

Street Art as Exempt Development

Proposal Title : **Street Art as Exempt Development**

Proposal Summary : **This proposal seeks to allow street art as Exempt Development subject to meeting specific criteria.**

PP Number : **PP_2017_SYDNE_003_00** Dop File No : **17/04514**

Proposal Details

Date Planning Proposal Received : **06-Mar-2017** 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 entire LGA**

DoP Planning Officer Contact Details

Contact Name : **Ellen Jones**

Contact Number : **0292746470**

Contact Email : **Ellen.Jones@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Karen Judd**

Contact Number : **0292659774**

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

DoP Project Manager Contact Details

Contact Name : **Wayne Williamson**

Contact Number : **0292746585**

Contact Email : **Wayne.Williamson@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

Street Art as Exempt Development

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 :

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.

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Council recognises that street art is becoming more widely accepted and is now considered a part of mainstream art.

Street art for the purpose of this proposal is defined as inscriptions, words, figures or word designs that are marked, scratched, drawn sprayed, painted, pasted, applied or otherwise affixed to a surface of an asset, including murals and graffiti.

In order to remove the development application lodgement barriers and to support street art, Council is seeking to make street art exempt development where appropriate.

This policy will be similar to the previously successful Inner West Council's (formerly Marrickville) 'Perfect Match program', which resulted in the generation of a creative arts culture and economy as well as a reduction in unlawful graffiti and poor community amenity.

In 2013, Council engaged a consultancy firm to undertake research into legislation, policy, process and programs around street art and graffiti. During this process, a Street Art Register of over 400 street art and murals within the entire City of Sydney Local Government Area (LGA) was catalogued.

Under the new proposal, the Street Art Register will be included in Council's asset management system and will be available via its website. This will include a 'live' register on locations of approved and/or commissioned works, and will ensure that street art will be excluded from Council's unlawful graffiti removal service.

Street art will need to meet the following criteria in order to be considered under Exempt Development:

- it has the owners consent (in writing) and is not advertising or signage,
- it complies with relevant Commonwealth and State legislation,
- it does not discriminate, vilify or use material that is sexually degrading,
- it does not use foul language, or language contrary to prevailing community standards,
- it is not located in an area of heritage conservation, on a heritage item or in a special character area; and
- it does not project from a surface.

Street Art as Exempt Development

Where street art cannot meet these criteria, a development application will continue to be required.

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 enable street art to be exempt development in appropriate locations across the city of Sydney Local Government Area (LGA), subject to certain conditions and criteria.**

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

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

Comment : **It is proposed to amend the following instruments:**
- Sydney Local Environmental Plan 2012;
- Sydney Local Environmental Plan 2005;
- Sydney Local Environmental Plan (Green Square Town Centre)2013;
- Sydney Local Environmental Plan (Green Square Town Centre Stage 2) 2013;
- Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011;
- Sydney Local Environmental Plan (Harold Park) 2011;
- South Sydney Local Environmental Plan 1998; and
- South Sydney Local Environmental Plan No. 114.

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? **N/A**

If No, explain : **The Proposal is consistent with all S117 Directions.**

The proposal will not contradict or hinder the application of the Codes SEPP. The proposal is consistent with all other State Environmental Planning Policies.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a community consultation period of not less than 14 days, with**

Street Art as Exempt Development

public exhibition to be executed through the City of Sydney Council website, though newspapers circulated widely in the area as well as through their customer service centre. The Department is in agreement that this will meet the community consultation requirements.

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of October 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 Local Environmental Plan 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 : **The planning proposal is consistent with Sustainable Sydney 2030, Direction 7 - A Cultural and Creative City as it will remove barriers and capture opportunities for creative expression through street art.**

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 enhancing the city's cultural capital, as well as driving community connections through collaborative relationships between residents, businesses and artists.

The possible opposing views in the community concerning street art such as its stereotyping as a form of vandalism and its possible malicious property damaging aspects have been addressed by Council in its proposal by outlining how street art and graffiti as exempt development has the potential to improve local amenity, in the limiting of unlawful graffiti, and the time/costs associated with its removal.

Street Art as Exempt Development

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) **Office of Environment and Heritage**

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? **Yes**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.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 the planning proposal proceed, subject to the following conditions:**

- 1. The planning proposal be publically exhibited for a period of not less than 14 days.**
- 2. Consultation is required with the Office of Environment and Heritage.**
- 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.**

Street Art as Exempt Development

Supporting Reasons :

The proposal is supported as it will remove barriers to creative expression, encourage relationships within the community between residents, businesses and artists, and will create a potential creative arts culture and economy for the City of Sydney.

Signature:



Printed Name:

Mr. Williams

Date:

30/3/2017