
CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 07:49pm.

13.06 PLANNING CONTROLS OVER TYPES OF SIGNAGE

Councillor Hawkins left the meeting, the time being 07:50pm.

RESOLVED: Intemann/Cusato

That Council:

1. Prepare a draft planning proposal as described in this report, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, to:
 - (a) amend the Land Use Table to permit advertising structures with consent within Zone RE1 Public Recreation;
 - (b) permit as exempt development:
 - i. sponsors' advertising facing inwards on fencing around sporting fields,
 - ii. community and event signage within road reserves,
 - iii. signage on public seating and bus shelters and remove the current provisions for signage on bus shelters;
 - (c) for the five surf lifesaving clubs at Port Macquarie, Bonny Hills and North Haven,
 - i. change the zone from RE2 Private Recreation to RE1 Public Recreation,
 - ii. permit as an additional permitted use 'restaurants or cafes';
 - (d) for the Marine Rescue buildings at Buller Street, Port Macquarie and Tunis Street, Laurieton, change the zoning to SP2 Infrastructure (Emergency services facility).
2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56 - 58 of the Act.
3. Request that the Director General of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

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Item: 13.06

Subject: PLANNING CONTROLS OVER TYPES OF SIGNAGE

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

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 - (a) amend the Land Use Table to permit advertising structures with consent within Zone RE1 Public Recreation;
 - (b) permit as exempt development:
 - i. sponsors' advertising facing inwards on fencing around sporting fields,
 - ii. community and event signage within road reserves,
 - iii. signage on public seating and bus shelters and remove the current provisions for signage on bus shelters;
 - (c) for the five surf lifesaving clubs at Port Macquarie, Bonny Hills and North Haven,
 - i. change the zone from RE2 Private Recreation to RE1 Public Recreation,
 - ii. permit as an additional permitted use 'restaurants or cafes';
 - (d) for the Marine Rescue buildings at Buller Street, Port Macquarie and Tunis Street, Laurieton, change the zoning to SP2 Infrastructure (Emergency services facility).
2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56 - 58 of the Act.
3. Request that the Director General of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

Executive Summary

A number of signage related issues in current planning legislation have been identified during the past 2 to 3 years. The issues generally relate to the combined

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operation of local planning provisions (*Port Macquarie-Hastings Local Environmental Plan 2011*) and planning provisions in several *State Environmental Planning Policies* in relation to signage.

In each case, it has been difficult for Council to draft appropriate local environmental plan provisions which enable Council to approve appropriate signage but do not conflict with the relevant State provisions.

Following consultation with the Department of Planning & Environment, a grouped local environmental plan amendment is now proposed to address the issues outlined in this report. The issues are:

- a) To allow local sporting groups to raise funds from sponsors' advertising
 - It is proposed to amend the Land Use Table to permit advertising structures with consent within Zone RE1 Public Recreation.
- b) To provide more flexibility for community and event signage; to simplify the planning process for sponsors' advertising at sporting fields; and to rationalise the controls over signage on bus shelters and public seating
 - It is proposed to permit such signage as exempt development.
- c) To allow the five surf lifesaving clubs at Port Macquarie, Bonny Hills and North Haven to both have sponsors' advertising and have 'restaurants or cafes' as permissible land uses
 - It is proposed to rezone the sites from RE2 Private Recreation to RE1 Public Recreation, and permit an additional permitted use on those sites.
- d) To allow sponsors' advertising on the Marine Rescue buildings at Buller Street, Port Macquarie and Tunis Street, Laurieton
 - It is proposed to rezone from RE1 Public Recreation to SP2 Infrastructure (Emergency services facility).

It is recommended that Council prepare a planning proposal to address the above matters, refer the planning proposal to the Department of Planning and Environment for a Gateway Determination and exhibit the proposal in accordance with that determination.

Discussion

The State planning provisions relating to advertising are complex and they are contained within a number of State Environmental Planning Policies (SEPPs). The SEPP provisions generally override the provisions of Council's Local Environmental Plan (LEP) to the extent of any inconsistency.

The following brief summary of relevant local and State planning provisions in relation to signage, is provided as an introduction to this report.

The standard Local Environmental Plan terms for advertising and signs are:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,

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- (c) a business identification sign,
but does not include a traffic sign or traffic control facilities.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

business identification sign means a sign:

- (a) that indicates:
- (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,
- but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

SEPP No 64 - Advertising and Signage contains general provisions for signage that requires consent throughout NSW. Relevant provisions are discussed as necessary in the following report.

In addition, the *Codes SEPP* and the *Infrastructure SEPP* permit a wide range of signage as exempt development, including:

- business identification signs
- building identification signs
- community notice and public information signs
- temporary event signs
- real estate signs
- election signs.

Note that exempt development is not subject to the Land Use Table or the provisions of *SEPP No 64* and it is not subject to any further development assessment.

The combined State and local planning provisions do not permit signage in some instances. The following report aims to clarify the intended signage outcomes and proposes changes to LEP 2011 to address the current inconsistencies.

A) Sponsors' advertising in Public Recreation zones - permissible with consent

Clause 10 of *SEPP No 64* permits advertisements at public sporting facilities on land zoned RE1 Public Recreation, where the sign provides information about the

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sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.

Following consultation with staff in Council's Recreation and Building Section and the Department of Planning & Environment, it is proposed that the Land Use Table be amended to permit advertising structures, with consent, within the RE1 zone in LEP 2011.

Note: Any such consent will continue to be subject to the provisions of *SEPP No 64*. The SEPP does not permit advertisements within the RE1 zone, except at sporting facilities, and therefore an amendment to permit advertisements generally in the RE1 zone is not expected to lead to advertisements in local parks.

B.i) Sponsor's advertising on fences at sporting fields - exempt development

In addition to permitting advertising structures, with consent, within the RE1 zone in LEP 2011, as proposed above, it is proposed to permit sponsors' advertising at sporting fields as exempt development.

Following consultation with Council's Recreation & Buildings Section, it is recommended that sponsors' advertising be permitted as exempt development where:

- it is facing inwards on the perimeter fencing of the field, and
- the signs are at least 0.2 m above the ground level (finished), and no higher than 1.2 m above the ground level (finished).

The limits on sponsorship signage are proposed to provide a consistent and balanced approach, providing some opportunity for sponsorship advertising but avoiding excessive, large scale signage that could detract from the amenity of area. The requirement for signs to be at least 0.2 m above the ground level is to facilitate ground maintenance.

This approach is largely a continuation of existing practice and, as noted in A) above, sponsorship signage other than around sporting fields can be approved with consent by Council.

B.ii) Community and event signage - exempt development

A need for greater scope for the approval of community and event signage than is currently permitted by the *Codes SEPP* and the *Infrastructure SEPP* has been identified.

Options for event signage currently being considered include fixed advertising structures in strategic locations within major centres, with changeable insert boards to advertise events.

In addition, Council is considering new entry signage to towns and villages and it is important that these signs are permitted under relevant provisions in the LEP.

In the past, Council has sought to provide opportunities for event signage by allowing banners over roads in certain locations, however this has proven to be impractical

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and costly and, as a result, the policy regarding banners over roads is currently under review.

At present, the SEPPs generally only allow signage within the relevant property (i.e. where the event is proposed to take place). However, it is impractical to restrict advertising for community events to the properties on which they are located.

Staff have consulted with the Department of Planning and Environment, seeking a means to permit community and event signs in other locations. Advice has been sought as to whether signs could be permitted as exempt development within Council-owned roads, where Council retains some control over the number and type of signs, and the Department has confirmed that this is possible.

Signage within public road reserves would still require an approval under section 138 of the *Roads Act 1993*, by the relevant Roads Authority (Council), subject to concurrence from the Roads and Maritime Services in relation to classified roads. This will ensure that the design and location of any proposed signs is considered from the perspective of traffic management. Council's Transport and Stormwater Network section has confirmed that they have no objection to such an approach.

It is therefore recommended that *LEP 2011* be amended to permit as exempt development community and event signage within Council-owned public roads.

B.iii) Advertising on public seating and bus shelters - exempt development

The need for refinements to the controls over advertising on public seating and bus shelters has been identified.

At present, *LEP 2011* contains detailed provisions for signage on bus shelters, even though a separate approval is still required under the *Roads Act 1993*. There is currently no provision for signage on a seat at a bus stop - it can only be placed on a bus shelter.

It is proposed to replace the current LEP requirements with a general exemption for signage on public seating and bus shelters, where they are located within a Council-owned public road.

As in B.ii), above, an assessment under the *Roads Act* will ensure impacts on road function will be considered, with the Roads and Maritime Services having a concurrence role where it is a classified road.

The proposal is intended to allow Council to consider sponsorship or community signage in the design and implementation of public seating and bus shelters. This is associated with proposals for new leasing by Council on advertising space on these structures.

C) Sponsors' advertising on surf lifesaving club buildings - permissible with consent

Council has received enquiries regarding the permissibility of sponsorship advertising signs on surf life saving club buildings.

At present, the buildings are zoned RE2 Private Recreation under LEP 2011, to recognise that they often include restaurants and other commercial facilities as part

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of their operation. However, *SEPP No 64* does not permit sponsors' advertising within this zone or in a variety of other zones. Sponsorship signage can therefore not be approved.

A review of surf clubs in the Port Macquarie-Hastings has found that sponsorship advertising exists in some instances and that this has been a normal part of the operation of the clubs for many years. Solutions have therefore been sought to allow sponsorship advertising on surf clubs with consent in *LEP 2011*.

Following consultation with the Department of Planning & Environment, it is proposed that Council rezone the surf club sites to RE1 Public Recreation, which permits sponsorship advertising, as proposed in A) above.

However, to then retain permissibility for 'restaurants or cafes' it is necessary to either:

- make this land use permissible generally within Zone RE1 Public Recreation - this could cause community concern, or
- make 'restaurants or cafes' an additional permitted land use specifically for the five sites.

It is proposed that for the five surf lifesaving club building sites:

- a) the sites be rezoned to RE1 Public Recreation, and
- b) 'restaurants or cafes' be made an additional permitted land use for the surf club sites.

While consent would still be required for the sponsors' advertising, this could be managed through a single consent per site that controls the extent of such advertising. Given the visual prominence of the buildings, it is considered important to require development assessment of any proposed signage.

D) Sponsors' advertising on Marine Rescue buildings - permissible with consent

The status of Marine Rescue buildings has also been considered in the course of considering sponsorship signage on surf club buildings, as discussed in C) above.

There are two Marine Rescue buildings which are located independent of Surf Lifesaving Clubs: at Westport Park, on Lot 1 DP 1064060 and part Lot 7065 DP 1060070, Buller Street, and on Crown land off Tunis Street, Laurieton, with a property description of 'Adjoins Lot 1 Sec 11 DP 758603'.

A review of the relevant planning provisions suggests that sponsorship advertising cannot be approved on these buildings under *SEPP No 64* because they are not sporting teams or organisations using a public sporting facility.

It is considered reasonable to allow the Marine Rescue buildings to also have sponsor's advertising on them.

To make sponsors' advertising permissible with consent, it is proposed that Council change the zoning of land containing the Marine Rescue buildings at Westport Park and Tunis Street Laurieton, to SP2 Infrastructure (Emergency services facility):

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This retains a requirement for development consent for signs and allows assessment of any proposed signage given the visual prominence of the buildings.

Options

Council could opt to defer or remove one or more of the above items from the proposed grouped LEP amendment or decide to not proceed at all. Council could also opt to undertake further investigation on one or more of the matters in this report.

It is recommended that Council proceed to exhibition, noting that the framework of State planning controls over signage is quite complex, and the proposals in this report have sought to find viable solutions among the State controls applicable for different situations.

Community Engagement & Internal Consultation

Preparation of this report has involved internal consultation within Council with:

- Community Place
- Economic Development
- Recreation & Building
- Transport & Stormwater Network.

Consultation has also been held with representatives of the Department of Planning & Environment.

The process for amending the LEP will involve community engagement, including a public exhibition of at least 14 days. Following that exhibition a further report will be presented to Council, covering the community engagement response.

Planning & Policy Implications

A range of options have been considered for amendment of LEP 2011 having regard for the inter-relationship between proposed LEP provisions and State planning controls.

Based on consultation with the Department of Planning & Environment, it is anticipated that the proposed provisions will operate as described in this report.

The proposal will permit additional advertising signage, in some instances as exempt development and in other instances with consent, where an assessment of the signage is appropriate. The outcomes will streamline some processes in relation to signage.

Financial & Economic Implications

There are no significant financial implications for Council.

The proposed LEP amendments are intended to permit some additional signage in public spaces and this may enable some limited sponsorship funding options for sports clubs, surf lifesaving clubs, Marine Rescue and for Council. Prominent

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community and events signage may assist in driving the profile of and economic activity around events promoted.

Attachments

Nil