

RP-2 PLANNING PROPOSAL LEP18/0001 TO AMEND THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - TEMPORARY PROMOTIONAL BANNERS OR FLAGS

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Summary: Council has prepared a proposal to amend the Wagga Wagga Local Environmental Plan (LEP). The proposal is to amend schedule 2 in relation to the exempt provisions for 'temporary promotional banners or flags'. The aim is to improve the flexibility of event signage on Council-owned land. The recommendation is for the planning proposal to proceed.

Recommendation

That Council:

- a support the submission of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010
- b submit a planning proposal to the Department of Planning and Environment for Gateway Determination
- c receive a further report after receiving the Gateway Determination from the Department of Planning and Environment, and the subsequent public exhibition period
 - i addressing any submissions made in respect of the planning proposal
 - ii proposing adoption of the planning proposal unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period

ReportThe Proposal:

Council officers have prepared a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to amend schedule 2 exempt provisions for temporary promotional banners or flags.

The proposal will allow for more flexibility with event signage on Council owned land. The proposal will also assist with upcoming event promotion and streamline the process for event organisers.

Council has identified a number of Council-owned sites throughout the city that are suitable for the promotion of community events. Permanent signage structures have been provided on these sites. Event organisers are able to display signs on the structures provided, subject to obtaining "*Council approval*" in accordance with Council's LEP provisions and the *Community Event Signage Guidelines*. See separate report regarding Temporary Event Signage.

The proposed amendment will clarify requirements and align the requirements with Council's *Community Event Signage Guidelines*.

Proposed changes:

The proposal is to amend the existing provisions to improve the flexibility with event signage on Council-owned land. The amendment will assist with upcoming event promotion and streamline the process for event organisers.

The proposed changes are shown in track changes below:

Temporary ~~promotional banners or flags~~ event signage**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 ~~approval in accordance with Council's Community Event Signage Guidelines~~ ~~the written approval of the owner of the land~~.*
- (5) *Must not be illuminated or reflective.*
- (6) *Must be removed within 2 days after the event.*
- (7) *Must ~~be located on a designated site identified in Council's Community Event Signage Guidelines~~. ~~not relate to an event held on more than 3 consecutive days~~.*
- (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~~.*
- (14) *Must only be displayed on the fixtures provided at the designated sites.*
- (15) *Must not be displayed earlier than:*
 - (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.~~*

Key Consideration:

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (The SEPP) allows temporary event signage on land without the need to lodge a development application. One of the SEPP provisions is the requirement for land owners consent for the site on which the temporary event sign is to be placed. The SEPP provisions do not specifically deal with Council's process of having dedicated structures on Council-owned land. It is for this reason that the LEP contains specific provisions to allow certain types of event signage to be placed on dedicated structures on Council-owned land without the need to submit a development

application. The current provisions still require applicants to obtain land owner consent and this also forms part of the *Community Event Signage Guidelines*.

The existing LEP provisions are onerous and unclear and often causes confusion for event organisers. It also causes issues with compliance and monitoring of signs.

Council's Events and Tourism Section has therefore developed *Community Event Signage Guidelines* which will streamline the process of obtaining consent to erect signs on Council owned land and the proposed changes to the LEP will facilitate a much needed streamlined process for event signage.

The changes to the LEP are considered minor.

Assessment

The amendments have been considered in respect to the benefits for the community and the matters discussed in this report are all reflections of the public interest and community expectations through strategic direction and policy guiding documents. The proposal is supported for the following reasons:

1. Complies with the provisions of the endorsed strategic documents, including the Riverina Murray Regional Plan 2036 and Wagga Wagga Spatial Plan 2013-2043 as demonstrated in the attached assessment report.
2. Meets all relevant Section 9.1 (previously Section 117) Ministerial Directions.
3. Addresses all applicable State Environmental Planning Policies.
4. Facilitates a streamlined approval provides Temporary Event Signage on designated Council sites.

Taking into account the full range of matters that have been considered as part of this assessment, it is considered that an approval of the proposal is reasonable and in the public's interest. The full assessment report is attached to this report.

Next Steps

To comply with the NSW Department of Planning and Environment guidelines, and to support the planning proposal, Council staff will finalise the draft planning proposal to be submitted for Gateway Determination.

Financial Implications

As this is an internally generated amendment to the Wagga Wagga Local Environmental Plan 2010, the collection of application fees is not required.

Policy and Legislation

Wagga Wagga Local Environmental Plan 2010

Link to Strategic Plan

The Environment

Objective: We plan for the growth of the city

Outcome: We have sustainable urban development

Risk Management Issues for Council

N/A

Internal / External Consultation

Staff have received support for the proposed amendments from the relevant internal sections of Council.

A Councillor workshop was held on 1 April 2019 where all Councillors were in attendance.

If the proposed amendment is endorsed, public exhibition will be undertaken in accordance with the Gateway Determination.

	Mail			Media			Community Engagement					Digital					
	Rates notices insert	Direct mail	Letterbox drop	Council news story	Council News advert	Media releases	TV/radio advertising	One-on-one meetings	Your Say website	Community meetings	Stakeholder workshops	Drop-in sessions	Surveys and feedback forms	Social media	Email newsletters	Website	Digital advertising
TIER																	
Consult		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>											<input checked="" type="checkbox"/>	

Attachments

1. Planning Proposal Assessment Report

PROCEDURAL MOTION - ENGLOBO

19/122 RESOLVED:

On the Motion of Councillors R Kendall and K Pascoe

That the standing orders be varied for the meeting as set out hereunder:

- **Items where councillors wish to speak**
- **Items where no councillors wish to speak**
- **Confidential**
- **Matter of urgency**
- **Closure of Meeting**

That RP-2, RP-3, RP-6, RP-7, RP-10, RP-11, RP-13, RP-14, CONF-1, CONF-3, CONF-4, be adopted as recommended in the business papers

CARRIED

REPORTS FROM STAFF

RP-1 DA18/0284 - 43 ROOM 4 STOREY HOTEL, 81-83 FORSYTH STREET, WAGGA WAGGA, LOT 6 DP 655783 AND LOT 1 DP 936571 was moved forward for the Public Discussion Forum.

RP-2 PLANNING PROPOSAL LEP18/0001 TO AMEND THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - TEMPORARY PROMOTIONAL BANNERS OR FLAGS

19/123 RESOLVED:

On the Motion of Councillors R Kendall and K Pascoe

That Council:

- a support the submission of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010**
- b submit a planning proposal to the Department of Planning and Environment for Gateway Determination**
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CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid OAM
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

RP-3 PROPOSED AMENDMENT 15 OF THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 - ADVERTISING SIGNAGE IN RURAL AREAS RELATING TO MAJOR RECREATION FACILITIES

19/124 RESOLVED:

On the Motion of Councillors R Kendall and K Pascoe

That Council:

- a note that no submissions were received during the exhibition period for Amendment 15 to the Wagga Wagga Development Control Plan 2010
- b adopt Amendment 15 to the Wagga Wagga Development Control Plan 2010
- c notify the Amendment in the local newspaper with the Amendment coming into force on the date it is notified

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid OAM
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion