

Item No: R8 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - BUS SHELTER ADVERTISING AS EXEMPT DEVELOPMENT**
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File No: 21/178383
Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 for the planning proposal to permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.
- B. THAT the planning proposal, as contained in **Annexure 3** of the report to the Environmental Planning Committee meeting of 11 October 2021 be forwarded to the Department of Planning, Industry and Environment with a request for gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environment plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background

On 26 July 2021, a report was presented to Council (**Annexure 1**) with a recommendation to permit bus shelter advertising as exempt development in Schedule 2 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). 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.*

2. Planning Proposal

A planning proposal was prepared in accordance with the Council's decision of 26 July 2021. The objective of the amendment to the Woollahra LEP 2014 is to permit advertising on bus shelters as exempt development whilst ensuring that the signage is compatible with desired visual character of the Woollahra local government area (LGA).

The proposed amendment to the Woollahra LEP 2014 is similar to exempt development provisions for bus shelter advertising in other LEPs including Canada Bay, The Hills and Sutherland Shire.

The recommended provisions to be included in Schedule 2 of the Woollahra LEP 2014 are:

- (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 draft provisions for bus shelter advertising as exempt development will ensure that advertisements on bus shelters are of high quality design and respects our community's commitment to heritage conservation.

3. Woollahra Local Planning Panel advice

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 16 September 2021 (see **Annexure 2**), where they provided the following advice to Council:

Resolved:

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.

Reason:

For the reasons in the report, the Panel supports the Planning Proposal for Bus Shelter Advertising to be Exempt Development.

The planning proposal (attached at **Annexure 3**) has been updated to include the advice from the Woollahra LPP.

4. Next steps

Subject to the Council's decision, the planning proposal (with updates to make reference to the Council decision) will be referred to the Department of Planning, Industry and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department as delegate for the Minister.

The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A weekly notice in the Wentworth Courier for the duration of the exhibition period (if a hardcopy is being published).
- A notice on Council's website.
- A notice to local community, resident and business groups.



To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation for this report deals with this request. After public exhibition, the planning proposal and submissions received will be reported to Council.

5. Conclusion

A planning proposal to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014 was considered by the Woollahra LPP on 16 September 2021. At this meeting, the Woollahra LPP provided advice to Council that it supports the planning proposal.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

Annexures

1. Council Agenda 26 July 2021 - Item 12.4 - Bus Shelter Advertising (Annexures removed) [↓](#) 
2. Woollahra Local Planning Panel Agenda 16 September 2021 - Item D3 - Planning proposal - Bus shelter advertising as exempt development (Annexures removed) [↓](#) 
3. Planning proposal - Exempt provisions for bus shelter advertising - September 2021 [↓](#) 