

## 10.2. Advertising on Council Infrastructure

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<b>ATTACHMENTS</b>	1. Advertising Signs report [ <b>10.2.1</b> - 5 pages] 2. NSDCP 2013 - Section 9 - Advertising and Signage [ <b>10.2.2</b> - 14 pages]
<b>CSP LINK</b>	2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs 2.2 Vibrant public domains and villages  3. Our Innovative City 3.1 Our commercial centres are prosperous and vibrant 3.3 Distinctive sense of place and design excellence  4. Our Social Vitality 4.3 North Sydney’s history is preserved and recognised  5. Our Civic Leadership 5.2 Strong civic leadership and customer focussed services

### PURPOSE:

The purpose of this report is to address a Council resolution regarding the implications of pursuing a policy to prevent the erection of new third-party advertising on public land and public infrastructure.

### EXECUTIVE SUMMARY:

- In 2008, Council resolved to amend its planning policies to permit third-party advertising on Council infrastructure as a way of supplementing its capital works reserve, to assist with the funding of projects like road and footpath renewal, better sporting facilities, and the upgrading of North Sydney’s village centres.
- Council’s planning controls were amended in 2013 to allow third-party advertising to be permitted on public land and infrastructure and to provide guidance as to appropriate location and form to ensure any potential visual and pedestrian safety impacts are minimised.
- Over the intervening years, Council has considered numerous applications for third-party advertising on its infrastructure, including bus stops, the pedestrian bridge over the Pacific Highway, and freestanding advertising panels. Not all applications have been approved.

- In response to the recent lodgement of development applications for the erection of freestanding advertising panels, Council resolved at its meeting of 11 December 2023:
  - 1. THAT Council, as soon as practicable, prepare a report on the feasibility of implementing a no new advertising billboards policy that would cease all new planning applications for outdoor advertising of non-Council information on Council-owned property.*
- Council currently receives in the order of \$429,000 per annum for advertising on Council's infrastructure, with the potential to increase this amount subject to appropriate assessment of opportunities.
- Noting Council's current financial circumstances in the medium term, it is recommended that the existing policy position remains and that any additional opportunities continue to be assessed on a case-by-case basis using current planning controls.

**RECOMMENDATION:**

**1.THAT** Council maintain the current planning controls in relation to advertising billboards.

## Background

On 11 December 2023, Council resolved:

- 1. THAT Council, as soon as practicable, prepare a report on the feasibility of implementing a no new advertising billboards policy that would cease all new planning applications for outdoor advertising of non-Council information on Council-owned property.*

This report seeks to address the above resolution and provide a contextual background as to how this form of advertising has come about.

## Report

### 1. Brief History

Since 2007, Council has considered permitting third-party advertising (i.e., commercial advertisements not relating to the primary use of the place or building to which it is attached) on public land and infrastructure, on various occasions. The issue originally arose in response to a proposal by Telstra to display third-party advertising on numerous telephone booths throughout the Local Government Area (LGA).

Various reports were considered by Council since that time and culminated in a resolution to poll the electorate at the 2008 Local Government election. That poll resulted in non-compulsory poll questions, two (2) of which related to third-party advertising:

- 1. Do you support the proposal to allow advertising on bus shelters in high-traffic areas only, with the revenue to be reserved for capital projects such as road and footpath renewal, improved sporting facilities and the upgrading of North Sydney's village centres?*

and

- 2. Do you support the proposal to allow advertising in the North Sydney CBD on public infrastructure such as bus shelters, multi-function poles or free standing advertising panels, with the revenue to be reserved for capital projects such as road and footpath renewal, improved sporting facilities and the upgrading of North Sydney's village centres?*

In October 2008, Council considered a report detailing the results of the poll questions. The report identified that the majority of the residents (Q1 – 75%, and Q2 – 61%) who participated in the non-compulsory poll agreed that third-party advertising should be made permissible on certain forms of community infrastructure.

This poll led the way for a number of reports and resolutions that dealt with advertising in public places including on bus shelters and other infrastructure as well as expressions of interest to provide third party advertising in North Sydney.

Attachment 1 to this report further elaborates on the various reports and Council resolutions relating to this type of advertising between 2008 and 2023.

## 2. Current Federal, State and Local Planning Policy

Advertising and signage are currently controlled by the following planning instruments and policies:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- State Environmental Planning Policy (Industry and Employment) 2021– Chapter 3: Advertising and Signage;
- North Sydney Local Environmental Plan (NSLEP) 2013; and
- North Sydney Development Control Plan (NSLEP) 2013.

These planning instruments utilise the following terms in relation to advertising and signage:

**advertisement** has the same meaning as in the Act.

*Note—*

*The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.*

**advertising structure** has the same meaning as in the Act.

*Note—*

*The term is defined as a structure used or to be used principally for the display of an advertisement.*

*Advertising structures are a type of signage—see the definition of that term in this Dictionary.*

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

*Note—*

*Building identification signs are a type of signage—see the definition of that term in this Dictionary.*

**business identification sign** means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

*Note—*

*Business identification signs are a type of signage—see the definition of that term in this Dictionary.*

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
  - (b) a building identification sign,
  - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

Third-party commercial advertisements fall under the definition of “advertising structure”, which is a type of “signage”.

## **2.1. State Environmental Planning Policy (Infrastructure and Employment) 2021**

Chapter 3 of the Infrastructure and Employment State Environmental Planning Policy (SEPP) specifically relates to advertisements and signage. It applies to all forms of “signage” within the State which can be displayed with or without development consent under another environmental planning instrument (i.e., North Sydney LEP 2013) and is visible from a public place or public reserve. However, Clause 3.1(2) of the SEPP specifically states:

*...does not regulate the content of signage and does not require consent for a change in the content of signage.*

Accordingly, the SEPP is silent with respect to the content of an advertising sign.

Part 3.3 – *Advertisements* to the SEPP contains controls applying to “advertising structures” only (i.e. third-party commercial advertising).

The SEPP specifically prohibits third-party advertising on sensitive land such as parks, waterways, natural, and heritage areas.

In addition, Part 3.3 of the SEPP contains guidelines for the location, design, and form of third-party commercial advertising. However, the SEPP is generally silent with regard to incorporating signage on street furniture or public infrastructure.

## **2.2. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)**

The Codes SEPP permits certain advertisements and signage as “exempt development” where they can adequately satisfy the exempt development criteria under this Policy.

Whilst the Codes SEPP permits a number of signage types as exempt development, it does not extend to include new third-party commercial advertising. Therefore, all forms of third-party commercial advertising require development consent.

### **2.3. North Sydney Local Environmental Plan 2013**

North Sydney Local Environmental Plan (NSLEP) 2013 currently permits “signage” in the *E1 Local Centre, E2 Commercial Core, E3 Productivity Support, MU1 Mixed Use, W4 Working Waterfront, and SP2 Infrastructure* (but only where it is identified on the Zoning Map as “Classified Road” or “Railway”) zones.

Accordingly, their permitted location is significantly restricted within the Local Government Area (LGA) and is effectively limited to town centres and major transport routes.

### **2.4. North Sydney Development Control Plan 2013**

Section 9 – *Advertising and Signage* to Part B of the North Sydney Development Control Plan (NSDCP) 2013 (Attachment 2) provides guidance as to the type, form, and location of advertising and signage that may be considered appropriate.

NSDCP 2013 does not seek to specifically prohibit any form of advertising (which may only be done under an environmental planning instrument such as a SEPP or LEP) but seeks to manage their impacts through appropriate placement and sizing considerations. Of particular note is the long-standing and continued policy position of minimising visual clutter.

NSDCP 2013 contains specific provisions for third-party advertising on Council infrastructure including bus shelters, multifunction poles, and freestanding advertising panels. This is consistent with Council’s resolution of 16 March 2009.

### **2.5. Commonwealth Legislation**

Under the *Commonwealth of Australia Telecommunications Act 1997* and associated *Determination of Low Impact Facilities 1997*, development consent is not required to install new or amend existing telephone booths/kiosks, subject to the following:

- (a) *Solely for carriage of services,*
- (b) *Not designed for other uses, example vending machines,*
- (c) *Not fitted with devices for other uses, and*
- (d) *Not used for advertising other than for telephone services.*

Therefore, advertisements related to telephone services only are permitted without development consent on telephone booths. However, development consent would be required to be obtained for any other form of advertising (i.e., third-party advertising).

Whilst Telstra has in the past sought to obtain development consent for third-party advertising on their phone booths, it has typically resulted in a withdrawal or refusal of those applications due to the reluctance of Council to issue owner’s consent (being located on public land), or the applicant refusing to pay an appropriate fee for the use of public land.

### **3. Role of Advertising Signage and Council Income**

Advertising signage plays an important economic role in our urban environment. In an increasingly competitive economic environment, the exposure provided by outdoor signage is valuable to advertisers. The more exposure gained, generally the more that advertisers are willing to pay. Council's role, through the planning system, is to manage its impacts, particularly in an increasingly contested public domain environment (as discussed in section 7.1 below).

Like most Councils, North Sydney Council utilises its land ownership to benefit from advertising income to supplement its narrow and restricted income base to fund important services in the community. Like any other applicant, Council is required to meet the various development assessment requirements associated with new advertising signage proposals.

Section 5 of this report breaks down the income generated from advertising signage by Council. Council budgeted in the order of \$2M worth of income in the 2023/24 year, however it is anticipated to be \$429,000 in 2024/25. As described above, this is a significant level of income in a tight budget environment.

### **4. Advertising which has been approved on Council's land and infrastructure**

#### **4.1. Bus Shelters**

Council has approved the erection of third-party advertising on 31 of its bus shelters, however, only 29 of those shelters currently remain: ten advertising structures are integrated into modern bus shelter structures, whilst the remaining 19 are retrofitted to the existing heritage style shelters.

There are only two remaining opportunities to erect advertising structures on existing bus shelters in the LGA, being Watson Stands A and B located on Falcon Street, just west of Watson Street. Applications had previously been lodged for third-party advertisements on these bus shelters, however Transport for NSW refused to issue its concurrence to do so.

Furthermore, nothing precludes the ability to erect advertising structures on any future new bus shelters to be delivered in the LGA, subject to satisfactorily addressing the relevant planning requirements.

#### **4.2. Multi-function Poles**

Council commenced the installation of new multi-function poles throughout the LGA in 2013. The poles were erected "without development consent" under the provisions of the former SEPP (Infrastructure) 2007.

The advertising banners that are attached to these poles were rolled out not long after. Their erection was permitted as exempt development under NSLEP 2001 falling under the category of "community notice banners".

Advertising displayed on the banners attached to the multi-function poles is strictly limited to community-based advertising, consistent with Council's resolution of 16 March 2009, and which is subsequently reinforced within NSDCP 2013.

#### **4.3. Freestanding Advertising Panels**

As part of the contractual agreement, one side of the freestanding advertising panels was to display third party advertising, whilst the other would incorporate an interactive LCD display for the purposes of wayfinding and display of community information.

During initial scoping exercises, it was suggested that there were potentially 36 locations where freestanding advertising panels could be erected. Upon further investigation, this list was reduced to 13 locations, predominantly due to the proposed advertising structures being a prohibited use at the subject locations, because of the zoning of the land.

In 2023-2024, development applications for 13 free standing advertising panels were assessed. Of these, only two of the proposed structures were approved. Of the 11 not approved, pedestrian and driver safety were identified as the key reasons as to why the applications could not be supported.

The planning controls that apply to free-standing advertising panels under NSDCP 2013 give priority to maintaining pedestrian safety, and opportunities to erect such structures are significantly limited due to the narrowness of existing footpaths, location of existing street trees, street furniture and infrastructure, impacts on outdoor dining opportunities, and impacts on heritage. The only areas where there is sufficient space to accommodate such structures with minimal impacts on pedestrians is within dedicated pedestrian plazas.

It is further recognised that this type of signage structure has the greatest potential to increase visual clutter within a locality and is contrary to one of the key objectives of Section 16 – Advertising and Signage to NSDCP 2013. Whilst advertising on bus shelters also contributes to visual clutter to some degree, they are at least integrated with an existing piece of infrastructure, and do not comprise an additional standalone structure.

Due to the existing planning controls effectively limiting such signage to pedestrian plazas, and the general prohibitive underlying zoning of those plazas, it is unlikely that there will be many more opportunities to erect freestanding advertising panels in the LGA.

#### **4.4. Pedestrian Bridge over the Pacific Highway**

Numerous proposals have been submitted for the erection of third-party advertising on the bridge over the Pacific Highway, North Sydney, between Greenwood Plaza and Elizabeth Plaza.

Soon after the pedestrian bridge was first constructed and ownership handed to Council, Council considered a report at its Property Development Committee meeting on 12 July 1993, which considered three proposals for advertising on the pedestrian bridge, all of which

comprised a combination of commercial and community messages. Council resolved at the time not to pursue any of these proposals.

Council again considered a proposal for advertising on the pedestrian bridge on 20 September 1993. This proposal was from the NSW Health Department and involved only temporary advertising for a period of two weeks. Council specifically resolved that the pedestrian bridge was not to be used for any form of advertising.

Following Council's resolutions of 17 March 2008 and 12 October 2009, two development applications were submitted for the proposed erection of advertising panels on the pedestrian bridge over the Pacific Highway.

The first application (DA 35/10) was lodged on 4 February 2010, seeking the erection of a large format, illuminated static advertising panel on both sides of the pedestrian bridge.

Council initially considered the DA assessment report on 20 September 2010 with a recommendation for approval. However, Council resolved to defer making a determination, to enable further consultation with the Community, Precincts, and the Urban Design Panel. Following this consultation, the matter was resubmitted to Council on 6 December 2010, where it resolved to refuse the DA on the following grounds:

- *The proposal is inconsistent with the desired amenity and visual character of the area and with the existing bridge structure;*
- *The proposal affects the critical heritage and civic components of the area;*
- *The proposal would block views for pedestrians using the bridge;*
- *The proposal would give rise to safety concerns for pedestrians using the bridge at night.*

A second application (DA 397/21) was lodged on 22 November 2021, seeking the erection of a large format digital advertising panel on both sides of the pedestrian bridge over the Pacific Highway. This application was withdrawn on 23 June 2022, largely due to Transport for NSW's refusal to grant concurrence for their approval largely on negative impacts to driver and pedestrian safety. In particular, it was noted that:

### ***Crash History***

*The proposed billboard is in a known "black spot" location. A "black spot" is a location along a road or a length of road with a proven history of crashes. For individual sites such as intersections, mid-blocks or short road sections, there will be a history of at least three (3) casualty crashes over a five-year period. For lengths of road, there will be an average of 0.2 casualty crashes per kilometre per annum over the length in question over a five-year period.*

*In the five-year finalised crash data period between 1 January 2016 and 31 December 2020 there has been 23 reported crashes resulting in 22 casualties and one fatality in proximity to the proposed sign location. This area is a known blackspot site, with 30.4% pedestrian crashes and 47.8% vehicles from same direction (rear end and lane change manoeuvres) the crash data does not support the criteria of less than 3 crashes over a five-year period. Due to the crash history alone TfNSW do not support the installation of the advertisement signage at the proposed location for this reason.*

### **Longitudinal separation**

*The proposed sign is located between two traffic control signals (TCS) locations and in direct line of site behind the northbound lantern as shown in the McLaren Consulting report. The sign is also visible at a key decision-making point for vehicles attempting to enter the right turn bay for Miller Street which may cause further distraction at a primary decision-making point within a high crash rate location. Specifically:*

- The southbound approach also shows the proposed sign in between the existing TCS lanterns which could provide confusion to motorists as shown in the McLaren Consulting report. This location takes away the driver's ability to focus on existing TCS locations.*
- If the photo of the VW Tiguan was shown as displayed on page 22 of the received McLaren Consulting report, the green grass may cause confusion to motorists at "a glance" as they may interpret this as a green light, especially on a back lit digital sign.*
- The Applicant has suggested turning the sign off from approximately between 2300 to 0500, however TfNSW believes that this will not mitigate the risk of this black spot locations as most crashes have occurred during peak transport period time (between the hours of 0800 to 0900 and 1500 to 1700).*

### **Future transport network considerations**

*TfNSW advises that plans under the walking and cycling program to introduce a pop-up cycle lane and intersection upgrades in this area is being investigated. Subject to available funding and approval, this would potentially create another decision-making element for motorists at this location.*

It is clear from the assessment of these two applications that any form of signage in this location is not appropriate and cannot be supported on heritage and traffic safety grounds. This further suggests that no additional attempts should be made to erect advertising on this pedestrian bridge.

## **5. Income derived from advertising**

As described in the 2023/24 Council budget, North Sydney is currently forecasting approximately \$429,000 per year from its existing street furniture advertising. This income is anticipated to increase to approximately \$450,000 for the 2024/25 financial year, and then indexed by an appropriate inflation factor for subsequent forecast years, based on current approvals and volumes.

### **5.1. Small Format Advertising**

On 26 April 2022, Council entered into a contractual agreement with a third-party for the provision of advertising on Council-owned street-furniture. This arrangement is focused on the provision of advertising on Council's bus shelters and the roll-out of free-standing advertising panels at agreed locations. Under the terms of the contract, the supplier is responsible for obtaining the relevant planning approvals for any new advertising or alterations to existing advertising structures at sites proposed under the contract. The term of the current contract is eight years (until 2030) with an option for a two-year extension, which may be granted at Council's discretion.

Income estimates for this contract were initially in the order of \$3.5m per year (being approximately \$2.5m attributable to the bus shelters and \$1m to the freestanding advertising panels). However, these estimates were subject to increasing the total number of advertising sites and conversion of the existing static scrolling advertising panels on bus shelters to a new 'digital' format.

The supplier has been unsuccessful in obtaining the necessary planning approvals to convert the existing static scrolling advertising panels to a new 'digital' format and only a limited number of freestanding advertising panels have been approved (two out of a potential 19). This in-turn has significantly reduced Council's potential share of revenue agreed under the contract.

## **5.2. Large Format Advertising**

On 30 June 2021, Council entered into a contractual agreement with a third-party for the provision of advertising on both sides of the pedestrian bridge over the Pacific Highway, North Sydney. Under the terms of the contract, the supplier is responsible for obtaining the relevant planning approvals for any new advertising or alterations to existing advertising structures at sites proposed under the contract. The term of the current contract is eight years (until 2029) with an option for a two-year extension, which may be granted at Council's discretion.

Income estimates for this contract were initially estimated in the order of \$1m a year. However, given the difficulties in obtaining the relevant planning approval for this signage (as discussed at section 3.4 to this report), it is unlikely that Council will be able to receive income from this avenue in the future.

## **5.3. Multi-function Pole Banners**

Banners displayed on Council's multi-function poles are provided in accordance with Council's Banner Program. The program is designed to be cost-neutral for both Council and the advertiser. This is largely due to the displayed messages being restricted to community and civic events.

## **6. Where is advertising income expended?**

Income received from the street furniture advertising contract is placed into Council's general revenue and then distributed into adopted programs and projects, including asset renewal. This is generally consistent with Council's resolution of 17 March 2008.

## **7. Other Matters**

### **7.1. Contestability for public space**

North Sydney is one of the most densely populated localities in Sydney. The Federal and State Governments are mandating all councils to accommodate an increasing number of people, which ultimately places more pressure on the function and amenity of public spaces.

Whilst it is possible to accommodate more residents and workers within a constrained area by expanding vertically, there is limited opportunity to expand the quantum of public space in the same way. Accordingly, our existing public spaces are becoming more congested as population increases. This issue is further exacerbated where structures are introduced within the public domain that can restrict ease of pedestrian movement.

One of the main principles of advertising is to maximise its viewing exposure. Advertisements are therefore typically orientated to the main flows of pedestrian and vehicular traffic. This often means that the orientation of an advertising sign will restrict pedestrian flows, unless it is attached to an existing structure which already obstructs pedestrian movement. Introducing freestanding structures solely for the purposes of advertising is obviously contrary to maximising space for pedestrians in an ever-densifying urban environment.

Advertising is permeating every aspect of human lives, beyond the traditional means of television, radio, and magazines. Whilst there are valid arguments for businesses to have signage attached to the place from where they are operating, this argument is eroded where the product being advertised has no relationship to the location (e.g., third-party advertising).

The public domain is a shared space, and its commercialisation should be limited, unless there is a demonstrated public benefit outcome from its existence. Whilst advertising can be used to generate income to assist with the maintenance of public infrastructure to which it is attached, its placement still needs careful consideration with regard to the principal purpose and use of that public space and the context in which it is situated.

## **7.2. Emerging Trends**

With the rapid rise of electric vehicles and the need to move towards a net-zero environment, there is increasing pressure to construct electric vehicle charging stations within the public domain.

Charging stations come in a multitude of scales and forms, from a simple pole connection to large substations. To offset the cost of providing these facilities, some operators are seeking to attach third-party advertising to the infrastructure which can in turn lead to increased visual clutter in the public domain.

As electric vehicle charging stations are effectively a commercial operation, in a similar way to a service station, advertising attached to them will generally not contribute to a positive public benefit.

### **Options**

Council has the following options in relation to this matter:

1. Outright ban on third-party advertising on public land and public infrastructure, with no change to planning controls;

2. Outright ban on third-party advertising on public land and public infrastructure in conjunction with removal of provisions within NSDCP 2013 relating to such advertising;
3. Only ban the erection of new third-party advertising on public land and public infrastructure; or
4. Only ban the erection new third-party advertising on public land and public infrastructure in conjunction with removal of provisions within NSDCP 2013 relating to such advertising;
5. Do nothing/take no action;

These options are assessed in the table below.

<b>TABLE 1: Options</b>			
<b>Option</b>	<b>Finance/Resourcing</b>	<b>Risk/Opportunity</b>	<b>Consultation</b>
1.	<p>Financial costs and staff time will be required to implement the policy change.</p> <p>Existing income streams from advertising would cease.</p> <p>Council would potentially incur penalty costs for early termination of the contract on-foot.</p> <p>Costs will be associated with the removal of existing advertising structures.</p> <p>Additional financial costs would arise for council to replace / maintain the bus shelters, which is offset by the current advertising contract.</p>	<p>Implementing the policy change immediately may result in additional costs associated with the termination of existing advertising contracts early. This may be avoided by enabling existing contracts to be completed and then seek to remove the advertising structures thereafter.</p> <p>Retention of the existing provisions within the DCP could suggest that such advertisements may still be considered acceptable contrary to Council’s policy position.</p> <p>Conversely, retention of the existing provisions within the DCP could minimise the need to further amend the DCP should Council’s policy position change again.</p>	<p>No formal consultation is required.</p>
2.	<p>Financial costs and staff time will be required to implement the policy change.</p> <p>Existing income streams from advertising would cease.</p> <p>Costs will be associated with the removal of existing advertising structures.</p>	<p>Implementing the policy change immediately may result in additional costs associated with the termination of existing advertising contracts early. This may be avoided by enabling existing contracts to be completed and then</p>	<p>Any amendment to the DCP would be required be publicly exhibited in accordance with the EP&amp;A Act and Council’s Community</p>

**TABLE 1: Options**

Option	Finance/Resourcing	Risk/Opportunity	Consultation
	<p>Additional financial costs would arise for council to replace / maintain the bus shelters, which is offset by the current advertising contract.</p> <p>Council would potentially incur penalty costs for early termination of the contract on-foot.</p> <p>Costs would be incurred associated with the formal amendment of NSDCP 2013 to remove provisions relating to advertising on council land and infrastructure. This aspect would have minimal finance or resourcing implications which can be met under existing budgeting lines.</p>	<p>seek to remove the advertising structures thereafter.</p> <p>Removal of relevant provisions within the DCP would reinforce Council's position.</p> <p>Nothing would prevent applications for such advertising in the public domain in the future. These applications would have to be considered on merit with limited ability to control its form, size, and location/positioning.</p>	<p>Engagement Strategy.</p>
3.	<p>Minimal costs and staff time will be required to implement the policy change only. These costs can be accommodated within existing budget lines.</p>	<p>Retention of the existing provisions within the DCP could suggest that such advertisements may still be considered acceptable contrary to Council's policy position.</p> <p>Retention of the existing provisions within the DCP could minimise the need to further amend the DCP should Council's policy position change again.</p>	<p>No formal consultation is required.</p>
4.	<p>Costs would be incurred associated with the formal amendment of NSDCP 2013 to remove provisions relating to advertising on council land and infrastructure.</p> <p>This work would have minimal finance or resourcing implications which</p>	<p>Removal of relevant provisions within the DCP would reinforce Council's endorsed position.</p> <p>Nothing would prevent applications for such advertising in the public domain in the future.</p> <p>These applications would</p>	<p>Any amendment to the DCP would be required be publicly exhibited in accordance with the EP&amp;A Act and Council's Community</p>

<b>TABLE 1: Options</b>			
<b>Option</b>	<b>Finance/Resourcing</b>	<b>Risk/Opportunity</b>	<b>Consultation</b>
	can be met under existing budgeting lines.	have to be considered on merit with limited ability to control its form, size, and location/positioning.	Engagement Strategy.
5.	Will enable existing and proposed income streams, by allowing third party advertising to continue. No costs or staff time will be required.	May lead to increased visual clutter which is contrary to Council’s overall policy position re all forms of advertising and signage.	No consultation required

Option 3, is recommended for the following reasons:

- It ensures that Council’s existing revenue streams are maintained.
- It provides opportunities to expand third advertising in the future should Council ever resolve to change its general position in the future.
- Unlikely that such advertising could be pursued by third parties, given that Council would have to issue owners consent in the first instance.
- That should a third party be able to lodge an application, there are sufficient controls in place to guide its appropriate location, scale, and form.

### **Consultation requirements**

Community engagement is not required. However, should Council resolve to pursue an alternative option as listed above, community engagement will be undertaken in accordance with the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and Councils’ Community Engagement Strategy.

### **Financial/Resource Implications**

There will be minimal implications in pursuing the proposed recommendations to this report. Pursuing any alternative options are likely to have both financial and resource implications.

### **Legislation**

Compliance with the relevant provisions of the following legislation have been addressed throughout this report:

- NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations (2021)
- Local Government Act 1993 and accompanying Regulations (2021)

### **Conclusion**

Third-party advertising on Council infrastructure and land provides valuable revenue which directly assists with the delivery and embellishment of community infrastructure. There are

sufficient planning controls in place to ensure that such advertising is not rolled out in an arbitrary or excessive way.

Not amending the planning controls at this point in time ensures that there is some level of flexibility in the future, should Council ever revise its endorsed position to permits such advertising on public infrastructure and land.

## Attachment 1

### Brief Recent History of third party advertising in North Sydney

Since 2007, Council has considered permitting third-party advertising (i.e., commercial advertisements not relating to the primary use of the place or building to which it is attached) on public land and infrastructure, on several occasions. The issue originally arose in response to a proposal by Telstra to display third-party advertising on numerous telephone booths throughout the Local Government Area (LGA).

The first comprehensive report was considered by Council's Planning and Development Committee on 13 November 2007. The report specifically presented a holistic overview of the opportunities and implications of permitting third-party advertising on street furniture and public utilities with the aim to assist Council in determining its position regarding this matter. Council subsequently resolved:

*THAT Council defer determining its position with respect to permitting third party advertising on street furniture and public utility infrastructure until the following information is considered:*

*THAT a report be prepared for the Committee by Engineering and Property Services that:*

- (a) determines the financial implications for Council resulting from permitting third party advertising on Council's street furniture,*
- (b) includes examples of the types of street furniture capable of accommodating advertising panels, and*
- (c) outlines the practicalities of accommodating such advertising panels.*

In response to this resolution, Council considered a report at its meeting of 17 March 2008. The report outlined the options available for the provision of advertising on Council's infrastructure and provided notional estimates of possible income streams from such advertising. Council resolved:

*THAT Council, noting the financial difficulties it faces in the medium term:*

- 1. requests the General Manager to proceed to undertake the necessary steps to allow advertising in the North Sydney CBD on freestanding advertising panels, multi function poles (subject to those poles being available for reasonable periods for civic events) and the pedestrian bridge over the Pacific Highway.*
- 2. receives advice on the revenue from selling naming rights for the James Place Council building.*
- 3. supports, in principle, advertising on existing bus shelters on high traffic roads and that the financial necessity for doing so be put to residents in the lead up to the polls that will be put at the next Council elections.*
- 4. require that any funds raised from increased advertising are transferred to the capital works reserve for projects like road and footpath renewal, better sporting facilities and the upgrading of North Sydney's village centres.*

*THAT the necessary steps are taken to amend the LEP with consequent public exhibition. to enable advertising on public facilities to proceed.*

On 14 July 2008, Council considered a report outlining the proposed amendments to Council's planning controls to enable the erection of advertising on freestanding

advertising panels, Council's multi-function poles, and the pedestrian bridge over the Pacific Highway within the North Sydney CBD. Council resolved to defer the matter until the community had been polled on a series of questions relating to permitting third-party advertising on Council infrastructure at the Council elections held in September 2008.

At the 2008 Council elections, residents were invited to vote on five (5) non-compulsory poll questions, two (2) of which related to third-party advertising as follows:

1. *Do you support the proposal to allow advertising on bus shelters in high-traffic areas only, with the revenue to be reserved for capital projects such as road and footpath renewal, improved sporting facilities and the upgrading of North Sydney's village centres?*

And

2. *Do you support the proposal to allow advertising in the North Sydney CBD on public infrastructure such as bus shelters, multi-function poles or free standing advertising panels, with the revenue to be reserved for capital projects such as road and footpath renewal, improved sporting facilities and the upgrading of North Sydney's village centres?*

On 7 October 2008, Council considered a report detailing the results of the non-compulsory poll questions and recommending that Council determine its policy or further actions in respect of each of the five poll questions. The report identified that the majority of the residents (Q1 – 75%; and Q2 – 61%) who participated in the non-compulsory poll agreed that third-party advertising should be made permissible on certain forms of community infrastructure. Council resolved:

*THAT reports be submitted to Council regarding the implementation of Questions 1, 2 and 3.*

On 16 March 2009, Council considered a report which addressed and reconsidered the past deferred resolutions to investigate what changes are required to Council's planning controls to permit third-party advertising on Council infrastructure and consider the implications of permitting third-party advertising on bus shelters on high traffic routes in response to the poll questions posed at the 2008 Council elections. In addition, the report investigated further opportunities and sought endorsement for the preparation of a tender for various advertising sites throughout the North Sydney Council Area. Council subsequently resolved:

1. *THAT the proposed amendments to the DCP as identified in this report be incorporated in the comprehensive review of North Sydney Development Control Plan 2002.*
2. *THAT Council follow the model of the City of Sydney's policy in relation to advertisements on Council's multi-function poles relating to community, civic and other events, activities and notices.*
3. *THAT Council retain the form of the 'standard' North Sydney bus shelter in high traffic areas on a case by case basis.*

4. *THAT Council allow the installation of third party advertising on all bus shelters only on high traffic routes and high volume areas.*
5. *THAT Council instigate the rezoning of the land on which bus shelters BS054 (Military Road, Neutral Bay) and BS042 (Clarke Road Island, Kurraba Road, North Sydney) are located such that third party advertising is permissible.*
6. *THAT Council engage a suitable consultant to prepare an EOI and subsequent tender for the provision of advertising on Council's public infrastructure.*
7. *THAT Council calls for an EOI and a subsequent separable part tender to explore the advertising possibilities in accordance with the schedule attached to the report. The EOI and Tender should both encourage respondents to consider innovative alternatives, and*
8. *THAT Council allow 'mock ups' of advertising panels to be erected within existing bus shelters to identify any issues that may not already be apparent.*
9. *THAT Council charge Telstra for third party advertising on its telephone booths in accordance with the provisions of the Roads Act 1993, subject to a future report which determines an appropriate amount.*

With regard to amending Council's planning instruments and controls, these were implemented through the preparation and adoption of NSLEP 2013 and NSDCP 2013. In particular, new provisions were incorporated to regulate advertising on bus shelters, multifunction poles and freestanding advertising panels.

On 12 October 2009, Council considered a report to determine the extent of advertising to be sought subject to an Expression of Interest (EOI). It was resolved that the EOI was to be limited to advertising on bus shelters and the pedestrian bridge over the Pacific Highway only.

Following the EOI process, JC Decaux was awarded the tender to erect signage on Council's bus shelters and the pedestrian bridge in July 2010.

On 10 May 2010, development consent was granted to two development applications (DA 21/10 and DA 22/10) which sought to erect advertising panels on 32 of Council's existing bus shelters.

On 24 May 2010, Council considered the outcomes of the EOI process and accepted the tender of JCDecaux for the provision of advertising panels in the selected Council bus shelters. The contract was signed in July 2010 for a period of seven years with an extension option for a further three years, which was exercised and with the contract ending in mid-2020.

On 19 July 2010, Council considered a report regarding the colour of the advertising panels within Council's existing the bus shelters, where it resolved to have the colour of the trim to the advertising structures to match that used on the bus shelters.

On 20 September 2010, Council considered an assessment report to DA 35/10 for the proposed erection of a large format advertising on the pedestrian bridge. Council resolved to defer making a determination to enable further consultation with the Community, Precincts, and the Urban Design Panel. The matter was recommitted to Council on 6 December 2010, where it resolved to refuse the DA on the following grounds:

- *The proposal is inconsistent with the desired amenity and visual character of the area and with the existing bridge structure;*
- *The proposal affects the critical heritage and civic components of the area;*
- *The proposal would block views for pedestrians using the bridge;*
- *The proposal would give rise to safety concerns for pedestrians using the bridge at night.*

On 27 May 2013, Council resolved to endorse a Mayoral Minute requesting a report on advertising provisions in the North Sydney CBD and other commercial areas on Council infrastructure in the public domain.

In response to the Mayoral Minute, Council considered a report on 14 October 2013, which detailed the advertising opportunities on a number of different formats. Council subsequently resolved:

1. *THAT Council considers the opportunities outlined in this report that advertising on Council owned infrastructure presents in terms of additional revenue that supports Council's own Capital Works and Operational programs which serve to benefit the residents and visitors of North Sydney.*
2. *THAT Council engage a suitable consultant to prepare documentation for a tender for advertising on free standing panels in the North Sydney CBD and other high traffic areas, as described in this report.*
3. *THAT Council agrees to the submission of a Development Application for advertising in the remaining two bus shelters that were identified in the March 2009 report to Council that is now permitted under the new LEP 2013.*
4. *THAT Council agrees to the submission of a Development Application for a trial of a new proprietary advertising bus shelter in Miller Street, south of the Blue Street intersection and to install two similar shelters on the Pacific Highway, west of Walker Street under the Infrastructure SEPP in the style recommended in the new Public Domain Style Manual.*
5. *THAT prior to the lodgement of any Development Application and/or tender process, the specific locations and signage types under consideration for advertising on Council infrastructure are reviewed by Planning and Development Services Division. The final list of sites for consideration will be determined on the basis of zoning permissibility, urban design, heritage considerations and previous Council resolutions.*
6. *THAT Council de-list as heritage items all Council owned bus shelters that are of no heritage value.*

On 30 October 2015, Amendment 11 to NSLEP 2013 was made which revised the list of bus shelters which had heritage significance following the adoption of the *Bus Shelter Heritage Review* on 16 March 2015.

On 24 September 2018, Council considered a report responding to a Notice of Motion which sought to investigate the revisiting of "the proposal for advertising on the North Sydney (Greenwood) Pedestrian Bridge with updated revenue projections and implications of same as well as an inventory of those bus stops in the Municipality currently without electric advertising boards and the projected Revenue from these, individually and as a group, should we place electronic advertising on them."

Council resolved:

1. *THAT Council endorses the installation of large-format digital advertising on one or both sides of the pedestrian footbridge that spans across the Pacific Highway in the North Sydney CBD.*
2. *THAT Council endorses the installation of digital advertising panels in all its Bus Shelters that currently have large scrolling format advertising panels installed similar to the digital advertising panels that are currently installed in the Miller Street Bus Shelters (Victoria 1 and 2).*
3. *THAT the requirement for future digital advertising panels in Bus shelters be included in the next tender for this service when the current JC Decaux bus shelter advertising contract expires in August 2020.*
4. *THAT Council endorses the installation of freestanding digital advertising panels in the CBD and other Village Centres in North Sydney.*
5. *THAT Council monitor the outcome obtained by City of Sydney under their current Expression of Interest (EOI) process and, subject to their results, consider following a similar model for the rollout of a combined advertising and "Smart City" initiatives contract on its entire portfolio of streetscape infrastructure.*

In response to Resolution No.1, DA397/21 was lodged on 22 November 2021, seeking the erection of a large format digital advertising panel on both sides of the pedestrian bridge over the Pacific Highway at North Sydney. This application was withdrawn on 23 June 2022, largely due to Transport for NSW's refusal to grant concurrence for their approval largely on negative impacts to driver and pedestrian safety.

In response to Resolution No.2, twelve (12) separate applications (DA 152/23-163/23) were lodged on 26 May 2023 to replace the existing scrolling advertisement panels on some of Council's bus shelters with digital signage panels. These applications have yet to be determined.

In response to Resolution No.4, thirteen (13) separate development applications (DA 92/23-102/23, 104/23, 123/23) were lodged in March and April 2023 for freestanding advertising panels, throughout the LGA. The majority of these applications were withdrawn (DAs 92/23-95/23 and 97/23-101/23) in response to Transport for NSW's refusal to grant concurrence for their approval largely on negative impacts to driver and pedestrian safety. On 6 December 2023, the North Sydney Local Planning Panel determined the remaining DAs, by refusing DAs 102/23 and 123/23 and approving DAs 96/23 (located adjacent to 79-81 Berry Street, North Sydney) and DA 104/23 (located adjacent to 476 Miller Street Cammeray).



## SECTION 9 ADVERTISING AND SIGNAGE

### 9.1 INTRODUCTION

Advertising and signage is a prominent feature of the skyline and streetscape in North Sydney. It is an integral part of the streetscape in commercial centres, shopping villages and mixed uses areas, providing information to people on business locations, products and services. However, there is also a need to ensure that signage does not dominate or detract from the character of an area.

This Section has been formulated having regard to *Outdoor Advertising - An Urban Design-Based Approach* produced by the NSW Department of Planning and the Victorian Department of Planning and Housing. In particular, the Section aims to maintain the characteristics of buildings, streetscapes, vistas and the significance of Sydney Harbour and to encourage well designed and carefully positioned signs that contribute to the vitality and character of North Sydney, while having regard to the amenity of residents, pedestrians and the safety of motorists.

#### 9.1.1 General Objectives

The general objectives of this Section of the DCP are to ensure that signage:

- O1 is designed, sized and positioned in a consistent manner;
- O2 does not detract from significant views, vistas and sensitive streetscapes;
- O3 adds character to the streetscape and complements the architectural style and use of buildings;
- O4 minimises visual clutter or environmental degradation through proliferation;
- O5 minimises the potential for adverse impacts on sky glow from the illumination of signs;
- O6 conveys the advertiser's messages or images without causing an adverse social impact upon the community; and
- O7 Minimises impacts upon the safety of drivers and pedestrians.

#### 9.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications incorporating signage that can be seen from a public place such as a street, waterway or public reserve. Some types of signage are also permitted without development consent (refer to Part 2 of [SEPP \(Exempt and Complying Development Codes\) 2008](#)).

#### 9.1.3 Relationships to Other Sections

Where relevant, this Section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part C: Character Area Statements.

#### 9.1.4 Relationship to other documents and planning policies

Where relevant, this Section of the DCP needs to be read in conjunction with the following:

- (a) **Chapter 3 – Advertising and Signage to SEPP (Industry and Employment) 2021**

The SEPP contains specific provisions relating to all forms of signage. Applications for all forms of signage, must give consideration to Parts 3.1, 3.2 and Divisions 1 and 2 to Part 3.3 and Schedule 5 of the SEPP. Applications for



signage, other than building or business identification signs or signage which is exempt development, are also required consider the provisions of Division 3 to Part 3.3 and Part 3.4 of the SEPP.

(b) **Transport Corridor Outdoor Advertising and Signage Guidelines**

This Guideline is required to be considered where signage is proposed to be located on Transport Corridor land as identified under [SEPP \(Industry and Employment\) 2021](#).

(c) **Building Code of Australia (BCA)**

Part B of the BCA contains provisions dealing with dead and live loads, load combinations and wind loads which may have an impact the way a proposed sign is designed and affixed to a building or site.

(d) **Australian Standard AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting**

This Standard contains relevant guidelines for external illumination devices providing recommended limits for the relevant lighting parameters to contain obtrusive illumination effects within tolerable levels.

## 9.2 ADVERTISING DESIGN ANALYSIS

The following advertising design analysis aims to provide guidance on desirable forms of advertising in North Sydney for different zones and areas. Advertising design should reinforce the character of advertising described in this analysis.

### 9.2.1 E1 Local Centre Zone

(a) **Waverton, Cammeray, Kirribilli, Blues Point Road**

These areas consist mainly of one and two storey buildings with shops at ground floor level that serve the local needs of the community and some shop top housing above. Existing signage is limited to small scale business identification signs such as fascia, under awning (some illuminated), top hamper and window signs. There are no large scale advertisements given the limited scale of the built form. The existing character of these villages should be retained by limiting signage to small scale business identification signs in the forms previously described.

### 9.2.2 MU1 Mixed Use Zone

(a) **Milson's Point**

Milsons Point has a diverse range of land uses including residential, commercial and retail that are mostly located in multi storey buildings that have a prominent location on the foreshores of Sydney Harbour. Signage in Milsons Point is a mixture of small business identification signs (fascia, under awning, wall, projecting wall signs). There are some larger wall and roof signs on building elevations that are quite visible from Sydney Harbour. To enhance the views of North Sydney from Sydney Harbour and the Bradfield Highway, future signage should be limited to small scale business and/or building identification signs at lower levels where commercial development is permitted under NSLEP 2013.

(b) **Crows Nest**

Crows Nest is a lively, interesting main street shopping village that is predominately two storey with mostly retail shops and cafes at ground level. Current signage is limited to small scale business identification signs (under awning signs, fascia signs, projecting wall signs and window signs). There are, however, three large roof signs at the major intersection of Falcon Street, Shirley Road and the Pacific Highway that have an adverse impact upon the streetscape. For this reason, further large and/or roof signs are discouraged in the Crows Nest area. Signage in the Crows Nest Village should remain small scale especially along Willoughby Road where there is a small scale village atmosphere and along Pacific Highway where the traditional two storey parapet shopfront is a dominate feature. Above awning

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signs on traditional shop frontages should be avoided to enhance the character of the Crows Nest Village Centre.

**(c) St Leonards**

St Leonards has been rezoned from a former commercial and industrial area to mixed use and commercial. There are a number of large existing roof and wall signs that currently dominate the skyline so any additional signage of this type should be avoided. Signage in this area should be limited to small scale business identification advertisements at ground level (under awning, fascia, top hamper) and no new larger illuminated wall and roof signs at upper levels.

**(d) Cremorne and Neutral Bay**

The built form in the Cremorne and Neutral Bay villages is generally two storeys with small shops located at ground level. Signage is limited to small scale business identification signs (under awning, fascia, top hamper sign, window, projecting wall signs). There are two undesirable forms of signage that have an adverse impact on the streetscape including a bridge sign located on the pedestrian link to SCEGS Redlands and a large wall sign on Military Road near Wycombe Road. Future signage should, therefore, be limited to small scale business identification signs at ground floor level to promote commercial activity in the area.

**9.2.3 E3 Productivity Support Zone****(a) McMahons Point**

This area is a mixture of modern two or three storey commercial buildings amidst one or two storey historic terrace houses and timber or stone cottages. Most of the non-residential uses in McMahons Point provide support services for businesses located in the North Sydney Centre such as advertising agencies, printers, graphic designers, publishers. Existing signage is mostly small business or building identification signs including fascia and illuminated under awning signage. There are no large scale signs within the Productivity Support zone with signage limited and subdued to preserve the partially residential character of the area. Small scale business identification signage is the desired level of advertising for this area.

**9.2.4 North Sydney Centre**

North Sydney Centre is a vibrant, prosperous commercial centre consisting mainly of multi storey commercial buildings. The area is well serviced with community facilities such as North Sydney Oval, the Stanton Library and the Civic Centre Park and the Don Bank Museum. Within the North Sydney Centre are two conservation areas (McLaren Street and Walker Street) that contain significant landmarks such as St Thomas Church and the Council Chambers.

Signage within the North Sydney Centre is diverse with a number of large illuminated wall and roof business identification signs that dominate the skyline. In addition to larger advertisements, there are numerous small scale business identification signs at street level including under awning and window signs, top hamper signs, free standing signs, fascia signs and projecting wall signs.

The visual impact of the larger illuminated roof and walls signs in the North Sydney Centre is significant given their prominent location on the shores of Sydney Harbour and their close proximity to Bradfield Highway. To enhance views from Sydney Harbour, large business identification wall signs on multi storey buildings above first floor level should be limited to two per building that are incorporated into the overall design of the building. Generally, additional signage should be limited to small scale business identification signs at ground floor level to convey messages to potential customers in preference to large scale roof and/or sky signs.



### 9.3 FAÇADE GRID ANALYSIS

This is a simple technique that can be used to:

- comprehensively identify sign opportunities for inclusion by the council in any more detailed development control plan for specific precincts;
- identify appropriate sign opportunities for developers and occupants; and
- assess specific development applications for signs.

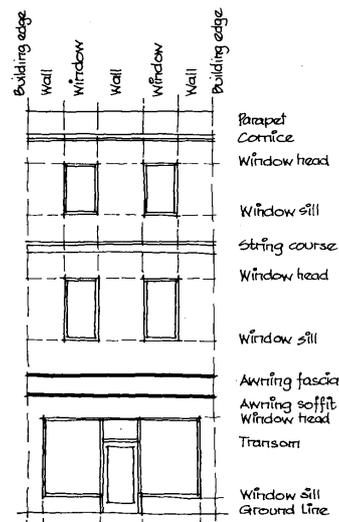
While the technique relates specifically to traditional building facades (such as those commonly found in strip- shopping centres), the principles can be applied to all building forms.

Signage does not necessarily have to be placed on a building's front facade. For example, they can be placed on side-walls provided they do not interfere with the adjoining development. In these circumstances the principles of the technique still apply.

The technique is set out in the four steps below.

#### STEP 1:

To identify sign opportunities, subdivide the building's facade along its main design lines to form a series of panels. Many traditional building designs can be easily broken into a grid based on the alignments of the parapet (skyline), cornice, verandah, window and door. An example of this procedure is shown in Figure B-9.1.



**Figure B-9.1:**  
Establishing a façade-grid

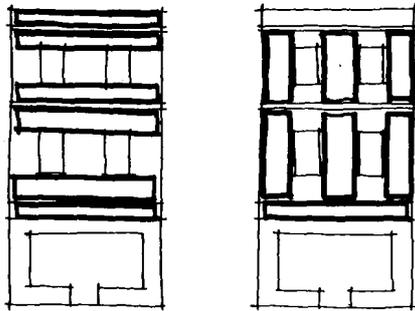
#### STEP 2:

To identify possible signage locations, the rectangles of the grid may be used separately or be joined together to form horizontal or vertical panels (refer to Figure B-9.2).

The scale of advertising signs should be compatible with the buildings they are on, as well as with nearby buildings, street widths and other existing signs. In most cases appropriate dimensions are achieved by restricting signs to grid locations or panels. This ensures that the original architectural character (set by the lines of awnings, window and door openings, parapet lines and setbacks) remains dominant.

On buildings with decorative facades, signs should not be placed on the decorative forms or mouldings. Instead, they should appear on the undecorated wall surfaces, unless architecturally-designed sign panels are provided.

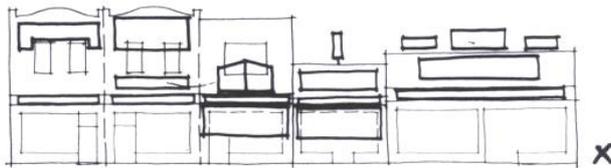
Figure 2 also shows that a building may be given a horizontal or vertical appearance simply by the way in which the sign panels are arranged across or down a building.



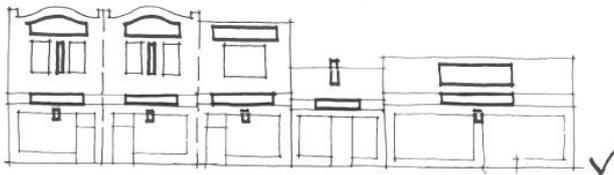
**Figure B-9.2:**  
Horizontal or vertical panels

**STEP 3:**

Applying the technique to a series of buildings also illustrates the possible panels for the streetscape and provides the basis for developing patterns and themes for a group of buildings and or tenancies.



**Figure B-9.3:**  
Developing patterns and themes



**Figure B-9.4:**  
Improving discontinuities in streetscapes



Figure B-9.3 shows how the technique produces a uniform and clean series of sign possibilities instead of a haphazard array. It also shows that sign panels do not have to be rectilinear in design or contained in a perimeter margin unless these impose an architectural formality or introduce a continuity with the surrounding area which is presently lacking in the building.

Figure B-9.4 shows how a variation of the technique can be used to help correct discontinuities in streetscape. The lines of adjacent buildings may be projected across the facade of the building, thereby defining horizontal panels in which signs may be located. This will achieve visual continuity with neighbouring buildings.

#### **STEP 4:**

Not every panel identified using this technique should be used to display a sign. The number and size of signs proposed is determined by provisions contained in the remaining parts of this Section of the DCP. In deciding which of the panels is the appropriate space for advertising, the following matters should also be considered:

- (a) the number and location of existing signs;
- (b) the quality of the streetscape; and
- (c) the objectives and provisions of this Section of the DCP.

## **9.4 GENERAL CONTROLS - DESIGN, SCALE AND SIZE**

### **Objectives**

- O1 To ensure that signage does not detract from the architecture of existing buildings, streetscapes and vistas.

### **Provisions**

- P1 Signage attached to buildings is to be designed, scaled and sized having regard to a façade grid analysis.
- P2 Where practical signage not attached to buildings must be designed to have regard to the size, height and scale of nearby buildings and their elements.
- P3 Signage should be visually interesting and integrated with the architecture of the building.
- P4 Lettering, materials and colours should be used that complement the existing building or place.
- P5 Signage must not dominate the building or site to which it is attached.
- P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.
- P7 Signage must not dominate the skyline or protrude above any parapet or eaves.
- P8 Signage must not cover any window, other opening or significant architectural features of the building.
- P9 The proposed means of fixture to the building or any support structure for freestanding signs must be consistent with the relevant character statement in Section 9.2.
- P10 Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.

## **9.5 LOCATION**

### **Objectives**

- O1 To establish a consistent approach to the positioning of signage and to enhance the streetscape.

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#### Provisions

- P1 Where relevant, signage should be located to take account a façade-grid analysis.
- P2 The preferred location for signage is identified in the relevant character statement in Section 9.2.
- P3 Signage should be located such that they do not unreasonably obstruct accessible paths of travel for pedestrians.
- P4 Signage should be located such that they do not obscure a driver's or pedestrian's sightlines, especially in the vicinity of intersections, traffic control devices or driveways.
- P5 Provide signs that respect the viewing rights of other advertisers.

## 9.6 RESTRICTIONS

#### Objectives

- O1 To avoid visual clutter and the proliferation of signs.
- O2 To ensure that advertisements relate to the use of the land on which they are located.
- O3 To preserve residential character, streetscapes and vistas.

#### Provisions

- P1 Signage, other than exempt development, business identification signage or building identification signage is not permitted in the following areas:
- Residential zones (R2, R3, R4 and C4 zones),
  - C2 Environmental Conservation zone,
  - RE1 Recreational Area zone,
  - RE2 Private Recreation zone, and
  - Heritage conservation areas.
- P2 The following forms of advertising structures are not considered appropriate:
- Above awning signs,
  - Flag pole signs,
  - Inflatable signs,
  - Moving and flashing signs,
  - Sandwich boards,
  - Video or variable message signs,
  - Animated signs,
  - Roof or sky signs, and
  - Large signs (>20m<sup>2</sup> or higher than 8m), including billboards.
- P3 Must not provide more than one large building and/or business identification sign per building, allocated to a major tenant of that building.
- P4 Avoid advertising products that are not sold on the premises.
- P5 Maximum of one directory board per multiple-occupancy buildings.
- P6 Where provided, the name or logo of the person who owns or leases an advertisement must be integrated into the advertising display area and not exceed 0.25m<sup>2</sup> in area.
- P7 Any consent granted by Council for advertising signs (i.e. not building identification or business identification signs) is valid for a maximum of three (3) years.



## 9.7 CONTENT

### Objectives

O1 To minimise the social impact of advertising in the public interest.

### Provisions

P1 All advertising must comply with the requirements of the Australian Association of National Advertisers' *Code of Ethics* and Outdoor Media Association's *Code of Ethics*. In particular, advertisements must:

- (a) comply with any Commonwealth or State laws (i.e. the Tobacco Advertising Prohibition Act 1992);
- (b) not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.
- (c) not depict material contrary to Prevailing Community Standards on health and safety.

P2 The advertising of alcohol products is not permitted, unless those products are sold on the subject premises.

P3 Changes in content or message of any Council approved sign does not require development consent, provided the proposal meets the exempt development provisions of Part 2 of SEPP (Exempt and Complying Development Codes) 2008 and relevant provisions of Chapter 2 - Infrastructure to [SEPP \(Transport and Infrastructure\) 2021](#).

## 9.8 PEDESTRIAN AND ROAD SAFETY

### Objectives

O1 To ensure that signage does not adversely affect driver and pedestrian safety.

### Provisions

P1 Signage should be designed in accordance with the provisions contained within the *Transport Corridor Outdoor Advertising and Signage Guidelines (2017)*.

P2 Messages and signage structures must be designed such that they do not result in a pedestrian or driver being confused with messages contained within road traffic signs, signals or other traffic information device.

P3 The proposed sign does not obscure a road hazard, traffic warning or directional sign or signal, oncoming vehicles or pedestrians.

P4 Avoid advertising messages, designs, or bright lighting that may distract motorists or pedestrians.

P5 Signs must not be located where drivers and pedestrians require a higher level of concentration (e.g. major intersections).

## 9.9 SIGNS ON HERITAGE ITEMS AND IN CONSERVATION AREAS

### Objectives

O1 To ensure signage does not impact on the ability to conserve the significance of heritage items and/or conservation areas.

### Provisions

P1 Maximum of one sign per property, which is a minor element and restrained in design.

P2 Despite P1, Council may consider permitting a maximum of 1 sign per non-residential tenancy, where the building contains multiple occupancies.

**B** **Part**

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- P3 Original signs are retained and conserved at the site where possible.
- P4 Avoid new signs on side walls of buildings.
- P5 Provide a high standard of materials and graphics.
- P6 Where practical, use traditional designs, signage types, locations, colours, lettering and construction methods.
- P7 Illuminated signs on heritage items are generally not permitted.
- P8 Despite P7, Council may permit illuminated signage on a heritage item, but only if:
- The heritage significance of the item will not be unreasonably affected by the proposed illumination devices, and
  - The form of illumination (i.e. externally or internally illuminated) generally reflects the period and style of the heritage item to which it is attached, and
  - The illumination is required for operational purposes after dark.

**9.10 ILLUMINATION****Objectives**

- O1 To ensure that the local amenity is preserved with appropriate levels of illumination.
- O2 To minimise increases in sky glow that can impact on astronomical observations.

**Provisions**

- P1 Signs must not be illuminated between 1.00am and 7.00am.
- P2 All illuminated signs are to be fitted with automated timing devices to ensure compliance with operating hours to P1.
- P3 Provide levels of illumination that do not cause light spillage for nearby properties.
- P4 Avoid positioning illuminated signs on properties fronting laneways between residential and commercial areas.
- P5 Must comply with the relevant requirements of *AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

**9.11 CONTROLS FOR SPECIFIC SIGN TYPES****Objectives**

- O1 To minimise the visual impacts on the quality of vistas, streetscapes and skylines.
- O2 To permit building wrap advertisements in limited circumstances to improve the LGA's visual appearance during the construction of new building works and to permit limited third party advertising to assist in the cost of providing such advertisements.
- O3 To provide limited opportunities to permit large scale temporary advertisements that relate to regional, state or national events of social, historical, cultural or sporting interest that are to occur within the Sydney Metropolitan Region.

**Provisions****Roof or sky signs**

- P1 Roof or sky signs are generally not permitted. However, Council may consider new roof or sky signage, but only where:
- the new signs replace one or more existing roof or sky signs and improve the visual amenity of the locality; or
  - the new signs improve the finish and appearance of the building and the streetscape.

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- P2 Roof or sky signs will only be permitted if they are associated with a non-residential use in the *E2 Commercial Centre* or *MU1 Mixed Use* zones.
- P3 Roof or sky signs must not be positioned higher than the highest point of any part of the building, including lift overruns or air conditioning plants but excluding flag poles, aerials, masts and the like.
- P4 Roof or sky signs must not be wider than any part of the building and also in accordance with the relevant desired character statement in Section 9.2.

#### **Wall signs**

- P5 Only one wall sign per building elevation.
- P6 Integrate wall signs into the overall design of the building.
- P7 Avoid signs that have an area greater than:
  - 10% of the area of the wall if the elevation is > 200m<sup>2</sup>
  - 20m<sup>2</sup> if the elevation is greater than 100m<sup>2</sup> but < 200m<sup>2</sup>
  - 20% for elevations of <100m<sup>2</sup>
- P8 Wall signs should not protrude more than 300mm from the wall to which it is attached.
- P9 Avoid locating a wall sign on a building elevation if there is an existing building or business identification sign.

#### **Under awning signs**

- P10 Under awning signs must be located 2.6m above natural ground level, not exceed 2.5m in length or 500mm in height.

#### **Bus shelters**

- P11 Third party advertising is permissible on bus shelters, but only if it meets a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.

#### **Multi-function poles**

- P12 The message of the advertisement must be limited to community and civic events.

**Note:** *A civic event comprises any event that is endorsed by Council.  
A cultural event comprises an event relating to sport, theatre, art, cinema, religious events, community festivals and the like.*

- P13 Advertisements are not to comprise more than 1 message per multi-function pole and not comprise more than 4 different messages for all multi-function poles within a particular commercial or village centre.

#### **Free standing advertising panels**

- P14 Limited to land within the North Sydney Centre as identified by NSLEP 2013.
- P15 Minimum setback of 600mm from the kerb line of any road or laneway.
- P16 Must maintain a minimum unobstructed width of 2m across any footpath along the Pacific Highway and Miller Street and 1.5m on any other street or laneway.
- P17 Not located:
  - on kerb blisters;
  - Within 10m of an unsignalised intersection, of the departure side of a marked pedestrian crossing or pedestrian refuge; and
  - Within 20m of a signalised intersection, the approach to a marked pedestrian crossing or pedestrian refuge, a bus zone, the entrance of a railway station, reported pedestrian accident.

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- P18 A minimum clearance of 900mm is maintained between any freestanding advertising structure and trees and garden plots, public seating, rubbish bins, bicycle hoops, parking signs, parking meters and power poles.
- P19 Freestanding advertising structures are not be located in front of any ground floor business premises tenancy capable of being used for a food and drink establishment with any associated outdoor dining area.
- P20 Freestanding advertising structures are not permitted to be located directly on that part of a footpath located directly adjacent to a heritage item.
- P21 Any advertising structures are located such that they are clearly visible, well lit and colour contrasted where appropriate to assist people with vision impairments.
- P22 Discouragement of signs supported on poles, which may be problematic for users of sight-canes.
- P23 Whether hazard warnings, such as tactile indicators, are needed to indicate possible dangers for people with vision impairments.
- P24 Any such advertising on publicly owned land must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.
- P25 The display area of a message on a freestanding advertising panel is limited 1.2m wide x 2.0m in height.
- P26 Freestanding advertising structures are not to exceed any overall height of 2.6m above existing ground level.
- P27 Any cumulative impacts or visual clutter created by the proposed signage.

**Building wrap advertisements on scaffolding / hoardings**

- P28 Building wrap advertisements which form part of scaffolding on development sites will only be permitted in the following zones under NSLEP 2013:
- E1 Local Centre;*
  - E2 Commercial Centre;*
  - MU1 Mixed Use; and*
  - E3 Productivity Support.*
- P29 An advertisement will only be permitted where the scaffolding is in association with the construction of an approved new building or related work, and that such scaffolding must cover an entire elevation of that building subject to the approved works.
- P30 Scaffolded elevations shall have the whole elevation covered by mesh to a good quality of workmanship and shall have any commercial element sitting within and framed by the mesh.
- P31 The content of the advertisement or image is not permitted to change over the life of the scaffolding.
- P32 The scaffold and any associated advertisement(s) must be removed as soon as the relevant building works have been completed. The consent will last no longer than the agreed building programme or one year, whichever is the shorter. Any application for renewal of consent will be considered by Council and consent for continued display in accordance with this policy may not be unreasonably withheld.
- P33 Within sensitive areas such as heritage conservation areas or on or adjacent to a heritage listed building, the entire scaffolding mesh must be covered by a 1:1 scale image of the building being constructed / refurbished, or other similar appropriate image to the satisfaction of Council. Any commercial advertising must not occupy more than 5% of the extent of the scaffolded elevation and is limited to the ground floor storey elevation only.

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- P34 A commercial advertisement element will only be permitted if a community message is provided and must not occupy more than 20% of the extent of the scaffolded elevation.
- P35 The advertisements may be illuminated, but only by projecting lamps from above the sign.
- P36 Council may consider the approval of a public artwork as the message to the advertisement.

#### **Building wrap advertisements on completed buildings**

- P37 Building wrap advertisements which are to be attached to completed buildings will only be permitted in the following zones under NSLEP 2013:
- (a) *E2 Commercial Centre*; and
  - (b) *MU1 Mixed Use*.
- P38 Where applied to a mixed use building, the advertisement is to be limited to commercial component of a building only.
- P39 Must not obscure any architectural features of the building.
- P40 Must be mounted flush with the external façade of the building.
- P41 Prior to the lodgement of any DA, discussions are to be made with Council's Public Art Officer.
- P42 The advertisement must not cover more than two adjacent façade(s) of the building.
- P43 The message of the advertisement must be limited to community and civic events.
- P44 The advertisement must not be erected more than 1 month before the commencement of the event and must be removed within 2 weeks of the conclusion of the event.
- P45 The consent will last no longer than the above period or one year, whichever is the lesser.
- P46 Advertisements are not permitted on buildings which are located within a heritage conservation area or be located on land or adjacent to land containing an item of heritage significance as listed in Schedule 5 of NSLEP 2013.
- P47 The advertisements must not be illuminated.
- P48 No more than 1 building wrap advertisement may be permitted to be erected on a building at any one time.
- P49 Council may choose to further limit the number, duration and timing of approvals to be granted under this subsection in the interest of maintaining the image of the LGA as one of high environmental quality.
- P50 All signage application under this subsection must be determined by the consent authority and may not be delegated by staff for determination.

## **9.12 SIGNAGE STRATEGIES**

### **Objective**

- O1 To ensure that signage on new mixed use or non-residential developments or on a heritage item, is consistent and complimentary in form, design and scale.

### **Control**

- P1 A signage strategy must be submitted with a development application involving signage for all new buildings for mixed use or non-residential purposes or for signage on a heritage item.
- P2 The signage strategy must indicate the location, type, size, and number of signs and any associated type and form of illumination that is appropriate for the building or site.

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In addition, signage strategies relating to heritage items are also to indicate appropriate types of materials, colours and fonts where applicable.

- P3 All signs on a building or site are to be consistent with the approved signage strategy applying to that building or site.
- P4 The signage strategy is to comply with the requirements of this Section of the DCP.

**9.13 DISPLAY OF ADVERTISEMENTS ON BUS SHELTERS****Objective**

- O1 To provide limited opportunities to generate income to improve the public domain.
- O2 To minimise the impact on the users of bus shelters
- O3 To minimise the impact of the signage on residential amenity.

**Control**

- P1 Must be limited to a single elevation of the bus shelter.
- P2 Must be limited to the departure side of the bus shelter.
- P3 Must not be located such that it faces directly towards a residentially zoned property (for instance the advertisement must be located perpendicular to the direction of the road).
- P4 Illumination of signage does not result in adverse impacts upon nearby residents.
- P5 Ensure that the proposed signage does not adversely restrict pedestrian movement to and around the bus shelter.

**9.14 SPECIAL PROMOTIONAL ADVERTISEMENTS**

This clause primarily relates to the erection of signage on Council's multi-function poles.

**Objective**

- O1 To allow the temporary erection of promotional advertisements in limited circumstances.

**Control**

- P1 To ensure impacts are minimised, signage for this purpose is confined to land zoned:
  - E2 Commercial Centre*;
  - MU1 Mixed Use*;
  - SP2 Infrastructure* (and labelled "Classified Road" on the *Land Zoning Map*), but only where it is located adjacent to a zone listed in subclause (a) or (b) above.
- P2 Design special promotional advertising in accordance with the relevant character statement.
- P3 Special promotional advertisements must be consistent with Section 2.7 to Part B of this DCP.
- P4 Must not advertise for more than a three month period in any 12 month period.
- P5 Avoid product images or corporate branding that exceeds 5% of the sign's display area.

**9.15 SIGNAGE TO ASSIST DISABLED ACCESS****Objectives**

- O1 To ensure that signage is capable of being interpreted regardless of visual ability.

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#### Provisions

- P1 All signs and symbols including their location, size, and illumination should be designed to be understood by all users, including those with sensory disabilities in accordance with AS 1428 (*Building Code of Australia*).
- P2 Display disabled access signs where they can be easily seen. Hearing loop logos should be provided if required.
- P3 Include tactile communication methods in addition to visual methods to assist people with various disabilities.
- P4 Provide international symbols with specifications relating to signs, symbols and size of lettering complying with AS 1428.2.
- P5 Use letter height that complies with Clause 14 to AS 1428.1.
- P6 Provide specification for visual communication systems relating to height of letters, illumination, location and background contrast in accordance with AS 1428.2.

### 9.16 NEW TECHNOLOGIES

#### Objective

- O1 To provide some flexibility in Council's controls where new signage technologies become available.

#### Control

- P1 Future advertising generated by new technologies will be considered on their merits.
- P2 Proposals involving animation, video screens and other forms of movement are considered inappropriate.
- P3 Advertisements that cover glass facades (for example, coloured film) are generally discouraged unless they are limited in size and period of use.

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