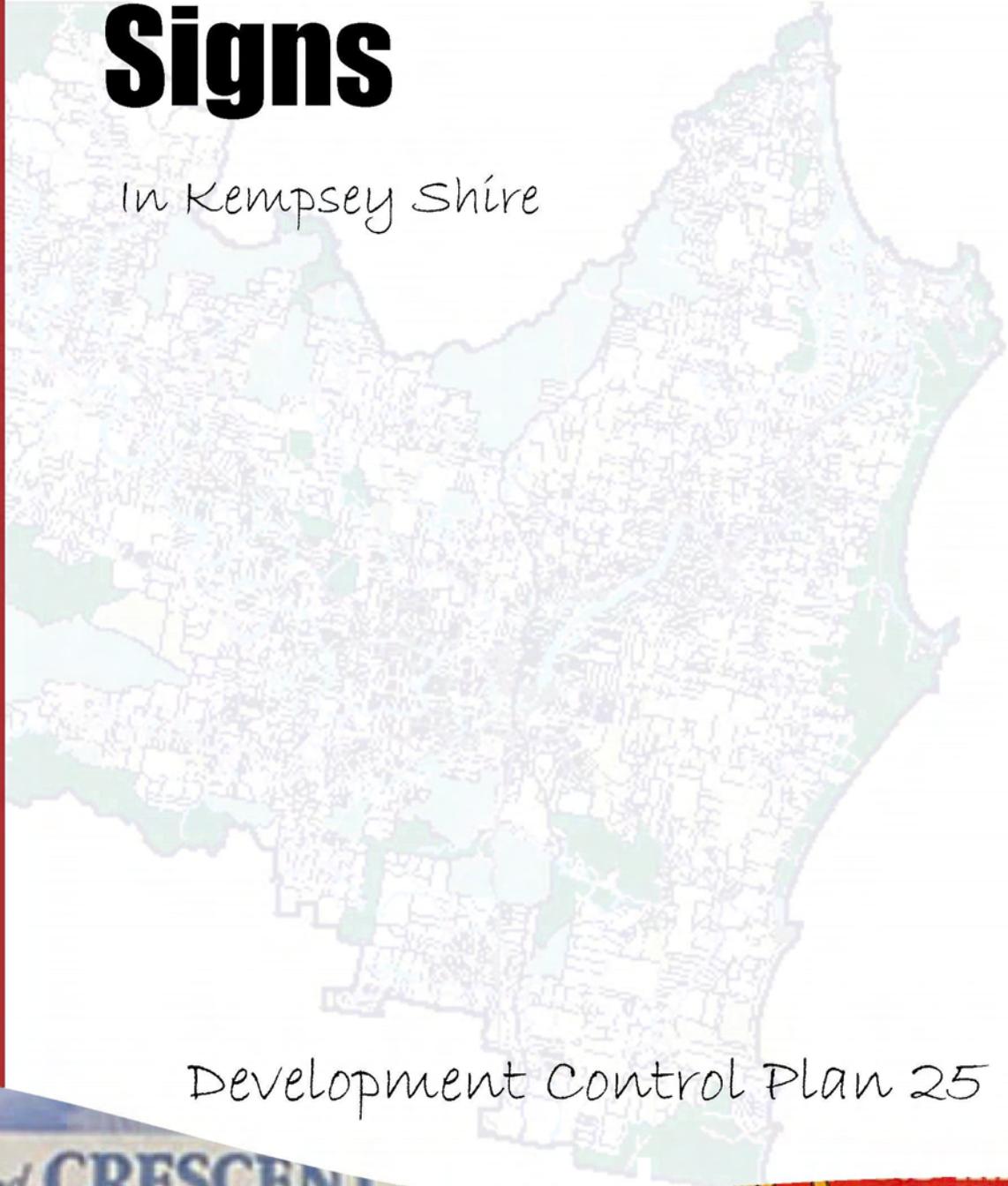


DCP 25

Advertising Signs

In Kempsey Shire



Kempsey
Shire Council

Development Control Plan 25

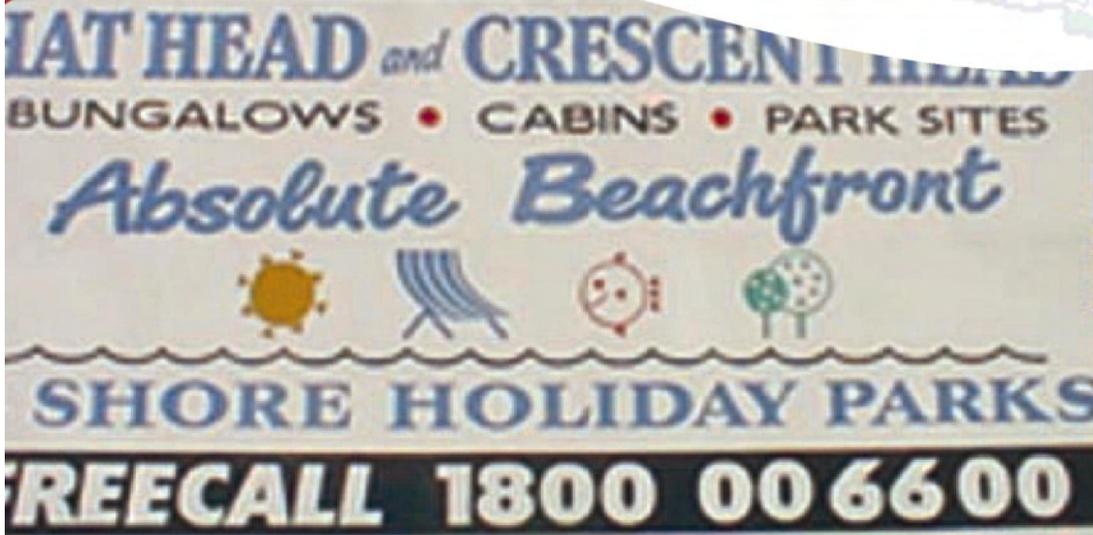


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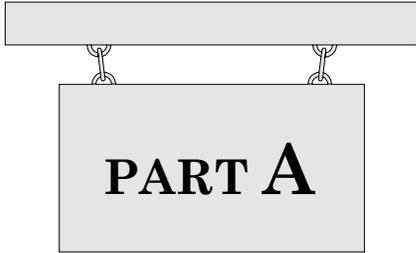
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1.0 INTRODUCTION

1.1 What is this plan called?

This plan is known as *“Development Control Plan No 25 - Advertising Signs in Kempsey Shire”*.

1.2 Commencement

This plan was adopted by Council on (date of appropriate Council meeting) and shall be effective on and from (date of notification in newspaper). The plan replaces Council’s existing *“Policy on Outdoor Advertising in the Kempsey Local Government Area”* (Policy No 4.59.01).

1.3 Where does this plan apply?

This plan applies to the entire local government area of the Shire of Kempsey.

1.4 Purpose, aims and objectives of this plan.

1.4.1 This code seeks to encourage advertising signs that are thoughtfully designed, located and maintained so as to direct the public to available goods and services, tourist facilities and the areas of natural, scientific, historical and scenic interest.

1.4.2 The objectives of this plan are as follows:

- a To facilitate the placement of advertising signs which promote the Shire’s commercial and industrial businesses in a manner appropriate to the scale and design of the existing built environment.
- b To promote the Shire’s tourist facilities, scientific, historical and scenic attractions to the travelling public in a manner which does not adversely impact on the Shire’s high scenic quality.
- c To allow for the placement of signs which have negligible impacts without the need to obtain Council consent.
- d To promote a high standard of commercial advertising which will enhance the appearance of the Shire’s commercial areas.
- e To facilitate the placement of Advertising signs in residential areas in a manner which complements the residential use of those areas.

1.5 Relationship to other plans

Environmental Planning Instruments

Section 72 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 1994, require this Development Control Plan to be consistent with State Environmental Planning Policies (SEPP's), Regional Environmental Plans (REP's) and the relevant Local Environmental Plan (LEP) for the local government area.

There are no S E P P's which are of particular relevance in this instance.

The relevant REP is the North Coast Regional Environmental Plan 1988.

Kempsey Local Environmental Plan 1987 is the relevant principal LEP for the Kempsey Shire.

In cases of inconsistency with or between this DCP and an environmental planning instrument the planning instrument will prevail.

Other Council Codes and Policies

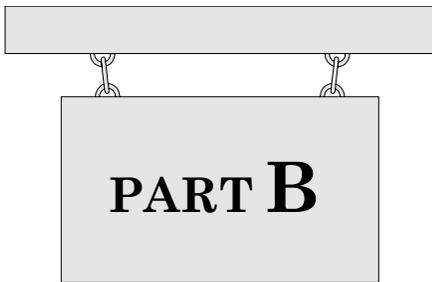
Other Council codes and policies that are relevant include:

- * Local Approvals Policy

2.2 HOW THIS PLAN WORKS

This plan is divided into six broad parts:-

- PART A Which provides an introduction as to the purpose and format of the Code;
- PART B Which indicates under what circumstances Council can consider advertising signs in various locations;
- PART C Which describes the matters Council will have regard for when considering applications where consent is required;
- PART D Which indicates Council's requirements in respect to erecting directional signs on Council controlled land; and
- PART E Which indicates Council's requirements for the erection of tourist directional signs.
- PART F Which includes a glossary of terms.

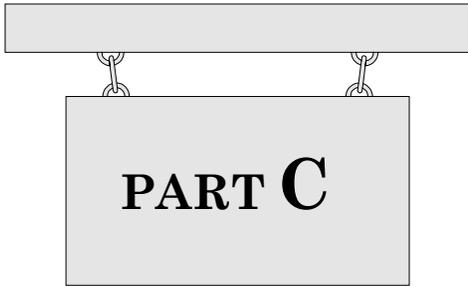


3.0 PERMISSIBLE ADVERTISEMENTS

- 3.1 With the exception of commercial, village and industrial areas and certain permissible commercial signs, advertising signs in Kempsey Shire are restricted to tourist signs only.
- 3.2 The following signs are exempted from this restriction and may be erected **without development consent** from Council:-
- (a) any sign which is not visible from outside the boundaries of that site;
 - (b) a sign not erected on an item of environmental heritage;
 - (c) a sign, being an advertisement, which is not illuminated and which;
 - (i) has an area of not more than 0.75 sq metres and a height of not more than 3 metres above the ground, and
 - (ii) in respect of any place or premises to which it is affixed, contains only:-
 - a reference to the identification or description of the place or premises; or
 - a reference to the identification or description of any person residing or carrying on an occupation at the place or premises; or
 - particulars of any occupation carried on at the place or premises; or
 - such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on at the place or premises; or
 - particulars or notifications required or permitted to be displayed by or under any Act (including any Commonwealth Act); or
 - particulars relating to the goods, commodities or services dealt with or provided at the place of premises; or
 - particulars of any activities held or to be held at the place or premises; or
 - a reference to any affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.
 - (d) signs generally referred to as “A frame” or “sandwich board” signs located on the footpath in commercial or industrial areas.
 - (e) a sign located on shops, offices and other business premises, which are neither in a conservation area or erected on any item of environmental heritage as described in **Schedule 1** to this plan.
 - (f) a real estate sign which is not displayed for more than ten (10) days after letting or completion of the sale of the premises or place to which the sign relates;

- (g) any traffic management sign;
 - (h) any public notice displayed by a public body giving information or direction about services provided;
 - (i) any sign placed on a public shelter, seating or street furniture where such sign does not protrude from the structure and for which the approval of Council has been given for the structure.
- 3.3 With the exception of signs as listed in **Schedule 2** to this Plan, all signs located over or on any public road will require approval of an application under **Section 68** of the Local Government Act whether or not development consent is also required.
- 3.4 All tourist signs and signs which are not exempted require submission of a Development Application for Council's consideration.
- 3.5 Despite any standards contained in this plan, signs which do not meet the objectives of this plan are unlikely to gain approval.





4.0 DESIGN CONSIDERATIONS

4.1 Residential areas

Objectives

Signs in residential areas should be unobtrusive in size and appearance in keeping with the residential character of the locality.

Standards

The following restrictions apply to signs in residential areas:-

- (i) Signs are restricted to not more than 2 square metres in area;
- (ii) The highest point shall be not more than 3 metres above the natural ground surface and shall have a minimum width of 1 metre;
- (iii) The colours and design used are to be in keeping with the locality, so as not to be obtrusive. Luminous paints will not be permitted.
- (iv) Signs are to be free standing and located so as to preserve the residential character of any dwelling located on the land.
- (v) Signs are to be limited to one (1) only per premises.

4.2 Commercial and Industrial areas

Objectives

- (i) To facilitate the placement of advertising signs in commercial and industrial areas which provide adequate exposure for individual businesses goods and services without impinging on the exposure rights of other businesses.
- (ii) To ensure that advertising signs in commercial areas are designed to enhance and complement the existing built environment.

Standards

- (i) Signs fixed to the wall of a building should not protrude excessively above the existing roof line in a manner which adversely impacts on its character and appearance. In general, any such protrusion should not exceed one (1) metre.
- (ii) Roof signs are generally discouraged unless it can be demonstrated that the sign will not be visibly obtrusive or detract from the appearance of the building.
- (iii) Signs generally referred to as sandwich board signs or “A” frame signs are required to comply with the following requirements:-

- submission of an application pursuant to Section 68 of the Local Government Act.
 - one (1) sign per shop is permitted.
 - signs must not exceed 1.0m² in area.
 - signs must not be fixed or secured to any Council property (street signs seating etc).
 - applications are required to be accompanied by proof that Public Liability Insurance cover has been taken out to the value of at least \$5 million and providing for Council as co-insured in the event of any claims resulting from the placement of the sign.
- (iv) In the case of multi-premises commercial and industrial developments, preference will be given to the erection of standardised directory signs over adhoc proposals for signs relating to individual businesses. Council may require applicants for individual signs to demonstrate that a unified approach is impractical or unjustified prior to consent being granted.
- (v) Pole signs erected in commercial and industrial areas are restricted to not greater than 9 metres in height. Depending on the size of the sign, Council will require submission of an building application with Engineer's details indicating that the structure is adequate to withstand expected wind loadings.

Signs are not to overhang any road alignment by more than 1.2 metres.

Where signs overhang any road alignment, the minimum height of the underside of the sign is to be 2.6 metres.

- (vi) Under awning signs in commercial areas shall be restricted to 2.5 metres in length and 0.5 metres in width, with a thickness of 0.4 metres (where illuminated) and 0.08m (where unilluminated).

Signs shall be erected to achieve a minimum clearance over the footpath of 2.6 metres. No projection beyond the awning is permitted or within 600mm of the kerb.

Signs are to be so placed as to not obstruct any other sign.

- (vii) Above awning signs in commercial areas are to have a maximum area of 2.2 m², and are not to project beyond the edge of the awning or within 600mm of the kerb.
- (viii) Fascia signs are not to project above or below the fascia or return of the awning to within 600mm of the vertical projection of the kerbline or more than 300mm from the fascia or return end of the awning.

4.3 Rural Areas - (including Rural Open Space and Environmental Protection Zones)

Signs on land zoned rural, open space or and Environmental Protection are generally restricted to tourist directional signs with the exception of those exempted from the need to obtain consent (see Section B) and those erected for the purposes of advertising goods and services provided or produced on that land.

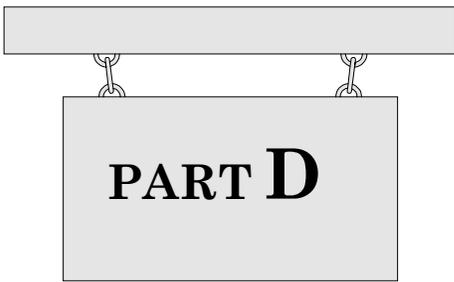
Objectives

Signs in rural areas are to be located so as not to detract from the Shire's high scenic amenity.

Standards

- (i) Signs are restricted to a maximum of 6 metres by 3 metres with a maximum height above ground of 6 metres.
- (ii) Signs are to be located so as not to obscure any views of the landscape from any public road.
- (iii) Signs are to be located so as to avoid the need for any tree removal.
- (iv) Signs are to be located so as not to adversely impact on landscape in which they are to be located.
- (v) Signs erected in conjunction with roadside stalls are to be restricted to one only sign, not greater than 2m² in area.
- (vi) Signs are to be erected so as not to adversely impact on any adjoining dwelling.





5.0 SIGNS ON COUNCIL LAND

Applications are required to be made to erect signs on Council owned/controlled land. Signs on land are restricted to:-

(a) Directional Signs

Council may allow the placement of directional signs to premises which provide a commercial service for travellers and tourists.

Such signage is not to be used to advertise other commercial undertakings.

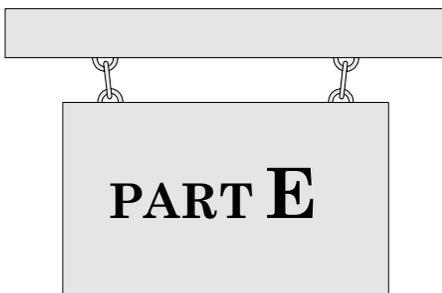
- *Not more than three (3) directional signs are permitted on any post, including the street name sign.*
- Where more than three (3) signs are likely, a combined sign is to be erected for premises of a similar nature, i.e. accommodation.
- No more than two (2) directional signs will be permitted for each establishment. Where a combined sign is used, up to three (3) directional signs, including the combined sign, may be considered.
(**Note:** This would allow for signs to an establishment to be provided at intersections.)
- *All costs associated with the supply and erection of all the signs are to be met by the applicants.*
- The fingerboard blade is not to have a depth greater than 150mm.

(b) Signs on Footpaths or Over the Road Alignment

Business identification signs on footpaths or over any road alignment will only be permitted in commercial and industrial areas immediately adjacent to businesses.

(c) Commercial/Industrial Area Directory Signs.

Council will permit the erection of one (1) only directory sign on arterial roads at the main turn off to industrial and commercial area which contains the name of the industrial/commercial area under which standardised fingerboards identifying the name of businesses in that area may be attached. The attachment of individual finger boards will require Council's written approval.



6.0 TOURIST DIRECTIONAL SIGNS

Objectives

- i To direct the travelling public to tourist facilities or places of tourist interest located within or outside Kempsey Shire.

“Place of Tourist Interest” means buildings or places being tourist facilities or buildings or places of scientific, historical or scenic interest;

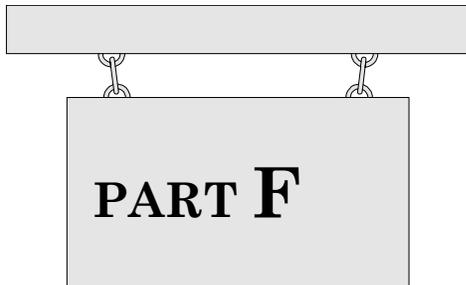
“Tourist facilities” are defined as establishments providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities;

Proposals to advertise premises which do not form part of any tourist facility cannot be considered under these provisions.

- ii To ensure that tourist directional signs are erected in accordance with the corresponding objectives of the area as described by this Plan.

Standards

- i Tourist directional signs are to be erected in accordance with the standards of this Plan corresponding to the area in which they are to be erected.
- ii In rural, open space and environmental protection zones, tourist directional signs are not to be erected closer than 1 km to any other lawfully erected sign (including any existing signs) with the exception of signs approved under any other provisions of this Plan. For the purposes of this Plan, the distance between signs relates to signs located on either side of the road.



GLOSSARY OF TERMS

ADVERTISING SIGN/ADVERTISEMENT means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

ABOVE AWNING SIGN means an advertising sign attached to the upper side of an awning (other than the fascia or return end).

COMMERCIAL AREA means an area or place used for commercial purposes whether or not zoned for such purposes.

COMMERCIAL SERVICE a commercially operated establishment providing travellers and tourists with services such as meals, refreshments, overnight accommodation, caravan park, camping.

The proposed amendments have been advertised and no submissions were received.

COMMERCIAL SIGN means an advertising sign displayed on a premises for the purpose of identifying the goods or services provided on those premises.

FASCIA SIGN means an advertising sign attached to the fascia or return of an awning.

FLUSH WALL SIGN means an advertising sign attached to the wall of a building (other than the transom of a doorway or display window).

ILLUMINATED SIGN means an advertising sign illuminated from within, whether or not included in any other defined advertising signs.

INDUSTRIAL AREA means an area or place used for industrial or business purposes, whether or not zoned for such purposes.

POLE SIGN means an advertising sign erected on a pole or pylon, independent of any building or other structure.

PROJECTING WALL SIGN means an advertising sign attached to the wall of a building, (other than the transom of a doorway or display window) and projecting more than 300mm.

ROOF SIGN means an advertising sign erected on or above the roof or parapet of a building.

TOP HAMPER SIGN means an advertising sign attached to the transom of a doorway or display window of a building.

TOURIST DIRECTIONAL SIGN means an advertising sign used to direct the travelling public to Tourist Facilities or places of tourist interest, as defined in Section E of this plan.

TRAFFIC MANAGEMENT SIGN means an advertising sign erected by a Public Authority used for the purposes of providing instructions or directions in relation to the management of traffic.

SCHEDULE 1

- 1 **BUSINESS IDENTIFICATION SIGNS** (a) **Suspended under awning signs in commercial areas.**
- i one per premises;
 - ii securely fixed by metal supports;
 - iii not exceeding 1.24m² in area; and
 - iv if over a public road, suspended at a height no less than 2.6 m above ground level.
 - v Min 600mm from kerb.
- (b) **Flush wall signs**
- i not exceeding 2.5m² in area;
 - ii securely fixed;
 - iii if over a public road, erected at a height no less than 2.6 m above ground level; and
- (c) **Top hamper signs**
- i securely fixed;
 - ii not exceeding 2.5m² in area;
- 2 **BUSINESS IDENTIFICATION SIGNS IN INDUSTRIAL AREAS**
- i one sign per premises;
 - ii signs not exceeding 2.5m² in area; and
 - iii if over a public road, signs erected at a height no less than 2.6 m above ground level.

SCHEDULE OF EXEMPTIONS TO APPROVAL

Section 158(3) - Local Government Act 1993

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES/ REQUIREMENTS	ADVISORY NOTE
Section 68	Part E2 - ERECT AN ADVERTISING STRUCTURE	
Advertising structures used for display of the following matters	<p>General requirements (In addition to the particular requirements listed in column 2 for the different type of signs).</p> <ul style="list-style-type: none"> . the erection of the advertising structure must comply with all requirements of the BCA, including Section B1 (“Structural Provisions”) . signs must not cover mechanical ventilation inlet or outlet vents; and 	<p>Building approval is required for all advertising structures, other than those listed in column 1 and those which do not meet the Exemption Circumstances/Requirements set out in column 2.</p> <p>Flashing signs require approval.</p>
1 Business identification signs in residential, rural, open space or environment protection zones under the provisions of the Kempsey Local Environmental Plan.	<ul style="list-style-type: none"> . one per premises . signs not exceeding 0.75m² in area . entirely within the property . overall height not exceed 3m. . complies with Cl 48(1)(b) of the Kempsey Local Environmental Plan. 	
2 Real Estate signs (advertising premises/land for sale or rent) by private treaty in residential and rural zones under the provisions of the Kempsey Local Environmental Plan.	<ul style="list-style-type: none"> . one sign per premises 1.2m and not exceed 1.20m in length and 1m in height. . The sign is to be removed within 10 days of the letting or sale. 	
3 Real Estate signs (advertising premises/land for sale or rent) by Auction in residential and rural zones under the provisions of the Kempsey Local Environmental Plan.	<ul style="list-style-type: none"> . one sign per premises and not exceed 1.83m in length and 1.20m in height; has returns not exceeding 180mm; contains only the word “auction” on the surfaces of its return; the sign is to be removed within 10 days of the sale or letting. 	
4 Real Estate signs (advertising premises/land for sale or rent) by private treaty or auction in commercial and industrial zones under the provisions of the Local Environmental Plan.	<ul style="list-style-type: none"> . one sign per premises . not exceed 2.4m in length or 1.8m in height. . The sign is to be removed within 10 days of the sale or letting. 	

KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 - CLAUSES 47 TO 50

Clause 47 - Advertising restrictions in certain zones

- 47 1 The Council must not grant consent to the erection of an advertisement on land within a residential, rural, open space or environmental protection zone unless the advertisement is for the specific purpose of directing the travelling public to buildings or places of tourist interest and the Council is satisfied:
- (a) that the advertisement relates to a specific building or place; and
 - (b) that the principal purpose of the advertisement is to direct the travelling public to that building or place; and
 - (c) that the dimensions and overall size of the advertisement are not larger than would reasonably be required to so direct the travelling public.
- 2 Nothing in this Plan prevents the erection of a sign on land to which this clause relates with the consent of Council for the purposes of advertising goods or services provided or produced on that land.

Clause 48 - 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 purposes of any one or more of the following:
- (a) any advertisement which is not visible from outside the boundaries of that site;
 - (b) a sign, not erected on an item of environmental heritage
 - (c) a sign, being an advertisement, which is not illuminated and which;
 - (i) has an area of no more than 0.75m² , a height of no more than 3m above the ground; and
 - (ii) in respect of any place or premises to which it is affixed, contains only:
 - * a reference to the identification or description of the place or premises; or
 - * a reference to the identification or description of any person residing or carrying on an occupation at the place or premises; or
 - * particulars of any occupation carried on at the place or premises; or
 - * such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on at the place or premises; or
 - * particulars of notificatoins required or permitted to be displayed by or under any Act (including any Commonwealth Act); or

- * particulars relating to the goods, commodities or services dealt with or provided at the place of premises; or
 - * particulars of any activities held or to be held at the place or premises: or
 - * a reference to any affiliation with a trade, professional or other association relevant to the business conducted on the place or premises;
- (d) signs generally referred to as “A frame” or “sandwich board” signs located on the footpath in commercial or industrial areas.
- (e) a sign located on shops, offices and other business premises, which are neither in a conservation area nor heritage items as described in Schedule * to this Plan.
- (f) a real estate sign which is not displayed for more than 10 days after letting or completion of the sale of the premises or place to which the sign relates;
- (g) any traffic management sign;
- (h) any public notice displayed by a public body giving information or direction about the services provided.
- (i) any sign placed on a public shelter, seating or street furniture where such sign does not protrude from the structure and for which the approval of Council has been given for the structure.

Clause 49 - Temporary advertising

- 49 1 Development may be carried out on any land without the consent of the Council, for the purposes of any advertisement, being one which is displayed for a period not exceeding 28 days in total in any one year and which relates to a specific sporting or cultural event.
- 2 Despite any other provisions of this Plan, development may be carried out with Council's consent for the purposes of an advertisement, being one which is displayed in conjunction with any Council approved residential or rural residential subdivision estate for the purposes of advertising the sale of that land and Council is satisfied such advertisement is temporary in nature.

Clause 50 - Certain changes to advertisements do not require development consent.

- 50 Development involving only a change in the message, colour or appearance of an advertisement which did not require development consent or for which development consent was granted pursuant to this plan may be carried out with consent if, in the opinion of the Council, the changed advertisement is not significantly different from the original advertisement.

