

# State Environmental Planning Policy No 64—Advertising and Signage (2001 EPI 199)

[2001-199]



New South Wales

## Status Information

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# State Environmental Planning Policy No 64—Advertising and Signage (2001 EPI 199)



New South Wales

## Part 1 Preliminary

### 1 Name of Policy

This Policy is *State Environmental Planning Policy No 64—Advertising and Signage*.

### 2 Commencement

This Policy commences on 16 March 2001.

### 3 Aims, objectives etc

(1) This Policy aims:

(a) to ensure that signage (including advertising):

- (i) is compatible with the desired amenity and visual character of an area, and
- (ii) provides effective communication in suitable locations, and
- (iii) is of high quality design and finish, and

(b) to regulate signage (but not content) under Part 4 of the Act, and

(c) to provide time-limited consents for the display of certain advertisements.

(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

### 4 Definitions

(1) In this Policy:

**advertisement** means signage to which Part 3 applies and includes any advertising structure for the advertisement.

**advertising display area** means, subject to subclause (2), the area of an advertisement or advertising structure used for signage, and includes any borders of,

or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures.

**advertising industry** means the Outdoor Advertising Association of Australia and includes, in relation to a locality, a body that represents businesses that manage advertising in the locality.

**advertising structure** means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

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

**building wrap advertisement** means an advertisement used in association with the covering or wrapping of:

- (a) a building or land, or
  - (b) a building that is under construction, renovation, restoration or demolition,
- but does not include a wall advertisement.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person, and
  - (ii) 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 include any advertising relating to a person who does not carry on business at the premises or place.

**classified road** means a road classified under Part 5 of the [Roads Act 1993](#).

**consent authority** means the consent authority determined in accordance with clause 12.

**display** includes the erection of a structure for the purposes of display and the use of land, or a building on land, for the purposes of display.

**freestanding advertisement** means an advertisement that is displayed on an

advertising structure that is mounted on the ground on one or more supports.

**navigable waters** has the same meaning as in the [Marine Safety Act 1998](#).

**product image** means any words, letters, symbols or images that identify a product or corporate body, but does not include any object to which the words, letters, symbols or images are attached or appended.

**public art policy** means a policy adopted by a consent authority, in a development control plan or otherwise, that establishes forms and locations for art works in the public domain.

**roof or sky advertisement** means an advertisement that is displayed on, or erected on or above, the parapet or eaves of a building.

**signage** means all signs, notices, devices, representations and advertisements that advertise or promote 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:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements to which Part 3 applies,

but does not include traffic signs or traffic control facilities.

**special promotional advertisement** means an advertisement for an activity or event of a civic or community nature, but does not include a wall advertisement.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**wall advertisement** means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement.

- (2) The advertising display area of an advertising structure that contains advertising on two or more sides is to be calculated separately for each side and is not the sum of the display areas on all sides.
- (3) In this Policy, a reference to a zone, in relation to an environmental planning instrument, is a reference to an area, reserve or zone (within the meaning of the instrument) identified in the instrument by the words or expressions used in this Policy to describe the zone or by like descriptions or by descriptions that incorporate any of those words or expressions.
- (4) Notes in this Policy do not form part of it.

## 5 Area of application of this Policy

- (1) This Policy applies to the whole of the State.
- (2) Without limiting subclause (1), this Policy applies to all land and structures within the State and all vessels on navigable waters.
- (3) Despite subclause (1), this Policy does not apply to the following land:

Land to which [State Environmental Planning Policy No 73—Kosciuszko Ski Resorts](#) applies

## 6 Signage to which this Policy applies

- (1) This Policy applies to all signage:
  - (a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and
  - (b) is visible from any public place or public reserve,except as provided by this Policy.

### Note—

**Public place** and **public reserve** are defined in section 4 (1) of the Act to have the same meanings as in the [Local Government Act 1993](#).

- (2) This Policy does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it.

## 7 Relationship with other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.

### Note—

This Policy will have the effect of modifying, and having paramountcy over, the provisions of some other environmental planning instruments that permit the display of signage with or without development consent. This is particularly so in the case of large advertisements, being advertisements of the kind referred to in Part 3. This Policy will not overturn or otherwise effect a prohibition on the display of signage that is contained in another environmental planning instrument. Because of some provisions, such as clauses 10, 16 and 21, it may add prohibitions on advertising if the advertising is proposed to be displayed in certain circumstances, such as on environmentally sensitive or environmentally significant land, on freeways or tollways, or in the form of a roof or sky advertisement.

## Part 2 Signage generally

### 8 Granting of consent to signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

## **Part 3 Advertisements**

### **Division 1 General**

#### **9 Advertisements to which this Part applies**

This Part applies to all signage to which this Policy applies, other than the following:

- (a) business identification signs,
- (b) building identification signs,
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,
- (d) signage on vehicles.

#### **10 Prohibited advertisements**

Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:

environmentally sensitive area

heritage area

natural or other conservation area

open space

waterway

residential (but not including a mixed residential and business zone, or similar zones)

scenic protection area

national park

nature reserve



## **Division 2 Control of advertisements**

### **11 Requirement for consent**

A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.

### **12 Consent authority**

- (1) For the purposes of this Policy, the consent authority is:
  - (a) in the case of an advertisement displayed in a local government area, the council of the area, or
  - (b) in the case of an advertisement displayed on a vessel, the Waterways Authority.
- (2) Despite subclause (1), if, in relation to any land, an environmental planning instrument specifies that a person, not being the person referred to in subclause (1), is the consent authority for development carried out on the land, the consent authority for the purposes of this Policy is the person specified as such in the environmental planning instrument.

### **13 Matters for consideration**

A 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 the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and
- (c) satisfies any other relevant requirements of this Policy.

### **14 Duration of consents**

- (1) A consent granted under this Part ceases to be in force:
  - (a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or
  - (b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.
- (2) The consent authority may specify a period of less than 15 years only if:
  - (a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a

lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or

- (b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or
- (c) the specification of a lesser period is required by another provision of this Policy.

### **Division 3 Particular advertisements**

#### **15 Advertisements on rural or non-urban land**

- (1) This clause applies to land that, under an environmental planning instrument, is within a rural or non-urban zone and on which an advertisement may be displayed with the consent of the consent authority.
- (2) The consent authority must not grant consent to display an advertisement on land to which this clause applies:
  - (a) unless 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 in consultation with:
    - (i) the advertising industry and any body that is representative of local businesses, such as a chamber of commerce, and
    - (ii) if the land to which the development control plan relates is within 250 metres of a classified road, the Roads and Traffic Authority,and the display of the advertisement is consistent with the development control plan, or
  - (b) if no such development control plan is in force, except in accordance with clause 33 of the 1980 Model Provisions and the other provisions of this Policy.

#### **16 Freeways and tollways**

- (1) This clause applies to:
  - (a) a freeway within the meaning of the *Roads Act 1993*, and
  - (b) a tollway within the meaning of the *Roads Act 1993*,subject to subclause (2).
- (2) This clause does not apply to the tollways comprising the Eastern Distributor, the M2, the M4, the M5 or the Sydney Harbour Tunnel.

(3) A person must not display an advertisement on land to which this clause applies.

**17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground**

(1) This clause applies to an advertisement:

- (a) that has a display area greater than 20 square metres, or
- (b) that is higher than 8 metres above the ground.

(2) The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.

(3) The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:

- (a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and
- (b) the application has been advertised in accordance with section 79A of the Act, and
- (c) at the same time as the application was advertised in accordance with section 79A of the Act, the consent authority gave a copy of the application to:
  - (i) the Director-General, and
  - (ii) if the application is an application for the display of an advertisement to which clause 18 applies, to the Roads and Traffic Authority.

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

(1) This clause applies to the display of an advertisement to which clause 17 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.

(2) The consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of the Roads and Traffic Authority (**RTA**).

(3) In deciding whether or not concurrence should be granted, the RTA must take into consideration:

- (a) the impact of the display of the advertisement on traffic safety, and
- (b) the environmental character and quality of the classified road and views from the classified road, and

(c) any guidelines prepared by the RTA in consultation with the Outdoor Advertising Association of Australia.

(4) If the RTA has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17 (3) (c) (ii) that it has granted, or has declined to grant, its concurrence, the RTA is taken to have granted its concurrence.

(5) Nothing in this clause affects clause 16.

### **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 development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.

### **20 Location of certain names and logos**

- (1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.
- (2) If the advertising display area has no border or surrounds, any such name or logo is to be located:
  - (a) within the advertisement, or
  - (b) within a strip below the advertisement that extends for the full width of the advertisement.
- (3) The area of any such name or logo must not be greater than 0.25 square metres.
- (4) The area of any such strip is to be included in calculating the size of the advertising display area.

### **21 Roof or sky advertisements**

- (1) The consent authority may grant consent to a roof or sky advertisement only if:
  - (a) the consent authority is satisfied:
    - (i) that the advertisement replaces one or more existing roof or sky advertisements and that the advertisement improves the visual amenity of the locality in which it is displayed, or
    - (ii) that the advertisement improves the finish and appearance of the building and the streetscape, and
  - (b) the advertisement:
    - (i) is no higher than the highest point of any part of the building that is above the

building parapet (including that part of the building (if any) that houses any plant but excluding flag poles, aerials, masts and the like), and

(ii) is no wider than any such part, and

(c) 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 and the display of the advertisement is consistent with the development control plan.

(2) A consent granted under this clause ceases to be in force:

(a) on the expiration of 10 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or

(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.

(3) The consent authority may specify a period of less than 10 years only if:

(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or

(b) the area is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed roof or sky advertisement would be inconsistent with that change.

## **22 Wall advertisements**

(1) Only one wall advertisement may be displayed per building elevation.

(2) The consent authority may grant consent to a wall advertisement only if:

(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and

(b) for a building having:

(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and

(ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and

(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and

- (c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and
- (d) the advertisement does not protrude above the parapet or eaves, and
- (e) the advertisement does not extend over a window or other opening, and
- (f) the advertisement does not obscure significant architectural elements of the building, and
- (g) a building identification sign or business identification sign is not displayed on the building elevation.

(3) In this clause, **building elevation** means an elevation of a building as commonly shown on building plans.

### **23 Freestanding advertisements**

- (1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.
- (2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.

### **24 Advertisements on bridges**

- (1) A person may, with the consent of the consent authority, display an advertisement on a bridge.
- (2) The consent authority may grant consent only if:
  - (a) the advertisement is located on or is contained within the main horizontal span of the bridge or, in the case of a railway bridge, on an abutment to the bridge, and
  - (b) in the case of:
    - (i) a pedestrian or road bridge, the advertisement does not protrude more than 1,000 millimetres above the road level of the bridge and sightlines of people using the bridge will not be obstructed by the advertisement, and
    - (ii) a rail bridge, the advertisement does not protrude above the top of any solid part of the bridge, or does not cover any part of the bridge that is open, or the advertisement is displayed on an abutment of the bridge, and
  - (c) the advertisement does not protrude below the structure of the bridge, and

(d) in the case of a bridge built before the commencement of this clause, the original architecture of the bridge is not diminished.

(3) In the case of a pedestrian bridge:

(a) that is built after the commencement of this clause by or on behalf of a public authority, and

(b) the cost of which is to be met or offset from advertisements displayed on the bridge,

a consent granted by the consent authority expires, if it has not done so earlier, at the time the cost of the bridge is met.

## **25 Special promotional advertisements**

(1) A person may, with the consent of the consent authority, display a special promotional advertisement on land zoned for business, commercial or industrial purposes.

(2) The consent authority may grant consent only if:

(a) a development control plan applies to the land on which the special promotional advertisement is to be displayed that has been made having regard to a public art policy of the consent authority and the display of the advertisement is consistent with the development control plan, and

(b) the display of the advertisement is limited in time to a total of 3 months in any 12-month period, and

(c) any product image or corporate branding does not occupy more than 5% of the advertising display area and accords with the public art policy of the consent authority.

(3) A special promotional advertisement may cover the entire facade or hoarding of a building or site, subject to this clause.

## **26 Building wrap advertisements**

(1) A person may, with the consent of the consent authority, display a building wrap advertisement on land zoned for business, commercial or industrial purposes.

(2) The consent authority may grant consent only if:

(a) a development control plan applies to the land on which the building wrap advertisement is to be displayed that has been made having regard to a public art policy of the consent authority and the display of the advertisement is consistent with the development control plan, and

- (b) the display of the advertisement is limited in time to a maximum of 12 months, and
  - (c) any product image or corporate branding does not occupy more than 5% of the advertising display area and accords with the public art policy of the consent authority.
- (3) A building wrap advertisement may cover the entire facade or hoarding of a building or site, subject to this clause.

## **27 Advertisements within navigable waters**

- (1) An advertisement within any navigable waters is prohibited, except an advertisement on a vessel that is ancillary to the dominant purpose of the vessel.
- (2) A person may, with the consent of the consent authority, display an advertisement on a vessel that is ancillary to the dominant purpose of the vessel.
- (3) In this clause, **vessel** means any ship, lighter, barge, boat, raft or craft, and any floating object or apparatus used wholly or in part for the conveyance of persons or things by water, of whatever description and however navigated, and includes amphibious vessels, seaplanes, hydroplanes, hydrofoils, hovercraft, sunken or stranded vessels, and the wreck or remains of any vessel.

## **28 Application of provisions of this Division**

If more than one provision of this Division is capable of applying to the display of an advertisement, each such provision applies.

### **Note—**

It may be, for example, that clause 19 will apply to the display of an advertisement in addition to clauses 17 and 18, or that clause 23 will apply in addition to clause 17, 18 or 19.

## **Part 4 Miscellaneous**

### **29 Advertising design analysis**

- (1) A council, in preparing an advertising design analysis for an area or locality for the purposes of clause 15, 19 or 21, is to include an analysis of the following:
  - (a) the existing character of the area or locality, including built forms and landscapes,
  - (b) the key positive features of the existing character of the area or locality,
  - (c) the desired future character of the area or locality,
  - (d) the role of outdoor advertising.
- (2) In undertaking an advertising design analysis (not being an advertising design analysis referred to in clause 15 (2) (a)), the council must consult with the advertising



industry and local businesses.

### **30 Preparation of draft local environmental plans**

In the preparation of a draft local environmental plan under Division 4 of Part 3 of the Act that contains provisions:

- (a) that signage, or any class or description of signage, may be displayed with or without development consent, or
- (b) that signage, or any class or description of signage, is prohibited,

a council should consult with the advertising industry.

### **31 Consultation with RTA**

In the preparation of a draft local environmental plan under Division 4 of Part 3 of the Act that makes provision for or with respect to signage or advertising to which this Policy applies within 250 metres of a classified road, a council should consult with the Roads and Traffic Authority.

### **32 Applications made before the commencement of this Policy**

An application made to a consent authority before the commencement of this Policy for consent to display an advertisement that has not been determined before that commencement is to be determined in accordance with this Policy.

## **Schedule 1 Assessment criteria**

(Clauses 8, 13 and 17)

### **1 Character of the area**

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

### **2 Special areas**

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

### **3 Views and vistas**

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?

- Does the proposal respect the viewing rights of other advertisers?

#### **4 Streetscape, setting or landscape**

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

#### **5 Site and building**

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

#### **6 Associated devices and logos with advertisements and advertising structures**

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

#### **7 Illumination**

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

#### **8 Safety**

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?

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