



## ***Planning Proposal***

***Draft Liverpool Local Environmental Plan 2008  
(Amendment 69)***

***To permit 'signage' with consent in land zoned  
B3 Commercial Core and B4 Mixed Use.***

***January 2018***

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## **Background**

The Liverpool Local Environmental Plan 2008 (LLEP) controls applying to signage have been reviewed by Liverpool City Council in response to a review of Council assets and to representations received by Council to permit third party advertising signage within the local government area (LGA). To permit third party advertising signs, an amendment to the LLEP is proposed that identifies 'signage' as a permissible use within specified zones.

'Building identification signs' and 'business identification signs' are currently permitted to be erected or installed in most of the LGA. These signs can only advertise the building, person or business located at the premises where the sign is located. They can include a logo or other symbol, but cannot include general advertising of products, goods or services. Third party advertising signs that advertise general goods or services are prohibited throughout the LGA.

An analysis of potential benefits and impacts of permitting signage throughout the LGA concluded that in many zones the erection of third party signage would negatively impact the amenity of the surrounding areas. It was considered that third party advertising signs would be appropriate in the City Centre if sound design principles are applied.

Following this analysis, Liverpool City Council resolved at its meeting on 27 April 2016 to pursue an amendment to the LLEP to permit signage with consent in B3 Commercial Core and B4 Mixed Use zoned land. This proposal implements that resolution.

A concurrent amendment to the Liverpool Development Control Plan 2008 (LDCP) will be prepared to incorporate additional design guidelines for third party advertising signage. This amendment will rationalise the existing signage standards and add controls and guidelines for third party advertising signs and for electronic advertising signs.

## **Site identification**

The planning proposal will amend *Liverpool Local Environmental Plan 2008* to prescribe 'signage' as a use permissible with consent in Zone B3 Commercial Core and Zone B4 Mixed Use. This will affect all land within these zones. The B3 Commercial Core and B4 Mixed Use zones are currently only found within the Liverpool City Centre. However, there is the possibility that land rezoning may increase the area of B3 and B4 zoned land within the Liverpool LGA in the future.

## **Delegation of Plan Making Function**

As the proposed amendment is considered to be minor, it is requested that the making of the plan be delegated to Council.

## Part 1 – Objective

The objective of this planning proposal is to amend *Liverpool Local Environmental Plan 2008* to allow third party advertising signage in appropriate locations within the Liverpool City Centre.

## Part 2 - Explanation of provisions

The proposed outcome will be achieved by permitting third party advertising signage with consent within B3 and B4 Zones.

The *Standard Instrument* includes the following relevant definition:

**signage** means 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, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

The amendment to the LLEP would allow advertising structures and other signage with consent in B3 and B4 zones. The amended LLEP clauses are shown below:

### Zone B3 Commercial Core

#### 1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.
- To ensure that, for key land in the Liverpool city centre, opportunities for retail, business and office uses exist in the longer term.
- To facilitate a high standard of urban design and exceptional public amenity.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

~~Building identification signs; Business identification signs;~~ Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; **Signage**; Veterinary hospitals; Water recreation structures

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone B4 Mixed Use

#### 1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.
- To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **3 Permitted with consent**

Boarding houses; ~~Building identification signs; Business identification signs~~; Car parks; Child care centres; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; **Signage**; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Part 3 - Justification**

### ***A. Need for the planning proposal***

#### ***3.1 Is the planning proposal a result of any strategic study or report?***

This planning proposal is the result of a review by strategic planning staff of planning controls regarding signage in Liverpool and other councils in New South Wales. This review occurred as the result of representations from landowners and discussions with Council staff regarding the future use of Council assets.

#### ***3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Permitting development within the Liverpool City Centre for the purpose of third party advertising signage requires amending the controls in the LLEP. An amendment could either change the permitted uses in the B3 and B4 zones, or identify 'signage' as an additional permitted use on nominated sites under clause 2.5 of the LLEP.

An alternative approach using clause 2.5 of the LLEP would not correspond to the intended use of clause 2.5 to provide a specific site or precinct response to a development proposal or land use. In addition, allowing signage on only certain sites would raise issues of competitive neutrality. For these reasons, making signage permissible with consent in land zoned B3 and B4 is considered to be the best way to achieve the intended outcomes.

### ***B. Relationship to strategic planning framework***

#### ***3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

Metropolitan Strategy – A Plan for Growing Sydney

This planning proposal is consistent with NSW Government’s *A Plan for Growing Sydney* (henceforth PFGS). Relevant directions from PFGS include:

- Direction 1.4 Transform Western Sydney through growth and investment, and
- Direction 1.7 Grow centres that provide more jobs closer to home.

This proposal responds to these directions by allowing third party advertising in Liverpool City Centre, which will increase the viability of existing businesses, help to create a vibrant and lively atmosphere consistent with Liverpool’s status as a regional city, and help to bring investment into the City Centre.

Draft Western City District Plan

This planning proposal responds to planning priorities in the Draft Western City District Plan to strengthen existing centres in the Western City, including Liverpool. The most relevant priority is Planning Priority W9: Growing and strengthening the metropolitan city cluster.

This proposal is consistent with Productivity Priority W9 because:

- The proposal will generate revenue for businesses in the Liverpool City Centre from the rental of third party advertising signs. This will encourage investment and so encourage economic growth, which will assist in the delivery of job targets for the Liverpool City Centre.
- Permitting appropriately designed third party advertising signage in the City Centre would reflect the historic and continuing status of Liverpool as the strategic centre of South-West Sydney and part of the metropolitan city cluster
- It is only proposed to permit third party advertising signage in areas zoned B3 and B4 within the City Centre. This would reflect the higher intensity of activity in the City Centre. Other areas framing the City Centre would continue to be limited to business identification and building identification signage.

This proposal is consistent with the relevant actions under this priority, which are:

Action	Response
37. In addition to the collaboration area process outlined above, carry out the following: a) Protect, develop and expand the commercial core b) Improve and coordinate transport and other infrastructure to support jobs growth c) Develop smart jobs around the health and education precinct d) Build on the centre’s administrative and civic role e) Improve public domain including tree-lined, comfortable open spaces and outdoor dining f) Improve connectivity and links to the Georges River and prioritise pedestrian, cycle and public transport facilities g) Encourage a vibrant mix of uses new lifestyle and entertainment uses to activate streets and grow the night-time economy	Third party advertising signage will generate revenue for businesses which will assist in the development of the commercial core.  Appropriate third party advertising signage would contribute to the atmosphere of the Liverpool City Centre, improving the public domain and encouraging a vibrant mix of lifestyle and entertainment uses.

h) Capitalise on the Western Sydney Airport and Western Sydney City Deal initiatives	
<p>42. Develop and implement land use and infrastructure plans for the metropolitan city cluster by:</p> <ul style="list-style-type: none"> <li>a) supporting commercial development, aerospace and defence industries and the innovation economy</li> <li>b) supporting internationally competitive freight and logistics sectors</li> <li>c) planning vibrant strategic centres and attracting health and education facilities, cultural, entertainment, arts and leisure activities</li> <li>d) creating high quality places with a focus on walking and cycling</li> <li>e) improving transport connections across the District</li> </ul>	<p>Allowing third party advertising in the City Centre can would support commercial development and if well designed would improve the quality and vibrancy of the Liverpool City Centre. This would assist in the attraction of cultural, entertainment, arts and leisure activities.</p>

**3.4 Is the planning proposal consistent with Council's local strategy or other local strategic plans?**

Our Home Liverpool 2027

The planning proposal is consistent with the Liverpool Community Strategic Plan – *Our Home, Liverpool 2027*. Allowing well designed third party advertising signage in the City Centre would help activate this area, create a vibrant atmosphere and contribute to a sense of place. In particular allowing third party advertising signage is consistent with the directions:

*Strengthening and Protecting Our Environment*

Liverpool City Council will:

- Exercise planning controls to create high-quality, inclusive urban environments

*Liveable Safe City*

Liverpool City Council will:

- Attract businesses for economic growth and employment opportunities
- Create an attractive environment for investment

Liverpool City Centre Vision (2007)

The planning proposal is consistent with the Liverpool City Centre Vision. Section 2 of the policy outlines the Vision for the Liverpool City Centre. The most relevant directions of the vision are addressed below.

Direction	Consistency/Response
Creating a Living City	This direction focuses on creating a City Centre which has a mix of different uses and spaces with a 'lively atmosphere during the day and night'. Appropriate third party advertising signage can contribute to the atmosphere of a space. It can help to add vibrancy and contribute to sense of place.
Ensuring Human Scale Active Street Edges	Allowing third party advertising in the City Centre can 'complement pedestrian functions and add interest and vitality at street level'.

**3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies?**

The planning proposal is consistent with the State Environmental Planning Policy No 64 - Advertising and Signage. The aims of SEPP 64 are outlined in cl 3 of the SEPP:

- (1) *This Policy aims:*
  - (a) *to ensure that signage (including advertising):*
    - (i) *is compatible with the desired amenity and visual character of an area, and*
    - (ii) *provides effective communication in suitable locations, and*
    - (iii) *is of high quality design and finish, and*
  - (b) *to regulate signage (but not content) under Part 4 of the Act, and*
  - (c) *to provide time-limited consents for the display of certain advertisements, and*
  - (d) *to regulate the display of advertisements in transport corridors, and*
  - (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors*

This planning proposal is consistent with the aims and objectives of SEPP 64, and does not introduce any potential land uses conflicts with this SEPP. SEPP 64 does not alter the permissibility of signage, and under this proposal third party advertising would only be allowed in B3 and B4 zoned land in the Liverpool City Centre, where such signage would be compatible with the desired character of the area. Any potential adverse effects of third party signage would be managed by the planning controls in SEPP 64 and the updated LDCP 2008.

**3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Section 117 Direction	Consistency / Response
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones (1)The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. (4) A planning proposal must: (a) give effect to the objectives of this direction	Yes  The inclusion of 'signage' as a permitted use will support the viability of the City Centre. Individual business and property owners in the City Centre will benefit from the rental income derived from advertising structures. If sound design principles are applied, advertisements and signs will enhance the visual environment of the City Centre by contributing to visual diversity, interest and character, and will enhance the sense of place.  The planning proposal has no effect on the extent of business and industrial zones or available floor spaces for employment use.
<b>2. Environment and Heritage</b>	
2.3 Heritage Conservation Objective (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes  A number of Heritage Conservation Areas and Heritage items in Liverpool City Centre fall within or in close proximity to the B3 and B4 zoned land in Liverpool City Centre.  The inclusion of 'signage' as a permitted usage in these zones has the potential to negatively affect the amenity and conservation value of these heritage areas, as third



<p>(4) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.</p>	<p>party advertising signage could become visible from these areas or could impact heritage items.</p> <p>These risks are addressed by SEPP 64, which will be complemented by an amendment to LDCP 2008. SEPP 64 prohibits advertising signage in heritage areas, and in Schedule 1 (2) requires signage to not detract from the amenity or visual quality of heritage areas. This requirement will be complemented by a rationalisation of controls applying to signage in LDCP, which will clarify standards relating to signage and introduce new standards concerning third party advertising.</p>
<p><b>6. Local Plan Making</b></p>	
<p>6.1 Approval and Referral Requirements</p>	<p>Yes</p> <p>The planning proposal does not cause the need for additional consultation or referral of development applications to a Minister or public authority.</p>
<p><b>7. Metropolitan Planning</b></p>	
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p>(4) Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's A Plan for Growing Sydney published in December 2014</p>	<p>Yes</p> <p>This planning proposal is consistent with NSW Government's <i>A Plan for Growing Sydney</i>, as outlined in section 3.3 of this proposal.</p>

### ***C. Environmental, social and economic impact***

***3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

There are no critical habitats or threatened species, populations or ecological communities on land zoned B3 and B4.

***3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

There are no environmental effects which are likely to arise as a result of this Planning Proposal.

***3.9 How has the planning proposal adequately addressed any social and economic effects?***

Social Effects

There are potential social effects of including 'signage' as a use permissible with consent in B3 Commercial Core and Zone B4 Mixed Use zoned land. These include:

*Visual clutter*- multiple signs in a locality can result in visual clutter resulting in a negative impact on a streetscape making the locality visually unattractive. Large signs can also obscure attractive architecture and vistas.

*Visual amenity* - advertising signs can adversely impact on the visual amenity, character and experience of an area. This could impact on the public open space within the Liverpool City Centre, including Bigge Park and the Macquarie Mall.

*Impact on heritage items* - The inclusion of 'signage' as a permitted usage in these zones has the potential to negatively affect the amenity and conservation value of these heritage areas, as third party advertising signage could become visible from these areas or could impact heritage items. These risks are minimised by SEPP 64, which will be complemented by an amendment to LDCP 2008.

These potential adverse impacts are addressed by SEPP 64, which will be complemented by a rationalisation of the development standards applying to signage in LDCP 2008.

#### Economic Effects

Including 'signage' as a use permissible with consent in B3 Commercial Core and Zone B4 Mixed Use zoned land will have a positive economic effect on the Liverpool LGA. Individual business, property owners, and public authorities will benefit from the rental income derived from appropriate managed third party advertising.

### **D. State and Commonwealth interests**

#### **3.10 Is there adequate public infrastructure for the planning proposal?**

The proposed addition of 'signage' as a permitted use in B3 and B4 zones does not create the requirement for any public infrastructure.

#### **3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

This section is to be completed following the Gateway Determination, which will determine the consultation required.

### **Part 4 – Mapping**

No maps are proposed to be amended by this planning proposal.

### **Part 5 - Community Consultation**

Community consultation would take place following a Gateway determination in accordance with the Gateway Determination directives. It is anticipated that public exhibition would include;

- Notification on the Liverpool City Council Website;
- Advertisement in the local newspaper;
- Advertisement at Council's Administration Centre; and,
- A 14 day exhibition period.

## Part 6 – Project Timeline

The proposed timeline for the delivery of the planning proposal is:

Timeframe	Action
January 2018	Submission of Planning Proposal to DP&E
March 2018	Gateway Determination
June-July 2018	Community consultation
September 2018	Post-exhibition Council report
November 2018	Drafting and making of amendment