



KEMPSEY
Shire Council

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

11th April 2006

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| DSDS8 | REVIEW OF DEVELOPMENT CONTROL PLAN NO.28 – LEASING OF PUBLIC AREAS FOR RESTAURANTS AND CAFÉS (DCP28) FILE: 783 GAN | { Folio No. * } |
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SUMMARY:

Reporting that draft amendments to DCP 28 - Leasing of Public Areas for Restaurants and Cafes have been exhibited with no submissions received.



BACKGROUND:

At its meeting of 13th December 2005 Council resolved to place draft DCP 28 Leasing of Public Areas for Restaurants and Cafes on public exhibition for a period of 28 days incorporating a number of amendments.

To provide information to the public and consider matters of concern, an information night was held on 22nd February 2006. The information night was attended by Council's Manager Economic Development and Manager Planning. Only one member of the public was in attendance.

DCP 28 Leasing of Public Areas for Restaurants and Cafes

The proposed amendments to the DCP include:

- Modification to application and advertising fees to reflect current charges;
- The public consultation process has been limited to properties likely to be adversely impacted by any application.
- Car parking requirements will be based on 1 space per 7m² or 1 space per every 3 seats, whichever is the greater.
- The requirements of public liability insurance have increased from \$5 million to \$10 million.
- As an interim measure until 31st January 2007, a fee free period of six (6) months be available for interested business owners.

Public Exhibition

The Draft DCP was exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations. The exhibition period was between 31st January to 27th February 2006 and no submissions were received.

A public meeting was held on 22nd February 2006 and a single person attended and did not raise any issues.

Strategic Planning Group Meeting

Report Implications:

- ***Environmental***

Nil

- ***Social***

The proposed amendments are likely to result in positive social impacts by increasing the opportunities for alfresco dining.

- ***Economic (Financial)***

Council will forgo initial charges it would otherwise be entitled to charge.

In the likelihood that proprietors derive a benefit from alfresco dining and choose to continue the activity after the holiday period, there will be a future income to Council that may other wise not be realised.

- ***Policy or Statutory***

The Environmental Planning and Assessment Act 1979 details the process to amend DCPs.

RECOMMENDATION:

That Council resolve to adopt the Development Control Plan No.28 – Leasing of Public Areas for Restaurants and Cafés (as amended, [\(Appendix S\)](#)).

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES