

Planning Proposal - Special Events

Proposal Title : **Planning Proposal - Special Events**

Proposal Summary : **The planning proposal seeks to enable special events (including markets) held by or on behalf of Council, or on land owned or managed by Council, to be carried out without the need for any planning or building approval.**

PP Number : **PP_2015_NORTH_010_00**

Dop File No : **15/16279**

Proposal Details

Date Planning
Proposal Received : **15-Mar-2016**

LGA covered : **North Sydney**

Region : **Metro(CBD)**

RPA : **North Sydney Council**

State Electorate : **NORTH SHORE
WILLOUGHBY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The planning proposal relates to all land included in the Land Application Map to North Sydney LEP 2013.**

DoP Planning Officer Contact Details

Contact Name : **Yolande Miller**

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RPA Contact Details

Contact Name : **Marcelo Occhiuzzi**

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DoP Project Manager Contact Details

Contact Name : **Wayne Williamson**

Contact Number : **0292286585**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

AUTHORISATION TO EXERCISE DELEGATION

North Sydney Council is seeking authorisation to exercise delegation (Authorisation) to carry out the Greater Sydney Commission's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 in order to progress the planning proposal. As part of the submitted proposal Council has included an attachment - Evaluation Criteria for the Delegation of Plan Making Functions.

Authorisation is not recommended given the need to resolve policy and legal matters prior to the local environmental plan being made.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives is adequately expressed for the proposed amendment to North Sydney Local Environmental Plan 2013.

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

Is an explanation of provisions provided? Yes

Comment : Council discusses 3 options to achieve the objective or intended outcome of the proposal, notably:

1) Inserting a new provision for 'Special events (including markets)' in Schedule 2 Exempt Development of North Sydney LEP 2013

2) Amending clause 2.125 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Policy) in relation to 'Major event sites - additional temporary development'

3) Inserting a new provision for 'Special events (including markets)' as exempt

development in the State-wide Policy.

The planning proposal also discusses the statutory context in relation to:

- 1) Temporary Uses - clause 2.8 of North Sydney LEP 2013
- 2) Exempt Development - clause 3.1 and Schedule 2 of North Sydney LEP 2013
- 3) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- 4) Local Government Act 1993
- 5) Crown Lands Act 1989
- 6) Roads Act 1993

As part of the Department's initial assessment of the planning proposal, it was identified that Council had not adequately identified the need for the proposal in the context of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Policy), in particular, the provisions under Division 3 to Part 2 of the Policy.

Following a request for further information by the Department's regional office, Council undertook a comprehensive review of the Policy and provided a response to the Department dated 15 March 2016. The regional office is satisfied an adequate justification for the proposal has been provided.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

- SEPP No 19—Bushland in Urban Areas**
- SEPP No 50—Canal Estate Development**
- SEPP No 64—Advertising and Signage**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Infrastructure) 2007**
- SEPP (Major Projects) 2005**
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007**
- SEPP (Temporary Structures and Places of Public Entertainment) 2007**
- SREP (Sydney Harbour Catchment) 2005**

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 :

In relation to section 117 Direction 4.4 Planning for Bushfire Protection, the planning proposal states that Council will consult with the NSW Rural Fire Service as part of the Direction's requirements. The Department agrees that the proposal should be forwarded to the NSW Rural Fire Service in accordance with section 117 Direction 4.4.

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Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : The proposed amendment does not require the preparation or amendment of any maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council does not suggest a consultation period for the planning proposal, however the proposal does state that consultation will be undertaken in accordance with requirements made by the Gateway determination and Council's guidelines. A consultation period of 28 days is considered adequate.

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 and supporting information is considered adequate for the purposes of the Department's assessment.

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP : North Sydney Local Environmental Plan 2013 was notified on 2 August 2013 and commenced 42 days later on 13 September 2013.

Assessment Criteria

Need for planning proposal : The planning proposal is not a result of any strategic planning or study.

The proposal has arisen from a Council initiated review of its regulatory framework relating to conducting events. It is Council's view that event organisers are often required to negotiate regulatory hurdles which may be unnecessarily difficult or time consuming, and that event organisers may be dissuaded from conducting events in North Sydney due to the lack of clarity, transparency, and overall complexity of the approval process.

The primary intent of the planning proposal is to enable special events (including markets) held by or on behalf of Council, or on land owned or managed by Council, to be carried out without the need for any planning or building approval.

In response to Department concerns and a request for further justification, Council undertook a comprehensive review of State Environmental Planning Policy (Exempt and Complying Codes) 2008 (the Policy) and submitted additional information on 15 March 2016. This clarifies that 'Special events' are not identified as a specified development type under the Policy, and therefore the need for the planning proposal still stands.

Exempt development is low-impact and low-risk development which does not require planning or construction approval. The proposed 'Special events (including markets)' provision does not include any standards, and as such, it is unclear whether all 'Special events (including markets)' will be of a minor nature.

To ensure 'Special events (including markets)' held by or on behalf of Council, or on land owned or managed by Council, is low-impact and low-risk, Council will need to provide suitable standards for the development proposed to be inserted in Schedule 2 Exempt Development of North Sydney Local Environmental Plan 2013. A Gateway condition has been included to this effect.

Council's ability to request prior approval (and issue a permit) for those who wish to carry out certain activities on community land (for example, public performances, temporary enclosure for the purposes of entertainment, use of a loudspeaker or sound amplifying device and holding a public meeting) remains unchanged and is dealt with under section 68 of the Local Government Act 1993 (LG Act). Furthermore, use and management of community land is set out in a 'plan of management' prepared by a Council under section 35 of the LG Act.

Consistency with strategic planning framework :

The proposal is not considered to be inconsistent with any applicable State Environmental Planning Policies or A Plan for Growing Sydney.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

Exempt development typically includes very low impact development. It is highly unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal because compulsory clause 3.1 of North Sydney LEP 2013 states that exempt development:

- must be of minimal environmental impact;
- cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994); and
- cannot be carried out in a wilderness area (identified under the Wilderness Act 1987).

Furthermore, exempt development must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977 or that is subject to an interim heritage order under the Heritage Act 1977.

The absence of development standards in the proposed provision means it is unclear what the impacts may be. Large scale events may result in adverse impacts in terms of noise, traffic and pedestrian flows. Therefore, the planning proposal is to be updated to include development standards.

SOCIAL & ECONOMIC IMPACTS

The intent of the planning proposal has the potential to encourage the attraction of more events to North Sydney, which will ultimately create social and economic benefits.

CONSULTATION WITH THE DEPARTMENT OF PRIMARY INDUSTRIES - CROWN LANDS DIVISION

The Department recommends that Council refer the planning proposal to the Department of Primary Industries - Crown Lands Division as the proposed amendment to North Sydney LEP 2013 may involve 'Special events' being carried out on the Crown estate that Council manage.

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Assessment Process

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

Timeframe to make **12 months**
LEP : Delegation : **DG**

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

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. :

Other - provide details below

If Other, provide reasons :

No other additional studies are required.

Identify any internal consultations, if required :

Legal Services

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1-Cover letter.pdf	Proposal Covering Letter	Yes
2-Council officer's report & Council's resolution.pdf	Proposal	Yes
3-Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.3 Mining, Petroleum Production and Extractive Industries**
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
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Additional Information : **The planning proposal is recommended with conditions:**
1. The planning proposal is to be amended to:
(a) remove any reference to "a permit issued by the Council";
(b) include appropriate standards for the development proposed to be identified as

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exempt development, such as hours of operation, patron capacity and the like; and
(c) include a note in the draft provision to state that 'Special events (including markets)' do not contain exempt development already identified in State Environmental Planning Policy (Exempt and Complying Codes) 2008.

2. The planning proposal is to be amended in accordance with condition 1 to the satisfaction of the Director, Sydney Region East prior to any consultation with public authorities or any community consultation under section 56 and 57 of the Act.

3. Prior to undertaking community consultation, consultation is required with the following public authorities under section 56(2)(d) of the Act:

- NSW Rural Fire Service
- Department of Primary Industries – Crown Lands Division

Each public authority 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, or to indicate that they will require additional time to comment. The planning proposal should be updated to respond to this consultation, and copies of all submissions from public authorities must be included in the public exhibition material.

4. 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 Environment 2013).

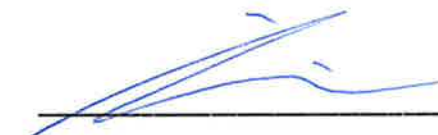
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it seeks to remove red tape for low impact and low risk special events (including markets) held by or on behalf of Council, or on land owned or managed by the Council in the North Sydney local government area, and directly results in significant time and cost savings for event organisers. The proposal may assist Council in attracting more events in North Sydney.

Signature:



Printed Name:

W. Williamson

Date:

20/4/2016

