

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

Proposal Details

Date Planning Proposal Received :	25-Nov-2013	LGA covered :	Wollongong City
Region :	Southern	RPA :	Wollongong City Council
State Electorate :	WOLLONGONG	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	All land zoned SP2 Infrastructure, all footpaths, all Community land and all Crown land within the Wollongong LGA.		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Mark Parker
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Illawarra 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) :

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 :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Classified roads are zoned SP2 Infrastructure and Council wants to allow outdoor dining associated with approved food and drink premises on some classified roads, particularly within the Wollongong City Centre (Crown St, Corrimal Street, Keira Street).

External Supporting
Notes :

The proposal seeks to allow outdoor dining (associated with an approved 'Food and drink premises') on Community land, Crown land and footpaths and the display of goods on footpaths as exempt development.

It is also proposed to permit 'Food and drink premises' with consent in the SP2 Infrastructure Zone.

The use of these areas will be managed through licences with Council and Council's Outdoor Restaurant Policy will be applied. Any other approvals required under other legislation eg. Roads Act, Local Government Act or Crown Lands Act, will continue to apply.

Adequacy Assessment

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

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

Comment : **The statement clearly describes the objective of the proposal.**

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

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

Comment : **Council clearly explains that it is proposed to amend Schedule 2 of the Wollongong LEP 2009 and to amend the land use table for the SP2 Infrastructure Zone by permitting 'Food and drink premises' with consent.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

5.1 Implementation of Regional Strategies

* May need the Director General's agreement

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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 (Exempt and Complying Development Codes) 2008**

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **There are no inconsistencies with State policies or s117 Directions.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The proposed amendments do not involve map changes.
However, Council has prepared a map identifying the location of all SP2 Infrastructure (roads) Zones which would potentially be affected by the proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The 28 day consultation period proposed by Council is reasonable.**

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 :

Comments in relation to Principal LEP : **Wollongong LEP 2009 is in place.**

Assessment Criteria

Need for planning proposal : **Council has considered a number of options and has reached the conclusion that the Planning Proposal is the best option.**

Consistency with strategic planning framework : **The proposal is consistent with the Illawarra Regional Strategy in that it would create the potential for additional employment and would assist in enhancing lifestyle, entertainment and tourism facilities.
The proposal will assist to activate centres.**

Environmental social economic impacts : **The proposal has the potential to increase employment and enhance amenity and dining options. There will be no detriment to the environment.**

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** 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 : **The matter is being referred to the LEP Review Panel as it is a policy matter and although minor in nature and supported by the Department it does not fall within the Regional Director's delegations.**

Council has confirmed that it would like to use its delegations for this matter and this is considered reasonable.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies required.

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
Council letter.pdf	Proposal Covering Letter	Yes
Council resolution and report.pdf	Proposal	Yes
Map showing IN2 (road) zones.pdf	Map	Yes
Planning Proposal.pdf	Proposal	Yes

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 add to the vitality of centres.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

29th November 2013