



Draft Planning Proposal Report

Bus shelter advertising – 8 May 2024



Contents

Introduction	3
Part 1 - Objectives and Intended Outcomes	3
Objective	3
Intended outcomes	3
Part 2 – Explanation of Provisions	3
Part 3 – Justification	4
A - Need for the Planning Proposal	4
B - Relationship to strategic planning framework.....	5
C - Environmental, social, and economic impact.....	11
D – Infrastructure (Local, State, and Commonwealth).....	11
E - State and Commonwealth Interests	11
Assessment of strategic and site-specific merit	12
Part 4 – Mapping	12
Part 5 - Community Consultation	12
Part 6 – Project Timeline	12
Conclusion.....	13

Figures

Figure 1 - Strategic Uplift Opportunities identified in the L&PS 4

Tables

Table 1 - Consistency with Greater Sydney Regional Plan (GSRP). 5

Table 2 - Consistency with the Eastern City District Plan (ECDP) 5

Table 3 - Consistency with Bayside Local Strategic Planning Statement (LSPS) 6

Table 4 - Consistency with the Bayside Council Community Strategic Plan (CSP) 6

Table 6 - Consistency with SEPPs 8

Table 7 - Consistency with Section 9.1 Ministerial Directions 8

Table 9 - Approximate project timeline 12

Revisions

Version 1.0 – 8 May 2024	Bayside Local Planning Panel Meeting (Pre-Gateway) – 11 June 2024
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Introduction

Council's Land and Property Strategy (L&PS) identifies opportunities for Council to review and uplift its property portfolio. One of the uplift opportunities identified in the L&PS is to encourage advertising on bus shelters. Council's Property team presented a report to the Strategic Asset Management Committee on 6 February 2024 seeking support for Council prepare a Planning Proposal to simplify the planning approval pathway for advertising on bus shelters and to overcome the restrictive provisions to help realise the opportunities identified in the L&PS.

On 27 March 2024, Council endorsed the recommendation prepared by Council's Property team, which states:

5. *Council takes the required steps to accommodate advertising on bus shelters provided by Council, including the preparation of a Planning Proposal under Part 3 of the Environmental Planning and Assessment Act 1979 to make signage permissible, or as required.*

This Planning Proposal acts on the recommendation of the Council by seeking to permit advertising on bus shelters as exempt development under Schedule 2 of the Bayside Local Environment Plan 2021 (Bayside LEP 2021).

Part 1 - Objectives and Intended Outcomes

Objective

The objective of this planning proposal is to amend the Bayside LEP 2021 to permit advertising on bus shelters as exempt development subject to size and location requirements.

Intended outcomes

- Simplify and streamline the approval process for installing advertising on Council's bus shelters.
- Ensure the advertising has a low overall impact on Council's streets.

Part 2 – Explanation of Provisions

The intended outcomes will be achieved by including exempt development provisions for advertising on bus shelters under the Schedule 2 Exempt development of the Bayside Local Environmental Plan 2021. The draft clause to be inserted into Schedule 2 of the Bayside LEP 2021 is as follows:

Signage – Bus Shelter Advertising

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) Must not contain neon, flashing or continuously moving electronic content.
- (3) Must not be located on land that comprises a heritage item or adversely impact the amenity of a heritage item.
- (4) Must be erected by or on behalf of Council.

It is noted that the wording of the proposed provision is indicative only, and that the final wording of the provisions will be determined at LEP drafting stage by the NSW Parliamentary Counsel's Office.

Part 3 – Justification

A - Need for the Planning Proposal

Q1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Yes. Council's Land and Property Strategy has identified advertising on bus shelters as a strategic uplift opportunity for Council's property portfolio as shown in **Figure 1**.

11 Uplift & Review

The introduction of the L&PS will allow Council to review and uplift the property portfolio through the identified objectives and subsequent action items. The below summary table further outlines the rationale from the strategy introduction.

Strategic Uplift Opportunities	Rationale
Community Leasing	Peppercorn rentals, childcare centres, areas/sites that have maintenance costs greater than revenue.
Commercial Leasing	<ul style="list-style-type: none">Market rent reviews, market testing sites, appropriate commercial mechanisms to maximise revenue and decrease outgoing costs.Exploring additional commercial leasing opportunities with current non-commercial assets
Asset Rationalisation (Sale of Asset)	Underutilised assets, low rental yield, require high capital investment. Underutilised assets, asset consolidation, aged assets, high cost maintenance
Advertising Opportunities	<ul style="list-style-type: none">Bus Shelters, Footbridges, pedestrian crossings, Billboards.Low cost, revenue share models, low to no maintenance cost.
Development Opportunities	Potential upfront capital cost, public/private partnerships, Asset uplift - future revenue uplift

Figure 1 - Strategic Uplift Opportunities identified in the L&PS

Q2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is considered to be the best way to achieve the intended outcomes. Under the existing planning framework, advertising on bus shelters can be installed via two pathways. The first pathway is via exempt development under Section 2.83 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The second pathway is via a Development Application (DA) made under the Bayside LEP 2021. However, *Signage* is not a permissible use in every zone. As such, only bus shelters within E1, E2, E3, E4, MU1, and RE1 zones can contain advertising signage, subject to DA approval.

Both pathways present substantial limitations to installing advertising on bus shelters and will not be feasible long term. Advice provided by Council's Planning Policy team on 17 January 2024 indicated that a Planning Proposal can be initiated by Council to include advertising on bus shelters as exempt development under Schedule 2 of the Bayside LEP 2021. This will allow Council to install advertising on bus shelters without approval.

B - Relationship to strategic planning framework

Q3 - Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

GREATER SYDNEY REGIONAL PLAN

The draft Planning Proposal is consistent with the objectives and actions of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (GSRP).

Table 1 - Consistency with Greater Sydney Regional Plan (GSRP).

Directions	Comment	Consistency
Infrastructure and Collaboration		
2. A collaborative city	<p>Objective 5: Benefits of growth realised by collaboration of governments, community and business.</p> <p>Comment: The proposal will support the ongoing maintenance and provision of new bus shelters through the use of advertising signage. This will involve engaging with a bus shelter advertising company via a tender process.</p>	Yes
Liveability		
3. A city for people	<p>Objective 6: Services and infrastructure meet communities' changing needs.</p> <p>Comment: The proposal will support the ongoing maintenance and provision of new bus shelters through the use of advertising signage. This will facilitate the sustainable management of bus shelters and improve the overall experience for public transport users.</p>	Yes

EASTERN CITY DISTRICT PLAN

The Eastern City District Plan (ECDP) identifies a range of planning priorities for the District, in line with the four categories identified in the Greater Sydney Region Plan:

- Infrastructure and collaboration;
- Liveability;
- Productivity; and
- Sustainability.

The draft Planning Proposal's consistency with the priorities in the ECDP are discussed in further detail in **Table 2** below:

Table 2 - Consistency with the Eastern City District Plan (ECDP)

Priority	Consistency
Infrastructure and Collaboration	
<p>E1 Planning for a city supported by infrastructure.</p> <p>Comment: The proposal will facilitate the sustainable management of bus shelters and improve the overall experience for public transport users.</p>	Yes

Q4 - Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

BAYSIDE LOCAL STRATEGIC PLANNING STATEMENT – A LAND USE VISION TO 2036

Council has adopted the Bayside Local Strategic Planning Statement (LSPS) in accordance with the guidance provided by DPHI. Council has aligned the Bayside LSPS Priorities to the *Greater Sydney Region Plan – A Metropolis of Three Cities* (GSRP), the Planning Priorities in the Eastern City District Plan as well as Councils Community Strategic Plan.

Table 3 - Consistency with Bayside Local Strategic Planning Statement (LSPS)

Priority		Consistency
Infrastructure and Collaboration		
B2	Align land use planning with the delivery and management of assets by Bayside Council to support our community. LSPS Action: The proposal will support the ongoing maintenance and provision of new bus shelters through the use of advertising signage. This will facilitate the sustainable management of bus shelters and improve the overall experience for public transport users.	Yes

BAYSIDE COMMUNITY STRATEGIC PLAN 2018-2032

The Bayside Community Strategic Plan 2018-2032 (which superseded the Rockdale City Community Strategic Plan) sets the strategic direction for Council's Delivery Program and Operational Plans. The themes and directions outlined in this plan inform Council's Delivery Program and the annual Operational Plans that describe Council's activities towards achieving those outcomes in the Delivery Program.

Table 4 - Consistency with the Bayside Council Community Strategic Plan (CSP)

Community Outcome	Strategies	Consistency
Theme One – In 2032 Bayside will be a Vibrant Place		
1.4 Bayside's transport system works	Promote adequate, accessible, reliable public transport for ease of travel to work and leisure. Comment: The proposal will improve the overall experience for public transport users.	Yes
Theme Four – In 2032 Bayside will be a prosperous community		
4.3 Council is financially sustainable and well governed	Manage Council assets to meet community expectations within available resources. Comment: The proposal will support the ongoing maintenance and provision of new bus shelters through the use of advertising signage. This will facilitate the sustainable management of bus shelters and improve the overall experience for public transport users.	Yes

Community Outcome	Strategies	Consistency
	<p>Manage Council finances for the long-term benefit of the community and to prioritise infrastructure funding commitments.</p> <p>Comment: The proposal will support the ongoing maintenance and provision of new bus shelters through the use of advertising signage. This will facilitate the sustainable management of bus shelters and improve the overall experience for public transport users.</p>	Yes

BAYSIDE LOCAL HOUSING STRATEGY

The purpose of the Bayside Local Housing Strategy (Bayside LHS) is to set the strategic framework and vision for housing in the Bayside LGA up to 2036. As such, the proposal is not applicable.

Q5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

FUTURE TRANSPORT STRATEGY 2056

The Future Transport Strategy 2056 identifies six guiding principles for the NSW public transport system, identified below.

1. Customer Focused;
2. Successful Places;
3. A Strong Economy;
4. Safety and Performance;
5. Accessible Services; and
6. Sustainability.

Whilst the proposal does not affect the public transport system directly, it will contribute to the ongoing maintenance and installation of bus shelters in the LGA. This will improve the overall experience of public transport users. As such, the proposal is consistent with the guiding principles of Customer focused, Safety and performance, and Accessible services.

NSW STATE INFRASTRUCTURE STRATEGY 2018-2038

The NSW State Infrastructure Strategy 2018-2038 (SIS) sets out the government's priorities for the next 20 years and combined with the Future Transport Strategy 2056, the Greater Sydney Region Plan and the Regional Development Framework, brings together infrastructure investment and land-use planning for our cities and regions. The SIS looks beyond the current projects and identifies policies and strategies needed to provide the infrastructure that meets the needs of a growing population and a growing economy.

The Strategy sets out six overarching strategic directions to instil best practice approaches across NSW's infrastructure sectors:

- Continuously improve the integration of land and infrastructure planning;
- Plan, prioritise and deliver an infrastructure program that represents the best possible investment and use of public funds;
- Optimise the management, performance and use of the State's assets;
- Ensure NSW's existing and future infrastructure is resilient to natural hazards and human-related threats;
- Improve state-wide connectivity and realise the benefits of technology; and
- Drive high quality consumer-centric services and expand innovative service delivery models in infrastructure sectors.

The proposal is consistent with the objectives of the NSW State Infrastructure Strategy.

Q6 - Is the Planning Proposal consistent with applicable SEPPs?

Consistency with the State Environmental Planning Policies is provided below:

Table 5 - Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Comment	Consistency
(Transport and infrastructure) 2021	The proposal is consistent with the Transport and infrastructure SEPP and will allow Bayside Council to install advertising on bus shelters under exempt development, similar to Transport for NSW. Transport for NSW will be consulted on the proposal regarding bus shelter standards and driver safety during to post-Gateway stage.	Yes
(Industry and Employment) 2021	Chapter 3 Advertising and Signage does not relate to exempt development. Notwithstanding, the proposed provisions is generally consistent with the provisions of this chapter. Further, the proposal is generally aligned with the objectives of this SEPP, which is to ensure signage is well regulated and does not diminish the quality of the public realm.	Yes
(Exempt and Complying Development Codes) 2008	The proposal will not conflict with SEPP (Exempt and Complying Development Codes) 2008 provisions.	Yes

Q7 - Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priorities?

Table 6 below reviews the consistency of the draft Planning Proposal with the Local Planning Directions for LEPs under section 9.1 (formerly section 117 Ministerial Directions) of the *Environmental Planning and Assessment Act 1979*.

Table 6 - Consistency with Section 9.1 Ministerial Directions

Ministerial Direction	Comment	Consistency
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Objective: To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Comment: Not applicable.	N/A
1.2 Development of Aboriginal Land Council land	Objective: To provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority. Comment: Not applicable.	N/A
1.3 Approval and Referral Requirements	Objective: To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes

Ministerial Direction	Comment	Consistency
	Comment: The proposal will enable the most efficient planning approval pathway for advertising on bus shelters.	
1.4 Site Specific Provisions	<p>Objective: To discourage unnecessarily restrictive site-specific planning controls.</p> <p>Comment: The proposal simplifies the approval process for advertising on bus shelters by including them in Schedule 2 Exempt Development of Bayside LEP 2021.</p>	Yes
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	<p>Objective: To protect and conserve environmentally sensitive areas.</p> <p>Comment: Not applicable.</p>	N/A
3.2 Heritage Conservation	<p>Objective: To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Comment: The proposed clause will prevent advertising from being installed on land containing a heritage item or where it adversely affects a heritage item.</p>	Yes
3.5 Recreation Vehicle Areas	<p>Objective: To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p>Comment: Not applicable.</p>	N/A
3.6 Strategic Conservation Planning	<p>Objective: To protect, conserve or enhance areas with high biodiversity value.</p> <p>Comment: Not applicable.</p>	N/A
3.7 Public Bushland	<p>Objective: To protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland.</p> <p>Comment: Not applicable.</p>	N/A
3.10 Water Catchment Protection	<p>Objective: To:</p> <ul style="list-style-type: none"> (a) Maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution; (b) Protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity; (c) Protect and enhance the environmental quality of water catchments by managing them in an ecologically and sustainable manner, for the benefit of all users; and (d) Protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity. <p>Comment: Not applicable.</p>	N/A
Focus Area 4: Resilience and Hazards		
4.1 Flooding	<p>Objective: To:</p> <ul style="list-style-type: none"> (a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and 	N/A

Ministerial Direction	Comment	Consistency
	<p>(b) Ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>Comment: Not applicable.</p>	
4.2 Coastal Management	<p>Objective: To protect and manage coastal areas of NSW.</p> <p>Comment: Not applicable.</p>	N/A
4.4 Remediation of Contaminated Land	<p>Objective: To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by Planning Proposal Authorities.</p> <p>Comment: Not applicable.</p>	N/A
4.5 Acid Sulfate Soils	<p>Objective: To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Comment: Not applicable.</p>	N/A
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	<p>Objective: To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) Improving access to housing, jobs and services by walking, cycling and public transport, and (b) Increasing the choice of available transport and reducing dependence on cars, and (c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) Supporting the efficient and viable operation of public transport services, and (e) Providing for the efficient movement of freight. <p>Comment: This proposal will support the ongoing maintenance of bus stops in the LGA, improving the overall experience for public transport users.</p>	Yes
5.2 Reserving Land for Public Purposes	<p>Objective: To:</p> <ul style="list-style-type: none"> (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. <p>Comment: Not applicable.</p>	N/A
5.3 Development Near Regulated Airports and Defence Airfields	<p>Objective: To:</p> <ul style="list-style-type: none"> (a) Ensure the effective and safe operation of regulated airports and defence airfields; (b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and 	N/A

Ministerial Direction	Comment	Consistency
	<p>(c) Ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Comment: Not applicable.</p>	

C - Environmental, social, and economic impact

Q8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The proposal will not impact critical habitat or threatened species populations or ecological communities, or their habitats.

Q9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Yes. The Planning Proposal may create environmental impacts, such as, distracting drivers due to flashing or illuminated signage, visual and streetscape clutter, and diminishing the heritage significance of items. This will be managed by regulating the level of illumination, size and location to ensure these environmental effects are mitigated.

Q10 - Has the draft Planning Proposal adequately addressed any social and economic effects?

Yes. The Planning Proposal will not have any adverse social and economic impacts. Bus shelter advertising will be managed by Council and will contribute to the ongoing maintenance of bus shelters. As such, there is broader public benefit for transport users by improving their overall experience.

D – Infrastructure (Local, State, and Commonwealth)

Q11 - Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal will not create additional demand for existing services.

E - State and Commonwealth Interests

Q12 - What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation will occur in accordance with the requirements of the Gateway determination, if issued. This will likely include consultation with Transport for NSW. Due to the nature of the proposal, consultation is not necessary prior to Gateway being issued.

Assessment of strategic and site-specific merit

Does the proposal have strategic merit?

The proposal has strategic merit given it is consistent with the relevant strategic plans, including the GSRP, ECDP and LSPS.

Does the proposal have site-specific merit?

The proposal will not impact the natural habitats, nor will it impact the current or future uses of neighbouring land. Furthermore, it will not create additional demand for services or infrastructure. The potential impacts arising from the proposal, including driver safety, street presentation, and heritage conservation, have all been considered and suitably mitigated. As such, the Planning Proposal has site-specific merit.

Part 4 – Mapping

There are no mapping amendments as part of this Planning Proposal.

Part 5 - Community Consultation

The draft Planning Proposal will be exhibited for a period of 28 days in accordance with the provisions of the *EP&A Act 1979* and the *Environmental Planning & Assessment Regulation 2021* and any requirements of the Gateway determination.

Public exhibition of this draft Planning Proposal will include:

- Exhibition notice on Council's website;
- Community engagement project set up on Council's Have Your Say website; and
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

Part 6 – Project Timeline

Table 7 below provides an approximate timeline for the project.

Table 7 - Approximate project timeline

Task	Anticipated timeframe
Bayside Local Planning Panel Meeting (pre-Gateway)	June 2024
Bayside Council Meeting (pre-Gateway)	July 2024
Submit to DPE for Gateway Determination	July 2024
Gateway determination issued	Early September 2024
Satisfaction of Gateway conditions	Early September 2024

Public exhibition	Mid September to mid October 2024
Review submissions	Mid October 2024
Post-exhibition report to Bayside Council meeting (post-Gateway)	November 2024
Submit to DPE/PCO for finalisation	November 2024
Gazettal of LEP Amendment	February 2025

Conclusion

This Planning Proposal has sufficient strategic and site-specific merit to proceed to Gateway determination as concluded in this report. Furthermore, this Planning Proposal is the best way to achieve the intended outcomes, which is to simplify and streamline the planning approval pathway for advertising on bus shelters and ensure the advertising has a low overall impact on Council's streets.