

WALCHA COUNCIL



DEVELOPMENT CONTROL PLAN NO. 2

GUIDELINES FOR THE ERECTION OF ADVERTISEMENTS AND ADVERTISING STRUCTURES

CONTENTS

General	3
Name of Plan	3
Operation of the Plan	3
Land to which this Plan Applies	3
Aims and Objectives	3
Relationships to Other Plans and Legislations	3
Application of the Plan	4
Definitions	4
Advertising Structures (LEP requirements)	5
Development Consent	5
New Advertisement and Advertising Structures	5
Duration of Consent	6
Matters for Consideration	6
General	6
State Environmental Planning Policy No 64	6
What General Provision Apply to all Applications	6
Advertisement and Advertising Structures in Rural Zones	6
Sandwich Boards	8
Temporary Advertisement and Advertising Structures	9
Advertisement and Advertising Structures Prejudicial to Traffic Safety	9
Ongoing Maintenance	10
Appendix	11

1.0 GENERAL

1.1 Name of Plan

This plan shall be known as the “Walcha Council - Development Control Plan No. 2 – GUIDELINES FOR THE ERECTION OF ADVERTISEMENTS AND ADVERTISING STRUCTURES.

1.2 Operation of the Plan

This plan is made by Council in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979, as amended (EP & A Act) and the associated regulations.

This plan came into force on 28th September 2005, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation, 1980. This plan may only be varied in the manner provided for in the Environmental Planning and Assessment Act.

1.3 Land to Which This Plan Applies

This Plan applies to all lands zoned Zone No. 1(a) (General Rural Zone) and Zone No. 2(v) (Village or Urban Zone) under the provisions of the Walcha Local Environmental Plan 2000.

1.4 Aims and Objectives

The aims of the Plan are to ensure that advertisements and advertising structures:-

- (a) Are compatible with the desired amenity and visual character of an area; and
- (b) Provide effective communication in suitable locations; and
- (c) Are of high quality design and finish; and
- (d) Are regulated under Part 4 of the Act; and
- (e) Provide time-limited consents for the display of certain advertisements.

1.5 Relationships to Other Plans and Legislations

1.5.1 Where there is an inconsistency between this Plan and any environment planning Instrument applying to the same land, then the provisions of the Environmental Planning Instrument shall prevail. An Environmental Planning Instrument includes a State Environmental Planning Policy, a Regional Environmental Plan, a Local Environmental Plan and a deemed Environmental Planning Instrument.

1.5.2 Where there is an inconsistency between this Plan and any other development control plan in force, the provisions of the later development control plan shall prevail.

1.6 Application of the Plan

Where a development application is lodged which relates to land which this Plan applies, Council shall take the provisions of this Plan into consideration in determining that application.

Compliance with the provisions of this Plan does not necessarily imply that Council will consent to an application. Council must take into consideration those matters listed under Section 79(c) of the Act.

In special circumstances, Council may consent to an application which departs from the provisions of this Plan, which will be considered on merit only and where an application also satisfies the aims and objectives of this Plan.

1.7 Definitions

In this Plan:-

“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.

“Advertising Structure” means a structure that is principally designed for, or that is used for, the display of an advertisement.

“Business identification Advertisement and Advertising Structure” means an advertisement, which in respect of any place or premises to which it is fixed contains all or any of the following:-

- (a) A reference to the identification or description of the place or premises;
- (b) A reference to the identification or description of any person residing or carrying on an occupation at the place or premises;
- (c) Such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;
- (d) Particulars relating to the activities, goods, commodities or services dealt with or provided at the place or premises;

“DCP” means Development Control Plan No. 2.

“LEP” means Walcha Local Environmental Plan 2000.

“Real Estate Advertisement and Advertising Structure” means an advertisement in respect of a place or premises to which it is affixed which contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting is not displayed for more than 7 days after letting or completion of the sale of the premises or place that the advertisement and advertising structure relates.

“Temporary Advertisement and Advertising Structure” means an advertisement of a temporary nature which:-

- (a) announces any local event of a religious, educational, cultural, political, social, or recreational character or relates to any temporary matter in connection with such an event; and
- (b) does not include advertising of a commercial nature (except for the name (s) of an event’s sponsor)

“The act” means the Environmental Planning and Assessment Act.

2.0 ADVERTISING STRUCTURES (LEP REQUIREMENTS)

A person may erect an advertising structure:

- (a) Without development consent, only where the advertisement on or to be placed on the structure indicates or is to indicate:
 - i. The purpose for which premises on the land are, or are to be, used, or
 - ii. The goods or services sold or provided from premises on the land, or
 - iii. That premises on the land are available for sale or available for lease, or
- (b) Only with development consent, if the advertising structure is to be used for displaying an advertisement indicating the location of local commercial services, tourist facilities or places of historic, scientific or scenic interest and the consent authority is satisfied that the advertising structure will not interfere with the amenity of the area.

3.0 DEVELOPMENT CONSENT

3.1 New Advertisement and Advertising Structures

With the exception of advertisement and advertising structures described in the Walcha Local Environmental Plan, advertisements and advertising Structures require the development consent of the Walcha Council.

If the development proposal involves the erection of an advertising structure, in addition to development consent, applicants must obtain a Construction Certificate. All building work must be carried out in accordance with the provisions of the Building Code of Australia and the structure certified by a qualified and practising Structural Engineer.

3.2 Duration of Consent

Permanent advertisement and advertising structures ancillary to approved/permissible development will normally receive unlimited approval. Approval for individual advertisement and advertising structures in rural areas will be issued for a maximum of five (5) years. **It is the applicant’s**

responsibility to ensure that development consent remains current and valid, as the period of approval may vary.

An extension to the consent may be sought under Section 95A of the EPAA. Continuing approval is subject to compliance with relevant planning controls and the condition of the advertisement and advertising structure at the time of the re-assessment.

Such an application should be made no less than ninety (90) days prior to the expiry date, to enable council sufficient processing time.

4.0 MATTERS FOR CONSIDERATION

4.1 General

When considering a development application for advertisements or advertising structures the Council shall take the following matters into consideration:

- (a) the objectives of this plan;
- (b) the effect of the proposal on the landscape or scenic quality of the locality;
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the proposed development;
- (d) the relationship of the advertisement and advertising structure to the public to which it is directed, especially whether it or the advertising contained within is:
 - Appropriate in size and scale to the lawful speed of travel of any motor vehicles on an adjacent road.
 - Appropriate to the purpose of the public place
- (e) Any other appropriate matter under Section 79c of the Environmental Planning and Assessment Act, 1979.
- (f) The level of safety of the travelling public will be determined by referring the application to the Local Traffic Committee

4.2 State Environmental planning Policy No 64

Council will also use the assessment criteria identified in SEPP 64 (appendix 1).

5.0 WHAT GENERAL PROVISION APPLY TO ALL APPLICATIONS?

This clause outlines Councils policies – “what is allowed” and “what is not allowed”.

5.1 Advertisements and advertising structures in rural zones are permitted only where the advertisement and advertising structure (s) is/are either:

- (a) A “temporary advertisement and advertising structure” as defined

- (b) Advertisements and advertising structures placed on land for the specific purpose of directing the travelling public to places where:
 - The advertisement and advertising structure related to a building or place; and
 - The principal purpose of the advertisement and advertising structure is to direct the travelling public to that building or place.
- (c) The size of the advertisement and advertising structure is to be no smaller than four (4) square metres and no larger than nine (9) square metres. The length of the structure is to be no more than double the height of the structure and the height of the structure is to be no more than double the length of the structure. (This does not apply to temporary advertisements and advertising structures).
- (d) Council will not permit the erection of any advertisements and advertising structures within 5km of the Walcha town boundary.
- (e) No advertisement or advertising structure will be permitted within 1.5km from an existing advertisement and advertising structure.
- (f) Advertisement and advertising structures may be permitted on both sides of the road on private property adjacent to the road reserve.
- (g) Advertisement and advertising structures are to be constructed utilising single supports located immediately adjacent to the advertisement and advertising structures. Support stays will not be permitted.
- (h) The distance from the ground to the top of the advertisement shall not be more than six (6) metres.
- (i) Advertisement and advertising structures may be double facing. If they are not double faced they will be required to be treated to present an “aesthetic pleasing” surface to road users.
- (j) Luminous material may be used subject to it not having a negative impact on the road users.
- (k) Only one advertisement and advertising structure per business / organisation will be permitted on each of the approaching roads to Walcha.

6.0 SANDWICH BOARDS

Council will consider applications for sandwich boards to be displayed on the footpath or road reserve in the 2(v) Village or Urban Zone.

Sandwich boards are to meet the following standards:

- (a) The structure must be no more than 1.2m in height and 0.9m in width;
- (b) The information on the advertisement is to relate to the business name, hours of operation, services provided and the like;
- (c) The application for a second structure for any one business will be considered on its merits. Instances where a second structure may be considered include corner allotments, or, shops with long frontages and more than one entrance;
- (d) The structure must be placed in front of the business, or if the structure would not be readily visible if placed in front of the business, it may be placed at the front of the allotment;
- (e) The structure may advertise two adjoining businesses, that is, one advertisement for business A on one side and one advertisement for business B on the other, and may be placed on the boundary of the adjoining shop front;
- (f) The advertisement must be positioned so that it does not impede pedestrian or vehicular traffic and is not a safety hazard;
- (g) The advertisement must only be displayed during in business opening hours, and must be able to be repositioned easily (i.e. cannot be chained, bolted or tied down at any time);
- (h) Prior to the display of the sandwich board, the applicant must provide proof to Council with the application that public liability insurance of not less than five million dollars has been obtained and which indemnifies Council against any actions, claims and proceedings in respect of the structure and the advertisement displayed thereon.

7.0 TEMPORARY ADVERTISEMENT AND ADVERTISING STRUCTURES

Council will consider applications for temporary advertisement and advertising structures to be displayed on the footpath or road reserve in the 2(v) Village and Urban Zone and the 1(a) General Rural Zone.

- (a) These advertisement and advertising structures must not be displayed earlier than twenty eight (28) days before the day on which the event is to take place and must be removed within seven (7) days after the event.
- (b) These advertisement and advertising structures may include banner type advertisement and advertising structures.
- (c) Council will not permit advertisement and advertising structures to extend from one side of the street / road to the other.
- (d) An application is to be lodged for every event; Council will waiver the total cost of the Development Application Fee.

8.0 ADVERTISEMENT AND ADVERTISING STRUCTURES PREJUDICIAL TO TRAFFIC SAFETY

Council will regard advertisement and advertising structures as prejudicial to the safety of the travelling public (and require their removal) if:

- (a) they obscure or interfere with road traffic advertisement and advertising structures;
- (b) they obscure or interfere with the view of a road hazard or on-coming vehicle or any other vehicle or person or other obstruction which should be visible to drivers and other road users
- (c) they give instructions to traffic by the use of the words “halt”, “stop” or other directions or initiate traffic advertisement and advertising structures in respect of shape, colour etc.
- (d) they can be programmed; move; use flashing or chasing lights or are highly reflective or intense enough to impair a driver’s vision or to distract the driver’s attention;
- (e) They are situated where road conditions require higher levels of driver concentration, eg where sight distance is limited on curves, at important intersections, near traffic signals near level crossings, at merging and diverging traffic sites or within the driver decision distance (generally 100-200 metres) at such locations.

9.0 ONGOING MAINTENANCE

The responsibility for the care and maintenance of the advertisement and advertising structures rests with the landowner.

All advertisement and advertising structures must be maintained to an adequate standard. Council will take any necessary action to ensure that damaged, dilapidated or unsafe advertisement and advertising structures are repaired, replaced or removed.

In this regard the following will apply:

- (a) A letter will be sent to the property owner requesting the repair or removal of the non complying advertisement and advertising structure within seven (7) days.
- (b) If no response is received, a *Notice of Intention to Serve an Order* will be issued under Section 121H of the EPAA specifying when an Order will be issued, the terms of the proposed Order and the period for compliance with the proposed Order.
- (c) If no response is received within fourteen (14) days, an order will then be issued under Section 121B of the EPAA for removal of the advertisement and advertising structure.
- (d) If the order is not complied with and the advertisement and advertising structure is not removed within the stated time frame, Council may issue a Penalty Infringement Notice (PIN 8188) and remove the advertisement and advertising structure with all costs recoverable from the owner of the land.

**APPENDIX 1 – STATE ENVIRONMENTAL PLANNING POLICY NO. 64
SCHEDULE 1 – ASSESSMENT CRITERIA**

1. Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

2. Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

3. Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

4. Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal screen unsightliness?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

5. Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

6. Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

7. Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

8. Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?