

15.4 PLANNING PROPOSAL - AMENDMENTS TO EXEMPT DEVELOPMENT WITHIN SCHEDULE 2 OF THE LEP AND TO THE GOULBURN MULWAREE DCP FOR PRIVATE EVENTS

RESOLUTION 2021/70

Moved: Cr Alfie Walker

Seconded: Cr Andrew Banfield

That:

1. The report from the Senior Strategic Planner regarding proposed changes and additions to Schedule 2 of the Goulburn Mulwaree Local Environmental Plan 2009 in relation to exempt development and amendment to the Goulburn Mulwaree Development Control Plan 2009 in relation to events on private land be received.
2. A planning proposal be prepared to amend Schedule 2: Exempt Development of the Goulburn Mulwaree Local Environmental Plan 2009.
3. The planning proposal, once drafted, be forwarded to the Department of Planning, Industry and Environment for a gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. Subject to (3) above, Council place the draft amendment to the '*Public Entertainment in rural zones*' Chapter of Development Control Plan 2009 in Attachment 2 on public exhibition with the planning proposal for a minimum of 28 days.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

15.5 MOGO ROAD UPDATE

RESOLUTION 2021/71

Moved: Cr Denzil Sturgiss

Seconded: Cr Peter Walker

That

1. The Mogo Road Update report from the Director Planning & Environment and Director Operations be received.
2. The General Manager continue negotiation with Hi Quality to ensure the maximum upgrade of Mogo Road that can be achieved with the funds available and the work in kind being offered by Hi Quality.

15.4 PLANNING PROPOSAL - AMENDMENTS TO EXEMPT DEVELOPMENT WITHIN SCHEDULE 2 OF THE LEP AND TO THE GOULBURN MULWAREE DCP FOR PRIVATE EVENTS

Author: David Kiernan, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments:

1. Proposed wording for Schedule 2 Exemptions in the LEP [↓](#) 
2. Special Events on Private Land [↓](#) 
3. Events on Private land DCP differences [↓](#) 

Reference to LSPS:	Planning Priority 3: Community Facilities, Open Space and Recreation – Vision 2040 - Physical, social and cultural activity is supported by a range of facilities and shared spaces.
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RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding proposed changes and additions to Schedule 2 of the Goulburn Mulwaree Local Environmental Plan 2009 in relation to exempt development and amendment to the Goulburn Mulwaree Development Control Plan 2009 in relation to events on private land be received.
2. A planning proposal be prepared to amend Schedule 2: Exempt Development of the Goulburn Mulwaree Local Environmental Plan 2009.
3. The planning proposal, once drafted, be forwarded to the Department of Planning, Industry and Environment for a gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. Subject to (3) above, Council place the draft amendment to the '*Public Entertainment in rural zones*' Chapter of Development Control Plan 2009 in **Attachment 2** on public exhibition with the planning proposal for a minimum of 28 days.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

This matter has not previously been reported to Council.

REPORT

Events within the local government area (LGA), are in most instances, conducted on Council owned or operated land, on the grounds of schools or in a minority of cases held on private land. Currently the State has introduced temporary amendments to *State Environmental planning Policy (SEPP) (Exempt and Complying Development Codes)* which includes outdoor events on Council owned land as exempt development until April 2021.

This report considers amendments to the exempt provisions of *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* which will reduce the duplication of assessment/management processes required for events on Council land and will allow for the temporary amendments in the SEPP to permanently apply.

The report also clarifies the exemption of events associated with educational facilities and suggests further exemptions which can be added to the LEP for minor development types.

The following is an assessment of these development types and suggested changes to the LEP or Development Control Plan (DCP) and identification of other approval pathways (such as under a State Environmental Planning Policy exemption):

Proposed Amendments to ‘Exempt Development’ - Schedule 2 of the LEP

- Community Events on Council Land

Goulburn Mulwaree Council hosts a number of temporary events on community land which it owns or manages, including (but not limited to):

Table 1: Temporary Events on Community Land in Goulburn Mulwaree LGA

Temporary Events on Community Land in Goulburn Mulwaree LGA		
• Lilac Festival	• Steampunk	• Swap Meets
• Rotary Parkside Markets	• Pictures and Popcorn	• Goulburn Show
• Carols	• Youth events	• Blues Festival
• Vibefest	• Multicultural Festival	• Comic Con
• Australia Day		

The use of land for the above events is classified as development and usually requires development consent. A recent amendment to *SEPP (Exempt and Complying Development Codes)* has included outdoor events on Council owned land as exempt development up until 18 April 2021. The proposed amendments to LEP exemptions in this report would ensure that benefit is continued in perpetuity.

The *Local Government Act 1993* also requires such events to be operated in accordance with an adopted Plan of Management and does not allow for a simple delegated approval process. These Plans of Management should be in place for the land on which the event is being held before a development application can be approved on land classified as ‘community’.

In addition to Plans of Management, Council events are required to have thorough risk management assessments for each event. Non Council events must also be consistent with the Plan of Management for the site and, pursuant to the *Local Government Act*, have a licence or agreement for the exclusive use of land classified for “community” use. In Goulburn Mulwaree this licence or agreement for exclusive use is currently managed through the booking process.

Council is currently revising and updating its Plans of Management, the first of which is for the Goulburn Recreation Area which is authorised by the Minister for Local Government for public exhibition.

The process of regularising the use of community land for events can be simplified by including this development type within Schedule 2 of the LEP to make them exempt from the requirement to submit a development application. This does not avoid the requirement for a Plan of Management to be in place for the events land, nor for a licencing agreement etc to be in place.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

Plans of Management are still required to be in place for the land events are being held on, even when the development is exempt from requiring a development application. As such most of the detailed operational requirements for such events are prescribed through either the sites' Plan of Management or through the licensing/hire agreement.

As Council is the land owner/ manager, ultimately the decision as to whether to grant the use of the site for any given event rests with the Council. There is no form of appeal against a Council decision using this process to refuse an event should the Council find through the application process that the event is unsuitable for the site or has had previous management issues etc.

- Events on School Grounds

Another common event type are events held on school sites which were considered as a part of this review on exemptions.

State Environmental Planning Policy (SEPP) (Educational Establishments and Child Care Facilities) 2017 provides a list of exemptions for different types of development and uses within the grounds of existing schools.

Part 4, section 38 of this SEPP enables the '*use of existing school facilities or buildings for the physical, social, cultural or intellectual development or welfare the community (whether or not it is a commercial use of the establishment)*'.

This is a broad definition which is considered to cover most events on school grounds. Due to this exemption, it is not necessary to include school grounds within the exemptions proposed to be added to Schedule 2 of the LEP.

- External Lighting

External lighting is a widespread type of development which is often ancillary to the operation of a business or dwelling. This type of development does not currently fall under *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes)* (referred to as the Exempt and Complying Development SEPP) or Schedule 2 of the LEP, and would therefore require a development application.

In the significant majority of instances such installations do not create a nuisance to local amenity and the requirement for a development application is considered disproportionate to the scale of most external lighting proposals and their impacts.

The inclusion of external lighting into Schedule 2 of the LEP enables business and residents to install external lighting within prescribed limits without the need for a development application. This exemption does not apply to the lighting of tennis courts or sports fields due to their potential adverse effects on local amenity and general light spillage. A development application is still required for such lighting, unless the site is a public reserve.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

- Display of goods on footpaths

The display of goods is a common occurrence on footpaths outside existing retail premises along Auburn Street and within the Goulburn Central Business District (CBD). It is proposed to include the display of goods on footpaths as exempt development within Schedule 2 of the LEP.

This would regularise this activity and provide clear limits and controls on what is acceptable. This enables conformity and fairness between businesses (i.e. one retail premises can't take more of the footpath than another retail business) and enables appropriate enforcement where limits have been exceeded.

The proposed exemption is limited to the CBD, ensures unobstructed pedestrians flows and requires the removal of the materials exhibited and equipment at the end of each business day.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

This exemption assists in making sure the Council is easy to do business with by limiting red tape and/or ambiguity of permissibility and making the LGA an easier place to operate a business in. It also seeks to enliven the CBD by making it easier and clearer for businesses to bring goods out into the public domain.

This new exemption relates only to retail and does not apply to outdoor dining areas on footpaths. Subdivision 20A of the Exempt and Complying Development SEPP already provides this exemption when carried out in accordance with approvals under the *Roads Act 1993* and the Section 68 of the *Local Government Act 1993*.

- Letterboxes relating to local heritage items

Letterboxes are minor development types with very little overall impact on street scape character or local amenity. Letterboxes both free-standing and in banks are currently exempt under the Exempt and Complying Development SEPP for all properties with the exception of heritage items.

Goulburn Mulwaree LGA currently has over 300 heritage items which must seek development approval for the installation of this minor and common development type.

This proposal seeks to provide local heritage items with the ability to erect a freestanding letterbox without the need for development consent. The proposed exemption only applies to local heritage items and unlike standard letterbox exemptions for standard property types, does not include banks of letterboxes. Banks of letterboxes are of a more permanent construction and generally have a more significant impact on the street scene than freestanding letterboxes. To ensure any potential impact on the significance of heritage items is further reduced the exemption includes controls on design and appearance, height and siting.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

- Signage, Advertising Structures and Displays

Advertising structures and displays are the only set of exemptions currently within Schedule 2 of the LEP. However these exemptions are generic to all types of signage and do not seek to provide specific detail and controls for different types of signage and adverts.

The proposed exemptions for signage and adverts rewrites the existing LEP Schedule 2 and breaks the exemptions down by signage type with an overall general requirement which all types must adhere to.

Not all signs and adverts are the same with each having its own particular requirements, constraints and impacts. The revised controls seek to more effectively and accurately reflect these within the exemption controls.

If signage exceeds these limits they will require development consent for the signage/adverts. The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report. **Table 2** below highlights the amendments and additions which the proposed exemptions seek to make to existing signage and advert exempt controls.

Table 2: Amendments & Additions to Schedule 2 Advert Exemptions

Signage/Advert category in proposed exemptions	Difference with existing Schedule 2 Advert Exemptions
General Requirements	Makes clear the exemptions do not apply to state significant heritage items or restricted premises.
	Ensure adverts and signage are not only non-illuminated but they also do not include live recording, animation, flashing and are not moving.
	Tightens the permissibility of replacement signs to include a requirement for the signage to stand in the same position as existing and be of the same or smaller dimensions.
	Requires the consent of the owner of the property on which the sign is located.
Wall signs	Restricts the number of wall signs to 1 sign per premises.
	Sets a maximum projection of the sign from the façade.
Fascia Signs	Sets a maximum projection of the sign from the façade.
	Applies a maximum fascia sign area in all zones.
Under Awning Signs	Restricts the number to 1 under awning sign per premises.
	Applies a maximum under awning sign area applicable to all zones, providing a better relationship with zones in the CBD.
	Prescribes a minimum distance from the awning edge.
Top Hamper Sign	Excludes exemptions for local heritage items.
	Applies a maximum Top Hamper Sign area applicable to all zones, providing a better relationship with zones in the CBD.
	Restricts the number of top hamper signs to 1 sign per premises.
	Sets a maximum projection of the sign from the façade.
Window Signs	Reduces the maximum surface area of a window sign and applies to the window area rather than the elevation.
	Restricts the number of window signs to 1 sign per tenancy.
	Restricts the siting of the window sign to the front, road facing façade.
Projecting Wall Signs	Excludes exemptions for local heritage items and within the Heritage Conservation Area.
	Sets a maximum projection of the sign from the façade.
	Restricts the number of projecting wall signs to 1 sign per premises.
	Applies a maximum projecting sign area in all zones.
Temporary Signage	
Real Estate Signs	Restricts real estate signs from being affixed to a heritage item.
	Requires removal of the real estate sign 14 days after the sale or lease of the property.
	Prevents real estate signs from impeding pedestrian or vehicular movement.
A-Frame Signs	A-frame signs are not currently exempt under Schedule 2 of the LEP.

- Temporary Structure Associated with Events

A number of development types associated with the use of land for events such as tents, marquees, stages and platforms are often classified as exempt development and do not require a development application depending on size, location etc.

Proposed Amendments to the DCP

- Special Events on Private Land

The above mentioned exemptions proposed for community events on council owned land, coupled with existing exemptions for events on school grounds, is considered to cover a large majority of special and temporary events held within the Goulburn Mulwaree LGA.

These exemptions do not apply to similar events held on private land which will still require the submission and approval of a development application.

The requirement for a development application for events on private land is considered an important one to ensure a range of requirements are met and impacts/constraints are appropriately addressed or mitigated. This includes matters such as:

- Ensuring site suitability
- Provision of adequate toilet facilities
- Maintaining public safety (i.e. consideration of bushfire hazard, road access/suitability etc.)
- Consideration of impacts on amenity of surrounding locality (such as noise).
- Gaining Water NSW concurrence on water quality impacts
- Managing traffic and parking
- Ensuring an adequate emergency response plan
- Ensuring a suitable level of insurance cover
- Mobile Food Premises registration

These issues are addressed through the requirements for Plans of Management or licencing agreement on Council owned land and through the DCP for similar events on privately owned land.

The DCP currently includes a chapter titled '*Public Entertainment in rural zones*' which seeks to provide a number of controls for festivals in rural areas. These controls are relatively narrow in that they apply to rural areas only and not the wider LGA and the term festival is poorly defined.

In light of the proposed exemptions for community events on council land it is timely and appropriate to revise the existing public entertainment in rural zones chapter to mirror the requirements to be met on events on council land prescribed through Plans of Management or licencing.

The updated draft DCP chapter is titled '*Special Events on Private Land*' and is presented in **Attachment 2** of this report. The main differences between the existing DCP chapter and the newly drafted special events on private land chapter are presented in **Table 3 below**.

Table 3: Differences between existing and proposed DCP Chapter

Old: Public entertainment in Rural Zones	New: Special Events on Private Land
Applies only to rural zones	Applies LGA wide on private land (land not operated or owned by Council or an educational establishment).
The term festival is poorly defined	Guidance on what a special event is and is not and when it applies.
Requires noise level mitigations regardless of location or impact	Requires a noise impact assessment depending on the scope, timescale and location of the event.

Limits events duration to a maximum of 30 days in any 12 month period	Restricts the approval of the event to the specified dates for the events operation. Current provision not consistent with Clause 2.8 of LEP which allows events for up to 52 days within a 12 month period.
Requires provision of toilet facilities	Specific toilet standards set relating to expected attendance of event.
Requires insurance arrangements	Specific requirements regarding minimum liability insurance cover and guidance on additional potential insurance requirements.
	Includes a requirement for application submission at least 3 months in advance of the event.
	Highlights additional potential licensing requirements.

Conclusion and Recommendation

In conclusion it is recommended that Council proceed prepare a planning proposal to amend the Schedule 2 exempt provisions of the LEP and to amend the DCP in relation to events on private land. The amendments align with current temporary State exemptions for events on public land which are intended to reduce red tape. The proposed amend to the LEP will make the temporary State provisions permanent.

The Plans of Management for community classified land are a requirement under the *Local Government Act, 1993* regardless of the proposed changes to the LEP for events, in addition to this licencing or hire agreements can also be used to manage detail. However, the exemptions suggested in this report for Council land will require these plans to potentially be updated to identify event areas etc.

FINANCIAL IMPLICATIONS

The Plans of Management for community classified land are a requirement under the *Local Government Act, 1993* regardless of the proposed changes to the LEP for events. However, the exemptions suggested in this report for Council land will require these plans to potentially be updated to identify event areas etc. The introduction of the amended exempt provisions will remove the requirement for DA fees for events on Council owned/managed land.

Attachment 1: Proposed wording for Schedule 2 Exemptions in the LEP

Community Events on Council Land

- (1) For the purposes of development specified for this clause –

Development for the purposes of temporary uses (including, without limitation, events such as ceremonies, cultural celebrations, exhibitions, fetes, fairs, gatherings, markets or sporting events) that would, but for this clause, require development consent.
- (2) 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
- (3) Must allow and maintain egress for pedestrians and emergency vehicles
- (4) All vehicular parking requirements must occur on the subject land, or within on-street designated parking.
- (5) Must not involve any permanent physical change to any land including the erection of a permanent structure on the road or land
- (6) Must be consistent with any applicable Plan of Management under the [Local Government Act 1993](#) for the land.
- (7) Must be carried out in accordance with a licence or hire agreement granted by the Council.

Note—

The proposed event may involve activities that require approvals under the Local Government Act 1993 and other legislation. Such activities include the closure of public roads, the erection of temporary structures and activities on public land. Consultation with the Council will assist in identifying any requirements before organising such activities.

Lighting External

- (1) Must not be for the lighting of tennis courts or sports fields
- (2) Must not cause glare to adjoining properties or streets
- (3) Must not be directed onto a classified road under the Roads Act 1993
- (4) The light fixture must not exceed a height of 3.6 metres above existing ground level
- (5) Must not be fixed to a heritage item
- (6) Must comply with AS 4282-2019, Control of the Obtrusive Effects of Outdoor Lighting

Display of goods on footpath

- (1) Must be associated with a lawfully established business carried out on land used for the purpose of retail and:
 - (i) Located on land in Zone B3 Commercial Core or Zone B4 Mixed Use, or
 - (ii) A neighbourhood shop in Zone R3 Medium Density Residential
- (2) Must be located within a road reserve for which the Council is the roads authority under the Roads Act 1993
- (3) Must be on part of the footpath which is directly adjacent the retail frontage
- (4) Must maintain continuous pedestrian paths of travel along the footpath and not obstruct access to the premises or adjoining properties.
- (5) All materials and equipment must be temporary and removed from the footpath at the close of each business day.

Note—

- (c) Have a maximum area of 2.5m²

Under Awning Signs

4. Signs attached to the underside of an awning other than a fascia must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Restricted to 1 sign per ground floor premises with a street frontage
 - (c) Stand at least 2.6m above a public footpath
 - (d) Have a maximum sign area of 1.5m²
 - (e) Have a minimum distance from the outer awning edge of 300mm

Top Hamper Sign

5. A sign attached to the transom of a doorway or display window of a building must comply with the following:
 - (a) Meet the general signage requirements
 - (b) Does not relate to a Local Heritage Item
 - (c) Have a maximum area not exceeding 2.5m²
 - (d) Comprise of no more than 1 sign per ground floor tenancy
 - (e) Must not extend below the top of a doorway or window
 - (f) Must not project more than 300mm from the façade of the building
 - (g) Must stand at least 2.6 metres above the footpath

Window Signs

6. A sign affixed and or displayed inside or outside a window of any existing building must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must not occupy more than 20% of the window area of the ground floor building frontage or 6m², whichever is the lesser
 - (c) Must be located on the façade fronting the primary street address on the ground floor
 - (d) Limited to 1 sign per ground floor tenancy

Projecting Wall Signs

7. A sign attached to the wall of a building and projecting more than 300mm must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must be attached to wall of building to which the sign relates
 - (c) Must not be located on a Local Heritage Item or within a Heritage Conservation Area
 - (d) Must be at least 2.6m above ground level (existing)
 - (e) Must be erected at right angles to the wall of the building to which it is attached
 - (f) Have a maximum sign area of 1.5m²
 - (g) Project no further from the building than 1.5m
 - (h) Restricted to 1 sign per premise or 1 per street frontage, whichever is greater

Temporary Signage

1. Real Estate Signs

A temporary sign which advertises the sale or lease of a property must comply with the following:

- (a) Must not be affixed to a Heritage Item
- (b) Should not exceed a maximum area for the sign of 2.5m² in Zones E1, E2, E3 and E4 or 3.5m² within all other zones
- (c) Should not stand more than 3m above existing ground level
- (d) Must not be animated, flashing, illuminated or moving

- (e) Must be removed within 14 days of sale or lease of the property
- (f) Must not impede pedestrian or vehicular access or movement

2. A-Frame Signs on private land

An A-frame sign on private land used in conjunction with an existing premise for which consent has been granted on land that is in Zone B2, B3, B4, B6, IN1, IN2 zones must comply with the following:-

- (a) Only 1 A-frame sign per property
- (b) Not exceed a maximum display area of 500mm area (on each side)
- (c) Must not involve any live recorded entertainment, including music, broadcast programmes and flashing lights
- (d) Must not obstruct access to the land or any adjacent land or obstruct the free flow of pedestrians
- (e) Must not involve construction work
- (f) Must be temporary and removed at the close of each business day

- Council
- NSW Police
- NSW Rural Fire Service
- NSW Ambulance Service and/or St John Ambulance Service

5.10.3 Insurance requirements

- (a) The applicant is to hold current and valid insurance for the event that covers the dates of the event, and are to submit evidence of this with the application or placed as a condition of consent, and
- (b) As a minimum insurance cover should include suitable public liability insurance cover at a minimum of \$20,000,000.

Note: Consideration should be given to other potential insurance requirements such as:

- Public Liability insurance of any sub-contractor
- Volunteers insurance
- Workers Compensation
- Professional Indemnity Insurance

5.10.4 Emergency Response Plan

- (a) An Emergency Response Plan must be prepared in accordance with the requirements of the local area command for NSW Police Service, NSW Fire Brigades, NSW Ambulance Service, NSW WorkCover Authority and the Council which includes the following:
 - Contact details of both the event organiser and the on-site organiser responsible for decision-making;
 - The chain of command identifying which staff are responsible for various components of the event;
 - Location of main emergency response area;
 - Proposed means of access for all emergency vehicles including fire brigade truck access to the event;
 - Proposed evacuation procedures;
 - Proposed security management and procedures plan, and
 - Proposed crowd management procedures.

Note: The emergency response plan should, where applicable, include crowd management measures, crowded places self-assessment, relate to bushfire emergency management and evacuation and a flood emergency response plan.

5.10.5 Toilet Facilities

- (a) Adequate toilet facilities must be provided for the duration of the event including adequate facilities for those with disabilities, in line with Table 1 below:

Table 1: Required Toilet Facilities

Patron number	Wheelchair accessible		Females		Males		
	WC	Hand Basins	WC	Hand Basins	WC	Urinals	Hand Basins
<500	2	1	10	2	2	8	2
500-1000	4	2	15	4	5	10	3
1000-2000	6	3	20	8	7	15	5

2000-3000	8	4	25	10	9	20	7
3000-5000	10	5	30	14	12	25	10

- (b) Sites unconnected to the town sewer should provide portable toilets and wash facilities as per the numbers specified by the manufacturer for the number of patrons.

5.10.6 Traffic Management Plan

A Traffic Management Plan should be submitted with a development application and should include the following components:

- **Proposed Route** which sets out an easy and safe access to the site;
- **Traffic Control Plan** which details how the route is to be protected with signs, barriers, cones etc.;
- **Contingency Plan** for adverse weather conditions, attendance exceeding expectations, accidents etc.;
- **Advertise traffic changes** for a minimum period of seven days prior to the event;
- **Traffic Marshals** locations detailed;
- **Parking;**
- **Heavy Vehicle alternate route** for arrival and departure of coaches and equipment trucks;
- **Special conditions;**
- **Pedestrian access and safety,** and
- **Loading Zones.**

Note: "Guide to Traffic and Transport Management for Special Events- 2006" provides a comprehensive guide to the requirements of various agencies involved in traffic and transport management and provides assistance in the preparation of a Transport Management Plan.

5.10.7 Information to be submitted with a Development Application

A Development Application should include the following:

- (a) The Development Application form signed by the site(s) owner(s);
- (b) Traffic Management Plan which includes a Traffic Control Plan in line with Clause 5.10.6;
- (c) An Emergency Response Plan in line with clause 5.10.4;
- (d) A Statement of Environmental Effects which should include:
 - (i) Full details of the type and scale of the proposed event;
 - (ii) The anticipated number of people attending the event;
 - (iii) Dates and hours of operation including set-up and dismantle times (bump in/bump out);
 - (iv) The number and types of stalls;
 - (v) Waste and recycling measures to be implemented;
 - (vi) Car parking and access arrangements;
 - (vii) Details of proposed outdoor entertainment acts as part of the event which may necessitate a noise impact assessment, and
 - (viii) A Water Quality Impact Assessment.

- (e) A Site Plan which includes proposed:
- (i) Seating arrangements, whether indoor or outdoor
 - (ii) Lighting arrangement and location
 - (iii) Location of any marque or tent
 - (iv) Location and number of toilets which meets the requirements in Clause 5.10.5
 - (v) Location of firefighting equipment
 - (vi) Location of security, parking/traffic associated with the event
 - (vii) Location of first aid and other emergency service areas
 - (viii) Emergency access arrangements within the site and through the local road system
 - (ix) Vehicular and pedestrian access arrangements to and from the site
 - (x) Location of food and drink stalls and other vendor stalls

Note: A Water Quality Impact Assessment should be proportionate to scope and impact of the event. Larger events are advised to consult Water NSW prior to submitting a Development Application.

5.10.8 Licensing Requirements

A development application only provides approval for the use and operation of the land during the established timeframe. It does not afford consent, approvals or licensing for activities and operations at the event which may be regulated by external agencies or Council functions outside statutory planning. The list below seeks to highlight additional licensing or consent requirements which may be needed to lawfully operate the event and or its activities. This list is not exhaustive.

Food

Food handling businesses should be directly licensed by NSW Food Authority and if not already licensed should notify the authority of their business details.

Temporary food outlets must comply with the relevant Council codes, such as, where applicable;

- Food Standards Code 3.2.3- Food Premises and Equipment
- GMC Food Premises Fit out Guide
- Guidelines for food businesses at temporary events, and
- Complete Mobile Food Premises Registration with Council.

Alcohol

If the event includes the sale and/or consumption of alcohol, an appropriate liquor license(s) will be required from Liquor & Gaming NSW.

Live or pre-recorded music

Live or pre-recorded music will require a license from ONE Music Australia for events to avoid Copyright infringement.

Fundraising

If the event involves fundraising the approval of NSW Fair Trading may be required.

Firework/Pyrotechnic Displays

If the event includes Firework/Pyrotechnic Displays a license is required from SafeWork NSW.

Amusement Devices

If the event includes provision of amusement devices current SafeWork NSW registration will be required, as will registration with Council.

Road Closures

The temporary closure of a public road will require the consent of the appropriate road authority (being Council or Transport for NSW) under the Crown Lands Act 1989, Local Government Act 1993 or the Roads Act 1993.

Attachment 3: Main differences between existing Public Entertainment in Rural Zones DCP chapter and proposed Special Events on Private Land DCP chapter.

Old: Public entertainment in Rural Zones	New: Special Events on Private Land
Applies only to rural zones	Applies LGA wide on private land (land not operated or owned by Council or an educational establishment)
The term festival is poorly defined	Guidance on what a special event is and is not and when it applies
Requires noise level mitigations regardless of location or impact	Requires a noise impact assessment depending on the scope, timescale and location of the event
Limits events duration to a maximum of 30 days in any 12 month period	Restricts the approval of the event to the specified dates for the events operation. Current provision not consistent with Clause 2.8 of LEP which allows events for up to 52 days within a 12 month period.
Requires provision of toilet facilities	Specific toilet standards set relating to expected attendance of event
Requires insurance arrangements	Specific requirements regarding minimum liability insurance cover and guidance on additional potential insurance requirements
	Includes a requirement for application submission at least 3 months in advance of the event
	Highlights additional potential licensing requirements