

Outdoor Events

Policy 2013



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Contents

- 1 Introduction**
- 1.1 Legislative framework**
- 2 Policy objectives**
- 2.1 Using this policy**
- 3 Public realm and outdoor event sites**
- 3.1 Function of the public realm**
- 3.2 Public realm categories**
- 4 Outdoor event management**
- 4.1 Event types**
- 5 Obtaining approval to stage an event**
- 5.1 Sydney Harbour Foreshore Authority open space licence agreement**
- 5.2 Applying for an event licence**
- 5.3 Event structure certificate**
- 5.4 Development application**
- 5.5 Other certificates and permits**
- 6 Fees and charges**
- 6.1 Public realm hiring fees**
- 6.2 Authority event service fees**
- 6.3 Other fees**

1 Introduction

1.0 Overview

The Outdoor Events Policy and Outdoor Events Technical Manual are tools for event applicants and Sydney Harbour Foreshore Authority staff to manage temporary outdoor events. This policy provides prescriptive conditions for the use, care, operation and management of permissible temporary events on each identified site. Temporary outdoor events are generally events with a duration, including set-up and clean-up, of one day to 10 days with no permanent physical change to the amenity of the event site.

The Authority has always recognised the legitimate and appropriate use of its parks and open spaces by various groups, and for a variety of event types. However if not adequately regulated, such events have the potential to compromise the underlying values of the public realm and limit public access without commensurate public benefit. Consequently, it is necessary to regulate the use of these public realm sites for events in terms of amenity, type and frequency of use, and to ensure that sites remain generally available for their intended public use by residents and visitors.

This policy is intended for the information of applicants, event organisers and consent authorities when considering an outdoor event and should also be read in conjunction with Sydney Harbour Foreshore Authority's Outdoor Events Technical Manual 2013, which provides the applicant with detailed site information for each of the available sites.

The policy outlines the Authority's objectives and provides procedural guidelines and points of contact within the Authority when assessing outdoor event proposals. The manual should be used as a guide to determine a suitable location for the event and the specifications that will be applied.

Contact details

Enquiries on the availability and terms for the use of the Authority's public realm sites can be made via the Authority's Venue Hire department on (02) 9240 8500

Information relating to the Authority's services, facilities, public realm sites, and forthcoming events can also be obtained from the Authority's website www.shfa.nsw.gov.au.

1.1 Legislative framework

State Environmental Planning Policy (Major Development) 2005 (the SEPP-MD) identifies land at The Rocks, Circular Quay and Darling Harbour as sites declared to be State significant.

The SEPP-MD allows various types of community and commercial events, which comply with the provisions of the policy, to be held on Authority land without the need to seek further planning approval (known as 'exempt development'). Notwithstanding, any event still requires landowner consent from the Authority.

The State Environmental Planning Policy (Temporary Structures) 2007 (the SEPP-TS), identifies those temporary event structures that are considered to be 'exempt development'—i.e. not requiring a development application, but still requiring the landowners consent.

Note: The Department of Planning & Infrastructure is currently reviewing the 'Exempt Development' provisions of both the State Environmental Planning Policy (Major Development) 2005 and the State Environmental Planning Policy (Temporary Structures) 2007, with intention to update and consolidate both policies into one State policy known as the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the SEPP-Codes) by 2013.

The Authority will advise all event organisers on the status of 'Exempt Development' on Authority land upon receipt of event enquiries and applications.

If an event is proposed that is not considered to be 'exempt' under the policy, the event organiser will then need to lodge a development application with the City of Sydney Council for the proposed event and associated structures.

Regardless of the need for a development application, all outdoor event applications are subject to the following requirements prior to the commencement of the event:

- a) obtaining landowner agreement of the Authority for use of an outdoor event site; and
- b) obtaining an open space licence agreement with the Authority.

Event organisers will need to check with the Authority on the required application procedures for conducting any temporary outdoor event on any of the sites contained within this policy.

The Authority's Outdoor Events Policy shall be reviewed within three years of its amendment to reflect any changes to the site circumstances and relevant legislative changes within the Authority's core and managed land.

2 Policy objectives

2.1 Using this policy

This policy provides a general understanding of public realm definitions, management, hiring procedures and responsibilities. Application forms, licence agreements and standard conditions of use associated with the holding of an event are downloadable from the Resource Centre of the Authority's website.

The Authority reserves the right to approve, condition or decline any event proposed for a public realm site, based on the merits and appropriateness of the event, the suitability and condition of the proposed site, and any environmental impacts. Event organisers should note that event bookings involving large crowds will not be granted on major special occasions such as Australia Day, New Year's Eve, and other times as determined by the Authority.

Additional information/guidelines/requirements in order to assist event organisers with preparing their applications are set out in section 4.0 of this policy.

Please note: Busking is not addressed by this policy. Busking is permitted in The Rocks and Darling Harbour only and is managed by individual busking policies for these precincts. For more information regarding the Authority's busking policies, permits and procedures visit the Authority's website.



3 Public realm and outdoor events sites

The Authority needs to consider the frequency and cumulative impact of staged events upon a public realm site. This may lead to the Authority limiting the frequency of events at a specific site.

3.1 Function of the public realm

For the purpose of this policy, the public realm, including parks, outdoor recreation facilities, streets, lanes, pathways, waterways and foreshore promenades are all those public spaces and sites listed below:

The Rocks precinct

- > First Fleet Park
- > Museum of Contemporary Art Lawn
- > Bligh & Barney Reserve
- > Campbells Cove
- > Hickson Road Reserve
- > Dawes Point Park (Tar-ra)
- > Playfair Street and The Rocks Square
- > Jack Munday Place
- > George Street north

Darling Harbour precinct

- > Sydney Entertainment Centre forecourts
- > Chinese Garden forecourt
- > Chinese Garden of Friendship
- > Darling Quarter Village Green - North
- > Darling Quarter Village Green - South
- > Tumbalong Park
- > Palm Grove
- > Cockle Bay and promenades
- > Druitt Landing
- > Harbourside Amphitheatre
- > Pyrmont Bridge

Birchgrove

- > Ballast Point Park

3.2 Public realm categories

There are various forms of open space and public sites designed for the community's varying needs and requirements. Open space is categorised depending on the facilities provided and the prevailing ownership patterns.

3.2.1 Categorisation based on scale

Scale is an important consideration in defining how a specific area of the public realm may be used for temporary events without adversely impacting upon its regular users. For example, Bligh and Barney Reserve is an intimate local passive park whereas Circular Quay is a prominent foreshore promenade that attracts local, national and international visitors. Each open space typology caters to different community needs and has different functional potential.

3.2.2 Passive or active open space

Passive open spaces are typically used for leisure pursuits including walking, sitting, picnicking and sightseeing. Active open space, on the other hand, offers formalised facilities such as sports grounds, tennis courts, swimming pools and community centres. Both open space typologies are important in that they offer choice between structured and non-structured recreational use. Passive open space in the city centre and foreshore areas is generally accessible to the public without cost, whereas formalised active facilities (e.g. tennis courts) often incur an entrance or user fee to cover use and maintenance of the facility. Access to, or exclusion from, the public realm must therefore consider attributes such as equity and affordability for regular use by the wider community.

4 Outdoor event management

Event organisers are required to submit essential event information in order to determine whether the public realm is suitable to cater for an event, and whether an Authority open space licence agreement can be granted for that event. The applicant's information should include, but not be limited to, the following details:

- > the type of activity to be held
- > the date and duration of the event
- > the scale of the event (e.g. is it a neighbourhood, regional or national event)
- > the target market (e.g. is it a public or invitation only event)
- > a realistic estimate of patron attendance
- > the facilities required by those staging the event and attending.

Criteria that the Authority and event organisers must consider include:

- > is the public site capable of accommodating the proposed event without creating undue damage to the site condition and any in situ infrastructure?
- > can the public site cater for the number of patrons anticipated and associated event equipment?
- > how will the event impact on adjoining residents, tenants and property owners?
- > how will associated issues of noise, parking, lighting and other disturbances be managed?
- > are supplementary waste and sanitation facilities required?
- > does the site provide adequate access, parking and toilet facilities to cater for the event, including requirements for persons with a disability?
- > is a Risk Plan and/or a Security and Emergency Management Plan required and has the applicant provided satisfactory information in these plans?
- > is a Waste Management Plan required and has the applicant provided satisfactory information in these plans?
- > have appropriate approvals, open space licences and/or any other related permits been obtained?
- > have appropriate insurances (e.g. public liability and workers compensation) been obtained?
- > have appropriate measures to protect the amenity of the public not attending an event (e.g. ensuring the provision of adequate public circulation around the event) been considered?

4.1 Event types

This section defines the event types that operate on public realm sites.

The range of events which may be permissible on the Authority's public realm, subject to the Authority's approval and the appropriateness of the site, include the following:

- > movable/transitory events (e.g. fun runs, parades, marches, street theatre) and associated road closures
- > public events (e.g. community/ commercial events and festivals open to the public with free entry)
- > corporate events (e.g. exclusive and private functions by invitation only and attracting a registration fee, for example corporate launches and conferences)
- > fund raising for registered charities
- > filming and photography
- > individual ceremonies (e.g. weddings, naming days, public openings)
- > commercial events (e.g. product launches, sampling)
- > live sites (large screens located in the public realm broadcasting major events).

4.1.1 Movable/transitory events and associated road closures

Moveable activities, including parades, marches, and fun runs, are generally permitted on the Authority's public sites, conditional upon the applicant providing the Authority with full details of the proposed event, and obtaining necessary approvals e.g. Sydney Traffic Committee approval.



4 Outdoor event management

4.1.2 Public events

Public events include events that are open to the public and free of any entry charge, for example cultural events, public markets, festivals and performances. The Authority will assess any public event proposal on its merits, and consider the impact on the public site, the local residents, the local business community and other visitors to the precinct.

The Authority will give preference to events that:

- > are of interest or benefit to the general public
- > attract broader audiences to the proposed public site
- > facilitate maximum access by the general public
- > are of broad cultural or social significance
- > do not detract from the qualities of the public realm site, for example, visual/physical impact of large structures, estimated patronage levels, potential property damage, and any impacts on the site's cultural, heritage or social significance.

4.1.3 Corporate and private functions

Corporate and private functions are those that are staged by invitation only to a targeted audience, and/or apply an entry fee to patrons. Corporate and private functions must be designed so as not to prevent general public access to the harbour foreshores.

Specific areas within the public realm are appropriate for corporate functions depending on the nature and timing of the event, and the availability of required infrastructure (for example, areas for public seating and stages, source of electricity etc).

4.1.4 Fund raising

Only registered charities that have an official Charity Fundraising Number (CFN) will be permitted to collect funds on their respective charity days (e.g. The Salvation Army Red Shield Appeal). Specific locations for charity collection will be provided by the Authority's officers upon application to stage charity collection. The Authority reserves the right to restrict collection to nominated areas so as to ensure that other important services, access, maintenance or functions may occur concurrently.

4.1.5 Filming and photography

The Authority is committed to supporting the screen industry and provides an environment that encourages filming and photography. In 2009 the NSW Government introduced the Local Government Filming Protocol to strengthen support for location filming. This protocol is intended to foster understanding between industry and stakeholders, to simplify procedures and build a good working relationship for NSW as a whole. The Authority has adopted this protocol in its assessment of filming applications. Filming and photo shoots are permitted 'in principle'. Applicants are required to obtain a permit to use the Authority's public sites for activities supporting filming and photography.

Large scale film shoots will only be considered where they do not negatively impact upon the public realm and in situ infrastructure. Filming will also be considered on roads, laneways and footpaths where the filming does not significantly congest or obstruct pedestrian or vehicular flow, obstruct or interfere with tenant trading, or unreasonably deny public access, in the absence of an equitable alternative route.

The use of any roadways or road closures associated with filming and photography may require the approval of the Sydney Traffic Committee (in addition to any licence agreement required by the Authority). For applications to the Sydney Traffic Committee, please contact the City of Sydney Council's Transport and Access department on (02) 9265 9648.



4.1.6 Ceremonies

Individual ceremonies, such as weddings, naming days and associated receptions will be permitted on specific public realm sites. Refer to the Outdoor Events Technical Manual for appropriate locations.

4.1.7 Commercial events

Commercial events, such as product launches and product sampling, are generally permitted in the Authority’s public realm. The Authority will only consider events that:

- > are of interest or benefit to the general public
- > attract broader audiences to the public site in question
- > do not detract from the qualities of the public site in question, for example, visual/physical impact of large structures, estimated patronage levels, potential property damage, and any impacts on the site’s cultural heritage or social significance
- > do not detract from the precinct brand
- > do not compete directly with any stakeholder businesses
- > do not conflict with any Authority sponsorship agreements.

4.1.8 Flyers, leaflets and sampling

The Authority controls the distribution of flyers, leaflets or sampling products, in association with an event, in order to:

- > ensure that all flyers and products are relevant to the approved event that is being conducted
- > maintain the public realm in a clean manner and to avoid litter
- > avoid third-party advertising and ambush marketing.

Flyers and leaflets may only be distributed subject to the following criteria:

- > Authority approval must be obtained prior to any distributions
- > distributions must be relevant to the carrying out of an approved event, and may include the event sponsor’s logo or name
- > distribution may only be conducted during the period of an approved event, or hours specified by the Authority
- > the contents of flyers must not include any third-party advertising, including the names, products or logos of third party or competing marketing other than those directly related to the event (e.g. sponsor information)
- > the applicant must submit a copy of the flyer to the Authority for its prior approval
- > the applicant must submit a Distribution Management Plan, which details persons and locations of distribution, and method for management of waste both during and after the event period
- > distribution is generally only permitted from approved fixed points within the event venue
- > roaming distribution will be assessed on a case by case basis.

Product sampling may only be permitted subject to the following criteria:

- > Authority approval must be obtained prior to any distribution
- > the product must provide a direct benefit to the public (e.g. consumable, entertaining, and interactive)
- > the product must be a sample size and not available for retail
- > the product must not directly compete with either our stakeholder’s products or other Authority sponsorship arrangements
- > the product must be appropriately packaged
- > the applicant must submit a Distribution Management Plan, which details persons and locations of distribution, and method for management of waste both during and after the event period
- > distribution is generally only permitted from approved fixed points within the event venue or precinct.



5 Obtaining approval to stage an event

The staging of any event is conditional upon the applicant obtaining relevant licences and consents. Failure to meet any of the following approvals, prior to the commencement of an event, may result in the cancellation of the event.

5.1 Sydney Harbour Foreshore Authority landowner consent and Open Space Licence Agreement

All events proposed to take place on any outdoor event site owned or managed by the Authority must acquire the Authority's landowner approval prior to the commencement of that event. Furthermore, an Open Space Licence Agreement is required for all events and temporary structures proposed in the Authority's public realm, under the *Crown Lands Act 1989*. The Open Space Licence Agreement is a legally binding licence agreement, signed by the applicant and the Authority, and detailing the proposed outdoor event, the public site, and relevant conditions.

The agreement must be finalised prior to the commencement of an event. The Authority will determine Open Space Licence Agreements where it is the property owner and or managing Authority. Under the agreement, the applicant may be required to obtain, and forward to the Authority, copies of all relevant licences and other relevant approvals required by other authorities, at least 10 working days prior to the commencement date of the use of the open space.

5.2 Applying for an event licence

Applicants and event organisers will need to submit an Authority Venue Hire application form and check with the Authority's Venue Hire department if development consent is also required.

5.3 Event structure certificate

If your application to stage an outdoor event involves a temporary structure, such as a marquee or stage, then you will also be required to submit to the Authority a certificate of structural adequacy against the provisions of the Building Code of Australia.

5.4 Development application

Many outdoor events can be classified as 'exempt development' as defined by the State Environmental Planning Policy (Major Development) 2005 (the SEPP-MD), and/or the SEPP (Temporary Structures) 2007 (the SEPP-TS).

Exempt development does not require a formal development application for the outdoor event use of a site and associated event structures but does require the Authority's landowner consent, and an executed Open Space Licence Agreement with the Authority, prior to commencement of any event.

Note: The Department of Planning & Infrastructure is currently reviewing the 'exempt development' provisions of both the State Environmental Planning Policy (Major Development) 2005 and the State Environmental Planning Policy (Temporary Structures) 2007, with intention to update and consolidate both policies into one State policy known as the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the SEPP-Codes) by the end of 2013.

The Authority will advise all event organisers on the status of 'exempt development' on Authority land upon receipt of event enquiries and applications.

Outdoor event applications that are not classified as 'exempt development' must lodge a development application (DA), and obtain development consent from the City of Sydney Council.

The Authority's Venue Hire department can assist you in determining if your event requires a development application. They can be contacted on (02) 9240 8500.

Both 'exempt' development and development applications for temporary events will require landowner's consent from the Authority and an application to the City of Sydney council as the assessment authority.

5.5 Other certificates and permits

Temporary outdoor events may also need to obtain special permits, or proven compliance with external statutory requirements, including, but not limited to:

1. approval for use of roads/road closures
2. licence to serve alcohol
3. food safety requirements
4. generation of noise.

The following is required for all venue hire bookings:

- > public liability insurance of no less than \$20 million with Sydney Harbour Foreshore Authority noted as an interested party on the certificate of cover unless otherwise agreed
- > workers compensation insurance for any employee of the applicant, in connection with the use of an outdoor event site
- > the applicant must comply with the laws governing Work Health Safety (WHS) for its employees
- > copies of these certificates and policies as required will be mandatory.

6 Fees and charges

This policy section addresses the relevant fees and charges associated with licences and applications for outdoor events, in particular those associated with:

1. public realm hiring costs, including bonds, and other associated costs
2. Authority services costs associated with the development, management and maintenance of a proposed event
3. approval fees, including (where relevant) development application, application for approval, and complying certificate fees.

All fees have been set to recover the direct and indirect costs associated with the hire of the public realm, and the assessment process for outdoor event applications. The public realm hiring fees are comparable to the current market rates and will be subject to annual review. Hire fees may be subject to change without notice and it is the applicant's responsibility to ensure that the information provided is current. Development application fees are regulated and updated by the Environmental Planning and Assessment Regulation 2000. The Authority reserves the right to waive or reduce fees in certain instances.

6.1 What is included in the public realm hiring fees?

Public realm hiring costs include, but are not limited to, the following:

1. application fee
2. hiring fee for the public realm site/venue
3. bonds.

The following service fees or other charges may also apply:

1. security
2. waste/cleaning management
3. Authority staff site management
4. applicable loadings
5. road closure
6. other fees.

The hiring fee for a specific event on a public site will be developed in consultation with the Authority's Venue Hire department in assessing an application for an event.

6.1.1 How are hiring fees for public realm sites calculated?

Site hiring fees are developed on the following criteria:

- > type of event including the nature and size of the event proposed
- > the public site sought
- > the duration of the event
- > the impact of the event on the public realm
- > the Authority's administration fee
- > time of application
- > booking period (e.g. weekdays, weekends, and holidays).

6.1.2 Application fee

An application for an event will attract a fee. A schedule of fees covering process and administration cost is available from the Authority's Venue Hire department, or from www.shfa.nsw.gov.au

6.1.3 Bonds

A bond may be required by the Authority to secure against damage, non-compliance to the agreed Open Space Licence Agreement conditions, or any costs incurred by the Authority. The applicant is to meet the cost of any property damage caused as a result of activities of the applicant or their contractors, for the duration of occupation of the site. These costs will be deducted from the bond unless other arrangements are made.

If the repair costs for the damage incurred are greater than the bond, then the full costs must be paid and the applicant is required to pay any balance outstanding as liquidated damages. A sum may be deducted from the bond for any breaches of the agreement. The Authority will advise an approximation of hire charges and bonds upon assessment of the proposal.

6 Fees and charges

6.1.4 Road closure fee

An application for an event that requires the temporary closure of a street (partial or full) will need to be referred to the Sydney Traffic Committee for its endorsement. The Authority can assist event organisers in submitting a proposal to the Sydney Traffic Committee. Event applications involving road closures will also incur a fee for the use of the roadway, erection of barricades, and re-direction of traffic and security management. Fees may also be applied by the Roads and Maritime Services (formally RTA) (media advertisements for road re-directions) and the NSW Police Department (management of road closures).

6.1.5 Confirmation of bookings

No venue reservation or booking shall be made until the Authority receives a completed application form. If the application is considered to be appropriate, a booking shall then be confirmed by the Authority in writing. Final approval shall not be granted until an Open Space Licence Agreement has been issued, signed by both parties and a copy returned to the Authority.

6.1.6 Payments, cancellation and refunds

All fees and charges imposed by the Authority in connection with the event are to be received no less than five (5) working days prior to the event, unless the Authority has agreed to alternate arrangements. Failure to make such payment will give the Authority the right to revoke its permission for the event to be held. The Authority will not commit to the provision of any services until payment for services is received. Cancelled events incur the following:

- > Notice received by the Authority at least 30 days prior to the date of commencement: Full refund of the fees, bonds and service charges paid to the Authority less the application fee which will be withheld in full.
- > Notice received by the Authority at least 14 days prior to the date of commencement: 50 per cent of the fees and 100 per cent of the bonds and service charges paid to the Authority less the application fee which will be withheld in full.
- > Notice received by the Authority at least seven days prior to the date of commencement: 25 per cent of the fees and 100 per cent of the bonds and service charges paid to the Authority less the application fee which will be withheld in full.

- > Notice received by the Authority at least one day (more than 24 hours) prior to the date of commencement: 10 per cent of the fees and 100 per cent of the bonds and service charges paid to the Authority less the application fee which will be withheld in full.
- > Notice received by the Authority less than one day (less than 24 hours) prior to the date of commencement: 10 per cent of the fees and 100 per cent of the bonds, paid to the Authority. Service charges and the application fee will be withheld in full.

The licensee acknowledges that the licensed area is in the public realm and that the Authority may be unable to provide the licensee with use and occupation of the licensed area due to circumstances beyond its reasonable control, including but not limited to, an emergency, unforeseen urgent requirement and exceptional weather conditions.

Where the Authority is unable to provide use and occupation of the licensed area due to circumstances stated above, the licensee's sole remedy will be a refund of the fees, bonds and service charges paid to the Authority.

6.1.7 Late conclusion

All approved events must close, and the site be cleaned, by the specified time on the Open Space Licence Agreement.

If the conclusion of an event occurs after the time specified in the licence agreement, the applicant will be required to pay the Authority an additional day's hire charge or part thereof as determined by the Authority including but not limited to venue hire, staff, equipment, security, waste/cleaning management and any other associated costs. This is to discourage overstay in the public realm where resident, tenants and visitors have been advised otherwise.

6.1.8 Penalties for unauthorised events and structures

Financial penalties and the cost of removal may be applied by the Authority for the illegal or unauthorised use of a public area (in the absence of a licence agreement) or for the erection of an unauthorised event structure.

The Authority may apply financial penalties for:

- > the illegal or unauthorised use, or late conclusion of an approved event, in the Authority's public realm in accordance with the provisions of the Sydney Harbour Foreshore Act 2011 and the penalty infringement units and "Schedule 1 – Penalty Notice Offences" contained within the Sydney Harbour Foreshore Authority Regulation 2011
- > event structures that are erected in the absence of any Application for Approval under the *Local Government Act 1993* (as amended) and the Local Government Regulations 2000.

The Authority's rangers regularly monitor and manage the use of the Authority's public realm and the management of temporary events on public sites that have been approved by the Authority.

6.2 Authority event service fees

Certain events may require the Authority's services to assist in the development, management and maintenance of the event.

6.2.1 Security

The applicant will be responsible for the security of the public realm site being hired to the satisfaction of the Authority and required by law. The cost of these services will be at the organiser's expense. An event may require a Security Management Plan to be prepared and discussed with the Authority prior to the event. Security will be required for overnight protection of specific property, crowd management or general event presence.

6.2.2 Authority site coordinator

The hiring of an outdoor event site may require an Authority on-site coordinator to oversee the event compliance. Depending on the size and nature of the event, the Authority may allocate additional site coordinators to the event as required. Rates for staff are charged at a minimum four (4) hour call.

6.2.3 Cleaning

The applicant will be responsible for the cleaning of the venue being hired to the satisfaction of the Authority. Excessive waste generated as a result of the event will involve the use of the Authority's cleaning provider. Rates for additional cleaning are charged at a minimum four (4) hour call. All costs associated with waste removal will be billed to the hirer.

6.2.4 Power

Most locations include the use and source of power (refer to individual public realm site details in the Outdoor Events Technical Manual). However, any modifications to the existing power supply or electrical fittings will be at the hirer's cost, subject to the Authority's approval. Excessive power usage, either by duration or load may be billed to the hirer.

6.3 Other fees

Other fees may be applicable. For information, contact the Authority's Venue Hire department on (02) 9240 8500.

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