



CUMBERLAND
COUNCIL

Large Display Advertising Policy

AUTHORISATION & VERSION CONTROL

Policy Number	
Policy Owner	<i>Director Finance and Governance</i>
Date Adopted	
Version No	
TRIM Number	<i>RM0084772/2019</i>
Review Date	<i>September 2021</i>

BACKGROUND

Clause 13(3) of *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) obliges 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 20m², or a height of more than 8m above the ground, or both.
- Advertisements on a bridge.

The *Transport Corridor Outdoor Advertising and Signage Guidelines* (Guidelines) contemplate arrangements being realised 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 the Council's satisfaction may be achieved. In some cases, circumstances may arise that justify varying the means prescribed in the Policy Statement below for realising the public benefit. If the proponent of an advertisement asserts that is the case, a full justification should be put with the application which will be considered by Council on its merits.

SCOPE

The policy applies to all signs to which consideration must be given under clause 13(3) of SEPP 64.

POLICY STATEMENT

For Signs Located on Land that is Neither Owned or 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 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 advertisement. ~~The fee shall be payable prior to the release of a construction certificate.~~

~~In either case, a deed shall be entered into for the payment which requires payment notwithstanding any provision the *Environmental Planning and Assessment Act 1979* may make with respect to the maximum fees payable for a development application. The deed shall further provide for a full refund of fees by Council if the Council refuses to grant development consent and for a partial refund of fees if the Council grants development consent for a lesser number of years than that sought by the proponent. Where a partial refund is required, the refund shall ensure that the fee retained by Council is equivalent to \$50,000 multiplied by the number of years for which development consent is granted for that are signs directed towards passing traffic on the M4 Motorway and \$10,000 per year for other signs.~~

(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 of the sign 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 of the sign 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 within a Planning Agreement under s.7.4 of the *Environmental Planning and Assessment Act 1979*. The Planning Agreement or an offer to enter into a Planning Agreement should be lodged with the development application to enable concurrent giving of public notice and subsequent consideration of public submissions by the Council. In-kind contributions are not limited to the carrying out of physical works. In accordance with s.7.4, 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 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:

- any monetary contribution component 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 of the sign or the release of the Occupation Certificate, whichever occurs first, and subsequent instalments being paid on each anniversary of the first payment; and
- 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 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 execution of a lease or licence for the duration of the advertisement.

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 benefit for signs located on land that is not owned or managed by Council, in addition to any other component that Council considers commercially appropriate.

In light of realising the public benefit contemplated by SEPP 64 through the terms of the lease or licence, Council will be satisfied that arrangements consistent with the Guidelines have been entered into for the purpose of clause 13(3) of SEPP 64.

REQUIREMENTS

In entering into any arrangements or agreement pursuant to this Policy, regard must be had 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.

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 Roads and Maritime Services and / or Transport for New South Wales.

RELATED LEGISLATION

Related legislation includes:

- *Local Government Act 1993*
- *State Environmental Planning Policy No 64 - Advertising and Signage*
- *Auburn Local Environmental Plan 2010*
- *Holroyd Local Environmental Plan 2013*
- *Parramatta Local Environmental Plan 2011*

RELATED DOCUMENTS AND COUNCIL POLICY

Related documents and policies include:

- Auburn Development Control Plan 2010
- Holroyd Development Control Plan 2013
- Parramatta Development Control Plan 2011
- Outdoor Media Association Guidelines and Policies
- Transport Corridor Outdoor Advertising and Signage Guidelines
- Guidelines and Codes of Practice governing advertising practices in NSW

Consistent with the Guidelines, Council will develop public benefit works program in partnership with Roads and Maritime Services and / or Transport for New South Wales that sets priorities for the distribution and expenditure of revenue from the collection of up front and annual fees. As at the date of adopting this Policy, the works program was yet to be established.