

Advertisements - signage on bus and taxi rank shelters

Proposal Title : **Advertisements - signage on bus and taxi rank shelters**

Proposal Summary : **The planning proposal seeks to amend the Marrickville Local Environmental Plan 2011 (MLEP 2011) to add the development type 'Advertisements - signage on bus and taxi rank shelters' under Schedule 2 - Exempt Development.**

PP Number : **PP_2016_MARRI_001_00** Dop File No : **15/07069**

Proposal Details

Date Planning Proposal Received : **04-Jan-2016** LGA covered : **Marrickville**

Region : **Metro(CBD)** RPA : **Marrickville Council**

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

LEP Type : **Policy**

Location Details

Street : **0**

Suburb : **0** City : **0** Postcode : **0**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Deewa Baral**

Contact Number : **0292286572**

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RPA Contact Details

Contact Name : **Peter Wotton**

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DoP Project Manager Contact Details

Contact Name : **Martin Cooper**

Contact Number : **0292286582**

Contact Email : **martin.cooper@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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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 Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment : The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.

Have there been No

meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council's Manager, Design and Investigation requested to amend the MLEP 2011 to facilitate the installation of advertising on bus and taxi rank shelters. The funding of council's bus shelter program is via advertising revenue that cover the capital cost of shelters and their ongoing maintenance.

Under clause 97 of the State Environmental Planning Policy (Infrastructure) 2007, construction of bus shelters is exempt development. The exemption does not include commercial advertising. Additionally, clause 10 (1) of State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64), prohibits the display of advertisements within specified zones including residential.

Under the previous Marrickville Local Environmental Plan 2001, most roads were unzoned and the erection of an advertising structure on a bus or taxi rank shelter on an unzoned road was permitted with development consent. However, with the zoning of the roads as per the adjoining lots, under the Standard Instrument program, advertising structures on bus and taxi rank shelters was prohibited, as per the SEPP 64 clause 10(1).

It is noted that the SEPP 64 does not apply to signage that is exempt development under an environmental planning instrument that applies to it (clause 6(2)). As such, Council is seeking to add the provision of advertisements on bus and taxi rank shelters under Schedule 2 Exempt Development of the MLEP 2011.

Other councils such as Canada Bay, Fairfield City and Willoughby have amended their LEPS to this effect.

External Supporting
Notes :

The planning proposal reflects Marrickville Council's resolution of 1 December 2015 to endorse a request to include an additional development type in Schedule 2 for the provision of advertisements on bus and taxi rank shelters.

Council has requested delegation of plan making function for this planning proposal.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to make advertisements on bus and taxi rank shelters exempt

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development under the provisions of MLEP 2011.

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

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

Comment : **To add the following provision under Schedule 2 - Exempt Development:**

Advertisements - signage on bus and taxi rank shelters

- (1) must be on Council owned or controlled land;**
- (2) must not extend beyond the perimeter of the shelter;**
- (3) only 1 advertising panel per shelter that may comprise an advertisement on 2 sides;**
- (4) must not contain flashing or neon signage;**
- (5) must be positioned to not adversely impact on pedestrian movements; and**
- (6) must not obstruct the line of sight of vehicular traffic or pedestrian traffic.**

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

3.1 Residential Zones

6.1 Approval and Referral Requirements

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

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 :

The planning proposal is not inconsistent with the applicable SEPPs and section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The proposed amendment does not require any changes to the MLEP 2011 Maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Given the minor nature of amendment, community consultation for a minimum of 14 days is considered sufficient.

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 : **Marrickville LEP 2011 was notified on 12 December 2011.**

Assessment Criteria

Need for planning proposal :

The planning proposal is the best way to achieve Council's aim to address a situation which has occurred as a consequence of the requirement to zone roads under the Standard Instrument program and the prohibition to advertise within specific zones under clause 10 of State Environmental Planning Policy No 64 - Advertising and Signage.

Marrickville Council rely on advertising revenue to cover the capital cost of shelters and their ongoing maintenance. Not resolving the matter means a significant financial burden on council's ability to provide such public infrastructure.

Consistency with strategic planning framework :

It is considered that the planning proposal is generally consistent with the relevant strategic planning framework including A Plan for Growing Sydney.

It is not inconsistent with the Marrickville Community Strategic Plan - Our Place, your vision.

Environmental social economic impacts :

The planning proposal is not likely to adversely impact any critical habitat or threatened species, populations or ecological communities or their habitats.

It is expected to have positive social impacts as the revenue raised from advertising is utilised to fund other public infrastructure.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(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 :

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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
Cover Letter.pdf	Proposal Covering Letter	Yes
Advertisements on bus and taxi rank shelters.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**
 3.1 Residential Zones
 6.1 Approval and Referral Requirements

Additional Information : **It is recommended the planning proposal proceeds subject to the following conditions:**
 1.The proposal is to be exhibited for 14 days.
 2.The timeframe for completing the LEP is to be 6 months from the week following
 the date of the Gateway determination.
 3.No further studies are required.

Supporting Reasons : **The planning proposal is supported as it aims to address a situation which has occurred a**
 consequence of the requirement to zone roads under the Standard Instrument program.
 The proposed inclusion of advertisements/signage on bus and taxi rank shelters as
 exempt development will not affect the legibility of MLEP 2011 and is supported.

Signature:



Printed Name:

MARTIN COOPER Date: 25/01/2016

