
Fact Sheet: Signage

Is development approval required?

WHAT ARE SIGNS AND WHAT REGULATES THEIR ERECTION?

The erection of signage is regulated by a complicated framework of local and state level planning instruments. These relevant instruments include:

- State Environmental Planning Policy 64 – Advertising and Signage
- State Environmental Planning Policy (Exempt and Complying Development) 2008
- Wagga Wagga Local Environmental Plan 2010
- Wagga Wagga Development Control Plan 2010

These planning instruments operate in a hierarchical manner so that State Environmental Planning Policies (or SEPPs), override Local Environmental Plans (or LEPs) where there is an inconsistency between instruments, the higher order instrument prevails, Development Control Plans (or DCPs) provide the more detailed planning controls to help in the operation and interpretation of LEPs.

Signage is not consistently defined across the various relevant instruments; however, three broad types of signs exist –

1. 'Business identification signs',
2. 'Building identification signs' and
3. 'Advertising signs'.

Business identification signs are generally defined as being a sign that states the name of a business being carried out on the land on which it is located.

Building identification signs state the name of a building.

Advertising signs or advertisements tend to cover all remaining sign types, such as signs for products and goods sold from a premises that are not the name of the premises, and signage containing the name of a business erected on land that is not the site of the business. An example of an 'advertisement' would be a sign with the logo of a soft drink brand on a food and drink premises, or a sign for a fast food restaurant on farm land adjacent to a highway. Signs directing passing traffic to a business in a side street would also constitute an 'advertisement'.

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WHAT REQUIRES DEVELOPMENT APPROVAL?

SEPP 64 and the Wagga Wagga LEP 2010 operate together to require that all signage, unless otherwise specified, requires development consent, including:

any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage

The effect of this is that if an object or structure, such as a car, is utilised in the form of a sign, rather than for any other purpose for which it may be used, then it becomes a sign and requires consent.

Both SEPP 64 and the Wagga Wagga LEP 2010, along with SEPP (Exempt and Complying Codes) 2008, do specify certain types of signage that despite the requirement for consent, can be carried out as exempt development (i.e. do not require a Development Application).

WHAT DOES NOT REQUIRE DEVELOPMENT APPROVAL?

As stated above, despite the requirement for all signage to obtain development consent, some signs can be carried out as exempt development (i.e. do not require a Development Application). These sign types are set out in the following documents:

- Section 33 of SEPP 64.
- Subdivision 36A of SEPP (Exempt & Complying Codes) 2008.
- Schedule 2 of the Wagga Wagga LEP 2010.

Examples include election material, real estate signs, replacement of existing lawful business identification signs, and certain fascia and wall signs. Each of these exempt sign types has a series of development controls with which the signage must comply to be exempt; otherwise development consent is still required. **As such, each of these documents must be considered in full (including any overall requirements for exempt development) before any such signs are erected.**

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WHAT CONTROLS ARE IN PLACE? WHAT IS PROHIBITED?

Certain types of signs are prohibited in certain locations. This means that development consent cannot be obtained for these sign types. Examples include the erection of ‘advertisements’ in residential and heritage areas, ‘advertisements’ with a display area greater than 45 square metres, and ‘advertising structures’ in the E2 Environmental Conservation Zone. Prohibited signage is set out in SEPP 64 and the Land Use Tables of the Wagga Wagga LEP 2010.

Signage that is not prohibited, and is not exempt, requires Development Consent. Such signage is subject to a series of controls set out in the following documents:

- Division 3 of SEPP 64.
- Section 2.5 of the Wagga Wagga DCP 2010.

The controls applicable vary from sign to sign and site to site, but standard controls include restrictions on the size and number of signage permitted. These controls also set out further sign types that are not supported by Council and are unlikely to be approved. These sign types include:

- A - Frame signs (other than “A – Frame” signs (or “advertising billboards”) permitted and approved by Council under its Street Activities on Footpath Policy POL 041.
- Additional guidelines are contained in Council’s Outdoor Eating and Display of Goods on Footpaths policies.
- Roof top or sky signage.
- Above awning signs.
- Flashing, moving or variable message board signs (other than those installed and operated by an authorised Road Authority i.e. NSW Roads and Traffic Authority or the Council for traffic management and or road safety purposes.
- Signs resembling traffic management signage whether flashing, moving or not.
- Permanently anchored balloons, blimps or any airborne signs.
- Inflatable signs or structures (i.e. where displayed for greater than 14 days).
- Hoarding signs (other than work safety signage), painted bulletins etc attached to the exterior of buildings, power poles, fences etc.
- Signage that projects from a wall or are suspended from an awning at a height lower than 2.6 metres at any point above a footpath (except in the case of an under awning bracket sign or a drop awning sign).

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- Advertising signs or structures that do not comply with all applicable requirements of the BCA and relevant Australian Standards.
- Third party advertising (i.e. general advertising not directly related to the approved use of the building or site).

FURTHER INFORMATION

Given the complexity of signage consent requirements it is recommended that before erecting any signage of any type, that you contact Council's Development Assessment section to discuss consent requirements with a Town Planner. Pre-lodgment meetings can be arranged with a Town Planner by calling 1300 2 WAGGA (1300 292 442). A Duty Planner Service is also available at Council's Customer Service during business hours.