



NSW GOVERNMENT  
**Department of Planning**

09/12/2008  
Our ref:DA 62-7-2008

RTA COPY P/N 6221

Contact: James Kirby  
Phone: (02) 9228 6574  
Fax: (02) 9228 6544

Mr Ross Walker  
Manager, Commercial Development  
Roads Traffic Authority  
Centennial Plaza  
260 Elizabeth Street  
Surry Hills, NSW 2010

Dear Mr Walker,

**RE: Development Application DA-62-7-2008 Homebush Bay Drive**

I am writing to inform you that the above application has been approved by the Minister for Planning on 01/12/2008, subject to conditions. The approval is on the basis of the attached Notice of Determination. A copy of the endorsed plans in accordance with the consent is also attached for your information.

Please note the development consent operates from the date of this letter.

Should you have any enquiries regarding the above matter, please contact James Kirby on 9228 6574 or via email to [james.kirby@planning.nsw.gov.au](mailto:james.kirby@planning.nsw.gov.au).

Yours sincerely,

**Michael Woodland**  
**Director, Urban Assessments**

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF DEVELOPMENT APPLICATION NO. 62-7-2008**

**(FILE NO. S08/01222)**

**INSTALLATION OF AN ILLUMINATED ADVERTISEMENT**

I, the Minister for Planning, pursuant to Sections 80 (1) (a) and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 12(d)(ii) of State Environmental Planning Policy No 64 – Advertising and Signage determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure that the signage and associated structures do not result in any significant adverse environmental impacts; and
- (2) To protect the public interest



Kristina Kenneally MP  
**Minister for Planning**

Sydney,

*1 Dec.*

2008

## SCHEDULE 1

### PART A—TABLE

<b>Application made by:</b>	Roads and Traffic Authority 260 Elizabeth Street, Surry Hills NSW 2010
<b>Application made to:</b>	Minister for Planning
<b>Development Application:</b>	DA 62-7-2008
<b>On land comprising:</b>	Lots 13 in Dp 839591 Homebush Bay Drive
<b>Local Government Area</b>	Strathfield
<b>For the carrying out of:</b>	Installation of an illuminated advertisement on an existing motorway overbridge  A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
<b>Estimated Cost of Works</b>	\$60,000
<b>Type of development:</b>	Advertised Development
<b>S.119 Public inquiry held:</b>	No
<b>BCA building class:</b>	10b
<b>Approval Body / Bodies:</b>	Not Integrated
<b>Determination made on:</b>	
<b>Determination:</b>	A development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
<b>Date consent is liable to lapse</b>	This consent will lapse 15 years from the date of commencement of consent, unless:  (1) a shorter period of time is specified by the Regulations or  (2) a condition in Schedule 2, or  (3) the development has physically commenced.

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## PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 62-7-2008

### ***Responsibility for other approvals / agreements***

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### ***Appeals***

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within **12** months after the date on which the Applicant received this notice.

### ***Legal notices***

Any advice or notice to the consent authority shall be served on the Director-General.

## PART C—DEFINITIONS

In this consent,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this consent.

**Applicant** means Roads and Traffic Authority or any party acting upon this consent.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the Act.

**BCA** means the Building Code of Australia.

**Certifier** has the same meaning as Section 116G of the Act.

**Council** means Strathfield Council.

**DA No. 62-7-2008** means the development application and supporting documentation submitted by the Applicant on 7 July 2008.

**Department** means the Department of Planning or its successors.

**Guidelines** means the *Transport Corridor Outdoor Advertising And Signage Guidelines – Assessing Development Applications Under SEPP 64, July 2007*.

**Director-General** means the Director-General of the Department.

**Minister** means the Minister for Planning.

**Regulations** means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

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## SCHEDULE 2

### CONDITIONS OF CONSENT

#### DEVELOPMENT APPLICATION NO. DA 62-7-2008

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- 1) Installation of a single-sided, internally illuminated advertising structure 12.66m wide x 3.35m high (42.41sqm) and 1.192m deep and logo (0.25sqm) on the eastern side of the existing Homebush Bay Drive overbridge (over M4 Motorway).

##### **A2 Development in Accordance with Plans**

The development shall be in accordance with development application number 62-7-2008 submitted by the Applicant on 7 July 2008, and in accordance with the following:

Statement of Environmental Effects entitled Outdoor Advertising, Homebush Bay Drive, Strathfield prepared by Mike George Planning, dated July 2008			
Architectural (or Design) Drawings prepared by Opus International Consultants			
Drawing No.	Revision	Name of Plan	Date
11086-20	3	General Arrangement	27-11-2007

except for:

- 1) any modifications as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- 2) otherwise provided by the conditions of this consent.

##### **A3 Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

##### **A4 Duration of Consent**

This development application consent is issued for a limited period of 15 years. The consent will cease to be in force/expire after the determination date in Part A Schedule 1 of the consent.

Note: A new Development Application must be submitted prior to that date for assessment and determination if it is intended to continue the use beyond the cessation date.

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### **A5 *Flashing Illumination***

The approved advertisement must not have / use:

- 1) Flashing lights;
- 2) Electronically Changeable/Variable Messages;
- 3) Animated display, moving parts or simulated movement;
- 4) Any large area of illuminated display in the colour red;
- 5) Complex displays that hold a driver's attention beyond 'glance appreciation';
- 6) Displays resembling traffic signs or signals; and
- 7) A method and level of illumination that distracts or dazzles.

### **A6 *Relocation of RTA directional signage***

If the advertisement obscures any RTA directional signage, the directional sign is to be relocated by the RTA at the applicant's cost to a location that is satisfactory to the RTA.

### **A7 *Prescribed Conditions***

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

**END OF PART A**

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## **PART B —PRIOR TO COMMENCEMENT OF WORKS**

### **B1 STRUCTURAL DETAILS**

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- 1) the relevant clauses of the BCA,
- 2) the relevant development consent,
- 3) drawings and specifications comprising the Construction Certificate, and
- 4) the relevant Australian Standards listed in the BCA (Specification A1.3).

### ***Construction Management***

#### ***B2 Construction Management Plan***

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Certifier. The Plan shall address, but not be limited to, the following matters where relevant:

- 1) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation),
- 2) contact details of site manager,
- 3) traffic management, including details of the location of parking for vehicles associated with the construction (ie. Parked vehicles shall not impede the movement of traffic or pedestrians in and around the site), and
- 4) waste management

The Applicant shall submit a copy of the approved plan to the Department and Council.

#### ***B3 Long Service Levy Payment***

Construction is not to commence unless the required levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid.

#### ***B4 Outdoor Lighting***

The advertisement shall not release light above horizontal and shall comply with AS4282:1997 *Control of Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifier prior to the commencement of works.

#### ***B5 Contact Telephone Number***

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works. This telephone number is to be continually attended by a person with authority over the works for the duration of the development

**END OF PART B**

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## **PART C—DURING CONSTRUCTION**

### ***Construction Management***

#### ***C1 Approved Plans to be On-site***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifier.

#### ***C2 Site Notice***

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Certifier and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- 1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- 2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- 3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- 4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.



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## **Noise and Vibration**

### **C4 Hours of Work**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- 1) between 9:00 pm and 4:00 am, Mondays to Fridays inclusive;
- 2) between 9:00 pm and 4:00 am, Saturdays;
- 3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- 4) the delivery of materials is required outside these hours by the Police or other authorities;
- 5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- 6) the work is approved through the Construction Noise and Vibration Management Plan; and
- 7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

The above hours may be varied with the written agreement of the Director-General having regard to traffic safety while addressing amenity impacts of surrounding land uses.

### **C5 Construction Noise**

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

### **C6 No materials on footpath**

No materials, machinery, signs or vehicles used in or resulting from construction or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

### **C7 Construction Inspections**

The building works where applicable must be inspected at the following stages during construction:

- Pre-commencement, and
- Completion

Compliance certificates verifying a satisfactory level of compliance must be lodged with the Certifier for each required inspection.

**END OF PART C**

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## **PART D—POST OCCUPATION**

### ***D1 Advertisement Materials***

All future advertising skins installed on the signage structure shall employ the use of a biodegradable PVC material (BIOflex or similar where possible) to ensure that the signage satisfies environmental design and performance requirements.

### ***D2 Maintenance***

Regular maintenance of the approved advertisement shall be undertaken in accordance with the approved Operational Management Plan prepared by Eye Corp Pty Ltd, dated 18 April 2008.

### ***D3 Advertising Revenue/Public Benefit***

The total amount of outdoor advertising revenue received each year must be recorded by the RTA in its financial accounts and Annual Reports. The Annual Reports must also outline the RTA investments made each year on transport safety, amenity improvements or other public works listing specific works to which the funds have been or are to be applied.

### ***D4 Wind Loading***

The approved advertisement must meet wind loading requirements as specified in Australian Standard AS 1170.1 and AS 1170.2.

### ***D5 Location of certain names and logos***

The name or logo of the person who owns or leases the approved advertisement may appear only within the advertising display area and must not be greater than 0.25 square metres.

### ***D6 Removal of graffiti***

The owner/manager of the site or sign must be responsible for the removal of all graffiti from the advertisement within 48 hours after notification.

**END OF PART D**

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## **ADVISORY NOTES**

### ***AN1 Requirements of Public Authorities for Connection to Services***

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifier prior to the commencement of works.

### ***AN2 Compliance with Building Code of Australia***

The Applicant is advised to consult with the Certifier about any modifications needed to comply with the BCA prior to the commencement of works.

### ***AN3 Structural Capability for Existing Structures***

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

### ***AN4 Use of Mobile Cranes***

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifier:

- 1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- 2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

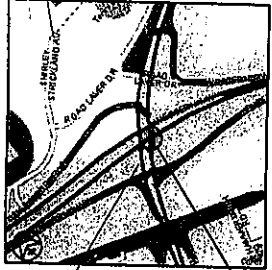


NSW GOVERNMENT  
Department of Planning  
Issued under the Environmental Planning and Assessment Act 1979

Approved MP Application No. DA 62-7-2008  
granted on the 01.12.08 subject to any conditions  
contained in the notice of determination.

Signed 158 Date 09.01.08  
PROPOSED SIGN STRUCTURE

Sheet No. 1 of 1



LOCALITY PLAN  
NTS

3	ISSUED FOR INFORMATION	27.11.07
2	REVISED FOR INFORMATION	08.10.07
1	ISSUED FOR INFORMATION	05.10.07
DESIGN	DATE	
APPROVED	DATE	
BY	CHECKED	DATE
AB	AB	AB
AND	AND	AND

This drawing and its contents are the property of Opus Pty Ltd and are not to be used for any other project without the written consent of Opus Pty Ltd. Any unauthorised use or reproduction of this drawing is prohibited.



**eye**  
EYE CORP  
Level 5/205 Sydney Street  
Sydney NSW 2000  
Tel: +61 2 9251 2222

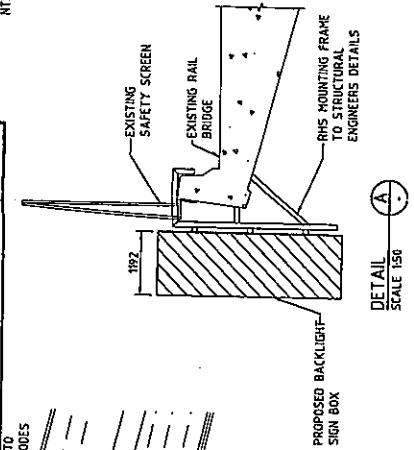
**Opus**  
Sydney Office  
Opus International Consultants  
Level 12, North Tower  
1-3 Ringwood St, Chesham NSW  
PO Box 5340  
Chesham NSW 1515  
Australia  
Tel: +61 2 9954 8333  
Fax: +61 2 9954 8777

**PROPOSED NEW SIGNAGE STRUCTURE ON HOMERUSH BAY DRIVE OVERBRIDGE**

**GENERAL ARRANGEMENT**

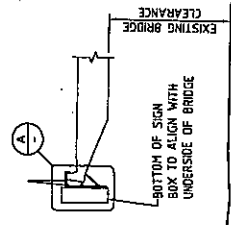
SCALE	AS SHOWN	PLOT DATE	-
DATE			
FEATURE IDENTIFIER	CODE	SHEET	REVISION
11086.20	-	S1	3

11086.20 - DA ORIGINAL SHEET SIZE A1 (840x594)

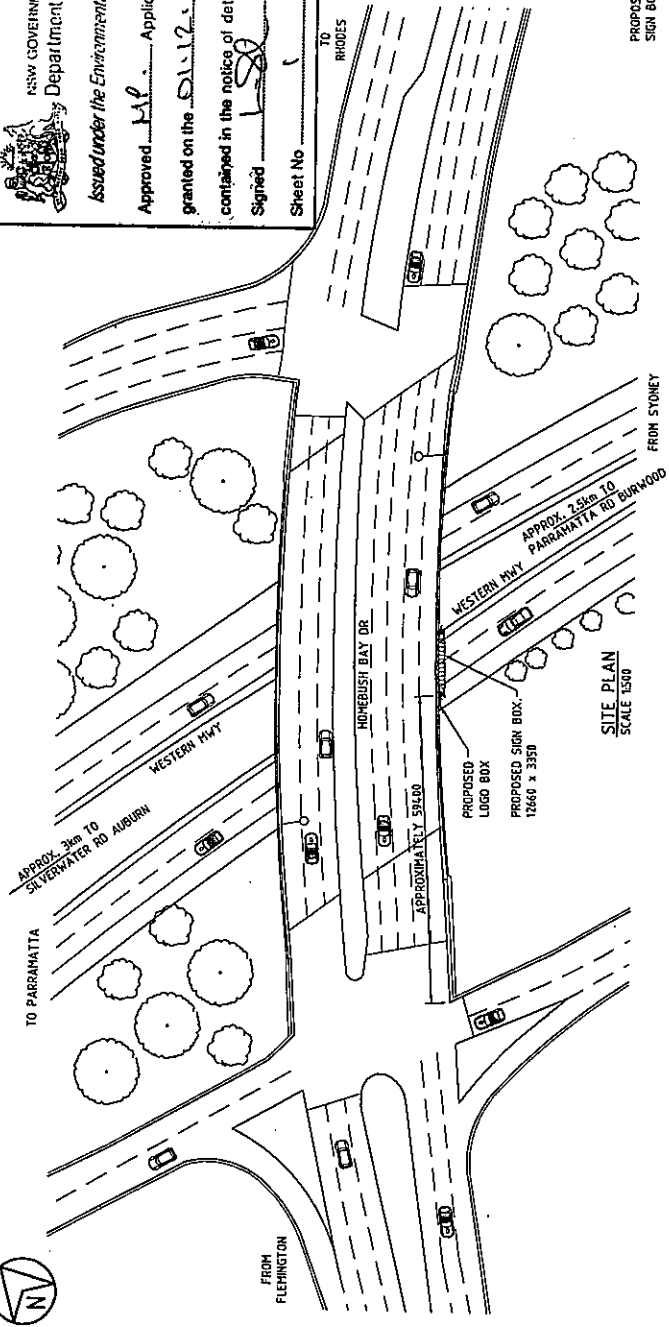


DETAIL  
SCALE 1:50

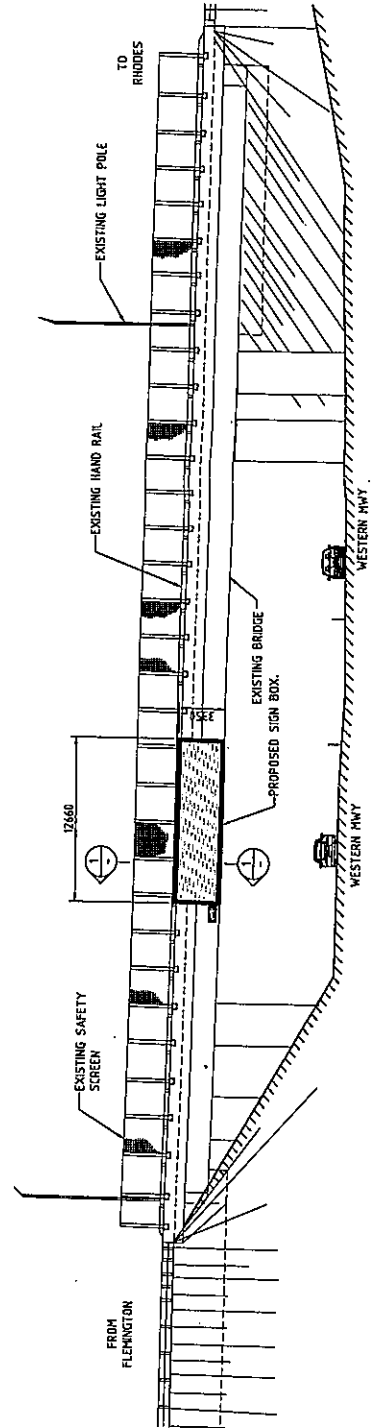
NOTE:  
ALL DIMENSIONS TO  
BE CONFIRMED ON-SITE  
BY FINAL SURVEY



SECTION  
SCALE 1:200



SITE PLAN  
SCALE 1:500



EASTERN ELEVATION  
SCALE 1:200

PRELIMINARY  
NOT FOR CONSTRUCTION

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF A MODIFICATION TO A DEVELOPMENT APPLICATION TO  
AMEND THE CONDITIONS OF CONSENT FOR ADVERTISING SIGNAGE –HOMEBUSH  
BAY DRIVE, FLEMINGTON  
DA 62-07-08**

Under the instrument of delegation dated 4 March 2009, the Minister has delegated her functions under Section 96(1A) of the Act relating to modifying development consents to the Director, Urban Assessments. Having regard to the Instrument of Delegation, it is considered appropriate that the application be determined under delegation by the Director, Urban Assessments

The reasons for the imposition of conditions are:

- To ensure that the signage and associated structures do not result in any significant adverse environmental impacts; and
- To protect the public interest.



Michael Woodland  
**Director**  
**Urban Assessments**

Sydney, 11 NOVEMBER 2009

## SCHEDULE 1

### PART A — TABLE

<b>Application Number:</b>	DA 62-07-2008
<b>Application made by:</b>	The Roads and Traffic Authority of New South Wales
<b>On land comprising:</b>	Homebush Bay Drive, Flemington
<b>Local Government Area</b>	Strathfield Municipal Council
<b>For the carrying out of:</b>	Advertising under State Environment Planning Policy No. 64 – Advertising and Signage
<b>Section 96(1A) Application:</b>	To modify DA 62-7-2008 in the following manner:  The removal of condition D1 “Advertisement Materials” from existing consent conditions, granted on 1 December 2008
<b>Development consent granted by:</b>	Minister for Planning
<b>Determination made on:</b>	
<b>Type of development:</b>	SEPP 64 – Advertising and Signage
<b>Section 119 public enquiry held:</b>	No

### PART B — NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. DA 62-07-08 MOD 1

#### ***Responsibility for other approvals / agreements***

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

#### ***Appeals***

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is available within the time limit specified within Clause 1, Part 17 of the Land and Environment Court Rules 1996, which is 60 days after the date on which the applicant received this notice, or as otherwise specified under an Act or statutory instrument.

#### ***Legal Notices***

Any advice or notice to the consent authority shall be served on the Director-General.

#### ***Part C - Definitions***

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to DA 62-07-2008

## SCHEDULE 2

### MODIFICATION (MOD 1) OF DEVELOPMENT CONSENT TO

Homebush Bay Drive, Flemington (DA 62-07-08)

The development consent is modified as follows:

The following condition (D1) is removed from the existing development consent (DA 62-07-08) – Homebush Bay Drive, Flemington

#### **D1      *Advertisement Materials***

~~All future advertising skins installed on the signage structure shall employ the use of a biodegradable PVC material (Bioflex or similar where possible) to ensure that the signage satisfies environmental design and performance requirements.~~

The following advisory notes are added to the development consent:

#### **AN5    *Used Advertising Skins.***

All advertising skins shall be disposed of at an appropriate facility or recycled, where possible.

#### **AN6    *Use of Biodegradable Materials.***

The use of biodegradable advertising skins is encouraged, where possible.

End of modification to: DA 62-07-08



NEW GOVERNMENT  
Department of Planning

## **DEVELOPMENT ASSESSMENT – INSTALLATION OF AN ILLUMINATED ADVERTISEMENT**

**Homebush Bay Drive (DA 62-7-2008)**

Assessment Report

Part 4 of the *Environmental Planning and Assessment  
Act 1979*

November 2008





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NSW Department of Planning  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## 1. EXECUTIVE SUMMARY

This is a report assessing a development application (DA 62-7-2008) seeking consent for the display of general advertising. The Roads and Traffic Authority (RTA) is the applicant.

A summary of the proposal, location, type, advertising display area and estimated cost is illustrated in **Table 1** below.

	PROPOSAL	LOCATION	TYPE	ADVERTISING DISPLAY AREA	ESTIMATED COST
<b>DA 62-7-2008</b>	Single-sided internally illuminated advertisement	On eastern facing side of the Homebush Bay Drive overbridge at the crossing of the M4 Motorway	Supersit e	42.41m <sup>2</sup> (no logo's proposed)	\$60,000

The proposal is subject to State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64). The Minister for Planning is the consent authority.

The DA was received by the Department on 7 July 2008. The DA was referred to Strathfield Council, for comment. It was also exhibited and advertised in accordance with relevant Environmental Planning Instruments for a 14 day period.

During the exhibition period (13 August until 26 August 2008) the Department received 1 submission from Strathfield Council. No submissions were received from the public.

The key issues raised considered in the assessment of the application include:

- Permissibility;
- Compatibility with the desired amenity and visual character of an area;
- Views and visual impacts;
- Environmental impacts;
- Design;
- Road safety impacts
- Construction impacts;
- Energy use; and
- Public Benefits

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed advertisement have been adequately addressed by the applicant, and the Department's recommended conditions of consent. In addition all statutory requirements have been met. The Department is also satisfied that the site is suitable and that public benefits will be derived from the proposal.

The Department recommends that the application be approved, subject to conditions.

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## 2. BACKGROUND

### 2.1 SITE CONTEXT, LOCATION AND SURROUNDING DEVELOPMENT

The site is located in the Strathfield Local Government Area.

A site inspection was conducted on 5 September 2008. The location of the advertising structure is on the eastern side of the Homebush Bay Drive overbridge which crosses over the Western Motorway (M4). Positioned directly above the westbound lanes of the motorway the proposed structure is 12.66m wide and 3.35m high. The bridge is owned by the RTA and has concrete abutments and a safety screen fence. There are limited decision points for drivers leading up to the proposed site. There are no other signs or advertisements on the bridge.



**Figure 1:** Location map

The immediate vicinity is characterised by:

- M4 Motorway; and,
- Landscaped areas on either side of the motorway.

### 2.2 APPLICATION CHRONOLOGY

- On 7 July 2008, the DA was lodged with the Department.
- On 11 August 2008, the Department requested that RTA supply the following:
  - Extra copies of the SEE for referral purposes;

- 
- A1 size plans;
  - Completed application forms; and,
  - Application fees.
  - On 22 August 2008, RTA supplied the Department with the requested information from 11 August 2008.
  - On 11 August 2008, the Department referred the DA to adjoining property owners and Strathfield Council for comment.
  - From 13 August to 26 August 2008, the application was placed on public exhibition.
  - On 27 August 2008 the Department received a submission from Strathfield Council stating that they had no objection to the proposed development and recommending conditions of consent.

### 3. PROPOSAL

- The DA seeks consent for the erection of an internally illuminated advertising structure of 3.35m high by 12.66m wide and 1.192m deep. The sign will be attached to the eastern side of the Homebush Bay Drive overbridge, with the bottom of the sign generally at the same level as the bottom of the bridge structure and the top of the sign slightly above the bridge deck. A before and after view of the proposed sign can be seen below in figures 2 and 3.



**Figure 2:** Existing westbound view



**Figure 3:** Proposed westbound view

## 4. STATUTORY CONTEXT & ASSESSMENT

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### 4.1 OBJECTS OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The Minister's consideration and determination of a application under Part 4 must be informed by the relevant provisions of the EP&A Act, consistent with the objectives of the EP&A Act.

The objects of the EP&A Act in Section 5 are as follows:

a) *To encourage:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities,*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (vii) provision and maintenance of affordable housing.*

*(b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

*(c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Objects stipulated under Section 5 (a), (b) and (c) are significant factors informing the determination of the application. The proposal does not raise significant issues with regards to the objects listed in Section 5.

With respect to ESD, the EP&A Act adopts the definition in the *Protection of the Environment Administration Act, 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

The Department has considered the Objects of the EP&A Act, including ESD in the assessment of the proposed development application.

### 4.2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

There are 5 accepted ESD principles:

- a) Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- b) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- c) The principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*

- e) *The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- d) *Improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- a) **Integration Principle** – the social and economic benefits of the proposal are demonstrated in the documentation submitted for the assessment of the proposed application. The Department's assessment has duly considered all issues raised by the public and public authorities. The proposal as recommended for approval does not compromise a particular stakeholder or hinder the opportunities of others.
- b) **Precautionary Principle** – There are no perceived threats of serious or irreversible environmental damage as a result of the proposal.
- c) **Inter-Generational Principle** – The proposal will not have a significant impact on present or future generations.
- d) **Biodiversity Principle** – The proposed site does not contain any threatened or vulnerable species, populations, communities or significant habitats.
- e) **Valuation Principle** – This principle is not directly relevant to the proposal.

### 4.3 STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

This section of the report makes an assessment of the proposal against relevant provisions outlined in SEPP 64, specifically:

- Permissibility;
- SEPP Objectives;
- Design Assessment Criteria (Schedule 1);
- Road safety; and
- Public benefit

An assessment against the above is as follows:

#### 4.3.1 PERMISSIBILITY

The proposed development is permissible with development consent under the Strathfield Planning Scheme Ordinance and SEPP 64. The site is within an area defined as existing County Road on the Planning Scheme map but it is not included in any zone under the Ordinance. Clause 61GD provides that development may be carried out on unzoned land with consent.

Clause 16 of SEPP 64 allows the Minister to consider the display of signage on transport corridor land, on the basis that the signage is compatible with the surrounding land use and considers any relevant provisions of the Guidelines.

In this case the proposal is considered to be compatible with the surrounding land use and consistent with the Guidelines and therefore permissible.

#### 4.3.2 SEPP 64 OBJECTIVES

The proposal satisfies the objectives and aims of the policy.



### **4.3.3 DESIGN ASSESSMENT CRITERIA (SCHEDULE 1)**

Schedule 1 of the SEPP sets out matters for consideration that must be addressed during the assessment process. These matters include criteria specifically relating to:

- Character of the area;
- Special areas;
- Views and vistas;
- Streetscape, setting or landscape;
- Site and building;
- Associated devices and logos with advertisements and advertising structures;
- Illumination; and
- Road safety

#### **Character of the area**

The proposal is considered to be in keeping with the established character of this part of the M4 Western Motorway transport corridor. No other advertising within the vicinity would be affected by the proposed development. The character of the area is mainly dominated by the motorway and the bridge. The proposed signage will be integrated into the design of the bridge and will not detract from the character of the area.

#### **Special areas**

Schedule 1 defines the term 'special areas' as any environmental sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.

The site is not located within a special area. The proposal by being integrated into the design of the bridge is not expected to detract from the amenity or visual character of nearby open spaces.

#### **Views and vistas**

There are no significant views or vistas affected by the proposed sign. The sign is visually contained by the bridge structure. No other viewing rights of other advertisers are affected. Only westbound drivers will be able to view the proposed sign.

#### **Streetscape, setting or landscape**

The proposal is reasonable in terms of its scale, proportion and form within the road environment in which it is proposed. There is no conflict in terms of visual clutter or unsightliness. The sign will be framed by the bridge structure and will not affect the skyline.

#### **Site and building**

The proposal will be compatible with the scale, proportion and design of the bridge. It respects the bridge's function by maintaining views into and out of it for the safety of motorists. It will be located on one side of the bridge only and does not protrude above the sides of the bridge. The proposal's design integration with the bridge is deemed to be acceptable.

#### **Associated devices and logos with advertisements and advertising structures**

Safety devices, lighting, logos and mounting elements will be integrated into the proposed structure. A condition will also be imposed on the consent to ensure associated devices and logos are integrated into the proposed structure.

## **Illumination**

Illumination will be contained to avoid obtrusive light spill. The proposal will not result in unacceptable glare or obscure sightlines from public areas. There are no residences in the area that would be affected. Reflectance will not exceed the minimum coefficients of luminous intensity per unit area for Class 2A material – AS/NZS 1906.1:1993 (Retro reflective Materials & Devices for Roads Traffic Control Purposes).

### **4.3.4 ROAD SAFETY**

The proposed sign, being the only advertising sign in this section, will be highly visible to motorists and provide effective communication. The RTA submitted a memorandum in which they stated that the sign will be viewed by west bound traffic travelling along the M4 Motorway. A three year accident history survey was undertaken and the site has been assessed using a Safety Assessment Matrix.

Condition A5 has been imposed in order to ensure that driver safety is guaranteed. Based on RTA advice the proposed signage is acceptable from a road safety point of view.

### **4.3.5 PUBLIC BENEFIT**

The proposal is acceptable in terms of public benefit test. The proposed sign will not impose any significant or unreasonable impacts on the amenity of the surrounding land or the locality. Revenue from advertising will be used to fund road safety initiatives such as maintaining pedestrian road bridges, flashing lights at schools, safety fencing and pedestrian traffic lights, therefore resulting in an important public benefit. The provision of pedestrian overbridges also assists the free flow of traffic on the particular road which is a further public benefit. The proposed signage is located along a tollway (M4) and therefore the proponent is required to provide for public benefits along the tollway. Due to the fact that the RTA is the proponent it means public benefit monies received must be recorded in their financial accounts and Annual Reports. The RTA must also consult with Council in order to identify and prioritise activities to be included in the public benefit works program.

### **4.3.6 BRIDGE SIGNAGE CRITERIA s2.5.5**

The size of the proposed structure does not diminish the architecture of the bridge. The bridge is a very large concrete structure which loses none of its structural qualities as a result of the proposal. The visual quality of the bridge is poor and therefore if anything the sign will improve the appearance. The proposed signage does not extend laterally outside the structural boundaries of the bridge either laterally or in terms of the handrail. It does not extend below the base of the bridge structure and easily meets the RTA's minimum road clearance requirements.

## **4.4 TRANSPORT CORRIDOR OUTDOOR ADVERTISING SIGNAGE GUIDELINES**

Design assessment criteria, road safety issues and public benefit have already been assessed against the provisions of SEPP 64 and were considered to be acceptable.

The proposal is consistent with macro-scale planning principles, sign clutter controls, site specific and structural criteria as its placement is not unsympathetic to the character and land uses of the area it has been strategically located within.

## **4.5 REGIONAL ENVIRONMENTAL PLANS**

The proposal is adjacent to but not located with the Sydney Regional Environmental Plan 24 - Homebush Bay Area.

## **4.6 SUITABILITY OF THE SITE FOR DEVELOPMENT**

The proposal presents an informed design solution for the proposed site. It recognises the site requirements for advertising signage while responding to environmental considerations.

There are no concerns raised with respect to traffic, pedestrian or cyclist safety and will not obscure sightlines of public areas. The proposed site is considered to be suitable for the scale and type of signage proposed.

## **4.7 PUBLIC INTERESTS**

The proposal is considered to be in the public interest for the following reasons:

- The height, scale and proportion of the proposal responds to local site conditions and its context. It will not result in any adverse or significant impacts concerning visual quality or light spillage.
- The incorporation of advertising will help to fund an important road safety initiatives.
- Effective outdoor advertising requires a site that provides a high level of daily exposure to motorists. This fundamental site requirement has been recognised at a State Government level through SEPP 64 and the introduction of the Guidelines for the erection of outdoor advertising along Transport Corridors.
- The advertisement will not result in any significant or adverse visual impact.
- The proposal does not raise any significant or adverse traffic safety concerns and has had regard to NSW RTA considerations.
- The advertisement is compliant with work cover requirements and can be maintained and operated without the risk of a dangerous event occurring in a public thoroughfare.
- The advertisement will not significantly detract from pedestrian amenity or safety.
- The advertisement location is highly effective and desirable for general advertising and will attract a high quality of advertisement in keeping with the role and character of the M4 Motorway.

## 5. CONSULTATION AND ISSUES RAISED

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### 5.1 PUBLIC CONSULTATION

The proposal was considered to be advertised development and was advertised in accordance with clause 17 of SEPP 64, EP&A Regulation and section 79A of the Act.

The proposal was advertised in the Inner West Weekly and adjoining property owners were also notified of the proposal. During the exhibition period (13 August to 26 August 2008) the Department received 1 submission from Strathfield Council objecting to the proposal and no submissions were received from the public.

### 5.2 REFERRALS

The DA was referred to the Strathfield Council on 11 August 2008 in accordance with clause 88 of the Regulation. Council responded on 27 August 2008. Issues raised by Council are discussed in detail as follows (and Council's full submission is at Attachment **B**):

#### Strathfield Council

Strathfield Council did not object to the proposal. However, they do recommend that conditions should be placed on the consent specifically relating to illumination to ensure driver safety.

#### **Comment**

- The proposal will not exceed more than 45m<sup>2</sup> cumulative surface area (including the logo box);
- The logo box will be incorporated into the advertising display area.;
- The approval should not exceed 15 years or until such time as the works funded by such and relevant to the local area have been recouped;
- The proposal will not create any road safety hazards or confuse drivers or compromise bicycle or pedestrian safety as confirmed by the RTA (Traffic Management Section);
- The proposal does not obstruct sight lines for motorists;
- The proposal should not be modified with approval from the RTA.
- The proposal should be certified by a suitably qualified engineer for structural adequacy prior to construction; and
- Appropriate traffic control measures should be undertaken during construction and installation works.

The Department supports Council's comments and has attached conditions of consent to the approval which reflect this.

A copy of the submission is located in **Appendix B**.

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## 6. CONCLUSION

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The key issues arising from the assessment and notification of the DA was permissibility, compatibility with the desired amenity and visual character of an area, views, visual impacts, environmental impacts, design, energy use, road safety impacts, construction impacts and public benefits.

The proposed advertisement satisfies section 79C of the EP&A Act, the aims, objectives and relevant provisions of SEPP 64 and has been assessed in accordance with the SEPP's assessment criteria and the Guidelines. Accordingly, the DA is acceptable and public benefits will be provided in connection with the display of the advertisement. In conclusion, it is considered that the Minister should grant consent to the DA, subject to conditions of consent.

## 7. RECOMMENDATION

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It is recommended that the Minister:

- (A) **Consider** the findings and recommendations of this Report; and
- (B) **Grant consent** to the carrying out of Development Application 62-7-2008, under Part 4 of the *Environmental Planning and Assessment Act, 1979*; subject to conditions; and **Sign** the Instrument of consent (**Tag A**).

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**Urban Assessments**

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**Team Leader**  
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**Director**  
**Urban Assessments**

Jason Perica  
**Executive Director**  
**Strategic Sites and Urban Renewal**

## **APPENDIX A - ARCHITECTURAL PLANS**

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## **APPENDIX B – STRATHFIELD COUNCIL SUBMISSION**

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NSW GOVERNMENT  
Department of Planning

Issued under the Environmental Planning and Assessment Act 1979

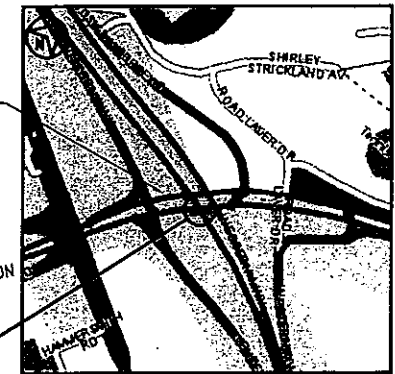
Approved M.P. Application No. DA 65-7-2008

granted on the 01.12.2008 subject to any conditions

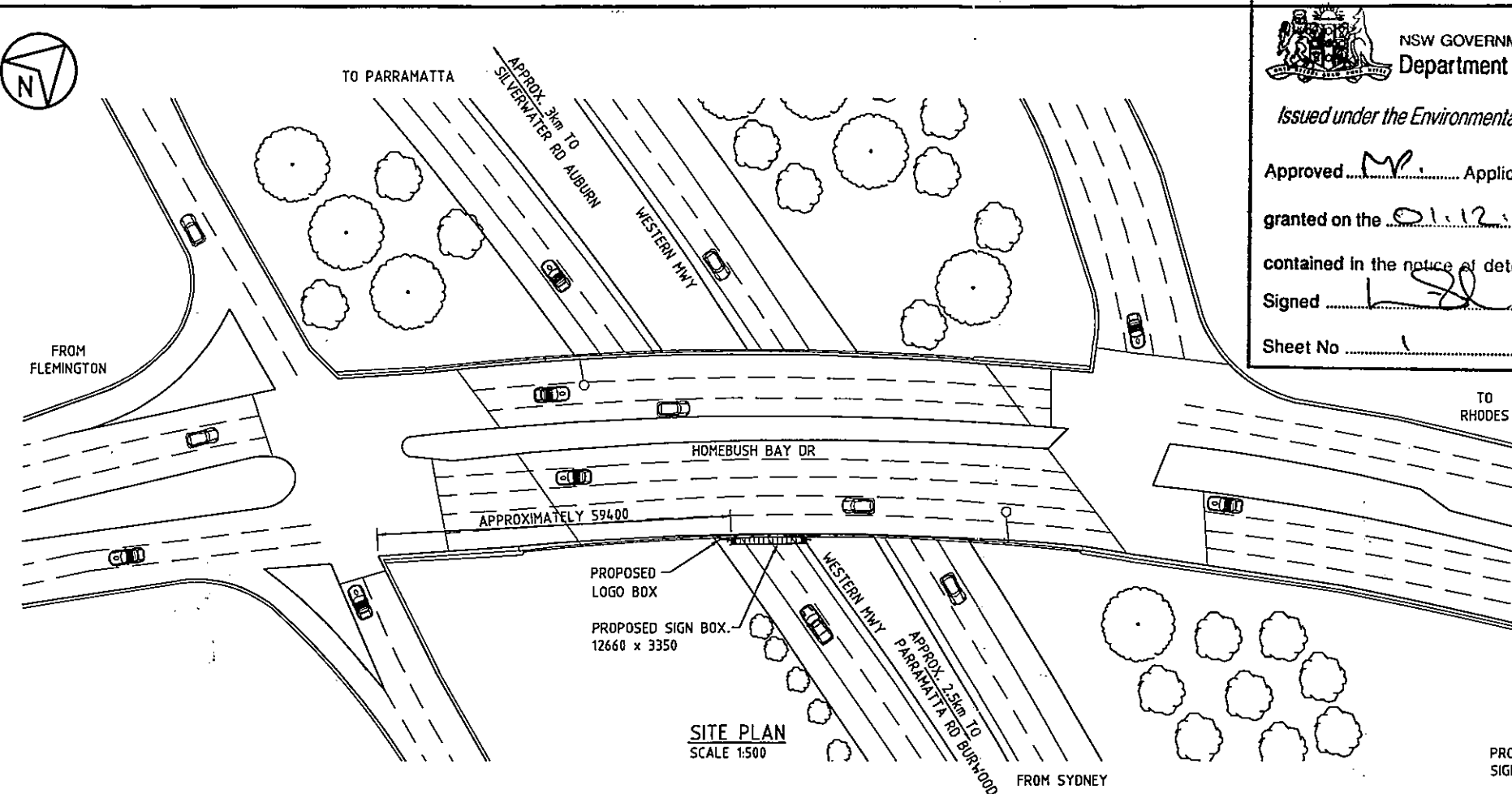
contained in the notice of determination.

Signed L.S. Date 05.12.2008

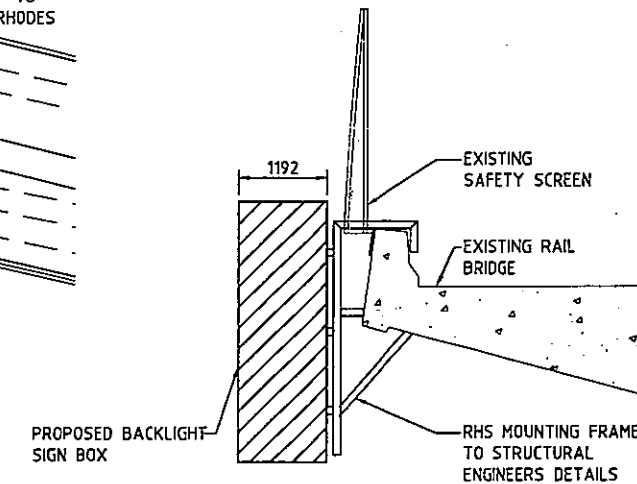
Sheet No 1 of 1



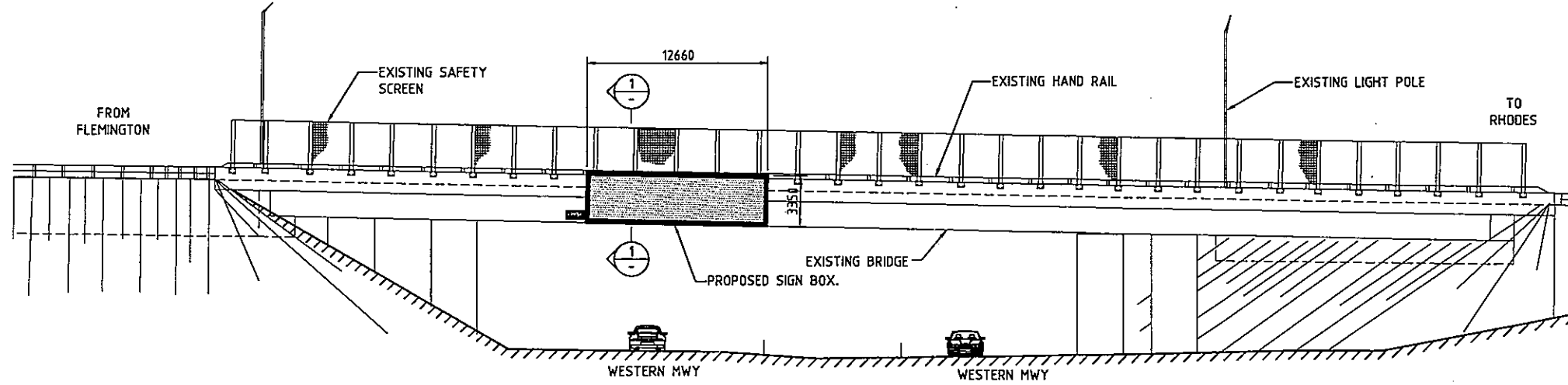
LOCALITY PLAN  
NTS



SITE PLAN  
SCALE 1:500

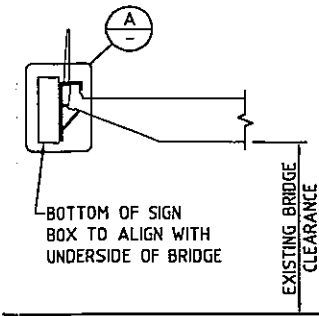


DETAIL  
SCALE 1:50



EASTERN ELEVATION  
SCALE 1:200

NOTE:  
ALL DIMENSIONS TO  
BE CONFIRMED ONSITE  
BY FINAL SURVEY



SECTION  
SCALE 1:200

PRELIMINARY  
NOT FOR CONSTRUCTION

3	ISSUED FOR INFORMATION	27.11.07
2	REISSUED FOR INFORMATION	08.10.07
1	ISSUED FOR INFORMATION	05.10.07
AMENDMENT		APP'D DATE
BY	CHECKED	DATE
DESIGN	AB	JWD
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APPROVED		
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TITLE PROPOSED NEW SIGNAGE STRUCTURE ON HOMEBUSH BAY DRIVE OVERBRIDGE HOMEBUSH			
GENERAL ARRANGEMENT			
STATUS			
SCALE	AS SHOWN	PLOT DATE	-
FILE			
FEATURE IDENTIFIER	CODE	SHEET	REVISION
11086.20	-	S1	3