

3 May 2019

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Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street, Sydney NSW 2000

Dear Ms McNally,

RE: PRELIMINARY MODIFICATION REQUEST – WESTERN SYDNEY ORBITAL (WESTLINK M7)

1.0 Description of Proposed Modifications

The Section 4.55(1A) modification application will seek to bring the Westlink M7 approval into alignment with the recent amendments to SEPP 64 that have created a development approval pathway for advertising. Accordingly the modification will seek to delete Condition 66 which currently prevents commercial advertising on the Westlink M7:

~~**66. No commercial advertising except for direction purposes during construction shall be permitted within the road reserve for the Project during construction or when in operation.**~~

2.0 Justification

Outdoor advertising and signage has been guided by SEPP 64 since its introduction in 2001. In 2007, SEPP 64 was amended (Amendment No 2) which changed the conditions relating to advertising signage to occur on transport corridor land. The amendment included the introduction of Clause 16, which stated that despite the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development approval. However, clause 16(4)(b) went on to say that consent cannot be given for the display of an advertisement on transport corridor land if:

“the display of an advertisement on the land concerned is prohibited by a local environmental plan made after the commencement of SEPP 64 (Amendment No. 2)”

Under the Standard Instrument (LEP) Order 2006, LGAs were made to adopt new LEPs that were consistent with terms, structure and definitions of the Standard Instrument. The intention at the time may have been for each Council to consider the permissibility of advertising on transport corridor land when they adopted the Standard Instrument. However, because the Standard Instrument SP2 Infrastructure zone (which is used for Motorways) prohibits all uses other than roads, this is not what eventuated.

When the final Standard Instrument LEP was gazetted in 2015, only 3 LGAs out of 43 in metropolitan Sydney (prior to amalgamation) included signage in SP2 zones – Holroyd, Kogarah and Lane Cove – none of which are applicable to the Westlink M7.

In November 2017, the NSW Department of Planning and Environment (DPE) gazetted changes to SEPP 64. This included the deletion of clause 16 (4), inserting instead the following in relation to transport corridor land:

“This clause does not apply to the display of an advertisement if the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines¹.”

¹ ‘Guidelines’ refers to the *Transport Corridor Advertising and Signage Guidelines* adopted in November 2017

In effect, the amendment reflects the NSW Government's intent for advertising signage to be permissible within transport corridor land and creates a development approval pathway for future advertising on the Westlink M7 transport corridor land that was not previously available.

3.0 Further Engagement and Assessment

The project team has been in consultation with Mick Fallon (A/Team Leader, Transport Assessments) of the Department of Planning and Environment since late 2018. The project required a recent gazettal as State significant infrastructure prior to lodgement of a Section 4.55 application to be made. Consultation with Mick Fallon will continue throughout the assessment of the application.

The application will not seek consent for any physical signage, rather, seeks a modification to the existing consent that allows future applications to be lodged. Therefore, no significant environmental assessment is anticipated as part of the application. As in accordance with the recent amendments to SEPP 64, any future application is to take into consideration any relevant provisions of the Guidelines. The Guidelines include assessment criteria to minimise risk associated with sign location, design, illumination, reflectance and content in addition to design assessment criteria for consent authorities and specifically for transport corridors to ensure high quality amenity outcomes.

4.0 Conclusion

We trust that this provides a suitable amount of preliminary information to allow for the lodgement of the Section 4.55 Application. Should you require any further information, please do not hesitate to contact me at the details below.

Yours sincerely,



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