
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 13 August 2019

- b. Include exempt development criteria for advertising on bus shelters, seats, street signs and bridges under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as detailed within this report.
2. The planning proposals be reported to the Local Planning Panel for advice, in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979.
3. Following receipt of the Local Planning Panel's advice and subject to this advice not requiring any revisions to the planning proposals as detailed within this report, the planning proposals be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr F P De Masi
Clr R A Preston
Clr Dr P J Gangemi
Clr A J Hay OAM
Clr B L Collins OAM
Clr M G Thomas
Clr E M Russo
Clr S P Uno

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr A N Haselden
Clr R Jethi
Clr R M Tracey
Clr J Jackson

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR RUSSO THAT items 5, 7 and 8 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

ITEM-6 REVIEW OF ADVERTISING ON COUNCIL OWNED INFRASTRUCTURE (FP255)**THEME:** Proactive Leadership**OUTCOME:** 4 Prudent management of financial resources, assets and people for long term sustainability.**STRATEGY:** 4.2 Maintain a strong financial position that supports the delivery of services and strategies and ensures long term financial sustainability.**MEETING DATE:** 13 AUGUST 2019
COUNCIL MEETING**GROUP:** SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS**AUTHOR:** SENIOR TOWN PLANNER
ALICIA IORI**RESPONSIBLE OFFICER:** MANAGER – FORWARD PLANNING
NICHOLAS CARLTON

EXECUTIVE SUMMARY

This report recommends that Council initiate planning proposals to amend The Hills Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and forward the proposals to the Department of Planning, Industry and Environment for Gateway Determination. The Proposals will introduce exempt development criteria for advertising on bus shelters, seats, street signs and bridges.

This form of advertising has previously been treated as ‘road related infrastructure’ under the Infrastructure SEPP, on the grounds that advertising is an integral part of the delivery and maintenance model for such infrastructure. However, following a recent State Government review of SEPP 64 – Advertising and Signage and LEP 2012 there is a lack of clarity regarding how this form of advertising is regulated through the applicable legislation. For the avoidance of doubt, the planning proposal will address the ambiguity and clarify the permissibility and approval pathway for this form of advertising through Council’s LEP.

Advertising provided in conjunction with small scale structures such as bus shelters, seats and street signs are unlikely to have an environmental impact and could be appropriately regulated through exempt development criteria which control the location, scale and design of signage. Whilst advertising on bridges are larger scale, it is also necessary to introduce exempt development criteria to enable such signage to be provided, by or on behalf of Council, on major transport corridors. The proposed exempt development criteria for bridges will include a requirement to ensure compliance with the provisions of the State Government’s Transport Corridor Outdoor Advertising Signage Guidelines.

REPORT

The purpose of this report is to detail the outcome of a recent review of advertising on Council owned public infrastructure such as bus shelters, seats, street signs and bridges.

1. KEY SIGNAGE TYPES

Council currently has 20 and 10 year contracts with two service providers, being Adshel (now Ooh) and Claude Outdoor, for the provision of bus shelters, seats and street signs. The contracts require service providers to install and maintain transport infrastructure in exchange for advertising rights. The service providers also pay an annual fee which provides a minor revenue source for Council. The service contracts include objectives and controls to ensure advertising is of a high standard and is appropriate in terms of its design, content and safety. Examples of this form of signage are provided below.



Figure 1
Advertising on Bus Shelters



Figure 2
Example Advertising on Street Signs

There are also potential opportunities for advertising to be placed on bridges (such as pedestrian bridges) over major road corridors. A pedestrian bridge has recently been constructed by Council over Windsor Road, Kellyville and there are a number of planned pedestrian bridges within the Balmoral Road Release Area and commercial centres such as Castle Hill and Baulkham Hills. While Council does not currently have any advertising structures on bridges within the Shire, there may be opportunities to do so in the future as part of existing and/or future bridge infrastructure. The example below shows this form of signage which was completed on behalf of NSW Roads and Maritime Services.



Figure 3
Example Advertising on Bridges

2. LEGISLATIVE FRAMEWORK

The above types of signage have previously been treated as 'road related infrastructure' under the Infrastructure SEPP on the grounds that advertising is an integral part of the delivery and maintenance model for such infrastructure. However, following a recent State Government review of SEPP 64 – Advertising and Signage and LEP 2012 there is some conflict between the provisions of the applicable legislation and how these types of signage are regulated. It is noted that historically, all that has been required is for service providers to supply structural certification of the shelter or sign plus sight distance evaluation for pedestrian and traffic safety. For the avoidance of doubt and to prevent any delays or uncertainty in the provision of road related infrastructure, administrative amendments may be appropriate to Council's LEP and the Growth Centres SEPP in relation to North Kellyville and Box Hill.

A summary of the key legislation which guides the provision and approval of advertising signage is provided below.

SEPP 64 – Advertising and Signage

SEPP 64 applies to all signage that can be seen from a public space. While State authorities have broader powers to place advertising signage within transport corridors (such as railway corridors and road corridors), Council is subject to requirements under the SEPP which prohibit advertising signage in certain locations such as 'heritage areas' or residential zones. It is noted that SEPP 64 does not apply to signage that is specified as exempt development under any applicable Environmental Planning Instrument (for example, Council's LEP).

All signage which is visible from a public space and is not identified as either exempt or prohibited requires development consent under the SEPP. The SEPP outlines the consent authority for different types of signage which can be Council, RMS or the Minister for Planning. The Minister is generally the consent authority for advertising by or on behalf of State authorities within major transport corridors or on land that is owned, occupied or managed by the RMS.

The SEPP includes specific requirements for signs of certain sizes and heights, and also for signs on bridges. This advertising signage must be consistent with the objectives of the SEPP, satisfy the criteria within the Transport Corridor Outdoor Advertising Signage Guidelines and be acceptable in terms of design, road safety, and public benefits provided in connection with the display of the advertisement.

Whilst the SEPP and the supporting guidelines outline the criteria to be considered in the display of advertising on transport corridors, it does not explicitly permit or prohibit advertising by Council on bus shelters and street signs.

Heritage Significance of Windsor Road and Old Windsor Road

With the exception of signage by or on or behalf of a State Government Authority, advertising within a 'heritage area' is specifically prohibited under SEPP 64 (including signage by or on or behalf of Council). While there is some ambiguity around what constitutes a 'heritage area', it is noted that two of the Shire's major urban transport corridors, Windsor Road and Old Windsor Road, are listed (in part) as items of environmental heritage under LEP 2012 and as such, Council is technically prohibited from placing advertising signage within these road corridors.

While advertising on bridges would otherwise be permitted under SEPP 64, the heritage listing of Old Windsor Road and Windsor Road prohibits the delivery of this form of signage

by Council along these major road corridors (notwithstanding that certain State Agencies such as the RMS, Sydney Metro and Transport for NSW are excluded from this prohibition).

Where advertising is permitted under SEPP 64 in heritage areas (by or on behalf of a State Authority), the Transport Corridor Guidelines note that structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.

The significance of Windsor Road and Old Windsor Road predominantly relates to the alignment of these roads and their historic use as tracks to the Hawkesbury. These roads are now major transport corridors upon which there is already significant State infrastructure comprising commercial advertising. Accordingly, it is considered that the provision of advertising by Council in conjunction with public infrastructure on these roads would not be unreasonable or create any adverse impact on the heritage significance of these items.

The Hills Local Environmental Plan (LEP) 2012

The Hills LEP 2012 prohibits advertising structures and signage on all land, except for 'building identification signs' and 'business identification signs' which are permitted within certain zones (including all residential zones). Real estate signs and signs related to home businesses are exempt if they comply with the relevant criteria under LEP 2012 and State Environmental Planning Policy (Exempt and Complying Development Code) 2008.

Building and business identification signs are required to be located at the premises or place at which the sign is displayed. Accordingly, the permissibility of these would not extend to commercial advertising on bus shelters, seats, street signs and bridges.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Growth Centres SEPP permits business identification signs and building identification signs in higher density residential zones and employment zones within the North Kellyville and Box Hill Precincts. In the Box Hill Precinct, business identification signs are permitted in the R2 Low Density Residential zone whereas all signage is prohibited in this zone within the North Kellyville Precinct. There are currently no exempt development criteria under this SEPP for either Precinct which would enable Council to install commercial advertising on bus shelters, seats, street signs and bridges.

3. WAY FORWARD

For the avoidance of doubt and to provide a clear administrative pathway for the provision of road related infrastructure, it is recommended that planning proposals to amend LEP 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination. The Proposals would seek to introduce exempt development criteria for advertising on bus shelters, seats, street signs and bridges.

The inclusion of this exempt criteria would override the existing prohibition of these types of signage within residential and heritage areas under SEPP 64 and streamline the delivery and approval of road related infrastructure in accordance with Council's contracts with service providers.

It is recommended that the proposals include the following provisions within Schedule 2 – Exempt Development of LEP 2012 and Appendix 2 and Appendix 11 of the Growth Centres SEPP, to identify certain signage as exempt development, subject to the satisfaction of the associated criteria:

- **Signage – advertisements associated with bus shelters and bus stop seating**
 - o *Maximum of one advertisement per bus shelter that may comprise an advertisement on 2 sides and maximum of one advertisement per bus stop seat;*
 - o *Maximum size of advertisement shall be 1.2m x 1.8m;*
 - o *Must not contain moveable or flashing content;*
 - o *Must comply with relevant Australian Standards and National Disability Standards*
 - o *Must not adversely impact on any heritage item within the locality; and*
 - o *Must be undertaken by or on behalf of Council.*
- **Signage – advertisements associated with street signs**
 - o *Maximum of two advertisements per street sign that may each comprise an advertisement on 2 sides;*
 - o *Maximum size per advertisement shall be 1.2m x 1.8m;*
 - o *Must not contain moveable or flashing content;*
 - o *Where proposed in rural or low density residential zones, must be located on an Arterial or Sub-arterial road as designated within Council's adopted road hierarchy;*
 - o *Must comply with relevant Australian Standards and National Disability Standards;*
 - o *Must not adversely impact on any heritage item within the locality; and*
 - o *Must be undertaken by or on behalf of Council.*
- **Signage – advertisements associated with bridges**
 - o *Must comply with the criteria for advertising on bridges within the Transport Corridor Outdoor Advertising and Signage Guidelines to ensure that the signage is acceptable in terms of:*
 - *Design, and*
 - *Road safety, and*
 - *Public benefits to be provided in connection with the display of the advertisement; and*
 - o *Must be undertaken by or on behalf of Council.*

Advertising provided in conjunction with small scale structures such as bus shelters, seats and street signs are unlikely to have any environmental impact and can be appropriately regulated through exempt development criteria to control the location, scale and design of such signage. The proposed criteria will ensure that any future signs are generally consistent with those previously provided throughout the Shire and will ensure compliance with Council's service provider contracts.

It is recognised that signage on bridges is generally of a larger scale and would require further assessment of potential impacts. However, the current planning framework prohibits such signage within a residential zone or heritage area unless exempt under any applicable Environmental Planning Instrument (for example, Council's LEP). Given that the majority of bridges are, or will be, proposed over major transport corridors which are currently heritage listed (Windsor Road and Old Windsor Road), it is necessary to identify such signage as exempt under LEP 2012. The suggested criteria will ensure that proposed signage complies with the requirements of the State Government's Transport Corridor Outdoor Advertising Signage Guidelines in terms of design, safety and public benefits.

IMPACTS**Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Strategic Plan - Hills Future

The proposal will enable Council to continue to collect revenue to ensure that it maintains a strong financial position that supports the delivery of services and facilities to the community.

RECOMMENDATION

1. Council prepare planning proposals to:
 - a. Include exempt development criteria for advertising on bus shelters, seats, street signs and bridges under Local Environmental Plan 2012, as detailed within this report; and
 - b. Include exempt development criteria for advertising on bus shelters, seats, street signs and bridges under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as detailed within this report.
2. The planning proposals be reported to the Local Planning Panel for advice, in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979.
3. Following receipt of the Local Planning Panel's advice and subject to this advice not requiring any revisions to the planning proposals as detailed within this report, the planning proposals be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

ATTACHMENTS

Nil.