

7.1 PLANNING PROPOSAL - TEMPORARY EVENTS – FILE No SF10100

DIRECTORATE: PLANNING AND COMPLIANCE

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1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Planning Proposal – Temporary Events”, Council:

- (i) receive and endorse the Planning Proposal to enable temporary events on land zoned RE1 Public Recreation and/or any local public roads within the Region to be undertaken without development consent;*
- (ii) approve the submission of the Planning Proposal to the NSW Department of Planning Industry and Environment (NSW DPIE) with a request for Gateway determination;*
- (iii) notify the NSW DPIE of Council’s intention to utilise its plan making power as delegated by the Department to make the proposed amendment to the Tamworth Regional Local Environmental Plan 2010; and*
- (iv) delegate to the General Manager any necessary amendments required to the Planning Proposal as a result of considerations by the NSW DPIE or as a result of Gateway determination.*

SUMMARY

The objectives and intended outcomes of this Planning Proposal are:

1. to enable certain temporary events on land zoned RE1 Public Recreation and/or any local public roads to be undertaken without development consent; and
2. to remove duplication of the approvals process under the *Local Government Act 1993*, the *Roads Act 1993* and the *Environmental Planning and Assessment Act 1979* (EP&A Act), as it relates to temporary events by not requiring development approval in accordance with the provisions of the EP&A Act.

COMMENTARY

The preparation of a Planning Proposal is the first step in the NSW Department of Planning, Industry and Environment’s (NSW DPIE) Gateway process which is the process for making or amending Local Environmental Plans (LEPs). The Planning Proposal recommends an amendment to the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) to enable temporary events on land zoned **RE1 Public Recreation** and/or any local public roads within the Region to be undertaken without development consent, the Planning Proposal is **ATTACHED**, refer **ANNEXURE 1**. The Planning Proposal removes the duplication of the approvals process under the *Local Government Act 1993*, the *Roads Act 1993* and the *Environmental Planning and Assessment Act 1979*.

Current Situation

The existing approval pathway for anyone wanting to hold an event on land within the Region such as “pop-up” events, stalls, public entertainment etc., involves the lodgement of a development application and associated fees in addition to approvals under the *Local Government Act* and/or a *Section 138 Roads Act* in some instances. It is considered that, provided all appropriate approvals are obtained, development approval is unnecessary and overly burdensome. An amendment to the TRLEP 2010, is the only method available to reduce the requirement for a development application and is the most effective means of permitting temporary events within public reserves and local roads without obtaining multiple approvals.

The requirement for approvals to be obtained under the *Local Government Act 1993* and/or *Roads Act 1993* will remain.

If Council resolves to adopt the attached Planning Proposal, then it will be sent to the NSW DPIE for Gateway assessment and approval. Should Gateway approval be granted the consent will contain conditions pertaining to exhibition timeframes, specific terms and consultation requirements as deemed necessary.

The estimated time frame for the proposed LEP amendment is outlined in the Planning Proposal which is attached to this report.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

This matter may result in an amendment to the *Tamworth Regional Local Environmental Plan 2010*. The Planning Proposal is an environmental planning instrument, a statutory legal document affecting land use within the Tamworth Regional Local Government Area.

(d) Community Consultation

As per the Gateway determination.

(e) Delivery Program Objective/Strategy

A Prosperous Region - P11 Support and facilitate economic development and employment opportunities.
