



TEMPORARY EVENTS AND ACTIVITIES ON OPEN SPACE



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COMMUNITY GROWTH - CULTURE

POLICY OBJECTIVES

The intention of this policy is to provide direction on how Council will manage approval of temporary events and activities on open space. This policy ensures that community use remains paramount, while allowing for the conducting of temporary events and activities in circumstances that also provide a benefit to the community.

The policy aims to:

- deliver cultural, social, recreational, environmental and economic benefits for the community;
- provide a consistent, equitable and transparent approach to the issuing of temporary events and activity approvals on open space;
- provide a documented process on approvals through related policies;
- ensure minimal impact on the community and environment;
- be consistent with Council's Plans of Management and Strategies for open space

POLICY STATEMENT

Council will permit the undertaking of temporary events and activities on open space owned by Council and where Council is the Crown Trust Manager. Approvals are subject to terms and conditions determined by Council as provided in the relevant policy.

Temporary events and activities conducted on open space must not compromise the future development of the land or have detrimental economic, social, amenity or environmental effects on the land or adjoining land.

A temporary event or activity must be consistent with any applicable Plan of Management for the land under the *Local Government Act 1993* if community land or the *Crown Lands Act 1989* (as amended).

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* (as amended).

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

TEMPORARY EVENTS AND ACTIVITIES

For the purpose of this policy, temporary events or activities include markets, exhibitions, festivals, fetes, concerts, weddings, circuses, celebrations, entertainment, recreation, exercise, education or similar community, cultural or commercial purposes, or similar purpose.

COUNCIL APPROVAL

A temporary event or activity must be carried out in accordance with a licence, approval or hire agreement granted by Council as provided in the relevant policy. Applications for the granting of an approval are to be submitted as detailed in the relevant policy.

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RELEVANT POLICIES

- Allocations - Seasonal Use
- Circus Performances
- Filming in Gosford City
- Licensing of a Trade or Business on Open Space Areas
- Access Through Open Space Areas
- Special Events on Open Space Areas

LAND TO WHICH THIS POLICY APPLIES

For the purposes of this policy, 'Open Space' is 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 temporary events and activities.

STATUTORY CONSIDERATIONS

- 1 This policy shall not derogate from Council's responsibility to comply with any necessary statutory obligation.
- 2 Where this Policy conflicts with any necessary 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 necessary 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

The following is prohibited under this policy and will not be considered for approval:

- temporary events or activities considered to be harmful to the environment
- temporary events or activities considered to be dangerous for participants or to the general public
- temporary events or activities which could be considered to significantly disrupt other users of the reserve and/or adjoining neighbours
- temporary events or activities that contravene the current local planning instrument (LEP)
- temporary events or activities that contravene the relevant Plan of Management for the reserve

ACTIVITIES NOT GOVERNED BY THIS POLICY

The following activities are subject to separate approval processes and will not be considered under this Policy:

- Street performances
- Busking
- Footpath dining
- Itinerant or roadside vending vehicles or other mobile businesses
- Temporary events and activities that occur on land outside open space
- Temporary events and activities deemed to be of major significance or impact and attracting a large number of people
- Road closure

TENURE

Temporary events or activities under a special event approval may be granted for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.

Temporary events or activities outside of a special event approval may be granted in accordance with the relevant policy.

FEES

Any applicable temporary event or activity fee is payable as provided for in Council's adopted Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.

(Minute No. 2014/540 - 14 October 2014)