

**ITEM 2 PUBLIC EXHIBITION - PLANNING PROPOSAL - TEMPORARY EVENTS TO BE INCLUDED AS EXEMPT DEVELOPMENT ON COUNCIL MANAGED LAND**

This report proposes the preparation of a Planning Proposal to amend Schedule 2 Exempt Development of the Wollongong Local Environmental Plan 2009 (Wollongong LEP 2009) to include Temporary Events (Commercial and Community) as Exempt Development on Council managed land. The proposal will apply on Council owned and/or managed land, including Crown land and within the road reserves for which Council is the road authority.

The Planning Proposal will reduce the approval steps under the *Environmental Planning & Assessment Act 1979* for hosting an event, making it easier for event organisers. Event organisers will still need to obtain an Event Approval from Council and possibly other licences or permits required under other relevant legislation.

Wollongong Development Control Plan 2009 – Chapter C6 Event Management has also been reviewed and updated to reflect the proposed change and an updated draft chapter is proposed to be exhibited. Chapter C6 will continue to apply to events that fall outside the proposed exempt development provisions and require lodgement of a development application.

**RECOMMENDATION**

- 1 A Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by including in Schedule 2 Exempt Development: Temporary events (commercial and community) on Council owned and/or managed land, including Crown Land and within the road reserve for which Council is the road authority, subject to being consistent with an adopted Plan of Management over the land where applicable.
- 2 The Planning Proposal be forwarded to the NSW Department of Planning, Housing and Infrastructure for Gateway determination and requesting authorisation for the General Manager to exercise plan making delegations in accordance with Council’s resolution of 26 November 2012.
- 3 If approved, the Planning Proposal be exhibited for a minimum period of twenty-eight (28) days.
- 4 The draft Wollongong Development Control Plan 2009 – Chapter C6 Event Management (Attachment 2) be exhibited with the Planning Proposal.

**REPORT AUTHORISATIONS**

Report of: Chris Stewart, Manager City Strategy  
 Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

**ATTACHMENTS**

- 1 Major Event Sites
- 2 Draft Wollongong DCP 2009 - Chapter C6 Event Management

**BACKGROUND**

Council owned and managed land is used to host a range of sporting, cultural and community events, which provide social benefits and contribute to the local economy. However, they can be complex to organise as different approvals can be required, including -

Type of Event	Approvals that may be required
Sporting events on purpose approved and built sportsgrounds (eg cricket, football, baseball, netball etc) and facilities (eg swimming, basketball)	Development consent for the initial development of facility and use. No on-going approval requirements for use.  Council may lease or licence facility to a sporting group or user.

Type of Event	Approvals that may be required
Occasional sporting events on roads and parks (eg triathlons, UCI World Road Cycling Championship, Sydney to Gong Bike Ride)	Development consent for temporary use of land. Event approval on Development Application (DA) approved sites. Road closure or use.
Community festivals (eg cultural, film, music) in parks and the Wollongong Botanic Gardens	Development consent for temporary use of land. Event approval on DA approved sites. Licencing if alcohol is sold. Crown Lands approval if on Crown Reserves
Commercial events (eg Music concerts) in parks	Development consent for temporary use of land. Event approval on DA approved sites. Licencing if alcohol is sold. Crown Lands approval if on Crown Reserves
Community fetes and events in parks and possibly road reserves (eg Corrimal and Dapto)	Development consent for temporary use of land. Event approval on DA approved sites. Road closure or use. Crown Lands approval if on Crown Reserves
Markets in parks, road reserves	Development consent for Markets or temporary use of land. Road closure or use.
Neighbourhood Street parties	Road closure or use

The rules and approvals required can also vary depending on the tenure or the land -

- Council land -
  - community land, and its category and consistency with any adopted Plan of Management
  - operational land
- Crown reserves -
  - Council managed -
    - community land, and its category and consistency with any adopted Plan of Management
    - operational land
  - Devolved reserves that are Council managed – Crown Lands approval may be required.
- Road reserves – local or State managed (Section 138 of the *Roads Act 1993*)

Some parks and reserves can have multiple tenures which results in different requirements, which adds to the complexity for community events organisations. It can also be time consuming and requires early planning by event organisers.

State Environmental Planning Policy (Exempt and Complying Codes) 2008 (the Codes SEPP), defines community event as: *a function or event open to the public or a section of the public that is a ceremony, cultural celebration, exhibition, fete, fair, gathering, market or sporting event.*

The Codes SEPP includes provisions for tents, marques, stages to be exempt development for community events if they satisfy the specified criteria (clauses 2.119, 2.120, 2.123, 2.124), and as complying development if they satisfy the specified criteria (clauses 4A.5 - 4A.8). The Codes SEPP definition and provisions do not cover commercial events such as music festivals.

Council has undertaken several actions to reduce the complexity of event applications -

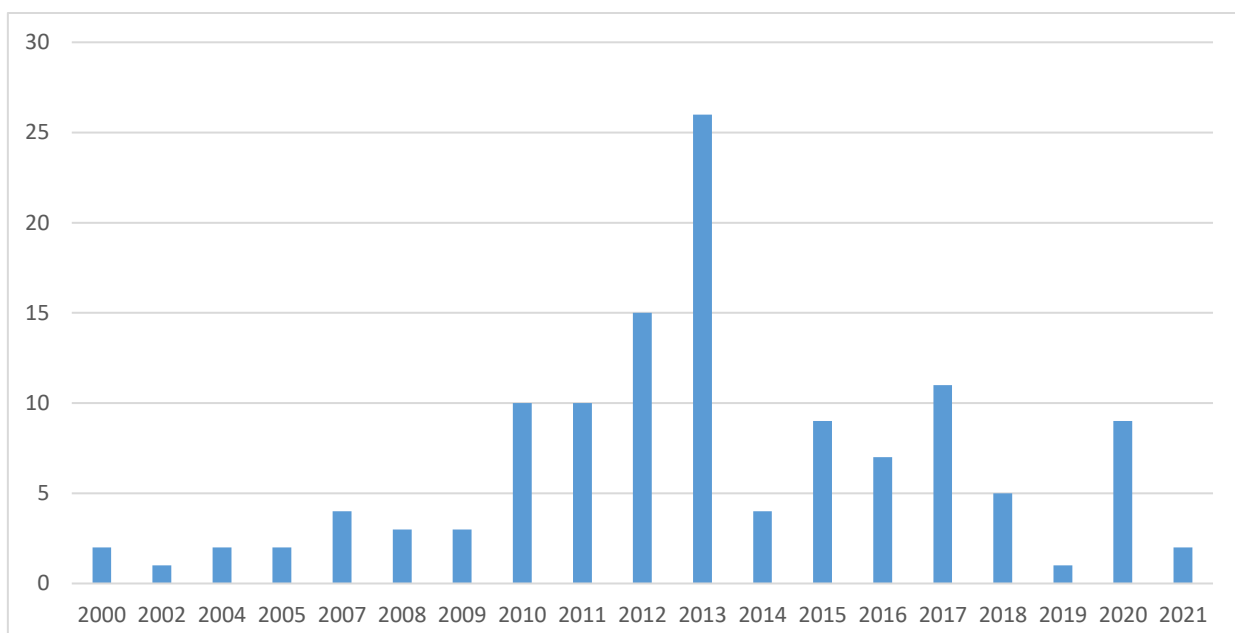
- In 2006, Council amended the Wollongong LEP 1990 to include Clause 10B Development without consent, which permitted events to occur on Council land without development consent where they were consistent with a Plan of Management.

On 26 February 2010, the Wollongong LEP 2009 came into force. It was one of the first Standard Template LEPs to come into operation in NSW and at the time of its preparation, there was very limited flexibility to modify the Exempt Development provisions under the Standard Template LEP process. As a result of the Standard LEP instrument, the Wollongong LEP 1990 provision was not able to be carried over into Wollongong LEP 2009.

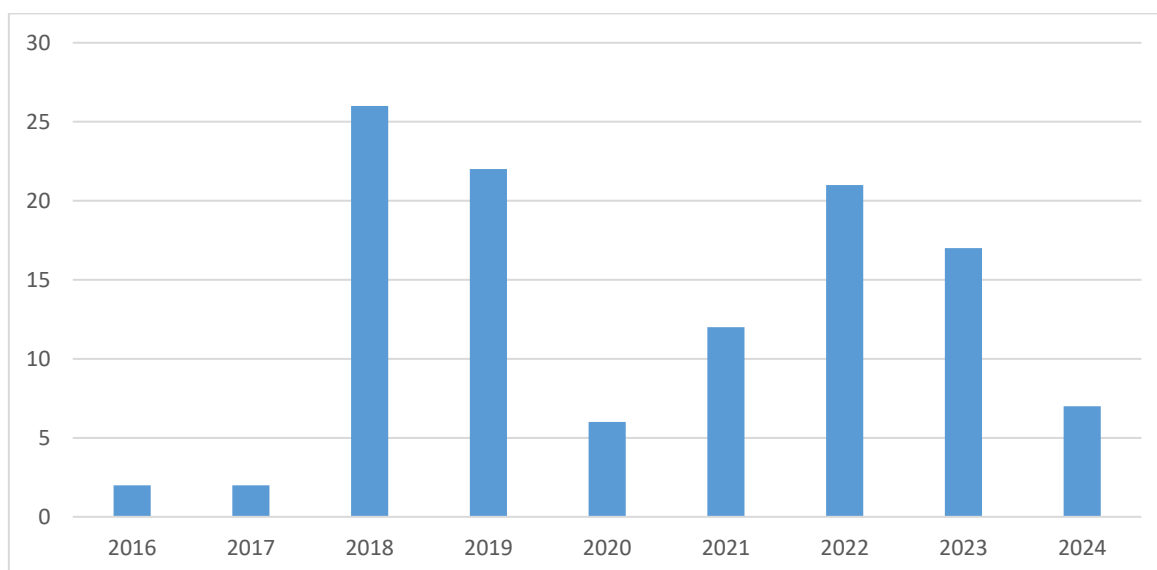
- In 2010, the Wollongong Development Control Plan (DCP) 2009 Chapter C6 Events Management commenced, which provides guidance for development applications.
- In 2013, eight Development Consents were obtained to enable community events on key parks and reserves. In 2020 a further seven sites were approved. The list of major event sites is shown in Attachment 1. To hold an event in these locations requires an Event Application (license), which is managed by Council’s Events Team. The Events Team provides a concierge service to assist event organisers. The Event Application process still requires the submission of documentation to address risk management, traffic management, waste management and noise management. The level of documentation required varies with the scale of the event.
- In 2012, 2016, 2021 Council adopted the Major Events Strategy which includes event classifications of global, signature, major, regional and community. Council categorises events into the following tiers -
  - Tier 1 is 10,000+ total participants/attendees.
  - Tier 2 is 5,000+ total participants/attendees.
  - Tier 3 is 1,000+ total participants/attendees.
  - Tier 4 is less than 1,000 total participants/attendees.

The Major Event sites development consents specify the number of events in each tier that are permitted to occur each year. For example, within Lang Park is permitted a maximum of three (3) Tier 2 events, six (6) Tier 3 events and all Tier 4 events.

Since 2000, 126 Development Consents have been granted for events, on various locations around the LGA. The peak in 2013 was due to the eight major events sites development applications.



Since 2016, Council has approved 115 event applications (licence) for the use of Council owned and managed land.



Council's Events Team have raised concerns with the current development approval pathway. The team have requested changes to Wollongong LEP 2009 to enable the approval pathway to be simplified.

In 2024, Council applied for grant funding under the \$8 million, Permit/Plug/Play Program, as part of the NSW Government's Vibrancy Reforms. The program offered successful Councils funding up to \$500,000 to host a street-based event. Councils were tasked with identifying complexities in planning and hosting street-based events, then streamline the process by implementing localised solutions. Councils are then required to host an event and evaluate their newly streamlined processes and provide feedback to the State Government. Council was successful with its grant application and was approved to receive \$500,000 in funding.

The grant application identified the Development Application (DA) process as adding complexity to the organisation of park and street-based events. The DA process adds an additional layer of complexity and requires greater lead in times for event organisation. The application proposed a review of the requirement for a development application.

A review of other NSW Councils LEPs identified that -

- Some LEPs include Events as Exempt Development (e.g. Ballina, Bega Valley, Hawkesbury, Kiama, Ku-ring-gai, Lismore, North Sydney, Richmond Valley, Ryde, Shoalhaven, Sutherland, Sydney, Tweed, Wagga Wagga, Waverly, Willoughby, Wollondilly and Woollahra).
- Some LEPs include Events as an Additional Local Provision, (e.g. Great Lakes - Mid Coast, Muswellbrook, Nambucca, Newcastle, Singleton, Tamworth and Upper Hunter).

It is understood that two other Councils are reviewing their LEP provisions, as a consequence of successful grant applications.

Exempt Development does not require any development assessment by Council, provided the use complies with the specified requirements, however, would still require a licence agreement (Event Application) to be entered into with Council for the use of Council managed land.

## PROPOSAL

Consistent with the grant application, it is proposed to amend Wollongong LEP 2009 Schedule 2 Exempt Development to allow Temporary Events (Commercial and Community) on public land owned by Council or for which Council has care, control and management (including Crown Land) or a public road for which the Council is the roads authority under the *Roads Act 1993* (NSW).

The proposed LEP amendment will include the following draft provision. The NSW Department of Planning, Housing and Infrastructure or Parliamentary Counsel Office may propose different wording if they seek to standardise the clause across the State as part of the Standard LEP template.

### **Temporary Events (Commercial and Community)**

**Temporary event** means the temporary use of land for the purpose of a function or event open to the public or a section of the public that is a ceremony, concert, cultural celebration, exhibition, fete, fair, festival, gathering, one off market, sporting event or the like.

- 1 *Must take place on land owned by the Council or for which the Council has care, control and management (including Crown land), or a public road for which the Council is the roads authority under the Roads Act 1993.*
- 2 *Must be carried out in accordance with a Leasing and Licensing agreement granted by the Council.*
- 3 *Must be consistent with any applicable plan of management under the Local Government Act 1993 or Crown Land Management Act 2016 for the land*
- 4 *Must be accompanied by a risk assessment and emergency management plan if located on bush fire prone and / or flood prone land.*
- 5 *Must not include site excavations and / or permanent physical change to the fabric of the location and / or structures where the use occurs.*
- 6 *Must not involve overnight camping or accommodation.*

**Notes:** *Other approvals, authorities, licences or permits may be required under other legislation, including the Crown Land Management Act 2016, the Local Government Act 1993 and the Roads Act 1993.*

*Festival includes Music Festival, which has the same meaning as in the Music Festivals Act (2019) NSW.*

A Development Application will be required for all ongoing Markets which require a commercial agreement with Council. A single (one off) market event will be exempt development under the amended LEP provision.

The management of Temporary Events, on public land owned by Council or for which Council has care, control and management (including Crown Land) or a public road for which the Council is the roads authority under the *Roads Act 1993* (NSW), will continue to be subject to licensing requirement. Other approval, authorities, licenses or permits may be required under legislation including but not limited to, the *Crown Land Management Act 2016*, *Local Government Act 1993*, and *Roads Act 1993*. The use of Council or Crown land would need to be consistent with the reserve purpose and Plan of Management.

The proposal will reduce the number of development applications being assessed (typically up to 5 per year). It is not anticipated that the number of Event Applications would increase, but the process will be streamlined. It is noted that the removal of the DA process will also remove the requirement for community consultation, however this proposal and applicable Plans of Management will set out if such uses are appropriate.

Council's current Event Application requirements include the following -

- Event Management Plan.
- Risk Management Plan.
- Site Plan.
- Waste Management Plan.
- Event Notification.

Where applicable -

- Traffic plans which include Vehicle and Pedestrian Management.
- Security and Alcohol Management Plan.
- Emergency Management.
- Noise Management.

To complement the proposed amendment, a Council Events Policy is proposed to be prepared to assist event organisers and Council plan and manage future exempt development events on Council owned and/or managed land and roads. The policy will include the event tiers, the requirements, and the circumstances where a development application may still be required.

The proposal is not proposed to be extended to private land, as Council has alternative processes to assess and manage events on public land which are not in place for private property.

### **Assessment**

The key issues for consideration are -

#### ***Flooding***

Flooding and severe weather events have the potential to impact on events. Council's Licence and Hire Agreement contains actions associated with severe weather conditions including floods. Applicants are also encouraged to apply for alternate all weather sites to allow for unforeseen changes in weather conditions.

#### ***Bushfire***

The review has highlighted the need to manage events, event accommodation and camping on Bush Fire Prone Land. It is noted that many of the sites and roads owned and managed by Wollongong City Council, including Crown lands, are mapped as Bush Fire Prone Land.

Events should not be held on land mapped as Bush Fire Prone when the Bush Fire Risk is rated as extreme or catastrophic.

Consistent with other LEPs and to reduce the risk associated with bushfire, the proposed clause proposes to exclude overnight accommodation / camping associated with an event as exempt development. Development consent would continue to be required for events involving overnight accommodation.

#### ***Acid Sulfate Soils***

The proposal is to allow for the temporary use of land for events and as such, a provision has been included to restrict the excavation of land.

#### ***Waste Management***

Of the LEPs reviewed, 5 contained provisions for waste collection and disposal. Council's information for event organisers webpage details a Waste Management Plan must be provided as part of any event application. Additional waste management and recommended servicing is located on Council's Event Planning webpage. The webpage also includes a guide and check list on how to host sustainable events and Council's Single Use Plastic Policy.

Proper waste management is also a requirement when leasing a site for an event under Council's Leasing and Licencing Agreement.

#### ***Consideration by Wollongong Local Planning Panel***

The Planning Proposal request was considered by the Wollongong Local Planning Panel on 17 December 2024. The Panel advised -

- 1 The Panel agrees with Council's assessment report and supports the preparation of a Planning Proposal to include Temporary Events (Community and Commercial) as Exempt Development in Schedule 2 of the Wollongong LEP 2009. It has both strategic and local merit.*
- 2 The Panel advises that Council considers any amendments which may be required to the event application process such as waste management to reduce waste generated and incorporate circular economy principles and access management to ensure pedestrian access is maximised.*

The Event Application process include the suggested requirements.

#### **Wollongong DCP 2009 – Chapter C6 Event Management**

Concurrent with the review of the development application process, Wollongong DCP 2009 Chapter C6 Event Management has also been reviewed to ensure consistency with the proposed changes to event permissibility and to ensure currency with Federal and NSW Legislation. A revised draft chapter has

been prepared and is proposed to be exhibited with the Planning Proposal. The format of the draft DCP chapter has been updated to reflect the new DCP chapter format. The key changes to the chapter are highlighted (Attachment 2). The DCP chapter applies where development consent is required and will not apply to “exempt” events approved through event applications. The draft chapter also provides education guidance on the range of issues that should be considered by event organisers.

## CONSULTATION AND COMMUNICATION

Consultation has occurred with Council’s Development Assessment and Certification, Events, Property, and Sport and Recreation teams.

Should Council resolve to prepare and progress a Planning Proposal, it will be sent to the NSW Department of Planning, Housing and Infrastructure seeking Gateway determination and the proposal be placed on exhibition for a minimum period of 28 days.

The exhibition will be advertised in local newspapers and on Council’s engagement website. Hard copies of the exhibition material will be available at Council’s Administration Building and libraries, and an electronic copy will be placed on Council’s website.

Consistent with the NSW LEP Making Guideline, the proposal will be reported to Council detailing the outcomes of the exhibition process with recommendations regarding finalisation of the Planning Proposal.

## PLANNING AND POLICY IMPACT

### **NSW Government’s Visitor Economy Strategy 2030 (2021).**

The Planning Proposal is consistent with the Strategic Pillar – Showcase our Strengths. Key result areas include –

- Growth in visitation and expenditure for regional destinations.
- Higher levels of repeat visitation.

### **Illawarra Shoalhaven Regional Plan 2041 (2021)**

In June 2021, the Illawarra Shoalhaven Regional Plan 2041 was released by the State Government. The updated Regional Plan guides strategic planning and land use decisions in the region for the next 20 years. The Plan contains 30 objectives, supported by a mix of actions. Strategies and collaboration activities.

The proposal is consistent with Objective 5: Create a diverse visitor economy and Objective 24: Support major events, public art and cultural activities.

### **Ministerial Directions under 9.1 of the *Environmental Planning and Assessment Act (1979)*.**

The proposal is not inconsistent with the directions.

### **Our Wollongong Our Future 2032, Community Strategic Plan (2022)**

This report contributes to the delivery of Our Wollongong 2032 Community Strategic Plan (2022) and the following goals and objectives -

- Goal 2. We have an innovative and sustainable economy.
- Goal 3. Wollongong is a creative, vibrant city.

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
2.7 Promote the Wollongong Local Government Area as an event, conference and visitor destination.	Engagement, Communication & Events
3.6 Enable signature events and festivals where communities and visitors can gather and celebrate.	Cultural Services, Engagement Communications & Events

## **Wollongong Local Strategic Planning Statement 2020**

The proposal generally aligns with the Local Strategic Planning Statement Vision and key actions – Council will continue to invest in community and recreational facilities, social infrastructure, the arts, and the public domain. This will create vibrant places and communities where residents and visitors want to gather for work, shopping or recreation, both during the day and the evening.

### **Council's Major Event Strategy 2021-2026**

The Planning Proposal is consistent with the following actions -

- Enable efficient processes, response times and flexibility of policy.
- Council enact and further refine the events approval processes, including increasing the number of pre-approved major event Development Application sites offered.

### **Council's Planning Proposal Policy (2024)**

The Planning Proposal is generally consistent with the Policy and will contribute to -

- Economic growth and promotes sustainable practices.
- Improving tourism opportunities.

### **Council's Leasing and Licencing Policy (2023)**

The Planning Proposal is generally consistent with the objectives of the Leasing and Licencing Policy for Council owned land, Council managed road reserve and Crown Land and will contribute to -

- Granting of leases or licences of Council owned or managed land whether these for strategic, commercial or community purposes.
- Management of Council's property portfolio to ensure compliance with any relevant legislation and the requirements of Council's Relevant Policies as amended by Council from time to time.

### **Plans of Management**

Events will still need to be consistent with the activities approved on the land through a Council or Crown Land Plan of Management.

## **CONCLUSION**

The Council lead Planning Proposal is consistent with the NSW Government's Vibrancy Reforms which seek to promote temporary events while reducing associated planning complexities. The proposal is to amend Schedule 2 of the Wollongong Local Environmental Plan 2009 to include Temporary Events (Community and Commercial) as exempt development.

The proposal is consistent and aligns with the Illawarra Shoalhaven Regional Plan 2041 and Council's strategic planning documents.

It is recommended that Council resolve to prepare a Planning Proposal to amend Schedule 2 of Wollongong Local Environmental Plan 2009 to include Temporary Events (Community and Commercial) on Council owned or managed land, including Crown Lands and with road reserves (Local and State) and that the proposal be submitted to the NSW Department of Planning Housing and Infrastructure seeking Gateway determination and subsequent exhibition. The revised draft Wollongong DCP 2009 – Chapter C6 Event Management will be concurrently exhibited.



### Attachment 1 Major Events Development Applications

DA No.	Location	Event criteria
DA-2013/1156/B	Wollongong Botanic Garden	Maximum of five (5) tier three events per year and 52 tier 4 events per year
DA-2013/1158/A	MacCabe Park	Maximum of two (2) x Tier 2 events and eight (8) x Tier 3 events and all Tier 4 events
DA-2013/1159/A	Arts precinct	All Tier 4 events and a maximum of four (4) x Tier 3 events
DA-2013/1169/B	Thomas Dalton Park	All Tier 4 events, a maximum of six (6) x Tier 3 events and a maximum of six (6) x Tier 2 events
DA-2013/1171/A	Stuart Park	All Tier 4 events, a maximum of eight (8) x Tier 3 events, a maximum of six (6) x Tier 2 events and a maximum of three (3) x Tier 1 events
DA-2013/1174/A	Osborne Park	All Tier 4 events
DA-2013/1175/A	Belmore Basi, Foreshore sites (coastal strip between Wollongong No 2 Showground and Elliotts Road)	All Tier 4 events, a maximum of eight (8) x Tier 3 events, a maximum of six (6) x Tier 2 events and a maximum of three (3) x Tier 1 events
DA-2013/1176/A	WA Lang Park	Maximum of six (6) x Tier 3 events and all Tier 4 events
DA-2020/615	Thirroul Beach, North Thirroul Beach, Thirroul Pool, Kiosk & SLSC	Maximum of 52 days in any 12 month period
DA-2020/616	Rex Jackson Park, Helensburgh	Maximum of 52 days in any 12 month period
DA-2020/617	Port Kembla Community Centre	Maximum of 52 days in any 12 month period
DA-2020/618	King George V Park, Port Kembla	Maximum of 52 days in any 12 month period
DA-2020/619	Integral Energy Recreation Park, Kembla Grange	Maximum of 52 days in any 12 month period
DA-2020/620	JJ Kelly Park	Maximum of 52 days in any 12 month period
DA-2020/621	Greenhouse Park - Springhill Rd, Wollongong	Maximum of 52 days in any 12 month period

Note: the Development Consents will still apply to these sites. The proposed exempt provisions may apply where an event is outside of the relevant development consent.



## Part C – Specific Landuse Controls

### Chapter C6: Events Management

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Nil

**DOCUMENT CONTROL**

<b>Rev No.</b>	<b>Adoption Date</b>	<b>In Force Date</b>	<b>Revision Details</b>
0	15/12/2009	1/3/2010	Original chapter
1	TBA	TBA	Reviewed and reformatted

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Chapter C6: Events Management

## 1. INTRODUCTION

### 1.1 This DCP Chapter

#### 1.1.1 Purpose of this Chapter

The Wollongong Development Control Plan 2009 (Wollongong DCP) Chapter C6 Events Management outlines the objectives and controls for events. This chapter supports the objectives contained in the Wollongong Local Environmental Plan 2009 (Wollongong LEP).

#### 1.1.2 Where this DCP Chapter Applies

This DCP chapter applies to all lands contained within the Wollongong Local Government Area (LGA) where events are permissible. The definition of temporary event is located within the DCP Dictionary.

Temporary Event: An event can either be private or community based and may be commercial or non-commercial in nature. They may be organised by any entity and can be ticketed or not ticketed.

**Note:** This chapter is not applicable to Development Applications seeking a regular use of an approved entertainment venue or space.

The controls in this chapter do not apply to any events that are exempt development under Schedule 2 of the Wollongong LEP.

#### 1.1.3 Application of this Chapter

The determining authority will take the provisions of this chapter into consideration in determining all applications for temporary events within the Wollongong LGA. Development Applications must demonstrate conformity with the aims, objectives and controls of this and other relevant chapters of the Wollongong DCP 2009.

The aims of this chapter are to:

- 1) Communicate the expectation and requirements of development within the Wollongong LGA and build upon the Wollongong LEP 2009 by providing detailed objectives and controls for development.
- 2) Ensure development aligns with the direction and recommendations of the Wollongong Major Events Strategy 2021 -2026.
- 3) Promote events that are sustainable, accessible and safe within the Wollongong LGA.

### 1.2 Other Relevant Legislation

Depending on the event being undertaken other Commonwealth and State legislation may apply. It is the responsibility of the event organiser to comply with applicable legislation and to obtain any relevant permits, licences and approvals.

Legislation relevant to temporary events may include but not be limited to:

- *Work Health and Safety Act 2011* (NSW).
- *Protection of the Environment Operations Act 1997* (NSW).
- *Crown Lands Management Act 2016* (NSW) – Temporary Licence Application.
- *Local Government Act 1993* (NSW) – Activity Application.
- *Roads Act 1993* (NSW).

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- *Food Act 2003* (NSW).
- *Liquor Act 2007* (NSW)
- *Music Festivals Act 2019* (NSW)
- *State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes 2008*
- *Draft State Environmental Planning Policy (SEPP) Cultural*

**Note:** Development consent for a temporary event does not negate the need to obtain all other necessary licences, permits and approvals required under other applicable state and federal legislation.

### 1.3 Event Categorisations

Council's adopted Major Events Strategy classifies events as being global, signature, major, regional and community. To provide greater clarity Council has further refined the event categories into the following tiers:

- Tier 1 – more than 10,000 total participants/attendees.
- Tier 2 – more than 5,000 less than 10,000 total participants/attendees.
- Tier 3 – more than 1,000 less than 5,000 total participants/attendees.
- Tier 4 – less than 1,000 total participants/attendees.

**Note:** Transport for NSW event classifications are referenced in this document and are based upon traffic impacts. Please refer to TfNSW event classifications where identified.

## 2. DEVELOPMENT CONTROLS

### 2.1 Event application and supporting documentation

#### 2.1.1 Objectives

- Ensure landowners consent is obtained prior to the submission of any Development Application for a temporary event.
- Ensure temporary events are generally consistent with the social values of the community and Wollongong City Council.
- To minimise temporary adverse impacts upon adjoining land and/or the amenity of the neighbourhood.
- To ensure temporary events and any supporting structures to the use will not adversely impact on the environmental attributes or features of the land or increase the risk of natural hazards that may affect the land.
- To ensure temporary event sites are restored to the condition in which it was prior to the commencement of the use.
- Have adequate plans/strategies in place that satisfactorily address:
  - Public safety, health, risk and security.
  - Access, traffic and parking.
  - Bushfire and/or natural hazard strategies.

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**2.1.2 Controls**

- 1) The Development Application must include written consent by each registered property owner if the subject site is privately owned land.
- 2) If Council is the owner/manager of the parcel of land and/or road on which a temporary event is proposed, then the consent of Council is required to be lodged with the application.

**Note:** Council's consent to lodge a Development Application for a temporary event does not constitute Development Consent.

- 3) The Development Application and supporting documentation is to detail:
  - i) A description of event to be held (i.e. festival, concert, fete).
  - ii) Dates and times of the event, including opening and closing and daily schedules.
  - iii) The expected number of audience/participants.
  - iv) Ticketing and promotions.
  - v) Any temporary structures.
  - vi) Dates and times of set up/removal and hours of operations.
  - vii) Details of music, amplifications or other potential noise emissions.
  - viii) Alcohol licensing requirements.
  - ix) Details of any fundraising licences that been approved.
  - x) Details of any live or prerecorded music licences that have been approved.
  - xi) Lighting and signage.
  - xii) Details of food sold/served/provided including premises setup.
  - xiii) Details of any ancillary market stalls (Note: Markets are a separately defined land use and require development consent, they cannot be a standalone event).
  - xiv) Details of parking, including owner's consent if provided on adjoining land.
  - xv) Details of amenities, i.e. water station(s), toilet and sewerage management.
  - xvi) Details of waste management including general garbage and recycling disposal.
  - xvii) Details of any matting used for accessible paths of travel to, from and within events.
  - xviii) Power and water supply.
  - xix) Details of any firework or pyrotechnic displays and associated licences.
  - xx) Compliance with any Plan of Management if the event is to be held on Council owned or managed land.

4) Events are to be consistent with the *Disability Discrimination Act 1992 (Cth)*.

5) Events shall not to be inconsistent with the *Anti-Discrimination Act 1977 (NSW)*.

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## 2.2 Site Plan

### 2.2.1 Objectives

- a) Ensure events of all sizes are appropriately planned for and key components and their locations are identifiable.

### 2.2.2 Controls

- 1) The Development Application should be accompanied by a Site Plan at a 1:200 or 1:500 scale, depending upon the size of the subject site on which the event will take place. The Site Plan should include a range of matters associated with the event including (but not limited to) the following:
  - i) Proposed entertainment stage layout and location.
  - ii) Proposed location and direction of sound amplification equipment.
  - iii) Proposed seating arrangement (e.g. whether within an indoor facility, large tent or outdoors).
  - iv) Proposed lighting arrangement, lighting location and direction.
  - v) Proposed electrical supplies and location of electricity cables.
  - vi) Proposed location of backup generators.
  - vii) Proposed location of any marquee or tent.
  - viii) Proposed location of support and storage infrastructure and vehicles.
  - ix) Proposed location and number of toilets and associated amenities.
  - x) Proposed location of fire fighting equipment.
  - xi) Proposed location of security, parking/traffic and other attendants associated with the event.
  - xii) Proposed location of first aid and other emergency service areas for the event.
  - xiii) Proposed emergency access arrangements within the site and through the local road network.
  - xiv) Proposed vehicle and pedestrian access arrangement to/from the site, including proposed vehicle access arrangements to / from parking areas associated with the event.
  - xv) Proposed routes through and around the event including **continuous accessible paths of travel**.
  - xvi) Proposed location of food and drink stalls and other ancillary vendor stalls.
  - xvii) Approved liquor sales and consumptions areas, including the location of any barriers used for separation.
  - xviii) Proposed directional signage for both vehicles and pedestrians access throughout the site.

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## 2.3 Transport

### 2.3.1 Objectives

- a) Ensure traffic management is appropriately planned for prior to holding an event.
- b) Ensure the safe movement of people and vehicles involved with the temporary event.
- c) Ensure adequate and safe parking and transport options for patrons of events.
- d) Ensure the Wollongong Traffic Committee and relevant State Agencies are provided with sufficient information and time to consider the impacts of a proposed event and provide a determination.
- e) Ensure major events are serviced by mass transport options.

### 2.3.2 Controls

- 1) Events classified by TfNSW, as either Class 1 or Class 2 events where the formal approval of the NSW Police Service, Council and/or Transport for NSW require a formal Transport Management Plan and any associated Traffic Control Plan to be lodged with the Development Application.
- 2) Any Transport Management Plan and Traffic Control Plan should be prepared by a suitably qualified and experienced Traffic Engineer who can certify that the proposal complies with the requirements of Australian Standard AS 1742.3.
- 3) The Transport Management Plan and associated Traffic Control Plan are to address the requirements of each agency. Applicants should refer to the most recent publication of "Guide to Traffic and Transport Management for Special Events" for guidance on how to prepare a Transport Management Plan and the various agency requirements to be addressed.
- 4) Transport Management Plans are to detail traffic management and parking arrangements associated with an event. The Transport Management Plan should also include proposed public transport initiatives to be provided for the specific event.
- 5) The Transport Management Plan should include information on emergency access and escape route provisions, dust suppression measures, and disabled access provisions.
- 6) Where a Traffic Control Plan is to be submitted in support of an application the following items are to be addressed:
  - i) Details of traffic control devices.
  - ii) Details of any traffic marshals.
  - iii) Directional signage to be used.
  - iv) Details of temporary barriers – including any vehicle barriers.
  - v) Details of any proposed road closures.
  - vi) The location of the above-mentioned supporting traffic infrastructure/road closures and details of how vehicles will be separated from pedestrians.
- 7) For major events, a shuttle bus service should be provided. The shuttle bus service should be run between the nearest railway station and public car park areas in proximity to the event site.
- 8) Suitable accessible parking should be provided for events at a rate of 1% on site parking and two designated accessible car spaces within 200 m of the event. Accessible parking should be connected to accessible paths of travel that are free of obstructions and stepped thresholds.



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- 9) Where it is not possible to provide accessible parking onsite, applicants are to provide information about the closest accessible parking options available.
- 10) Where an event is proposed to take place within the road reserve, the location and type of hostile vehicle barriers are to be shown on the site plan. Events that are not within the road reserve should also include hostile vehicle barriers where necessary.

**Note:** Where a temporary event requires the closure of a road or temporary car parking, the submission of a Transport Management Plan and Traffic Control Plan will be required. All applications that require a road closure or temporary car parking will be referred to Council's Local Advisory Traffic Committee and any relevant State Agencies.

## 2.4 Noise and noise monitoring

Noise is often a common concern of residents living in the vicinity of venues used for events. Excessive noise, especially at low frequencies, can have a significant impact upon the local amenity.

### 2.4.1 Objectives

- a) Ensure noise is managed appropriately to limit adverse impacts upon local residents, neighbourhoods and surrounding natural environments.

### 2.4.2 Controls

- 1) A Noise Management Plan, which includes a Noise Impact Assessment Report is required to be submitted with any application where sound and/or vibrations are likely to impact upon the amenity of neighbouring residents and the environment. The noise impact assessment report is to be prepared by a practicing sound engineer/noise consultant who is a member of either the Australian Acoustical Society (AAS) or the Association of Australasian Acoustical Consultants (AAAC).
- 2) Events are not to produce "offensive noise". Offensive noise is defined by the NSW Environment Protection Authority and the *Protection of the Environment Operations Act (NSW) 1997*.
- 3) Event activities should not commence before 7 am. Amplified noise should not start before 8 am.
- 4) Amplified noise is to cease by 10 pm and all event activities to end, and all people to vacate the site by 11pm, between Sunday to Thursday.
- 5) Amplified noise is to cease by 11 pm and all event activities to end, and all people to vacate the site by midnight, on Friday and Saturday.
- 6) Where an event is in proximity to a residential neighborhood, reduced hours of noise amplification and event times should be proposed to those above.
- 7) Exceptions to amplified noise times may be considered for New Years Eve and Australia Day. Any proposed exemption requires the submission of a variation statement justifying any amended times.
- 8) Sound amplification equipment used during the event shall be installed and maintained to minimise the noise impact on any residential premises or businesses.
- 9) For events that do not include amplified music but may include background music and the use of a microphone for the duration of the event, a public address system may be used providing the volume does not exceed background noise levels when measured at the site boundary. Such events do not require a noise impact assessment report.

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10) Noise from an event must not create a nuisance to other park/public space users of adjoining and nearby residents. This use of public address systems, megaphones or other sound producing devices must be restricted to so as not to cause offensive noise as defined by the Protection of the Environment Operations Act 1997 (NSW).

11) All sound systems and sound amplifiers must comply with the following:

i)  $L_{Aeq(5\text{ minutes})}$  of 96 dB(A) at the Front of House (FOH) at 25 metres from the stage/speakers;

ii)  $L_{Aeq(5\text{ minutes})}$  of 65 dB(A) at nearest affected residential property boundary.

These noise limits apply to the performance of the special event and any sound testing prior to the event. If the FOH distance changes, the following correction factors is listed in Table 1 apply:

**Table 1: Noise Limits Front of House**

Front of House Distance	Allowable $L_{Aeq(5\text{ minutes})}$ Sound Level
20 metres	98 dB(A)
25 metres	96 dB(A)
30 metres	95 dB(A)
35 metres	93 dB(A)

12) Where a Noise Management Plan has been submitted with the application for the event licence, independent sound monitoring must be carried out at the event and a post event noise monitoring report must be submitted to Council within 21 days after the event.

13) The noise monitoring report should include:

i) Monitoring locations;

ii)  $L_{Aeq(5\text{ minutes})}$  noise loggers' data at (i) FOH and (ii) the nearest affected residential boundary for duration of the event. Note: The noise loggers used for monitoring should have a NATA calibration certificate; and

iii) How any non-compliances were managed.

**2.5 Waste Management**

Waste generated from an event has the potential to impact upon the surrounding neighbourhoods and natural environments if not managed correctly. Waste management it therefore required for all events.

**2.5.1 Objective**

a) Ensure event waste is properly managed, and waste disposed of in a sustainable manner, while protecting the environment.

**2.5.2 Controls**

1) A Waste Management Plan is to be submitted with all event Development Applications and is to include details of:

i) Waste service provider/contractor.

ii) The location of waste stations and bins throughout an event. Note: Bins should be located

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near food and drink stalls, near toilets, in designated drinking and eating areas and public entrances and exits.

2) The schedule for emptying bins during and at the completion of an event.

**Note:** Bins should be collected during hours that will reduce noise impacts on neighbouring residents.

3) 240 litre bins are to be provided as per Table 2 and Table 3. The number of bins should be multiplied by the number of meal times.

**Table 2: Number of bins required for events where alcohol is not licenced (per meal)**

Event size	General waste bins	Recycling bins	Total bins
0 – 500	2	2	4
501 – 2,000	4	5	9
2,001 – 5,000	10	11	21
5,001 – 10,000	15	15	30
For every 5,000 people over 10,000	+10	+11	+21

**Table 3: Number of bins required for events where alcohol is licenced (per meal)**

Event size	General waste bins	Recycling bins	Total bins
0 – 500	2	3	5
501 – 2,000	4	7	11
2,001 – 5,000	10	13	23
5,001 – 10,000	15	18	33
For every 5,000 people over 10,000	+10	+13	+23

Currently the provisions of green bins for compostable waste are not a requirement for events. However, Council supports waste reduction and sustainability and will consider applications where green bins are proposed.

4) Events are to be consistent with the *Plastic Reduction and Circular Economy Act 2021 (NSW)*, which bans certain single use plastics.

**2.6 Toilet Facilities**

Toilet facilities are important for the comfort of attendees. Additionally, providing sufficient volumes of toilet facilities will reduce the likelihood of adverse environmental impacts.

**2.6.1 Objective**

a) Ensure sufficient, clean toilet facilities, including accessible toilet facilities, are provided for the duration of an event for attendees and staff.

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**2.6.2 Controls**

- 1) Table 4 and Table 5 below set out the minimum number of toilet facilities to be provided in support of an event.

**Table 4: Non-liquor licenced event**

Event size	Female WC	Male WC	Male Urinals	Accessible Toilet
0 – 500	2 (or one per 250)	1	2	1
501 – 1,000	5 (or one per 250)	2	3	1
1,001 – 2,000	10	3	5	1
2,001 – 3,000	12	4	8	2
3,001 – 5,000	20	7	14	3
For every 2000 people over 5,000	2	1	2	1

**Table 5: Liquor licenced events**

Event size	Female WC	Male WC	Male Urinals	Accessible Toilet
0 – 500	5 (or one per 100)	2	5	1
501 – 1,000	10 (or one per 100)	4	10	1
1,001 – 2,000	20	7	15	1
2,001 – 3,000	25	9	20	2
3,001 – 5,000	30	12	24	3
For every 2000 people over 5,000	5	3	4	1

- 2) Toilets must be provided with handbasins, soap, running water and paper towels.
- 3) Council may consider a variation to the minimum number of male and female toilet facilities where the duration of the event is less than 2 hours. A variation request to the provision of toilet facilities must be supported by appropriate documentary evidence outlining the justification.
- 4) Any toilet facilities already existing on the site, that are to be included for use at an event, are to be detailed and shown on the submitted site plan.
- 5) Toilets are to be accessible to participants/attendees for the duration of the event.
- 6) Accessible paths of travel are to be provided to accessible toilets.

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- 7) The installation and removal of any temporary toilets is to occur within the hours of bump in and out.

## 2.7 Event Signage

A range of signage is typically employed to inform attendees and the public of events. While informative, signage can be a safety hazard or cause confusion if incorrectly located or managed. Therefore, it is important event related signage be located appropriately with clear messaging related to the timings on an event.

### 2.7.1 Objectives

- a) To ensure event signage is appropriately located so as not to hinder vehicles and pedestrians.

### 2.7.2 Controls

- 1) Signage is erected and removed in a timely manner to avoid causing confusion.
- 2) An example of the signage to be used in support of an event is to be provided to Council.
- 3) Advertising signage associated with the event may be displayed at the site provided that it complies with the following requirements.
  - i) All signage to meet the criteria for exempt development specified in the Environmental Planning Instrument; or,
  - ii) All signage is to:
    - a. Display only the names of the event and sponsors and does not include advertising of a commercial nature.
    - b. The location of event parking areas.
    - c. Information relating to public transport options.
    - d. Is to be safely secured and does not obstruct a public road, footpath or cycleway.
    - e. Is to be displayed for a period of not more than 28 days before an event and 7 days after an event.

## 3. XXX ADDITIONAL SUPPORTING DOCUMENT CONTROLS

### 3.1 Risk Management

#### 3.1.1 Objective

- a) To ensure that potential risks relating to events are identified and adequately mitigated.

#### 3.1.2 Control

- 1) A risk assessment is to be submitted in support of the Development Application. The risk assessment is to include the following details:
  - i) Event summary – name, type, date(s), event contact, anticipated event attendees, event crowd profile and demographics, licencing details, door/gate open and close times, security communications and identification.

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- ii) Organising and staffing – event organisational structure, event contact details, event roles, responsibilities, authority and accountability, contractors used on event site, qualifications and competencies of staff and contractors and event specific training.
- iii) Event specific structure, plant/machinery/equipment.
- iv) Details of construction and notifications to be undertaken.
- v) Risk management provisions – risk assessment and mitigation, event inspections and/or audits, recording and reporting.
- vi) Risk control plan.

### 3.2 Emergency procedures and site evacuation plan

#### 3.2.1 Objective

- a) To ensure reasonable provisions are made to cater for emergency situations that may affect and event.

#### 3.2.2 Controls

- 1) An Emergency Management Plan is to be submitted in support of the Development Application. The Emergency Management Plan should include the following details:
  - i) The procedures that need to be implemented in the case of an emergency at the event.
  - ii) The processes for reporting of injuries and/or incidents that may occur on the site, during the event.
  - iii) Contact details of both the event organiser and the onsite organiser responsible for decision making.
  - iv) The chain of command identifying which staff member is responsible for various components of the event.
  - v) Location of the main emergency response area.
  - vi) Proposed means of access for all emergency vehicles, which includes a permanent access location/point.
  - vii) Proposed evacuation procedures.
  - viii) Proposed security management and procedures plan, which includes the evacuation of people with disability.
  - ix) Proposed crowd management procedures.

### 3.3 Security and crowd management

#### 3.3.1 Objective

- a) Ensure the safety of event staff and attendees through effective security and crowd management provisions.

#### 3.3.2 Control

- 1) A Security Management Plan is to be developed with the main security provider in order to clarify the roles and responsibilities of security staff and other staff in attendance at the event.

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- 2) The type of event and capacity of the venue should determine the number of security staff required to undertake security and crowd management functions.
- 3) All security personnel must hold the appropriate level of qualification.
- 4) Security personnel are to be employed for the duration of the event and until all patrons have left the event.

### 3.4 Public Liability Insurance

#### 3.4.1 Objective

- a) Ensure adequate public liability insurance coverage is held by the applicant for the staging of an event.

#### 3.4.2 Controls

- 1) It is the responsibility of the event organiser to seek their own legal advice as to what insurance is required for their event.
- 2) Public Liability Insurance with a minimum value of **\$20 million** is required for all events.
- 3) If the event is held on Council owned or managed land and roads, the applicant's insurance policy must include a provision indemnifying Council.
- 4) A Certificate of Currency is required to be submitted to Council 14 days in advance of the date of commencement of the event. A receipt for payment of an insurance premium is not accepted.
- 5) Note: The event will not be permitted to commence on any Council property without the public liability insurance policy (Certificate of Currency) being in place.
- 6) Other insurance coverage may be necessary for an event, and may include, but not be limited to:
  - i) Public Liability Insurance of any sub-contractor.
  - ii) Volunteer's insurance.
  - iii) Workers' compensation.
  - iv) Professional indemnity insurance.

### 3.5 Amusement Devices and Temporary Structures

#### 3.5.1 Objective

- a) Ensure amusement devices and temporary structure are safely located within an event.
- b) Ensure additional approvals and licencing requirements associated with amusement devices are identified.

#### 3.5.2 Controls

- 1) If the event includes amusement devices, a separate approval under the Local Government Act 1993 is required.
- 2) The submitted site plan should locate where amusement devices and temporary structures will be located.

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- 3) Details of any access control devices (i.e. gates, fencing, barriers) and their location are to be included, and their location shown on the submitted site plan.

### 3.6 Food Stalls and Market Stalls

#### 3.6.1 Objective

- a) Ensure food outlets that are ancillary to events are licenced and comply with the safe food handling requirements in Council's codes, policies and guidelines, in addition to any other relevant legislation.

#### 3.6.2 Controls

- 1) Temporary food outlets must comply with Council's –
  - i) Food Premises Code;
  - ii) Guidelines for Food Handling at Temporary Events;
  - iii) Mobile Food Vending Policy, as applicable.

**Note:** All food handling outlets are to be established and available for inspection by Council, 24 hours prior to the event. Council's fees and charges outlines the cost for inspection.

- 2) All outlets that sell food and/or merchandise require a trading licence from Council.
- 3) All food outlets operating at an event are to appropriately registered with Council.

### 3.7 Fireworks

#### 3.7.1 Objective

- a) Ensure fireworks and pyrotechnic displays are carried out by licenced person/operator.
- b) Ensure firework and pyrotechnic displays are for the purposes of an event open to the public.

#### 3.7.2 Controls

- 1) Fireworks or pyrotechnic displays can only be held if a Fireworks (single use) Licence has been issued, or operator of the fireworks display holds an appropriate Pyrotechnic Licence.
- 2) An authorised display by a licenced pyrotechnician may only be held where a "Legitimate reason" is demonstrated, such as:
  - i) Organised public displays such as a community event, which is open to the public (whether or not for a fee) and is run by Council, community or private organisation. Types of community events include shows, fetes, carnivals, and other cultural, religious or sporting events.
  - ii) Theatrical displays such as film and television special effects, indoor or outdoor theatrical events such as concerts and performing arts special effects.
  - iii) Technical fireworks used for industrial or agricultural processes.
- 3) Fireworks cannot be used for private functions.
- 4) Any fireworks display upon land owned or controlled by Council will require separate approval of Council, prior to the event.



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#### 4. ADDITIONAL RESOURCES

- Australian National Security – Hostile Vehicle Guidelines for Crowded Places.
- Australian Standard AS1428 Design for access and mobility.
- Australian Standard AS4360 Risk Management.
- *Disability Discrimination Act 1992* (Cth).
- Handbook HB 167:2006 Security Risk Management.
- International Standards ISO 31000 Risk Management – Principles and guidelines.
- NSW Environmental Protection Authority: Noise guide for local government.
- NSW Government: Event Starter Guide for organising public and outdoor events.
- NSW Government: Guide to Traffic and Transport Management for Special Events.
- NSW Police – Hostile Vehicle Mitigation Guidelines for Hallmark/Iconic Major Events.
- Wollongong City Council: Organise an Event webpages.