

5.1 Planning Proposal - Signage as Exempt Development under Campbelltown Local Environmental Plan 2015

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(f) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

Officer's Recommendation

1. That the Campbelltown Local Planning Panel provide its advice on the Planning Proposal to amend the Schedule 2 Exempt Development Provisions of Campbelltown Local Environmental Plan 2015 to include exempt development criteria for low-impact advertising signage on Council owned sports fields and road side bus shelters.
2. That the Campbelltown Local Planning Panel provide its advice as to whether the planning proposal should be forwarded to the Minister for a Gateway Determination.

Purpose

The purpose of this report is to request the advice of the Campbelltown Local Planning Panel on a Planning Proposal (PP) to amend the exempt development Schedule 2 Provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015) to permit certain forms of advertising signage displayed on sports fields and bus shelters as exempt development.

This advice is requested in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Direction No.2 of the Local Planning Panels Direction – Planning Proposals.

Report

Executive Summary

- A Planning Proposal has been prepared seeking to amend the local exempt development provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015) to permit common forms of small scale advertising signs to be erected at Council sports fields and road side bus shelters without development consent.
- The proposed exempt development criteria would control the location, scale and design of small scale advertising on Council owned sports fields and road side bus shelters to ensure these forms of advertising signage are appropriately managed with no adverse environmental impacts.
- The inclusion of these sign types in the local exempt development provisions of CLEP 2015 would also streamline the existing Council approval process for the placement of these particular sign types by removing the need for development consent.

Introduction

Advertising signs are regulated under the EP&A Act and related environmental planning instruments. Commonly used types of signs for businesses and other purposes are provided for as 'exempt development' in the State Environmental Planning Policy – Exempt and Complying Development Code (Codes SEPP), provided they meet the standards set for those types of signs. The operation of the Codes SEPP in this manner provides a streamlined approach for Council to regulate the erection of numerous types of low-impact signs without the obligation for development consent to be obtained under the EP&A Act.

A review of the regulatory framework for the erection of commonly erected signage by Council has identified 2 types of low-impact signage that are not listed as exempt development under the Codes SEPP. These comprise of the following sign types commonly erected on Council land:

- Advertising signage at sports fields.
- Advertising signage on bus shelters.

The size and design of the above sign types are regulated by Council under individual agreements with the users of Council owned or managed land, ensuring that design outcomes are appropriately managed and there are no adverse environmental impacts. Accordingly, there is considered to be no planning need to require a separate development application for these two sign types for concurrent assessment and approval under the EP&A Act.

By amending CLEP 2015 to include these 2 particular sign types and corresponding development criteria within the Schedule 2 'exempt development' provisions, the need for development consent is avoided and any potential environmental impacts are able to be efficiently managed.

Relevant Planning Policy Framework

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) identifies certain types of development as 'exempt development', which may be carried out without the need for development consent. The Infrastructure SEPP permits the construction, maintenance or repair of bus shelters for or on behalf of Council as exempt development, however these provisions do not extend to commercial advertising.

There are no provisions of the Infrastructure SEPP that relate to advertising signage on Council owned sports fields.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The majority of exempt and complying development types and their development standards are found in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). The Codes SEPP provides a list of common types of signage that may be erected and maintained as exempt development.

The Codes SEPP permits 12 specific types of signage that may be erected as exempt development, listed as follows:

- building identification signs
- wall signs
- fascia signs
- under awning signs
- top hamper signs
- window signs
- replacement of identification signs
- internal signs
- community notice and public information signs
- temporary event signs
- real estate signs
- election signs

Generally to be considered exempt development under the Codes SEPP, the sign must:

- have consent in writing from the owner of the land on which the sign is located; if the sign is located over adjoining land, the consent of the owner of the adjoining land is also required
- be approved under section 138 of the *Roads Act 1993* if the sign or part of the sign projects over a public road (including a footpath)
- not be carried out on or in relation to a building being used as a restricted premise
- not cover any mechanical ventilation outlets located on any building in which the business is carried out not obstruct or interfere with any traffic sign
- all signage must be securely fixed to the building in accordance with the relevant Australian Standards

There are no provisions of the Codes SEPP that relate to advertising signage on Council owned sports fields or the placement of advertising signs on Council bus shelters.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)

This Policy generally applies to all signage that is visible from any public place or public reserve including transport corridors, and aims to ensure that signage is of a high quality design and compatible with the desired amenity and visual character of an area. The Policy does not apply to signage that is exempt development under an environmental planning instrument.

The PP is consistent with the aims and objectives of SEPP 64, through the provision of appropriate criteria to ensure such signage is low impact and compatible with the desired character of the area. The PP does not introduce any potential land uses conflicts with this SEPP, and aligns with the provisions of the policy that exclude its application for low impact signs identified as exempt development.

Campbelltown Local Environmental Plan 2015

Land Use Table – Zoning Restrictions

Council sports fields are typically zoned RE1 Public Recreation under CLEP 2015. The RE1 zoning table requires development consent for the erection of signage.

Council bus stops within the Local Government Area are generally located within the road reserve, being zoned SP2 Infrastructure zone under CLEP 2015 for main roads and the adjoining zone for local roads, whether that be a residential, rural, industrial or commercial/business zone. Advertising or commercial signage on bus shelters is prohibited under the SP2 Infrastructure zone and in all residential zones.

Clause 7.11 – Advertising on Bus Shelters

Clause 7.11 of CLEP 2015 provides an approval pathway for advertising signs to be placed on bus shelters only with development consent. This provision does not extend to allowing advertising signs on bus shelters without development consent.

Schedule 2 Exempt development

The Schedule 2 provisions of CLEP 2015 provide exempt development criteria for the Campbelltown Local Government Area, in addition to the exempt development specified under Codes SEPP and Infrastructure SEPP. The local provisions under Schedule 2 currently permit limited forms of 'Advertising signs' to be erected as exempt development, however this provision does not extend to advertising signs on Council sports fields or bus shelters.

The proposal seeks to amend the exempt development provisions in Schedule 2 of CLEP 2015 to include additional signage types as discussed below.

Proposed Amendments – Schedule 2 Exempt Development Provisions of CLEP 2015

Part 3 of CLEP 2015 provides the local exempt and complying development provisions for the Campbelltown Local Government Area, comprising additional exempt and complying development not covered by the Codes SEPP or other State environmental planning policies. Development that meets the requirements of Part 3 (particularly clause 3.1) and specific criteria provided in Schedule 2 of CLEP 2015 is exempt development, and therefore may be erected without development consent.

Schedule 2 of CLEP 2015 is proposed to be amended to include additional provisions for advertising signs on bus shelters and sporting fields, allowing these sign types to be carried out without the need for development consent under the EP&A Act. These provisions have been prepared to limit the environmental and social impacts of such advertising signage and to ensure appropriate safety standards are maintained. Such signage would still be managed and approved by Council as the land owner under a separate agreement with the advertising sign users.

Details of the proposed amendment to the Schedule 2 Exempt development provisions of CLEP 2015 are provided below:

Signage – Bus Shelter Advertising

- (1) Maximum – one advertising panel per bus shelter, but the panel may have an advertisement on each side.
- (2) Maximum display area per panel – 1.2 m x 1.8 m.
- (3) Must not be positioned or illuminated in a manner that distracts drivers, including flashing or continuously moving electronic content.
- (4) Must be integrated into the design of the bus shelter so as not to obscure pedestrian paths of travel.
- (5) Must not adversely impact the amenity of a heritage item.
- (6) Must be erected by or on behalf of Council.

Advertisements--signs on field fencing and amenity facilities at sports fields in Zone RE1

- (1) Must have the consent, in writing, of Council.
- (2) Must only provide information about sponsors of teams or organisations using the sporting facility.
- (3) Must not contain direct or indirect advertising for alcohol, tobacco products or any form of adult entertainment (being entertainment involving nudity, indecent acts or sexual activity).
- (4) Must not obstruct any gates, access points or openings.
- (5) Must not be obvious from any adjoining public road area, or impede or dominate views from the road or from outside of the site on which it is displayed.
- (6) If affixed to perimeter fencing of the playing area
 - a. must not extend above the top or below the bottom of the fencing, and
 - b. have a maximum length of 3 m, and
 - c. have a maximum height of 1 m.
- (7) Must be removable signs or fixings, and must not be painted directly onto fencing or any amenity facilities.
- (8) Must not cover more than 20 per cent of the wall surface area of any amenity facilities.
- (9) Must not be illuminated.
- (10) Must be installed in accordance with relevant building standards

The final design of the above sign types would continue to be regulated by Council under separate agreements with users to ensure that these sign types are appropriately managed, continue to provide opportunities to generate revenue through the advertising of audience appropriate industries and businesses, and ensure such advertisement has a negligible impact on the visual amenity of the community.

Conclusion

A Planning Proposal has been prepared seeking to amend the local exempt development provisions of Campbelltown Local Environmental Plan 2015 to permit common forms of small scale advertising signs to be erected at Council sports fields and road side bus shelters without development consent.

This report seeks the advice of the Campbelltown Local Planning Panel in regards to the Planning Proposal prior to it being reported to Council for consideration.

The inclusion of additional types in Schedule 2 of the Campbelltown Local Environmental Plan 2015 will provide consistent criteria for the regulation of these small-scale signs, and would streamline the existing Council sign approval process by removing the need for development consent. The proposed amendments to Campbelltown Local Environmental Plan 2015 are considered to be the most appropriate means of achieving the desired outcome for the proposal.

Attachments

1. Draft Planning Proposal - Signage as Exempt Development under CLEP 2015 (contained within this report)