

GOSFORD LGA, Include directional real estate signage on certain off-site land as 'exempt development'.

Proposal Title : GOSFORD LGA, Include directional real estate signage on certain off-site land as 'exempt development'.

Proposal Summary : The planning proposal seeks to include, as exempt development, the erection of directional real estate signs in off site locations for housing estate developments.

PP Number : PP_2016_GOSFO_001_00 Dop File No : 15/18325

Proposal Details

Date Planning Proposal Received : 15-Dec-2015 LGA covered : Gosford

Region : Hunter RPA : Gosford City Council

State Electorate : GOSFORD
TERRIGAL
THE ENTRANCE Section of the Act : 55 - Planning Proposal

LEP Type : Policy

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : Gosford LGA

DoP Planning Officer Contact Details

Contact Name : Glenn Hornal

Contact Number : 0243485009

Contact Email : glenn.hornal@planning.nsw.gov.au

RPA Contact Details

Contact Name : Bruce Ronan

Contact Number : 0243258176

Contact Email : bruce.ronan@gosford.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Central Coast Regional Strategy Consistent with Strategy : N/A

GOSFORD LGA, Include directional real estate signage on certain off-site land as 'exempt development'.

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

N/A

No. of Lots : 0

No. of Dwellings
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : Yes

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : Council's stated objective is to permit, as exempt development, the erection of off-site signage directing potential customers to housing estate developments.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council seeks to achieve the objective by inserting, in Schedule 2 Exempt development of Gosford LEP 2014, a specific development type for 'directional real estate signs on certain land' and identifies a number of development standards that will apply:

- must be on land in a residential, business or industrial zone or on land in RU1 Primary Production, RU2 Rural Landscape, RE2 Private Recreation or SP2 Infrastructure zone that is not part of an approved subdivision that is being advertised for sale.
- must comply with the general requirements for signage and advertising specified in the clause 2.83 of SEPP (Exempt and Complying Development Codes) 2008. The general requirements include some key matters such as:
 - have the consent in writing of the owner of the land for the signage;
 - be approved under the Roads Act if the sign projects over a public road;
 - not obstruct or interfere with any traffic sign.
- must relate to a land subdivision comprising of over 25 allotments.

There are other criteria proposed related to:

- the size (maximum area of 4.5m² for residential or rural zones and 6m² in any other zone);
- design (not illuminated and no moving text or images);
- location (to be within 3km of the subdivision)
- number of signs (maximum of 4 within the 3km radius of the subdivision, 2 additional signs permitted outside of the 3km radius if the nearest arterial road is located outside the 3km radius); and
- maintenance and removal (maintained in good order and sign to be removed within 14 days after all land in subdivision has been sold).

Generally the development standards appear reasonable and are similar to the development standards for 'Directional real estate signs on certain land' in Schedule 2 - Exempt development of Lake Macquarie LEP 2014 (see attached document).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

4.4 Planning for Bushfire Protection

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

e) List any other matters that need to be considered :

SEPP (Exempt and Complying Development Codes) 2008

Clause 2.104 Specified development only allows as exempt development real estate signs if the sign is located on the property or sign is located on the site that is for sale.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

4.4 Planning for Bushfire Protection

The planning proposal has the potential to locate signage on land that is bushfire prone in Gosford LGA and as required by the Direction the RPA must consult with NSW Rural Fire Service.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

No maps are required as the amendment proposed relates to text changes to Gosford LEP 2014.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes a 28 day exhibition period. It is considered the proposal be exhibited for a minimum of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

DELEGATIONS

Council has requested delegations to make this LEP and this is supported given the matter is of local planning significance.

TIMEFRAME

Council anticipate the LEP to be complete within 8 months. Given the minor nature of the proposal it is considered 9 months should be sufficient time to complete the plan.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The proposal seeks to amend Gosford LEP 2014.**

Assessment Criteria

Need for planning proposal : **Council has advised the planning proposal is not the result of any strategic study or report.**

SEPP (Exempt and Complying Development Codes) 2008

The SEPP allows as exempt development real estate signs if the sign is located on the property or sign is located on the site that is for sale. Council's requirements for off-site signage are not exempt under the SEPP and therefore require an additional provision in the Gosford LEP 2014 to exempt the off-site signage.

Gosford DCP 2013

Chapter 3.7 Advertising and Signage lists third party advertising as being prohibited. Council has advised it will amend its DCP to accommodate the use of directional real estate signs on land that does not relate to the business or activity being advertised should the proposal progress.

Consistency with strategic planning framework : **Council has identified the Central Coast Regional Strategy and its Community Strategic Plan - Gosford 2025 as applicable however there are no specific goals or actions related to this type of development and the proposal is not considered to be inconsistent with these strategies.**

Draft Central Coast Regional Plan

There are no specific goals directions or actions related to this type of development and the proposal is not considered to be inconsistent with the plan.

Environmental social economic impacts : **Council has considered the visual impact of the proliferation of third party advertising that is not located on the land being promoted and identified development standards to manage the impact of the off site signage:**

- a maximum area of 6m2;
- limit the maximum number of signs (4 to 6) per subdivision;
- will only apply to larger subdivisions of more than 25 allotments.

Council considers these development standards are sufficient to manage the visual impact and proliferation of advertising that will result from the off-site signage.

Gosford LEP 2014 contains compulsory standard instrument clauses in regard to exempt development. Some key clauses for environmental protection are:

- must be of minimal environmental impact;
- cannot be carried out in critical habitat of an endangered species, population or ecological community;
- must not be carried out on any environmentally sensitive area.

The proposal for off-site signage would need to meet the compulsory clauses to be exempt development and therefore would be unlikely to result in adverse environmental impacts.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority : **NSW Rural Fire Service**
Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Extract of Schedule 2 - Lake Macquarie Local Environmental Plan 2014.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **4.4 Planning for Bushfire Protection**
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements

Additional Information : **The planning proposal should proceed subject to the following conditions:**

1. Council is to update the planning proposal's consideration of S117 Direction 4.4 Planning for Bushfire Protection once it has undertaken consultation with the relevant public authority.

- 2. Consultation with NSW Rural Fire Service is required.
- 3. 9 months timeframe.
- 4. 14 day exhibition period.
- 5. Council be granted delegation to make the plan.

Supporting Reasons : *

Signature: 
Printed Name: G PHOPKINS Date: 13 January 2016