



PLANNING PROPOSAL

AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

Rob Corken Senior Strategic Planner

Temporary Uses (Temporary Events)

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Version 3.0

31 May 2023

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Revision History

Revision	Description	Date
1	Draft for Council Endorsement	15/2/2023
2	For Gateway Determination	20/2/2023
3	Amended after adequacy	25/05/2023

Application No.: 18/2020/3/1

Proposal: Comprehensive LEP Review Temporary Uses (Temporary Events)

Parcel: Not applicable

Proponent: Cessnock City Council

PART 1: OBJECTIVES AND OUTCOMES

The objectives of this planning proposal are to put in place a regulatory framework to allow expedited approval pathways for low-risk, temporary events.

Since lodging the planning proposal, it is clear that there is merit in considering a more systemic change to the NSW Planning System to allow for 'events' to be considered as a specific land-use. This would allow councils to install expedited approval pathways like that proposed for the Cessnock Local Environmental Plan, to utilise clause 2.8 of the Standards Instrument LEP for temporary uses and to draft development controls to regulate 'events' in their council areas.

Councils are approving 'events' as either innominate uses or jamming 'events' into existing, ill-fitting land-use definitions such as entertainment facility, markets, recreation facility (outdoor) and function centres. While some of these definitions neatly describe some events, such as markets, the remaining land-uses do not. It is acknowledged that 'function centre' and 'recreation facility (outdoor)' can be building or place. However, the examples provided are mostly structures.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Parliamentary Counsel will draft an appropriate definition. However, there are a few characteristics of events that may be considered and incorporated:

An 'event' includes:

- one or more land-uses that are open to the public for free or a fee;
- held at a defined venue, route or place for a limited period;
- does not require the construction of any additional permanent structures; and
- is not ancillary to normal use of the venue, route or place.

Examples may include one or more of the following: ceremonies, cultural celebration, exhibition, fete, fair, gathering, market or sporting event fetes, shows, concerts, displays, food and drink premises.

Despite there being no SILEP definition for 'events', the SEPP (Exempt and Complying Development Codes) 2008 includes exemptions for structures associated with 'temporary events' and many LEPs include provisions (usually exemptions) for 'temporary events' on public land. The inline definition for

'Temporary event' is commonly *"an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months."*

PART 2: EXPLANATION of PROVISIONS

To insert into schedule 2 of the Cessnock Local Environmental Plan 2011 the following:

Temporary events (Small)

- *A maximum of 1000 attendees at any one time.*
- *The event may take place only during the following times—*
 - *7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,*
 - *7.30 am to midnight on Friday or Saturday,*
 - *8.00 am to 8.00 pm on Sunday.*
- *Must be on land that has:*
 - *On site toilets or approved temporary human waste management facilities under the Local Government Act 1993 and are provided at a rate of one unisex toilet plus one wash basin per 250 persons plus at least one unisex accessible toilet plus one wash basin.*
 - *Potable water or potable water is provided in accordance with NSW Public Health Act and NSW Private Water Supply Guideline.*
 - *Rubbish receptacles that are to be provided at a rate of 1-litre per person expected to attend the event. (Note: Standard Wheelie-bin is 240-litres).*
- *All waste and recyclable materials generated by the event must be removed from the site and disposed of at a waste management facility capable of taking the waste.*
- *All event-associated structures (excluding the provision of temporary signage) must not be erected earlier than 2 days before the event and must be dismantled and removed from the land within 2 days of the end of the event.*
- *At the end of the temporary event, the land is as far as is practicable restored to the condition in which it was before the commencement of the use within 7-days of the end of the event.*
- *The organiser must have public liability cover to the value of \$20 million.*
- *Notification must be given to the NSW Police, the NSW Rural Fire Service and the Ambulance Service of NSW at least 7 days before the event starts.*
- *Notification must be given to adjoining properties at least 7 days before the event starts.*

Note—

Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.

To insert into schedule 3, part 1 of the Cessnock Local Environmental Plan 2011 the following:

Temporary events (Medium or held on publicly-owned or managed land)

- *A maximum of 5000 attendees at any one time unless held on publicly-owned or managed land.*
- *Must be on land that:*
 - *can accommodate a minimum of 80 on-site car parking spaces.*
 - *has a minimum of two accessible car parking spaces.*
 - *has on-site permanent toilets.*
 - *has on-site permanent accessible toilets.*
 - *has a bus/taxi drop off area.*
- *Access to the land must be directly from an all-weather, Council or State Government road.*
- *Access and egress to the land must be adequate to allow the safe circulation of vehicles entering and exiting the site.*
- *The event may take place only during the following times—*

- 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
- 7.30 am to midnight on Friday or Saturday,
- 8.00 am to 8.00 pm on Sunday.

Note—

Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.

To insert into schedule 3, part 2 of the Cessnock Local Environmental Plan 2011 the following:

Temporary events (Medium or held on publicly-owned or managed land)

- (1) *The event may take place only during the following times—*
 - 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - 7.30 am to midnight on Friday or Saturday,
 - 8.00 am to 8.00 pm on Sunday.
- (2) *All parking, loading, unloading and the provision of facilities in relation to the event must take place wholly within the site.*
- (3) *Signage must meet the standards specified for temporary event signs under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- (4) *All event-associated structures (excluding the provision of temporary signage) must not be erected earlier than 2 days before the event and must be dismantled and removed from the land within 2 days of the end of the event.*
- (5) *Potable water must be available and supplied in accordance with the NSW Public Health Act and NSW Private Water Supply Guidelines.*
- (6) *Toilet facilities must be available or provided at the site before the event begins and must be maintained until the event ends.*
- (7) *Toilet facilities are provided at a rate of one unisex toilet plus one wash basin per 250 persons plus at least one unisex accessible toilet plus one wash basin.*
- (8) *Each toilet must—*
 - a) *be a standard flushing toilet connected to a public sewer, or*
 - b) *be an approved temporary human waste management facility under the Local Government Act 1993.*
- (9) *Garbage receptacles with tight fitting lids must be available at the site before the event begins and must be maintained until the event ends.*
- (10) *Rubbish receptacles are to be provided at a rate of 1-litre per person expected to attend the event. (Note: Standard Wheelie-bin is 240-litres).*
- (11) *All waste and recyclable materials generated by the event must be removed from the site and disposed of at a waste management facility capable of taking the waste.*
- (12) *Trees, landscaping and buildings established on the land and on adjoining land must not be damaged as a result of the event.*
- (13) *Any land expected to be disturbed by the event must be subject to sedimentation controls measures and maintained until the area has stabilised.*
- (14) *In the event of an incident on the premises that has caused, is causing, or is likely to cause harm to the environment, the owner or the owner's agent must report the incident to Council as soon as it becomes known to the owner or the owner's agent.*
- (15) *Notification must be given to the NSW Police, the NSW Rural Fire Service and the Ambulance Service of NSW at least 7 days before the event starts.*
- (16) *An emergency and evacuation plan is to be developed in accordance with Safework NSW guidelines and implemented during an emergency. Temporary events proposed on bushfire prone land during catastrophic bushfire conditions are not permitted. Measures are to be implemented to appropriately control/manage the health and safety of persons during high risk environmental conditions such as during storms and floods.*

- (17) *At the end of the temporary event, the land is as far as is practicable restored to the condition in which it was before the commencement of the use within 7-days of the end of the event.*
- (18) *The organiser must have public liability cover to the value of \$20 million.*
- (19) *Notification must be given to adjoining properties at least 7 days before the event starts.*

To insert in the Cessnock Local Environmental Plan (in an appropriate location to be determined by Parliamentary Counsel) the following definition:

Temporary event means an exhibition, meeting, market, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.

Alternatively, amend the SILEP to include a 'event' as a land-use definition which would allow Council's to exercise the use of clause 2.8 of the SILEP and install expedited approval pathways if desired and development controls to regulate events in their jurisdiction.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No.

There is strong anecdotal evidence that the existing requirement for a development application for medium-sized events imposes unfeasible financial, timing and administrative constraints on the viability of these events. This was supported by an Economic Assessment that was prepared in-house (see Appendix 3: Economic Assessment: Medium Event Category).

There is an existing, invalid exemption for events where fewer than 500 people are in attendance in the Cessnock Development Control Plan that has been applied historically. The proposed regulatory framework will address this by installing a statutory exempt development pathway.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the Cessnock Local Environmental Plan 2011 is required to effect this change. However, regulating events, and specifically temporary events is not only an issue for Cessnock City Council. Several Councils have installed changes to their LEPs to achieve similar outcomes. This includes facilitating events on Council-owned land (e.g. Coffs Harbour, Great Lakes, Greater Taree, Lismore) or cobbling together best-fit land uses (e.g. Wollondilly) so that they can provide expedited approval pathways these uses. Only Kyogle appears to have achieved a Complying Development Pathway for a 'short-term temporary event'.

The Standard Instrument LEP does not include a land-use definition for 'event'. So, land uses like function centres, entertainment facilities and markets need to be used to take advantage of the temporary provisions under clause 2.8 or to install exempt or complying development provisions.

These definitions do not easily define the breadth of events and the terms 'function centre' or 'entertainment facility' infers a physical structure.

It is noted that SEPP (Exempt and Complying Development Codes) 2008 includes a definition for a 'community event'.

community event means 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.

There is a demonstrated need for a more systemic approach to the regulation of 'events', and in particular 'temporary events'. The reality is that Councils are approving these uses as either an innominate use or jamming the use into existing definitions like function centre, entertainment facility, market or recreation facility (outdoor).

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

While **function centre** references 'events' it is clear from the examples like 'convention centres' and 'reception centre', that it is a very different land use than what is anticipated in a definition for 'event'. **Entertainment facility** and **recreation facility (outdoor)** anticipate a built form and **markets**, while a common type of 'event' does not capture the diversity of activities that could be considered 'events'. It is not uncommon for 'events' such as markets and fetes, to have live music, food and drink premises and other activities. To anticipate and incorporate all of these activities in a land use approval or to provide expedited approval pathways for this list of activities would be cumbersome and fraught with risk.

So, while the intention is to amend the Cessnock Local Environmental Plan 2011 to provide an expedited approval pathway for local events, a more systemic change to the Standard Instrument to introduce a land use term for 'event' would benefit many Councils across NSW. Councils could then use clause 2.8 to regulate temporary events or if they wished to pursue an expedited approvals pathway, introduce exempt and complying provisions in their own LEPs.

Therefore, an alternative and arguably a *better way* to achieve this outcome would be to amend the Standard Instrument LEP to include 'event' as a defined land use.

Section B: Relationship to Strategic Planning Framework

3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2041

The proposal is consistent with the following objectives of the Hunter Regional Plan 2041

OBJECTIVE 8:

Plan for businesses and services at the heart of healthy, prosperous and innovative communities.

Hunter Valley tourism is a key driver of local and regional economic development and prosperity. The vineyards, cellar doors, restaurants, specialist food retailers and attractions like the Hunter Valley Zoo and Hunter Valley Gardens are the mainstay of tourist product in the Valley.

Events provide an additional dynamic tourism offer that helps to bolster the static tourism product and encourages people to revisit the area. A full event calendar that offers a range of different and dynamic tourism opportunities supports local businesses and encourages investment through continuity of visitation. Whereas an empty and erratic event schedule can undermine investment.

Untried events often start small and where they succeed grow event-on-event as popularity and publicity increase. Experimentation is a strong part of this. [Relative] Spontaneity is also an important part of events. The current regulatory process may take upto 12-months to issue a development approval for an event and the process is expensive and resource intensive. There is a significant amount of investment that undermines both experimentation and spontaneity in the current approach.

The proposed amendment, whether it occurs in the local context or to the SILEP, would significantly contribute to the ongoing prosperity of the Hunter Valley Vineyards Area and the region.

Greater Newcastle Metropolitan Plan

The Planning Proposal is consistent with the following strategies and/or actions of the Greater Newcastle Metropolitan Plan:

- *Strategy 6: Promote tourism, major events and sporting teams on the national and international stage.*

See above.

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Cessnock Local Strategic Planning Statement 2036 (LSPS)

The Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in the future.

The following planning priorities and principles are relevant to the proposal.

- Planning Priority 3: The character and vitality of our town centres and villages is protected and enhanced.
- Planning Priority 10: Our City encourages a variety of niche tourism opportunities.

See above

Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2027 (CSP) was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs.

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The Planning Proposal is consistent with the following objectives of the CSP:

- Objective 1.1 Promoting social connections and wellbeing
- Objective 1.2 Strengthening community culture
- Objective 2.1 Diversifying and growing our economy
- Objective 2.3 Increasing tourism opportunities and visitation in the area.

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No.

6 Is the planning proposal consistent with applicable SEPPs?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	While this SEPP is irrelevant to the current proposal, it does include a land-use definition for <i>community event</i> , it references temporary events, it contains many references to these land-use and includes provisions to support the use through the application of exempt and complying assessment pathways. For example: C2.102 – Temporary event signs C2.119 – Tents, marquees or booths for community events C2.123 – Stages or platforms for community events C2.125 Major event sites – additional temporary development

SEPP	Consistency and Implications
	<p>C4A.5 – Tents, marquees or booths for community events</p> <p>C4A.7 – Stages or platforms for community events.</p> <p>It is clear from the inclusion of <i>events</i> in the SEPP that this is a valid land-use is the NSW Planning Framework. Therefore, there is merit to include ‘event’ as a land-use definition the SILEP.</p>
State Environmental Planning Policy (Housing) 2021	Not applicable
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not applicable
State Environmental Planning Policy (Planning Systems) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Resilience and Hazards) 2021	Not applicable
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable
State Environmental Planning Policy (Transport and Infrastructure) 2021	Not applicable

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 117 Ministerial Directions

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	Consistent
1.3	Approval and Referral Requirements	Consistent
1.4	Site Specific Provisions	Not applicable
Planning Systems – Place-based		
Design and Place		
Biodiversity and Conservation		
3.1	Conservation Zones	Not applicable
3.2	Heritage Conservation	Not applicable
3.5	Recreation Vehicle Areas	Not applicable
Resilience and Hazards		
4.1	Flooding	Not applicable
4.2	Coastal Management	Not applicable
4.3	Planning for Bushfire Protection	It is not possible to predict where these events are likely to take place. Both small events and medium events have a condition that prohibit the event on bushfire prone land during periods of ‘catastrophic’ bushfire risk. Small events are low

Ministerial Direction		Consistency and Implications
		risk because of the small numbers of people who are attending at any one time. Medium-sized events and those held on public land are limited to locations that have higher levels of infrastructure, organisation and access. The proposed CDC conditions also require the submission of a Emergency and Evacuation Plan and notification of emergency services 7 days prior to the event.
4.4	Remediation of Contaminated Land	Not applicable
4.5	Acid Sulfate Soils	Not applicable
4.6	Mine Subsidence and Unstable Land	Not applicable
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Not applicable
5.2	Reserving Land for Public Purposes	Not applicable
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable
5.4	Shooting Ranges	Not applicable
Housing		
6.1	Residential Zones	Not applicable
6.2	Caravan Parks and Manufactured Home Estates	Not applicable
Industry and Employment		
7.1	Business and Industrial Zones	Not applicable
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable
Primary Production		
9.1	Rural Zones	Not applicable
9.2	Rural Lands	Not applicable
9.3	Oyster Aquaculture	Not applicable

Section C: Environmental, Social and Economic Impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No.

9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The conditions for both exempt and complying development include provisions to consider environmental effects.

10 Has the planning proposal adequately addressed any social and economic effects?

Yes. Temporary events range in size, location and impact and they are an important part of activating public spaces and increasing the diversity of activity and tourism offer in the local area and wider Hunter Region.

Council's Economic Development Unit prepared an Economic Assessment for medium-sized events. The assessment argues that the financial, timing and administrative requirements to submit a development application for a medium-sized event discourages this threshold of event being held in Cessnock.

The expediated approval pathways may support increased number and diversity of temporary events across Cessnock. It is also likely to support experimentation because the financial investment is less. It may also encourage greater spontaneity because the lead times between inception and approval is shorter. Finally, with less financial risk and shorter approval timeframes, event holders are more able to accommodate cancellation or postponements due to unforeseen circumstances such as rain events.

Collectively, expedited approval mechanisms to support and encourage low-risk events will improve the cultural and tourism offer of the area. Where the change to include 'events' as a land-use term in the SILEP occurs, this amendment could have significant positive implications across NSW.

Section D: Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

Yes. Both the exempt and complying approval pathways include minimum infrastructure requirements.

Section E: State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with government agencies will be carried out in accordance with the Gateway Determination. However, it is not anticipated that any referrals will be necessary for this planning proposal.

PART 4: MAPS

Not applicable

PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the Gateway Determination.

PART 6: PROJECT TIMELINE

Table 3: Indicative project timeline.

Stage	Timeframe and/or date
Consideration by council	February 2023
Council decision	February 2023
Gateway determination	June 2023
Pre-exhibition	-
Commencement and completion of public exhibition period	July 2023
Consideration of submissions	September 2023
Post-exhibition review and additional studies	October 2023
Submission to the Department for finalisation (where applicable)	October 2023 (it is expected that this planning proposal will be delegated to Council for determination)
Gazettal of LEP amendment	January 2024

Appendix 1: Council Report and Minutes (dates)

All Council reports and minutes are accessible from Council's website:
<http://www.cessnock.nsw.gov.au/council/meetings>.

Planning and Environment

Report No. PE5/2023

Planning and Environment



SUBJECT: *COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN REVIEW - TEMPORARY USES (INCLUDING TEMPORARY EVENTS)*

RESPONSIBLE OFFICER: *Senior Strategic Planner - Robert Corken
Senior Strategic Planner - Jenny Mewing*

SUMMARY

Council is currently undertaking a staged, comprehensive review of the Cessnock Local Environmental Plan (CLEP) 2011 and Cessnock Development Control Plan (CDCP) 2010. A revised regulatory framework for temporary uses (including temporary events) has been drafted. This includes amendments to the CLEP (via a Planning Proposal) and CDCP.

The Planning Proposal requires authorisation by the Department of Planning and Environment (DPE) to proceed to exhibition. Once authorisation is issued, it is proposed to exhibit the draft regulatory framework in accordance with the Gateway Determination and the requirements of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*.

This report seeks the authorisation of Council to request a Gateway Determination from the DPE and to proceed to public exhibition on receipt of the Gateway Determination.

RECOMMENDATION

That Council

1. Request a gateway determination for the Planning Proposal "Temporary Uses" from the Department of Planning and Environment pursuant to the Environmental Planning and Assessment Act 1979.
2. Request authorisation under s3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority.
3. Place the draft Planning Proposal on exhibition as determined by the Department of Planning and Environment Gateway determination.
4. Place the draft Cessnock Development Control Plan Chapter "Temporary Uses" on exhibition concurrently with the planning proposal.
5. Receive a report back on the Planning Proposal and Development Control Plan amendment if unresolved, written objections are received during consultation period; otherwise:
 - a. endorse the Planning Proposal as an amendment to the Cessnock Local Environmental Plan 2011 pursuant to s3.36(2)(a) of the Environmental Planning and Assessment Act 1979; and
 - b. endorse the amendment to the Cessnock Development Control Plan pursuant to clause 14(1) of the Environment Planning and Assessment Regulation 2021.

BACKGROUND

Clause 2.8 Temporary Use of Land of the CLEP allows Council to consider a development application for the temporary use of land, subject to the following conditions:

1. The temporary use does not exceed a maximum of 52 days per year,
2. The temporary use will not:
 - a. Prejudice the subsequent carrying out of development on the land,
 - b. Adversely impact on any adjoining land or the amenity of the neighbourhood,
3. The location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land,
4. At the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Consent may be granted for any temporary use on land subject to these conditions.

There are currently no development controls that apply to 'temporary uses' generally. The proposed amendments to the CDCP addresses this omission.

'Temporary events' are a type of 'temporary use' but they are not defined as a separate land use in the CLEP. The existing CDCP contains a chapter regulating temporary events. It provides an exemption for events where fewer than 500 people attend. However, this exemption is invalid. This can only be provided in the Statutory instrument (i.e. the CLEP or a state Environmental Planning Instrument).

Temporary events range in size, location and impact and they are an important part of activating public spaces and increasing the diversity of activity in the local area.

The Economic Development unit prepared an Economic Assessment for medium-sized events. The assessment argues that the financial, timing and administrative requirements to submit a development application for a medium-sized event discourages this threshold of event being held in Cessnock.

To respond to this finding and to provide a valid exemption for certain sized events an alternative regulatory framework is proposed.

REPORT/PROPOSAL

There are no development provisions in the CDCP to assess 'temporary uses'. The draft amendment includes development provisions for 'temporary uses'.

'Temporary events' are a type of 'temporary use'. A risk management approach has been applied to the regulatory framework. The amendments to the CLEP provide different approval pathways for different thresholds of events. The amendments exempt small events, allow medium-sized events to be processed as complying development and only require a development application for large events or smaller events that cannot satisfy the exempt or complying development criteria.

Small events (<1000 persons in attendance at any one time)

Planning and Environment

Report No. PE5/2023

Planning and Environment



The current regulatory framework *exempts* small events where fewer than 500 people are expected to attend. This exemption is invalid. However, there is a clear signal that Council wishes to provide an exempt development pathway for low-impact events.

This will be accommodated in an exempt development pathway under clause 3.1 and schedule 2 of the CLEP subject to the following conditions:

- *A maximum of 1,000 attendees at any one time.*
- *The event may take place only during the following times—*
 - *7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,*
 - *7.30 am to midnight on Friday or Saturday,*
 - *8.00 am to 8.00 pm on Sunday.*
- *Must be on land that has:*
 - *On-site toilets or approved temporary human waste management facilities under the Local Government Act 1993 and are provided at a rate of one unisex toilet plus one wash basin per 250 persons plus at least one unisex accessible toilet plus one wash basin.*
 - *Potable water or potable water is provided in accordance with NSW Public Health Act and NSW Private Water Supply Guideline.*
 - *Rubbish receptacles are to be provided at a rate of 1-litre per person expected to attend the event. (Note: Standard Wheelie-bin is 240-litres).*
- *All waste and recyclable materials generated by the event must be removed from the site and disposed of at a waste management facility capable of taking the waste.*
- *All event-associated structures (excluding the provision of temporary signage) must not be erected earlier than 2 days before the event and must be dismantled and removed from the land within 2 days of the end of the event.*
- *At the end of the temporary event, the land is as far as is practicable restored to the condition in which it was before the commencement of the use within 7-days of the end of the event.*
- *The organiser must have public liability cover to the value of \$20 million.*
- *Notification must be given to the NSW Police, the NSW Rural Fire Service and the Ambulance Service of NSW at least 7 days before the event starts.*
- *Notification must be given to adjoining properties at least 7 days before the event starts.*

Note—

Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.

Medium-sized events (1000<5000 persons in attendance at any one time) and events on publicly owned and managed land

Medium-sized events have higher infrastructure needs and moderate potential impacts from noise, traffic etc. so, some level of oversight is necessary. Therefore, it is proposed to introduce a Complying Development pathway for medium-sized events on sites where infrastructure to accommodate higher numbers of people already exists (e.g. parking, accessibility measures, amenities, rubbish collection, public transport options). These include schools, places of public worship, shopping centres, some tourist-nodes, sportsgrounds and public parks.

Events on publicly-owned land (i.e. Council-land) are also provided for under the Complying Development pathway. Events on publicly-owned land require Council's consent (as

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landowners) so, there is a level of oversight over this use. Therefore, all events on Council-land can be processed as complying development where they meet the following criteria:

- *A maximum of 5,000 attendees at any one time unless held on publicly-owned or managed land.*
- *Must be on land that:*
 - *can accommodate a minimum of 80 on-site car parking spaces.*
 - *has a minimum of two accessible car parking spaces.*
 - *has on-site permanent toilets.*
 - *has on-site permanent accessible toilets.*
 - *has a bus/taxi drop off area.*
- *Access to the land must be directly from an all-weather, Council or State Government road.*
- *Access and egress to the land must be adequate to allow the safe circulation of vehicles entering and exiting the site.*
- *The event may take place only during the following times—*
 - *7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,*
 - *7.30 am to midnight on Friday or Saturday,*
 - *8.00 am to 8.00 pm on Sunday.*

Note—

Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.

If the event satisfies these criteria, it may be processed as complying development. A complying development certificate will be issued with a list of conditions relating to the use of the site (For these conditions, see **Enclosure 2**).

Large events (>5000 persons in attendance at any one time) and non-complying small and medium events

Large events and those smaller events that cannot satisfy the conditions under schedule 2 or 3 of the CLEP require a development application. The amendment to the CDCP (see **Enclosure 2**) includes revised development provisions to assess these events.

CONSULTATION

The proposed revised regulatory framework for temporary uses (including temporary events) has been developed internally with participation from:

- Strategic Planning
- Development Services
- Building Certifiers
- Economic and Tourist Development
- Open Space and Community Facilities

The draft framework and development controls were circulated more widely within the organisation. Comments from those areas has been incorporated in these draft documents.

Public exhibition of the proposed amendments to the CLEP will occur in accordance with the Gateway Determination and Council's Community Participation Plan (CPP).

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Public exhibition of the proposed amendments to the CDCP will occur concurrently in accordance with the requirements of the *Environmental Planning and Assessment Regulation, 2000* and Council's CPP.

STRATEGIC LINKS

a. Delivery Program

The proposal is consistent with the following objectives of the Cessnock Community Strategic Plan 2036:

Objective 1.1 Promoting social connections and wellbeing

Objective 1.2 Strengthening community culture

Objective 2.1 Diversifying and growing our economy

Objective 2.3 Increasing tourism opportunities and visitation in the area

b. Other Plans

The proposal is consistent with the following planning priorities of the Cessnock Local Strategic Planning Statement 2036:

Planning Priority 3: The character and vitality of our town centres and villages is protected and enhanced.

Planning Priority 10: Our City encourages a variety of niche tourism opportunities.

IMPLICATIONS

a. Policy and Procedural Implications

NIL

b. Financial Implications

NIL

c. Legislative Implications

The planning proposal and the amendment to the CDCP will be undertaken in accordance with the *Environmental Planning and Assessment Act, 1979* and its regulation, in addition to the DPE Local Environmental Plan Making Guideline (September 2022) and Council's CPP.

d. Risk Implications

The proposed regulatory framework for events applies a risk management approach by providing different approval pathways for different levels of risk.

e. Environmental Implications

All approval pathways contain development provisions to manage potential environmental impacts from temporary uses.

f. Other Implications

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Providing expediated approval pathways for small and medium-sized events and events on public land may support a more diverse and denser event timetable across the Local Government Area.

CONCLUSION

The proposed amendments will introduce development provisions to regulate 'temporary uses' generally that will assist Council to assess and regulate these uses.

Temporary events are an important part of Cessnock's tourist, cultural and community offer. The proposed amendments to the CLEP and CDCP provide three approval pathways based on the size of the event and the risk it poses. Small events that meet the criteria listed will be exempt development; medium-sized events and those that are held on public land may be assessed via a complying development pathway and only those large events and those that do not comply with the exempt and complying criteria will require a development application.

ENCLOSURES

- [1](#) Planning Proposal _ Temporary Uses (Temporary Events)
- [2](#) Temporary Uses Temporary Events - Discussion Paper
- [3](#) Temporary Uses - Draft DCP Controls

PLANNING AND ENVIRONMENT NO. PE5/2023

**SUBJECT: COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN AND
DEVELOPMENT CONTROL PLAN REVIEW - TEMPORARY USES
(INCLUDING TEMPORARY EVENTS)**

Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he has previously and will continue to in the future be part of community events in the Cessnock Area. Councillor Burke remained in the Chamber and participated in the discussion and voting.

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
8
RESOLVED

That Council

1. **Request a gateway determination for the Planning Proposal “Temporary Uses” from the Department of Planning and Environment pursuant to the Environmental Planning and Assessment Act 1979.**
2. **Request authorisation under s3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority.**
3. **Place the draft Planning Proposal on exhibition as determined by the Department of Planning and Environment Gateway determination.**
4. **Place the draft Cessnock Development Control Plan Chapter “Temporary Uses” on exhibition concurrently with the planning proposal.**
5. **Receive a report back on the Planning Proposal and Development Control Plan amendment.**

FOR

Councillor Jackson
Councillor Dunn
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Suvaal
Total (10)

AGAINST

Councillor Watton
Councillor Olsen
Councillor Jurd

Total (3)

CARRIED

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DISCUSSION PAPER - TEMPORARY USES

Introduction

The Cessnock Development Control Plan contains a chapter regulating temporary uses. The primary focus is on temporary events, rather than temporary uses. The controls include an exemption for events where fewer than 500 people are attending. The exemption is invalid. A change to the statutory instrument (LEP) is required to achieve this. The following discussion paper outlines the key issues and proposed response to achieve a policy framework for regulating temporary uses, including events.

Discussion

Temporary uses

[Clause 2.8 Temporary Use of Land](#) of the Cessnock Local Environmental Plan 2011 allows Council to consider a development application for the temporary use of land, subject to the following conditions:

1. The temporary use does not exceed a maximum of 52 days per year,
2. The temporary use will not:
 - a. Prejudice the subsequent carrying out of development on the land,
 - b. Adversely impact on any adjoining land or the amenity of the neighbourhood,
3. The location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land,
4. At the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use¹.

Consent may be granted for any temporary use on land subject to these conditions.

Proposed regulatory approach

Introduce new development controls in the Cessnock DCP providing further guidance on the issues above that will apply to the assessment of any temporary use of land.

To limit the length of the first consent to a period of 12-months in which an applicant can demonstrate that a longer, although still time-limited consent will continue to meet the requirements of clause 2.8. A subsequent DA may be granted for the temporary use for up to a maximum of 5-years.

¹ The temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause and the land does not need to be restored to the condition in which it was before the commencement of the use.

Temporary events

Temporary events are not defined in the Standard LEP, so by default they are considered a temporary use.

Temporary events range in size, location and impact and they are an important part of activating public spaces and increasing the diversity of activity in the LGA. It is undesirable to require a development approval for all temporary events.

The size thresholds have been agreed to by the working group who consist of representatives of:

1. Strategic Planning
2. Development Services
3. Economic and Tourist Development
4. Open Space and Community Facilities.

Small events (<1000 people at any one time)

The current regulatory framework *exempts* small events where fewer than 500 people are expected to attend. This exemption is invalid. However, there is a clear signal that Council wishes to provide an exempt development pathway for low-impact events. This will be accommodated in an exempt development pathway under clause 3.1 and schedule 2 of the Cessnock Local Environmental Plan 2011.

Medium events (1000<5000 people at any one time)

The Economic Development Team has prepared an Economic Assessment (EA) that demonstrates the value of medium-sized events to the area. The EA states that this threshold of event is currently undermined by the cost and time it takes for a development application.

Medium-size events have higher infrastructure needs and moderate potential impacts from noise, traffic etc so, some level of oversight is necessary. Therefore, Council proposes to introduce a complying development pathway for medium-sized events on sites where infrastructure to accommodate higher numbers of people already exists (e.g. parking, accessibility measures, amenities, rubbish collection, public transport options). These include schools, places of public worship, shopping centres, some tourist-nodes, sportsgrounds and public parks.

Events on Council-owned or managed land are also provided for under the Complying Development pathway. Events on Council-owned or managed land require Council's consent (as landowners) so, there is a level of oversight over this use. Therefore, all events on Council-land can be processed as complying development where they meet the conditions in Schedule 3 of the LEP.

Large events (>5000 people at any one time) or events that are not complying or exempt

Large events and those that are unable to meet the exempt or complying development conditions will continue to require a development application.

Proposed regulatory approach

Small events – exempt development under c3.1 and schedule 2 of the CLEP.

Medium events and events on Council-owned or managed land – complying development under c3.2 and schedule 3 of the CLEP.

Large events and events that cannot comply with C3.1/C3.2 of the CLEP – development application.

Temporary event definition

There is no definition for temporary event in the CLEP or standard instrument LEP. Therefore, a new definition is proposed. The preference is for this definition to be in the Dictionary. However, the Department may require it to be an inline definition in the clause itself. The proposed definition is:

Temporary event means an exhibition, meeting, market, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.

Action:

Introduce a new definition for 'temporary event' into the LEP dictionary (not inline).

Proposed amendments to the CLEP

Clause 3.1 – Exempt Development

No amendments are necessary.

Schedule 2 – Exempt Development

Add additional item

Temporary events (Small < 1000 persons at any one time)

Conditions

- *A maximum of 1000 attendees at any one time.*
- *The event may take place only during the following times—*
 - *7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,*
 - *7.30 am to midnight on Friday or Saturday,*
 - *8.00 am to 8.00 pm on Sunday.*
- *Must be on land that has:*
 - *On site toilets or approved temporary human waste management facilities under the Local Government Act 1993 and are provided at a rate of one unisex toilet plus one wash basin per 250 persons plus at least one unisex accessible toilet plus one wash basin.*
 - *Potable water or potable water is provided in accordance with NSW Public Health Act and NSW Private Water Supply Guideline.*
 - *Rubbish receptacles that are to be provided at a rate of 1-litre per person expected to attend the event. (Note: Standard Wheelie-bin is 240-litres).*
- *All waste and recyclable materials generated by the event must be removed from the site and disposed of at a waste management facility capable of taking the waste.*
- *All event-associated structures (excluding the provision of temporary signage) must not be erected earlier than 2 days before the event and must be dismantled and removed from the land within 2 days of the end of the event.*
- *At the end of the temporary event, the land is as far as is practicable restored to the condition in which it was before the commencement of the use within 7-days of the end of the event.*
- *The organiser must have public liability cover to the value of \$20 million.*
- *Notification must be given to the NSW Police, the NSW Rural Fire Service and the Ambulance Service of NSW at least 7 days before the event starts.*
- *Notification must be given to adjoining properties at least 7 days before the event starts.*

Note—

Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.

Clause 3.2 – Complying Development

No amendments are necessary.

Schedule 3 – Complying Development

Add additional item

Part 1 Types of development

Temporary events (Medium 1000<5000 persons at any one time or held on Council-owned or managed land)

- *A maximum of 5000 attendees at any one time unless held on Council-owned or managed land.*
- *Must be on land that:*
 - *can accommodate a minimum of 80 on-site car parking spaces.*
 - *has a minimum of two accessible car parking spaces.*
 - *has on-site permanent toilets.*
 - *has on-site permanent accessible toilets.*
 - *has a bus/taxi drop off area.*
- *Access to the land must be directly from an all-weather, Council or State Government road.*
- *Access and egress to the land must be adequate to allow the safe circulation of vehicles entering and exiting the site.*
- *The event may take place only during the following times—*
 - *7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,*
 - *7.30 am to midnight on Friday or Saturday,*
 - *8.00 am to 8.00 pm on Sunday.*

Note—

Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.

Part 2 Complying development certificate conditions

- (1) *The event may take place only during the following times—*
 - *7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,*
 - *7.30 am to midnight on Friday or Saturday,*
 - *8.00 am to 8.00 pm on Sunday.*
- (2) *All parking, loading, unloading and the provision of facilities in relation to the event must take place wholly within the site.*
- (3) *Signage must meet the standards specified for temporary event signs under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- (4) *All event-associated structures (excluding the provision of temporary signage) must not be erected earlier than 2 days before the event and must be dismantled and removed from the land within 2 days of the end of the event.*
- (5) *Potable water must be available and supplied in accordance with the NSW Public Health Act and NSW Private Water Supply Guidelines.*
- (6) *Toilet facilities must be available or provided at the site before the event begins and must be maintained until the event ends.*
- (7) *Toilet facilities are provided at a rate of one unisex toilet plus one wash basin per 250 persons plus at least one unisex accessible toilet plus one wash basin.*

- (8) *Each toilet must—*
 - a) *be a standard flushing toilet connected to a public sewer, or*
 - b) *be an approved temporary human waste management facility under the Local Government Act 1993.*
- (9) *Garbage receptacles with tight fitting lids must be available at the site before the event begins and must be maintained until the event ends.*
- (10) *Rubbish receptacles are to be provided at a rate of 1-litre per person expected to attend the event. (Note: Standard Wheelie-bin is 240-litres).*
- (11) *All waste and recyclable materials generated by the event must be removed from the site and disposed of at a waste management facility capable of taking the waste.*
- (12) *Trees, landscaping and buildings established on the land and on adjoining land must not be damaged as a result of the event.*
- (13) *Any land expected to be disturbed by the event must be subject to sedimentation controls measures and maintained until the area has stabilised.*
- (14) *In the event of an incident on the premises that has caused, is causing, or is likely to cause harm to the environment, the owner or the owner's agent must report the incident to Council as soon as it becomes known to the owner or the owner's agent.*
- (15) *Notification must be given to the NSW Police, the NSW Rural Fire Service and the Ambulance Service of NSW at least 7 days before the event starts.*
- (16) *An emergency and evacuation plan is to be developed in accordance with Safework NSW guidelines and implemented during an emergency. Temporary events proposed on bushfire prone land during catastrophic bushfire conditions are not permitted. Measures are to be implemented to appropriately control/manage the health and safety of persons during high risk environmental conditions such as during storms and floods.*
- (17) *At the end of the temporary event, the land is as far as is practicable restored to the condition in which it was before the commencement of the use within 7-days of the end of the event.*
- (18) *The organiser must have public liability cover to the value of \$20 million.*
- (19) *Notification must be given to adjoining properties at least 7 days before the event starts.*

Appendix 3: Economic Assessment: Medium Event Category

Economic Assessment

Economic Development

Economic Assessment: Medium Event Category



Authorisation Details

Service Unit:	Economic Development
Officer:	Economic Development and Tourism Manager
Date:	25 October 2022

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1 Executive Summary

Concerts, music festivals, markets, fun runs, food events and other temporary events are managed via the Cessnock City Council [Development Control Plan 2010 - Part D \(Specific Development\)](#) D8 Temporary Events chapter. This chapter provides comprehensive guidelines for the preparation and submission of development applications under the provisions of the Cessnock Local Environmental Plan.

Minor events, where the number of participants and spectators is less than 500 people, generally do not require development consent as per CLEP section 2.8. Major events are classified as over 500 people and development consent is required.

Typical documents associated with submitting an event development application include:

- Development Application (DA)
- Statement of Environmental Effect
- Emergency Response Plan
- Noise Assessment and Monitoring Plan
- Traffic Management Plan
- Parking Plan

It would not be uncommon for a DA to cost \$10,000 to \$15,000 to submit for an event. This cost is a barrier to hold medium sized events where 500 to 2,000 people would attend. Council request that a DA be lodged 3 months before the event to allow assessment and determination to occur. The timeframe and cost for the approval of a DA is a barrier to businesses submitting an event DA.

It is recommended that Council investigate creating a Medium Sized Event category for events that hold between 500 to 2,000 people that only applies to venues that meet the following criteria:

- The property size has a minimum land area of 10 hectares
- The event location/property has a minimum of 80 onsite permanent car spaces
- The event location/property has a minimum of two disabled car parks
- The location/property has onsite permanent disabled toilets
- The location/property has onsite permanent toilets
- The event location/property has a bus/taxi drop off area

If Council were to create a Medium Sized Event category that allowed large event venues to hold events for up to 2,000 people without a DA at low risk locations, then the following outcomes would occur:

- 42 new events will be held annually
- 84,000 people will attend these events
- \$5,880,000 in annual direct event expenditure
- \$20,067,000 in indirect visitation benefits
- 210 jobs created
- \$24,500 in labour costs to Council

The benefits of this proposal warrant further investigation to identify if proposal implementation is achievable within the current planning legislation.

2 Introduction

2.1 Background

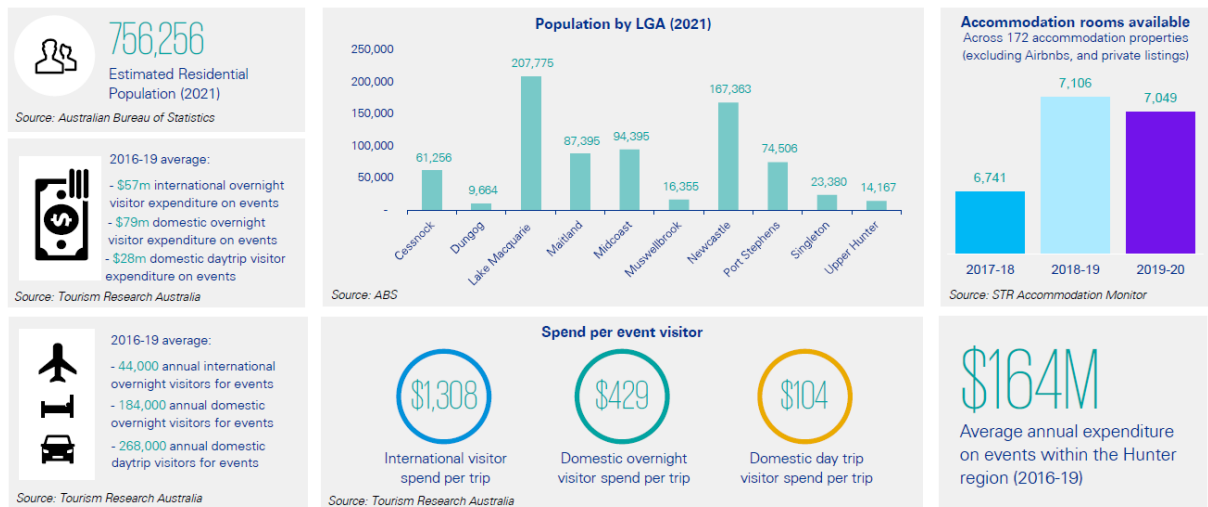
The Greater Cessnock Jobs Strategy 2036 identifies the following job creation opportunities that relate to temporary events:

- 6.4 Investigate and prioritise options to diversify the Hunter Valley tourism offering.
- 10.3 Bring together events into a curated calendar, developing themes, places of interest and event destinations.
- 15.6 Identify and explore opportunities to grow audiences and markets for visual and performing arts, events and other creative enterprises.

The draft Hunter Valley Destination Management Plan (DMP) 2022 – 2030 shows that 480,000 people visit the Cessnock LGA for the purpose of attending events such as Hunter Valley Gardens Christmas Lights, music concerts and community events. The draft DMP has selected Events as one of three key themes for growing the visitor economy.

Draft DMP Action 2.2 Facilitate the growth of Hunter Valley events through programs and processes incorporates the following task 'Work across Councils, the events sector and operators, to continue to assess event approvals and processes for efficient and cost effective event approvals that support and attract appropriate events to the region'.

The Hunter Joint Organisation has also been running an event economies project that is trying to expand the economic benefits gained via events at a regional scale. To support this project KPMP has produced Hunter Event Economies Analysis.



This data shows which events attract the most 'out of region' attendees and Cessnock is lucky that music concerts have the highest rate of 'out of region' attendance.

Estimate of out-of-region attendees by event type			
Event type	Out-of-region attendance (%)	Estimated avg. out-of-region attendance per event	
		Based on events where total attendance was provided	Based on events where both total attendance and origin of attendance was provided
Sporting events	25%	1,580	2,440
Music / entertainment events	28%	2,390	5,050
Lifestyle festivals	22%	2,150	3,550
Arts and cultural events	13%	870	1,230
TOTAL	N/A	1,760	2,640

Cessnock City Council Case Study

Minor events, where the number of participants and spectators is less than 500 people, generally do not require development consent. Major event are classified as over 500 people and development consent is required.

Typical documents associated with submitting an event development application include:

- Development Application (DA)
- Statement of Environmental Effect
- Emergency Response Plan
- Noise Assessment and Monitoring Plan
- Traffic Management Plan
- Parking Plan

It would not be uncommon for a DA to cost \$10,000 to \$15,000 to submit for an event that requires traffic management plans, market stall fees and other Council fees. This cost is a barrier to hold medium sized events where 500 to 2,000 people would attend.

Council request that a DA should be lodged at least 3 months before the event to allow assessment and determination to occur. This uncertainty and timeframe for approval is also a barrier to businesses submitting an event DA.

A real example of how Council event approval is restricting medium sized events is when the Economic Development Team approached Bimbagen to hold a free school holiday outdoor cinema using Community Events Program grant funding.




Bimbaden
Hunter Valley

Outdoor Cinema at Bimbaden

FEATURING
MINIONS: THE RISE OF GRU

Join us this October School Holidays for
Bimbaden's first outdoor cinema!

Wednesday 5 October 2022
Gates Open at 5pm

Enjoy pre-show entertainment from 5pm - 7pm,
including live music by Anna Weatherup, plus
free face painting and sensory play for the kids!

Free Entry - Limited Tickets Available.
Book Online Today!


NSW
GOVERNMENT

This event is proudly supported
by the NSW Government's
Reconnecting Regional NSW -
Community Events Program.

The event needed to be capped at 500 people so a DA wouldn't be required. The reasons for not submitting a DA were that we didn't have 3 months to gain approval and Bimbaden didn't want to use one of their 8 annual events to hold the outdoor cinema. Bimbaden explained that they spend between \$60,000 to \$120,000 when organising event entertainment, security, toilets and staff etc. Therefore, they need to recover their costs through high event numbers and ticket sales.

Bimbaden explained that they had to cancel a planned market day due to the costs required to submit a DA for the event as more than 500 people would be attending.

If a Medium Event category was created with easy approvals then Bimbaden and similar venues could hold medium sized events at low cost and low risk. This would likely create a vibrant events calendar, create jobs and improve the activities available for visitors.

To facilitate growth in the visitor economy options need to be explored to allow the right events to be held at the right locations in an efficient and cost effective way.

The Cessnock LGA is unique in the fact that most events within the LGA occur on privately owned land not public land. For this reason, Council has a greater opportunity to grow events via LEP and DCP amendments without increasing the risk to public assets or the overuse of community places.

LEP Schedule 2 Exempt Development could be used to allow temporary use of land for events. Port Stephens Council uses this method.

Temporary use of Council land, schools and places of public worship

(1) Must be the temporary use of—

(a) land owned by the Council, or

(b) land, including roads and Crown land, for which the Council has care, control or management, or

(c) a school, or

(d) a place of public worship.

(2) Must be for a maximum period of 52 days, whether consecutive or not, in a 12-month period.

(3) Must be of minor impact.

(4) Must not—

(a) compromise future development on the land, or

(b) adversely impact—

(i) adjoining land, or

(ii) the amenity of the neighbourhood, or

(c) in relation to the use and location of related structures—

- (i) adversely impact the environmental attributes or features of the land, or*
- (ii) increase the risk of natural hazards that may affect the land.*
- (5) Must involve, at the end of the use, the restoration of the land, as far as practicable, to the condition it was in before the use commenced.*

2.2 Change Proposal

This change proposal is being developed to support the financial viability of the local event industry without compromising the safety of our community.

Project goals include:

- Reducing the cost to plan and hold a small or medium event at locations setup to hold large events.
- Reduce the administration required by the event organiser and Council staff in providing approval for an event that is low risk.
- Clarify event approval requirements.
- Supporting jobs within the event, retail, entertainment and food industries.

The Economic Development Team is proposing that Council create a Medium Sized Event category for events that hold between 500 to 2,000 people. The Medium Event category would not require a DA if the venue meets the following criteria:

- The property size has a minimum land area of 10 hectares
- The event location/property has a minimum of 80 onsite permanent car spaces
- The event location/property has a minimum of two disabled car parks
- The location/property has onsite permanent disabled toilets
- The location/property has onsite permanent toilets
- The event location/property has a bus/taxi drop off area

This criteria would restrict the use of the Medium Event category to properties that are equipped to deliver Major events such as:

- Bimbadgen
- Roche Estate
- Hope Estate
- Hunter Valley Gardens/Harrigans/Mecure
- Sobel's Wines
- Cypress Lakes
- Crowne Plaza
- Kurri Kurri TAFE

Typical Hunter Valley event tickets range from \$35 for Sunday at Gin & Jazz to \$295 for VIP tickets at Hope Estate. The mean event ticket cost is approximately \$95.

Of the 8 venues listed above Kurri Kurri TAFE is not expected to hold consistent events and the other venues are predicted to hold a new event every two months. These events could be markets, outdoor cinemas and music events.

Based on these assumptions 42 new events will be held over a 12 month period, attracting 84,000 people in a manageable and safe way.

To make this proposed change Council would need to amend the Development Control Plan 2010 - Part D (Specific Development) D8 Temporary Events chapter or the LEP Exempt Development section.

An uninformed example of Exempt Development wording could be.

Temporary use of non-public land and schools for **medium sized events**

- (1) Must be the temporary use of—
 - (a) Non public land (excludes land owned by National Parks or the Council including roads and Crown land, for which the Council has care, control or management), or
 - (b) a school
- (2) Must be for a maximum period of 52 days, in a 12-month period with no more than 5 consecutive days.
- (3) Only applies to properties zoned RU2, RU4.
- (4) Only applies to schools or properties with —
 - a) a minimum land area of 10 hectares
 - b) a minimum of 80 onsite permanent car spaces
 - c) a minimum of two disabled car parks
 - d) onsite permanent disabled toilets
 - e) onsite permanent toilets
 - f) a bus/taxi drop off area
- (5) Must be of minor impact -.
 - a) Less than 2,000 people
 - b) Operate between 9am and 9pm
 - c) Less than 6 hours in duration
- (6) Must not—
 - (a) compromise future development on the land, or
 - (b) adversely impact—
 - (i) adjoining land, or
 - (ii) the amenity of the neighbourhood, or
 - (c) in relation to the use and location of related structures—
 - (i) adversely impact the environmental attributes or features of the land, or
 - (ii) increase the risk of natural hazards that may affect the land.
- (7) Must involve, at the end of the use, the restoration of the land, as far as practicable, to the condition it was in before the use commenced.

Temporary use of land and schools for **small sized events**

- (1) Must be the temporary use of—
 - (a) Land zoned RE1, RE2, RU2, RU4, or
 - (b) a school
- (2) Must be for a maximum period of 52 days, in a 12-month period with no more than 2 consecutive days.
- (3) Must be of minor impact -.
 - a) Less than 500 people
 - b) Operate between 9am and 9pm
 - c) Less than 6 hours in duration
- (4) Must not—
 - (a) compromise future development on the land, or

(b) *adversely impact—*

(i) *adjoining land, or*

(ii) *the amenity of the neighbourhood, or*

(c) *in relation to the use and location of related structures—*

(i) *adversely impact the environmental attributes or features of the land, or*

(ii) *increase the risk of natural hazards that may affect the land.*

(5) *Must involve, at the end of the use, the restoration of the land, as far as practicable, to the condition it was in before the use commenced.*

Similar wording could be used in the Development Control Plan 2010 - Part D (Specific Development) D8 Temporary Events chapter.

2.3 Overview of Economic Assessment

The economic assessment for this Project focuses on:

- A Benefit Cost Analysis of the costs and benefits directly attributable to the Medium Event proposal.
- An assessment of the wider economic benefits over time that will result from the Medium Event proposal.

The economic evaluation is based on two scenarios:

- Scenario 1 Base Case – this is the status quo scenario where the proposal does not proceed.
- Scenario 2 Project Case – this scenario is the implementation of the Medium Event proposal.

3 Cost Benefit Analysis

3.1 Project Costs Assessment

3.1.1 Proposal Case – Implementation Costs

The estimates of implementation costs for the project are:

Proposal Implementation Cost	
Temporary events approval review by Strategic Planning (140hrs at \$70 per hour)	\$9,800
Drafting changes to the D8 Temporary Events chapter by Strategic Planning (70hrs at \$70 per hour)	\$4,900
Brief Council on proposed change (1hrs 14 people at \$100)	\$1,400
Draft Public Exhibition Council Report (35hrs at \$70 per hour)	\$2,450
Public exhibition and submission review (70hrs at \$70 per hour)	\$4,900
Adoption Council Report (5hrs at \$70 per hour)	\$350
Update Council website and documents (10hrs at \$70 per hour)	\$700
Total Project Direct Costs to Council	\$24,500

3.2 Project Benefits Assessment

For the purpose of this economic evaluation, the quantified benefits associated with the Medium Sized Event Proposal, including:

- Direct event expenditure benefits
- Visitation benefits

The following provides a description of the benefits and the basis of their calculation.

3.2.1 Event Expenditure Benefits (Increased Direct Economic Output)

The major benefit of the proposal will be the benefits associated with the ticket sales and activities required to deliver the event.

The following estimates and assumptions have been used to calculate the direct event expenditure benefits:

- 42 new events will be held over a 12 month period
- 84,000 people will attend these events
- The average ticket price for each event will be \$45 (local not international acts)
- Each visitor will spend an average of \$25 on food and drink

The event expenditure benefit is estimated at \$5,880,000 per year.

3.2.2 Visitation Benefits (Increased In-direct Economic Output)

The major benefit of the proposal will be the benefits associated with the visitor experience.

The following estimates and assumptions have been used to calculate the visitor benefits:

- Day trip visitors spend an average of \$125 per day trip
- Domestic overnight visitors spend an average of \$567 on each overnight trip
- International overnight visitors spend an average of \$393 on each overnight trip
- 58% of visitor to the Cessnock LGA are day trippers
- 41% of visitor to the Cessnock LGA are domestic overnight visitors
- 1% of visitor to the Cessnock LGA are international overnight visitors
- 84,000 people will attend these events

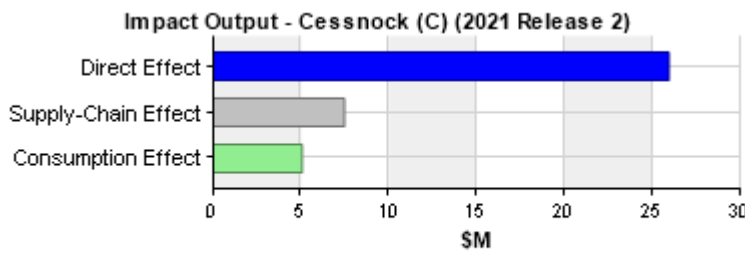
Visitation benefit = $(84,000 \times 58\% \times \$125) + (84,000 \times 41\% \times \$567) + (84,000 \times 1\% \times \$393)$ - event expenditure benefit

Visitation benefit = $(\$6,090,000) + (\$19,527,480) + (\$330,120) - \$5,880,000$

Visitation benefit = \$20,067,000

The visitation benefit is estimated at \$20,067,000 per year.

From a direct increase in output of \$25,947,000 it is estimated that the demand for intermediate goods and services would rise by \$7.465 million. These supply-chain effects include multiple rounds of flow-on effects, as servicing sectors increase their own output and demand for local goods and services in response to the direct change to the economy.



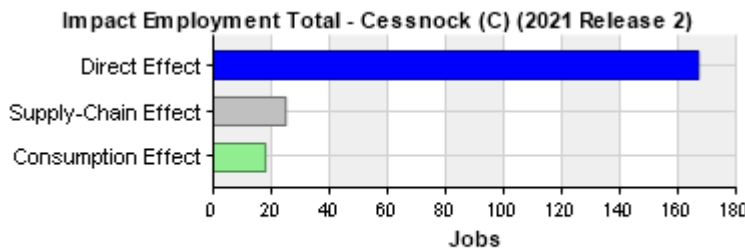
The increases in direct and indirect output would typically correspond to the creation of jobs in the economy. Corresponding to this change in employment would be an increase in the total of wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated at \$5.060 million.

Total output, including all direct, supply-chain and consumption effects is estimated to increase by up to \$38.475 million (REMPLAN Impact Analysis 2021 Release 2).

3.2.3 Employment Benefits

This proposal will result in an additional \$25,947,000 being spent within the Cessnock LGA visitor economy.

This direct increase in spending of \$25,947,000 will result in the creation of 167 direct jobs. From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in the gain of a further 25 jobs.



The increase in direct and indirect output and the corresponding creation of jobs in the economy is expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario is estimated to further boost employment by 18 jobs.

Total employment, including all direct, supply-chain and consumption effects is estimated to increase by up to 210 jobs (REMPLAN Impact Analysis 2021 Release 2).

4 Conclusion

If Council were to create a Medium Sized Event category that allowed large event venues to hold events for up to 2,000 people without a DA, then the following would occur:

- 42 new events will be held annually
- 84,000 people will attend these events
- \$5,880,000 in annual direct event expenditure
- \$20,067,000 in indirect visitation benefits

- 210 jobs created
- \$24,500 in labour costs to Council

The benefits of this proposal warrant further investigation to identify if proposal implementation is achievable within the current planning legislation.