

17 March 2011

Mr Andrew Abbey
Director, Special Projects
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

By e-mail: codes@planning.nsw.gov.au.

Dear Mr Abbey

Re: NSW General Exempt Development Code: Expansion to include signage, March 2010

This is our submission in response to public consultation on the above document.

1. Signage in connection with the marketing of new homes

We have been concerned about restrictions on the use of signage for the marketing of new homes for some time. For example, one council, Ku-ring-gai Council, has been an innovator in developing new burdens to make investment in urban renewal in their area as unattractive as possible.

Traditionally, there have been no controls on non-illuminated real estates signs in Ku-ring-gai Council. However, in 2006, the Council decided that

provisions must be imposed for temporary real estate signs, to ensure certainty and consistency in the application of the DCP controls so as to avoid oversized and unappealing signs detracting from the character of the locality.¹

This was the only justification for the new rule that grossly and unnecessarily interferes with the normal routine marketing of newly-built apartments. No examples of poor conduct by developers were identified.

The rules limit each premise to only one sign.² This precludes the use of a banner on a building (complete or partially complete) if a fixed street sign is also to be erected on the building site's perimeter. It also prohibits placing two signs, one on each end of a large site. For a building site that faces more than one street, it is not possible to have a sign facing each street.

It is difficult to see how such signage on a building site would detract any more from the "character of a locality" than a construction site itself. If anything, proper signage offers a strong community benefit, because such signs often show what an incomplete building will look like once it has been finished. This may ease the normal concerns that may arise when people view a site where construction work is still underway.

Furthermore, the rules restrict the size of any sign to 2.5 square metres.³ Again, this precludes large banners on the building itself, and does not reflect the importance of good signage to the success of urban renewal efforts.

We are aware that other councils may consider following the Ku-ring-gai Council approach.

¹ Item 17, Papers for the Ordinary Meeting of Ku-ring-gai Council,

² *Development Control Plan No. 28 - Advertising Signs* (Ku-ring-gai Council) cl 10.1(a).

³ Mesh and fabric banners may often be required in a whole variety of sizes. In terms of other signage 3m x 2m would be a typical dimension to assist people to find the site.

In our view, **temporary real estate and property promotional signs should be exempt development in relation to:**

- **construction sites; or**
- **new premises whose final occupation certificate was issued within the previous 24 months.**

We note that a special case can be made to distinguish such real estate and property promotional signage on development sites from other signage. The distinguishing factors are:

- construction sites are usually not visually appealing, so there is usually no amenity impact (and sometimes a public benefit) in having sufficient signage in relation to the development;
- purchasers and new residents in a development are able to see the real estate and promotional signs that have been erected at the time of purchase and normally anticipate that such signs will remain until the last of homes has been sold by the developer;
- there is no ongoing public harm by such a rule – a multi-unit development or commercial building will normally only be a full-scale construction site once in a 50 year period; and
- developers are strongly incentivised to ensure that signage improves the ambiance of their development site without any regulatory controls.

We note your paper would make “real estate signs” exempt development, with the following “development standards” (our comment on each proposed standard also appears below):

- “Maximum of 1 per occupancy”. This should only apply to existing buildings. New premises apartments, townhouses or commercial buildings may have more than one street frontage, or very long street frontages. In such instances multiple signs may be appropriate and necessary. Banners on incomplete building offer no public harm, and should be permitted in addition to any fixed signs.
- “Must be removed no later than 14 days of the sale of the property or in the case of subdivision, when 90% of lots are sold or within 5 years, whichever occurs first”. Does “subdivision” include a strata-title subdivision? Either way, it is inappropriate and unjust to require signage to be removed when 10 per cent of the lots (whether they are freehold or strata titled) are yet to be sold. The restriction should be for five years, or the final first sale of all subdivided lots, whichever occurs first.
- “Must be located on the property that is being advertised”. No objection.
- “Must not be illuminated”. No objection.
- “Maximum area: ... Multi-dwelling development of less than 10 dwellings – 5m² ... Multi-dwelling development of 10 or more dwelling – 10m² ... Commercial building – 5m² ... Commercial or industrial property – 10m² ... A subdivision of 50 lots or more – 20m²”. These restrictions are unnecessary for the reasons that we set out in the introductory text above. For example, for large multi-unit or commercial developments, 20 or 30 square metre banners may be necessary.
- “Maximum height – 8m”. This would preclude erecting a banner on the top of an incomplete building. There is no logic in such a restriction.
- “Signs with a maximum area greater than 15m² must be located at least 6m from the nearest property boundary”. This restriction makes little sense if the building concerned is a construction site, and the neighbouring building is commercial or industrial premises. Additionally if the neighbouring lot is vacant or also an industrial site it would serve no purpose. If the neighbouring lot is a large unit development, the nearest residence may be located some distance from the property boundary, and therefore a 6 metre buffer may serve no useful purpose. Any kind of buffer makes no sense at all if the sign is a banner affixed to the side of an incomplete building. For example, the edge of an eight storey structure may be situated less than six metres from the property boundary, but a banner on the side of the structure is not capable of causing overshadowing, etc. In short, we recommend that this restriction be altered so that it does not apply to banners, and only

applies to fixed signs where an occupied dwelling is situated on a neighbouring lot, within six metres of the location of the sign.

2. Limiting the advertising content of business signs

We oppose limiting the advertising content of business identification signs, so long as the dominant purpose of the sign is business identification.

The proposed clause is nonsensical, in any event. For example, if the store's name is also the name of a photographic film, will they be precluded from using their own logo?

What is the public interest in allowing, say, a "Crust" logo on a sign of a Crust shop, but not a "Pizza Hut" logo on the sign of premises that includes a range of Pizza Hut products in its offer?

Thank you for the opportunity to make this submission.

Yours sincerely

Urban Taskforce Australia

A handwritten signature in black ink that reads "Aaron Gadiel". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end.

Aaron Gadiel
Chief Executive Officer