



## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

10<sup>th</sup> July 2007

<b>DSDS4</b>	<b>MODIFICATION OF DEVELOPMENT CONTROL PLAN 30 EXEMPT AND COMPLYING DEVELOPMENT FILE: T4-40 MGD</b>	<b>{Folio No. *}</b>
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### **SUMMARY:**

Reporting that minor amendments are required to Development Control Plan 30 to remove inconsistencies between State Environmental Planning Policy 64 and Kempsey Shire Council Local Environmental Plan to permit certain outdoor advertisements.

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### **DESCRIPTION:**

Amendments are proposed to Development Control Plan 30 'Exempt and Complying Development' to remove inconsistency between State Environmental Planning Policy [SEPP] 64 Advertising and Signage and Kempsey Shire Council Local Environmental Plan 1987, in relation to advertising on public shelters, seating, street furniture and sponsorship advertising at public sporting facilities.

### **State Environmental Planning Policy No. 64 – Advertising & Signage (SEPP 64)**

SEPP 64 was introduced in 2001 and overrides any inconsistency with Council's controls. As a consequence, SEPP 64 effectively prohibited certain signage, which can only be overcome by listing the signage as "Exempt Development".

### **Public Shelters and Street Furniture**

Clause 48(1) of Kempsey Shire Council Local Environment Plan 1987 states –

#### ***Permissible outdoor advertising***

*48. (1) Despite any other provision of this plan, development may be carried out on any land, without the consent of the Council, for the purpose of any one or more of the following:*

*(i) any sign placed on a public shelter, seating or street furniture, if the sign does not protrude from the structure and the Council has granted consent for the structure*

The clear intention of the Clause 48.1(i) was to permit outdoor advertising on public shelters, seating or street furniture. If Council remains of the view that such signage should be permissible, Council should amend Development Control Plan 30 to classify outdoor advertising as exempt development. This would remove the inconsistency with Part 3 clause 9(c) and Clause 10 of State Environmental Planning Policy 64, which has the effect of prohibiting such signage on residential zoned land under the following circumstances:

<i>Advertising on approved public shelter, seating or street furniture</i>	<ul style="list-style-type: none"> <li>• <i>Council to approve the message and colours,</i></li> <li>• <i>Sign not protrude from the structure</i></li> <li>• <i>Lettering on the sign must be professionally sign written and clearly written in contrasting colours. Colours must complement the surroundings and setting of the sign</i></li> </ul>	<b>To permit advertising on public shelter, seating or street furniture</b>
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### **Sponsorship Advertising at Public Sporting Facilities**

The NSW Department of Planning has addressed their position on sponsorship signage at public sporting facilities by removing the prohibition of such advertising in open space zones in State Environmental Planning Policy 64.

Councils are now able to determine if they wish to treat the advertising as either exempt development, permissible with consent or prohibited under their planning regulations.

It is considered unnecessary to require development consent for such signage, provided it meets the following criteria:

	<b>Proposed Change Insert into Schedule 1 of DCP 30 (Signs on page 14)</b>	<b>Reason</b>
<i>Sponsorship Advertising at Public sporting facilities</i>	<ul style="list-style-type: none"> <li>• <i>Council to approve the message and colours.</i></li> <li>• <i>Sign not protrude from the structure.</i></li> <li>• <i>Maximum size of 1.0m height by 2.0m length</i></li> <li>• <i>Advertising messages should not offend sensitive land users (churches, schools, day care centers etc).</i></li> <li>• <i>No illumination</i></li> <li>• <i>All signs must be visible from the sporting fields</i></li> </ul>	<b>To permit sponsorship advertising at public sporting</b>

	<ul style="list-style-type: none"> <li>• <i>Lettering on the sign must be professionally sign written and clearly written in contrasting colours. Colours must complement the surroundings and setting of the sign</i></li> <li>• <i>Signage to be maintained at sponsors expense</i></li> </ul>	
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**REPORT IMPLICATIONS:**

- ***Environmental***

***Complying and exempt development cannot be carried out in environmentally sensitive areas.***

- ***Social***

**Promote the variety of recreational facilities and activities to the residents of the Shire.**

- ***Economic (Financial)***

***No economic effects***

- ***Policy or Statutory***

***Environmental Planning and Assessment Act 1979 details the process to amend Development Control Plans'.***

***The Exempt and Complying Development Control Plan is given effect through clause 57 of Kempsey Local environment Plan 1987. It is necessary to amend the Local Environment Plan to refer to the date of adoption of the amendments to the Development Control Plan.***

**RECOMMENDATION**

- A. That the draft Development Control Plan 30 – Exempt and Complying Development referred to in this report be placed on public exhibition for a period of at least twenty eight (28) days.**
- B. That pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft Local Environmental Plan to amend Clause 57 of Kempsey Local Environment Plan 1987, to give effect to the proposed amendments to Development Control Plan 30- Exempt and Complying Development.**

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**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**