CPC26/012 PLANNING PROPOSAL PP-2026-343 - PROPOSED AMENDMENT TO COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 TO PROHIBIT THIRD-PARTY ADVERTISING SIGNAGE (ADVERTISING STRUCTURES) WITHIN CERTAIN ZONES IN THE COFFS HARBOUR LOCAL GOVERNMENT AREA - EXHIBITION

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MyCoffs: C.1 Liveable neighbourhoods with a defined identity

Attachments: ATT1 CPC26/012 PP-2026-343 - Amendment to Signage Controls

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to initiate and publicly exhibit a planning proposal to amend the signage provisions within Coffs Harbour Local Environmental Plan 2013 to address a technicality in relation to third-party advertising signage (advertising structures) within certain land use zones.

RECOMMENDATION:

That Council:

1. **Initiate and forward a planning proposal to the NSW Department of Planning, Housing and Infrastructure seeking gateway determination to amend signage provisions within Coffs Harbour Local Environmental Plan 2013.**
2. **Request that the Secretary of the NSW Department of Planning, Housing and Infrastructure issue written authorisation to Council to exercise delegation of the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.**
3. **Publicly exhibit the planning proposal and undertake government agency consultation in accordance with the conditions of the gateway determination issued by the NSW Department of Planning, Housing and Infrastructure.**
4. **Note that a further report will be bought back to Council for consideration following public exhibition of the planning proposal if submissions, by way of objection, are received.**
5. **Providing no submissions, by way of objection, are received, Council endorses the planning proposal and delegates the General Manager that authority issued by the NSW Department of Planning, Housing and Infrastructure to exercise the functions of the Minister under Section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise the planning proposal.**

BACKGROUND:

The City of Coffs Harbour (City) has prepared a proposed amendment to Coffs Harbour Local Environmental Plan (LEP) 2013 to address an inconsistency between Coffs Harbour LEP 2013, Coffs Harbour Development Control Plan (DCP) 2015 and Division 3.6 Clause 3.43(5)(b) of the Environmental Planning and Assessment Act 1979.

Control F5.1(2) of Coffs Harbour DCP 2015 requires that signage (advertising structures) is not to contain advertising promoting products or services not related to the approved use of the premises or site (i.e. billboards, digital signage and advertising signage, commonly referred to as third-party advertising signage). The City has consistently applied this requirement under Coffs Harbour DCP

2015 since its inception to minimise negative impacts from third-party advertisements, whilst supporting businesses to utilise business and building identification signage for marketing purposes.

This DCP control is inconsistent with Coffs Harbour LEP 2013 for certain zones where signage (advertising structures) is permitted with consent. Division 3.6, Clause 3.43(5)(b) of the Environmental Planning and Assessment Act 1979 provides that a provision within a DCP has no effect where it is inconsistent with a provision of an Environmental Planning Instrument (Coffs Harbour LEP 2013) that applies to the same land.

The purpose of this report is to seek Council's endorsement to initiate and publicly exhibit a planning proposal to amend Coffs Harbour LEP 2013 to correct this technicality.

The proposed LEP amendment will address the inconsistency through the following changes:

- Prohibit signage (third-party advertising) within the following zones: R1 General Residential, E1 Local Centre, E2 Commercial Centre, E3 Productivity Support, E4 General Industrial, E5 Heavy Industrial, MU1 Mixed Use, SP3 Tourist, W3 Working Waterways and W4 Working Waterfront.
- Permit with consent: business identification signs within the following zones: R1 General Residential, E1 Local Centre, E2 Commercial Centre, E3 Productivity Support, E4 General Industrial, E5 Heavy Industrial, MU1 Mixed Use, SP3 Tourist, W3 Working Waterways and W4 Working Waterfront.

Building identification signs will continue to be permitted without consent within the following zones: RU2 Rural Landscape, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E1 Local Centre, E2 Commercial Centre, E3 Productivity Support, E4 General Industrial, E5 Heavy Industrial, MU1 Mixed Use, SP3 Tourist, RE1 Public Recreation, RE2 Private Recreation, C2 Environmental Conservation and C3 Environmental Management.

In addition to this, Schedule 2 of the LEP and the State Environmental Planning Policy (Exempt and Complying Codes) 2008 both list exemptions for business identification signage that do not require consent.

ISSUES AND OPTIONS:

An amendment to Coffs Harbour LEP 2013 is required to address an inconsistency between the City's local planning controls and the requirements of the NSW Environmental Planning and Assessment Act 1979.

The proposed amendment will also ensure that the City's local planning controls continue to prevent negative impacts from third-party advertisements (i.e. billboards, digital signage and advertising signage), such as:

- Visual Amenity and Character Impacts

  Third party advertising structures (particularly billboards and large digital signs) contribute to visual clutter and visual pollution, especially when they are large, illuminated, or clustered along transport corridors and in centres.

- Public Safety and Traffic Impacts

  Third party advertising is often designed to attract attention, which creates risks to driver safety, reduced pedestrian legibility and obstructing sight lines or wayfinding cues.

- Environmental Impacts

  Illuminated signage creates light spill and glare affecting surrounding areas, resulting in cumulative environmental effects, in particular where signs are highly visible, digitally illuminated or located near sensitive receivers such as homes, schools, or public open space.

- Social and Equity Impacts

  Evidence shows that outdoor advertising structures are often concentrated in lower-income or more disadvantaged areas, leading to concerns about unequal exposure to intrusive advertising in public space, disproportionate promotion of unhealthy products (e.g. junk food, alcohol,

gambling), and reduced quality of public environments in areas already experiencing disadvantage.

- Inconsistency with Strategic Planning Objectives

  Signage where not appropriately managed can contribute to undermining place-based planning and design excellence objectives, compete visually with civic signage, heritage interpretation, or wayfinding and shift public land and infrastructure toward commercial use rather than community function.

- Precedent Risks

  Once third-party advertising is permitted, councils may face pressure for additional signs or larger formats, refusals become harder to defend due to precedent, and ongoing compliance monitoring is resource-intensive.

The proposed amendment to Coffs Harbour LEP 2013 will continue to retain the rights of business owners to identify and market their businesses through business and building identification signage on their land where appropriate.

Council has a number of options available in relation to this matter. They include:

1. Adopt the recommendation of this report.
2. Reject the recommendation. Should the recommendation not be adopted by Council, the proposed LEP amendment will not proceed, and this inconsistency may present a risk to the City's consistent approach to signage within the Coffs Harbour Local Government Area.

Relevant policies and statutory requirements have been considered for the proposed LEP amendment. As such, the proposal is considered to be of low risk to the City.

Should Council choose to adopt the recommendation of this report, the planning proposal will be sent to the NSW Department of Planning, Housing and Infrastructure for gateway determination. The timeframe for the completion of the LEP amendment is governed by the relevant planning legislation and NSW Department of Planning, Housing and Infrastructure.

FINANCIAL IMPACT:

There are no financial impacts associated with the recommendation of this report.

CONSULTATION:

Public exhibition of the proposed LEP amendment will be undertaken in accordance with the City's Community Engagement Strategy and the relevant planning legislation.