

Kyogle LEP 2012 (Amendment No 5) - Temporary Events as Complying Development

Proposal Title : **Kyogle LEP 2012 (Amendment No 5) - Temporary Events as Complying Development**

Proposal Summary : **The planning proposal seeks to amend Schedule 3 (Complying Development) within the Kyogle LEP 2012 by:**

- changing all references to 'Single day events' to 'Short term temporary events';
- change the provision that allows for events to be a single day only to allow a duration of two (2) days over a weekend period or three (3) days when the weekend coincides with a public holiday;
- change the provision from a maximum of biennially to a maximum of bi-annually;
- include a requirement for an 'Event Management Plan' to be prepared for any event utilising this provision; and
- include a note that signage (condition (3)) provisions will have no effect if a signage application is made through another instrument (such as the Exempt and Complying (Codes) SEPP).

PP Number : **PP_2015_KYOGL_002_00** Dop File No : **15/13062**

Proposal Details

Date Planning Proposal Received :	28-Aug-2015	LGA covered :	Kyogle
Region :	Northern	RPA :	Kyogle Council
State Electorate :	LISMORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :		City :		Postcode :	
Suburb :					
Land Parcel :	Kyogle LGA				

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**
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RPA Contact Details

Contact Name : **Manfred Boldy**
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DoP Project Manager Contact Details

Contact Name : **Jim Clark**
 Contact Number : **0266416604**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning & Environment Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The proposal seeks to increase the number of short term events that can be considered as complying development and thereby reduce the need for development applications to be submitted.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intention of the planning proposal. The planning proposal seeks to amend the Kyogle Local Environmental Plan (LEP) 2012 by increasing the opportunities for short term temporary events, to promote family orientated activities.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal intends to enable certain short term temporary events to be undertaken without the need for development consent using the complying development provisions. The planning proposal focuses on local complying development provisions which are dealt with through Council's Schedule 3 of LEP.**

It is noted that the planning proposal currently contains proposed drafting amendments. It is considered preferable that these proposed drafting amendments be removed prior to community consultation and replaced with a plain english explanation of the intended amendment to assist the understanding of the general public.

Parliamentary Council will be responsible for drafting the amendment with appropriate provisions, if the planning proposal is considered suitable to be made by the Minister (or his delegate).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.5 Rural Lands

* May need the Director General's agreement

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See Assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The planning proposal does not propose any amendments to LEP maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has indicated a 36 day exhibition period as part of the project timeline. Due to the minor nature of the amendment a 28 day community consultation period is**

recommended. Council has the ability to extend this period to 36 days if it considers that an extended time frame is more suitable.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

The planning proposal satisfies the adequacy criteria by:

- 1) Providing appropriate objectives and intended outcomes;
- 2) Providing an adequate justification of the proposal;
- 3) Outlining a proposed community consultation period;
- 4) Competing an evaluation for the issuing of an authorisation to exercise delegation. The proposal is considered a minor local matter. Delegation is recommended in this instance;
- 5) Providing a project timeline for the proposal. Council has estimated the completion of the planning proposal within six (6) months. As the proposal is for minor amendments to Schedule 3 of the LEP instrument, this time frame is considered appropriate.

Note: Although the 'Explanation of Provisions' was not suitable to satisfy the adequacy criteria, it will be conditioned by the Gateway and be amended prior to community consultation.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Kyogle LEP 2012 came into effect in February 2013. This proposal amends Kyogle LEP 2012.

Assessment Criteria

Need for planning proposal :

Although the planning proposal is not a result of any strategic study, the proposed amendments allow for the ongoing implementation of Kyogle's LEP and reducing the administrative processes resulting from the existing temporary Use of Land clause in the LEP for short term temporary events by allowing these activities to be approved through the complying development provisions. There are a number of other approvals that safeguard against any adverse effects from these types of events.

The LEP currently allows for events that have a duration of only one day which does not suit most events. Increasing the number of days available to hold events within the shire is considered more appropriate than to continue with the single day restriction.

A planning proposal is the appropriate method of enabling these initiatives through the local planning process.

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Consistency with strategic planning framework :

Far North Coast Regional Strategy

The proposal to allow for short term temporary events in the Kyogle area is not inconsistent with the provisions of the Far North Coast Regional Strategy.

Local Strategies

The planning proposal is not inconsistent with Council's strategic plans or its Economic Development Policy.

SEPP's

The planning proposal identified SEPP (Exempt and Complying Development Codes) as being relevant, as the planning proposal recommends making changes to allow short term temporary events as complying development within the Kyogle LEP. The SEPP contains related provisions for short term temporary events but the planning proposal is not inconsistent with these provisions.

The planning proposal identifies SEPP (Rural Lands) 2008 as being relevant as it contains provisions that affect rural zoned land. The proposal is not inconsistent with the Rural Subdivision Principles as no subdivision is proposed or the Rural Planning Principles of the SEPP.

S117 Directions

The following s117 Directions are applicable to this planning proposal, 1.1 Business and Industrial Zones, 1.5 Rural Lands, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.3 Farmland of State & Regional Significance on the NSW Far North Coast. Of the above s117 Directions the proposal is inconsistent with the following:

4.3 Flood Prone Land

This direction is relevant as short term temporary events may be permitted on land affected by this constraint. However, there are already flood prone land management provisions in Kyogle LEP 2012 which require that this issue be considered at DA stage. The potential impact of an increase in short term temporary events in flood prone areas can be managed through the existing LEP provisions and Council's development assessment processes. The inconsistency with this direction is considered to be of minor significance.

4.4 Planning for Bushfire Protection

The direction requires Council to consult with the Commissioner of the NSW Rural Fire Service after a Gateway determination has been issued. Until this consultation occurs the consistency of the proposal with this Direction remains unresolved.

The planning proposal is otherwise consistent with the s117 Directions.

Environmental social economic impacts :

The proposed is not expected to affect critical habitat, threatened species, populations or ecological communities.

By allowing short term temporary events that cover more than one day and streamlining the approval process, the changes to the provisions are likely to promote economic opportunities with Kyogle shire. These types of events bring visitors to the region and this increase in patronage in the shire can lead to flow on economic effects to the local community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Kyogle Council_28-08-2015_LEP 2012 Amendment 5 Temporary Events - s56_.pdf	Proposal Covering Letter	Yes
Kyogle Notes PP Amendmernt No 5 Temporary Events.docx	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
1.5 Rural Lands
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

- 1) The planning proposal should proceed as a routine planning proposal;**
- 2) The planning proposal is to be amended prior to community consultation so that it removes the drafting amendments and contains a plain English version of the Explanation of Provisions;**

3) The Secretary (or an officer nominated by the Secretary) agree that the inconsistency with s117 Direction 4.3 Flood Prone Land is justified as the matter is of minor significance.

4) The Secretary note that the inconsistency with s117 Direction 4.4 Planning for Bushfire Protection is outstanding. The RPA is required to consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of the direction.

5) Council will be required under section 56(2)(d) of the EP&A Act to consult with, prior to community consultation:
- NSW Rural Fire Service.

6) The planning proposal have a community consultation period of 28 days;

7) The planning proposal be completed in six (6) months; and

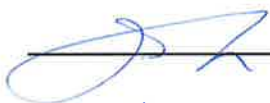
8) An authorisation to exercise delegation be issued to Kyogle Council.

Supporting Reasons :

The planning proposal seeks to encourage community based economic and social activities with a simpler and clear approval process for short term temporary events in the Kyogle LGA.

As the matter is of local significance delegation for Council to finalise the planning proposal is recommended in this instance.

Signature:



Printed Name:

JIM CLARK

Date:

8 September 2015

Team Leader Local Planning