

Interim Policy for the Assessment of Proposals for Outdoor Advertising and Structures in Transport Corridors

INNER WEST COUNCIL

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| Title | Interim Policy for the Assessment of Proposals for Outdoor Advertising and Structures in Transport Corridors |
| Summary | To guide decision-making under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> as it relates to matters relating to <i>State Environmental Planning Policy No. 64</i> and associated Guidelines (2017). |
| Background | To establish an Inner West Council Policy Position |
| Policy Type | Council Policy |
| Relevant Strategic Plan Objective | Strategic Direction 2: Unique, Liveable, Networked Neighbourhoods Outcomes: 2.5 & 2.6 - <ul style="list-style-type: none"> • Public Transport is reliable, accessible, connected and enjoyable • People are walking, cycling and moving around Inner West with ease. |
| Relevant Council References | Former Leichhardt Council Merit Assessment of and Public Benefits from Outdoor Advertising and Structures in Transport Corridors |
| Main Legislative Or Regulatory Reference | <i>Environmental Planning and Assessment Act 1979</i> ; <i>Environmental Planning and Assessment Regulations 2000</i> ; <i>State Environmental Planning Policy No. 64 - Advertising and Signage</i> |
| Applicable Delegation Of Authority | As per delegation |
| Attachments | See Appendices 1 |
| Record Notes | Public document |
| Version Control | See last page |

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| Document: | Council Policy | <i>Uncontrolled Copy When Printed</i> | |
| Custodian: | David Birds | Version # | Version # |
| Approved By: | Group Manager Strategic Planning | TRIM Ref # | XXXXXX |
| Adopted By: | Council Meeting | Publish Location | Intranet/ Internet |
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1. PURPOSE

This Policy Position explains Council's position regarding Public Benefits which may be sought in relation to Outdoor Advertising and Structures along Transport Corridors in accordance with the matters outlined in *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) and the Department of Planning and Environment's 'Transport Corridor Outdoor Advertising and Signage Guidelines' (November 2017). It also outlines merit assessment considerations which Council will take into account in assessing any development application for outdoor advertising and structures.

2. OBJECTIVE

The objective of this policy is to guide the assessment of development applications for advertisements and structures along transport corridors under SEPP 64 to better enable Council to obtain and advocate for public benefits associated with:

- Improved traffic safety (road, rail, bicycle and pedestrian)
- Improved public transport services
- Improved public amenity within, or adjacent to, the transport corridor
- Support school safety infrastructure and programs
- Other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency message.

3. SCOPE

This policy applies to any relevant development application under SEPP 64 applicable to the Inner West local government area.

4. POLICY STATEMENT

This policy states that Council will preference monetary contributions as public benefits but will consider in-kind contributions rather than a monetary fee for capital works concerning traffic safety, cyclist safety or pedestrian safety works already identified in Council's Long Term Financial Plans or where safety risks are sufficiently demonstrated. Council may also consider the use of the advertisement structure from time to time for the promotion of community programs, events, public safety programs or other appropriate public purposes, if there is an identified need to raise public awareness for such campaigns.

Council will prioritise revenue raised from advertising structures towards improvements to traffic safety for drivers, pedestrians and cyclists. This may include such works as the installation of flashing lights or other safety infrastructure in school zones, provision of cycle ways, provision of pedestrian refuges or installation of pedestrian bridges to improve safety and traffic flow or any other relevant capital works matters identified in Council's Long Term Financial Plans.

4.1 Council as the Council Authority

In accordance with SEPP 64, Council is the consent authority for outdoor advertising and signage on transport corridor land where the Minister for Planning (or his delegate) is not the consent authority.

Transport corridor land is defined by SEPP 64 as:

- a) Land comprising a railway corridor,
- b) Land comprising a road corridor,
- c) Land zoned industrial under an environmental planning instrument and owned, occupied or managed by RMS, Sydney Metro or RailCorp.

Appendix 1 explains when a council can be the consent authority for development applications along transport corridors.

Appendix 2 identifies the location of all classified roads in the Inner West LGA to which SEPP 64 and the Transport Corridor Outdoor Advertising and Signage Guidelines (2017) apply. In most scenarios, the Minister for Planning (or his delegate) is likely to be the relevant consent authority for outdoor advertising and signage applications along these corridors.

If Council is the consent authority it may, in addition to any development application fees, require that an applicant pay public benefit contributions in the form of:

- An upfront fee;
- An annual fee payable for the period of consent; or
- 'In-kind' contributions.

In such circumstances, Council is responsible for the collection, distribution and expenditure of revenue from the fees. Council is required to identify any revenue raised in its annual financial reporting. Council will preference monetary contributions in most circumstances however Council may consider in-kind contributions if the proposed works are identified by existing capital projects in Council's Long Term Financial Plans. Such contributions may include on-ground works to improve local amenity such as pedestrian bridges, pedestrian refuges, landscaping, graffiti management, safety lighting or other works associated with the installation of the structure.

4.2 Public Benefit Test for Advertisement Proposals

Under Clause 13 of SEPP 64, the consent authority must take into consideration applicable provisions of the associated DPE Guidelines (2017) and be satisfied that the proposal is acceptable in terms of design, road safety and public benefits. A Public Benefit Test must be undertaken to assess how the local community will benefit as a result of the display of the advertisement.

The DPE Guidelines (2017) provide guidance on undertaking the public benefit test along with information on what is an appropriate public benefit (pages 48-50). They state that any monetary or in-kind contribution must be linked improvements in local community services such as:

- Improved traffic safety (road, rail, bicycle and pedestrian)
- Improved public transport services
- Improved public amenity within, or adjacent to, the transport corridor
- Support school safety infrastructure and programs
- Other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency message.

The DPE Guidelines state that public authorities such as Roads and Maritime Services (RMS), Transport for NSW (TfNSW), Sydney Trains and NSW Trains, must consult with the relevant councils to identify and prioritise activities to be included in their relevant delivery of works program/s. Council's Roads & Stormwater Group are best placed to advocate for the delivery of Council identified works to State public authorities, and are best placed to advise other internal Council groups on related matters.

4.3 Mechanisms to obtain payment

Under Clause 13(3) of SEPP 64, the consent authority must not grant consent unless arrangements that are consistent with the Department of Planning and Environment's 'Transport Corridor Outdoor Advertising and Signage Guidelines' (November 2017) have been entered into for the provision of public benefits in connection with the display of advertisement.

The 2017 Guidelines state that:

“RMS and TfNSW, Sydney Trains and NSW Trains must consult with the relevant councils to identify and prioritise the public benefit works to be delivered through the program on a regional or subregional basis.” (page 49)

“[re: advertising along Tollways] RMS must consult with the relevant council to identify and prioritise activities to be included in the public benefit works program to be delivered through the program” (page 49)

“[re: where Council is the consent authority] Council is responsible for the collection, distribution and expenditure of the revenue from the fees. The monies are to fund a public benefit works program developed in partnership with RMS or TfNSW in relation to public transport matters.” (page 50)

Under clause 13(3) of SEPP 64, this policy states that Council is to obtain or advocate for monetary contributions as a public benefit for the delivery of relevant capital works identified in Council's Long Term Financial Plans. Council's future Traffic and Transport Needs Study, Integrated Transport Strategy and Section 7.11/7.12 Local Infrastructure Contribution Plans, will also inform the distribution of any monetary or in-kind contributions and should be taken into consideration once these policies have been placed on community consultation or have been approved.

4.4 Regulation of the Contents of Outdoor Advertisement

SEPP 64 does not regulate the content of outdoor advertising and signage. The associated Guidelines to SEPP 64 recommend that advertisers follow RMS advisory guidelines with respect to sign content of advertisements to be displayed along road corridors. It is noted that Commonwealth legislation establishes the regulatory framework for the content of advertising. All advertising in Australia whether it be outdoor, television or radio is requirement to comply with a range of self-regulatory Codes and Guidelines.

Council and other consent authorities do not have any role in the regulating the content of advertisement but do have a role in the assessment of the potential impacts on the environment, urban form and amenity of advertising structures, including those in the public domain. Accordingly, an additional merits consideration above that of SEPP 64 has been included in this Policy as outlined below.

5. POLICY

1. Council will undertake merit assessment of development applications:
 - i. For a replacement or modification of existing advertising or signage; or
 - ii. For the conversion of an existing approved advertising structure to a digital advertising structure; or
 - iii. When a proposed new advertising structure is being considered by another consent authority (other than council) (i.e. Planning Minister or delegate).
2. In addition to the matters contained in SEPP 64 and its Guidelines, Council will undertake a merits assessment of the following provisions, and will require proponents to address these criteria as part of their Statements of Environmental Effects (SEE) to be submitted as part of the relevant development application/s:
 - i. The compatibility of the structure with the site context (zoning, surrounding land use, built form and existing and desired character of the area); and
 - ii. Whether the structure reduces the amenity of the public domain, residential and recreation areas, including impacts arising from light emitted by the structure, and

- iii. Whether the structure maintains or enhances the significance of heritage conservation areas or heritage items, and
 - iv. Whether the structure will result in an improved appearance of the advertising structure and its contribution to the streetscape including a reduction in visual clutter and its effect on the pedestrian experience in the public domain, and
 - v. Whether the structure will result in reduced safety for motorists, cyclists and pedestrians, and
 - vi. Whether the structure would reduce the quality of important views and the visual amenity of the skyline, streetscape and site, and
 - vii. The extent of public benefit that will be provided in connection with the structure, and
 - viii. The environmental performance and energy use of the structure, and
 - ix. The suitability of the structures' operation and on-going maintenance, and
 - x. In order to minimise visual impacts any replacement structure (including a conversion to a digital sign) is to have an advertising display area that is a minimum of 30% smaller than the advertising display area of the existing approved advertising structure it is replacing, and
 - xi. The appropriateness of the proposed contents of the advertisements and its impacts on the environment, urban form, and amenity in the public domain.
3. When Council is the consent authority, or is being consulted under 16(3)(a) of the SEPP 64, Council will preference monetary contributions as public benefits, Monetary contributions are in addition to the standard development application fees, and Council shall require the applicant to provide an upfront fee or annual fee (payable to Council) for the duration of the consent of the advertisement (generally 15 years) (see page 49 of Guidelines)*. Public Benefit monetary or in-kind contributions will be sought by Council pursuant to the policy position that 1 in 6 advertisements or 15% of advertising time to be equally distributed throughout the hours of operation of the structure (or monetary/in-kind contribution equivalent).

*It is noted that where this option is pursued that no other additional fees can be charged under the *Local Government Act 1993*. It is also noted that Council may not require the proponent to pay a fee if it is satisfied that adequate public benefits will otherwise be provided (i.e. in-kind contributions).

4. When Council is the consent authority, or is being consulted under 16(3)(a) of the SEPP 64, should the applicant wish to replace Council's mandatory public interest payment amount with an "in kind" public benefit, the below policy approach for Council to obtain public benefits will apply:
- i. Public benefit monetary or in-kind contributions will be sought by Council pursuant to the policy position that 1 in 6 advertisements or 15% of advertising time to be equally distributed throughout the hours of operation of the structure (or monetary/in-kind contribution equivalent).
 - ii. If advertisement time is to be provided as a public benefit as part of in-kind contributions, the advertisement contents and period of time is to form part of either the imposed consent conditions or form part of associated agreements with Council;
 - iii. Capital works identified in Council's long term financial plans or Council's future Traffic and Transport Needs Study, Integrated Transport Strategy and Section 7.11/7.12 Local Infrastructure Contribution Plans, should be taken into consideration once these policies have been placed on community consultation or have been approved, to inform the distribution of any monetary or in-kind contribution;

- iv. Council delegates authority to the CEO or his delegate to negotiate and collect monetary or 'in-kind' contributions for Outdoor Advertising and structures, in accordance with the provisions of SEPP 64 and the 'Transport Corridor Outdoor Advertising and Signage Guidelines (2017)';
 - v. Where an "in kind" contribution is inappropriate or not beneficial, Council to negotiate a resale of advertising time back to the advertiser for full commercial rates, so that this amount is made to the "community contribution".
5. Council acknowledges that advertising on pedestrian bridges may not require any additional provision of public benefit (financial or in-kind), as public benefits associated with the bridge advertisement are usually linked to the cost of the bridge construction and its ongoing maintenance.

6. RESPONSIBILITIES

- 1. Council's CEO (or delegate) will negotiate and collect monetary or 'in-kind' contributions for Outdoor Advertising and Structures, in accordance with this Policy, the provisions of SEPP 64 and Transport Corridor Outdoor Advertising and Signage Guidelines (2017) and any relevant capital works identified in Council's long term financial plans. Council's CEO (or delegate) will be also responsible for the annual financial reporting of revenue raised by this Policy, as required by the Department's Transport Corridor Outdoor Advertising and Signage Guidelines (2017) (page 50).
- 2. The Group Manager Development Assessment & Regulatory Services will be responsible for implementing merit assessment of any Development Applications for Outdoor Advertising and Signage within the local government area, and will be responsible for merits assessment of any 'external' (outside the local government area) Development Application for Outdoor Advertising and Signage in accordance with this Policy.
- 3. The Strategic Planning Group Manager will be responsible for formalising this Policy within the comprehensive review of the Inner West Development Control Plan (2020+) and its ongoing review (as required by legislative changes).
- 4. The Group Manager Roads and Stormwater will be responsible for developing and monitoring Council's Annual Schedule of Capital Works Program and liaising with relevant public authorities regarding the development of their Public Benefit Works Programs. This group will also be responsible for providing internal advice to other groups within Council seeking to implement this policy (as requested).

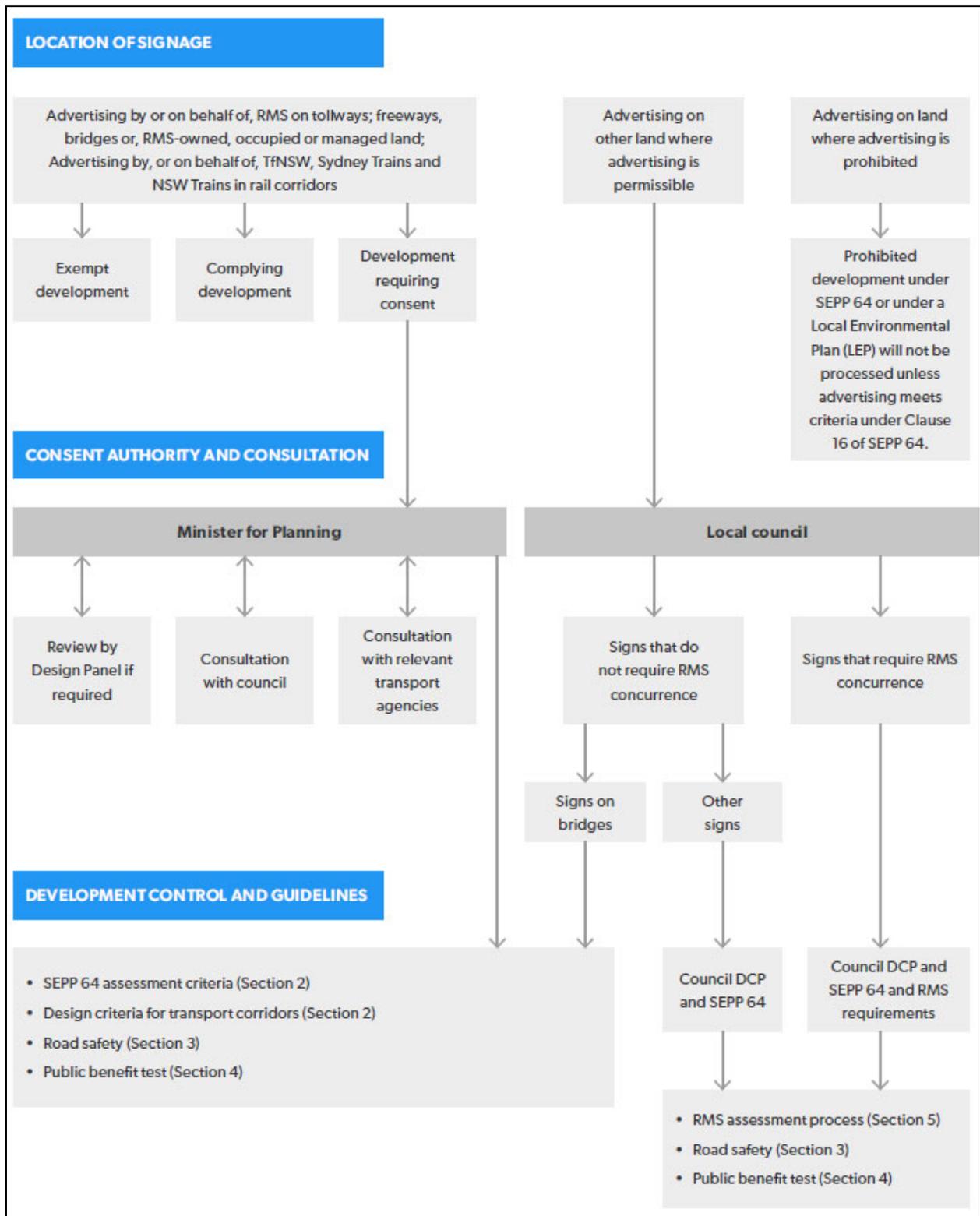
Version Control - POLICY HISTORY:

The history of modifications and approval to the Policy must be detailed in the table below post adoption

Governance Use only:

| Version | Amended By | Changes Made | Date | TRIM # |
|---------|------------|--------------|------|--------|
| 1 | | | | |
| 2 | | | | |

APPENDIX 1 – Consent Authority Flow Chart (Extract from Page 9 of the SEPP 64 Guideline 2017)



APPENDIX 2 – Location of Transport Corridors in the Inner West Council

Classified Roads in the former Leichhardt LGA

Classified Roads include:

- Victoria Road
- City West Link
- Tebbutt Street
- Darley Road
- Balmain Road/Perry Street
- Johnston street
- The Crescent
- Bridge Road
- Parramatta Road



Classified Roads in the former Marrickville LGA

Classified Roads include:

- Parramatta Road
- Railway Terrace/Gordon Street
- Old Canterbury Road
- New Canterbury Road
- Stanmore Road
- Enmore Road
- Princes Highway
- Sydenham Road
- Railway Parade
- Buckley Street



Classified Roads in the former Ashfield LGA

Classified Roads include:

- Georges River Road
- Frederick Street
- Wattle Street
- Dobroyd Parade
- City West Link
- Parramatta Road
- Liverpool Road



