

SLEP Clause 2.8 Temporary Use of Land 'Temporary' Function Centres

Function centres are prohibited in RU1, RU2 & E3 zones. However, four development applications have been lodged with Council for 'temporary' function centres around Berry and Kangaroo Valley to operate every Saturday night of the year on an ongoing basis under Clause 2.8, which permits use for a maximum period of 52 days in a twelve month period.

What is a Temporary Function Centre?

- Amplified music until midnight every Saturday night
- Marquees and toilets trucked onsite every week and removed the following week
- Food cooked offsite and reheated; no on-site liquor licence as guests provide alcohol

Clause 2.8(3) states 'temporary use will not adversely impact on any adjoining land or amenity of the neighbourhood', but the applicants claimed that predicted noise levels fell within standards.

Community Impacts

Council has received hundreds of submissions objecting to the four applications, including one from RMS that stated - "To allow this DA to proceed is to –

- commence the destruction of the ambience of the area
- adversely affect residents in other properties in the district
- reduce the appeal of their properties and therefore their land values."

Berry Forum Response

In October last year, we advised Council of a NSW LEC ruling (*Marshall Rural Pty Ltd v Hawkesbury Council 2015*) regarding an application for a temporary function centre. Justice Moore found that the acoustics experts did not take into account the fundamental nature of the test required, namely that the standards envisaged the absence of adverse impact rather than an acceptable impact.

Current Status

- We have been asked for support by residents fighting similar inappropriate applications in North Nowra and the Shellharbour Council area.
- Council refused the Strongs Road application on 1 October.
- Council advises that "Destinations Sydney Surrounds South (DSSS) is undertaking research into the growth of destination weddings and business conferences in rural locations. The project is investigating the management of land use approvals and 'issues' associated with the current planning system."
- A draft Planning Proposal has been sent to the State Government by Byron Council that circumvents Clause 2.8 by creating a new permissible use called 'Rural Event Site' that would be included in its LEP Local Provisions.