

Sydney Local Environmental Plan 2012 (Amendment No.1)

Proposal Title : **Sydney Local Environmental Plan 2012 (Amendment No.1)**

Proposal Summary : **To amend the Sydney Local Environmental Plan 2012 to allow mobile food vending vehicles - food trucks - to be exempt development.**

PP Number : **PP_2012_SYDNE_001_00** Dop File No : **jA168464**

Proposal Details

Date Planning Proposal Received : **26-Jun-2012** LGA covered : **Sydney**

Region : **Sydney Region East** RPA : **Council of the City of Sydney**

State Electorate : **BALMAIN
HEFFRON
MARRICKVILLE
SYDNEY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : *All streets*

Suburb : City : Postcode :

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Daniel Cutler**

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RPA Contact Details

Contact Name : **Marie Lerufi**

Contact Number : **0292659222**

Contact Email : **mierufi@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 Regional Strategy : **Metro Sydney City subregion** Consistent with Strategy : **Yes**

Sydney Local Environmental Plan 2012 (Amendment No.1)

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 Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **It is proposed to amend the Exempt Schedule of Sydney LEP 2012 to come into force when the comprehensive LEP is made.**

External Supporting Notes : **City of Sydney Council is conducting a 12 month trial to permit food trucks to operate in the LGA. The trial responds to research carried out to inform Council's Night Time City Policy and is part of a number of measures intended to increase the range of activities and experiences available in the City at night.**

Currently in Central Sydney, development consent is required for the on-street operation of food trucks as all of the streets are zoned under the provisions of Sydney Local Environmental Plan 2005. In areas outside of Central Sydney, the streets are unzoned and the on-street operation of food trucks requires Council to undertake an activity assessment under Part 5 of the EP&A Act.

Once Sydney LEP 2012, under which all roads are zoned, comes into force development consent will be required for food trucks across the LGA.

Council advises that the proposed LEP amendment will assist mobile food vending vehicles or food trucks to operate on Council owned streets within existing lawful car parking spaces. The proposed exemption of mobile food vending premises will promote greater efficiency and more productive use of Council resources in the assessment of minor development proposals.

To support the amendment, Council proposes to develop a Local Approvals Policy under the Local Government Act which will provide the framework and outline the detailed circumstances and conditions under which the mobile food vending vehicles operate. This approach is preferred because it reduces the duplication of processes and red tape.

Adequacy Assessment

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

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

Comment : **The planning proposal aims to enable the operation of mobile food vending vehicles (food trucks) on Council-owned roads as exempt development.**

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

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

Comment : **This planning proposal seeks to introduce mobile food vending vehicles (food trucks) as exempt development on Council-owned roads.**

It is proposed to amend Sydney Local environmental Plan 2012, By inserting a new exempt category in Schedule 2 as follows:

Mobile food vending vehicles:

(1) Must be located on Council-owned roads within existing lawful car parking spaces (excludes classified roads under the Roads Act 1993).

(2) Must be operated in accordance with an approval under Section 68 of the Local Government Act 1993).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**

* 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? **Yes**

If No, explain : **a) The City is developing a Night Time City Policy and the Sydney Food Trucks Trial emerged from the OPEN Sydney consultation. One of the key aims of OPEN Sydney is to ensure that Sydney's night time economy achieves sustainable economic growth and creates a variety of opportunities for multiple night-time experiences in Sydney.**

OPEN Sydney identified the need to expand the diversity of take away food offerings currently available in Central Sydney and the wider LGA.

The Trial was one of the initiatives included in the OPEN Sydney Discussion Paper which was on exhibition during October to December 2011.

The Director General's agreement to the preparation of the discussion paper was not required and was not sought.

d) Council has not considered any State Environmental Planning Policies. However, the Sydney East regional team is of the view that the only SEPP that is relevant is SEPP(Exempt and Complying Development Codes) 2008. LEP Practice Note PN 11-001 indicates that Council may insert a category of exempt development in Schedule 2 if it is not covered by the Codes SEPP. Mobile food vending vehicles are not covered by the Codes SEPP. As such, the planning proposal is consistent with the Codes SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is not required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Sydney City Council undertook the OPEN Sydney consultation in mid 2011 where many people said they wanted more and better quality late night food options including Food Trucks. The Sydney Food Trucks Trial emerged from this consultation and was included in the OPEN Sydney Discussion Paper exhibited in late 2011.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Unknown**

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 : **August 2012**

Comments in relation to Principal LEP : **City of Sydney Council's principal LEP (draft Sydney LEP 2012) was exhibited between February and April 2011. Council has submitted the draft LEP to the Department under section 68 of the former plan making provisions of the EP&A Act.**

The Department has issued instructions to Parliamentary Counsel and a PC draft for consultation with Council is anticipated in the first week of July.

It should be noted that this planning proposal aims to amend the Exempt Schedule of Sydney LEP 2012 to include mobile food vending vehicles as exempt development on Council-owned roads once the comprehensive LEP is made.

Assessment Criteria

Need for planning proposal : **As part of the Sydney Food Trucks Trial, there are currently food trucks limited to regular trading on 10 sites for which development consent has been granted for a period of 12 months. By including mobile food vending vehicles (food trucks) as exempt development, further development applications to extend their operations at the conclusion of the 12 month trial period will not be required.**

Consistency with strategic planning framework : **The planning proposal is consistent with the following directions of Sustainable Sydney 2030 Strategic Plan:
Direction 1 - A globally Competitive and Innovative City;
Direction 5 - A Lively and Engaging City Centre;
Direction 6 - Vibrant Local Community and Economies; and with
OPEN Sydney - expanding the diversity of take away food offerings in Sydney**

Environmental social economic impacts : **Food trucks as exempt development on Council-owned roads within lawful car parking spaces provides an opportunity to realise the vision for a vibrant and global city. Food trucks will improve the mix and diversity of late night food available in the City and compliment other late night venues.**

Food trucks will also provide opportunities for multiple night time experiences in Sydney; add to the vibrancy and activity of Sydney during the day and in the evening; cater for people looking for inexpensive and quality take away food, and play an important role in activating public spaces, such as streets and public parks.

The food trucks have been approved with detailed operational measures contained within a Plan of Management (POM) that was prepared to accompany each of the development applications. The POM addressed matters such as hours of operation, access, risk management, trading intervals. The POM and recommended conditions provide an adequate platform by which to manage noise and activity and will ensure that food trucks have a minimal environmental impact.

The approvals process has demonstrated that the operation of a food truck on Council-owned roads will only have a minimal impact on the environment.

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 NSW Food Authority Adjoining LGAs		

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
Planning Proposal - Mobile Food Vending.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**

Additional Information : **It is recommended that:**

1. The planning proposal be supported;

2. That the Planning Proposal be considered as minor and exhibited for a period of 14 days;

3. Consultation is required with the following public authorities:

- Transport for NSW (Roads and Maritime Service)
- NSW Food Authority

4. A public hearing is not required;

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination

Supporting Reasons :

The Planning Proposal is supported as the environmental impacts of food trucks will be minimal while improving the mix and diversity of late night food available in the City. In addition, the proposed exemption will promote greater efficiency and more productive use of council resources in the assessment of minor development proposals.

Signature:



Printed Name:

SUSAN SKY

Date:

29.6.12.