

Planning Services

Gateway determination report

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| LGA | Wagga Wagga |
| PPA | Wagga Wagga City Council |
| NAME | Planning Proposal to amend exempt development provisions for temporary event signage (0 homes, 0 jobs) |
| NUMBER | PP_2019_WAGGA_005_00 |
| LEP TO BE AMENDED | Wagga Wagga LEP 2010 |
| ADDRESS | Various |
| DESCRIPTION | Various |
| RECEIVED | 6 May 2019 |
| FILE NO. | IRF19/3193 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required. |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal. |

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend exempt development provisions contained in Schedule 2 of the Wagga Wagga LEP 2010 (WWLEP) for temporary event signage.

1.2 Site description

The planning proposal applies to Council owned land which is identified in Council's Temporary Event Signage Guidelines. The guidelines identify eight sites where purpose-built signage fixtures are located.

1.3 Existing planning controls

Schedule 2 Exempt development of the WWLEP contains provisions relating to 'Temporary promotional banners or flags'. The current provisions and proposed amendments are listed in section 2.2 of this report.

1.4 Surrounding area

The planning proposal applies to eight Council owned sites across the Wagga Wagga Local Government Area. The impact of the planning proposal on adjoining land is likely to be minor as signage may only be displayed on purpose-built fixtures located on each site.

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to the following conditions:

- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcome of the planning proposal is to update the exempt development provisions relating to temporary event signage contained in the WWLEP to align with changes to Council policy.

2.2 Explanation of provisions

The planning proposal seeks to amend Schedule 2 Exempt development of the WWLEP as follows. The proposed amendments to the existing provisions are shown in red text.

“Temporary ~~promotional banners or flags~~ event signs

Note. Certain other temporary structures are specified as exempt development under Division 3 of Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- (1) Must be located on Council-owned land or land for which the Council has care, control or management.
- (2) Must be for the purposes of promoting a civic or community event (including a public exhibition, a festival, a sporting event, a charity event or the like) to be held in the Council’s local government area.
- (3) Must not include advertising of a commercial nature, other than the name of the event’s sponsor **or small logo**.
- (4) Must have ~~the written approval of the owner of the land~~ **approval in accordance with Council’s Community Event Signage Guidelines**.
- (5) Must not be illuminated or reflective.
- (6) Must be removed within 2 days after the event.
- (7) Must ~~not relate to an event held on more than 3 consecutive days~~ **be located on a designated site identified in Council’s Community Event Signage Guidelines**.
- (8) Must not be higher than 5m above ground level (existing).
- (9) Must not have a surface area of more than 6m².
- (10) Must not be located on or visible from a classified road.
- (11) Maximum 1 ~~banner or flag sign~~ **on each designated site, not exceeding 4 banners or flags in total in the Council’s local government area**.
- (12) Must be wholly located within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall.
- (13) Must not obstruct or interfere with traffic signs.
- (14) Must not be permanently fixed to a building, fence, ~~or~~ **wall, power pole, tree, traffic sign or road sign**.
- (15) **Must only be displayed on the fixtures provided at the designated sites.**
- (16) **Must not be displayed earlier than 14 days before the event.:**
 - ~~(a) 14 days before the event, if banner or flag relates to an event held fewer than 3 times in any calendar year, or~~

~~(b) 1 day before the event, if banner or flag relates to an event held 3 or more times in any calendar year."~~

2.3 Mapping

The planning proposal does not seek to amend any WWLEP maps.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal states the proposed amendment is required to align the WWLEP with Council's 'Community Event Signage' policy and guideline. Council believe the proposed amendments will increase the flexibility of the existing policy framework for temporary event signage on Council owned land.

In line with Council's 'Community Event Signage' policy and guideline, the planning proposal will facilitate opportunities for the display of temporary event signage using purpose-built fixtures on designated Council owned land.

The proposed amendments to the WWLEP are minor given the intent of the existing LEP provisions is maintained. Given the proposed amendments will limit the display of signage to purpose-built fixtures, the planning proposal is unlikely to have any significant impacts.

The planning proposal is the best means of achieving the intended outcome as it aligns the WWLEP with Council policy. Amending the WWLEP to make reference to Council's Community Event Signage Guidelines is supported as it provides Council with the flexibility to add or remove designated sites without needing to amend the WWLEP.

4. STRATEGIC ASSESSMENT

4.1 State

There is no state strategic planning framework applicable to the planning proposal.

4.2 Regional / District

Land within the Wagga Wagga LGA is subject to the Riverina Murray Regional Plan 2036. The planning proposal states that it is consistent with the Regional Plan as it will facilitate the promotion of tourism opportunities that will help sustain the city economy.

The intended outcome of the planning proposal is not inconsistent with the Regional Plan. Given the amendments to the exempt development provisions contained in schedule 2 of the WWLEP are considered minor, the planning proposal does not affect the implementation of the Regional Plan.

4.3 Local

The intended outcome of the planning proposal is not inconsistent with the Wagga Wagga Spatial Plan 2013- 2043. Given the planning proposal seeks to make only minor amendments to the WWLEP, the proposed amendment does not affect the implementation of the Spatial Plan.

4.4 Section 9.1 Ministerial Directions

5.10 Implementation of Regional Plans

Direction 5.10 Implementation of Regional Plans applies as the planning proposal relates to land subject to the Riverina Murray Regional Plan 2036.

The planning proposal is consistent with the terms of this Direction as the proposal is not inconsistent with the Riverina Murray Regional Plan 2036.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

4.5 State environmental planning policies (SEPPs)

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

The planning proposal identifies the Codes SEPP as applicable.

Given the proposed amendments are specific to certain Council owned land identified by Council's 'Community Event Signage' policy, the planning proposal is not inconsistent with the exempt development provisions for temporary event signage contained in the Codes SEPP.

State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64)

The planning proposal does not include an assessment of the proposal's consistency with SEPP 64. Whilst SEPP 64 does not apply to signage which is classified as exempt development under another environmental planning instrument, the planning proposal should include a statement about the applicability of the SEPP and consistency of the proposal with any relevant provisions of the SEPP.

Accordingly, it is recommended that the Gateway determination require the planning proposal be revised prior to public consultation to include an assessment of the proposal's consistency with SEPP 64.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal is unlikely to have any adverse social impacts due to the minor nature of the proposed amendments. Given the display of signage will be limited to purpose-built fixtures on certain council owned land, the planning proposal is unlikely to have any significant amenity impacts on adjoining land.

5.2 Environmental

The planning proposal is unlikely to have any adverse environmental impacts given the display of signage will be limited to purpose-built fixtures on certain Council-owned land.

5.3 Economic

The planning proposal states the proposed amendments will help boost economic activity in the Wagga Wagga LGA by facilitating more opportunities for the promotion of events.

6. CONSULTATION

6.1 Community

Council recommends community consultation be undertaken for a minimum of 28 days. It is recommended that Council's proposal for consultation be supported.

6.2 Agencies

Council has not proposed any consultation with government agencies. Given the planning proposal seeks to make only minor amendments to the WWLEP, consultation with government agencies is not considered necessary.

7. TIME FRAME

Council has indicated the LEP can be completed within 10 months from the date a Gateway determination is issued.

It is recommended that the timeframe for completing the LEP be 12 months to account for any unexpected delays in the plan making process.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be authorised as the local plan-making authority to exercise the functions under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Due to the localised nature of planning proposal, it is recommended that Council's request be supported.

9. CONCLUSION

It is recommended the planning proposal proceed subject to community consultation. The proposed amendments to the WWLEP will align exempt development provisions for temporary event signage with Council policy and are therefore considered minor.

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.



22/05/2019

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