

DCP No.4 - Outdoor Advertising Structures and Signs



PLANNING ACT 2002

DEVELOPMENT CONTROL PLAN (DCP) No. 4

OUTDOOR ADVERTISING STRUCTURES AND SIGNS

Date of commencement: 5 September 2008

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PART A - PRELIMINARY

1. What is the name of this plan ?

This development control plan is called Development Control Plan No. 4 – Outdoor Advertising Structures and Signs.

2. Where does this plan apply ?

This plan applies to the land to which the Norfolk Island Plan 2002 applies.

3. What use or development does this plan apply to ?

This plan applies to use and development for the purposes of outdoor advertising structures and signs as described in Part C – *Types of Advertising Structures* and Part D – *Types of Signs*.

4. What is the purpose of this plan ?

The purpose of this plan is to:

- a. identify the range of advertising structures and signs that may be used in Norfolk Island, for example for advertising, promotion, directional guidance, information, and any other purpose; and
- b. to provide advice on the types of advertising structures and signs that are:
 - i. exempt use or development and not subject to the provisions of this Plan;
 - ii. permitted (as of right) use or development that does not require a development application or development approval provided that relevant development standards and design guidelines are met.
 - iii. permitted use or development that requires a development application;
 - iv. permissible (with consent) use and development that requires a development application;
 - v. prohibited use and development.

5. What are the objectives of this plan ?

The objectives of this plan are to:

- a. Regulate the display or erection of advertising structures and signs but not their content;
- b. Ensure that advertising structures and signs do not adversely affect the surrounding area by appearance, size, illumination, overshadowing or in any other way;
- c. To prevent excessive signage and visual clutter;
- d. To ensure that signage is sympathetic to the character and scale of development in Norfolk Island;
- e. To ensure that signage does not detract from the scenic beauty and amenity of Norfolk Island;
- f. To assist residents and visitors to locate businesses, attractions and general information around Norfolk Island.

6. How does this plan relate to other plans ?

- a. This plan replaces DCP No. 4 - Signs dated 27 February 2004.
- b. This plan supplements the Norfolk Island Plan 2002. This plan provides details on the permissibility of various types of advertising structures and signs and provides development standards and design guidelines for advertising structures and signs that are subject to this Plan.
- c. The Norfolk Island Plan 2002 applies to the construction or putting up for display of all signs except those identified under clause 89 of that Plan.

7. Interpretation

- a. Definitions of terms used throughout this plan are generally defined in the Norfolk Island Plan 2002 and provided in Appendix 1 – *Interpretation*; and must be applied in the interpretation of this plan.
- b. If a term is not defined or explained in either Appendix 1 or the Norfolk Island Plan 2002 or the Planning Act 2002, the meaning of the word is taken to be the meaning used in the Macquarie Dictionary.

PART B: GENERAL PLAN REQUIREMENTS

8. Advertising structures and signs that are exempt use or development.

This plan does not apply to advertising structures and signs that are listed as exempt use or development under clause 89 of the Norfolk Island Plan.

9. Advertising structures and signs that are permitted (as of right) use or development.

Advertising structures and signs in the following list are permitted (as of right) use or development and can be constructed, erected and displayed without the need to seek development approval, provided the use or development complies with any relevant development standards and design guidelines established in this clause and Part C - *Types of Advertising Structures* and Part D - *Types of Signs*:

- a. Identification signs displaying only the name of the proprietor, the name of the premises, the nature of the use and/or contact details, with an advertising display area no more than 0.8 metres in length and 0.5 metres in height, that are erected as flush wall advertising structures within or on the boundary of the premises to which the advertisement refers, in the Mixed Use, Business, Industry, Light Industry and Airport zones;
- b. Displaying the name of individual tourist accommodation cottages provided that the advertising display area of each advertising structure is not more than 0.5 sqm;
- c. Top hamper signs attached to the transom of a doorway or display window;
- d. Signs on private properties designed for safety, guidance, security and the like that may be visible from outside the property, such as "Entry" and "Exit" signs and "Private Property" signs, provided that the advertising display area of each advertising structure is not more than 1 sqm;
- e. Internal and window signs that are consistent with the description of internal and window signs provided in clause 30 of this plan;
- f. Advertisements or signs on a vehicle or trailer where the primary purpose of the vehicle or trailer is the conveyance and transport of goods and passengers and the vehicle or trailer is not parked permanently and used solely for the purposes of advertising and promotion.
- g. Replacing or repainting an existing lawful advertising structure or sign provided that it is the same type of advertising structure or sign and has the same advertising display area or less than the existing lawful advertising structure or sign;
- h. Signs and advertising structures in publicly accessible spaces such as arcades, malls and private car parks provided the advertising structure or sign is not visible from public land;
- i. National and statutory flags;

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- j. Advertising structures and signs erected or displayed to advertise community or civic projects, religious, educational, cultural, political, social or recreational events and activities, garage sales, properties for sale or open for inspection, construction projects or other special events, for a period not exceeding eight weeks.
- k. Tourism directional and guidance signs (and advertising structures to support such signs) that are consistent with the development standards and design guidelines for such signs provided in clause 29 of this plan;
- l. Interpretive advertising structures and signs intended to convey information about a heritage item listed in the Norfolk Island Heritage Register or a public reserve. The information must relate to the name of the heritage item or public reserve, a statement of its significance and the like, and may be erected as a flush wall advertising structure or a pole, freestanding or pylon advertising structure;
- m. Advertising structures and signs that are classified as permitted (as of right) use or development in a particular zone in Part E - *The Permissibility of Advertising Structures in Each Zone*.

10. Advertising structures and signs that may require development approval.

Types of signs and advertising structures that are not identified in clauses 8, 9 or 11 of this plan are likely to require development approval in some zones.

Part E - *The Permissibility of Advertising Structures in Each Zone* shows the category of use or development that applies for each type of advertising structure described in Part C - *Types of Advertising Structures*, for each zone in Norfolk Island. The type of approval required for each type of advertising structure varies depending on the zoning of the land where it is proposed to erect or display the advertising structure. Some types of advertising structures may be prohibited in certain zones but permitted in other zones. It is necessary to refer to Part E - *The Permissibility of Advertising Structures in Each Zone* to determine whether a particular type of advertising structure is permitted in a particular zone and the type of approval that is required to erect or display that advertising structure.

11. Advertising structures and signs that are prohibited use or development.

Advertising structures and signs that are identified in the following list are prohibited use or development in all zones, or in zones as specified:

- a. Billboard signs and advertising structures meaning any advertising structure that displays a sign board with an area greater than 4.0 square metres;
- b. Signs on trees, electricity or telephone poles or other inappropriate structures;
- c. Advertisements or signs on a vehicle or trailer where the vehicle or trailer is parked permanently and used solely for the purposes of advertising and promotion;
- d. Signs on waste bins and other similar public street furniture unless approved by the Administration of Norfolk Island;
- e. Flashing neon signs;
- f. Animated, flashing, scintillating and non-flashing neon signs in the Rural, Rural Residential, Residential, Industry, Light Industry, Open Space, Conservation, Airport, Special Use and Road zones;

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- g. Advertising structures and signs that are classified as prohibited use or development in a particular zone in Part E - *Permissibility of Advertising Structures in Each Zone*;
- h. Any advertising structure or sign that is prohibited by any other clause in this plan or any other applicable planning instrument or legislation.

12. Maximum number of advertising structures or signs per premises.

- a. There are no limits on the number of advertising structures or signs that are classed as exempt use or development or permitted (as of right) use or development, that may be erected at a premises.
- b. For advertising structures that are classed as permitted use or development or permissible (with consent) use or development and require development approval, the maximum number of advertising structures or signs that may be erected by each premises is as follows:
 - i. In the Mixed Use, Business, Industrial, Light Industrial Zone & Airport Zones: three advertising structures or signs per premises;
 - ii. In the Open Space, Conservation, Rural, Rural Residential, Residential & Special Use zones: two advertising structures or signs per premises.
- c. Where an advertising structure or sign on a particular portion of land refer to a premises located on a different portion of land, the maximum limits for advertising structures and signs specified in subclause (b) shall refer to the portion of land where an advertising structure or sign is to be erected and displayed, and the limit will also be applied to the premises being advertised. Neither limit may be exceeded.
- d. A maximum of one advertising structure or sign shall be allowed in the Road zone, and must only be allowed where it advertises a nearby premises. The maximum limits for advertising structures and signs specified in subclause (b) shall refer to the premises being advertised, and therefore any signs (to be) located in the Road zone shall be counted towards these maximum limits.
- e. Sharing of a single advertising structure to promote more than one premises will be encouraged.

13. Special design features associated with outdoor advertising structures.

In spite of the provisions of Part E – *The Permissibility of Advertising Structures in Each Zone*, clause 8 - *Advertising structures and signs that are exempt use or development* and clause 9 - *Advertising structures and signs that are permitted (as of right) use or development*; any proposal to erect an outdoor advertising structure or sign with special design features as follows, shall be permissible (with consent) use or development:

- a. illumination by an external source as described in clause 31;
- b. illumination by an internal source as described in clause 32;
- c. animated, flashing, or scintillating lights in the Business and Mixed Use zones as described in clause 33;
- d. artificially moving signs as described in clause 34;
- e. non-flashing neon lights in the Business and Mixed Use zones as described in clause 35.

14. Advertising structures and signs that pertain to heritage items.

In spite of the provisions of Part E – *The Permissibility of Advertising Structures in Each Zone*, and clause 9 - *Advertising structures and signs that are permitted (as of right) use or development*, any proposal to erect an advertising structure or sign

which pertains to a heritage item listed in the Norfolk Island Heritage Register shall be permissible (with consent) use or development.

15. Compliance with Development Standards

- a. Proposals to erect or display an advertising structure or sign shall comply with the development standards and design guidelines that apply to that particular type of advertising structure or sign that are established in Part C - *Types of Advertising Structures* and Part D – *Types of Signs*.
- b. Despite the provisions of subclause (a), approval may be given in exceptional circumstances to a variation of a development standard relating to advertising display area by up to 10% of the prescribed maximum area taking into account the characteristics of a particular proposal and where that variation is justified by the proponent.
- c. Where it is proposed to vary a development standard relating to advertising display area for an advertising structure or sign that is normally classified as permitted (as of right) use or development or permitted use or development, the proposal will require a development application and the proposal will be treated as permissible (with consent) use or development. Such development applications may be approved or consent may be refused.
- d. A proposal to vary a development standard relating to advertising display area beyond 10% will be treated as prohibited use or development.

16. Assessment of proposals for advertising structures.

- a. The table at Appendix 2 - *Criteria to assist in the assessment of proposals for advertising structures*, identifies matters that will be taken into account when assessing the merits of a proposal for an advertising structure.
- b. For advertising structures that require a development application, the matters listed will be considered in addition to any relevant matters listed in clause 84 of the Norfolk Island Plan "*What must be considered when a development application is assessed?*" and section 46 of the Planning Act 2002 "*Matters to be considered*".
- c. The matters listed in the Table at Appendix 2 should be considered by proponents in the design of a proposal for an advertising structure and the table completed by proponents and attached to a development application for an advertising structure. Where necessary or relevant, additional comments on the matters listed should be addressed in supporting information submitted with a development application.

17. Deed of Indemnity

- a. The use of public land or public airspace for any form of signage will only be permitted where the proponent has provided a signed "Deed of Indemnity" to the Administration of Norfolk Island. The Deed will indemnify the Administration of Norfolk Island against all actions, proceedings, demands, losses, damages, fees, claims, costs, and expenses whatsoever incurred or arising out of, or in conjunction with, or in consequence of, the use of the public land or public airspace for the use of signage. The Deed must be signed by the proponent being the person who seeks to erect or display the advertising structure or sign.
- b. The standard form for a *Deed of Indemnity* is at Appendix 3.

PART C – TYPES OF ADVERTISING STRUCTURES

18. Roof advertising structure

means an advertising structure erected upon or above, or extending above, or painted on a roof or parapet or canopy of any building or other structure, and which is wholly or partly supported by that building or structure.

19. Above awning advertising structure

means an advertising structure located on top of an awning or verandah with no part of the advertising structure or sign projecting above the roof, parapet or ridge line or beyond the awning edge.

Development standards.

- a. The maximum advertising display area is 2.2 sqm.

20. Below awning advertising structure

means an advertising structure fixed or hanging below an awning or any other structure such as a beam.

Development standards:

- a. The base of the advertising structure must be not less than 2.6 m above the footpath or any other form of public thoroughfare at any point.
- b. The advertising structure must not have an advertising display area greater than 1.5 sqm on either of 2 sides.
- c. The depth of the advertising structure must not be greater than 0.5m.

21. Fascia advertising structure

means any sign or advertising structure attached to or painted onto the fascia of awnings.

Development standards:

- a. The height and width of the advertising structure or lettering must not extend above or below the fascia or return end of the awning to which it is attached.

22. Material advertising structures

means an advertising structure that is made up of material such as fabric, cloth, textile, paper and plastic attached or supported on one or two sides to another structure so as to allow movement caused by the atmosphere, where the material displays corporate, advertising and promotional information; whether or not the sign is removed from time to time.

The term includes:

- a. kites, banners, flags, bunting and street banners, balloons and the like.
- b. umbrellas that are erected primarily to promote and advertise goods, products or services with advertising and promotional material displayed on the canopy of the umbrella.

The term does not include:

- c. Umbrellas that are street furniture accompanied by tables and chairs the primary purpose of which is to provide a space for rest and shelter;

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- d. Kites, banners and flags that are attached to vehicles not otherwise subject to the provisions of this plan;
- e. National or statutory flags; or
- f. Mobile advertising structures separately described in clause 25 of this plan.

Development standards:

- g. The maximum advertising display area for all flags and kites is 2.0 sqm.
- h. The maximum height of all material advertising structures is 6.0 m from ground level.
- i. Where the advertising structure is located in a public thoroughfare such as a footpath or other place where pedestrians may pass, the minimum height above ground level is 2.6 m to the base of the advertising display area to enable clearance.
- j. Where the advertising structure is located in a space where there is no public thoroughfare or access, there is no requirement for a minimum height above ground level to the base of the advertising display area.
- k. Material advertising structures must not be attached to structures erected for an alternative specific purpose such as aerials, antennae and the like.

Design guidelines:

- l. A single fixed location for the material advertising structure should be adopted and used at all times.
- m. The illumination, colour and position of the material advertising structure must not in any way interfere with other infrastructure such as overhead power lines and traffic signs.

23. Pole or freestanding or pylon advertising structures

means an advertising structure which is supported by one or more columns, uprights or braces in or upon the ground and which is not directly attached to any building or other structure. The term does not include material advertising structures described in clause 22 of this plan.

Development standards:

- a. The advertising display area of the advertising structure must not exceed 2.0 sqm.
- b. The height of the advertising structure must not exceed 6.0 m above ground level whether or not the columns, uprights or braces are in or upon the ground or in another structure such as a planter box or pot plant.
- c. Where the advertising structure is located in a public thoroughfare such as a footpath the minimum height above ground level is 2.6 m to the base of the advertisement display area to enable clearance.
- d. Where the advertising structure is located in a space where there is no public thoroughfare, there is no minimum height above ground level.

Design guidelines:

- e. Pole or freestanding or pylon advertising structures will be permitted only where building setbacks and road function and general use of the space make them appropriate.

24. Projecting wall advertising structure

means any advertising structure attached to a wall which projects either parallel or at any angle more than 300 mm from the wall. The term does not include a flush wall advertising structure described separately in clause 26 of this plan.

Development standards:

- a. The maximum advertising display area of the advertising structure must not exceed 2.0 sqm.
- b. The advertising structure must be a minimum of 2.6m above the ground level.
- c. No part of the advertising structure will be located within 0.6 m of the vertical projection of any kerb alignment.
- d. The maximum height of the advertising structure is 3.0m from ground level to the top of the structure.

25. Mobile advertising structures

means any portable, moveable or mobile advertising structure which is regularly or occasionally displayed. The term includes sandwich boards, chalk boards, white boards, bulletin boards, portable props and figures. The term does not include material advertising structures described separately in clause 22 of this plan.

Development standards:

- a. Mobile advertising structures must be either placed on the ground and not exceed a height of 1.2 metres, or attached to the frontage of a premises such as a wall, fence or gate, provided the advertising structure is not permanently fixed to the wall, fence or gate, and does not extend above the top of the wall, fence or gate.
- b. Mobile advertising structures shall not be placed on top of a vehicle, trailer or the like.
- c. The advertising display area shall not exceed 2.0 sqm in the case of sandwich boards and other double-sided boards, or 1.0 sqm in the case of all other mobile advertising structures.
- d. Mobile advertising structures must be located within or on the boundaries of a portion, unless:
 - i options for the placement of the advertising structure within the portion are limited; and
 - ii public access is not impeded or safety affected by the placement of the advertising structure on public land;in which case the Administration may grant permission for a mobile advertising structure to be placed on public land.
- e. Where the Administration grants permission for a mobile advertising structure to be placed on public land the following conditions will apply:
 - i the proponent must sign a "Deed of Indemnity" in accordance with clause 17 of this plan;
 - ii permission will be granted for one advertising structure only. If an alternative advertising structure is approved permission to locate the mobile advertising structure on public land will be withdrawn and the mobile advertising structure will be removed; and
 - iii the advertising structure must only be displayed during daylight hours to protect public safety.

26. Flush wall advertising structure

means any advertising structure which is:

- a. fixed parallel; or
- b. painted, either by direct painting or by signage comprising individual lettering or logo; or
- c. comprises the application of materials such as acrylic; or
- d. stuck or attached in any manner directly onto an exterior wall of a building or other structure such as:
 - i. a fence of any material or size,
 - ii. garden or retaining wall of any material or size; or
 - iii. gate of any material or size;

and not described as exempt use or development in clause 8, permitted (as of right) use or development in clause 9 or prohibited use or development in clause 11.

Development standards:

- e. The advertising display area must not exceed 4 sqm.
- f. The advertising structure must not protrude more than 300 mm from the wall.
- g. The advertising structure must not extend above the top of the wall, fence or gate.
- h. The advertising structure should not dominate the facade on which it is displayed.

PART D- TYPES OF SIGNS

27. General

The purpose of this section is to describe certain types of signs that may be associated with specific advertising structures. In some cases, as explained in clause 13 – *Special design features associated with outdoor advertising structures*, the use of design features to enhance a sign associated with an advertising structure, such as illumination, may cause a proposal for a particular type of advertising structure to be more carefully assessed and therefore classed as permissible (with consent) use or development.

The description of signs relates to:

- a. the purpose of information displayed on an advertising structure; or
- b. aspects of design including features to enhance information displayed on an advertising structure such as illumination.

28. Statutory directional and guidance signs

means any sign required by a statutory authority designed to provide directions and guide people or traffic to public places, public amenities, public services and public facilities, or to ensure public safety or for the protection of goods, structures or buildings. The signs must be installed by or on behalf of the Administration of Norfolk Island. These signs are exempt from requiring development approval in accordance with clause 8 of this plan.

29. Tourism directional and guidance signs

means any sign that provides identification of and directions for vehicular or pedestrian traffic to commercial tourist attractions, facilities and accommodation. It does not include statutory directional and guidance signs.

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These signs may be supplied by the Administration of Norfolk Island on application and will be installed by or on behalf of the Administration, at the proponent's cost.

Development standards

- a. Tourism directional and guidance signs shall conform to the requirements of AS 1742.6 - Manual for Uniform Traffic Control Devices, Part 6 (Tourist and Services Signs).
- b. Tourism directional and guidance signs will be erected as pole or freestanding or pylon advertising structures and will comply with the development standards for pole or freestanding or pylon advertising structures.
- c. The signs will be erected in appropriate locations approved by the Administration of Norfolk Island.
- d. The wording of the sign must refer only to the registered business name of the business or company.
- e. Sharing of the advertising structure will be encouraged to prevent a proliferation of signage.

30. Internal and window signs

means any advertising structure or sign located wholly within the interior of a building whether or not permanently displayed; including signs attached to, painted or displayed in similar fashion on or behind a window or any glazed area of a building. The term includes video screens and displays, internal neon signs and other internal signs that are illuminated in any manner.

31. Signs illuminated by an external source

means a sign displayed on any outdoor advertising structure where any part of the advertising structure or sign is illuminated by an external static source of lighting such as floodlights and spot lights, whether or not that source of lighting is attached to or detached from the advertising structure. This definition does not include any lighting that does not illuminate an advertising structure or sign.

32. Signs illuminated by an internal source

Means any sign displayed on any outdoor advertising structure where the letters, background and / or images are illuminated by an internal source of light to make the message readable.

33. Animated, flashing, and scintillating signs

means a sign displayed on any outdoor advertising structure where any part of the advertising display area is animated, flashing or illuminated at frequent intervals by an internal source of artificial light, including advertisements with scintillating or moving images and sequential colour signs. The definition does not include decorative fairy lights, or any lighting that does not illuminate and advertising structure or sign.

34. Artificially moving signs

means a sign displayed on any outdoor advertising structure that is capable of movement by any source of power (other than atmospheric breeze) such as a revolving structure.

35. Neon signs

means any sign displayed on an outdoor advertising structure where any part of the advertising structure is illuminated to give off a coloured glow when electricity is passed through it. The definition does not include internal and window signs.

PART E - PERMISSIBILITY OF ADVERTISING STRUCTURES IN EACH ZONE

35. Explanation

The following table is called the Permissibility of Advertising Structures in Each Zone Table and indicates the types of advertising structures that are permitted (as of right) use or development, permitted use or development, permissible (with consent) use or development or prohibited use or development in the specified zoning groups. This Table must be consulted to determine the permissibility for each type of advertising structure in the particular zone.

ADVERTISING STRUCTURE /ZONE	OPEN SPACE & CONSERVATION	RURAL	RURAL RESIDENTIAL & RESIDENTIAL	MIXED USE	BUSINESS	INDUSTRY & LIGHT INDUSTRY	AIRPORT	SPECIAL USE	ROAD
Roof advertising structure	X	X	X	C	C	C	C	C	X
Above awning advertising structure	X	X	X	P	P	P	P	C	X
Below awning advertising structure	X	P	P	P	P	P	P	P	X
Fascia advertising structure	X	X	X	AOR	AOR	AOR	AOR	C	X
Material advertising structure	X	C	C	P	P	P	P	P	X
Pole or freestanding or pylon advertising structure	X	C	C	P	P	P	P	C	C
Projecting wall advertising structure	X	C	C	P	P	P	P	C	C
Mobile advertising structure	P	AOR	AOR	AOR	AOR	AOR	AOR	AOR	P
Flush wall advertising structure	C	C	C	P	P	P	P	C	X

LEGEND

- ◆ X - Prohibited use or development
- ◆ P - Permitted use or development (approval required)
- ◆ C – Permissible (with consent) use or development (consent required)
- ◆ AOR - Permitted (as of right) use or development (no approval or consent necessary provided development meets relevant development standards)

APPENDIX 1: INTERPRETATION

(Refer to clause 7)

advertisement * means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of works. The term is synonymous with sign.

advertising display area * means the area of an advertising structure or device used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures. The advertising display area of an advertising structure that contains advertising on more than one side is to be calculated cumulatively as the sum of the display areas on all sides.

The advertising display area is further defined as:

- a. in the case of an advertising structure with clearly defined edges, its height multiplied by its length or geometric area; and
- b. in the case of an advertising structure without clearly defined edges or structure (e.g. a prop or skeleton letter type sign): the area of the minimum rectangle or geometric shape within which the letters, graphics or prop fit.

advertising structure * means a structure that is principally designed for, or that is used for, the display of an advertisement or sign. It includes banner, pole, panel, hoarding, board, bunting, decorative flag, prop and like. The term is synonymous with the term advertising device.

attached * means fastened, joined or affixed to make secure and fix firmly and permanently.

building * (as defined under the Building Act 2002) includes:

- a. a structure on or attached to land; and
- b. an addition to a building; and
- c. a structure attached to a building; and
- d. a part of a building.

canopy * means any form of overhanging protection or shelter including any form of roof.

development * means the use of any land or the erection or use of any building or other structure or the carrying out of building, engineering, mining, or other operations in, on, or under the land, or the making of any material change to the use of any premises. The term includes —

- a. the construction, exterior alteration or exterior decoration of a building or structure; or
- b. the demolition or removal of a building, structure or works; or
- c. the construction or carrying out of works; or
- d. the subdivision or consolidation of land including buildings or airspace; or
- e. placing or relocation of a building, structure or works on the land; or
- f. the construction or putting up for display of a sign or hoarding(s).

development application * means an application made for development approval to use or develop land for a purpose which requires the granting of development approval.

design guidelines * means provisions in this plan in relation to the carrying out of use or development which specify requirements for design aspects of that use or development.

development approval * has the same meaning as defined in the Planning Act 2002 .

development standard * means provisions in the Norfolk Island Plan or this plan in relation to the carrying out of use or development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that use or development.

display * includes the erection of a structure for the purposes of display and the use of land, or a building on land, for the purposes of display.

executive member * means a person holding office under section 13 of the Norfolk Island Act 1979 (Cth), and who has administrative responsibility for the Planning Act 2002.

fascia * is the solid, flat, horizontal surface immediately below the edge of a roof. It may also be the flat surface above a shop window that may display a sign with the name of a shop.

frontage * means a boundary of a premises or portion of land that abuts a public thoroughfare.

heritage item * means an item listed in the Heritage Register.

land * means any land on Norfolk Island. The term includes Phillip and Nepean Islands, and the offshore stacks, where that land is above the mean high water mark. The term also includes water covering land where situated above the mean high water mark.

nuisance * means nuisance which:

- a. causes or is likely to cause danger or harm to the health, safety or welfare of any persons; or
- b. relates to unreasonable or excessive levels of noise, dust or pollution.

parapet * means a low protective wall or barrier built at the edge of a balcony, roof or bridge.

pediment * means a broad or low triangular or segmental gable crowned with a projecting cornice especially over a portico or at the ends of a gable roofed building as the major part of a façade.

permitted (as of right) use or development * means use or development that may be carried out without development approval from the Norfolk Island Government and which does not require the grant of development approval under the Norfolk Island Plan.

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permitted use or development * means use or development that requires the Norfolk Island Government's development approval (but not its consent), and which is subject to conditions imposed by the executive member.

permissible (with consent) use or development * means use or development that may only be carried out with development approval from the Norfolk Island Government (granted by the executive member acting upon recommendations from the Norfolk Island Planning and Environment Board), and which is also subject to conditions imposed by the executive member, and is subject to any other approval, consent or permission required under any other enactment.

prohibited use or development * means use or development that may not be carried out under this plan.

premises * means the physical location of land and / or buildings used for a business, company or activity that seeks to advertise or promote itself.

prop * means any shape, figure, object, structure, installation and the like that is or forms any part of an advertising structure or sign and / or that is used and incorporated as part of an advertising display area, advertisement or sign.

sign * means any notice, information, graphics, logos and the like including:

- (a) Regulatory signs which relate to the safe and effective use of the road system by motorists and pedestrians;
- (b) Directional signs which assist people to navigate their way to a desired destination; and
- (c) Other signs including service, information, promotional and commercial advertising signs.

The term is synonymous with advertisement.

signage * refers to the combination or aggregation of the advertising structure and advertisement(s) or sign(s).

streetscape * means the aggregation of those things, which together, make up the view for an observer of the street.

transom * a crosspiece over a door or between the top of a door and a window above.

use * (in relation to land) means the manner of utilising land, but does not include the undertaking of development.

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APPENDIX 2: CRITERIA TO ASSIST IN ASSESSMENT OF PROPOSALS FOR ADVERTISING STRUCTURES

(Refer to clause 16)

1. Type of advertising structure: Is the proposal a:	Yes	No
a. Roof advertising structure		
b. Above awning advertising structure		
c. Below awning advertising structure		
d. Fascia advertising structure		
e. Material advertising structure		
f. Pole, freestanding or pylon advertising structure		
g. Projecting wall advertising structure		
h. Mobile advertising structure		
i. Flush wall advertising structure		
2. Development Standards: Is the proposal consistent with relevant development standards for:	Yes	No
a. the advertising display area ?		
b. Minimum height above ground level ?		
c. Maximum height above ground level ?		
d. All other relevant development standards that apply to the specific advertising structure ?		
e. If the proposal is not consistent with relevant development standards and it is proposed to seek approval for variation of any development standards, is justification for the variation attached to the development application ?		

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3. Design guidelines		
a. Is the proposal consistent with all relevant design guidelines that apply to the specific advertising structure ?		
b. If the proposal is not consistent with any relevant design guidelines is justification for the inconsistency attached to the development application ?		
4. Special design features associated with advertising structures: Does your proposal include any of the following special design features ?		
a. Illumination by an external source as described in clause 31		
b. Illumination by an internal source as described in clause 32		
c. Animated, flashing or scintillating lights as described in clause 33		
d. Artificial movement as described in clause 34		
e. Neon lights as described in clause 35		
5. Permissibility of the advertising structure: Is the proposal:		
a. As of right use or development ? (No DA required).		
b. Permitted use or development ?		
c. Permissible with consent use or development ?		
d. Prohibited use or development ?		
6. Special areas		
a. Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, beaches, rural landscapes or residential areas?		

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7. Views and Amenity		
a. Does the proposal obscure or compromise important views?		
b. Does the proposal respect the viewing rights of others ?		
c. Does the proposal detract from the scenic beauty and amenity of Norfolk Island ?		
8. Character, streetscape, setting or landscape	Yes	No
a. Is the proposal sympathetic to the character and scale of development in Norfolk Island ?		
b. Is the scale, proportion and form of the proposal appropriate for the locality in terms of streetscape, setting or landscape?		
c. Does the proposal reduce clutter by rationalising and simplifying existing signage ?		
d. Does the proposal screen unsightliness?		
e. Does the proposal communicate the proponent's message clearly and concisely whilst complimenting the character and amenity of the surrounding area ?		
f. Does the proposal adversely affect the surrounding area by appearance, size, illumination, overshadowing or in any other way ?		
9. Site and building		
a. Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed advertising structure is to be located?		
b. Does the proposal respect important features of the site or building, or both?		
c. Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
d. Is the advertising structure that displays the sign attached to the building within structural elements i.e. pediments, gables or horizontal panels below the cornice of the building ?		
e. Does the advertising structure cover or obscure decorative elements or architectural features of the building e.g. parapets ?		
f. Is the area of the advertising structure in proportion to the building where it is going to be displayed ?		
g. Does the proposal dominate the area of the building ?		
h. Does the advertising structure extend over a window or other opening ?		

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10. Illumination	Yes	No
a. Would illumination result in unacceptable glare?		
b. Is the illumination positioned so that it does not cause a nuisance to neighbouring properties by spillage of light or glare or create a traffic hazard?		
c. Would illumination affect safety for pedestrians, vehicles or aircraft?		
d. Would illumination detract from the amenity of any residence or other form of accommodation?		
e. Is the illumination subject to a curfew?		
f. Is the lighting directed only at the advertising structure?		
11 Safety		
a. Would the proposal reduce the safety for any public road?		
b. Would the proposal reduce the safety for pedestrians or bicyclists?		
c. Would the proposal obscure sightlines from public areas?		
d. Does the sign project over any vehicular road alignment?		

APPENDIX 3: STANDARD FORMS: DEED OF INDEMNITY



ADMINISTRATION OF NORFOLK ISLAND

DEVELOPMENT CONTROL PLAN No. 4
OUTDOOR ADVERTISING STRUCTURES & SIGNS
[for use by companies or incorporated associations]
RELEASE AND INDEMNITY

_____ (“the Applicant”)
<insert company/association name>

being: [a company incorporated /registered as a foreign company under the Companies Act 1985]
[an incorporated association under the Associations Incorporation Act 2005]

IN CONSIDERATION of the grant of the attached application for development approval under section 34 of the Planning Act 2002 to erect advertising structure(s) and/or sign(s) on public land or public airspace situate at:
[Land Details]

Hereby:

1. Agrees to abide by all the terms and conditions of the development approval; and
2. Releases, indemnifies and undertakes to keep indemnified:
 - (a) the Administration of Norfolk Island, its officers, employees and agents;
 - (b) the Administrator of Norfolk Island, and
 - (c) the Commonwealth of Australia, its officers, employees and agents
 against all legal liability, loss, claim or proceedings for personal injury to or death of any person or for injury or damage to property arising from any activity whatsoever pursuant to the development approval (but excluding any and all such actions and claims arising out of the negligent acts, omissions or defaults of the Administration or any officer, servant or agent of the Administration).

Dated this _____ day of _____ 200

EXECUTED AS A DEED

THE COMMON SEAL of the Applicant is affixed in accordance with its constituent documents in the presence of:

.....
Signature of Authorised Person

.....
Signature of Authorised Person

.....
Print name of Authorised Person

.....
Print name of Authorised Person

.....
Office Held

.....
Office Held



ADMINISTRATION OF NORFOLK ISLAND

**DEVELOPMENT CONTROL PLAN No. 4
OUTDOOR ADVERTISING STRUCTURES & SIGNS**

[for use by individuals / unincorporated clubs]

RELEASE AND INDEMNITY

I/ We, _____
[duly authorised officer(s)/ members(s) of

(“the Applicant”)

IN CONSIDERATION of the grant of the attached application for development approval under section 34 of the Planning Act 2002 to erect advertising structure(s) and/or sign(s) on public land or public airspace situate at:

[Land Details]

Hereby:

1. Agrees to abide by all the terms and conditions of the development approval; and
2. Releases, indemnifies and undertakes to keep indemnified:
 - (a) the Administration of Norfolk Island, its officers, employees and agents;
 - (b) the Administrator of Norfolk Island, and
 - (c) the Commonwealth of Australia, its officers, employees and agents
 against all legal liability, loss, claim or proceedings for personal injury to or death of any person or for injury or damage to property arising from any activity whatsoever pursuant to the development approval (but excluding any and all such actions and claims arising out of the negligent acts, omissions or defaults of the Administration or any officer, servant or agent of the Administration).

Dated this _____ day of _____ 200

**EXECUTED AS A DEED
By or on behalf of the Applicant**

.....
Signature of Witness/Authorised Person

.....
Signature of Authorised Person

.....
Print name of Witness/Authorised Person

.....
Print name of Authorised Person