and waste bins.

8. **Wastewater**

All wastewater is to be disposed of to a facility that is licensed to accept such waste.

9. **Temporary Operation**

The development approved by this consent shall operate only during the three consecutive days over the Queens Birthday long weekend in June of each year. The site will be occupied from the Friday to the following Monday. This annual event will cease after a period of five (5) years from the date of this consent. Note, a Section 96 Modification Application would need to be lodged with Council for determination if the terms of the above condition are proposed to be changed.

10. **Public Liability Insurance**

The applicant/ consent holder shall ensure there is a current public liability and public risk insurance cover for an amount of not less than \$20 million for any occurrence of "personal injury or death of any person or "loss of or damage to property" . The policy shall include

cover for the Eurobodalla Shire Council and the Minister administering the Crown Lands Act for their respective rights and interests.

#### **PRIOR TO COMMENCEMENT OF EVENT**

11. ***Traffic Management Plan***

An event based traffic management plan (TMP) shall be prepared and submitted to Council for review. This plan shall include but not be limited to proposed parking and pedestrian management associated with the event. The applicant/ consent holder shall submit the TMP a minimum of 28 days prior to commencement of the event.

12. ***Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the “Essential Fire or Other Safety Measures” forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Council by the Principal Certifying Authority with the Occupation Certificate.

13. ***Occupation Certificate***

The annual event shall not commence until a Final Occupation Certificate has been issued for the tents or marquees erected on site having a floor area greater than 100 square metres.

14. ***Advertising Signs***

No advertising sign or structure other than that which is permissible without consent is to be erected as part of the approved development.

#### **ADVISORY NOTES**

15. ***Disability Discrimination Act 1992***

This application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979. It does not imply that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

**Note:** Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the Council to review its determination except where it relates to a Complying Development Certificate, designated development or integrated development.

If you are dissatisfied with this decision, Section 97 of the Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice.

If you require further information, please contact the undersigned on 44741059 between the hours 8.30am and 11.00am.

Yours faithfully

David Meagher  
DEVELOPMENT ASSESSMENT



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## State Environmental Planning Policy (Infrastructure) 2007

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### 65 Development permitted without consent

- (1) Development for any purpose may be carried out without consent:
  - (a) on land reserved under the National Parks and Wildlife Act 1974, if the development is for a use authorised under that Act, or
  - (b) on land declared under the Marine Parks Act 1997 to be a marine park if the development is for a use authorised under that Act, or
  - (c) on land declared under the Fisheries Management Act 1994 to be an aquatic reserve if the development is for a use authorised under that Act.
- (2) Development for any purpose may be carried out without consent:
  - (a) on Trust lands within the meaning of the Centennial Park and Moore Park Trust Act 1983, by or on behalf of the Centennial Park and Moore Park Trust, or
  - (b) on trust lands within the meaning of the Parramatta Park Trust Act 2001, by or on behalf of the Parramatta Park Trust, or
  - (c) (Repealed)
  - (d) in the case of land that is a reserve within the meaning of Part 5 of the Crown Lands Act 1989, by or on behalf of the Director-General of the Department of Lands, a trustee of the reserve or (if appointed under that Act to manage the reserve) the Ministerial Corporation constituted under that Act or an administrator,
 

if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land.
- (3) Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:
  - (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,
  - (b) outdoor recreational facilities, including playing fields, but not including grandstands,
  - (c) information facilities such as visitors' centres and information boards,
  - (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, *Lighting for Roads and Public Spaces*,

- (e) landscaping, including irrigation schemes (whether they use recycled or other water),
- (f) amenity facilities,
- (g) maintenance depots,
- (h) environmental management works.

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O12/	EVENT APPLICATION FOR HUNTFEST INCLUDING APPLICATION FOR A FIVE YEAR LICENCE TO USE PART OF CROWN RESERVE 63051	E12.6277
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## SYNOPSIS

The South Coast Hunters Club Inc. (the applicant) applied to Council to conduct a Huntfest event on 8 and 9 June 2013 at the Narooma Leisure Centre, within part of Crown Reserve 63051. In addition to the event application, the applicant requested a five-year licence to conduct the event annually. This report recommends that the applicant be given consent to conduct the 2013 event, and subject to consent from the Minister administering the Crown Lands Act 1989 that a five-year licence is granted.

## BACKGROUND

At its Ordinary Meeting on 26 June 2012, Council resolved:

*"THAT Council note its support, in principle, for the proposed use of the Narooma Sports and Leisure Centre by the South Coast Hunters Club for Huntfest."*

The applicant has consent to use the Narooma Sport and Leisure Centre in accordance with conditions set out in Development Consent DA 51/13.

The applicant, South Coast Hunters Club Inc. is an Approved Hunting Organisation (AHO) with approvals from the Game Council New South Wales (a New South Wales state government agency), with legal obligation to act in accordance with the Game and Feral Animal Control Act 2002.

The applicant chose the name Huntfest to match the naming convention given to Hunting expositions held in Canada, United States and more recently, New Zealand. The event proposed for Narooma aims, among other things, to educate hunters in responsible hunting practices.

The Huntfest event, proposed for Narooma in 2013, is primarily educational, with a photographic and DVD competition an event centrepiece. The photographs and DVD's will be shown indoors in the Narooma Sport and Leisure Centre, and judged in the following categories:

- Best hunting photograph;
- Best wildlife photograph;
- Best game/trail photograph;
- Best family hunting scene photograph;
- Best hunting DVD, Best wildlife o conservation DVD;
- Best Educational DVD.

There will be a junior and senior section in each category. The Huntfest organisers advised that only photographs judged suitable for display would be on show.

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In conjunction with the displays and screenings there will be an outside area with stalls promoting and selling game meats, local seafood, displays of camping and hunting equipment, (no firearms or ammunition), 4WD vehicles, local wine tasting and displays by other interested organisations. The event organisers have made it a condition that no firearms or ammunition will be displayed.

Huntfest at Narooma would, subject to approval, run from 10am to 4.30pm on 8 and 9 June 2013. In addition to the actual event days, the applicants require access to the reserve on 7 June for set up, and 10 June for set down.

The applicants anticipate that Huntfest will become an annual event in Narooma, bringing visitors to Narooma and the South Coast during the low visitor season. In anticipation that Huntfest will become a drawcard to the shire, the applicants requested that a five-year licence be granted.

## CONSIDERATIONS

The applicant advised that Huntfest is an opportunity to:

- advocate legal, safe and responsible hunting;
- promote the value of work done by the Game Council NSW; AHOs; and licensed hunters to combat the impact of feral animals on the environment;
- promote the work done by Game Council NSW, AHO's and licensed hunters in the conservation and restoration of local environments and the protection of threatened and endangered native wildlife;
- promote Game Council NSW major education initiatives that enable all AHOs to provide hunter education with Game Council products;
- raise awareness that licensed, responsible hunters do not support the 'yahoo' element and are lobbying with others to promote safe, responsible hunting;
- raise awareness that hunting as a sport benefits local economies through an injection of visitor spending;
- advocate hunting as a legitimate sport;
- raise awareness of the benefits of game meat in a healthy lifestyle; and
- promote Narooma and the Shire's visitor values as a destination and a place during winter months.

## Community Consultation

Since Council's 26 June 2012 Ordinary meeting, council has received 5 written objections. Almost all matters raised by the 5 correspondents are, in the main, dealt with under state government legislation and therefore outside local government jurisdiction. For purposes of transparency, copies of this correspondence are included in the Councillors' Attachment. Councillors may also wish to note that, in accordance with Privacy legislation, the names, addresses and other identifying references are redacted.

O12/ EVENT APPLICATION FOR HUNTFEST INCLUDING APPLICATION FOR  
A FIVE YEAR LICENCE TO USE PART OF CROWN RESERVE 63051 E12.6277

### Legal

Crown Reserve R63051 is under the care and control of the Eurobodalla (South) Reserve Trust for which Council is the Trust Manager. As such, Council can grant a licence for a period not exceeding twelve months. Under the provisions of the Crown Lands Act 1989, a licence for a period of over twelve months requires the consent of the Minister administering the Crown Lands Act.

### Asset

Council's reserves and parks are a key element of the shire and the promotion of them through events such as this is considered worthwhile and should be encouraged.

The organisers have proposed the outdoor component of the event be held immediately south and adjacent to the Sport and Leisure Centre. It is however noted that at the time of the event in June 2013 this area could be required for a work compound for the construction of the proposed roundabout at the intersection of McMillan Road and the Princes Highway.

Subject to the need for an alternative compound, Council could, if required, use an alternate site on the western side of Bluewater Drive, which would be available for the first year of the event. Depending on the stage of roadworks, Bluewater Drive may be temporarily closed in which case traffic management would not be an issue. If Bluewater Drive is not temporarily closed, it will be a requirement of council that the applicant prepare a traffic management plan in respect of pedestrian movement between the Leisure Centre and the outdoor area.

A plan showing the proposed and alternate sites is below.



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O12/	EVENT APPLICATION FOR HUNTFEST INCLUDING APPLICATION FOR A FIVE YEAR LICENCE TO USE PART OF CROWN RESERVE 63051	E12.6277
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### **Social Impact**

The applicant's vision is to develop Huntfest into an annual event, providing an attraction for local residents as well as attracting visitors to the shire, and generating economic benefit for local businesses during the quieter winter period.

In accordance with council's Events Policy, the public impact assessment is **low**.

### **Financial**

The licence fee for the event is proposed to be \$2,460 including GST based on the fee for the use of a Council reserve being \$272 per day including GST plus the fee for the use of the Sport and Leisure Centre building being \$343 including GST per day in accordance with Council's adopted fees and charges.

The applicant has not requested any financial assistance from Council.

### **Conditions for Consent and Licence**

Consent to hold the event should be subject to conditions including:

- A licence fee in accordance with Council's adopted fees and charges for use of Council facilities.
- Payment of a \$1,000 bond, refundable if the area is left clean and undamaged.
- Provision of evidence of public liability insurance cover for \$20 million noting Council and the Minister administering the Crown Lands Act as interested parties.
- The event organiser will be responsible for ensuring that all aspects of the event will be undertaken in accordance with the Work Health and Safety Act, 2011 and Work Health and Safety Regulations, 2011.
- Conditions in accordance with Development Consent DA 51/13 including any temporary structures erected must comply with the requirements set out in Part H102 "Temporary Structures" of the Building Code of Australia.
- The organisers are required to list the temporary food vendors and have them inspected by Council's Food Surveillance Officer.
- The organisers are responsible for the collection and disposal of all waste to a Council waste facility.
- The organisers are responsible for ensuring the public toilets are maintained in an acceptable condition for the duration of the event.
- In the interest of public health and safety, the organisers should provide confirmation that the ambulance and hospital have been notified of the event.

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O12/	EVENT APPLICATION FOR HUNTFEST INCLUDING APPLICATION FOR A FIVE YEAR LICENCE TO USE PART OF CROWN RESERVE 63051	E12.6277
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## CONCLUSION

Huntfest is considered a potential annual attraction for Narooma, with potential to benefit the Shire more broadly both as an attraction for locals and visitors; and an opportunity to deliver financial and an economic benefits to local businesses at a time when spending is historically low.

With regard to council processes, the application accords with council's event policy.

## RECOMMENDED

THAT Subject to the consent of the Minister administering the Crown Lands Act 1989 Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a five-year licence, in accordance with Section 102 of the Crown Lands Act 1989, to South Coast Hunters Club Inc to conduct the Huntfest event within Crown Reserve R63051 at the Narooma Leisure Centre annually over the June long weekend, commencing 1 June 2013 and terminating 31 May 2018 subject to conditions including:

- (a) A licence fee in accordance with Council's adopted fees and charges for use of Council facilities.
- (b) Payment of a \$1,000 bond, refundable if the area is left clean and undamaged.
- (c) Provision of evidence of public liability insurance cover for \$20 million noting Council and the Minister administering the Crown Lands Act as interested parties.
- (d) The event organiser will be responsible for ensuring that all aspects of the event will be undertaken in accordance with the Work Health and Safety Act, 2011 and Work Health and Safety Regulations, 2011.
- (e) Meeting conditions in accordance with Development Consent DA 51/13.
- (f) The organisers are required to list the temporary food vendors and have them inspected by Council's Food Surveillance Officer.
- (g) The organisers are responsible for the collection and disposal of all waste to a Council waste facility.

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O12/	EVENT APPLICATION FOR HUNTFEST INCLUDING APPLICATION FOR A FIVE YEAR LICENCE TO USE PART OF CROWN RESERVE 63051	E12.6277
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- (h) The organisers are responsible for ensuring the public toilets are maintained in an acceptable condition for the duration of the event.
- (i) In the interest of public health and safety, the organisers should provide confirmation that the ambulance and hospital have been notified of the event.

KERRY FOSTER  
DIRECTOR  
COMMUNITY AND CORPORATE OUTCOMES

Attach

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**FBD13/017 VARIATION TO EVENT LICENCE - HUNTFEST**

**E12.6277**

Responsible Officer: Anthony O'Reilly - Chief Financial Officer Business Development  
Attachments: Nil  
Strategic Objective: 5: We help our local economy grow  
Delivery Plan Link: Business Activities  
Operational Plan Link: Manage Council's property leases, licences and other occupancy agreements to ensure legislative compliance, appropriate financial returns and prudent asset management

**EXECUTIVE SUMMARY**

Following the event in June 2013, the organisers of Huntfest, South Coast Hunters Club Inc., are seeking a variation to its licence to allow three new activities for the event, namely the display of firearms, the display and operation of hunting simulators and the conduct of introduction courses to archery.

The Huntfest organisers cater to a wide section of the community including the archery and firearm related clubs within the Shire and according to South Coast Hunters Club Inc. the proposed activities will significantly increase the number of visitors on the first event.

The display of firearms is subject to the issue of an Arms Fair permit which is issued under strict conditions by NSW Police and consent to allow this under the licence should be conditioned accordingly.

As the licence was granted with consent from the Minister administering the Crown Lands Act, Minister's consent will be required for any variation to the licence.

The licensee should pay an administration fee to cover the costs associated with the variation of the licence.

**RECOMMENDATION**

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a variation to the five-year licence to conduct the Huntfest event within NATA Reserve issued to South Coast Hunters Club Inc. for the following activities subject to consent of the Minister administering the Crown Lands Act:
  - (a) Display firearms subject to the issue of an Arms Fair Permit by NSW Police;
  - (b) Display and operation of hunting simulators; and
  - (c) Conduct introduction courses to archery subject to the activity being wholly contained within a steel shipping container and participants being under the direct supervision of an accredited archery instructor.
2. All costs associated with the proposed variation to the licence including an administration fee of \$1,100 be borne by the Licensee.

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**FBD13/017 VARIATION TO EVENT LICENCE**

**E12.6277**

**BACKGROUND**

At its Ordinary meeting held on 23 October 2012 Council considered a report on the Huntfest event and resolved:

*THAT Subject to the consent of the Minister administering the Crown Lands Act 1989 Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a five-year licence, in accordance with Section 102 of the Crown Lands Act 1989, to South Coast Hunters Club Inc to conduct the Huntfest event within Crown Reserve R63051 at the Narooma Leisure Centre annually over the June long weekend, commencing 1 June 2013 and terminating 31 May 2018 subject to conditions including:*

- (a) A licence fee in accordance with Council's adopted fees and charges for use of Council facilities.*
- (b) Payment of a \$1,000 bond, refundable if the area is left clean and undamaged.*
- (c) Provision of evidence of public liability insurance cover for \$20 million noting Council and the Minister administering the Crown Lands Act as interested parties.*
- (d) The event organiser will be responsible for ensuring that all aspects of the event will be undertaken in accordance with the Work Health and Safety Act, 2011 and Work Health and Safety Regulations, 2011.*
- (e) Meeting conditions in accordance with Development Consent DA 51/13.*
- (f) The organisers are required to list the temporary food vendors and have them inspected by Council's Food Surveillance Officer.*
- (g) The organisers are responsible for the collection and disposal of all waste to a Council waste facility.*
- (h) The organisers are responsible for ensuring the public toilets are maintained in an acceptable condition for the duration of the event.*
- (i) In the interest of public health and safety, the organisers should provide confirmation that the ambulance and hospital have been notified of the event.*

Following a successful event in June 2013 South Coast Hunters Club Inc. are seeking a variation to its licence to:

1. Enable the display of firearms;
2. Allow the display and operation of hunting simulators; and
3. Conduct introduction course to archery within a steel shipping container.



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**FBD13/017 VARIATION TO EVENT LICENCE**

**E12.6277**

**CONSIDERATIONS**

In respect of the three issues the following information is provided:

Display of Firearms.

In order to display firearms at the Huntfest event the organisers will require an "Arms Fair Permit" issued by NSW Police.

Application for a permit requires the submission of a risk assessment by a licensed security consultant identifying potential dangers posed to public safety by the Arms Fair and an evaluation of the security measures that will be implemented to reduce those dangers. The Police will only issue a permit if they are satisfied that the premises are suitable and the issue of the permit would not be contrary to the public interest or compromise public safety in any way.

The organisers have advised in relation to security:

- There will be no live ammunition at the event;
- Only licensed firearms holders are allowed to handle any firearms at any time at the event as required by legislation;
- There will also be armed guards inside the hall at all times that firearms are on display. The number of which will be decided upon by the local area police commander;
- There will also be unarmed security manning the front gate and outside display areas during the whole Huntfest event; and
- The South Coast Hunters Club is also looking into employing a police officer for all opening hours of the show.

Display and operation of hunting simulators.

The organisers have advised in relation to hunting simulators that these simulators are "*a training device, which show hunters in the field how to target various game species. It is just another form of best practice safety procedures for hunters and is in the form of a video game. These simulators do not use real firearms*".

Conduct introduction courses to archery within a steel shipping container.

The organisers have advised in relation to the introduction to archery that "*The Eurobodalla Archery Club would like to carry out an introduction to archery course at the Huntfest event. This would be conducted inside a 20 foot steel container where people would fire target arrows into bales of hay. All participants would fire a low powered target bow using target arrows whilst standing inside the container. Each participant would be under direct supervision by an accredited archery instructor. At no time would the archery equipment leave the enclosed container*".

**Legal**

Huntfest is conducted within NATA Reserve, a Crown Reserve under the control of the Eurobodalla (South) Reserve Trust for which Council is Trust Manger. Accordingly the current five-year licence to conduct Huntfest was granted with consent of the Minister administering the Crown Lands Act and therefore any variation to the licence will also require that Minister's consent.

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**FBD13/017 VARIATION TO EVENT LICENCE**

**E12.6277**

**Policy**

The proposed variation to the Huntfest licence does not breach any Council policy including the Events policy.

**Social Impact**

As part of the original application for a licence to hold the event, the licensee's vision was to develop Huntfest into an annual event, providing an attraction for local residents as well as attracting visitors to the shire, and generating economic benefit for local businesses during the quieter winter period. They believe that the introduction of the three proposed activities will enhance the event and assist in increasing the number of visiting attendees.

**Community Consultation**

Correspondence has been received opposing the granting of a variation to the licence and whilst it is acknowledged that hunting is a controversial issue, it is a legal activity controlled strictly by legislation. There are a number of archery and firearm associated clubs within the Shire supporting the event.

**Financial**

If a variation to the current licence is granted a Council administrative fee of \$1,100 should be paid by the licensee for costs including the preparation and execution of the deed of variation.

**CONCLUSION**

The proposed activities sought to be permitted at Huntfest are legal and do not breach any Council policy.

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**FBD14/076 HUNTFEST - VARIATION TO LICENCE SUBMISSIONS**

**E12.6277**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development

Attachments: Nil

Strategic Objective: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

**EXECUTIVE SUMMARY**

In accordance with Council's resolution of 26 August 2014, following the receipt of a request from the South Coast Hunters Club for amendments to their licence to conduct the Huntfest event at NATA Reserve, the proposed amendments involving weaponry and ammunition were publicly exhibited and submissions called for.

As a result over 500 submissions were received with similar numbers supporting and opposing the amendments.

**RECOMMENDATION**

THAT Council note the information contained in the submissions from the public consultation process.

**BACKGROUND**

At its Ordinary meeting held on 26 August 2014 Council considered a notice of motion regarding the annual Huntfest event and resolved:

*THAT in regard to the current Huntfest licence should any further amendments regarding weaponry and / or ammunition be applied for in the lead up to the 2015 Huntfest that consultation occur for a period of 28 days and a report be presented to council within 49 days of the original advertising of the amendment.*

On 5 September 2014 a letter was received from the South Coast Hunters Club requesting three amendments to their licence to conduct Huntfest.

One amendment was to allow all legal activities covered under an Arms Fair Permit, a second to permit the operation of a mobile air rifle range and a third to increase the licence area to cover the whole of NATA reserve to allow for expanded exhibition area and parking.

**CONSIDERATIONS**

The first two requested amendments satisfy the Council resolution to consult.

**Community Consultation**

In accordance with Council's resolution, the request for the amendments providing for all legal activities covered by an Arms Fair Permit and the operation of a mobile air rifle range was publicly notified for 28 days commencing 10 September 2014 until 8 October 2014.

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**FBD14/076 HUNTFEST - VARIATION TO LICENCE SUBMISSIONS****E12.6277**

Information and documents relating to the public exhibition, including the NSW Police Arms Fair Fact Sheet and the Mobile Shooting Range Fact Sheet, were placed on Council's website, and at its Moruya customer service centre and libraries in Batemans Bay, Moruya and Narooma.

A total of 511 submissions were received with 1 duplicated.

A breakdown of the submissions is set out in the table below.

	Support Amendments	Oppose Amendments	Total
Residents	38	166	204
Non-residents	196	39	235
Not Specified	37	13	50
Total	271	218	489

21 submissions failed to address the amendments before Council.

Of the 218 submissions opposing the amendments 52 were silent on the mobile air rifle range with 2 supporting its operation at the event.

Whilst a number of the submissions gave no specific reason for supporting the amendments, broadly the submissions cited economic benefit, freedom of choice and increased attendance as reasons for support for the amendments. A total of 271 submissions supported the amendments.

Similarly a number of submissions gave no specific reason for opposing the amendments, broadly the submissions cited damage to the environment, concern for increased gun ownership, public safety, danger of increased gun culture, tarnishing of the Nature Coast brand and concern for the influence on children. A total of 218 submissions opposed the amendment to provide for all legal activities covered by an Arms Fair Permit with 166 of those opposing the operation of a mobile air rifle range and 2 supporting the rifle range.

Copies of the submissions have been confidentially provided previously to Councillors.

**CONCLUSION**

The proposed amendments sought to the licence to conduct the Huntfest event which required consultation have been publicly exhibited and over 500 submissions received.

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**FBD14/077 HUNTFEST - VARIATION TO EVENT LICENCE**

**E12.6277**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development

Attachments: 1. Fact Sheet - Mobile Shooting Range  
2. Fact Sheet - Arms Fair Permit

Strategic Objective: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

**EXECUTIVE SUMMARY**

A request has been received from the South Coast Hunters Club for amendments to their licence to conduct the Huntfest event allowing for an extension to the licence area to cover the whole of NATA reserve, to permit the operation of a mobile air rifle range and to allow all legal activities covered under an Arms Fair Permit.

In accordance with Council's resolution of 26 August 2014, the request for the amendments providing for all legal activities covered by an Arms Fair Permit and the operation of a mobile air rifle range was publicly notified for 28 days commencing 10 September 2014 until 8 October 2014. Over 500 submissions were received with similar numbers supporting and opposing the amendments.

There is no legal reason for Council to decline the amendment to increase the licence area and no legal reason for Council not to grant the requested amendments to provide for all legal activities covered by an Arms Fair Permit and the operation of a mobile air rifle range, noting any amendments will be subject to consent by the Minister administering the Crown Lands Act, 1989.

**RECOMMENDATION**

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a variation to the five-year licence to conduct the Huntfest event within NATA Reserve issued to South Coast Hunters Club Inc. to provide for the following subject to consent of the Minister administering the Crown Lands Act.
  - (a) To extend the licence area to cover the whole of NATA reserve;
  - (b) To permit the operation of a mobile air rifle range; and
  - (c) To allow all legal activities covered under an Arms Fair Permit subject to the issue of an Arms Fair Permit by NSW Police.
2. All costs associated with the proposed variation to the licence including an administration fee of \$1,100 be borne by the Licensee.

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## BACKGROUND

At its Ordinary meeting held on 23 October 2012 Council considered a report on the Huntfest event and resolved:

*THAT Subject to the consent of the Minister administering the Crown Lands Act 1989 Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a five-year licence, in accordance with Section 102 of the Crown Lands Act 1989, to South Coast Hunters Club Inc to conduct the Huntfest event within Crown Reserve R63051 at the Narooma Leisure Centre annually over the June long weekend, commencing 1 June 2013 and terminating 31 May 2018 subject to conditions including:*

- (a) A licence fee in accordance with Council's adopted fees and charges for use of Council facilities.*
- (b) Payment of a \$1,000 bond, refundable if the area is left clean and undamaged.*
- (c) Provision of evidence of public liability insurance cover for \$20 million noting Council and the Minister administering the Crown Lands Act as interested parties.*
- (d) The event organiser will be responsible for ensuring that all aspects of the event will be undertaken in accordance with the Work Health and Safety Act, 2011 and Work Health and Safety Regulations, 2011.*
- (e) Meeting conditions in accordance with Development Consent DA 51/13.*
- (f) The organisers are required to list the temporary food vendors and have them inspected by Council's Food Surveillance Officer.*
- (g) The organisers are responsible for the collection and disposal of all waste to a Council waste facility.*
- (h) The organisers are responsible for ensuring the public toilets are maintained in an acceptable condition for the duration of the event.*
- (i) In the interest of public health and safety, the organisers should provide confirmation that the ambulance and hospital have been notified of the event.*

Following the event in June 2013 South Coast Hunters Club Inc. sought a variation to its licence to:

1. Enable the display of firearms;
2. Allow the display and operation of hunting simulators and
3. Conduct introduction course to archery within a steel shipping container.

At its Ordinary meeting held on 10 December 2014 Council considered a report on the proposed amendments to the Huntfest licence and resolved:

*THAT:*

1. *Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a variation to the five-year licence to conduct the Huntfest event within NATA Reserve issued to South*

**FBD14/077 HUNTFEST - VARIATION TO EVENT LICENCE**

**E12.6277**

*Coast Hunters Club Inc. for the following activities subject to consent of the Minister administering the Crown Lands Act:*

- (a) Display firearms subject to the issue of an Arms Fair Permit by NSW Police;*
  - (b) Display and operation of hunting simulators; and*
  - (c) Conduct introduction courses to archery subject to the activity being wholly contained within a steel shipping container and participants being under the direct supervision of an accredited archery instructor.*
2. *All costs associated with the proposed variation to the licence including an administration fee of \$1,100 be borne by the Licensee.*

At its Ordinary meeting held on 26 August 2014 Council considered a notice of motion regarding the annual Huntfest event and resolved:

*THAT in regard to the current Huntfest licence should any further amendments regarding weaponry and / or ammunition be applied for in the lead up to the 2015 Huntfest that consultation occur for a period of 28 days and a report be presented to council within 49 days of the original advertising of the amendment.*

On 5 September 2014 a letter was received from the South Coast Hunters Club requesting three amendments to their licence to conduct Huntfest.

One amendment was to allow all legal activities covered under an Arms Fair Permit, a second to permit the operation of a mobile air rifle range and a third to increase the licence area to cover the whole of NATA reserve to allow for expanded exhibition area and parking.

**CONSIDERATIONS**

In respect of the three issues the following information is provided:

Licence Area to Cover the Whole of NATA Reserve

The licence area currently only covers the Leisure Centre and two alternate areas shown below.





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Due to changes in the alignment of Bluewater Drive and to allow for growth in the number of exhibitors and additional parking, the area sought for the licence is shown in the plan below.



**Arms Fair Permit.**

In order to display firearms at the Huntfest event the organisers will require an “Arms Fair Permit” issued by NSW Police.

**Operation of a Mobile Air Rifle Range** A mobile shooting range is a business which primarily operates at carnivals, arms and amusement fairs or agricultural shows and allows persons to shoot at targets, under supervision, using a firearm which is tethered in a manner to prevent the muzzle of the firearm being turned to the rear and fixed to prevent removal except by the person responsible for the range. Mobile shooting ranges must be approved by the Commissioner of Police to operate in NSW.

Fact sheets on arms fair permits and mobile shooting ranges provided by the Firearms Registry of the NSW Police are attached for Councillors’ information.

**Legal**

Huntfest is conducted within NATA Reserve, a Crown Reserve under the control of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager. Accordingly the current five-year licence to conduct Huntfest was granted with consent of the Minister administering the Crown Lands Act and therefore any variation to the licence will also require that Minister’s consent.

**Policy**

The proposed variation to the licence to conduct the Huntfest Event does not breach any Council policy including the Events policy.



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**Asset**

The proposed amendments should not have any detrimental effect on the reserve subject to parking not being permitted in the case of extreme wet conditions.

**Social Impact**

As part of the original application for a licence to hold the event, the licensee's vision was to develop Huntfest into an annual event, providing an attraction for local residents as well as attracting visitors to the shire, and generating economic benefit for local businesses during the quieter winter period. The applicant consider that the amendments allowing all legal activities covered by an Arms Fair Permit and the operation of a mobile air rifle range will enhance the event and assist in increasing the number of attendees. Other views regarding social impact are highlighted in Community Consultation below.

**Economic Development Employment Potential**

The South Coast Hunters Club have indicated attendees of the 2014 event contributed in the order of \$800,000 into the local economy and believe the introduction of the proposed amendments will increase patronage.

**Community Consultation**

In accordance with Council's resolution regarding the amendments involving firearms and or ammunition, the request for the amendments providing for all legal activities covered by an Arms Fair Permit and the operation of a mobile air rifle range was publicly notified for 28 days commencing 10 September 2014 until 8 October 2014.

Information and documents relating to the public exhibition, including the NSW Police Arms Fair Fact Sheet and the Mobile Shooting Range Fact Sheet, were placed on Council's website, and at its Moruya customer service centre and libraries in Batemans Bay, Moruya and Narooma.

A total of 511 submissions were received with 1 duplicated.

The submissions are the subject of a separate report to this meeting.

Whilst a number of the submissions gave no specific reason for supporting the amendments, broadly the submissions cited economic benefit, freedom of choice and increased attendance as reasons for support for the amendments. A total of 271 submissions supported the amendments.

Similarly a number of submissions gave no specific reason for opposing the amendments, broadly the submissions cited damage to the environment, concern for increased gun ownership, public safety, danger of increased gun culture, tarnishing of the Nature Coast brand and concern for the influence on children. A total of 218 submissions opposed the amendment to provide for all legal activities covered by an Arms Fair Permit with 166 of those opposing the operation of a mobile air rifle range and 2 supporting the rifle range.

An online petition opposing the sale of guns and ammunition at Huntfest containing 40,804 entries from around the world was tabled by Councillor Harding at the Ordinary Council meeting held on 14 October 2014. This petition is available for Councillors to review.

A separate report on the submissions is presented at this meeting.

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**FBD14/077 HUNTFEST - VARIATION TO EVENT LICENCE**

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**Financial**

If a variation to the current licence is granted a Council administrative fee of \$1,100 should be paid by the licensee for costs including the preparation and execution of the deed of variation.

**CONCLUSION**

The proposed amendments to the licence to conduct the Huntfest are legal and do not breach any Council policy.