

**Report to General Manager**

Attachments:

1. Planning Proposal - Special Events

SUBJECT: Regulatory Framework for Public Events**AUTHOR:** Marcelo Occhiuzzi - Manager Strategic Planning**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

North Sydney Council has a rich history of conducting and facilitating events on public land. Events have the capacity to contribute to the social, cultural, intellectual and physical wellbeing of local and wider communities.

Council's regulatory framework has at times created difficulties for parties including Council, wishing to conduct events in North Sydney. Event organisers are often required to negotiate regulatory hurdles that may be unnecessarily difficult or time consuming. They may be dissuaded from conducting events in North Sydney because lead in times required to navigate the required approvals or complexities in the process may create an environment of uncertainty for organisers.

This report recommends that Council endorse a Planning Proposal to identify events on public land as "exempt" from the need to gain development consent. Events are temporary occurrences and it is appropriate that on public land, a more flexible approvals process be applicable than the development application process. Whilst it will be the subject of a report in November 2015, Council staff are in the process of finalising a "Public Events Guidelines" document that will provide the framework and guidance for event organisers to conduct events in North Sydney and provide an overview of Council's expectations for events on public land. A permit will be required to be issued, in lieu of development consent, thereby ensuring that the appropriate checks and balances continue to apply to the consideration of the running of events on public land. This, however, is considered a less cumbersome or formal process than a development application in addition to the normal approval processes to use public land and other potentially associated activities like road closures.

The approach adopted by Plans of Management to the staging of public events has also been considered as part of this review. In this context, it is further recommended that the Plan of Management for Bradfield Park be amended in order to clarify that the consideration of a wide range of events is appropriate for this setting.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1. **THAT** Council resolves to adopt the attached Planning Proposal and forward it to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.
 2. **THAT** the Planning Proposal, once endorsed, be publically exhibited in the usual manner.
 3. **THAT** the Bradfield Park Plan of Management be amended to clarify that a variety of public events can occur in future.
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LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction:	1. Our Living Environment
Outcome:	1.5 Public open space, recreation facilities and services that meet community needs
Direction:	2. Our Built Environment
Outcome:	2.1 Infrastructure, assets and facilities that meet community needs
Direction:	3. Our Economic Vitality
Outcome:	3.3 North Sydney is a place that attracts events
Direction:	4. Our Social Vitality
	4.7 Community is active and healthy

BACKGROUND

North Sydney Council has a rich history of conducting and facilitating events on public land. Events have the capacity to contribute to the social, cultural, intellectual and physical wellbeing of local and wider communities. One of our Delivery Program Outcomes is “North Sydney is a place that attracts events”.

There have been recent examples of worthwhile events being drawn to North Sydney and being met with regulatory issues that require significant investments of time and resourcing to work through permissibility and process considerations. Whilst there is clearly a need to ensure that events that are conducted in North Sydney are in the best interests of the wider community and a level of checks and balances exists, the current level of assessment and process can be a discouraging factor for event organisers.

It would be regrettable if worthwhile events were discouraged from being conducted in North Sydney because the process to gain the necessary approvals was overly cumbersome. This report identifies the current requirements to gain development consent to run events on public land be replaced with a more streamlined process.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council’s Community Engagement Protocol.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

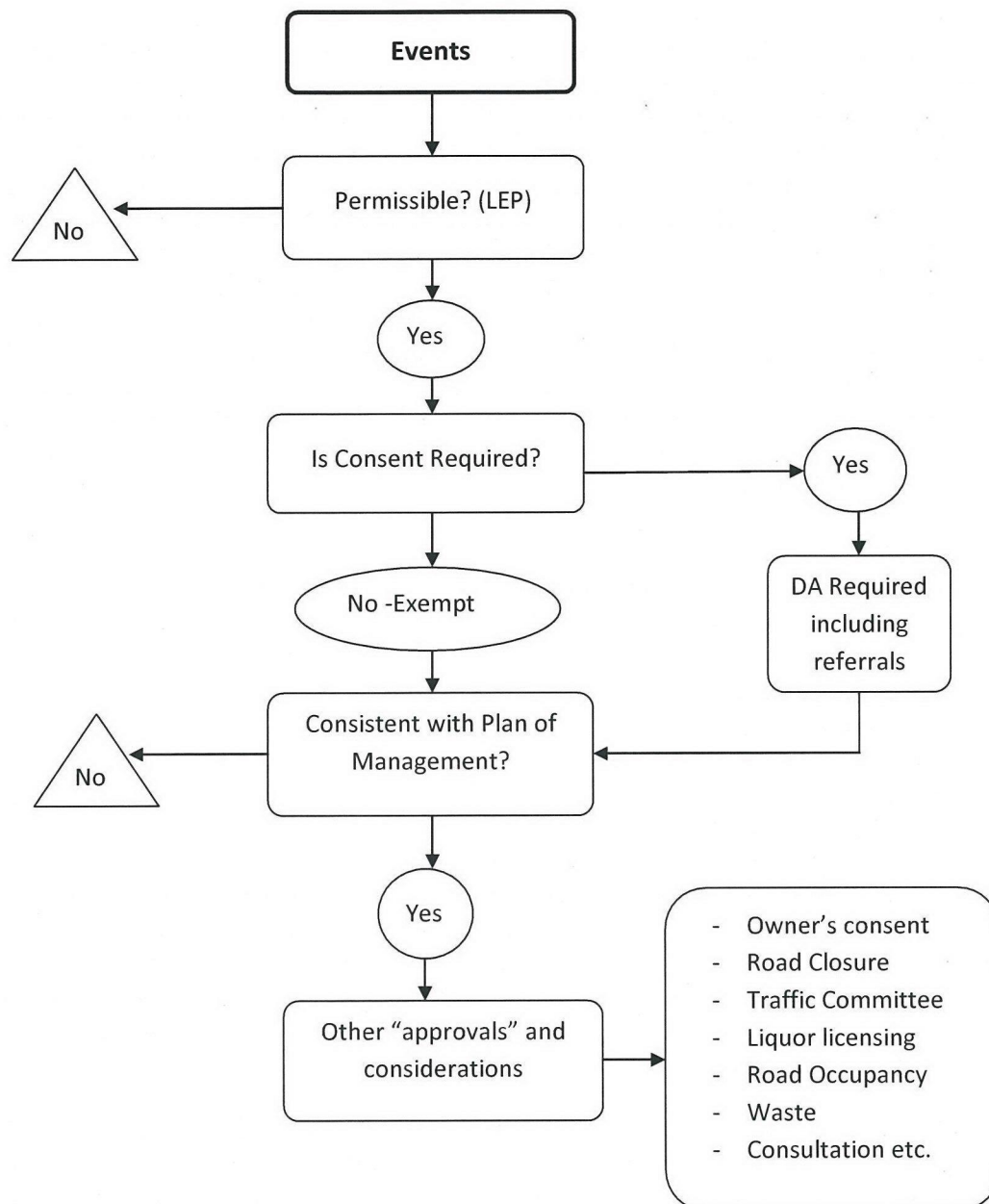
QBL Pillar	Implications
Environment	• The proposal intends to achieve process improvements in order to make the organising and running of events more efficient and less cumbersome. There will be no tangible environmental impacts as a result.
Social	• Improved activation of parks and public spaces making North Sydney a more connected community. • Events provide an opportunity for people to socialise, connect and share experiences.
Economic	• Events contribute to the stimulation of the local economy and showcase North Sydney.
Governance	• The project aims to streamline the approvals process in order to facilitate easier more effective processes to attract and conduct events.

DETAIL

Council either conducts, partners or facilitates a variety of events throughout the year. Some of these are annual and others not. Some upcoming examples of such events and festivals include Light the Night, Spring Cycle, Children's Festival, Seven Bridges Walk, Spring Into Jazz concerts and the Twilight Food Fair. These types of events are important for a variety of reasons including community building, activation of public spaces, economic stimulus and general energising of places.

The regulatory framework that applies to events can be confusing for organisers and their supporters and may discourage some events from actually occurring. There are often very important considerations regarding public safety, amenity and access that the existing regulatory framework seeks to address. However, the steps in the system required to gain approval are not always as user friendly or transparent as they could be nor convenient given the myriad of other matters that event organisers must turn their attention to.

The diagram below illustrates the current process for gaining approval for events in North Sydney on public land. It is apparent that for events on public land, there are somewhat duplicitous processes in requiring development consent, as well as approvals for the use of public land. Council staff have formulated a proposal that seeks to streamline these approval processes without undermining the important checks and balances associated with their assessment.



Planning Proposal

This report proposes that all events on public land be exempt from the need to gain development consent. This is achieved by amending the North Sydney Local Environmental Plan (LEP) via a Planning Proposal (PP). The effect of such an amendment would be that development consent would not be required for events in North Sydney on land owned or managed by North Sydney Council. Council currently has a process of requiring approval for organised events where more than 60 people will be attending. This includes weddings, parties and other gatherings. This is a well established process but is inadequate for larger events that may also involve road closures, stand plant permits and other complications that may cause some disruption to the use of parks or streets and need to be managed.

Because the proposed exemption would apply to public land, however, Council retains the power to require a permit to conduct activities on public land and thereby continue to play an assessment role, albeit, in a less formal manner than a Development Application. An Event Guideline is currently being developed to provide the guidance to both event organisers as well as Council staff in order to provide consistent advice in response to requests for events on public land. A similar guideline has been developed by Sydney City and Melbourne City Councils. This will provide the framework for the assessment and consistent advisement of applicants and event organisers. It is anticipated that this will be reported to the November 2015 Council meeting for endorsement, with a view to exhibit both the Planning Proposal and Public Event Guideline concurrently. The reason that they are reported separately is that the Department of Planning and Environment will need to undertake a review of the PP and provide a Gateway determination prior to exhibition. By the time this occurs, Council will have had an opportunity of reviewing the Event Guidelines for exhibition. This is a more efficient way of proceeding rather than deferring the recommendations of this report until the November Council meeting.

Plans of Management

As the diagram above demonstrates, activities on public land must be consistent with Plans of Management adopted for such lands. Plans of Management that potentially impact on future events in North Sydney include:

- North Sydney Oval
- Bradfield Park
- Foreshore Parks and Reserves
- St Leonards Park
- Neighbourhood Parks

The majority of these Plans of Management enable events to be conducted. The only possible exception is the Bradfield Park Plan of Management. Whilst this Plan recognises such events as New Year's Eve, Australia Day and "Major Harbour Events", it is a little unclear whether it encourages other types of events that may contribute to the life and vibrancy of the precinct. If Council wishes to consider allowing events to be conducted at Bradfield Park, it is recommended that this Plan approach to events be clarified.

In addition, the Neighbourhood Parks Plan of Management includes a diverse range of parks throughout North Sydney which arguably serve quite different roles throughout the Council area. Whilst there is a statement within the Plan that "allow(s) groups to hire Council's neighborhood parks for appropriate private functions and specific events", the parks at Brett Whitely Place, Civic Centre Park, Ernest Place, Mitchell Street Plaza, and May Gibbs Place all arguably serve a more urban role that expect to potentially experience higher and different levels of activity and use than quiet neighbourhood parks which may have smaller catchments. In the longer term, the role of these urban spaces may be better served by preparing a specific Plan of Management that is able to differentiate their role.

State Significant Heritage

It is important to note that the exemptions clause proposed for the North Sydney LEP, does not overcome the need for approval where an item of State Heritage significance exists. This only applies to St Leonards Park, which hosts a variety of events throughout the year. To overcome this, it is recommended that a generic development application be submitted that generally captures the types of events that are expected throughout the year, as a means of ensuring that they may continue to occur without issue.

Exhibition

The Planning Proposal will be required to be exhibited after receiving a Gateway Determination by the Department of Planning and Environment and a report prepared for Council's consideration following this process.

2. **THAT** Council thanks Ms Jillian Christie for her assistance with coordinating and lodging the community petition and accompanying submission.
3. **THAT** an urgent Councillor briefing be held as soon as practicable following release by the State government of the IPART report.
4. **THAT** Council reiterate and reinforce all previous resolutions relating to Fit For the Future and forced amalgamations including but not limited to:
 - a) Resolutions relating to taking interlocutory proceedings to stay any such move and;
 - b) Resolutions relating to the preparation and conduct of a community campaign consistent with Council policy on any proposed forced amalgamations.
5. **THAT** Council write to our colleagues at Mosman Council with a copy of this resolution.
6. **THAT** Council write to the Premier and the Minister of Local Government requesting an urgent explanation as to how the rates of North Sydney Council would have downward pressure applied when our rates are already second-lowest in metropolitan Sydney.

(Note: A Notice of Rescission was lodged (regarding Minute 374 - GMO03: Fit for the Future Update), signed by Councillors Gibson, Bevan and Marchandeanu)

City Strategy Division

375. CiS01: Planning Proposal - 11 Cowdroy Avenue, Cammeray

(Previously considered see Min. No. 370)

376. CiS02: Regulatory Framework for Public Events

Report of Marcelo Occhiuzzi - Manager Strategic Planning

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