

Chapter B18 – Advertising and Tourist Signs

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to Advertising and Tourist signs on all land and waters in the Kempsey local government area.

Environmental Planning Instruments provide the assessment level for Advertising Signs.

This chapter provides general requirements specifically for Advertising signs that are permissible with consent (Note - Signs must be visible from a public place to require consent).

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

Further controls for signage are found in:

- Chapter B13 – Heritage;
- Chapter C3 – Bed and Breakfast Accommodation;
- Chapter C4 – Tourist Facilities – Rural Areas and Eco-tourist Facilities;
- Chapter D1 – South West Rocks Town Centre; and
- Chapter D3 – South Kempsey Industrial.

1.3 Relationship to Local Controls for Signs

1.3.1 Kempsey LEP 2013

This chapter must be read in conjunction with the *Kempsey Local Environmental Plan 2013* and other regional and state environmental planning instruments applying to the land. Environmental planning instruments (EPI's) prevail over this chapter in respect to any inconsistency.

Kempsey Local Environmental Plan 2013 has no controls for Advertising signs, except for identifying which Advertising signs are exempt development.

1.3.2 Roads Act 1993

Section 138 of the *Roads Act 1993* requires separate Council consent for the erection of a structure or carrying out of works in, on or over a public road. Consequently, where advertising signs are erected on or above a public road, an approval in accordance with s.138 of the *Roads Act 1993* will be required as well as any required development consent. In addition, the concurrence of the Roads and Maritime Services will be required where the structure is to be erected on a classified road.

1.3.3 Relationship to Council Policies

Some issues associated with the design and construction of Advertising and Tourist signs are addressed by Council Policies. A copy of [Council Policies](#) is

available on Council's website. The Council Policies applicable to advertising and tourist signs (applicable at the time this DCP was adopted) are:

- Policy No 3.10: Signs Policy; and
 - Procedure No.3.10.1: Tourism, Directional and Commercial Signage (*to be developed*).

1.4 Relationship to SEPP 64 – Advertising and Signage

1.4.1 SEPP 64 Requirements

In accordance with the provisions of State Environmental Planning Policy No. 64 – Advertising and Signage, consent may not be granted for the following types of signs unless a development control plan is in force that has been prepared on the basis of an advertising design analysis or a public art policy, for the relevant area or precinct:

- Advertisements on rural or non-urban land (Clause 15 of SEPP64) – there are alternative provisions in the case of where the DCP isn't prepared in accordance with an advertising design analysis.
- Signage incorporating a display area greater than 45m² (Clause 19 of SEPP64)
- Roof or sky advertisement (Clause 21 of SEPP64) – this means that roof and sky signs are effectively prohibited.
- Special promotional advertisement (Clause 25 of SEPP64)
- Building wrap advertisement (Clause 26 of SEPP64)

This Chapter has not been prepared in the basis of an advertising design analysis or a public art policy.

In addition to the requirements of this DCP, advertising signs are to be assessed against the requirements of SEPP 64.

1.4.2 Advertising Signs Prohibited by SEPP 64

SEPP 64 makes Advertising signs Advertised Development where the proposed sign:

- Has a display area greater than 20m²; or
- Is higher than 8m above ground.

1.4.3 Concurrence requirements of SEPP 64

Clause 18 of SEPP 64 requires the concurrence of the Roads and Maritime Services for signs that:

- Have a display area greater than 20 m²; or
- Are higher than 8m above ground; and
- Are located within 250m of a classified road; and
- Any part of the sign is visible from the classified road.

1.5 Relationship to SEPP (Exempt and Complying Development Codes) 2008

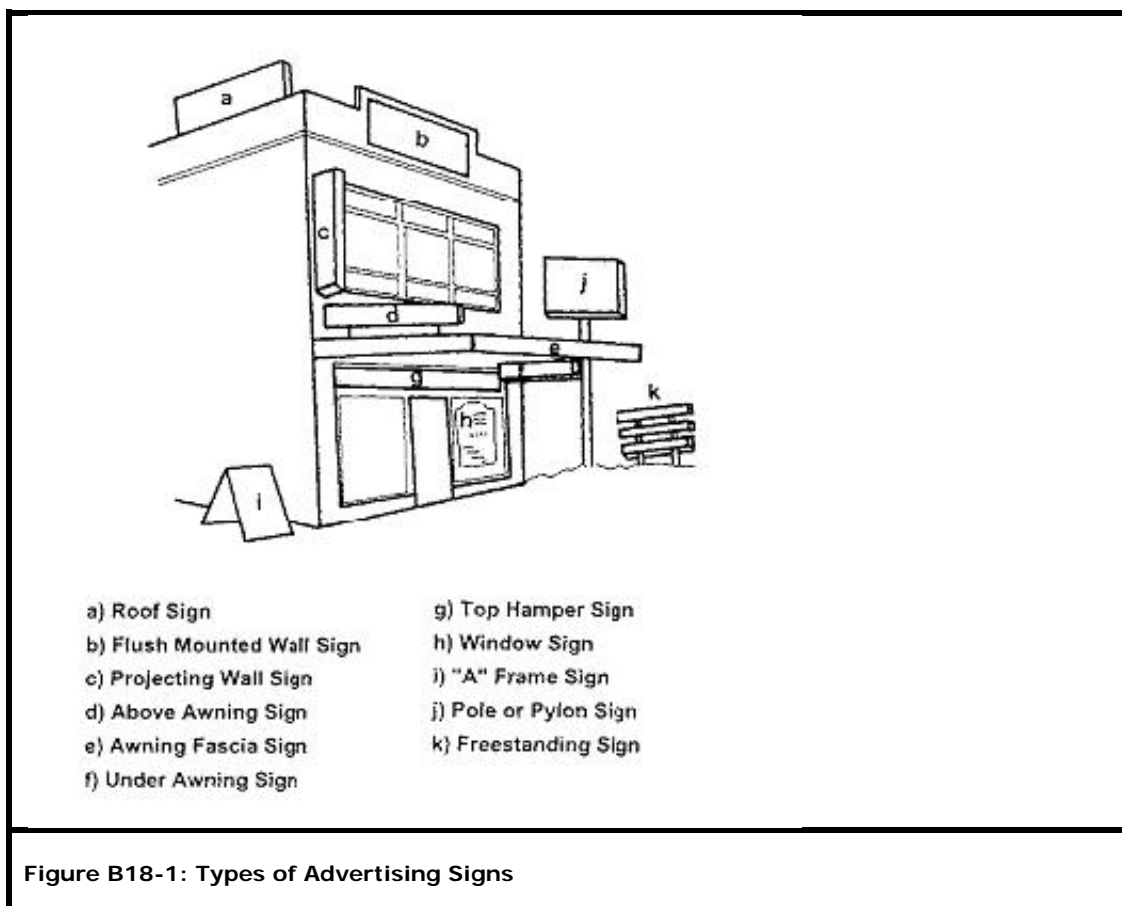
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 includes provisions that make some types of Advertising signs exempt development, subject to specific requirements.

1.6 Terms used in this Chapter

The definition of terms used this Chapter are contained in the Glossary located towards the end of this DCP.

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.

The following diagram summarises the various forms of signs common in commercial areas.



2.0 Chapter Objectives

The objectives of this Chapter are:

- a) To encourage Advertising signs that are thoughtfully designed, located and maintained so as to direct the public to available goods and services, tourist facilities and areas of natural, scientific, historical and scenic interest.
- b) To facilitate the placement of Advertising signs which promote the Shire's commercial and industrial businesses in a manner appropriate to the scale and design of the existing built environment.

- c) To promote the Shire's tourist facilities, scientific, historical and scenic attractions to the travelling public in a manner which does not adversely impact on the Shire's high scenic quality.
- d) To promote a high standard of commercial and industrial advertising which will enhance the appearance of the Shire's commercial and industrial areas.
- e) To facilitate the placement of Advertising signs in residential and rural areas in a manner which complements the residential and rural use of those areas.
- f) To avoid the creation of visual clutter on buildings and streetscapes.
- g) To ensure that Advertising signs do not adversely affect the safety of motorists and other road users.

3.0 Guidelines

3.1 State Roads

Requests for signage on state roads such as the Pacific Highway may be referred to Roads and Maritime Services (RMS), or where the request involves multiple locations including a state road and a local or regional road, the request may be referred to the Local Traffic Committee in the first instance.

3.2 Cost of Signage

All Advertising signs and directional signs to/for commercial tourist attractions or service businesses shall be paid for by the applicant, in accordance with Council's current Schedule of Fees and Charges. Fees are applicable for those Advertising signs that require a development application and those that apply to applications under other legislation.

4.0 Development Requirements – General

Desired Outcomes

- DO1 - Advertisements are compatible with the desired amenity and visual character of the locality.
- DO2 - Advertisements do not adversely impact on any heritage item or conservation area.
- DO3 - Advertisements do not detract from the character of waterways and foreshores.
- DO4 - Advertisements do not adversely affect the safety of pedestrians, vehicles and aircraft.
- DO5 - Advertisements within navigable waters comply with the provisions of

State Environmental Planning Policy No 64 – Advertising and Signage.

Development Requirements**4.1 SEPP 64**

- a) Advertisements comply with the provisions of SEPP No.64 Advertising and Signage, where applicable.

4.2 Illuminated Signs

- b) Illumination (including cabling) of signs is to be:
 - (i) Concealed; or
 - (ii) Integral with the sign;
 - (iii) Internally illuminated; or
 - (iv) Provided by means of carefully designed and located remote or spot baffled lamps.
- c) Restricted hours shall be imposed on the operation of illuminated signs where continuous illumination is considered to impact adversely on the amenity of residential buildings, serviced apartments or other accommodation, or have other adverse environmental effects.
- d) The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.
- e) Signs must not be up-lighted. Any external lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.
- f) Signs must not be illuminated at frequent intervals (ie flashing).
- g) Any illuminated signage shall comply with Australian Standard *AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

4.3 Signage and Road Safety

- h) Signs must not obscure or interfere with road traffic signs and signals or with the view of a road hazard, oncoming vehicles, or any other vehicle or person, or an obstruction which should be visible to drivers or other road users.
- i) Signs must not give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs.
- j) Sign must not be of such a design or arrangement that any variable messages or intensity of lighting impairs drivers' vision or distracts drivers' attention.
- k) Signs must not be situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes.
- l) Signs must not be in any form of moving or flashing signage or flashing lighting sign.

4.4 Generally Discouraged Signs

- m) Signs must not be erected on or above the roof, canopy, or parapet of a building, where practicable.
- n) Signs must not be attached to the upper side of an awning.
- o) Signs attached to the wall of a building must not project outwards more than 300mm from that wall.
- p) Signs must not be capable of movement by source of power or wind.
- q) Signs must not incorporate bill/fly posters, bunting, and airborne signage, including hot air balloons, blimps and the like.
- r) Signs must not be located on stationary motor vehicles that are parked for a period of more than 1 hour in a location away (ie not directly in front of) from the business premises.
- s) Signs must not be located on stationary motor vehicles and other vehicles, including trailers, particularly where the vehicle is not located on the premises to which the sign relates.

4.5 Heritage Items and Conservation Areas

- t) Signs comply with the controls for signage found within [Chapter B13: Heritage Areas/Developments](#).

4.6 Signs within Navigable Waters

- u) Advertisements are only to be displayed on a vessel and the advertisement must be ancillary to the dominant purpose of the vessel.

5.0 Development Requirements – Signs in Residential Areas

5.1 General

Desired Outcomes

- DO1 - Advertisements do not adversely impact on any heritage item or conservation area.
- DO2 - Advertisements do not result in visual clutter of the streetscape and landscape.
- DO3 - Advertisements are of a high quality design and finish.
- DO4 - Advertisements do not detract from the character of waterways and foreshores.

Development Requirements

- a) Signs are restricted to not more than 1.5 square metres in area.

- b) The highest point shall be not more than 3 metres above the natural ground surface.
- c) The colours and design used are to be in keeping with the locality, so as not to be obtrusive.
- d) The sign does not use luminous paints (ie glow in the dark paints).
- e) Signs are to be free standing and located so as to preserve the residential character of any dwelling located on the land.
- f) Signs are to be limited to one (1) only per premises.
- g) Signs should not be illuminated.

6.0 Development Requirements – Signs in Commercial and Industrial Areas

Desired Outcomes

- DO1 - Advertising signs are placed in commercial and industrial areas which provide adequate exposure for individual business's goods and services without impinging on the exposure rights of other businesses.
- DO2 - Advertising signs in commercial areas are designed to enhance and complement the existing built environment.
- DO3 - Advertisements do not adversely impact on any heritage item or conservation area.
- DO4 - Advertisements do not result in visual clutter of the landscape or streetscape.
- DO5 - Advertisements are of a high quality design and finish.
- DO6 - Advertisements do not detract from the character of waterways and foreshores.
- DO7 - Advertisements in industrial areas:
 - Provide clear business identification and directions in the case of industrial estate signage;
 - Is compatible with the development in terms of scale, quantity and overall design; and
 - Does not adversely affect industrial areas in terms of appearance, size, illumination, overshadowing or visual clutter through a proliferation of signs.
- DO8 - Advertising structures do not negatively affect driver and pedestrian safety.

Development Requirements

6.1 General

- a) Signage must be integrated into the building facade and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours.
- b) Architectural features of the building are not to be obscured.
- c) The total area of all signs is not to exceed 1m² of advertising area per 1m width of shop frontage. This includes signs painted on blinds and windows.
- d) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos of brands or products) are not to be displayed.
- e) Signage is to relate to the use occurring on the respective property, and should identify the relevant business name.

Note - Depending on the size of the sign, Council will require submission of a Construction Certificate application with Engineer's details indicating that the structure is adequate to withstand expected wind loadings.

6.2 Above Awning Signs

- a) Above awning signs in commercial areas are:
 - (i) To have a maximum area of 2.2 m²;
 - (ii) not to project beyond the edge of the awning; and
 - (iii) not to exceed 0.9m in height.
- b) Real estate signs and temporary signs are not to be displayed as above awning signs.

6.3 A-Frame Signs

Note - Proposed amendments to SEPP (Exempt and Complying Development Codes) 2008 may make A-frame signs exempt development.

- a) Signs generally referred to as sandwich board signs or A-frame signs are required to comply with the following requirements:
 - (i) Only one (1) sign per premises/unit;
 - (ii) signs must not exceed 1.0m² in area;
 - (iii) maximum height of 900mm;
 - (iv) maximum width of 600mm;
 - (v) signs must not be fixed or secured to any Council property (street signs seating etc);
 - (vi) signs to be located within 1m of the front of the premises/unit;
 - (vii) placed so that pedestrian movement is not obstructed;
 - (viii) applications are required to be accompanied by proof that Public Liability Insurance cover has been taken out to the value of at least \$5 million and providing for Council as co-insured in the event of any claims resulting from the placement of the sign.

- (ix) Any requirements contained within a current Procedure relating to A-frame signs under Council's Policy No 3.10 – Signs Policy, or equivalent, shall superseded and override the above requirements.

Note – Under the provisions of Kempsey Local Environmental Plan 2013, signs generally referred to as “A-frame” or “Sandwich Board” signs located on the footpath in a commercial or industrial zone are exempt development. This is due to the intention that all A-frame signs will be subject to the application and approval requirements of Section 68 of the *Local Government Act 1993*.

6.4 Awning Fascia Signs

- a) Fascia signs:
 - (i) Must not project above or below the fascia or return end of the awning;
 - (ii) Must not project within 600mm of the vertical projection of the kerb line; and
 - (iii) Must not exceed the width of the frontage of the premises/unit to which it relates.

6.5 Business Identification Signs

- a) Business identification signage should be attached to the wall of the main building and be designed to complement the architectural style of the building. Free standing signs will only be permitted where signs are integrated with the landscaping and visual character of the site and surrounding area.
- b) Signage is only to display corporate logos and company names and is not to occupy more than 10% of any façade or wall of a building, unless it can be demonstrated that characteristics of the site or the building require a larger area of signage.

6.6 Directional and Directory Signs

- a) Directional signs for car parking areas, loading docks, delivery areas and the like should be located close to the main access of a development site. The design, colouring, type and scale of signage within individual properties should be consistent with signage across the zone as a whole.
- b) In the case of multi-unit commercial and industrial developments, preference will be given to the erection of standardised directory signs over adhoc proposals for signs relating to individual businesses. Standardised directory signs:
 - (i) Are not to be located within the street reserve;
 - (ii) are to be placed near the principal entry to the overall site;
 - (iii) are to be sized commensurate with the size and scale of the estate;
 - (iv) the sign may indicate the general name of the estate/complex, the name of each business and a directional map, or any combination thereof; and
 - (v) Council may require applicants for individual signs to demonstrate that a unified approach is impractical or unjustified prior to consent being granted.

6.7 Pole or Pylon Signs

Note - Pole and pylon signs are a sub-group of Freestanding Signs.

- a) Pole or pylon signs erected in commercial and industrial areas shall:
 - (i) Be restricted to not greater than 8 metres in height;
 - (ii) Not have an advertising area greater than 4.5m², per side;
 - (iii) The bottom of the display area of the sign is to be a minimum of 3m above ground level;
 - (iv) Not project beyond the boundary of the premises. In other words, the sign shall be contained wholly within the property boundaries;
 - (v) be the only pole or pylon sign on the premises;
 - (vi) be located on a premises with a site area greater than 1000m²;
 - (vii) be double-sided or erected so that the back of the sign is not visible from a public place; and
 - (viii) Pylon signs are located as close to the centre of the site frontage as reasonably possible.
- b) Where a site contains more than one business activity and only one pole or pylon sign is present on the site, the sign is to allow for all businesses to be displayed on the sign.

6.8 Roof Signs

- a) Signs should not be painted on or applied to the roof.
- b) Roof signs are generally discouraged unless it can be demonstrated that the sign will not be visibly obtrusive or detract from the appearance of the building.

Note - The requirements of SEPP64 state that roof signs are only permitted where they replace an existing roof sign or improve the visual amenity of the locality. Consequently, the only roof signs should be changing the message and content of existing roof signs only with no changes to advertising area, as all other changes to roof signs are effectively prohibited.

6.9 Top Hamper Signs

- a) Top hamper signs shall:
 - (i) not extend beyond any building alignment or below the level of the head of the doorway or window within the building to which it is attached;
 - (ii) not exceed 600mm in height; and
 - (iii) not have an advertising area greater than 5 sqm.

6.10 Under Awning Signs

- a) Under awning signs in commercial areas shall:
 - (i) be restricted to 2.5 metres in length and 0.5 metres in width/height;
 - (ii) have a maximum thickness of 0.4 metres (where illuminated) and 0.08m (where unilluminated);

- (iii) be erected to achieve a minimum clearance over the footpath of 2.6 metres;
- (iv) Not project beyond the awning or within 600mm of the kerb;
- (v) Signs are to be so placed as to not obstruct any other sign;
- (vi) Only one under-awning sign should be provided for each shop or commercial premises;
- (vii) be erected horizontal to the ground and at a right angle to the building to which it is attached; and
- (viii) Be securely fixed by metal supports.

6.11 Wall Signs

- a) Wall signs shall:
 - (i) Not cover any window or other openings;
 - (ii) Not obscure significant architectural elements;
 - (iii) Where illuminated, shall not be less than 2.6m above the ground;
 - (iv) Not project more than 100mm from the wall;
 - (v) Not protrude above the parapet or eaves or the sides of the wall;
 - (vi) Not comprise a building identification sign or a business identification sign;
 - (vii) Not more than one wall sign per building elevation;
 - (viii) Integrated into design of building;
 - (ix) Where the above ground elevation of the building is 200m² or more, the advertisement does not exceed 10% of the above ground elevation;
 - (x) Where the above ground elevation of the building is between 100m² and 200m², the advertisement does not exceed 20m²; and
 - (xi) Where the above ground elevation of the building is 100m² or less, the advertisement does not exceed 20% of the above ground elevation.
- b) Projected Wall signs shall:
 - (i) Be erected at right angles to the wall of the building to which it is attached.
 - (ii) Be a minimum of 2.6m and a maximum of 6m above ground.
 - (iii) Have a maximum area of 6m².
 - (iv) Not project beyond a point within 0.6m of the vertical projection of the kerb alignment.

6.12 Window Signs

- a) Window Sign (painted or letters stuck onto the inside or outside of a display window) shall:
 - (i) Not cover the whole of the display area window so as to obstruct natural light; and
 - (ii) Only be permitted on ground floor windows.

6.13 Home Occupation/Business and Professional Consulting Rooms

- a) Signs associated with Home occupation/business and professional consulting rooms shall:
 - (i) Not be greater than 0.75m² in area;
 - (ii) Not exceed one sign per premises;

- (iii) Not be erected on a heritage item; and
- (iv) Indicate the name and occupation of the business only.

6.15 Single Occupant Industrial Sites

- a) Signage is to be generally limited to the following:
 - (i) One pole or pylon sign within the front boundary landscape area, with a maximum display area of 4.5m²; and
 - (ii) One advertisement integrated with the façade of the building, but no higher than the building roof line.

6.14 Multiple Unit Industrial Sites

- a) Signage is to be generally limited to the following:
 - (i) One standardised directory sign near the site entrance or within the front boundary landscape area with a maximum area of 4.5m²; and
 - (ii) One advertisement integrated within the facade of each unit, but no higher than the building roof line.

7.0 Development Requirements – Signs in Rural and Environmental Areas

Signs on land zoned rural, open space or and Environmental Protection are generally restricted to tourist directional signs with the exception of those exempted from the need to obtain consent and those erected for the purposes of advertising goods and services provided or produced on that land.

7.1 General

Desired Outcomes

- DO1 - Signs in rural areas are to be located so as not to detract from the Shire's high scenic amenity.
- DO2 - Advertisements are compatible with the desired amenity and visual character of the rural area.
- DO3 - Advertisements do not adversely impact on any heritage item or conservation area.
- DO4 - Advertisements do not result in visual clutter of the landscape.
- DO5 - Advertisements are of a high quality design and finish.
- DO6 - Advertisements do not detract from the character of waterways and foreshores.
- DO7 - Advertising signage does not cause a significant distraction to passing motorists.

Development Requirements

- a) Signs are restricted to a maximum of 6 metres by 3 metres with a maximum height above ground of 6 metres.
- b) Signs are to be located so as not to obscure any views of the landscape from any public road.
- c) Signs are to be located so as to avoid the need for any tree removal.
- d) Signs are to be located so as not to adversely impact on landscape in which they are to be located.
- e) Signs erected in conjunction with roadside stalls are to be restricted to one sign only, not greater than 2m² in area.
- f) Signs are to be erected so as not to adversely impact on any adjoining dwelling.
- g) Signage facing motorists using classified roads (eg billboard signs) are not to be erected closer than 1km from other similar signage. For the purposes of this DCP, the distance between signs relates to signs located on either side of the road.

8.0 Development Requirements – Signs on Council Land and Roads

Desired Outcomes

- DO1 - Advertisements are compatible with the desired amenity and visual character of the locality.
- DO2 - Advertisements do not adversely impact on any heritage item or conservation area.
- DO3 - Advertisements do not result in visual clutter of the landscape.
- DO4 - Advertisements are of a high quality design and finish.
- DO5 - Advertisements do not detract from the character of waterways and foreshores.
- DO6 - Directional signage is to have a coordinated appearance and help to establish Kempsey as a unique destination and place.

Development Requirements

8.1 Signs on Footpaths or Over the Road Alignment

- a) Business identification signs on footpaths or over any road alignment are:
 - (i) Only to be erected/installed in commercial and industrial areas; and
 - (ii) Only immediately adjacent to business premises.

8.2 Commercial/ Industrial Area Directory Signs

- b) The erection of one (1) only directory sign on arterial roads at the main turn off to industrial and commercial areas may be provided.
- c) Such directory signage must:
 - (i) contain the name of the industrial/commercial area to which it relates; and
 - (ii) utilise standardised fingerboards to identify the name of each businesses to which the directory sign relates.

Note - The attachment of individual finger boards will require Council's written approval.

8.3 Signs Erected on Council Roads

- d) The design, dimensions, layout and material standards of all signs erected on public roads (whether state or local) shall comply with the appropriate Australian Standards, as amended.
- e) Logos are generally unsuitable for use on road signs because they cannot usually be clearly distinguished from a moving vehicle.
- f) Banners installed across the road and flags installed along roads are to comply with the above Development Requirements and Desired Outcomes and the relevant requirements of SEPP64.

Note 1 – Council will need to provide landowner's consent for any development applications for signage on Council's road reserve.

Note 2 – Separate approval under Section 68 of the *Local Government Act 1993* is required for Advertising structures over the road reserve.

9.0 Development Requirements - Tourist Signs

9.1 General

Desired Outcomes

DO1 - Tourist signage is intended to be directional, not promotional (ie not for advertising purposes).

DO2 - There should be a seamless transition between tourist signposting on state roads (RMS) and shire and regional roads (Council).

Development Requirements

- a) Council may allow the placement of directional signs to premises which provide a commercial service for travellers and tourists. Such signage is not to be used to advertise other commercial undertakings.

- b) Generally one sign only at the last major road junction.
- c) Not more than three (3) directional signs are permitted on any post, including the street name sign. In other words, no more than two tourist or services fingerboard signs should be attached to a road name sign (ie a maximum of three signs on one post).
- d) Where more than three (3) signs are likely, a combined sign is to be erected for premises of a similar nature, i.e. accommodation.
- e) No more than two (2) directional signs will be permitted for each establishment. Where a combined sign is used, up to three (3) directional signs, including the combined sign, may be considered. (**Note** - This would allow for signs to an establishment to be provided at intersections.)
- f) Generally, direction signs should be generic and brief, not specific (eg "MOTEL" rather than "SHADY ACRES MOTEL").
- g) Where it is not practical, or it could be confusing, to use generic or symbol signs on their own, specific names may be used. For example if there is more than one caravan park in a particular location, the name of the caravan park could be used on the sign. But rather than "SHADY ACRES CARAVAN PARK", the sign could read "SHADY ACRES" preceded by the approved symbol to denote a caravan park.
- h) All costs associated with the supply and erection of all the signs are to be met by the applicants.
- i) The fingerboard blade is not to have a depth greater than 150mm.