

ITEM 7. PLANNING PROPOSAL - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - EXEMPT DEVELOPMENT - DISPLAYS OF GOODS ON THE FOOTWAY

FILE NO: S060627-02

SUMMARY

The City encourages people to use public land in ways that create interest and activity in the street, encourage visitation, provide passive surveillance and opportunities for social interaction, and assist local economic development. These uses range from outdoor dining areas and displays of goods from adjacent shops to local markets.

Council has exhibited a draft Local Approvals Policy for the Display of Goods on the Footway. If adopted the Local Approvals Policy will allow shop owners to place displays of goods on the footway without the need for any approvals from Council, as long as certain criteria are met.

To implement the Local Approvals Policy, Council will need to amend the Sydney Local Environmental Plan 2012 to exempt the display of goods from the requirement for development consent. The City has prepared a Planning Proposal to amend the Local Environmental Plan to classify displays of goods as exempt development. The amendment only exempts displays if they are in accordance with the criteria in the Local Approvals Policy.

This report recommends that the Central Sydney Planning Committee approve the Planning Proposal to seek a Gateway Determination and undertake public exhibition and public agency consultation.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 10 October 2016 that Council endorse the Local Approval Policy for the Display of Goods on the Footway shown at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Footway, shown at Attachment B to the subject report:
 - (a) for submission to the Greater Sydney Commission with a request for a Gateway Determination; and
 - (b) for public authority consultation and public exhibition in accordance with the Gateway Determination;

- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 10 October 2016 that:
- (a) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission for all of the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Footway; and
 - (b) Council authorise the Chief Executive Officer to make any minor variations to the Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Footway following receipt of the Gateway Determination.

ATTACHMENTS

Attachment A: Local Approvals Policy for the Display of Goods (as amended)

Attachment B: Planning Proposal – Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Footway.

BACKGROUND

1. Active and busy public places are an important part of Sydney's public character and central to the attractiveness and success of our public spaces. Well-managed uses of public space such as outdoor dining and displays of goods from shops can contribute to this character, and add to the economic and social vitality of the City.
2. Council has exhibited a draft Local Approvals Policy for the Display of Goods on the Footway, shown at Attachment A. If adopted the Local Approvals Policy will allow shop owners outside of Central Sydney to place displays of goods on the footway without the need for any approvals from Council, as long as certain criteria are met. The criteria include:
 - (a) maintaining a consistent and predictable clear path of travel for pedestrian movement and wayfinding;
 - (b) the size and appearance of displays;
 - (c) the nature of goods included in displays; and
 - (d) the location of displays on the footway.
3. Staff have considered the submissions and have recommended to Council's Planning and Development Committee on 10 October 2016 that Council endorse the Local Approvals Policy and undertake the steps required to finalise and adopt it. The steps needed are:
 - (a) seek concurrence from the Office of Local Government for the approval exemptions in Part 1 of the Local Approvals Policy;
 - (b) seek concurrence from Roads and Maritime Services to issue a general approval under the *Roads Act 1993*, allowing the display structures to be placed on the footway without the need for individual approval; and
 - (c) amend Sydney Local Environmental Plan 2012 to classify displays as exempt from the requirement for development consent.
4. Staff have prepared the Planning Proposal – Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Public Footway shown at Attachment B. The planning proposal will make displays of goods exempt from the requirement for development consent provided they are consistent with the Local Approvals Policy.
5. This report seeks approval from the Central Sydney Planning Committee to submit the planning proposal for submission to the Greater Sydney Commission with a request for a Gateway Determination to allow public exhibition.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

6. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with SS2030 Direction 6 - Vibrant Local Communities and Economies. If adopted, the proposed approach will encourage additional business in the City, through the simplification and streamlining of application processes. These processes were identified as a major entry barrier by City businesses in consultation as part of the policy review.

Social / Cultural / Community

7. If adopted, the Local Approval Policy will mandate that a clear path of travel be maintained at all times. It does not adopt the preferred position of Vision Australia and others, to leave the building line clear of items and obstructions. However, the proposed approach strikes a balance, and insists on the provision and maintenance of a consistent and reliable clear path of travel.
8. The Local Approvals Policy will encourage greater activity on the City's neighbourhood high streets, which can have social benefits including improved perceptions of safety.

Economic

9. The Planning Proposal is required for implementation of Council's Local Approvals Policy for the Display of Goods. The Local Approvals Policy will provide support for local businesses

RELEVANT LEGISLATION

10. *Crown Lands Act 1989; Disability Discrimination Act 1992 (Cth); Environmental Planning and Assessment Act 1979; Local Government Act 1993; Roads Act 1993; State Environmental Planning Policy (Exempt and Complying Codes) 2008.*

CRITICAL DATES / TIME FRAMES

11. The Local Approvals Policy requires amendment of *Sydney Local Environmental Plan 2012* to be fully implemented. The Local Approvals Policy will be reported to Council for adoption once the steps identified in this report, including the amendment, have been completed.

PUBLIC CONSULTATION

12. The public exhibition of the Planning Proposal will be informed by the Gateway Determination. It is proposed to publicly exhibit the Planning Proposal for at least the period specified in the Gateway Determination, with notification on the City of Sydney website and local in newspapers. Exhibition documents will be made available for viewing on the City of Sydney website and at the City's neighbourhood service centres.

13. The City has undertaken consultation to inform the development of the draft local Approvals Policy for the Display of Goods. It was placed on public exhibition for a period of 45 days from 3 November to 18 December, along with the City's draft Outdoor Dining Policy, Guidelines and Action Plan. The report to Council's Planning and Development Committee on 10 October 2016 recommended Council note the issues raised in public exhibition, endorse the Local Approvals Policy and undertake steps to finalise and implement the Local Approvals Policy, including approval of the Planning Proposal for Gateway determination and public exhibition.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(David Fitzpatrick, Senior Planner)