

Item No: D3
Subject: **PLANNING PROPOSAL - BUS SHELTER ADVERTISING AS EXEMPT DEVELOPMENT**
Authors: Lady Afraku, Student Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/167836
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to permit bus shelter advertising as exempt development by amending Schedule 2 of the *Woollahra Local Environmental Plan 2014*.

1. Reason for report to the Woollahra Local Planning Panel

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on amending the planning controls to permit advertising on bus shelters as exempt development in Schedule 2 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposal to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) the correction of an obvious error in a local environmental plan,*
 - b) matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A planning proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1 (a), (b) or (c), above.

2. Background

On 26 July 2020, a report was presented to Council (**Annexure 1**) with a recommendation to permit bus shelter advertising as exempt development. The following background was provided in the report:

As advised in previous briefings and reports to Council in relation to the position of the budget, bus shelter advertising provides an opportunity to significantly increase Council's annual revenue stream and reduce the current and future Operating Deficit (currently at \$3.508m).

Woollahra is one of the few remaining councils in Sydney not to have advertising on its bus shelters. All neighbouring councils adjoining Woollahra (Waverley, Randwick and the City of Sydney) have bus shelter advertising contracts in place.

Given the location and demographics of Woollahra, bus shelter advertising in Woollahra is an attractive proposition for the market.

To assist Council in examining the opportunity for bus shelters advertising in the Woollahra local government area, specialist consultants Nexusfactor were engaged to provide specialist infrastructure advertising advice. Nexusfactor have experience in providing expert advertising, commercial modelling, planning and contract consultancy advice to various local and state government authorities and public transport organisations around Australia.

At that meeting, Council resolved:

- A. *THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.*
- B. *THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.*
- C. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- E. *THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.*
- F. *THAT heritage bus-shelters be exempt from bus shelter advertising in Woollahra Local Government Area.*

3. Planning proposal

Consistent with Council's resolution of 26 July 2020, a planning proposal has been prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014 (see **Annexure 2**).

3.1 Planning proposal structure

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environment, including *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- Justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

3.2 Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to permit advertising on bus shelters as exempt development. Permitting bus shelter advertising as exempt development will overcome the limitations of the *State Environmental Planning Policy 64 – Advertising and Signage* which prohibits the display of advertisements in certain land use zones and descriptions.

3.3 Explanation of provisions

The planning proposal seeks to amend Schedule 2: Exempt development of the Woollahra LEP 2014 to insert a provision for advertising on bus shelters. The recommended provisions to be included in the Woollahra LEP 2014 are:

Signage – Bus shelter advertising

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) Must not contain flashing or neon signage.
- (3) Must not be located on land that comprises a heritage item.
- (4) Must be erected by or on behalf of the Council.

The final wording of the provisions will be determined at LEP drafting stage by the NSW Parliamentary Counsel Office.

3.4 Relationship to strategic planning framework

The planning proposal has strategic merit. The planning proposal is broadly consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018) (refer to section 5.2 of the planning proposal).

The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. In particular, the planning proposal meets the following strategy within Goal 11 (Well managed Council) under the theme Community leadership and participation:

- *11.4 Maintain Council's strong financial position.*

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement 2020* (approved by Council 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 6 under the theme of Liveability: *Planning Priority 6 Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people.*

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies (refer to **Schedule 1** of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** of the planning proposal).

4. Conclusion


This report seeks the advice of the Woollahra LPP on a planning proposal to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

We recommend that the Woollahra LPP advise Council to proceed with the planning proposal at **Annexure 2** to permit bus shelter advertising as exempt development in the Woollahra LEP 2014.

Annexures

1. Council Agenda 26 July 2021 - Bus Shelter Advertising - Item 12.4 (Annexures removed) [↓](#) 
2. Planning proposal - Exempt provisions for bus shelter advertising - August 2021 [↓](#) 