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# Events on Open Space Areas

27 April 2020

Policy No: CCC084

Policy owner:	Open Space and Recreation Unit – Community and Recreation Services
Approved by:	Central Coast Council
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## Purpose

1. This policy provides direction on how Council will manage approval of temporary events and activities on open space areas in the Central Coast Local Government Area. This policy ensures that community use remains paramount, while allowing for conduction of temporary events and activities in circumstances that also provide a benefit to the community.
2. Council's objectives for this policy are as follows:
  - a. Deliver cultural, social, recreational, environmental and economic benefits for the community
  - b. Provide a consistent, equitable and transparent approach to the issuing of temporary events and activity approvals on open space
  - c. Provide a documented process on approvals through related guidelines
  - d. To ensure minimal impact on the community and environment
  - e. Be consistent with Council's Plans of management and Strategies for open space
  - f. To address issues of risk management and safety associated with the undertaking events on open space areas owned and managed by Council
  - g. To address issues of environmental sustainability associated with the undertaking events on open space areas owned and managed by Council
  - h. To add value to positive community active lifestyle outcomes

## Policy summary

3. Council will permit events and activities on open space areas owned by Council and where Council is the Crown Trust Manager subject to terms and conditions as determined by Council.
4. Temporary events and activities conducted on open space must not compromise the future development of land or have detrimental economic, social, amenity or environmental effect on the land or adjoining land.
5. A temporary event or activity conducted on open space areas must be ancillary to the purpose of the reserve, be of an educational nature and/or encourage active participation in a healthy lifestyle. The activity must be consistent with the applicable Plan of Management for the land.

## Scope

6. This Policy covers events and activities intending to be undertaken on open space areas owned and managed by Council and required to obtain a Temporary Event Approval from Council, as the reserve manager.
7. Examples of such events and activities include but are not limited to the following:
  - a. Weddings
  - b. Celebrations
  - c. Entertainment

- d. Recreational events
  - e. Education events
  - f. Cultural events
  - g. Markets
  - h. Exhibitions
  - i. Festivals
  - j. Fetes
  - k. Concerts
  - l. Circuses
8. Temporary events and activities deemed to be of major significance or impact and attracting large numbers of people will require a development application (DA) and approval.
9. Activities not governed by this policy:
- a. Temporary events and activities that occur on land not considered open space areas as defined in this policy.
  - b. Temporary events or activities deemed to be trade or business
  - c. Temporary events or activities subject to a lease arrangement
10. Activities that will not be considered for approval under this policy and will be subject to a separate assessment and approval process (where permissible) include:
- a. Street performances
  - b. Busking
  - c. Footpath dining
  - d. Itinerant or roadside vending vehicles or other mobile businesses
  - e. Road closure
  - f. Temporary events or activities considered to be harmful to the environment
  - g. Temporary events or activities considered to be dangerous for participants or to the general public
  - h. Activities that are not considered ancillary to the purpose of the reserve
  - i. Temporary events or activities which could be considered to significantly disrupt other users of the reserve and/or adjoining neighbours
  - j. Temporary events or activities that contravene the current local planning instrument (LEP)
  - k. Temporary events or activities that contravene the relevant Plan of Management for the reserve.

## Background

11. The Central Coast covers an area of 1,680sq. kilometres with an expanding population of over 340,000 people. The area is characterised by an abundance of open space opportunities including: mountains, bushlands, beaches, wetlands, foreshores, estuaries, informal passive and active recreation areas. Open Space and National Parks together account for more than 50% of the Central Coast Local Government Area. As these open space areas become more popular for permanent residents and tourists, a demand has arisen for the use of Council owned and managed open space areas to conduct events and activities that will allow users to experience a variety of active lifestyle opportunities.

## General

12. A temporary event or activity on open space areas must be carried out in accordance with a licence, approval or hire agreement granted by Council as provided in the relevant policy. Applications for an approval are to be submitted as detailed in the relevant policy listed below, and via forms on [Council's website](#):

- Licensing of a Trade or Business on Open Space Areas
- Events on Open Space Areas (this policy)

13. This policy has been prepared in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, Crown Land Management Act 2016 and Crown Lands Regulation 2018 (as amended).

14. This policy does not override any other Council requirements relating to temporary use including Council's Local Environmental Plans (LEPs), Development Control Plans (DCPs), State Environmental Planning Policies (SEPP) or provisions of legislation including the Local Government Act 1993, Crown Land Management Act 2016 and associated regulations (as amended).

15. Council, as owner or Crown Land Manager, reserves the right to terminate the Temporary Event Approval if the hirer breaches any of the Temporary Event Approval conditions. As per section 68 of the Local Government Act 1993, any operators conducting activities requiring Council approval, found to be operating without required approval are guilty of an offence as outlined under sections 626 and 627 of the Act and will be penalised in accordance with the Act.

16. In accordance with the Crown Land Management Act 2016, Local Government Act 1993 and LEP, Temporary Event Approval will be for a maximum period of twenty-eight (28) days – whether or not consecutive days – in any period of twelve (12) months over the relevant financial year.

17. Fees are payable as provided for in Council's Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.

18. Supporting guidelines or procedures, being an administrative process, may be altered as necessary by the Chief Executive Officer. Please see Council's website for specific guidelines.

## Compliance, monitoring and review

19. This policy aligns with relevant legislation, government policy and/or Central Coast Council requirements, strategies, values and activities
20. This policy is implemented and monitored (i.e. the policy reflects the changing environment and emerging issues are identified)
21. This policy shall not derogate from Council's responsibility to comply with any competent statutory obligation. Where this policy conflicts with any competent statutory obligation, the statutory obligation shall prevail to the extent of any such conflict.
22. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
23. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.
24. This policy is reviewed at least once per term of Council to evaluate its continuing effectiveness.

## Definitions

25. In this policy:
  - a. **Temporary Event Approval:** A contractual agreement between Central Coast Council and a person or organisation applicant for which an applicant may conduct an event or activities on an agreed open space area/s owned and managed by Central Coast Council. The 'Temporary Event Approval' will not allow for exclusive use of the land and the general public must be able to access the agreed upon reserve/s at all times.
  - b. **Open Space:** Any community land and/or Crown Land reserves where Council is the Crown Trust Manager used for structured or casual recreational activities including mountains, bushlands, beaches, foreshores, estuaries, informal passive reserves and active recreation areas.
  - c. **Trade or Business:** Any activity with a principal purpose to derive profit to an individual(s) or company and/or where a fee is obtained for a service provided.
  - d. **Statutory obligation:** Any mandatory obligation (statutory duty) imposed upon Council by any competent Act, Regulation, Ordinance, Rule or Instrument enacted by the Parliament of New South Wales or, to the extent that it is relevant, by the Parliament of the Commonwealth of Australia.

## Related resources

### 26. Legislation:

- a. [Local Government Act 1993 \(NSW\)](#)
- b. [Wyong Local Environmental Plan 2013 \(NSW\) \(as amended\)](#)
- c. [Gosford Local environmental Plan 2014 \(NSW\) \(as amended\)](#)
- d. [Crown Land Management Act 2016 \(NSW\)](#)
- e. [Crown Land Regulation 2018 \(NSW\)](#)

### 27. Associated/Internal documents:

- a. [Central Coast Council Community Strategic Plan 2018 - 2028](#)
- b. [Central Coast Council Bike Plan 2019 - 2029](#)
- c. [Central Coast Council Community Participation Plan 2019 - 2024](#)
- d. [Central Coast Council Disability Inclusion Action Plan 2017 - 2021](#)
- e. [Central Coast Council Licensing of a Trade or Business on Open Space Areas Policy](#)
- f. [Central Coast Council Sustainable Events Policy](#) and [Sustainable Events Management Guide](#)
- g. [Central Coast Council Plastic Free Event Guidelines](#)
- h. [Central Coast Council Tourism Opportunity Plan 2019 - 2024](#)

## History of revisions

Amendment history	Details
Original approval authority details	<p data-bbox="596 524 703 555">Council</p> <hr data-bbox="596 629 1437 631"/> <p data-bbox="596 651 1110 683">27 April 2021 – Minute Number 115/21</p> <hr data-bbox="596 703 1437 705"/> <p data-bbox="596 741 1366 846">This policy provides direction on how Council will manage approval of temporary events and activities on open space areas in the Central Coast Local Government Area.</p> <p data-bbox="596 891 1425 996">It replaces former Gosford City Council (GCC) policies for <i>Special Events on Open Space Areas</i> and <i>Temporary Events and Activities on Open Space</i> (GCC Min No 2013/388 - 16 July 2013)</p> <hr data-bbox="134 1025 1437 1028"/>