

I have been researching the planning for and regulation of temporary uses for events for more than ten years. Specifically, I have focused on NSW. My research of various documents, reports, and literature was supplemented with more than 50 interviews of state and local government rule makers local government event regulators and event operators. My comments and observations were drawn from this research, together with my ongoing involvement in the industry.

Historical Problem

The historical context of how we got to this point is essential. The Standard Instrument Local Environmental Plan (SILEP) aimed to remove complexity and confusion and improve practice consistency between local governments in applying their land use controls. The SILEP also included a standardised event regulation-temporary use of the land clause. The new clause required LGAs for the first time to consider the impacts of any temporary land use. The provisions allowed the use of land or water for a temporary event even though it was prohibited. The LGA assessing the application had to be satisfied that event would not compromise future development or detrimentally affects economic, social, amenity, or environmental aspects and was limited to a maximum of days annually. The new clause allows the approval of any temporary use that would otherwise be prohibited in the land use controls and places the event regulation process firmly in the DA process and the responsibility of the LGA town planner. Despite these changes, the consistent regulation of events in the land use planning context was not achieved. My research shows that many Councils did not know this process applied to events. If this is the case, why is the DA process a problem?

Perhaps it is easy to prolong the myth created in 2012, and the NSW Visitor Economy Taskforce observed that:

There is a significant amount of red tape at State and Local Government levels to secure approvals for events and festivals, for example, liquor licensing for an event or annual development application [DA] processes which inhibit opportunities to retain and build the value of repeat events and festivals.

The Taskforce identified event regulation by the local government as a problem to be fixed with a recommendation:

"Action 28B: Streamline approval processes and enable long-term DA approvals to be obtained for events and festivals.

Nevertheless, there was no publicly available evidence to justify these statements.

Many Issues to be addressed

The proposed action in its current form is poorly evidenced and will create more problems than it resolves. It is not my intention to do the governments research work for it but merely to point out the various issues related to event regulation as follows in a specific order:

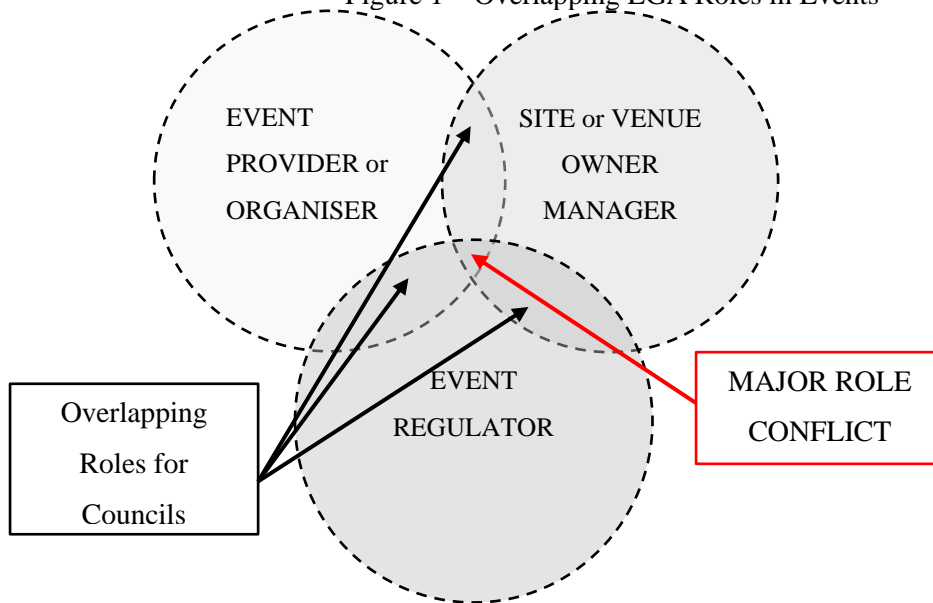
1. Any action on event regulation requires an audit of the existing process at all levels, not just one aimed at events in Council parks. The following Table 1 provides an initial summary, but no doubt the further review of the policy can fine-tune these aspects of regulation

Land Ownership	Relevant Rules	Event Regulation Role
Private Land	EP and A Act	Requires LGA approval
LGA owned land	EP and A Act	Determines event applications
LGA managed land	EP and A Act	May determine event applications with relevant state agency approval
LGA – delegated management to	EP and A Act	May determine event applications in consultation with LGA

community committees		
Forests NSW	Forests NSW Recreation and Tourism 2010-2014 Policy Framework	Determines events on its land
Crown Land	Crown Lands Act 1989	Determines events on its land
Crown Waters	Marine Safety Act 1998	Roads and Maritime Services determines events on water
Port Authority of NSW	EP and A Act	Determines events on water and adjacent land it owns
National Parks and Wildlife Service	NPWS National Parks Events and Venues framework	Determines events on its land
Destination NSW	NSW Major Events Act 2009	Approves Major events
Venues NSW	Sporting Venues Authorities Act 2008	Determines events on its land
Education NSW	Community Use of School Facilities	Asset Management Directorate determines events on its land ¹
Commonwealth Land	It depends on Government Agency	Determines events on its land

2. In 2010, the NPWS Park Management Policy Unit commenced a policy approach to facilitate a range of opportunities for events and functions in National Parks. The policy sets out general principles and procedures for environmental and sustainability assessment and specific consent conditions. There needs to be consistency in the process.
3. State Environmental Planning Policy (SEPP) (Educational Establishments and Child Care Facilities) 2017 enables the 'use of existing school facilities or buildings for the physical, social, cultural or intellectual development or welfare of the community (whether or not it is a commercial use of the establishment)'. However, there is no mechanism for coordination with the relevant council.
4. Water NSW is the management authority for the Sydney Drinking Water Catchment. State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. Uncontrolled, poorly sewered locations will create an adverse impact.
5. Councils have multiple conflicting roles concerning events. Councils can be site/venue owners or controllers, event organisers responsible for attracting, partnering, funding (in-kind or grants), producing, promoting, liaising, facilitating, managing, and finally, event regulators. Figure 1 shows the potential role conflict because of this overlap of roles.

Figure 1 – Overlapping LGA Roles in Events



6. A variety of Council staff responsible for event regulation, including event officers, transportation planning coordinators, events management coordinators, senior planning assessment officers, development planners, community and recreation development coordinators, community and cultural services managers, and economic development and tourism manager.
7. A strategic approach that considers the number, type and location of events as part of a strategy is required, not a top-down rule-driven reaction. Events should be better considered as part of the CSP and LSPS process.
8. Events staff in Councils may not have the skill to consider amenity, safety, and potential environmental impacts under section 68 of the Local Government Act 1993.
9. Section 68 only applies to community designated land and must have a plan of management. Very few POMs address the number, size and location of events nor the impacts on the use of these spaces.
10. The Rural Fire Service involvement in events is spasmodic and would be further disconnected under the proposed action.
11. The proposed action does not consider the cumulative impact of many small events.