

8.8 Third Party Advertising on School Sites

EXECUTIVE SUMMARY

Purpose

To report to Council the findings and resultant recommendations from a staff investigation into the permissibility of third party advertising on school sites.

Summary

- This report relates to formalising planning controls for third party advertising on schools with regard to Council Resolution, No.16/2010 of 28 September 2010.
- The Council Resolution has been further investigated by Council staff to ensure the appropriate course of action is taken.
- Subsequently it has been determined that the Council resolution is unable to be implemented. State Environmental Planning Policy No.64 - Advertising Signs prohibits signs on most school sites, and further, this legislation overrides Council's planning controls (LEP and DCP).
- Based on these findings, it is recommended that Council request the NSW Minister for Planning and Infrastructure review the permissibility of third part advertising on school sites and consider recommending an amendment to SEPP 64 to regulate this form of signage.

Financial Impact

Work has been undertaken by staff within existing budget allocation.

Policy Impact

If the Minister for Planning and Infrastructure amends SEPP64 to allow third party advertising on schools, it may then be appropriate at a later date for Council to amend its planning controls to better regulate this form of development. However, this should not be entertained until the outcome of this request is known.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council not prepare a planning proposal to permit third party advertising signs on all school sites.
 - B. That Council write to the NSW Minister for Planning and Infrastructure requesting a review of the permissibility of third part advertising on school sites and consideration be given to an amendment to State Environmental Planning Policy No. 64 to regulate this form of signage, as detailed in Attachment 1.
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REPORT

Introduction

This report relates to formalising planning controls for third party advertising signage on schools and Council Resolution, No.16/2010 of 28 September 2010.

Council supports the formalisation of these planning controls, to provide a much needed revenue stream to a number of government and non-government schools, reducing the financial strain faced by many school communities. These controls would also serve to manage and protect the character of surrounding environments from any detrimental signage impacts.

In this respect, the aforementioned Council Resolution states that Council:

- A. *Prepare a Planning Proposal to permit third party advertising banners as a permissible use on all school sites in the Warringah Local Government Area (LGA).*
- B. *Concurrently seek to amend the Warringah Development Control Plan (DCP) to place appropriate size, content and illumination controls upon adoption by the Minister of an amendment to the Warringah Local Environment Plan (LEP). The signs to be no larger than 1200 mm and no higher than the height of the fence and not to cover more than 50 per cent of the school's front fence.*
- C. *Request the Minister for Planning to amend SEPP Infrastructure to deal with advertising Signs as outlined above.*

These matters have been further investigated to ensure the appropriate course of action is taken.

It has been determined that the resolution is unable to be implemented. This is due to State Environmental Planning Policy No.64 - Advertising Signs (SEPP 64) prohibiting signs on most school sites. This legislation overrides Council's planning controls WLEP2011 and WDCP.

Based on these findings, it is recommended that the appropriate course of action is to seek an amendment to SEPP 64 Advertising Signs from the NSW Minister of Planning and Infrastructure.

Should the SEPP be amended to allow signage on schools it may then be appropriate at a later date for Council to amend its planning controls to better regulate this form of development. However this should not be entertained until the outcome of this request is known.

A draft letter addressed to the NSW Minister of Planning and Infrastructure is attached.

Planning Provisions Considered

In considering this matter the following planning provisions have been reviewed:

- SEPP 4 (Development Without Consent and Miscellaneous Exempt and Complying Development)
- SEPP 60 (Exempt and Complying Development)
- SEPP (Infrastructure) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- Warringah LEP 2011 and Warringah DCP 2011
- SEPP 64 (Advertising and Signage)

In this respect, the first five planning instruments listed above do not contain any requirements or provisions for third party advertising on school sites. However, SEPP 64 (Advertising and Signage)

under Clause 10 prohibits advertising on most school sites in Warringah and overrides any current or future signage provisions within the WLEP2011 and SEPP Infrastructure.

Clause 10 of the SEPP states (emphasis added in bold)

SEPP 64 - Clause 10 Prohibited advertisements

(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:

- *environmentally sensitive area*
- *heritage area (excluding railway stations)*
- *natural or other conservation area*
- *open space*
- *waterway*
- ***residential*** *(but not including a mixed residential and business zone, or similar zones)*
- *scenic protection area*
- *national park*
- *nature reserve*

Out of the fifty five (55) schools located within Warringah, 85% of them fall within zones that prohibit advertising signage under SEPP 64.

As a result, staff have prepared a letter (Attachment No.1) to the NSW Minister of Planning and Infrastructure. The letter:

- Highlights the fact that the permissibility of third party advertising signage on school sites will provide a much needed revenue stream to government and non-government schools and reduce the financial strain faced by many school communities.
- Identifies the need for regulation of third party advertising signage on school sites.
- Requests that the NSW Minister for Planning and Infrastructure review the permissibility of third party advertising signs on school sites and consider recommending an amendment to SEPP 64.

Consultation

Consultation is required with the NSW Minister of Planning and Infrastructure with regard Council's requested amendment to SEPP 64, to allow third party advertising on school sites.

Timing

Timing is dependant of the NSW Minister of Planning and Infrastructure's consideration and response to Council's letter (Attachment No.1).

Group Manager Strategic Planning



Draft Letter to the NSW Minister for Planning and Infrastructure

28 March 2012

Brad Hazzard
NSW Minister for Planning and Infrastructure
Governor Macquarie Tower
Level 31, 1 Farrer Place
Sydney, NSW 2000

Dear Minister

Re: Unlawful Advertising Signs / Banners on School Sites

Warringah Council would like to draw your attention to a current concern regarding unlawful third party advertising on school sites and its prohibition under Clause 10 of State Environmental Planning Policy – Advertising and Signage (SEPP 64).

The permissibility of signage on school sites is important because Council understands that third party advertising can provide a valued revenue stream to government and non-government schools, reducing the financial strain faced by many school communities. Numerous schools throughout NSW currently receive funding via the display of this unlawful advertising, which in some instances deflects from their visual integrity and that of the surrounding areas. This is partly due to the currently unregulated status of this type of signage.

Council has reviewed the permissibility of advertising signs on school sites and the potential to amend the Warringah DCP and LEP 2011 to incorporate appropriate signage controls. However a review of SEPP 64 has identified that Clause 10 prohibits advertising on most school sites and overrides any current or future signage provisions within Council's environmental planning instruments as follows (emphasis added in bold):

SEPP 64 - Clause 10 Prohibited advertisements

(10) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:

- *environmentally sensitive area*
- *heritage area (excluding railway stations)*
- *natural or other conservation area*
- *open space*
- *waterway*
- **residential** *(but not including a mixed residential and business zone, or similar zones)*
- *scenic protection area*
- *national park*
- *nature reserve*

Draft Letter to the NSW Minister for Planning and Infrastructure

Out of the fifty five (55) schools located within Warringah, 85% of these fall within the above outlined prohibited advertising signage zones, hence advertising on school fences is prohibited for the majority of schools within Warringah.

To preserve the visual integrity of these schools and the surrounding areas, it is Council's view that the placement, number, size and type of signage should be regulated.

Warringah Council requests that the NSW Department of Planning and Infrastructure review the permissibility of advertising signs on school sites and consider an amendment to SEPP 64 in order to regulate this form of signage. Council would be willing to assist the NSW Department of Planning and Infrastructure in this regard and would welcome the opportunity to further discuss the matter with you.

Please direct any enquiries to Michael Haynes on PH: 9942 2746.

We look forward to receiving your response.

Yours faithfully

Malcolm Ryan,
Deputy General Manager Environment

