



# Advertising Signs

## Development Control Plan No.28



**Adopted by Council** - 27 March 1996

**Effective** - 17 April 1996

**Amended** - 23 March 2007

**Ku-ring-gai Council**

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Development Control Plan No.28

Advertising Signs

## Schedule of Amendments

<b>AMENDMENT</b>	<b>ADOPTED</b>
1 A new section (see Section 7) has been inserted into DCP28 containing controls for advertising on outdoor dining furniture and footpath trading equipment. The controls bring DCP28 into line with Council's Policy on outdoor dining and footpath trading. Several definitions have also been added, including: "furnishing", "business identification" and "third party advertising". The document has also been amended to improve format, clarity, internal consistency and overall useability as it has not been reviewed since its original adoption in 1996.	20 April 2006 Effective 28 April 2006
2 Notes have been added to Home Occupation Identification and Temporary signage controls (Parts 8 and 10) to link them to DCP 46 – Exempt and Complying Development, to ensure that signage, as listed in DCP 46, will not require development approval.  Provisions for property promotional signs have been included in the section on temporary signs (Part 10), and the provisions in relation to size Number and lighting of temporary signs have been reviewed.  A requirement for the consideration of shopfront window signage has been added.	Adopted 13 March 2007 Effective 23 March 2007

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# Introduction

## 1.1 Name of this DCP

This plan is known as “Development Control Plan No 28 – Display and Erection of Advertisements and Advertising Structures”.

## 1.2 Commencement Date

This Development Control Plan (DCP) was adopted by Council resolution on 27 March 1996 and came into effect on 17 April 1996. The latest amendment is effective from 23 March 2007.

## 1.3 Land to which this Plan applies

This plan applies to all land within the Local Government Area of Ku-ring-gai including land under the care, control or management of State or Federal Government Bodies.

## 1.4 Objectives

- a) Preservation and enhancement of the predominantly residential character of the Ku-ring-gai area.
- b) An appropriate balance between the established streetscape character and the commercial need to advertise goods and services.
- c) Advertisements and advertising structures that are compatible with the architectural style of the built environment.
- d) Advertisements and advertising structures that do not disrupt vehicular or pedestrian traffic flow.

## 1.5 Relationship to other planning instruments

This DCP is created under Council’s principle environmental planning instrument, the *Ku-ring-gai Planning Scheme Ordinance* (KPSO).

## 1.6 Advertising signs that require approval

All proposals for advertising and advertising structures must be submitted to Council for assessment as a development application unless the advertising / advertising structure is **exempt** or **complying development** under the KPSO.

**Note 1:** Some advertising signs may also require building approval under Section 68 of Chapter 7 of The Local Government Act 1993.

**Note 2:** Applications granted consent by Council do not exempt the applicant from compliance with other statutory requirements.

## 1.7 Making an application

Development applications should be prepared in accordance with Council’s Development Application (DA) Guide. All applications for advertising and /or advertising structures should contain the following information:

- i. Precise location of the proposed signage.
- ii. Type, nature and size of the sign.

- iii. Purpose of advertising.
- iv. If relevant, qualifications of the organisation being advertising as a local charitable or community service organisation.
- v. If temporary or part-time, the time(s) and date(s) of their erection.

## 1.8 Definitions

**Above-awning sign** means a sign attached to the upper side of an awning (other than the fascia or return end).

**Advertising panel** means any advertising structure other than those defined in this DCP which is not illuminated, including a hoarding, bulletin board or billboard.

**Business identification sign** means a sign or a logo that identifies the nature of the business carried out by the person or business, at the premises or place at which the sign or the logo is displayed, but does not include third-party advertising.

**Floodlit** means illumination by an external source of artificial light.

**Flush wall sign** means a sign other than a hoarding that is attached to the wall of a building which does not project horizontally more than 50mm from the wall.

**Furnishing** means furniture, appliances and other movable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.

**Illuminated sign** means any sign that is internally illuminated.

**Pole or pylon sign** means a sign that is erected on a pole or pylon independent of any building or other structure.

**Projecting wall sign** means a sign that is attached to the wall of a building (other than the transom of a doorway or display window), that projects more than 50mm from the wall to which it is attached and that has a width greater than its height.

**Roof sign** means any sign displayed above the on the roof or parapet of a building.

**Third party advertising** means any advertising other than that which identifies the business undertaken at the subject premises.

**Top hamper sign** means a sign that is attached to the transom of a doorway or display window of a building.

**Under-awning sign** means a sign that is attached to underside of an awning (other than the fascia or return end).

## 2 General Controls

- a) The advertising sign must comply with all relevant provisions of:
  - *State Environmental Planning Policy No. 64 – Advertising and Signage*;
  - the *Environmental Planning and Assessment Act 1979*;
  - the *Ku-ring-gai Planning Scheme Ordinance*; and
  - the *Local Government Act 1993*.
- b) The advertising must be of a design that is in sympathy with the character of the building to which they are affixed.
- c) The proposed advertising must not be the dominant visual element on the subject building, group or buildings or streetscape.

- d) Advertising affixed to heritage items or located within heritage conservation areas must complement and enhance the visual quality of the building and streetscape.

### 3 Advertising Structures

**Note:** The following advertising styles are considered to be inappropriate and are discouraged by Ku-ring-gai Council:

- flashing signs, moving signs, balloon signs or the like
- signs advertising an activity or trade other than that associated with the building to which the sign is attached
- sandwich boards
- hoarding signs, painted bulletins, stickers, or advertisements in the nature of posters other than those described in this DCP
- any advertisement that would, in the opinion of Council be unsightly, objectionable, or injurious to the amenity of any streetscape, landscape, foreshore, public reserve or public place
- painted window or wall signs above awning height
- the painting of buildings in corporate colours
- signs on stationary vehicles used principally for the purpose of advertising
- fluorescent colours
- all signage in residential areas not specified in this DCP
- signage that dominates the shopfront window(s) and/or the shopfront and is excessive and detracts from the visual amenity of the shopfront.

#### 3.1 Under-awning signs

Not more than one under-awning sign may be erected per business / shop and under-awning signs:

- a) must not exceed 2.5 metres in length and must not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building;
- b) must not exceed 0.3 metres in depth;
- c) must be not less than 2.6 metres from existing ground level at any point.
- d) must be erected at right angles to the property boundary of the building to which the awning is attached;
- e) must be located within 3.0 metres of the centre of the building façade;

#### 3.2 Above-awning signs

Above-awning signs may only be erected where they are compatible with the building style and locality, and where:

- a) they are parallel to the fascia or return end of the awning;
- b) they do not project beyond the edge of the awning;
- c) if lettering is of a skeleton style, they
  - do not exceed 0.9 metres in height, and
  - have a base that is affixed directly to the awning and that is not more than 0.2 metres in height; and
- d) if lettering is of a solid style, they
  - have a maximum advertising area of 2.2m<sup>2</sup>

- have a maximum height of 1.5 metres, and
- the base of the lettering is not more than 2.4 m above the roof of the awning.

### 3.3 Top hamper signs

Top hamper signs

- must not extend more than 3.7m above the ground; and
- must not project more than 150mm beyond the face of the shop front and/or the building alignment.

### 3.4 Pole and pylon signs

Pole and pylon signs:

- must not project over any road;
- must not be less than 2.6 metres from existing ground level at any point;
- must have a maximum advertising area of not more than 4m<sup>2</sup> on any single face; and
- must not be more than 6m above the existing ground level at any point.

### 3.5 Flush Wall Signs

Flush wall signs:

- must not project above the top of the wall to which they are attached;
- must not extend above awning height; and
- must be of a size and shape that relate to the architectural design of the building to which they are attached.

### 3.6 Projecting Wall Signs (Vertical)

Where the height of a projecting wall sign is greater than its width, the projecting wall sign:

- must project from the wall to which it is attached in accordance with the following scale:

<b>Height of advertising sign base</b>	<b>maximum allowable projection</b>
2.6 – 3.7 metres above ground level	0.5 metres
3.7 – 4.6 metres above ground level	0.75 metres
> 4.6 metres above ground level	1.0 metres

- must not project above the top of the wall to which it is attached;
- must be at least 2.6 metres above the ground; and
- must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.

### 3.7 Projecting Wall Signs (Horizontal)

Where the height of a projecting wall sign is less than its width, the projecting wall sign:

- must be erected at right angles to the wall of the building to which it is attached;
- must be at least 2.6 metres above the ground level at every point.
- must project from the wall to which it is attached in accordance with the following scale:

<b>Height of advertising sign base</b>	<b>maximum allowable projection</b>
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2.6 – 3.7 metres above ground level	0.5 metres
> 3.7 metres above ground level	0.75 metres

- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.
- e) must have a projection not greater than 3.0 metres.

### **3.8 Roof signs**

Applications for roof signs will be considered on merit.

### **3.9 Advertising Panels**

- a) Newsagents' headline advertising in the form of placards, posters of headlines and the like etc must be in frames fixed to the facade of the subject premises.
- b) All ancillary advertising for charitable functions and Christmas and New Year decorations and the like, shall be subject to Council approval prior to display.

### **3.10 Floodlit Signs**

- a) Floodlit signs which project over public roads must not be illuminated by a lighting medium which is less than 2.6 metres above the ground.

### **3.11 Illuminated Signs**

- a) Where illuminated signs are located within 61.0 metres of a traffic control signal, the advertising sign must not have lighting coloured red, amber, green or blue unless:
  - permission has been granted by the Roads and Traffic Authority, and
  - the sign is not less than 9.0 metres above road level.
- b) Illuminated signs located within 122 metres of a traffic control signal where by reason of a grade or curve the signs would be in line with a driver's vision of the signal or where, within this distance, the signs could be interpreted on approach as traffic control signals may only be erected with permission from the Roads and Traffic Authority.

## **4 Controls for advertising in business centres**

### **4.1 General**

- a) Signs must be designed with regard to the history and period of the buildings to which they are affixed.
- b) Above-awning signs must of a design that is appropriate to the building style and surrounding townscape elements.

### **4.2 Shop front signs**

- a) All shop front signs must be located at or below the level of the awning.

### **4.3 Fascia signs**

- a) Fascia signs must be professionally produced painted, screen printed or other flush wall signs.



#### **4.4 Upper-fascia and above-awning signs**

- a) Upper fascia and above-awning signs must be lettering on windows only with a maximum letter height of 300mm.
- b) Panels attached to the upper fascia or above the awning must not exceed more than 25% of the upper fascia / above-awning wall area.
- c) The signs must not be illuminated.

### **5 High Rise/Corporate Centres**

- a) Signage on high rise and corporate centres must be corporate logos only on the frontage of the building.
- b) The area of the signs shall not exceed 25% of the solid wall area of the face upon which they are displayed of the top-most level.

Note: The solid wall area excludes glazed areas.

- c) Illuminated signs located in residential areas must be fitted with automatic timing devices to ensure that they may be set to minimise disturbance to residents.

### **6 Service Stations**

- a) Pole, emblem and price signs must not be greater than 6.0 metres in height as measured from ground level.
- b) All signs must be wholly contained within the allotment.
- c) The total area of all signage on the property must not exceed 1m<sup>2</sup> per 3m of the primary road frontage.
- d) Canopy fascia signs must contain trade name details and corporate identification only.
- e) Subsidiary signs must be of a number, size and style that are compatible with the size of the operation as determined by Council.
- f) Illuminated and floodlit signs may only operate during approved trading times.

### **7 Advertising on Outdoor Dining Furniture or Footpath Trading Activities**

Advertising associated with outdoor dining furniture or footpath trading activities must comply with the following controls:

- a) Advertising on furnishings other than business identification must not exceed third party advertising of one business other than the primary business at the premises.
- b) If business identification is used on planter boxes, the advertisement must be fully incorporated into the design of the planter boxes.
- c) Display stands used in footpath trading areas must not contain third party advertising.

Note: Business identification is permitted on display stands.

### **8 Home occupation identification signs**

Signs erected to identify home occupation businesses do not require consent from Council if they comply with Council's exempt development provisions.

*Note: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 13.*

## 9 Residential Identification Signs

Residential identification signs do not require development consent from Council if they comply with Council's exempt development provisions.

## 10 Temporary Signs

### 10.1 Real Estate and Property Promotional Signs

- a) Not more than one sign may be erected at any premises, except where there is more than one real estate agency, where not more than 1 sign per real estate agency may be erected at any premises.
- b) Signage must advertise only the premises and/or land to be sold/leased or the development under construction on the site to be sold/leased upon completion.
- c) All signs are to be removed by the completion of property sale.
- d) The size of signboards is not to exceed:
  - i. 1.15 m<sup>2</sup> where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale;
  - ii. 4.5 m<sup>2</sup> where commercial or industrial premises are being advertised;
  - iii. 2.5 m<sup>2</sup> where premises other than those listed in i) and ii) above are being advertised for sale;
- e) Are not flashing at any time.

*Note 1: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 14.*

*Note 2: All Real Estate advertising signs not complying with this plan may be:*

- *impounded by Council.*
- *held by Council for seven (7) days after the advertiser or agent has been notified in writing Council has impounded the sign.*
- *be made available to the advertiser or agent upon payment of all costs associated with the impounding with a minimum fee of \$50.00 per sign being payable.*

*Signs not recovered within the seven (7) day period may be disposed of at Council's discretion. Where the advertiser or agent fails to recover signage Council may still seek to recoup any cost incurred.*

### 10.2 Sporting and Special Events Signs

Signs for sporting and special events such as cultural and entertainment activities will be considered by Council on individual merit. Council recognises these activities as an important element in community use of commercial precincts and special consideration will be given to permit departures from provisions of this plan provided that such departures do not significantly impact on the locality.

- a) Signage must be displayed for a period not greater than fourteen (14) days prior to the event and must be removed on the day following the event.
- b) Not more than two (2) organisations' advertising may be displayed at any one (1) set of approved banner poles.

- c) The advertising must be that of recognised local organisations or organisations of a charitable or community service nature.

*Note: All unauthorised advertising will be impounded by Council.*

### **10.3 Other Advertising**

- d) Council may grant consent to other advertising structures not described in this Plan provided that they are temporary advertising only.
- e) Temporary signs to which Council grants consent under this section may not be erected for a period of more than two (2) months.

## **11 Maintenance**

- f) A sign shall not be altered in any way (except for removal) after approval, unless permission in writing for such alteration is obtained beforehand from Council.
- g) All signs shall be maintained to the satisfaction of Council at all times.