

28 June 2022

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**Partner**  
Christine Covington

Dear Ian

## M2 Motorway Signage DA

### 1 Request for Advice

- 1.1 You have asked us to advise on whether Manboom Signage Partnership Pty Ltd (**Manboom**) can be the applicant for development applications for the display of advertisements on the M2 Motorway (**DA**) for the purposes of section 3.14 of the *State Environmental Planning Policy (Industry and Employment) 2021 (IESEPP)*.
- 1.2 Section 3.14 of the IESEPP makes advertisement development permissible with development consent, where such development may otherwise be prohibited under a local environmental plan (**LEP**).

### 2 Executive Summary

- 2.1 In short, the answer is yes, Manboom can be the applicant for the DAs and benefit from the provisions in section 3.14(1)(c) of the IESEPP that make advertisement development permissible with consent on the M2 Motorway.
- 2.2 There is no requirement in section 3.14 or the balance of the IESEPP that requires the applicant for the DA for advertising on the M2 Motorway to be a public authority.
- 2.3 Landowner's consent to the DAs would still be required in the usual course.

### 3 Reasoning

- 3.1 We are instructed that Manboom proposes to lodge DAs for the display of advertisements on the M2 Motorway.
- 3.2 We are instructed that the development will be located on that part of the M2 Motorway that is zoned SP2 and that under the relevant LEPs, advertising and signage use is prohibited.

3.3 Section 3.14 of the IESEPP states:

**3.14 Transport corridor land**

- (1) **Despite section 3.8(1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases—**
  - (a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,
  - (b) the display of an advertisement by or on behalf of TfNSW on—
    - (i) a road that is a freeway or tollway (under the [Roads Act 1993](#)) or associated road use land that is adjacent to such a road, or
    - (ii) a bridge constructed by or on behalf of TfNSW on any road corridor, or
    - (iii) land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,
  - (c) **the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.**
- (2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.
- (3) The Minister must not grant consent to the display of an advertisement in such a case unless—
  - (a) the advice of any design review panel appointed by the Minister has been considered by the Minister, and
  - (b) the Minister is satisfied that the advertisement is consistent with the Guidelines.
- (4) This section 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 Guidelines.

*[emphasis added]*

3.4 Section 3.14(1)(c) makes advertising development permissible with development consent, despite any prohibition in an LEP, if the proposed advertising development is:

- (a) Within transport corridor land. This is defined as:

**transport corridor land** means the following land—

- (a) land comprising a railway corridor,
  - (b) land comprising a road corridor,
  - (c) land zoned industrial under an environmental planning instrument and owned, occupied or managed by TfNSW, Sydney Metro or RailCorp.
- (b) Located within the M2 Motorway transport corridor land.

3.5 On the basis of our instructions as to the location of the proposed development within the transport corridor of the M2 Motorway, the development is permissible with consent.

3.6 Unlike sections 3.14(1)(a) and (b), there is no requirement under section 3.14(1)(c) that the DA is made by or on behalf of a public authority. Accordingly, any person, including Manboom, can make such an application.

Yours faithfully  
**Corrs Chambers Westgarth**



**Christine Covington**  
Partner in Charge (she/her)

**Julia Green**  
Special Counsel