



New South Wales

State Environmental Planning Policy No 64—(Advertising and Signage) (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S06/00905/PC-1)

FRANK SARTOR, M.P.,
Minister for Planning

State Environmental Planning Policy No 64— (Advertising and Signage) (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy No 64—Advertising and Signage (Amendment No 2)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to permit advertisements on road and railway corridors, and
- (b) to provide appropriate design and safety controls for advertisements on road and railway corridors, and
- (c) to control the display of posters containing election material.

3 Land to which Policy applies

This Policy applies to the land to which *State Environmental Planning Policy No 64—Advertising and Signage* applies.

4 Amendment of State Environmental Planning Policy No 64—Advertising and Signage

State Environmental Planning Policy No 64—Advertising and Signage is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Aims, objectives etc

Insert at the end of clause 3 (1) (c):

, and

- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

[2] Clause 4 Definitions

Omit “Outdoor Advertising Association of Australia” from the definition of *advertising industry* in clause 4 (1).

Insert instead “Outdoor Media Association”.

[3] Clause 4 (1)

Insert in alphabetical order:

associated road use land, in relation to a road, means:

- (a) land on which road infrastructure associated with the road is located, or
- (b) land that is owned, occupied or managed by the roads authority for the road and that is used for road purposes or associated purposes (such as administration, workshop and maintenance facilities, bus interchanges and roadside landscaping).

Guidelines means the provisions of the publication titled *Transport Corridor Outdoor Advertising and Signage Guidelines* approved by the Minister for the purposes of this Policy, as in force and as published in the Gazette on the date of publication in the Gazette of *State Environmental Planning Policy No 64—Advertising and Signage (Amendment No 2)*.

RailCorp means Rail Corporation New South Wales constituted under the *Transport Administration Act 1988*.

railway corridor means the following land:

- (a) land on which railway track and associated railway infrastructure is located (including stations and platforms),
- (b) land that is adjacent to land referred to in paragraph (a) and that is owned, occupied or managed by RailCorp and used for railway purposes or associated purposes (such as

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administration, workshop and maintenance facilities and bus interchanges),

- (c) land zoned for railway (including railway corridor) purposes under an environmental planning instrument,
- (d) land identified as a railway corridor in an approval of a project by the Minister for Planning under Part 3A of the Act.

road corridor means the following land:

- (a) land comprising a classified road or a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, and associated road use land that is adjacent to such a road,
- (b) land zoned for road purposes under an environmental planning instrument,
- (c) land identified as a road corridor in an approval of a project by the Minister for Planning under Part 3A of the Act.

RTA means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

transport corridor land means the following land:

- (a) land comprising a railway corridor,
- (b) land comprising a road corridor,
- (c) land zoned industrial under an environmental planning instrument and owned, occupied or managed by the RTA or RailCorp.

[4] **Clause 6 Signage to which this Policy applies**

Insert “, or that is exempt development under this Policy” after “applies to it” in clause 6 (2).

[5] **Clause 7 Relationship with other environmental planning instruments**

Omit “This Policy will not overturn or otherwise effect” in the note to clause 7.
Insert instead “This Policy (other than clause 16) will not override”.

[6] **Clause 7, note**

Omit “, 16”.

[7] **Clause 7, note**

Omit “, on freeways or tollways,”.

[8] Clause 10 Prohibited advertisements

Insert “(excluding railway stations)” after “heritage area” in clause 10 (1).

[9] Clause 10 (2)

Omit the subclause. Insert instead:

- (2) This clause does not apply to the following:
 - (a) the Mount Panorama Precinct,
 - (b) the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.

[10] Clause 12

Omit the clause. Insert instead:

12 Consent authority

For the purposes of this Policy, the consent authority is:

- (a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or
- (b) the Maritime Authority of NSW in the case of an advertisement displayed on a vessel, or
- (c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp on a railway corridor, or
- (d) the Minister for Planning in the case of an advertisement displayed by or on behalf of the RTA on:
 - (i) a road that is a freeway or tollway (under the *Roads Act 1993*) or associated road use land that is adjacent to such a road, or
 - (ii) a bridge constructed by or on behalf of the RTA on any road corridor, or
 - (iii) land that is owned, occupied or managed by the RTA, or
- (e) the Minister for Planning in the case of an advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5

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Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.

[11] Clause 13 Matters for consideration

Insert “(other than in a case to which subclause (2) applies)” after “A consent authority”.

[12] Clause 13 (2) and (3)

Insert at the end of clause 13:

- (2) If the Minister for Planning is the consent authority or clause 18 or 24 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:
 - (a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
 - (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of:
 - (i) design, and
 - (ii) road safety, and
 - (iii) the public benefits to be provided in connection with the display of the advertisement, and
 - (c) satisfies any other relevant requirements of this Policy.
- (3) In addition, if clause 18 or 24 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.

[13] Clause 15 Advertisements on rural or non-urban land

Omit “The consent authority” from clause 15 (2).

Insert instead “Except in a case to which subclause (3) applies, the consent authority”.

[14] Clause 15 (2) (b)

Omit the paragraph. Insert instead:

- (b) if no such development control plan is in force, unless:
 - (i) the advertisement relates to the land on which the advertisement is to be displayed, or to premises situated on that land or adjacent land, and
 - (ii) specifies one or more of the following particulars:
 - (A) the purpose for which the land or premises is or are used,
 - (B) the identification of a person residing or carrying on an occupation or business on the land or premises,
 - (C) a description of an occupation or business referred to in sub-subparagraph (B),
 - (D) particulars of the goods or services dealt with or provided on the land or premises,
 - (E) a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

[15] Clause 15 (3)

Insert after clause 15 (2):

- (3) In the case of an application to display an advertisement on transport corridor land when the Minister is the consent authority, the consent authority must not grant consent to display an advertisement on land to which this clause applies unless the consent authority is satisfied that the advertisement is consistent with the Guidelines.

[16] Clause 16

Omit the clause. Insert instead:

16 Transport corridor land

- (1) Despite the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases:
 - (a) the display of an advertisement by or on behalf of RailCorp on a railway corridor,

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- (b) the display of an advertisement by or on behalf of the RTA on:
 - (i) a road that is a freeway or tollway (under the *Roads Act 1993*) or associated road use land that is adjacent to such a road, or
 - (ii) a bridge constructed by or on behalf of the RTA on any road corridor, or
 - (iii) land that is owned, occupied or managed by the RTA and that is within 250 metres of a classified road,
 - (c) the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.
- (2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.
- (3) The Minister must not grant consent to the display of an advertisement in such a case unless:
- (a) the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council within 28 days have been considered by the Minister, and
 - (b) the advice of any design review panel appointed by the Minister has been considered by the Minister, and
 - (c) the Minister is satisfied that the advertisement is consistent with the Guidelines.
- (4) This clause does not apply to the display of an advertisement if:
- (a) the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines, or
 - (b) the display of an advertisement on the land concerned is prohibited by a local environmental plan made after the commencement of *State Environmental Planning Policy No 64—Advertising and Signage (Amendment No 2)*.

[17] Clause 17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

Omit clause 17 (3) (c). Insert instead:

- (c) the consent authority gave a copy of the application to the RTA at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.

[18] Clause 18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

Omit “Roads and Traffic Authority (*RTA*)” from clause 18 (2).

Insert instead “RTA”.

[19] Clause 18 (3) (b) and (c)

Omit the paragraphs. Insert instead:

- (b) the Guidelines.

[20] Clause 18 (6)

Insert after clause 18 (5):

- (6) This clause does not apply when the Minister for Planning is the consent authority.

[21] Clause 19

Omit the clause. Insert instead:

19 Advertising display area greater than 45 square metres

The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless:

- (a) a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or
- (b) in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.

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[22] Clause 22 Wall advertisements

Insert after clause 22 (2):

- (2A) In the case of the display of a wall advertisement on transport corridor land, subclause (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.

[23] Clause 24 Advertisements on bridges

Omit clause 24 (2) and (3). Insert instead:

- (2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.

[24] Clause 26 Building wrap advertisements

Insert after clause 26 (2):

- (2A) In the case of the display of a building wrap advertisement on transport corridor land, subclause (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.

[25] Clause 30 Preparation of draft local environmental plans

Omit the clause.

[26] Clause 32A

Insert after clause 32:

32A Savings for development applications made before SEPP No 64— Advertising and Signage (Amendment No 2)

An application made to a consent authority before the commencement of *State Environmental Planning Policy No 64—Advertising and Signage (Amendment No 2)* for consent to display an advertisement that has not been determined before that commencement is to be determined as if that Policy had not been made.

[27] **Clauses 33 and 34**

Omit clause 33 (Mount Panorama Precinct). Insert instead:

33 Exempt development

(1) **Advertisements on transport corridor land**

The following development on transport corridor land is exempt development when carried out by or on behalf of the RTA or RailCorp:

- (a) display of an advertisement in an underground railway station or railway tunnel,
- (b) display of an advertisement at a railway station or bus station if the advertisement is visible primarily from within the railway corridor or bus station,
- (c) removal of existing signage,
- (d) modifications to existing signage on transport corridor land carried out to meet occupational health and safety requirements and that do not increase the advertising display area of the signage.

(2) **Electoral matter relating to Federal, State or local government elections**

The display of any poster that contains electoral matter in relation to an election is exempt development if the poster:

- (a) is no larger than 8,000 square centimetres, and
- (b) is displayed by or on behalf of a candidate at the election or the party (if any) of any such candidate, and
- (c) is displayed in accordance with any requirements of the Act under which the election is held, and
- (d) is displayed only during the relevant period.

(3) In subclause (2):

election means an election held under the *Commonwealth Electoral Act 1918* of the Commonwealth, the *Parliamentary Electorates and Elections Act 1912* or the *Local Government Act 1993*.

electoral matter means:

- (a) any matter that is intended or calculated or likely to affect (or is capable of affecting) the result of an election or that is intended or calculated or likely to influence (or is capable of influencing) an elector in relation to the casting of his or her vote at an election, and

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- (b) the picture of a candidate at an election, along with the candidate's name and the name of the party (if any) of any such candidate.

relevant period, in relation to an election, means the period comprising the following:

- (a) the period of 5 weeks immediately preceding the day on which the election is held,
(b) the election day,
(c) the period of 1 week immediately following the election day.

34 Review of Policy

The Minister must ensure that the provisions of this Policy are reviewed:

- (a) as soon as practicable after the first anniversary of the commencement of *State Environmental Planning Policy No 64—Advertising and Signage (Amendment No 2)*, and
(b) at least every 5 years thereafter.

[28] Schedule 1 Assessment criteria

Insert at the end of item 4:

- Does the proposal require ongoing vegetation management?

BY AUTHORITY
