

Proposed changes to planning rules for outdoor advertising and signage

Date : June 1, 2017

The NSW Government has recently proposed a number of amendments to the *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)* and in conjunction, has also proposed the addition of a new penalty notice offence in the *Environmental Planning and Assessment Regulation 2000 (Regulation)*. The intention of the proposed amendments is to fulfil the community's expectation of balancing road safety whilst maintaining the public and economic benefit of advertising.

Repealing Council's power to prohibit advertising

Currently, Clause 16 of SEPP 64 makes permissible advertisements in 'transport corridors' with consent. 'Transport corridors' include all land comprising road corridors, any land comprising railway corridors or any land zoned industrial which is occupied or managed by the RMS. However, in accordance with clause 16(4)(b) of SEPP 64, a Local Environmental Plan (LEP) can prohibit advertising altogether in a transport corridor. As a result, across NSW there are a large number of LEPs that override SEPP 64 and prohibit such advertising.

The RMS had expressed concerns that there has been a negative effect on potential revenues and capacity to fund public benefit programs due to Council's prohibiting advertisements in transport corridors through LEPs.

The proposed amendments seek to repeal clause 16(4)(b) and make advertising permissible with the consent of the RMS within transport corridors regardless of any provision of the LEP. It is important for Council to consider that these proposed amendments will mean that Council will not have any control on advertising within 'transport corridors'. Councils will however continue to decide whether advertising is permitted on land outside transport corridors.

New policy regarding the display of advertising on trailers within or within view of roads or road related areas

Another proposed amendment to SEPP 64 is the addition of a new clause 27A which is purposeful to address safety concerns due to the proliferation of trailer based advertising. Clause 27A will prohibit advertisements on trailers which are parked on a road, or road related area, as defined by the *Road Transport Act 2013 (NSW)*. Further, any advertisements that are displayed on trailers parked on private land but within sight from a road or road related area will require consent Council.

These consent requirements are proposed to not apply to all trailers, with the exceptions to the consent requirements being:

- An advertisement on a trailer ancillary to the dominant purpose of the trailer (for



example, signage on a removalist trailer or a trailer for gardening services).

- An advertisement on a trailer parked by or on behalf of a public authority (such as Roads and Maritime Services) in exercising their functions.

It will be important for Council to consider these proposed amendments should they be implemented as it will be responsible for granting consent for advertisements of trailers parked on private land.

New Penalty Notice Offence

The new penalty notice is proposed to be in conjunction with the proposed new Clause 27A in SEPP 64. If this there is a breach of this clause, the amount payable under the penalty notice will be \$1,500 for individuals and \$3,000 for corporations. The proposed amendment will be to the Regulation and will be a new penalty notice offence in Schedule 5.

The NSW Government has published public consultation drafts of the proposed amendments online and submissions can be made by the public until 30 June 2017. To view the public consultation drafts please click on the following link:

http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8396

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