

Outdoor dining and display of goods on footpaths

Proposal Title :	Outdoor dining and display of goods on footpaths		
Proposal Summary :	To permit outdoor dining on footpaths, community land and Crown land and the display of goods on footpaths as Exempt Development and to permit 'Food and drink premises' with consent within the SP2 Infrastructure zone.		
PP Number :	PP_2013_WOLLG_003_00	Dop File No :	13/19381

Planning Team Recommendation

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

S.117 directions : **5.1 Implementation of Regional Strategies**

Additional Information : **The Regional Director, Southern Region, Planning Operations & Regional Delivery, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan 2009 to permit outdoor dining on footpaths, community land and Crown land and the display of goods on footpaths as Exempt Development and to permit 'Food and drink premises' with consent within the SP2 Infrastructure Zone, should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
(a) the planning proposal is to be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013)'.

2. Consultation is required with Roads and Maritime Services under section 56(2)(d) of the EP&A Act.

The authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. A public authority may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

SECTION 117 DIRECTIONS

5. The Director General's delegate can be satisfied that the planning proposal is consistent with all relevant s117 Directions or that any inconsistencies are only of minor significance.

6. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Supporting Reasons : **The proposal will facilitate additional uses that will create employment opportunities and**

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add to the vitality of centres.

Panel Recommendation

Recommendation Date : 05-Dec-2013

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

2. Consultation is required with the Roads and Maritime Services under section 56(2)(d) of the EP&A Act. Roads and Maritime Services is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

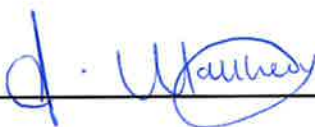
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not sought delegation for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

5/12/13