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Plan finalisation report – PP-2026-343

Amendment to signage controls in various zones

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1 Introduction 2
1.1 Overview 2
1.1.1 Name of draft LEP 2
1.1.2 Site description 2
1.1.3 Purpose of plan 2
1.1.4 State electorate and local member 3
2 Gateway determination and alterations 3
3 Public exhibition and post-exhibition changes 3
3.1 Submissions during exhibition 3
3.1.1 Submissions neutral or supporting the proposal 3
3.1.2 Submissions objecting to and/or raising issues about the proposal 3
3.2 Advice from agencies 5
3.3 Post-exhibition changes 6
3.1.3 Council resolution 6
3.1.4 The Department's recommended changes 6
3.1.5 Justification for post-exhibition changes 7
4 Department's assessment 7
4.1 Detailed assessment 8
4.1.1 Consistency with Section 9.1 Directions 8
4.1.2 Savings Provisions 8
5 Post-assessment consultation 9
6 Recommendation 9
Attachments 10

1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Coffs Harbour Local Environmental Plan 2013 (Amendment No 35).

1.1.2 Site description

Table 1 Site description

Site Description	**The planning proposal (Attachment A) applies to land with various zones across the LGA**
Type	District
Council / LGA	City of Coffs Harbour
LGA	Coffs Harbour

The planning proposal relates to all land within the following land use zones across the Coffs Harbour LGA:

- R1 General Residential
- E1 Local Centre, E2 Commercial Centre, E3 Productivity Support, E4 General Industrial and E5 Heavy Industrial
- MU1 Mixed Use
- SP3 Tourist
- W3 Working Waterways and W4 Working Waterfront

1.1.3 Purpose of plan

The intent of the draft instrument is to amend the permissibility of signage in the Coffs Harbour LEP 2013 to prohibit third-party advertising structures across the LGA, while still allowing businesses to identify themselves on their own premises through business identification signs and building identification signs which will retain their current permissibility.

The draft LEP will also resolve an inconsistency between Council's LEP and the DCP, where the latter has sought to prohibit third-party advertising signage since 2015.

The draft LEP will amend the land use tables to prohibit advertising structures in zones where they are currently permitted including:

- Residential Zones (R1)
- Employment Zones (E1 to E5)
- Mixed Use Zones (MU1)
- Special Purpose Zones (SP3)
- Waterway Zones (W3 and W4)

The remainder of the land use zones in the Coffs Harbour LEP 2013 already prohibit advertising structures and do not require any amendments. The proposed changes will have the effect of prohibiting advertising structures in all zones across the LGA.

1.1.4 State electorate and local member

The local government area falls within the Coffs Harbour state electorate and the Clarence state electorate. Gurmesh Singh MP is the State Member for Coffs Harbour and Richard Williamson is the State Member for Clarence.

The local government area falls within the Cowper federal electorate and the Page federal electorate. Pat Conaghan MP is the Federal Member for Cowper and Kevin Hogan MP is the Federal Member for Page.

To the team's knowledge, none of the MPs have made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 7 April 2026 **(Attachment B)** determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

In accordance with the Gateway determination the proposal is due to be finalised on 7 October 2026.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 9 April 2026 to 8 May 2026.

A total of 5 community submissions were received, comprising of 2 objections, 2 neutral and 1 submission supporting the proposal **(Attachment C)** and are summarised in Council's post exhibition response to submissions report **(Attachment D)**.

3.1 Submissions during exhibition

3.1.1 Submissions neutral or supporting the proposal

A submission was received from an automated document review tool but raised no issues, one submission objected to highway signage promoting businesses that keep animals in captivity and one submission indicated support for the proposal by agreeing with the draft document.

3.1.2 Submissions objecting to and/or raising issues about the proposal

There were 2 submissions received from individuals and organisations objecting to or raising issues about the planning proposal.

Table 2 Summary of Key Issues

Issue raised	Council response and Department assessment of adequacy of response
Concern regarding prohibiting signage in E3 Productivity Support and Zone E4 General Industrial zones and is inconsistent with the anticipated land uses in those zones.	Council Response: The amendment only prohibits third-party advertising structures and does not affect business identification or building identification signs. Department Response: Council's response is adequate.
The proposal will impact the visibility of businesses.	Council Response: Businesses will remain able to erect business identification and building identification signs. Department Response: Council's response is adequate.
The proposal will prohibit merit-based assessment for Signage (Advertising structures)	Council Response: The proposal addresses an inconsistency between the LEP and DCP which requires that signage is not to contain advertising promoting products or signage not related to the approved use of the premises or site. It does not prevent merit assessment because other planning pathways remain available. Department Response: Council's response to address the inconsistency between the LEP and DCP is adequate. The Department requested clarification from Council on the other planning pathways. Council advised a site-specific LEP amendment to permit with development consent signage (advertising structures) would, if approved, allow for a merit-based development assessment. Council's response is adequate; the proposed changes would not prevent applicants from seeking LEP amendments for advertising structures on a site-by-site basis. Council could consider development applications concurrently to allow merit to be fully evaluated.
Concern the amendment does not align with State Environmental Planning Policy (Industry and Employment) 2021.	Council Response: The SEPP contains assessment criteria where signage is permissible but does not determine land use permissibility. LEPs determine land use permissibility. Department Response: Council's response is adequate and distinguishes between the role of the SEPP in the assessment of development applications, which differs to the role of an LEP in determining whether development is permissible in a zone.

Issue raised	Council response and Department assessment of adequacy of response
The amendment contradicts Transport for NSW Transport Corridor Outdoor Advertising and Signage Guidelines.	Council Response: The Guidelines assist in assessment and do not determine LEP permissibility. Department Response: Council's response is adequate.
Concern justification for the amendment is premised on addressing an inconsistency with the Coffs Harbour Development Control Plan.	Council Response: The proposal seeks to resolve an existing inconsistency between a DCP control discouraging third-party advertising and LEP permissibility. Department Response: Council's response is adequate and notes a DCP provision has no effect where it is inconsistent with a provision of an environmental planning instrument that applies to the same land under section 3.43(5)(b) of the EP&A Act. Council considers the position in the DCP to reflect its position on the permissibility of advertising structures and so is amending its LEP accordingly.
Request the inclusion of a savings provision applying to the amendment	Council Response: A savings provision is unnecessary because other planning pathways remain available and the Standard Instrument does not contain a mandatory savings clause. Department Response: The standard instrument does not mandate savings provisions as not every LEP amendment requires transitional arrangements however this does not prevent a savings provision being included where it is warranted. The Department supports savings provisions being included in this instance because several development applications are currently under assessment by Council. It is fair and reasonable that these applications should be assessed and finalised under the planning framework they were submitted. Savings provisions are discussed in more detail in Section 4.1.

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below in Table 3 who have provided the following feedback **(Attachment E)**. The issues raised and Council's response is contained in the planning proposal and an extract is provided at **Attachment F** and summarised in Table 3 below:

Table 3 Advice from public authorities

Agency	Advice raised	Council response and DPHI Comment
NSW Rural Fire Service	No objection.	Council Response: Noted. Department Response: Noted.
Coffs Harbour Airport	No objection however the advice focused on general comments including: • support for stronger signage controls and aviation safety objectives • the proposal replaces merit assessment with prohibition • concerns the proposal limits advertising across the LGA. • Considers airport signage can provide tourism and economic benefits.	Council Response: Notes that: • advertising structures are already prohibited on airport land, which is zoned SP1 Special Activities • alternative planning pathways may be available if the Airport wishes to pursue advertising structures • the proposal will create a consistent approach across the LGA by prohibiting advertising structures in all zones Department Response: Council's response is adequate.

It is considered that Council has adequately addressed matters raised in submissions from public authorities.

3.3 Post-exhibition changes

3.1.3 Council resolution

At Council's Ordinary Meeting on 28 May 2026 Council resolved to proceed with the planning proposal and did not propose to make any changes to the planning proposal.

3.1.4 The Department's recommended changes

Following the receipt of the planning proposal from Council, the Department has made a change to the proposal as follows to:

- include a savings provision in the amending LEP to require a development application lodged, but not finally determined, before the commencement of the amending plan, to be determined as if that plan had not commenced.

3.1.5 Justification for post-exhibition changes

It is considered that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes as they are a reasonable response to comments received during community consultation.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination **(Attachment B)** and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following reassesses the proposal against the applicable Section 9.1 Directions, SEPPs, Regional Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal.

As outlined in the Gateway determination report (**Attachment G**), the planning proposal submitted to the Department for finalisation:

- remains consistent with the North Coast Regional Plan 2041
- remains consistent with the Council's Local Strategic Planning Statement
- remains consistent with all relevant Section 9.1 Directions and all outstanding inconsistencies are considered resolved (refer to section 4.1)
- remains consistent with all relevant SEPPs

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 4 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	☒ Yes	☐ No, refer to section 4.1
Local Strategic Planning Statement	☒ Yes	☐ No, refer to section 4.1
Section 9.1 Ministerial Directions	☐ Yes	☒ No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	☒ Yes	☐ No, refer to section 4.1

Table 5 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	☒ Yes	☐ No, refer to section 4.1
Environmental impacts	☒ Yes	☐ No, refer to section 4.1

Site-specific assessment	Consistent with Gateway determination report Assessment	
Infrastructure	☒ Yes	☐ No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

4.1.1 Consistency with Section 9.1 Directions

4.3 Planning for Bushfire Protection

The planning proposal is inconsistent with this direction and required consultation with the NSW Rural Fire Service. Council has received written advice from the NSW RFS confirming that it raises no objection to the proposal proceeding. The inconsistency with direction is considered justified.

5.3 Development Near Regulated Airports and Defence Airfields

The planning proposal was potentially inconsistent with this direction as it sets controls for development of land near a regulated airport and required consultation with the lessee/operator of that airport. Council has received written advice from Coffs Harbour Airport confirming it has reviewed the proposal and raises no objection to the proposal proceeding. The planning proposal is now consistent with the requirements of the Direction.

4.1.2 Savings Provisions

The planning proposal was publicly exhibited without any proposed savings provisions. Two submissions requested a savings provision be included to enable lodged development applications to be considered under the current planning framework rather than the amended framework which would prohibit advertising structures. Council does not support savings provisions because it considers they would be contrary to the intent of the planning proposal **(Attachment I)**.

Clarification was sought from Council on the number of development applications currently under assessment which would be affected by the amended planning framework. Council confirmed on 16 June 2026 that 6 development applications would be affected by the draft LEP amendment. Four DAs were under assessment by Council and 2 were awaiting determination from the Land and Environment Court. It is understood that additional applications have been lodged since this time.

It is considered that applicants are entitled to natural justice and should be able to rely on the planning controls in force at the time of lodgement. This provides a fair and orderly transition to the new planning framework. Given there are several development applications either under assessment or significantly progressed, including a savings provision in the amending LEP is considered appropriate.

Council has alternatively suggested that savings provisions only apply to development applications lodged but not determined prior to exhibition commencing (6 April 2026) however this approach is not supported. Limiting the savings provisions in this manner would result in the new controls applying retrospectively to applications lodged under the current planning framework and prejudice those development applications.

4.1.3 Advertising and Signage Review

The Department's Economic and Social Policy Team is in the early stages of undertaking an advertising and signage review.

As noted in the Gateway determination report, the current proposal is not inconsistent with any current State Environmental Planning Policies, including the Industry and Employment SEPP or the Transport and Infrastructure SEPP, which do not mandate permissibility of advertising structures.

No adverse impact or inconsistency with the potential outcomes of the review is anticipated as any changes that may be adopted by Government in the future and mandated through the Standard Instrument or a SEPP are expected to override the current amendment at that time to ensure consistency across the State.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 6 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	The draft LEP is a written instrument only and no maps are required.	☒ Yes ☐ No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* **(Attachment H)**. Council confirmed on 21/08/2026 that it approved most of contents of the draft LEP but did not support the inclusion of the additional savings provision. Council would only support a savings provision where it would apply to development applications lodged before public exhibition of the draft LEP amendment which commenced on 9 April 2026. **(Attachment I)**.	☒ Yes ☐ No, see below for details
Parliamentary Counsel Certificate	On 28/08/2026, Parliamentary Counsel provided the Certificate that the draft LEP could legally be made. This Certificate is provided at **(Attachment PC)** and the draft LEP is provided at **(Attachment LEP).**	☒ Yes ☐ No, see below for details

6 Recommendation

It is recommended that the Executive Director, as delegate of the Secretary:

- determine that the draft LEP's inconsistency with Section 9.1 Direction 4.3 Planning for Bushfire Protection is justified in accordance with the terms of the Direction.

It is recommended that the Executive Director, as delegate of the Minister determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit as it is consistent with North Coast Regional Plan 2041.
- All outstanding Section 9.1 Directions are now considered resolved or justified.
- Issues raised during consultation have now been addressed in the draft LEP, and there are no outstanding agency objections to the proposal.
- the inclusion of a savings provision provides an orderly transition to the new planning framework by preserving assessment rights for development applications that are already lodged so they can continue to be assessed and determined under the planning controls in force at the time of lodgement.

17/09/2026

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18/9/26

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Attachments

Attachment	Document
A	Final Planning Proposal
B	Gateway Determination
C	Public Submissions
D	Council's Response to Public Submissions
E	Agency Comments

Attachment	Document
F	Council Response to Agencies
G	Gateway determination report
H	Consultation with Council
I	Council response to Draft LEP
PC	Parliamentary Counsel Certificate
LEP	Amending LEP
Letter to Council	Council Letter