



Sydney Business Chamber

Postal Address  
GPO Box 4280, Sydney NSW 2001

Office Address  
Level 12, 83 Clarence Street  
Sydney NSW 2000

Phone: +61 2 9350 8119  
Fax: +61 2 9350 8199  
Email:  
[enquiries@thechamber.com.au](mailto:enquiries@thechamber.com.au)

30 April 2015

Mr Ben Pechey  
Manager  
City of Sydney  
GPO Box 1591  
Sydney NSW 2001

By email: [bpechey@cityofsydney.nsw.gov.au](mailto:bpechey@cityofsydney.nsw.gov.au)

**Re: Development Control Plan (DCP) – Signs and Advertisements 2015 (ref S106781.001)**

Dear Mr Pechey

The Sydney Business Chamber (SBC) is a division of the NSW Business Chamber and represents Sydney's leading corporations. The SBC advocates for Sydney to be a competitive and sustainable global city. The SBC welcomes the opportunity to comment on the *Draft City of Sydney Development Control Plan: Signs and Advertisements 2015* ("the draft DCP").

The SBC strives to identify, develop and promote the major issues that contribute to economic activity and growth in Australia's only global city, Sydney. We do this by representing and engaging with government on behalf of business at the local, state and federal level.

The SBC strongly supports planning reform that promotes sustainable city growth, good design and urban amenity. We believe that good planning helps drive economic development and job creation and helps maintain Sydney's status as a global city.

Considering the significant changes in technology and cost in electronic signage since the introduction of the current DCP (*Signage and Advertising Structures Development Control Plan 2005*) the timing of the revised DCP is appropriate.

The SBC notes and supports the objectives of high quality public domain, high design quality, positive contributions to buildings streetscapes and the city skyline identified in the DCP are appropriate. We also welcome the DCP identifying as an objective:

*To deliver coordinated and site-specific approaches to signage that respond to, complement and support the architectural design of a building and any heritage significance.*

Site-specific strategies are an important mechanism in terms of promoting coordination of signage whilst maintaining flexibility. On this point we note the clarification contained in the *Environmental Planning and Assessment Act 2012* on the status of DCP's which reinforced that principal purpose of DCPs as guidance documents to both the consent authority and development proponents on a development.

That Amending Act reinforced that the provisions contained in a DCP are not statutory requirements and are for guidance only. We would encourage council in considering any application for new signage to be as flexible as possible to help achieve the most appropriate site specific outcomes possible.

In terms of specific provision of the DCP, the SBC has been approached by a number of Sydney based businesses and businesses with work within the City of Sydney LGA raising concerns that a number of proposed changes to the DCP could impose significant costs. For example:

- 3.16.6.8(1b) provides that dynamic content signs such as electronic screens must be set back from windows (in proportion to size);

- 3.16.5.2.(4) requires that company names and logos can only appear in top of building signs when that company either owns the building or holds at least 50 per cent occupancy; and
- 3.16.6.7.(1),(3) requires that window signs (including top hamper signs) cannot take up more than 20 per cent of glazing on the elevation and must not be affixed directly to the glazing between one and two metres above ground level.

In the retail and fast-changing signage industries, these proposed measures may unduly restrict signage development and impose significant compliance costs through an additional layer of complexity in planning regulations.

The Productivity Commission's 2011 and 2014 reports on the retail industry found that regulatory regimes unnecessarily inflate costs and restrict innovation. It describes planning and zoning regulations as "*complex, excessively prescriptive, and often anticompetitive.*" (PC, 2014).

These inflated costs are born, not only by local businesses such as real estate agents and banks, but also by property owners, lease holders and investors who may see reductions in asset valuations if this draft DCP is adopted without amendment.

This is particularly relevant for the proposed 50 per cent occupancy requirement for top of building signs. With the stated intent of the DCP to "*Ensure that all signs and advertisements in the City contribute to a high quality public domain*" the issue of occupancy is completely arbitrary and should not be a relevant consideration.

Council should consider the potential impact of this proposed requirement on building owners who would stand to lose significant income from signage due to the fact that a potential proponent of "*a high quality*" building sign would fail on the grounds that they did not hold a sufficient occupancy of the building. Occupancy of a building should simply not be a consideration of council when determining whether to approve a building sign – as is the case under the current DCP.

Accordingly, we recommend that clause 3.16.6(2) (c) of *Sydney Development Control Plan 2012* be reinstated in place of section 3.16.5.2(4) of the draft DCP:

*Building name signs: are only to be allocated to a significant tenant of the building or its owner where the tenant or the owner occupies the largest amount of floor space within the building relative to other tenants or occupants.*

While it's appreciated that by its very nature the DCP will only apply to the City of Sydney Local Government Area, as a leading council many other LGAs will likely look to adopt similar provisions as those provided in the draft DCP if implemented.

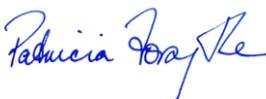
In light of this, we suggest Council on the provisions identified above undertake further consultation with representatives of the signage and retail industry to identify how they meet leading national and international best practice.

A communication strategy on the changes should also be developed to ensure that property owners and retail lease holders are aware of the new provisions and how they apply to them.

We thank you for the opportunity to raise these issues and look forward to working with you further to plan for the future need of our city.

Please contact Luke Aitken of the NSW Business Chamber's Policy unit via email at [luke.aitken@nswbc.com.au](mailto:luke.aitken@nswbc.com.au) or on phone 9458 7582 should you have any queries about this submission.

Yours sincerely

A handwritten signature in blue ink that reads "Patricia Forsythe".

**THE HON. PATRICIA FORSYTHE**  
**Executive Director**