



IRF24/2019

Gateway determination report – PP-2024-1777

Bayside Bus Shelter Advertising

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Bayside
PPA	Bayside Council
NAME	Bayside Bus Shelter Advertising
NUMBER	PP-2024-1777
LEP TO BE AMENDED	Bayside Local Environmental Plan 2021
ADDRESS / DESCRIPTION	LGA Wide
RECEIVED	12/08/2024
FILE NO.	IRF24/2019
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains an objective and intended outcomes that explain the intent of the proposal.

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

The intended outcomes of the planning proposal are to:

- 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.

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 2 of Bayside LEP 2021 to permit advertising signage on bus shelters as exempt development by or on behalf of Council.

The planning proposal includes the following proposed draft provisions to illustrate the intent of the proposal. A statement is included which notes that these provisions are indicative only and that the final wording will be determined at LEP drafting stage by the NSW Parliamentary Counsel.

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.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal applies to the land to which the Bayside LEP 2021 applies as identified on the Land Application Map.

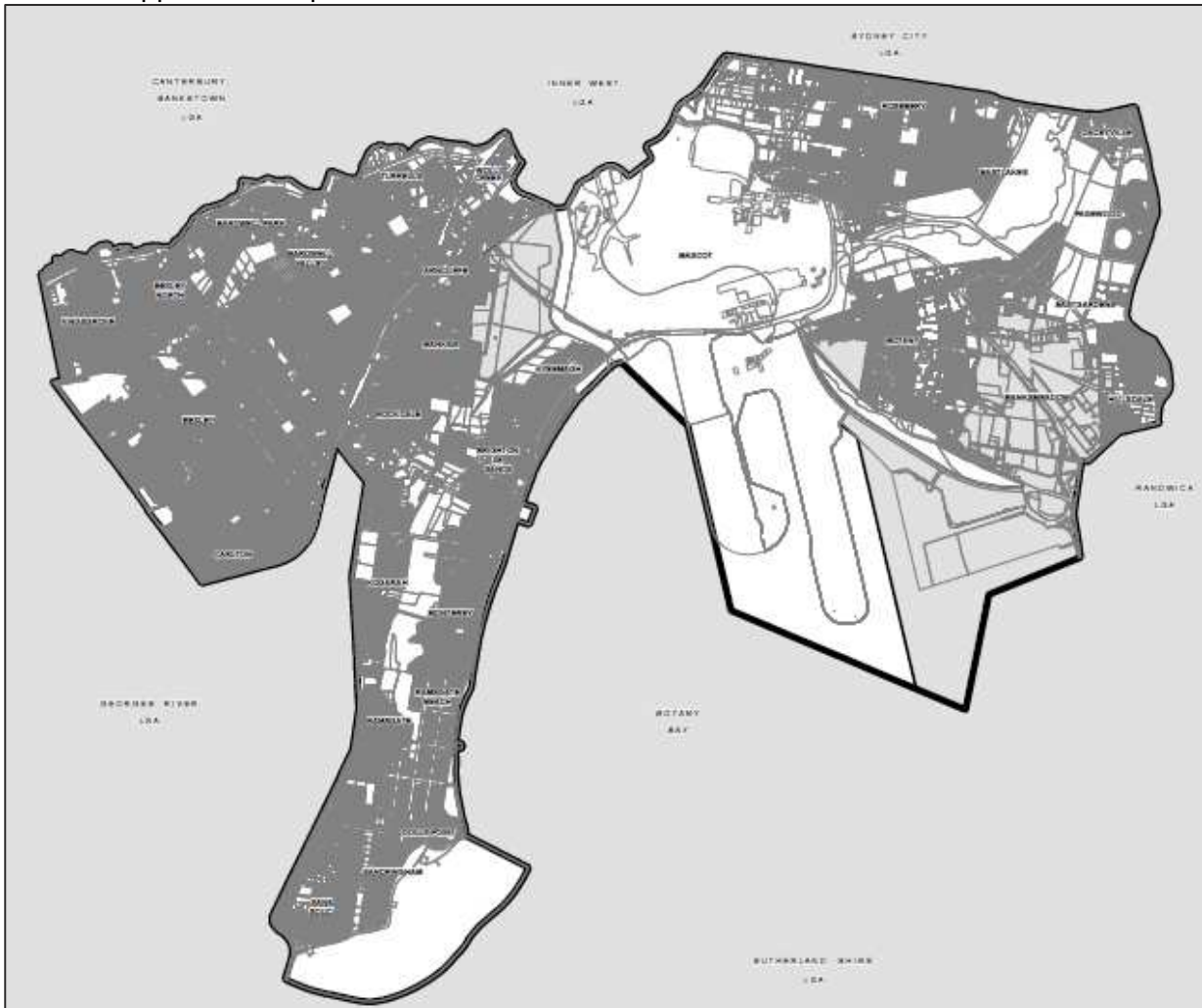


Figure 1 Subject Site (source: Bayside LEP Land Application Map, 2024)

1.5 Mapping

The planning proposal does not seek to amend any maps in the Bayside LEP 2021.

2 Need for the planning proposal

The planning proposal is the result of Council's Land and Property Strategy, which has identified advertising on bus shelters as a strategic uplift opportunity for Council's property portfolio.

Currently, the Bayside LEP 2021 permits advertising with consent in the E1, E2, E3, E4, MU1, and RE1 zones. Including advertising on bus shelters as exempt development under Schedule 2 of the Bayside LEP 2021 will allow Council to install advertising on bus shelters in a simpler process whilst ensuring a low overall impact on the local area. Council notes that the proposed approach is similar to those implemented by other councils in Greater Sydney.

The planning proposal states that the best means of achieving the intended outcome to amend the Bayside LEP 2021 to permit advertising beyond the limitations of the existing planning framework.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney. The Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in **Section 3.2** below.

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 2 District Plan assessment

District Plan Priorities	Justification
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage.	<p>The planning proposal will only allow advertising to be erected as exempt development on or on behalf of Council and will not be permitted on heritage items.</p> <p>The planning proposal contains appropriate provisions to limit impacts on heritage and ensure that development occurs in a manner where the District's heritage is respected. The proposal is consistent with this planning priority.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 3 Local strategic planning assessment

Local Strategies	Justification
Bayside Local Strategic Planning Statement - A Land Use Vision to 2036	<p>The planning proposal states that it is consistent with the Bayside Local Strategic Planning Statement (March 2020) actions of Planning Priority B2: <i>Align land use planning with the delivery and management of assets by Bayside Council to support our community.</i></p> <p>The proposal notes that it will support the ongoing maintenance and provision of new bus shelters with the advertising signage helping to facilitate the sustainable management by Council.</p>
Bayside Community Strategic Plan 2018-2032	<p>The planning proposal states that it is consistent with the <i>Bayside Community Strategic Plan 2018-2032</i> as it will support Community Outcome 1.4 <i>Bayside's transport system works</i> through improving the overall experience for public transport users, and Community Outcome 4.3 <i>Council is financially sustainable and well governed</i> by supporting the ongoing maintenance and provision of new bus shelters through the use of advertising signage.</p>

3.4 Local planning panel (LPP) recommendation

The planning proposal was reported to the Bayside Local Planning Panel on 11 June 2024. The panel supported the proposal proceeding.

Council considered the advice of the LPP at its meeting of 24 July 2024 and resolved to submit the proposal for a Gateway determination.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
1.3 Approval and Referral Requirements	Consistent	<p>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The planning proposal enables a simplified approval pathway for development on Council assets. It does not include provisions requiring concurrences.</p> <p>The planning proposal is consistent with the Direction.</p>

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal includes provisions to ensure that advertising structures are not permitted on land comprising a heritage item and will not adversely impact heritage conservation. For abundant clarity, the proposal should be update prior to consultation to explain whether it applies to land within a heritage conservation area. A gateway condition is recommended to this effect.</p> <p>The Department is satisfied that the proposal has adequately considered heritage conservation and is consistent with the terms of the direction.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>This direction aims to increase the choice of available transport and reduce dependency on cars.</p> <p>The planning proposal does not create, alter or remove a zone.</p> <p>The planning proposal will enable development for advertising signage on council bus shelters to support ongoing sustainable management and maintenance of bus shelters in the LGA.</p> <p>The planning proposal is consistent with the terms of this Direction.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 5 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
SEPP (Industry and Employment) 2021	Consistent	<p>Chapter 3 of the SEPP aims to ensure that signage is compatible with the desired amenity and visual character of an area, to regulate the display of advertisements in transport corridors and to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>The NSW Transport Corridor Advertising Signage Guidelines outline best practice for the planning and design of outdoor advertisements in transport corridors, such as along or adjacent to classified roads, freeways, tollways, transitways and railway corridors, or on bridges or road and rail overpasses.</p> <p>Section 3.4(2) of the SEPP states that the provisions of the relevant chapter do not apply to signage that is exempt development under an environmental planning instrument that applies to it.</p> <p>The planning proposal will support the ongoing maintenance and sustainable management of bus shelters in the Bayside LGA.</p> <p>The planning proposal objectives are consistent with the objectives of the SEPP. The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>
SEPP (Transport and infrastructure) 2021	Consistent	<p>The SEPP aims to facilitate the effective delivery of infrastructure across the state and establishes requirements for development that is likely to increase demand for infrastructure, services and facilities.</p> <p>The planning proposal will enable Council to install advertising on bus shelters as exempt development, similar to the provisions for public authorities under Section 2.113 of the SEPP.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>

4 Site-specific assessment

4.1 Environmental

There are no critical habitat areas, threatened species, populations or ecological communities or their habitats.

There is the potential for traffic impacts as some forms of advertising may cause distractions to vehicular traffic, particularly on main roads where bus shelters are located. The planning proposal states that any environmental impacts will be mitigated by regulating the level of illumination, size and location of advertising.

The recommended conditions of the Gateway determination require consultation with Transport for NSW to ensure that it is satisfied with Council's approach and proposed amendments.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 6 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The planning proposal states that there will be no adverse social impacts and there is broader public benefit for transport users by improving their overall experience.
Economic	The planning proposal states that there will be no adverse economic impacts and the bus shelter advertising will contribute to the ongoing maintenance of bus shelters.

4.3 Infrastructure

There is no significant infrastructure demand that will result from the proposed provisions. The planning proposal seeks to permit bus shelter advertising as exempt development and will not create additional demand for existing services.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days (20 working days).

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The planning proposal has identified consultation with Transport for NSW (TfNSW). A Gateway condition is recommended to in this regard and require that TfNSW be given 30 days to provide comments.

6 Timeframe

Council proposes a six month timeframe to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 11 July 2025 in line with its commitment to reducing processing times and with regard Council's reporting schedules. A condition to this effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is of local significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It seeks to enable a simplified approval pathway for development on Council assets.
- It is consistent with the strategic planning framework and gives effect to the District Plan and Bayside Council's LSPS.
- It is generally consistent with the relevant section 9.1 Directions.
- It is consistent with relevant SEPPs.
- The proposal contains provisions that ensure heritage conservation.


9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be updated to clarify whether the planning proposal will apply to heritage conservation areas.
2. Consultation is required with Transport for NSW under section 3.34(2)(d) of the Act and is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 11 July 2025 be included on the Gateway.



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30 August 2024

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