



CUMBERLAND  
CITY COUNCIL

# Large Display Advertising Policy

## AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	POL-046
<b>Policy Owner</b>	Director Governance & Risk
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## BACKGROUND

Council supports the installation of advertising and signage that is consistent with section 13.11(3) of the *State Environmental Planning Policy Industry and Employment 2021* (Industry and Employment SEPP) and *Transport Corridor Outdoor Advertising and Signage Guidelines* (the Guidelines), which outline arrangements to be entered into for the provision of public benefits in connection with the display of the following types of advertisements:

- Advertisements which are within 250m of a classified road (within the meaning of the *Roads Act 1993*), any part of which is visible from the classified road and which has a display area greater than 20m<sup>2</sup>, or a height of more than 8m above the ground, or both.
- Advertisements on a bridge.

The *Transport Corridor Outdoor Advertising and Signage Guidelines* (the Guidelines) outline arrangements to provide public benefits by way of payment of an upfront fee, by payment of an annual fee for the duration of the advertisement and/or by provision of in-kind contributions. Contributions are to be linked to improvements in local community services and facilities and may include, without limitation, benefits such as:

- improved traffic safety (road, rail, bicycle and pedestrian);
- improved public transport facilities;
- improved public amenity within, or adjacent to, the transport corridor;
- support school safety infrastructure and programs; and
- other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages.

## PURPOSE

The purpose of this Policy is to set out the basis upon which arrangements for the provision of public benefits to Council's satisfaction may be achieved where large display advertising is proposed in locations within the Cumberland local government area. In some cases, circumstances may arise that justify varying the means prescribed in the Policy Statement below for the purpose of realising the public benefits. If the proponent of a proposed large display advertisement asserts that is the case, a full justification should be included in any development application (DA), which may be considered by Council on its merits.

The applicant should liaise with Council Officers prior to lodging any DA to determine public benefits that are likely required.

## SCOPE

The Policy applies to all types of signage considered under section 13.11(3) of Industry and Employment SEPP.

## OBJECTIVES

This Policy aims to:

- 1) Ensure that signage (including advertising) aligns with the following:
  - a) Compatible with the desired amenity and visual character of an area;
  - b) Provide effective communication in suitable locations; and
  - c) Constructed with high quality design and finish.
- 2) Regulate signage (but not its content) proposals under Part 4 of the Act.
- 3) Endorse time limit on consents for the display of certain advertisements.

This Policy does not regulate the content of signage and separate consent may be required for the change in the content of signage.

## DEFINITIONS

Term	Meaning
Advertisement	Means signage in which Part 3.3 applies and includes any advertising structure for the advertisement (outlined in the Industry and Employment SEPP and the Guidelines).
Display Area	Means 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 light.
Advertising Structure	Means a structure or vessel that is principally designed for, or that is used for, the display of an 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 <i>Roads Act 1993</i> .
Consent Authority	Means 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.
DCP	<i>Cumberland Development Control Plan (DCP) 2021</i>
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.
Guidelines	Means provisions of the publication titled <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> approved by the Minister which complement the Industry and Employment SEPP, as amended from time-to-time and published by the Department of Planning and Environment.
LEP	<i>Cumberland Local Environmental Plan (LEP) 2021</i>

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 3.3 applies, but does not include traffic signs or traffic control facilities.
The Act	Means the <i>Environmental Planning and Assessment Act 1979</i> .

## POLICY STATEMENT

The value of fees or in-kind contributions detailed below apply irrespective of whether the proposed signage has one side or multiple sides.

### For Signs Located on Land that is Neither Owned nor Managed by Council

Public benefits shall be realised by one of the three following means:

#### (i) Payment of an upfront fee at the time of lodging a development application

For signs that are directed towards passing traffic on the M4 Motorway, the fee shall be equivalent to \$50,000 multiplied by the number of years for which development consent is sought for the purpose of advertisement. The fee shall be payable prior to the release of a Construction Certificate.

For signs that are not directed towards passing traffic on the M4 Motorway, the fee shall be equivalent to \$10,000 multiplied by the number of years for which development consent is sought for the purpose of advertisement. The fee shall be payable prior to the release of a Construction Certificate.

#### (ii) Payment of an annual fee for the duration of the advertisement

A condition of development consent may be imposed requiring payment of an annual fee to Council for the duration of the period for which development consent is granted for the advertisement.

For signs that are directed towards passing traffic on the M4 Motorway, the fee for the first year shall be \$50,000 payable prior to the commencement of use or release of the Occupation Certificate, whichever occurs first. The fee for each subsequent year shall be paid on the anniversary of the fee for the first year being paid and shall be \$50,000 adjusted by the consumer price index relative to the date of payment for the first fee.

For signs that are not directed towards passing traffic on the M4 Motorway, the fee for the first year shall be \$10,000 payable prior to the commencement of use or release of the Occupation Certificate, whichever occurs first. The fee for each subsequent year shall be paid on the anniversary of the fee for the first year being paid and shall be \$10,000 adjusted by the consumer price index relative to the date of payment for the first fee.

### (iii) Provision of in-kind contributions

In-kind contributions may be offered with a Planning Agreement under section 7.4 of the *Environmental Planning and Assessment Act 1979* (the Act). The Planning Agreement or a letter of offer to enter into a Planning Agreement should be lodged with any DA to enable concurrent public notification and subsequent consideration of public submissions by Council. In-kind contributions are not limited to the carrying out of physical works. In accordance with section 7.4 of the Act, contributions under a Planning Agreement can include the dedication of land free of cost and a monetary contribution.

The value of in-kind contributions should equal or exceed:

- \$50,000 multiplied by the number of years for which development consent is granted for signs that are directed towards passing traffic on the M4 Motorway; or
- \$10,000 multiplied by the number of years for which development consent is granted for signs that are not directed towards passing traffic on the M4 Motorway.

Council will negotiate the timing for provision of the in-kind contribution as part of the Planning Agreement process but as a guide, expects that:

- a) any monetary contribution component is to be apportioned across the number of years for which development consent is granted for the advertisement with the first instalment to be paid prior to the commencement of use or the release of the Occupation Certificate, whichever occurs first, and subsequent instalments being paid on each anniversary of the first payment; and
- b) any non-monetary contribution should be delivered within a period of no longer than 30% of the time period for which the advertisement is granted under the development consent.

### For Signs Located on Land that is Owned or Managed by Council

Signs that are located on land that is owned or managed by Council require the execution of a lease or licence for the duration of the advertisement term.

In such cases, when determining the rental or licence fee, Council will include a component equivalent to one of the abovementioned three means for determining the value of the public benefits for signs located on land that is not owned or managed by Council, in addition to any other component that Council considers commercially appropriate, such as a market rental valuation. In addition, Council at its discretion is able to impose conditions within the lease or licence agreement prohibiting certain advertising content being displayed by a lessee/licensee.

In light of confirming the public benefits as outlined by the Guidelines through the terms of the lease or licence, Council will be satisfied that the arrangements consistent with the Guidelines have been entered into for the purpose of section 3.11(3) of the Industry and Employment SEPP.

## **OTHER REQUIREMENTS**

In entering into any arrangements or agreement pursuant to this Policy, regard must be given to promoting and maintaining a positive image of Council, protecting Council's reputation and avoiding to the extent possible any perceived or real conflicts of interest.

Consideration must be given to compliance with any relevant legislation, codes and guidelines which govern advertising practice in NSW. Applications not meeting the terms of this Policy but which may warrant consideration for commercial or other reasons may be reported to the Council for determination.

Revenue collected from up-front and annual fees shall be put to improvements in local community services and facilities. In expending funds, regard shall be had to any public works program developed with Transport for New South Wales.

## **RELATED LEGISLATION**

- *Local Government Act 1993*
- *State Environmental Planning Policy Industry and Employment 2021*
- *Cumberland Local Environmental Plan (LEP) 2021*
- *Roads Act 1993 (NSW)*

## **RELATED DOCUMENTS AND COUNCIL POLICY**

- Cumberland Development Control Plan (DCP) 2021
- Outdoor Media Association Guidelines and Policies
- Transport Corridor Outdoor Advertising and Signage Guidelines
- Guidelines and Codes of Practice Governing Advertising Practices in NSW