

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**

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**

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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.

Panel Recommendation

Recommendation Date : 10-Sep-2015

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered of local significance and the Gateway determination is to be issued under delegation by the General Manager, Northern Region. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 10-Sep-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 6 months

Gateway Determination : The planning proposal should proceed subject to the following conditions:
1. That the planning proposal be amended prior to community consultation by:
o removing the proposed drafting amendments and providing a plain English explanation of the planning proposal in the Explanation of Provisions.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

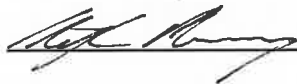
(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act to comply with the requirements of the relevant s117 Direction. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

10 SEPTEMBER 2015