

## **EXPLANATION OF INTENDED EFFECT**

### **Amendment to State Environmental Planning Policy No. 64 - Advertising and Signage**

#### **1.1 Introduction**

The proposed State Environmental Planning Policy (proposed SEPP) will amend State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) to:

- (1) repeal clause 16(4)(b) to ensure advertising in transport corridors is permissible with consent;
- (2) insert a new clause to prohibit advertising on parked trailers on roads and road related areas;
- (3) to require development consent to display advertising on trailers that are parked on private land, viewable from a road or road related area; and
- (4) update terms and definitions and rephrase clause 6.

#### **1.2 Repeal of clause 16(4)(b)**

Clause 16 of SEPP 64 makes advertisements in transport corridors permissible with consent. Clause 16 does not apply however, if in accordance with clause 16(4)(b) a Local Environmental Plan (LEP) made after 3 August 2007, prohibits advertising in a transport corridor. Therefore, a number of LEPs currently override SEPP 64 and prohibit such advertising.

The Department's research has found that many councils have inadvertently prohibited advertising in transport corridors when preparing Standard Instrument LEPs.

The Roads and Maritime Services and Sydney Trains have requested that clause 16(4)(b) be amended, and noted the impacts on potential revenues and capacity to fund public benefit programs, such as road safety improvements, better public transport services and improvements to public amenity.

The proposed SEPP will repeal clause 16(4)(b) to make advertising permissible with consent within transport corridors despite the provisions under any LEP. Councils will continue to decide whether advertising is permitted on land outside transport corridors.

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

The proposed SEPP includes a new clause 27A which aims to address safety and amenity concerns related to the growing proliferation of trailer based advertising within or within view of roads and road related areas. 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*, and require consent for the display of advertisements on trailers parked on private land that are visible from a road or road related area.

Clause 9(d) currently provides that there is no consent requirement for advertising on vehicles. A consequential amendment is required to this clause to implement new clause 27A.

The proposed consent requirements and prohibition will not apply to advertisements on trailers which are:

- ancillary to the dominant purpose of the trailer (for example, signage on a removalist trailer or a trailer for gardening services), or
- parked by or on behalf of a public authority (such as Roads and Maritime Services) in exercising their functions.

#### **1.4 Updated terms and definitions**

The proposed SEPP will update several terms and definitions, including:

- **building identification signs** and **business identification signs** will have the same meaning as it has in the Standard Instrument.
- references to “RTA” will be updated to **Roads and Maritime Services**.
- Clause 6 will be rephrased to clarify what signage the SEPP applies to.
- **guidelines** will refer to the current Transport Corridor Outdoor Advertising and Signage Guidelines.
- **Standard Instrument** means the standard instrument for a principal local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.



## EXPLANATION OF INTENDED EFFECT

### **Amendment to *Environmental Planning and Assessment Regulation 2000***

The proposed amendment to *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) will provide for a new penalty notice offence in Schedule 5.

The penalty is in conjunction with a breach of new Clause 27A in *State Environmental Planning Policy No. 64 - Advertising and Signage* and may be dealt with by the issue of a penalty notice. The amount payable under the penalty notice is \$1,500 for individuals and \$3,000 for corporations.

Clause 27A prohibits advertisements on trailers which are parked on a road, or road related area, as defined by the *Road Transport Act 2013*, and requires consent for the display of advertisements on trailers parked on private land that are visible from a road or road related area