

Port Macquarie Hastings LEP 2011 Amendment No 26 - Advertising on Bus Shelters

Proposal Title : **Port Macquarie Hastings LEP 2011 Amendment No 26 - Advertising on Bus Shelters**

Proposal Summary : **Amend Port Macquarie Hastings LEP 2011 - Schedule 2 Exempt Development Signage, advertising structures and displays - to permit certain signage on bus shelters.**

PP Number : **PP_2013_PORTM_005_00** Dop File No : **13/07150**

Proposal Details

Date Planning Proposal Received :	23-Apr-2013	LGA covered :	Port Macquarie-Hastings
Region :	Northern	RPA :	Port Macquarie-Hastings Council
State Electorate :	PORT MACQUARIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **Council road reserves within the Port Macquarie Hastings local government area**

DoP Planning Officer Contact Details

Contact Name : **Denise Wright**
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RPA Contact Details

Contact Name : **Leanne Fuller**
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DoP Project Manager Contact Details

Contact Name : **Jim Clark**
 Contact Number : **0266416604**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department of Planning and Infrastructure Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The proposal seeks to amend Schedule 2 of the LEP to exclude signage on bus shelters from the necessity to be related to development on the land on which the shelter is located. Additional criteria are also proposed to address road safety requirements and restrict the number of signs on the shelter.**

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the planning proposal are adequately expressed for the proposed amendment to the Port Macquarie LEP 2011.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

State Environmental Planning Policy SEPP(Infrastructure)2007 identifies certain development as 'exempt development' where development may be carried out without the need for development consent. Construction, maintenance or repair of bus shelters for or on behalf of Council is identified as exempt development but commercial advertising is not. Schedule 2 of the Port Macquarie Hastings LEP contains a list of additional "Exempt Development" not included in the Policy, which does not require development approval. Certain small scale 'signage', 'advertising structures' and 'displays' are included, however signage must relate to the premises or place on which it is situated.

The proposed amendment proposes to amend Schedule 2 of the LEP to exclude signage on bus shelters from the necessity to be related to the land on which the shelter is located.

Additional criteria are also proposed to address road safety requirements and restrict the number of signs on the shelter.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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 64—Advertising and Signage
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007**

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 :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The proposal is not site specific, applying to the Port Macquarie Hastings LGA. Mapping is not required**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council suggests a 14 day consultation period is adequate. The proposal is considered to be a minor matter which is not inconsistent with the regional planning framework, presents no issues with regard to infrastructure provision, is not a principal LEP and does not reclassify public land. This view is supported.**

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 satisfies the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes.**
- 2. Providing a suitable explanation of the provisions proposed by the planning proposal to achieve the outcomes.**
- 3. Providing an adequate justification for the proposal.**
- 4. Providing a timeline - which suggests completion of the proposal within 6 months.**
- 5. Providing evaluation criteria for delegation to be issued to the Council to make the plan. The proposal is appropriate for delegation.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

Port Macquarie Hastings LEP was published 23 February 2011. The planning proposal is an amendment to the LEP.

Assessment Criteria

Need for planning
proposal :

The planning proposal has not been initiated as the result of any strategic strategy or report. Rather it is in response to enquiries to Council in relation to bus shelters and associated signage for Wauchope, similar to that found in Port Macquarie.

The proposed amendment to the LEP is the only means of achieving the desired outcome to allow signage (with advertising content not related to the site) on bus shelters in the Port Macquarie Hastings LGA, as exempt development.

Consistency with
strategic planning
framework :

The proposal is considered to be consistent with all applicable S117 Directions, SEPPs and regional strategies.

State Environmental Planning Policies (SEPP).

Council has addressed the provisions of SEPP (Exempt and Complying Development Codes)2008, SEPP 64 (Advertising and Signage) and SEPP (Infrastructure) 2007. While these SEPPs contain related provisions, the exempt signage provisions proposed for Schedule 2 of the Port Macquarie Hastings LEP will not be inconsistent with any of the SEPPs.

Schedule 2 Exempt development contains additional exempt development not specified in the Codes SEPP. The provisions for Signage, advertising structures and displays in Schedule 2 are proposed to be amended to enable certain signage in Council bus shelters, to display advertising content unrelated to the particular site. Additional provisions are also proposed to address road safety issues.

Council considers that the planning proposal will also address the zone related prohibition for display of bus shelter signage under SEPP 64 by the amendment to Schedule 2 of the LEP. Council's interpretation of this SEPP is in error. Although clause 6(2) of SEPP 64 provides that the Policy does not apply to exempt development, clause 10 of the SEPP over-rides these provisions to prohibit display of an advertisement within many areas, such as single-dwelling residential, environmental or open space zones and heritage areas. This issue has been discussed with Council. However the proposed amendment to Schedule 2 of the LEP is not inconsistent with SEPP 64 and can proceed.

Environmental social
economic impacts :

Council considers that no significant environmental, social or economic impacts are raised by the planning proposal. Bus shelters are small scale low impact development, usually within road reserves, unlikely to result in adverse environmental impact. As noted above additional provisions are proposed to address road safety requirements.

Council's consideration of the proposal and conclusions are considered reasonable.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Port Macquarie Hastings LEP 2011 Amendment No 26 Bus Shelter Signage Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal Advertising on Bus Shelters.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

Additional Information : **It is Recommended that:**

- 1. The planning proposal should proceed as a 'minor' planning proposal.**
- 2. A community consultation period of 14 days is necessary.**
- 3. Consultation with NSW Transport - Roads and Maritime Services is required under section 56(2)(d) of the EP% A Act.**
- 4. The planning proposal is to be completed within 6 months.**

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5. Delegation to finalise the planning proposal be issued to the Council.

Supporting Reasons : **The reasons for conditions to the Gateway Determination is to expedite the completion of the planning proposal that involves a matter of minor significance.**
The planning proposal is not inconsistent with all relevant local and regional planning strategies, section 117 directions and SEPPs.

Signature:



Printed Name:

JIM CLARK

Date:

26 April 2013