

DRAFT Guide to Planning Pathways for Community Events

A guide for councils approving community
events on public land and local streets

November 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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A street festival in Coogee
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Summer Hill
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Chippendale
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1 Introduction

Public events and occasions are the heart of vibrant communities and lively neighbourhoods. They activate public spaces and play an integral role in developing a connection to place. These occasions also create opportunities to deliver social, cultural, environmental and economic benefits to local communities.

In this guide, community events refer to events and occasions that are open to the public. They can be either commercial or non-commercial in nature. They may be organised by any entity and can be ticketed or not ticketed. Examples are a pop-up market or a ticketed outdoor cinema screening.

The use of public land is controlled by several Acts, Regulations and policies. This can make a council's role in assessing and approving community events on public land a complex one. Also, the scale of community events can vary significantly, creating an added layer of complexity.



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2 Purpose of this guide

The purpose of this guide is to provide clear and consistent information about the planning pathways available for community events on public land or those that involve street closures. Where appropriate, the guide offers a streamlined approach to obtaining approval under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act).

This guide is primarily intended for use by local council staff involved in event approvals (the ‘events team’), but it can also be used by event organisers, the community and key stakeholders.

This guide does not address events held on **private land**. In some cases, these events may require development approval.

2.1 Applicable legislation

This guide addresses the approvals required under the EP&A Act. Events may also require approval under section 68 of the NSW *Local Government Act 1993* and other relevant legislation, such as the NSW *Roads Act 1993*.

Council’s events team may need to advise event organisers as to what approvals are required for their event to operate and assist them to obtain those approvals.



3 Land to which this guide applies

This guideline applies to community events held on public land and local roads.

3.1 Public land

Public land is land owned or managed by a council, as defined by the Local Government Act¹. Public land is classified by council as either 'community' or 'operational'. For example, a local park managed by council could be community land, whereas the works depot where council keeps its road maintenance machinery and wood-chippers would be operational land.

Public land used for community events is **community land** because it is land owned or managed by council for community use.

The definition of public land in the Local Government Act notably excludes Crown land. However, council can be authorised to manage some Crown land as if it were public land (Division 3.4 of the *NSW Crown Land Management Act 2016*). Therefore, this guide also applies to Crown land that is managed by a council as if it were public land.

The Local Government Act requires community land to be used and managed in accordance with a plan of management. A plan of management must specify the purposes for which the land, and any buildings or improvements, can be used.

Prior to its endorsement by council, a draft plan of management will be subject to public consultation. This gives the local community the opportunity to consider the activities proposed for the land, including community events of certain types and scale. Feedback from the local community will shape the final plan of management that is endorsed by council.

3.2 Local roads

Community events sometimes require the temporary closure of a local road. The Roads Act refers to public roads as 'classified' or 'unclassified'. Unclassified roads are often referred to as 'local roads' because they are managed by the local council.

Councils can approve temporary street closures for outdoor dining, performance and the extension of foyer space. This means councils do not need to apply to Transport for NSW to close an unclassified road and there is no need to take such a matter to their local traffic committee. For classified roads, councils will need agreement from Transport for NSW.

Further information is available in the NSW guide to traffic and transport management for special events.



¹ This definition is also adopted in the EP&A Act.



3.2.1 Permits for neighbourhood activities

Closing a local street for a neighbourhood street party may not require development consent, but it will require council's approval.

Councils can issue a road event permit (s 144 of the Roads Act) or temporarily close a road to facilitate such a permit (s 115 of the Roads Act) without approval from Transport for NSW. However, a road event permit in relation to a classified road cannot be granted except with the consent of Transport for NSW. Road event permits are available for neighbourhood activities such as community barbecues, social gatherings, street parties, kids play days and other non-commercial events organised by nearby residents.

Councils may allow a temporary road closure to facilitate such events, subject to a few common-sense rules such as ensuring the street to be closed is not on a bus route, is not near traffic signals and does not block access to public transport.

If activities are held on unclassified roads, councils can determine where and when events are held, how neighbours are to be notified and how traffic and closures can be safely managed.

4 Development and planning pathways for events

Event organisers and councils must consider the EP&A Act where an event includes ‘development’, such as the erection of a building. A temporary public event may be considered development that is regulated under the EP&A Act.

Development can take many forms. This section provides guidance on what is defined as ‘development’ in the context of event organisation.

4.1 Is a community event development?

If a community event involves a temporary structure, the erection of that structure would constitute development (s 1.5(c) of the EP&A Act).

Even if the event does not involve a temporary structure, the gathering of people could be an activity associated with development controlled under the relevant environmental planning instrument. If there is gathering of sufficient scale and for purposes different from the normal use of the land, this might constitute a change of use of the land and would, therefore, be considered development.

Proponents and local councils should consider the planning controls under relevant environmental planning instruments and other legislative requirements applying to the land in order to determine the approvals required for an event to operate. This may depend on whether the land use is permitted to be carried out as exempt or complying development under an environmental planning instrument such as the local environmental plan or a state environmental planning policy.

4.2 Is development consent required for community events?

If the event involves ‘development’ as defined by the EP&A Act, it may fall under one of 3 development pathways. The event could be:

- exempt development under section 1.6 of the EP&A Act, which does not require development consent or formal assessment and approval from a council or certifier. Exempt development must comply with the relevant requirements and standards specified for the development in accordance with the relevant environmental planning instrument.
- complying development under Part 4 of the EP&A Act, which can be approved through the issue of a certificate by a local council or private certifier. Complying development must comply with the relevant requirements and standards specified for the development in accordance with the relevant environmental planning instrument.
- local development under Part 4 of the EP&A Act, which is subject to assessment and determination by a development consent authority.





4.2.1 Exempt development

The [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the Codes SEPP) sets out most forms of exempt and complying development that can be carried out in NSW. For example, tents, marquees and booths for community events may be carried out as exempt development under sections 2.119 and 2.120 of the Codes SEPP, provided the development meets the specified development standards.

While most types of exempt development and their development standards are specified in the Codes SEPP, exempt development can also be specified in a different environmental planning instrument that applies to the land, such as a council local environmental plan or a state environmental planning policy.

Some local environmental plans specify exempt development to streamline the delivery of community events

For example:

- Exempt Development for Temporary signs and banners (Part 3.1 and Sch 2, Sydney Local Environmental Plan 2012)
- Schedule 2 Temporary use of land for the purposes of function centres, recreation facilities (outdoor) or markets (Part 3.1 and Sch 2, Wollondilly Local Environmental Plan 2011).

4.2.2 Complying development

Complying development may be approved through a fast-tracked assessment and the issue of a certificate by a local council or private certifier, for example, a complying development certificate. A formal development assessment by the local council is not required for complying development.

Complying development must meet the relevant requirements and standards specified under the relevant environmental planning instrument, such as the Codes SEPP. Complying development may allow larger temporary structures, for example stages, than those permitted as exempt development.

4.2.3 Development – permitted with consent

An environmental planning instrument that applies to the land may specify a certain type of development is permitted with consent. A proponent cannot carry out that development unless they obtain consent and all relevant standards and requirements have been met.

For example, ‘kiosks’ is a land use that is defined in the Standard Instrument – Principal Local Environmental Plan (the Standard Instrument) as a premises used for the purposes of selling food, light refreshments and other small convenience items. A kiosk requires development consent in RE1 zones under local environmental plans that have adopted the Standard Instrument.

5 Streamlining planning approval

Given the planning pathways outlined in section 4 of this guideline, this section proposes ways in which councils might direct an event organiser to an appropriate planning pathway for their community event. It discusses each approach, starting with the pathway requiring the least effort at the base of the pyramid shown in Figure 1 through to that with most effort required at the top of the pyramid.

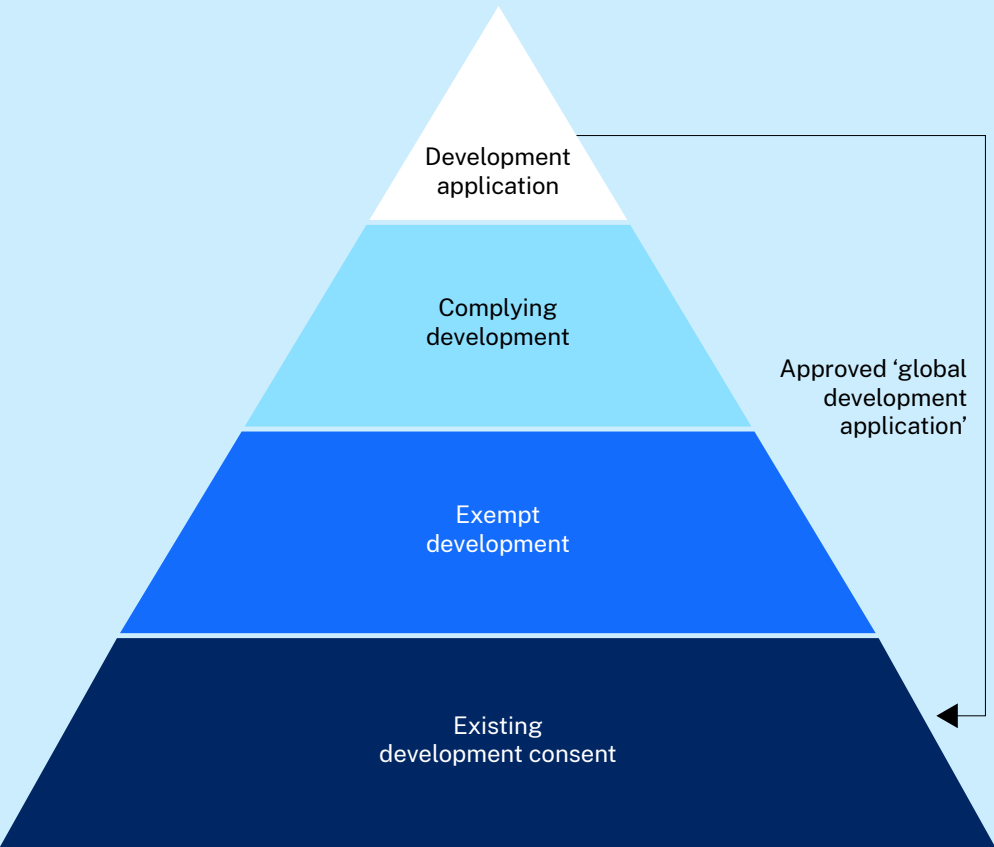


Figure 1: Hierarchy of planning pathways for community events – the lower the layer, the least effort required

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5.1 Work within an existing development consent

The simplest planning approval is the one that has already been obtained.

Development consent may have already been granted to carry out a particular use on the land on which an event is to be held. If the intended temporary event complies with an existing development consent (including any conditions of that consent), no further planning approval is required to use the land for that purpose provided that the consent remains valid and has not lapsed. It will save the event organiser time and expense if they can operate within the existing conditions of development consent.

A council could urge the event organiser to consider making small modifications to their event if it would enable compliance with the existing conditions of development consent.

If the event organiser cannot adjust the event to comply with an existing development consent, they might consider lodging an application for the modification of the development consent to allow the event to be held. The event organiser should discuss this with council's planning team.

Although development consent may not be required, approval from council may be needed to reserve an area of public land for exclusive use, such as a section of a local park, under the council's local approvals policy.

5.2 Design for exempt development

An event organiser could work within the parameters of exempt development specified in the Codes SEPP, or other relevant environmental planning instrument, to streamline approval for the event.

For example, if a temporary stage is required for a community event, the event organiser could limit the size of the stage to 50m² to comply with the development standards in s 2.124 the Codes SEPP. If this and all other relevant exempt development standards are met, erection of the temporary stage is exempt development and does not require development consent.

5.3 Design for complying development

A community event could be designed to be complying development and the event organiser could obtain a complying development certificate from a registered private or council certifier. Complying development is a fast-track approval process for straightforward development, usually saving proponents time and money compared to the full development application process.

However, where a community event requires multiple marquees for the selling of goods (such as at a farmer's market), it may be characterised as a 'retail premises', which may require development consent under the applicable environmental planning instrument. In this instance, lodgement of a development application may be required to carry out that development or to temporarily use the land for that purpose under s 2.8 of the applicable council local environmental plan.

5.4 Development application

5.4.1 Development applications for a regular community event

If a regular community event (such as one held annually) is held on the same land on each occasion, the event organiser should consider lodging a development application with council to cover the regularity of that event (for example, annually for the next 5 years).

If approved, this can provide a level of confidence for event organisers to begin planning for the temporary structures, traffic management and patronage required for the event within the parameters of the conditions of the development consent. It also removes the risk of delaying the event while waiting for determination of a development application.

5.4.2 Development applications for multiple community events

If a council wants to encourage community events at a particular site, they may submit a development application that pre-defines the type of future community events they wish to attract.

The development application would include event planning considerations such as:

- pre-defined dates, duration, frequency and times
- capacities
- entertainment and activities
- waste management
- amenities
- traffic management
- security management
- noise management
- emergency management

The development application would also outline any temporary structures, their layouts and massing envelopes, for example:

- pre-defined temporary road closure extents
- staging
- barriers/fencing
- tables and chairs
- lighting and ancillary structures
- stalls and stations
- toilets.

Such a development application is sometimes referred to as a 'global development application' because separate development consent may not be required for each event where event organisers propose an event within the parameters established by the existing development consent.

A council may choose to invest planning resources into preparing and lodging a global development application as it could encourage event organisers to hold community events on public land. When a global development application is approved, the development consent conditions provide event organisers with clear event parameters for the site and remove the need to lodge their own development application (if the event is operated within existing consent conditions).

Councils should note that the development application will need to be assessed by the local planning panel. The council cannot be both the development proponent and development consent authority.

Wollongong City Council has invested time and resources into obtaining development consent for a range of community events to be held on specific pieces of community land in their local government area. An example of development consent for one such site is shown in [Appendix B](#).

Appendix A:

Glossary of key terms

Term	Definition
Classified Road	<p>Within the definition of the Roads Act 1993, means a:</p> <ul style="list-style-type: none"> • main road • highway • freeway • controlled access road • secondary road • tourist road • tollway • transitway • state work
Community land	<p>A type of public land for use by the community, such as a park</p> <p>Community land is categorised as one of the following:</p> <ul style="list-style-type: none"> • a natural area • a sportsground • a park • an area of cultural significance • an area of general community use.
Development application	<p>An application for consent, usually made to the local council, under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development</p> <p>A development application approval/consent does not exclude an event organiser from having to obtain approvals and licences under other Acts.</p>
Environmental planning instrument	<p>A local environmental plan or state environmental planning policy made under Part 3 of the Environmental Planning and Assessment Act 1979</p> <p>Environmental planning instruments contain the controls that apply to the development of an area/site.</p>
Entertainment facility²	<p>A theatre, cinema, music hall, concert hall, dance hall and the like but not including pubs or registered clubs</p>
Exempt development	<p>Development classified in an environmental planning instrument as development that may be carried out without the need for development consent because it will have minimal environmental impact, so long as any requirements of the environmental planning instrument are satisfied</p>

² Standard Instrument — Principal Local Environmental Plan (2006 EPI 155a)

Term	Definition
Function centre³	<p>A building or place used for holding of events, functions, conferences and the like, including convention centres, exhibition centres and reception centres, but not including an entertainment facility</p> <p>The reference to 'place' means that a function centre can be an outdoor space. It does not need to be a building.</p>
Local approvals policy	<p>A local policy about activity approvals required under s 68 of the Local Government Act 1993 that councils can prepare and adopt under Chapter 7, Part 3 of the Act</p> <p>Local approvals policies are often used to provide approval exemption for minor activities or streamline the approval process.</p>
Operational land	<p>Public land held by a council that facilitates council functions or land that is not open to the general public such as a works depot</p>
Plan of management	<p>Specifies the purposes for which land, and any such buildings or improvements, will be permitted to be used</p> <p>The Local Government Act 1993 requires community land to be used and managed in accordance with a plan of management. Through plans of management, councils can determine the permissible uses of public land under each category. A plan of management also sets out the scale and intensity of activities permitted on the land. A plan of management is prepared in consultation with the community before it is endorsed by council.</p>
Public land³	<p>Any land (including a public reserve) vested in or under the control of the council, not including:</p> <ul style="list-style-type: none"> • a public road • land to which the Crown Land Management Act 2016 applies • a common • a regional park under the National Parks and Wildlife Act 1974 <p>Public land must be classified as either community or operational land.</p>
State environmental planning policies	<p>A form of environmental planning instrument made under the Environmental Planning and Assessment Act 1979 by the state governor to make provision for matters that are of state or regional environmental planning significance</p> <p>As a general rule, State environmental planning policies take precedence over local environmental plans.</p>

³ Local Government Act 1993

Appendix B:

Case study on Wollongong Council's global development applications

Wollongong Council has streamlined development consent for community events by itself obtaining development consent for various events on the same land. The consent lasting for several years.

Because the development consent applies to the land (not the applicant), different event organisers can hold community events on the land provided they comply with the development consent conditions for the temporary use of that land.

“Events are made easy in Wollongong with a great selection of pre-approved event sites.

You don't have to apply for a development application if you're using one of our pre-approved sites. That means you're one step ahead in the planning process.

All you need to do is choose your site, talk to our Events team, and make an online Event Application. It's that easy!”

– Wollongong Council website

Other councils may wish to streamline their development consent for popular event sites by lodging a development application for the temporary use of land for the type of events described in the development application.

Under s 2.8 of Wollongong City Council's local environmental plan, the temporary use of land can be granted up to 52 times per calendar year. Council lodged separate development applications for temporary use of the land at numerous key sites across their local government area. The Wollongong Local Planning Panel assessed each development application because the council cannot be both the consent authority and the applicant.

The council's development application for the temporary use of land in Thirroul was for up to 52 events in a year comprising a maximum of 2 'Tier 2' events, 6 'Tier 3' events and unlimited 'Tier 4' events up to a maximum of 52 events in a 12-month period.

The assessment report, commentary and decision for 'DA 2020/165 Major event application for temporary events to a maximum of 52 days in any 12-month period - Thirroul Beach Reserve and foreshore' can be found in the [Business Papers](#) for the [Wollongong Local Planning Panel Meeting on 10 December 2020](#).

