

Exempt Development - Displays of goods on the footway

Proposal Title : **Exempt Development - Displays of goods on the footway**

Proposal Summary : **The proposal seeks to remove the need for development consent when the operators of retail premises place displays of goods on the footway outside of their premises.**

PP Number : **PP_2016_SYDNE_008_00**

Dop File No : **16/13972**

Proposal Details

Date Planning : **04-Nov-2016**

Proposal Received :

LGA covered :

Sydney

Region : **Metro(CBD)**

RPA :

Council of the City of Sydney

State Electorate : **SYDNEY**

Section of the Act :

55 - Planning Proposal

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The whole LGA**

DoP Planning Officer Contact Details

Contact Name : **Wayne Williamson**

Contact Number : **0292746585**

Contact Email : **wayne.williamson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **David Fitzpatrick**

Contact Number : **0292659680**

Contact Email : **dfitzpatrick@cityofsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

Exempt Development - Displays of goods on the footway

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 :

The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

Council has exhibited a draft Local Approvals Policy for the Display of Goods, and has received and considered submissions on that draft. The intent of the draft local approvals policy is to encourage uses of minimal environmental impact on public land when those uses create interest, character and improve safety.

Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is considered appropriate as the matter is of local significance.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The proposal's objectives are:

- **To encourage displays of goods which improve the amenity and character of streets in the local government area (LGA); and**
- **to reduce unnecessary regulatory burden on businesses in the LGA.**

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

Is an explanation of provisions provided? Yes

Comment :

This proposal seeks to introduce displays of goods on the footway as a new exempt development category in Schedule 2 of Sydney Local Environmental Plan 2012.

Exempt Development - Displays of goods on the footway

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

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **The proposal is consistent with all SEPPs and section 117 Directions.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No maps required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 14 days.**

Council is separately seeking concurrence from the Office of Local Government for the Local Approvals Policy in accordance with the Local Government Act 1993, and a general approval from Roads and Maritime Services to place a structure on the footway in accordance with the Roads Act 1993, which means Council will not need to seek concurrence for each application.

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of March 2017. The Department considers a 9 month project timeline for completion is 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 :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **Sydney LEP 2012 was made in December 2012.**

Assessment Criteria

Need for planning proposal :	A planning proposal is the best way of achieving the intended outcome.
Consistency with strategic planning framework :	A Plan for Growing Sydney is not a relevant consideration, as this proposal only deals with the local management of development which is considered to be of minor environmental impact. The proposal is consistent with Council's Sustainable Sydney 2030 as it will encourage greater activity in neighbourhood centres, which will contribute to vibrant local communities and economies.
Environmental social economic impacts :	The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats. The proposal has the potential economic benefits of supporting small businesses in the Sydney LGA. Social benefits are also likely from increased activation of streets and improved perception of community safety through increased activity on streets. Potential negative impacts relate to universal accessibility, pedestrian amenity and safety due to footway congestion. These have been addressed by the application of criteria which preserve a clear path of travel for pedestrians, and which limit the size and contents of displays to ensure they have minimal impact. Displays will not be permitted in Central Sydney due to the high pedestrian volumes on the footways.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - s56(2)(d) :			
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			

Exempt Development - Displays of goods on the footway

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
CouncilLetter.pdf	Proposal Covering Letter	Yes
Planning Proposal-Exempt Displays.pdf	Proposal	Yes
Local Approvals Policy for the Display of Goods - 2016.pdf	Study	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 the planning proposal proceed, subject to the following conditions:**

1. The planning proposal be publicly exhibited for a period of not less than 14 days.
2. No consultation is required with public authorities.
3. A public hearing is not required.
4. The planning proposal is to be finalised within 9 months from the date of the gateway determination.

Supporting Reasons : **The proposal is supported as it will remove regulatory burden and encourage uses of minimal environmental impact on public land when those uses create interest, character and improve safety.**

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

18/11/16

