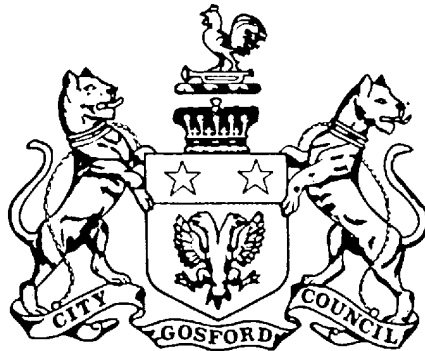




# **SPECIAL EVENTS ON OPEN SPACE AREAS**



## **SPECIAL EVENTS IN OPEN SPACE AREAS**

### COMMUNITY GROWTH - CULTURE

#### **BACKGROUND**

The City of Gosford covers an area of 1028 sq. kilometres with an expanding population of over 160,000 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.

Council acknowledges the social, cultural, physical, educational, environmental and economic benefits of staging events on open space areas and recognises the need for such events to be delivered in a safe, environmentally sustainable manner.

The purpose of this policy is to provide direction on how Council will manage approval of Special Events held on Council's open space areas. It will ensure a commitment to best practice by Council and Event Organisers in event, environmental and risk management, in accordance with the needs of the community and environment.

#### **POLICY OBJECTIVES**

Council's objectives for this Policy are as follows:

- Regulate Special Events on Open Space Areas
- Provide documented process on Council Special Event approval and legislative requirements
- Ensure that Event Organisers receive requisite approvals in a timely and efficient manner
- Be consistent with the relevant Plans of Management and Strategies for open space areas
- Ensure events are held in accordance with the provisions of all relevant legislative requirements
- Implement measures to address risks and impacts on the community and environment
- Ensure that unacceptable and/or irreversible damage does not occur to the local environment
- Ensure the public recreation and environmental values of open space areas are retained

Council's objective for Special Events in the local government area is to provide the local community with leisure and social opportunities beyond the everyday experience that build strong vibrant communities, stimulate the economy, develop tourism and encourage interaction with open space areas.

## **POLICY STATEMENT**

Council will permit the undertaking of Special Events on open space areas owned and managed by Council subject to terms and conditions as determined by Council.

Special Events conducted on open space areas must be ancillary to the purpose of the reserve, consistent with the Plan of Management where applicable and for a community purpose or benefit.

This policy has been prepared in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, *Crown Lands Act, 1989* and *Crown Lands Regulation 2006*.

This Policy does not override any other Council requirements relating to Special Events including Council's Local Environmental Plans (LEPs), Development Control Plans (DCPs), State Environmental Planning Policies (SEPPs) or provisions of the *Local Government Act 1993* or *Crown Lands Act 1989* and associated regulations.

## **SPECIAL EVENT**

For the purpose of this policy, a Special Event is defined as a one time, or infrequently occurring event of limited duration (with maximum timeframe as specified in the local planning instrument) that provides the general public with leisure and social opportunities beyond everyday experiences.

Special Events are distinct and organised programs usually of recreational, cultural, community or special interest group significance. Events vary in scale from small community events such as weddings to major events that attract state, national and international interest. Event categories are outlined in the attached procedures.

## **LAND TO WHICH THIS POLICY APPLIES**

For the purposes of this policy, 'Open Space Areas' are defined as community land or Crown Reserves under the care, control and management of Council or where Council has been appointed Reserve Trust Manager, used for structured or casual recreational activities.

## **STATUTORY CONSIDERATIONS**

- 1 This policy shall not derogate from Council's responsibility to comply with any competent statutory obligation.
- 2 Where this Policy conflicts with any competent statutory obligation, the statutory obligation shall prevail to the extent of any such conflict.
- 3 "Statutory Obligation" means 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.

## **PROHIBITED ACTIVITIES**

- Events that are not considered ancillary to the purpose of the reserve
- Events considered to be harmful to the environment
- Events considered to be dangerous for participants, spectators or to the general public
- Events which could be considered to unreasonably disrupt other users of the reserve and/or adjoining neighbours
- Events that contravene the current local planning instrument
- Events that contravene the relevant Plan of Management for the land

## **ACTIVITIES NOT GOVERNED BY THIS POLICY**

- Special Events that occur on areas outside land zoned for recreational purposes
- Activities that exceed the maximum number of days specified in the current planning instrument

## **PROCEDURE**

The Procedure (attached), being an administrative process, may be altered as necessary by the Chief Executive Officer.

## **FEES**

A Special Event hire fee and refundable security deposit are payable as provided for in Council's Fees and Charges Schedule. Special Event applications that are not submitted within the designated timeframes are also subject to a late application fee.

Fees will be reviewed annually in line with Council's review of fees and charges.

## **TERMINATION BY THE COUNCIL**

Council, as owner or Reserve Trust Manager, reserves the right to terminate approval of the Special Event if there is a breach by the Special Event Organiser of any of the approval conditions.

As per section 68 of the *Local Government Act 1993*, any Special Event Organisers 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.

(Min No 2013/388 - 16 July 2013 - Review of Policies)

## ATTACHMENT - PROCEDURE

### SPECIAL EVENTS IN OPEN SPACE AREAS

This procedure, being an administrative process, may be altered as necessary by the Chief Executive Officer.

#### 1. SPECIAL EVENT APPLICATION

- 1.1 All Event Organisers must complete a Special Event application form and confirm adherence to the Special Event conditions of approval. To minimise the adverse impact of events on the community, proper and timely management is required by Event Organisers.
- 1.2 All applications must comply with relevant policies, Plans of Management, planning instruments and legislation.
- 1.3 Event Organisers may also be required to consult the following bodies to ensure compliance with relevant legislation:
  - Office of Environment and Heritage
  - The Casino, Liquor and Gaming Control Authority
  - NSW Office of Liquor Gaming and Racing
  - NSW Food Authority
  - WorkCover NSW
  - NSW Police
  - NSW Roads and Maritime Services (RMS)
- 1.4 Event Organisers will be required to submit all documentation as stipulated in the Special Event Application to Council prior to consideration being given for the event.

#### 2 EVENT APPLICATION SUBMISSION TIMEFRAMES

Event	Expected Patrons	Application to Be Received
Small Event - Passive Open Space Bookings	Up to 80	2 weeks
Small Event	Up to 200	8 weeks
Medium Event	Approx 80-500	3 months
Large Event	Approx 500-1000	6 months
Major Event	Over 1000	9 months

## 1. CATEGORIES OF EVENTS

Council has determined five categories of Special Events to assist in the management of open space areas. Event categories are determined by the Special Event Assessment Matrix outlined in the Special Event Guidelines and assess expected attendance combined with the impact on the community and environment. The Special Event category will determine the extent of the supplementary documentation required in the Special Event Application as outlined in the Special Event Guidelines. Special Event categories are as follows:

- 1.1. **Small Events** – Small community events include Passive Open Space Bookings and Weddings.
- 1.2. **Medium Event** – A community event that has low to medium impact on the community and environment.
- 1.3. **Large Event** – A community event that has medium impact upon the community and environment.
- 1.4. **Major Event** – A community event that has high impact on the community and environment.

## 2. FEES AND CHARGES

- 2.1. Fees include a Special Event fee and security deposit 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.
- 2.2. Full payment of fees is required ten (10) working days prior to the event.
- 2.3. The Event Organiser has the opportunity to hire from Council staging, traffic management devices, cleaning, floodlighting, electricity and water if required. Hire approval is at the discretion of the Manager Culture or Asset Manager and all associated charges are listed in Council's Fees and Charges.
- 2.4. Security deposit is refundable in whole or in part, following an inspection after the event by authorised Council staff to determine compliance with Council's conditions.
- 2.5. The cost to restore any damage be it environmental or other, will be borne by the Event Organiser. Use of the areas during periods of inclement weather requires additional authorisation from the Asset Manager.
- 2.6. All costs associated with the management of events are to be met by the event organiser (including but not limited to costs of: liability insurance, policing, temporary traffic management, signs and waste management).

## 3. PUBLIC LIABILITY INSURANCE

- 3.1. The Event Organiser must take out public liability insurance cover for a minimum sum of twenty million dollars (\$20,000,000), for the duration of the Event. Event Organisers are to produce a current Public Liability Policy to be included in the special event application.
- 3.2. Assets: - Council and the Minister administering the Crown Lands Act 1989 will not be responsible for any equipment, structures or the like brought on site. The policy must note Council and the Minister administering the Crown Lands Act 1989 as interested parties of the site for the date(s) of use and contain a cross liability clause, or contain a general condition that these type of activities are specifically covered by the policy.

- 3.3. Indemnity: - The Event Organiser agrees to indemnify, protect, defend and hold harmless the Council of the City of Gosford and the Minister administering the Crown Lands Act 1989 from and against any and all claims, demands, actions and proceedings whatsoever in relation to personal injury or property damage caused by or occasioned during the Event Organiser's use of the reserve and shall indemnify the Council for any and all fees, costs and expenses incurred in respect thereof.

**Note 1.** This indemnity does not operate where the said personal injury or property damage is sustained as a result of a negligent act or omission on the part of Council or its servants.

**Note 2.** The Event Organiser will be responsible to have this indemnity noted and accepted by its insurer.

- 3.4. Personal Accident/Workers Compensation:- The Event Organiser is responsible to ensure that all parties involved in the participation of the activity have suitable insurance cover. Council and the Minister administering the Crown Lands Act 1989 will not be responsible for any personal injury to activity participants and requires indemnification from the Event Organiser should any claims be made against Council and the Minister administering the Crown Lands Act 1989.
- 3.5. The Event Organiser shall maintain all other insurances as may be required by the Workers' Compensation Act or any other Act or Acts of Parliament in regard to the conduct of activities of the Special Event on the open space area. A copy of such coverage is to be submitted to Gosford City Council before using the open space area.

#### **4. RISK MANAGEMENT**

- 4.1. Event Organisers have an obligation to ensure that all risks associated with an event are identified, eliminated and/or managed.
- 4.2. Council requires Event Organisers to submit a risk management plan with the Special Event Application that complies with the requirements of Australian Standard AS/NZS4360:2004 Risk Management.
- 4.3. For medium, large and major events Council may also require organisers to develop an Emergency Management Plan. Such a plan should be provided for all events that are assessed as having a significant degree of risk, with the possibility that evacuation may be required from the event site.
- 4.4. Any accident or incident that occurs during the Special Event (including set up and dismantle) must be recorded and reported to Council's Manager Culture within 2 business days.

#### **5. TRAFFIC MANAGEMENT PLAN**

- 5.1. Events of a large or major scale or events which are deemed by Council to have a significant impact on traffic, parking or transport are required to provide Council with a Traffic Management Plan (TMP).
- 5.2. It is the event organiser's responsibility to provide Council with a TMP suited to the scale of event, number of expected participants and prevailing traffic, parking and transport conditions.
- 5.3. Event Organisers must consult with NSW Police, RMS and Council's Road Team Leader Traffic prior to preparing a TMP.
- 5.4. TMP's for large and major special events will need to be considered and approved by the Council's Team Leader Traffic.

## **6. NATURAL OPEN SPACE AREAS**

- 6.1. No structures of any kind are permitted on Natural Open Space areas.
- 6.2. Commercial events are not permitted within Natural Open Space areas.

## **7. GENERAL CONDITIONS**

- 7.1. In using the open space area and determining what is permitted the Event Organiser and Council shall have regard to the relevant Plans of Management for the area.
- 7.2. The Event Organiser acknowledges that whilst it may have control and priority of use of the approved Special Event area, the area should retain its characteristic as a community facility and may be utilised by other community groups and individuals.
- 7.3. The Event Organiser must take suitable precautions to ensure the safety and orderly behaviour of the participants and spectators and must endeavour at all times not to disturb or inconvenience the general public.
- 7.4. Written consent is to be obtained by Department of Aviation for parachute jumps.
- 7.5. Activities such as abseiling, hang gliding, parachute jumps and rock climbing require approval from the Manager Culture or Asset Manager and must be consistent with the Plan of Management for the area. The Event Organiser must provide a public liability of \$20,000,000 and supply relevant certificates of accreditation prior to the event.
- 7.6. The Event Organiser is to keep the open space area and any fixtures within the approved area in good order, condition and repair.
- 7.7. The area must be left in a clean and tidy condition at the conclusion of the Special Event devoid of all rubbish and debris.
- 7.8. Advertising and informing residents of events is the responsibility of the Event Organiser. All medium, large and major events are to be widely advertised and affected stakeholders and residents given timely notice.
- 7.9. Council and any persons authorised by it must have access to the venue at all reasonable times to enter upon and examine the condition of the open space area.
- 7.10. To do all things within the Event Organiser's power to eliminate dangers and to prevent injury.
- 7.11. Not undertake activities considered to be harmful to the environment.
- 7.12. All Special Event advertising and temporary signage must comply with Council's Advertising on Open Space Areas policy.