WHAT RULES?
Local Government Land Use Decision Making for Events in NSW

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My motivation

- Public park or private gym: boot camps?
- One council wanted to limit events to two 6000 person concerts annually.
- Another council had two concerts totalling 29,000 people on the same night.
- Why is a billy cart derby difficult?
- Open Gardens should be regulated!
- Introduction of temporary land use rules
What are Temporary land uses?

- Land-, water- or air-based use/event.
- Held on private or public spaces.
- One-off, intermittent or a regular use/event.
- Arranged with a commercial or not-for-profit focus.
- Uses temporary facilities such as marques, stages, car parks, amenities and food kiosks.
- On or in a space (building, land, water or air) not primarily intended for the use/event.
- At the end of the temporary use/event the space is restored to the pre-use condition.
- Does not hinder future development.
- Can be a mix of temporary uses, e.g. camping with a concert.
Examples of temporary uses

Carnivals, Circuses, Exhibitions, Festivals, Filming, Meetings, Parades, Sporting Events, Concerts, Musical and Theatrical Festivals, Entertainment.
Events are important.

• From 2007 to 2008, more than 2850 events across Tasmania, regional areas of NSW and Victoria.

• Potential economic contribution of $10 billion plus social and environmental benefits.

• 1300 of these events and festivals in NSW.
Research Focus

• People like events.
• Governments want to control events.
• Regulations are required.
  • Bureaucrats make regulations.
  • Bureaucrats determine event proposals.
• Some events proceed.
In 2006, NSW amendments to planning legislation resulted in an on-going transition of event assessment to the local government land use planning process. The transition has not been without issues.

“Events and festivals have a significant role in attracting increased visitation and spend….

In addition, there is a significant amount of red tape at State and Local Government levels to secure approvals for events and festivals…”

2012 NSW Visitor Economy Taskforce
A new rule and more uncertainty?

SILEP STANDARD CLAUSE - 2.6B Temporary use of land [local]

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that:
   (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
   (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
   (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
   (d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Drafting direction.
Specific exclusions, as follows, from the 52 day period may be added for sales offices, exhibition homes, builder’s site offices etc.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or housing estate may exceed 52 days (whether or not consecutive days) in any period of 12 months.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office.
Hunter Region – a Case Study

- **Documents**
  Government Websites
  Event policies, practices and assessment reports from Hunter Region Councils.

- **Structured Interviews**
  Key informants from state government agencies and local government responsible for tourism, planning.
  General Managers of Hunter Region Councils.

- **Focus Groups**
  Event operators – commercial, community and Hunter Region Local government staff responsible for events.

- **Semi Structured Interviews**
  Local government event assessors
Some Preliminary Insights

All 152 NSW Councils were asked the following questions with 89 Responses.

• How does the events assessment process operate in your council?

• What policies and practices does your council use to regulate events?

• Who is responsible for the regulation of events in your council?
Whose Job is it?

Local Government Job Title

- Events/tourism: 37%
- Planning / Development: 25%
- Community/Administration: 27%
- Other:

LGNSW Tourism Conference 2015 11
Some Responses

• Events are considered through the DA & Sec 68 process.
• Majority of events are community based and do not require Section 68 approvals
• If the event will attract over 500 attendees, or is not exempt development a DA is required to be lodged
• Generally if the event is on private land it is outside Council control.
• It depends on the nature of the event and which department it falls under.
• We don’t have events of the type you wish to discuss.
• Not in a position to provide you with any policy documents as they are not only intellectual property but are under copyright.
• Currently overhauling our process.
• Council is considering a draft ‘Events’ DCP.
• Council requires payment of a development research fee prior to answering the questions.
• Due to current resourcing, we are unable to assist you.
Another Insight – Role Conflicts
Another Insight –
World Rally Championship Act

Non Application of other laws

- Environmental Planning and Assessment Act 1979
- National Parks and Wildlife Act 1974
- Fisheries Management Act 1994
- Local Government Act 1993
- Forestry Act 1916
- Water Management Act 2000
- Crown Lands Act 1989
- Suspension of certain road and noise legislation
- No liability in nuisance
Thank You
Email me with your event assessment experiences and flowcharts

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