

A meeting of the  
**City Planning & Environment Committee**  
will be held in the Committee Room, Botany Town Hall  
1423 Botany Road, Botany  
(Corner of Edward Street and Botany Road, Botany)  
**on Wednesday 5 March 2025 at 6:30 PM**

## **UNDER SEPARATE COVER ATTACHMENTS PART ONE**

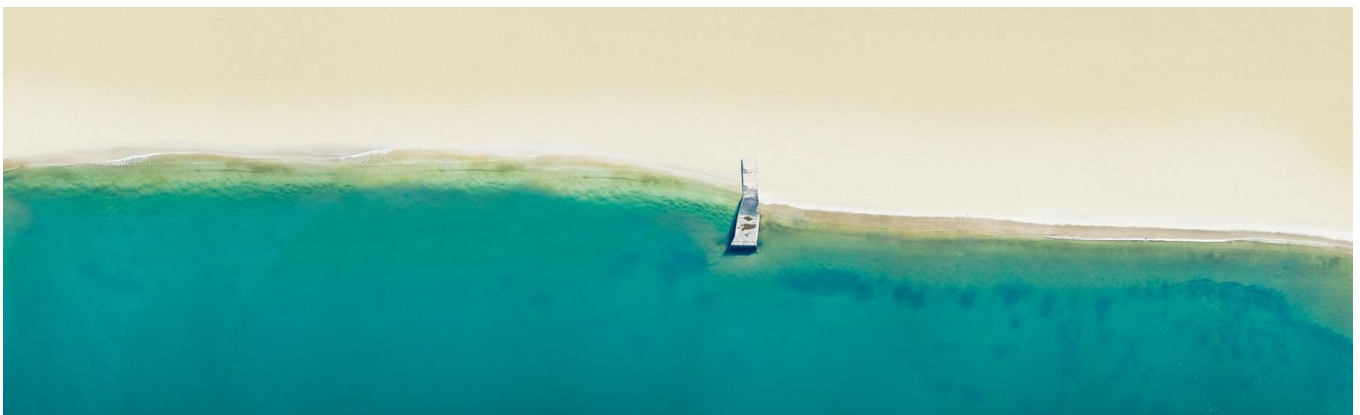
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# Draft Planning Proposal Report

**Bus shelter advertising – February 2025**



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## Revisions

<b>Version 1.0 – 8 May 2024</b>	Bayside Local Planning Panel Meeting (Pre-Gateway) – 11 June 2024
<b>Version 2.0 – 23 September 2024</b>	Post-Gateway Determination (For Exhibition)
<b>Version 3.0 – 3 February 2025</b>	Post-Exhibition

## 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 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 to take the necessary steps in enabling advertising on bus shelters as per 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 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.

### 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 adversely impact the amenity of a heritage item or a heritage conservation area.
- (4) Must not obstruct sight lines for drivers, cyclists or pedestrians.
- (5) 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.

#### 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"> <li>▪ Market rent reviews, market testing sites, appropriate commercial mechanisms to maximise revenue and decrease outgoing costs.</li> <li>▪ Exploring additional commercial leasing opportunities with current non-commercial assets</li> </ul>
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"> <li>▪ Bus Shelters, Footbridges, pedestrian crossings, Billboards.</li> <li>▪ Low cost, revenue share models, low to no maintenance cost.</li> </ul>
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. Currently, the main pathway for installing advertising on bus shelters is via a Development Application made under the BLEP 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. The proposal will simplify the planning approval pathway for advertising on bus shelters and overcome the limitations of land use permissibility.

## 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
<b>Infrastructure and Collaboration</b>		
<b>2. A collaborative city</b>	<p><b>Objective 5:</b> Benefits of growth realised by collaboration of governments, community and business.</p> <p><b>Comment:</b> The proposal will support the ongoing maintenance and provision of new bus shelters through the use of advertising signage. This includes the engaging with a bus shelter advertising company via a tender process.</p>	Yes
<b>Liveability</b>		
<b>3. A city for people</b>	<p><b>Objective 6:</b> Services and infrastructure meet communities' changing needs.</p> <p><b>Comment:</b> 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
<b>Infrastructure and Collaboration</b>	
<b>E1</b>	<p>Planning for a city supported by infrastructure.</p> <p><b>Comment:</b> The proposal will facilitate the sustainable management of bus shelters and improve the overall experience for public transport users.</p>

**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
<b>Infrastructure and Collaboration</b>		
<b>B2</b>	Align land use planning with the delivery and management of assets by Bayside Council to support our community.  <b>LSPS Action:</b> 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
<b>Theme One – In 2032 Bayside will be a Vibrant Place</b>		
<b>1.4 Bayside's transport system works</b>	Promote adequate, accessible, reliable public transport for ease of travel to work and leisure.  <b>Comment:</b> The proposal will improve the overall experience for public transport users.	Yes
<b>Theme Four – In 2032 Bayside will be a prosperous community</b>		
<b>4.3 Council is financially sustainable and well governed</b>	Manage Council assets to meet community expectations within available resources.  <b>Comment:</b> 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><b>Comment:</b> 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 in

Table 5 below:

**Table 5 - Consistency with SEPPs**

State Environmental Planning Policy (SEPP)	Comment	Consistency
<b>(Transport and infrastructure) 2021</b>	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
<b>(Industry and Employment) 2021</b>	The proposal is generally consistent with the provisions under Chapter 3 Advertising and signage.	Yes
<b>(Exempt and Complying Development Codes) 2008</b>	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
<b>Focus Area 1: Planning Systems</b>		
<b>1.1 Implementation of Regional Plans</b>	<b>Objective:</b> To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. <b>Comment:</b> Not applicable.	N/A
<b>1.2 Development of Aboriginal Land Council land</b>	<b>Objective:</b> 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. <b>Comment:</b> Not applicable.	N/A
<b>1.3 Approval and Referral Requirements</b>	<b>Objective:</b> To ensure that LEP provisions encourage the efficient and appropriate assessment of development. <b>Comment:</b> The proposal allows the most efficient approval pathway for advertising on bus shelters.	Yes

Ministerial Direction	Comment	Consistency
<b>1.4 Site Specific Provisions</b>	<p><b>Objective:</b> To discourage unnecessarily restrictive site-specific planning controls.</p> <p><b>Comment:</b> 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
<b>Focus Area 3: Biodiversity and Conservation</b>		
<b>3.1 Conservation Zones</b>	<p><b>Objective:</b> To protect and conserve environmentally sensitive areas.</p> <p><b>Comment:</b> Not applicable.</p>	N/A
<b>3.2 Heritage Conservation</b>	<p><b>Objective:</b> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><b>Comment:</b> The proposed clause for bus shelter advertising will ensure no adverse impacts on heritage items or heritage conservation areas.</p>	Yes
<b>3.5 Recreation Vehicle Areas</b>	<p><b>Objective:</b> To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p><b>Comment:</b> Not applicable.</p>	N/A
<b>3.6 Strategic Conservation Planning</b>	<p><b>Objective:</b> To protect, conserve or enhance areas with high biodiversity value.</p> <p><b>Comment:</b> Not applicable.</p>	N/A
<b>3.7 Public Bushland</b>	<p><b>Objective:</b> To protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland.</p> <p><b>Comment:</b> Not applicable.</p>	N/A
<b>3.10 Water Catchment Protection</b>	<p><b>Objective:</b> To:</p> <ul style="list-style-type: none"> <li>(a) Maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution;</li> <li>(b) Protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity;</li> <li>(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</li> <li>(d) Protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</li> </ul> <p><b>Comment:</b> Not applicable.</p>	N/A
<b>Focus Area 4: Resilience and Hazards</b>		
<b>4.1 Flooding</b>	<p><b>Objective:</b> To:</p> <ul style="list-style-type: none"> <li>(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</li> </ul>	N/A

Ministerial Direction	Comment	Consistency
	(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.  <b>Comment:</b> Not applicable.	
<b>4.2 Coastal Management</b>	<b>Objective:</b> To protect and manage coastal areas of NSW. <b>Comment:</b> Not applicable.	N/A
<b>4.4 Remediation of Contaminated Land</b>	<b>Objective:</b> To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by Planning Proposal Authorities. <b>Comment:</b> Not applicable.	N/A
<b>4.5 Acid Sulfate Soils</b>	<b>Objective:</b> To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. <b>Comment:</b> Not applicable.	N/A
<b>Focus Area 5: Transport and Infrastructure</b>		
<b>5.1 Integrating Land Use and Transport</b>	<b>Objective:</b> To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:  (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.  <b>Comment:</b> This proposal will support the ongoing maintenance of bus stops in the LGA, improving the overall experience for public transport users.	Yes
<b>5.2 Reserving Land for Public Purposes</b>	<b>Objective:</b> To:  (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.  <b>Comment:</b> Not applicable.	N/A
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>	<b>Objective:</b> To:  (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><b>Comment:</b> 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, visual clutter, and diminishing the heritage significance of items. This will be managed by regulating the level of illumination, size, location and obstruction of sight lines 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 required to occur 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 DPHI for Gateway determination	July 2024
Gateway determination issued	August 2024
Satisfaction of Gateway conditions	Early September 2024

Public exhibition	Mid October to Mid November 2024
Review submissions	November 2024
Post-exhibition report to Bayside Council meeting (Post-Gateway)	March 2025
Submit to DPHI/PCO for finalisation	April 2025
Gazettal of LEP Amendment	June 2025

## Conclusion

This Planning Proposal has sufficient strategic and site-specific merit to proceed to Gateway determination as concluded by the Assessment of strategic and site-specific merit. 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.



Department of Planning, Housing and Infrastructure

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-1777):** to amend Schedule 2 of Bayside LEP 2021 to permit 'Signage – Council bus shelter advertising' as exempt development.

I, Manager Local Planning and Council Support (North, East and Central Coast), at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bayside Local Environmental Plan 2021 to amend Schedule 2 of Bayside LEP 2021 to permit 'Signage – Council bus shelter advertising' as exempt development should proceed subject to the following.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 11 July 2025.

### Gateway Conditions

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. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with Transport for NSW under section 3.34(2)(d) of the Act. Transport for NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.



4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 30 August 2024



**Kelly McKellar**  
**Manager Local Planning and Council**  
**Support (North, East and Central Coast)**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**

PP-2024-1777 (IRF24/2019)

## Response to Submissions Planning Proposal – Bus Shelter Advertising

Community Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
1	Council's <i>Have Your Say</i> Portal	Support	No comments.	Noted.
2	Council's <i>Have Your Say</i> Portal	Oppose	Prefers not to see advertisements on bus shelters as they detract from the focus and views of nature and art.	The Planning Proposal (PP) includes provisions to ensure advertising signage remains within the perimeter of the bus shelter. This ensures signage does not dominate or detract from the amenity of the area.
3	Council's <i>Have Your Say</i> Portal	Oppose	<p>The contracting company will derive extremely high revenue from the advertising space. The revenue made by the Council will be comparatively lower than if Council would have managed the advertising directly.</p> <p>Advertising does not offer a public benefit. Unless the contract includes a percentage of the advertising fees, it will not provide the best value for ratepayers in exchange for using public space.</p> <p>Bus shelters typically provided under contracts are of an inadequate condition in terms of seating, shading and protection and damaged glass. Further, the maintenance services provided under contracts are not</p>	<p>Council's Property Team manages the tender process to engage consultants to manage, replace and refurbish bus shelters and related advertising. Any contract would be subject to a comprehensive process requiring Council's assessment and resolution. The specific decisions around the conditions in the contracts will be part of a separate decision-making, separate to the PP process. This tendering process will be reported to Council in the future.</p> <p>In relation to whether there will be a public benefit from the revenue raised from outdoor advertising, Council's Property Team have confirmed the revenue will be used to fund a public benefits works program.</p>

Community Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
			<p>high quality and could result in waste of public expenditure. Concerns regarding any adverse impacts on rate payers.</p> <p>Concerns related to accountability and enforcement, remediation and dispute resolutions from delegation of Council's responsibility to a third-party entity to provide public benefit and infrastructure.</p> <p>Ensure the contract includes an indemnity clause that protects Council from liability for any hate speech, copyright infringement, and injuries caused by advertising on bus shelters.</p>	<p>The PP only provides the regulatory pathway to enables Council to erect advertising associated with bus stops by including exempt provisions in the Bayside LEP 2021.</p> <p>The PP will support the ongoing maintenance and installation of new bus shelters in the Bayside Local Government Area (LGA) 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>
4	Council's <i>Have Your Say</i> Portal	Oppose	Advertising impacts on the landscape.	The PP includes provisions to ensure advertising signage remains within the perimeter of the bus shelter. This ensures signage does not dominate or detract from the amenity of the area and has a low overall impact on the streetscape.
5	Council's <i>Have Your Say</i> Portal	Oppose	Advertising constitutes visual pollution and is aesthetically unappealing.	The PP includes provisions to ensure advertising signage remains within the perimeter of the bus shelter. This ensures signage does not dominate or detract from the amenity of the area and has a low overall impact on the streetscape.
6	Council's <i>Have Your Say</i> Portal	Support	<p>Advertising can assist generating revenue.</p> <p>Ensure other users (e.g. cyclists and pedestrians) have easy accessibility around bus shelter. Encourage signs to contain</p>	<p>Support is noted.</p> <p>The proposal only relates to the advertising on bus shelters. The installation of bus shelter structure is not directly within the scope of the</p>

Community Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
			warning (e.g. ring bell) as advertising can create significant blind spots. Bus shelter could be setback from the gutter to allow other users to pass by. Bus stops should have a shelter or seat.	<p>PP. Any newly constructed or renewed bus shelters structures would need to comply with the relevant legislation, Australian Standards and Disability Discrimination Act 1992. Additionally, compliance certification would be required to ensure the built form meets the requirements.</p> <p>The PP has been amended post-exhibition to include provisions to ensure that sight lines for drivers, cyclists and pedestrians are not obstructed. Also, the provisions require signage to be integrated wholly within the perimeter of the bus shelter. This will ensure pedestrian paths of travel for all users will be unobscured.</p>
7	Council's <i>Have Your Say</i> Portal	Oppose	Advertising impacts on the visual appeal of the area and obstructs views of the buses approaching the stops.	<p>The PP has been amended post-exhibition to include provisions to ensure that sight lines for drivers, cyclists and pedestrians are not obstructed.</p> <p>Also, the provisions require signage to be integrated wholly within the perimeter of the bus shelter and to regulate the level to illumination. These provisions ensure visual pollution is limited and bus shelter advertising has low overall impact on the area.</p>
8	Council's <i>Have Your Say</i> Portal	Oppose	Advertising obstructs footpaths and add visual pollution to previously unaffected areas.	The PP includes provisions which require signage to be integrated wholly within the perimeter of the bus shelter and to regulate the level to illumination. These provisions ensure

Community Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
				visual pollution is limited and bus shelter advertising has low overall impact on the area.
9	Council's <i>Have Your Say</i> Portal	Oppose	Advertising impacts on the visual appeal of the area. Increased risk of vandalism does not justify using levy payer funds for this initiative.	<p>The PP includes provisions to ensure advertising signage remains within the perimeter of the bus shelter. This ensures signage does not dominate or detract from the amenity of the area.</p> <p>The PP only seeks to permit advertising on bus shelter as exempt development. Regulating and preventing anti-social behaviours at bus stops is beyond the realm of a Local Environmental Plan. Concerns related to vandalism require comprehensive approaches involved law enforcement. Therefore, inappropriate behaviour is not a matter that can be regulated through the PP.</p>
10	Council's <i>Have Your Say</i> Portal	Support, with changes	<p>Acts of vandalism, an example is Studdert Reserve Bestic Street, School Services Bus Shelter resulting in glass shattering on public footpath and risk to users.</p> <p>PP should consider the associated risks related to anti-social behaviours.</p>	<p>Support is noted.</p> <p>The PP only seeks to permit advertising on bus shelter as exempt development. Regulating and preventing anti-social behaviours at bus stops is beyond the realm of a Local Environmental Plan. Concerns related to vandalism require comprehensive approaches involving law enforcement. Therefore, inappropriate behaviour is not a matter that can be regulated through the PP.</p>
11	Council's <i>Have Your Say</i> Portal	Support	No comments.	Noted.

Community Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
12	Council's <i>Have Your Say</i> Portal	Oppose	Advertising impacts on the visual appeal and streetscape, and obstructs views of the road and buses approaching the stops.	<p>The PP has been amended post-exhibition to include provisions to ensure that sight lines for drivers, cyclists and pedestrians are not obstructed.</p> <p>Also, the provisions require signage to be integrated wholly within the perimeter of the bus shelter and to regulate the level to illumination. These provisions ensure visual pollution is limited and bus shelter advertising has low overall impact on Council's streets.</p>
13	Council's <i>Have Your Say</i> Portal	Oppose	Obstructs views of the buses approaching the stops. Buses frequently have windows covered with pixelated signage, making it very difficult for people with limited vision to track the approaching buses. Advertising contributes to visual pollution.	<p>The PP has been amended post-exhibition to include provisions to ensure that sight lines for drivers, cyclists and pedestrians are not obstructed.</p> <p>Also, the provisions require signage to be integrated wholly within the perimeter of the bus shelter and to regulate the level to illumination. These provisions ensure visual pollution is limited and bus shelter advertising has low overall impact on the area.</p> <p>Any newly constructed or renewed bus shelters structures would need to be designed in accordance with relevant legislation, Australian Standards and Disability Discrimination Act 1992, to ensure improved accessibility and user experience.</p>

Community Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
14	Council's <i>Have Your Say</i> Portal	Oppose	Consider incorporation of art instead of inundation of advertising.	<p>The PP is a result of Council's endorsed Land and Property Strategy which identified advertising on bus shelters as a strategic uplift opportunity. The PP facilitates revenue streams for Council. The PP will support the sustainable management including ongoing maintenance and provision of new bus shelters through the use of advertising signage.</p> <p>Incorporation of art is not within the scope of this PP.</p>
15	Council's <i>Have Your Say</i> Portal	Oppose	Prefers not to see advertisements on bus shelters.	<p>The PP includes provisions to ensure advertising signage remains within the perimeter of the bus shelter. This ensures signage does not dominate or detract from the amenity of the area.</p>
16	NSW Planning Portal	Oppose	Does not want to see advertising on bus shelters as it will distract vehicle drivers and contributes to visual pollution in the suburbs.	<p>The environmental impacts, such as, distracting drivers due to flashing or continuously moving electronic signage will be managed by regulating the illumination and size of the advertising signage through the provisions in the LEP clause to ensure the environmental effects are mitigated.</p> <p>Also, the provisions require signage to be integrated wholly within the perimeter of the bus shelter and to regulate the level to illumination. This ensures visual pollution is limited and bus shelter advertising has low overall impact on the area.</p>

Public Authority Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
Transport for NSW	NSW Planning Portal	Support	<p>TfNSW has reviewed the PP and noted the experience in other LGAs regarding the placement of advertising panels prioritising the visibility to passing motorists over the passengers and footpath users.</p> <p>The placement and design of bus shelter advertising must not obstruct the driver's view of the road, must not be illuminated and ensure adequate clearance for pedestrian and wheelchair access, including compliance to the Disability Discrimination Act 1992.</p> <p>It is recommended that the requirements in the following documents are met for bus shelter advertising:</p> <ul style="list-style-type: none"> <li>i. State Environmental Planning Policy (Industry and Employment) 2021,</li> <li>ii. Transport Corridor Outdoor Advertising &amp; Signage Guidelines 2017,</li> <li>iii. Walking Space Guide, Towards Pedestrian Comfort and Safety 2020, and</li> <li>iv. Design of roads and streets, A guide to improve the quality of roads and streets in NSW 2023.</li> </ul>	<p>Noted.</p> <p>Inclusion of recommendation i. in relation to SEPP (Industry and Employment) 2021 would not allow Council to implement the intent of the PP. Section 3.4 (2) of the SEPP (Industry and Employment) 2021 states that the provisions of the chapter do not apply to signage which is exempt development under an Environmental Planning Instrument (EPI), such as the Bayside LEP 2021. The PP has been prepared due to the limitations within the SEPP, to facilitate advertising on bus shelters in land use zones or descriptions that are prohibited under the SEPP. Therefore, the inclusion is not supported.</p> <p>Inclusion of recommendation ii. Transport Corridor Outdoor Advertising &amp; Signage Guidelines 2017 applies to the assessment of development applications under the SEPP (Industry and Employment) 2021. The PP contains exempt provisions that regulate the size, illumination and location of the advertising on bus shelter. This generally addresses the requirements related to advertisement on bus shelters within the Guidelines, including additional road clearance criteria for footpath / nature strip, line of sight, proximity to decision making and conflict points. In this regard, the</p>



Public Authority Submission No.	Method	Support / Oppose / Enquiry	Issue(s)	Council Officer Response
				<p>inclusion of The Guidelines is not deemed necessary.</p> <p>The documents outlined in iii. – iv. generally relate to footpath widths and obstruction, walking space level of service, and design parameters for roads and streets. Council Traffic &amp; Road Safety team has reviewed the documents and notes that the obstruction of footpaths and DDA compliance would come into effect when determining the location of a bus shelter rather than the specific advertising component.</p> <p>Any newly constructed or renewed bus shelters structures would need to comply with the relevant legislation, Australian Standards and Disability Discrimination Act 1992. Additionally, compliance certification would be required to ensure the built form meets the requirements.</p> <p>Further, to ensure that the bus shelter advertising creates no obstruction to the sight lines of drivers and pedestrians, the following sub clause is added to the proposed draft provisions for exempt development:</p> <p><i>Must not obstruct sight lines for drivers, cyclists or pedestrians.</i></p>

## Transport for NSW

31 October 2024

TfNSW Reference: SYD24-00443-01  
Council Reference: PP-2024-1777



Meredith Wallace  
General Manager  
Bayside Council  
PO Box 21  
Rockdale NSW 2216

Attention: Harseerat Thind

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### RE: PLANNING PROPOSAL – BUS SHELTER ADVERTISING – LGA WIDE

Dear Ms Wallace

Thank you for providing Transport for NSW (TfNSW) with an opportunity to comment on the above Planning Proposal, which was referred to us by Council in correspondence dated 10 October 2024.

TfNSW notes that the Planning Proposal seeks to amend Schedule 2 Exempt Development of the Bayside Local Environmental Plan 2021 to permit advertising on bus shelters as exempt development.

Experience across other LGAs has shown that the placement of advertising panels has tended to prioritise the visibility of these panels to passing motorists over the convenience and comfort of waiting passengers or footpath users. In this regard, bus shelter advertising placement and design must not obstruct the driver's view of the road, must not be illuminated to a level that has the potential to dazzle or distract drivers, should not distract a driver at a critical time and must ensure adequate clearance for pedestrian and wheelchair access (including compliance to the Disability Discrimination Act 1992).

To ensure future advertising does not compromise pedestrian or road safety or cause distraction to approaching road users, it is recommended that Bayside Council ensure that all Bus Shelter Advertising meet the requirements of the following documents and their successors:

- i. State Environmental Planning Policy (Industry and Employment) 2021,
- ii. Transport Corridor Outdoor Advertising & Signage Guidelines 2017,
- iii. Walking Space Guide, Towards Pedestrian Comfort and Safety 2020, and
- iv. Design of roads and streets, A guide to improve the quality of roads and streets in NSW 2023.

TfNSW has reviewed the exhibition documents and raises no objections to this planning proposal subject to the above advice.

Thank you for the opportunity to provide advice on the subject Planning Proposal. Should you have any questions or further enquiries in relation to this matter, Conor Magee would be pleased to respond via email to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Dipen Nathwani".

**Dipen Nathwani**  
**A/ Senior Manager Strategic Land Use (Eastern)**  
**Transport Planning, Planning, Integration and Passenger**

## Examples of Schedule 2 Exempt Clauses for Bus Shelter Advertising

### Woollahra LEP 2014

#### 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 not be located on land within a heritage conservation area, excluding shelters with a frontage on the following—
  - (a) New South Head Road,
  - (b) Ocean Street,
  - (c) Old South Head Road,
  - (d) Oxford Street.
- (5) Must not be located on a heritage style bus shelter.
- (6) Must be erected by or on behalf of the Council.

### Cambelltown LEP 2015

#### Signage—bus shelter advertising

- (1) Maximum—1 advertising panel per bus shelter, but the panel may have an advertisement on each side.
- (2) Maximum display area per panel on each side—1.2m × 1.8m.
- (3) Must not contain flashing or continuously moving electronic content.
- (4) Must not extend beyond the perimeter of the bus shelter.
- (5) Must not adversely impact the amenity of a heritage item.
- (6) Must be erected by or on behalf of Council.

### Sutherland LEP 2015

#### Signage—bus shelter and bus stop seat advertising

- (1) Must be located on or in a bus shelter or on a bus stop seat.
- (2) Must not flash.

### Inner West LEP 2022

#### Advertisements—bus and taxi rank shelter signs

- (1) Must be located on land owned or managed by Council.
- (2) Must not extend beyond the perimeter of the shelter.
- (3) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides.
- (4) Must not contain flashing or neon signage.
- (5) Must not obstruct pedestrian paths of travel.
- (6) Must not obstruct the line of sight of vehicular traffic.

## Waverley LEP 2012

### Signage—bus shelter advertising

- (1) Must be carried out by or on behalf of the Council.
- (2) Must not extend beyond 5m from the perimeter of the bus shelter.
- (3) Must not contain flashing or neon signage.
- (4) Must not obstruct sight lines for drivers, cyclists or pedestrians.
- (5) Must not be attached to a heritage item.
- (6) Must not be in a heritage conservation area, except for a bus shelter located on the following—
  - (a) Birrell Street in Bondi, Bondi Junction, Bronte, Queens Park, Tamarama or Waverley,
  - (b) Blair Street in Bondi, Bondi Beach or North Bondi,
  - (c) Bondi Road in Bondi, Bondi Beach or Bondi Junction,
  - (d) Bronte Road in Bondi Junction, Bronte, Queens Park or Waverley,
  - (e) Campbell Parade in Bondi Beach or North Bondi,
  - (f) Macpherson Street in Bronte or Waverley,
  - (g) Oxford Street in Bondi Junction.

Council Meeting

24/07/2024

Department of Planning, Housing and Infrastructure for a Gateway Determination with a request that Council be authorised as the Local Plan Making Authority (LPMA);

- c) delegates authority to the General Manager to make any amendments to the Planning Proposal and supporting documents prior to public exhibition;
- d) subject to receiving a Gateway determination from the Department of Planning, Housing and Infrastructure, and satisfying any conditions, proceeds to public exhibition for community and stakeholder input; and
- e) consider a further report following the results of public exhibition to consider any submissions received, and any changes to the draft Planning Proposal arising from the exhibition process.

Division (Planning Matter)

For: Councillors Saravinovski, Curry, Morrissey, Fardell, Jansyn, Nagi, Tsounis, Awada, Barlow, Hanna, Douglas, McDougall and Sedrak

The Motion was declared carried.

### 11.3 CPE24.025 Draft Planning Proposal - Bus Shelter Advertising

**Note:** Due to technical issues with the audio-visual link, Councillor Muscat was unable to participate or vote on this matter.

RESOLUTION

Minute No. 2024/145

Resolved on the motion of Councillors Curry and Jansyn

- 1 That Council, pursuant to s.3.33 of the Environmental Planning and Assessment Act 1979 (EPAA), submit the draft Planning Proposal for Bus Shelter Advertising to the Department of Planning, Housing and Infrastructure for a Gateway determination.
- 2 That should a Gateway determination be issued, a further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination, and to provide details of any submissions received.

Division (Planning Matter)

For: Councillors Saravinovski, Curry, Morrissey, Fardell, Jansyn, Nagi, Tsounis, Awada, Barlow, Hanna, McDougall and Sedrak

Abstained: Councillor Douglas

The Motion was declared carried

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