

Continued Use of Advertising Signage, Cowpasture Road, Bossley Park

Development Application Assessment Report (DA 23/11560)

October 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the Development Application for the continued use of existing advertising structure and advertising display area, located on a pedestrian bridge over Cowpasture Road, Bossley Park, lodged by Transport for NSW (the Applicant). The report includes:

- an assessment of the proposal against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by Council and other stakeholders were considered
- an explanation of any changes made to the proposal during the assessment process
- an assessment of the likely environmental, social and economic impacts of the proposal
- an evaluation which weighs up the likely impacts and benefits of the proposal, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether consent for the proposal should be granted and any conditions that should be imposed.

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1 Introduction

1.1 The proposal

oOh!media, on behalf of Transport for NSW (TfNSW) (the Applicant), proposes to continue operation of two existing approved static advertisement signs, situated on top of a pedestrian bridge over Cowpasture Road, Bossley Park, for a further 15 years. No physical works are proposed as part of the proposal.

An overview of the proposed development is provided in **Section** Error! Reference source not found..

1.2 Project location

The sign structure is located on a TfNSW pedestrian bridge over Cowpasture Road, approximately 150m north of Stockdale Crescent, Bossley Park, in the Fairfield local government area (LGA) in western Sydney (see **Figure 1** and **Figure 2**).

The site is legally described as Pt Lot 75, DP 703159, Lot 1, DP775855, and Lot 166, DP709688 and has no address.

The site consists of an existing advertising structure that faces both north and south on Cowpasture Road. The advertising structure is affixed to the top of the TfNSW pedestrian bridge that crosses over Cowpasture Road. The existing structure is 12.66 metres (m) wide and 3.35 m high, with a total area of 42.41m². The advertising content is static, with no flashing or flickering motion, and is illuminated externally by four downward facing lights that extend from the top of the advertising display area on each face.

There is no landscaping around the advertising structure. There is landscaping on either side of Cowpasture Road underneath the pedestrian bridge.

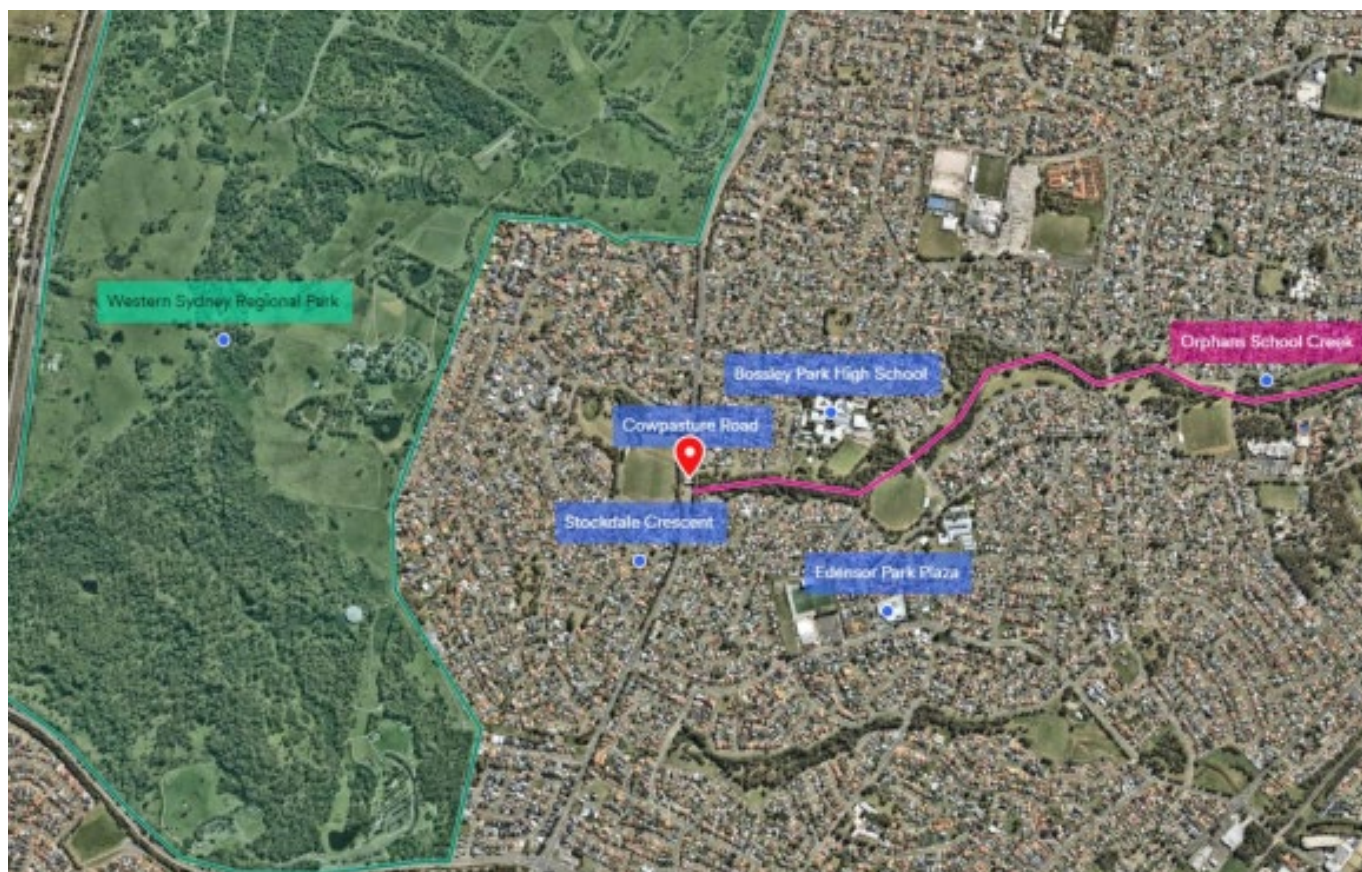


Figure 1 | Regional context map (Source: Applicant's SEE)



Figure 2 | Local context map (Source: Applicant's SEE)

1.3 Project background

Advertising transport corridors generates revenue which TfNSW allocates to support road infrastructure maintenance, network management, road user compliance activities, and road safety programs across NSW. Transport corridors provide affordable space for road safety messages on otherwise unproductive land in prime locations and play an important role in addressing key road safety problems across NSW.

Fairfield City Council granted approval to DA 121/98 (original application) for the construction of a pedestrian bridge and static advertising structures on 27 April 1998. The consent included a condition (Condition 12) requiring that the advertising display area be removed after 10 years.

A modification application, which relates to changing the time limitations of the advertising structure and display area, was approved by Fairfield City Council under MOD 12/2000 on 3 March 2000, extending the time limit for removal of the advertising structure from 10 to 20 years.

Under the conditions of consent, approval for the advertising structure approved under DA 121/98 and MOD 12/2000 ceased on 3 July 2023 (20 years on from the date of the final inspection from Council). The consent for the pedestrian bridge remains in-force.

1.4 Surrounding Context

The site is largely surrounded by low density residential development, as shown in **Figure 2**. Directly east and west of the site are recreational playing fields and Orphans School Creek, linking to Fairfield golf course approximately 3.8 kilometres (km) to the east.

The pedestrian bridge allows public access to Horsley Park and the Western Sydney Regional Park approximately 800m to the west of the site (**Figure 1**). This is a designated pedestrian corridor consisting of a network of footpaths and cycle paths connecting the open space reserves to the surrounding suburbs. The pedestrian bridge is a safe pedestrian crossing of Cowpasture Road and a valuable safety asset to the area.

2 Proposal

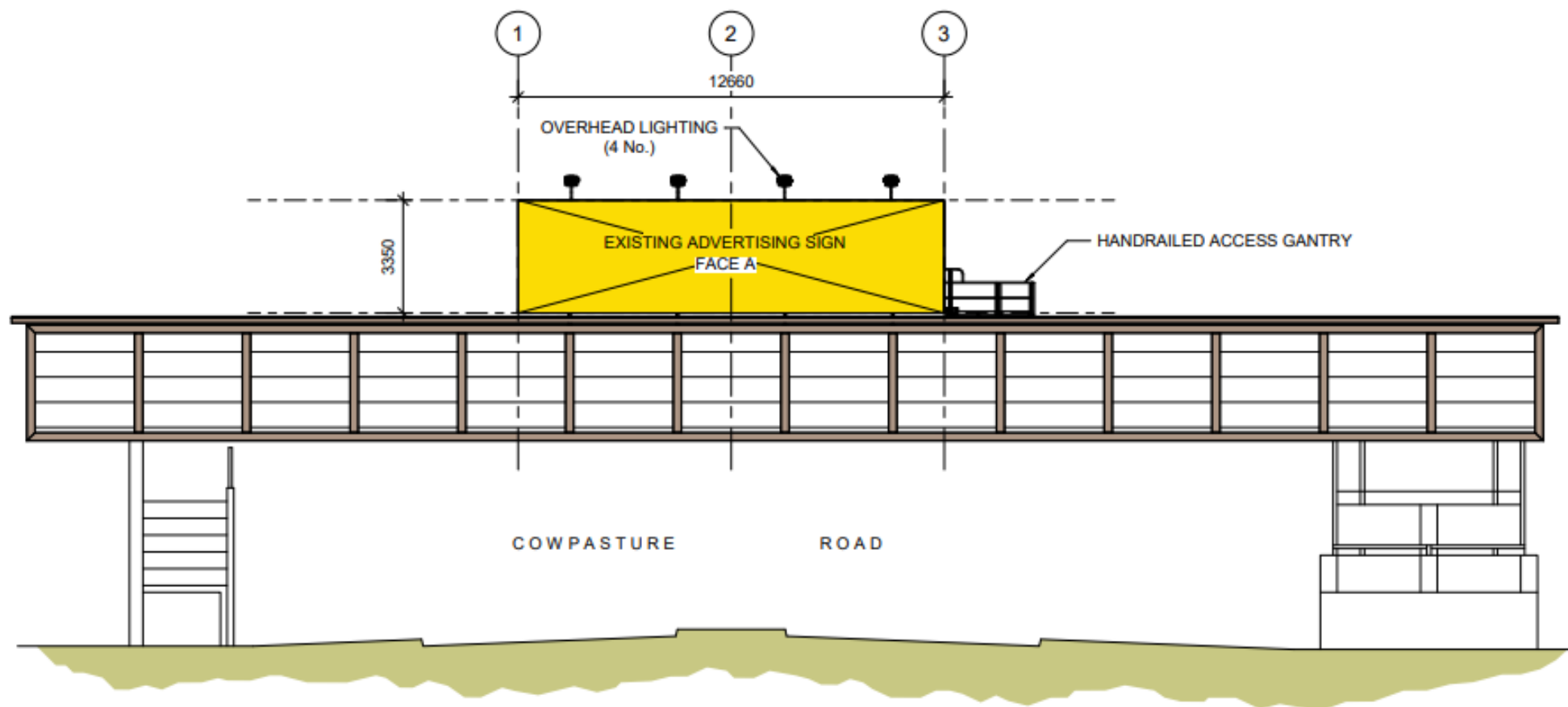
2.1 Proposal overview

The proposal seeks to continue use of the two existing approved static advertisement display areas on an existing pedestrian bridge over Cowpasture Road, Bossley Park for a further 15 years. No physical works are proposed.

The key aspects of the proposal are provided in detail in Chapter 4 of the Statement of Environmental Effects (SEE) and outlined in **Table 1**. The proposed advertising structures are shown in **Figure 3** and **Figure 4**.

Table 1 | Key aspects of the proposal

Aspect	Description
Development summary	<ul style="list-style-type: none">the proposal seeks to continue the operation of the existing approved advertising structures and display areas for a further 15-year periodno physical work to the advertising structure is proposed
Advertising structure location	<ul style="list-style-type: none">Pt Lot 75, DP 703159, Lot 1, DP775855, and Lot 166, DP709688located on a pedestrian bridge over Cowpasture Road, Bossley Parkadvertising display areas are oriented to face northbound and southbound traffic on Cowpasture Road
Advertising display area (each ADA)	<ul style="list-style-type: none">42.41m² (12.66m x 3.35m)
Height	<ul style="list-style-type: none">Approximately 3.35 m above the height of the existing bridge structure (Figure 4)
Advertising type	<ul style="list-style-type: none">Static (non-digital)Externally illuminated with 4 overhead lights (120 watt LEDs illuminated from dusk until dawn) on each face
Consent time period	<ul style="list-style-type: none">15 years from the date of consent



EXISTING NORTH ELEVATION (SIGN FACE A)
SCALE 1 : 100

Figure 4 | Proposed south elevation and north-south typical section (Source Applicant's documentation)

3 Statutory context

3.1 Permissibility and assessment pathway

Details of the planning pathway under which consent is sought, and the permissibility of the proposal, are provided in **Table 2** below.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The application is a Crown DA pursuant to Part 15 section 294 of the Environmental Planning and Assessment (EP&A) Regulation and Division 4.6 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as the Applicant is a public authority. The application was assessed under Part 4 of the EP&A Act.
Consent authority	The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application, as prescribed under section 3.10(d)(ii) of State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).
Decision-maker	In accordance with the Minister's delegation dated 9 March 2022, the Deputy Secretary, Development Assessment and Sustainability may determine the application, as the Deputy Secretary is delegated to perform the Minister's functions.
Permissibility	<p>The site is zoned SP2 Infrastructure under the Fairfield Local Environmental Plan 2013 (Fairfield LEP).</p> <p>"Advertising structure" is permissible in the SP2 zone under the Fairfield LEP.</p> <p>Section 3.14 of Industry and Employment SEPP states that, despite the provisions of any environmental planning instrument (EPI), the display of an advertisement by or on behalf of TfNSW and within 250 metres of a classified road corridor is permissible, with development consent.</p> <p>As the application is for the display of an advertisement on behalf of TfNSW, within 250m of a classified road, it is permissible with consent.</p>

3.2 Other approvals and authorisations

Under section 4.44 of the EP&A Act, other integrated development approvals are not required to be obtained for Crown developments, other than development that requires a heritage approval. The proposed advertising structure does not require a heritage approval.

Section 4.33 of the EP&A Act does not allow a consent authority other than the Minister to refuse its consent except with the approval of the Minister, or to impose a condition of consent except with the approval of the applicant or the Minister.

On 3 July 2024, the Department forwarded the recommended conditions to the Applicant. On 25 September 2024, the Applicant consented to the recommended conditions.

The Department has consulted with and considered the advice of TfNSW in its assessment of the proposal (see **Section 4** and **Section 5**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix C**).

3.3 Mandatory matters for consideration

3.3.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in **Table 3** below.

Table 3 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans and planning agreements	<p>The relevant EPIs and development control plans are:</p> <ul style="list-style-type: none">• State Environmental Planning Policy (Industry and Employment) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• Fairfield Local Environmental Plan 2013 (Fairfield LEP 2013)• Fairfield Development Control Plan 2013 (Fairfield DCP). <p>Detailed consideration of the provisions of the EPIs is provided in Appendix B. The Department is satisfied that the development generally complies with the relevant provisions of the EPIs.</p>
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)	<p>Subject to any other references to compliance with the EP&A Regulation cited in this Assessment Report, the requirements for fees (Part 13) and consultation with relevant authorities via the NSW Planning Portal (Part 15, Division 4) have been complied with.</p>
Likely impacts of the development	<p>Section 5 – Assessment.</p>

Matter for consideration	Department's assessment
Suitability of the site for the development	Section 1.3 - Project background and Section 5 – Assessment.
Submissions	Section 4 - Engagement and Section 5 – Assessment.
Public interest	Section 4 – Engagement; Section 5 – Assessment; Section 6 – Evaluation.

3.3.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s 1.3), including the principles of ecologically sustainable development (ESD). Consideration of those objects is described in **Appendix B**.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

3.3.3 Biodiversity development assessment report

Section 7.7 of the *Biodiversity Conservation Act 2016* requires Part 4 development applications to be accompanied by a Biodiversity Development Assessment Report (BDAR), if a proposed development is likely to significantly affect threatened species.

The proposal would not have a significant impact on threatened species as it is an existing advertising structure in a cleared area and no work is proposed to the structure. Therefore, a BDAR is not required.

4 Engagement

4.1 Exhibition of the Development Application

4.1.1 Public exhibition of the SEE

The Department:

- publicly exhibited the proposal from Tuesday 12 March 2024 until Monday 25 March 2024 on the NSW Planning Portal
- notified occupiers and landowners near the site about the public exhibition
- notified and invited comment from Transport for NSW (TfNSW) and Fairfield City Council.

4.1.2 Summary of advice received from government agencies

The Department received advice from TfNSW (**Appendix B**). The advice did not object to the proposal, and provided recommended conditions of consent regarding:

- the types of images to be displayed on the advertising display areas
- requirements for compliance with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (the Guidelines)
- requirements for a Road Occupancy Licence.

4.1.3 Summary of council submission

Fairfield City Council correspondence was received after the exhibition period closed, and is counted as feedback¹. Council did not support the proposal and raised the following:

- the original consent allowing the advertising structure was to recover the construction costs of the pedestrian bridge, and was limited (following modification) to 20 years. Financial justification for the continued need for advertising revenue, and a copy of the agreement with ooh!media should be provided
- reducing the advertising period from 15 to 10 years, and that Council be provided advertising slots to promote community events
- the proposal be revised to ensure the ooh!media logo is consistent with SEPP criteria

¹ Consistent with the Department's Submissions Policy (2024)

- proposed advertising material details to be provided and advertising standards and regulations be adhered to
- illumination or lighting of the advertising display area must meet Australian Standards, to avoid impacting residential amenity or distracting road users.

4.1.4 Summary of public submissions

No public submissions were received during the exhibition period.

4.2 Request for further information

The Department requested that TfNSW respond to matters raised in the feedback received from Fairfield City Council after the close of exhibition. A request for further information (RFI) was forwarded to TfNSW on 27 March 2024.

TfNSW provided a response to the RFI on 18 April 2024 responding to Fairfield City Council. The Applicant committed to replacing the current advertising logo to adhere to the 0.25 m² requirement in the ISEPP. No other changes were made to the proposal.

5 Assessment

The Department has reviewed the Applicant's Statement of Environmental Effects (SEE) and supporting information and considered the potential impacts of the proposed advertising structure. The Department considers the key issues associated with the continued operation of the sign are:

- design and suitability of the site
- traffic safety
- visual impacts
- structural integrity
- illumination impacts.

Other matters considered are addressed in **Section 5.6**.

5.1 Design and suitability of the site

The application seeks to continue the operation of two existing illuminated static advertising display areas situated on the top of a pedestrian bridge over Cowpasture Road, Bossley Park. The existing structure is double-sided, and each advertising display area has an area of 42.41m².

The Department considers the design and location of the advertising structure to be suitable for the following reasons:

- it is generally consistent with the design criteria of the Industry and Employment SEPP, the Guidelines, and AS/NZS 4282:2023 – *Control of the Obtrusive Effects of Outdoor Lighting*
- the proposed development is an existing advertising structure in place for 20 years, having been previously approved by Fairfield City Council under DA 121/98 and modified by MOD 12/2000
- advertising structures are permitted with consent on land zoned as SP2 Infrastructure
- the application is compatible with the form and character of the surrounding landscape
- the advertising structure and advertising display areas would not adversely impact on the existing or future character of land uses surrounding the Cowpasture Road
- the advertising display areas are for static messaging and has a low impact on the character of the area
- the location of the advertising structure is on land owned by TfNSW, within 250 metres of a classified road, and is consistent with advertising on other major roads.

5.2 Traffic Safety

Two traffic safety assessments were prepared for the proposed development, facing southbound and northbound traffic. The safety assessments confirm that the static advertising structures should pose no negative impact to traffic, pedestrian, or cyclist safety. The assessments identified that:

- the advertising structure will not obstruct or interfere with the view of or restrict sightlines to traffic control devices or intersections due to its location above the road
- vehicle, pedestrian, or cyclist movements will not be impacted, and their safety will be maintained
- crash data within 200m shows that no crashes were reported within the viewable area of the advertising structure and no crashes are attributable to the sign, its location, or its content
- road traffic safety is maintained during daylight and night-time hours, and
- the advertising structure is consistent with relevant policy and guidelines in terms of traffic and public safety.

The Lighting Impact Assessment also found that the advertising structure will not result in unacceptable glare or cause adverse impacts on the safety of pedestrians, residents or traffic.

5.3 Visual impact

The Department requested that the Applicant include a Visual Impact Assessment (VIA) with the SEE, to confirm that the site was still a suitable location for the advertising structure. The Department considers that the advertising structure would have a minor and acceptable visual impact on the surrounding area, as it would be located within an established road corridor and the surrounding area has low visual sensitivity. Further, the advertising structure would:

- be oriented towards Cowpasture Road, away from neighbouring residential properties
- not result in visual clutter
- be adequately shielded from the rear of neighbouring properties due to mature vegetation.

The advertising display area presents above the bridge and is visible to vehicles moving in both directions along Cowpasture Road. The advertising structure and advertising display areas are not visible to pedestrians moving across the bridge except for the landing ramps. The Department acknowledges that the existing advertising structure is not consistent with the Guidelines, as it protrudes above the top of the pedestrian bridge. However, section 2.5.5 (e) of the Guidelines states that the requirement for a structure to not protrude above the top of the bridge does not apply when considering the continuation of a sign that:

- was approved prior to the gazettal of State Environmental Planning Policy No 64 (Advertising and Signage) (Amendment No 2) 2007
- there is no increase in the advertising display area
- the consent is only for a single additional 15-year period.

The Department is satisfied that the advertising structure is compatible with the desired amenity and visual character of the area. To address section 2.5.5 (e) of the Guidelines, the Department has recommended a condition requiring that the sign be removed at the end of the 15-year period.

5.4 Structural integrity

The Structural Assessment Report and Structural Condition Report identified that minor surface corrosion and a trip hazard on the catwalk. It recommends that:

- surface corrosion be wire brush cleaned and treated at the next scheduled maintenance program
- corroded nuts and bolts be replaced
- measures be put in place to warn of trip hazards
- that the advertising structure be re-inspected every three years.

These are recommended as conditions of consent.

Further, recommended conditions of consent relate to structural integrity and compliance with contemporary standards, including wind loading requirements, obtainment of a structural inspection certificate or compliance certificate prior to commencement of use, and preparation and implementation of a maintenance plan.

The Department is satisfied that, with implementation of the recommended conditions, maintenance issues will be identified in a timely manner and the proposed development can be maintained in a safe manner for the duration of the consent.

5.5 Illumination

The existing advertising display areas are externally illuminated with four 120W LED floodlights mounted on a bracket arm located 0.1m above and 1.5m out from each advertising display area (total of eight lights). The lights are angled 45 degrees (from vertical) towards the advertising display area and away from traffic. The lights operate at night and are not dimmable.

A Lighting Impact Assessment (LIA) was prepared by Elocrolight (dated 28 February) to support the application. The Department's assessment of the LIA is outlined in **Table 4** below.

Table 4 | Assessment of lighting impacts

Lighting assessment
<p>Luminance</p> <p><i>Brightness</i></p> <p>The externally illuminated signage has been assessed against the lighting criteria and requirements outlined in AS4282:2023 <i>Control of the obtrusive effects of outdoor lighting</i> (AS4282). The assessment found that the lighting luminance for both signs is compliant with AS4282 and the Transport Corridor Outdoor Advertising & Signage Guidelines.</p>
<p>Lighting impact</p> <p><i>Residential</i></p> <p>The advertising structure (and surrounding environment) was modelled to determine the effect (if any) of the light spill from the existing advertising display areas. Under AS4282, the maximum allowable illuminance to dwellings in Zone A3 (medium district brightness e.g. suburban areas in towns and cities, generally roadways with streetlighting through suburban, rural or semi-rural areas) is 2 Lux². It can be seen from the lighting model that the maximum illuminance to dwellings is 0.9 lux at 1 Kempsey St. The externally illuminated advertising display areas therefore comply with the relevant illuminance limits for nearby residential dwellings.</p> <p><i>Environmental Sensitive Areas</i></p> <p>The maximum illuminance to the nearby Environmentally Sensitive Areas is 1.46 lux at Orphan School Creek North. This illuminance level complies with the maximum AS4282 limit of 2 lux.</p> <p><i>Threshold increment assessment</i></p> <p>The Threshold increment (image-loss caused by lights creating glare as a percentage) was calculated for the northbound and southbound traffic approaches on Cowpasture Road. The calculation results show that the Threshold increment does not exceed 7.65% for any traffic approach (the maximum allowed under the standard is 20%).</p>

² Lux is a unit of measurement for light level intensity. It represents the amount of light that falls on a surface and is defined as one lumen per square metre.

Lighting assessment

Upward waste light assessment

To reduce light pollution and associated environmental impacts, AS4282 limits upward waste light into the night sky from signage. To meet this requirement, baffles will need to be installed on the existing lights.

The Department considers the illumination impacts associated with the advertising structure are acceptable as baffles are fitted to limit upward waste light. Conditions to this effect are recommended.

The Department has reviewed the LIA and consider the illumination impacts associated with the proposal are acceptable as the:

- lighting luminance levels would comply with both the AS4282 and Guidelines
- potential light during night-time operations has been modelled and confirmed the proposed sign complies with the maximum limit of 2 lux at nearby residential receivers.

5.6 Other issues

The Department's consideration of other issues is summarised in **Table 5** below.

Table 5 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Public benefit	<p>The Applicant provided a Public Benefit Statement (PBS) with Development Application. The PBS advised that revenue generated would be re-invested into road infrastructure maintenance, network management, road user compliance activities, and road safety programs across NSW.</p> <p>The PBS noted that transport corridors provide affordable advertising space for road safety messages in prime locations, and advertising campaigns have played an important role in addressing road safety problems across NSW.</p> <p>Council requested that advertising slots be provided for use by Council to promote community events. The Applicant has advised that advertising occurs under a formal agreement between the</p>	<p>The Department recommends a condition to record the revenue received by TfNSW in its annual reports, and include how the revenue has been applied to provide a public benefit.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>Applicant and oOh!media, which does not provide slots for Council events.</p> <p>The Department has considered the PBS and is satisfied the proposal would result in sufficient public benefits, as it would contribute to infrastructure maintenance, network management and road safety programs across NSW, and help address road safety problems. This is broadly consistent with the Guidelines.</p>	
Length of consent	<p>Council requested that a 10-year consent be granted instead of 15 years, the upper limit stated in the SEPP. Council noted that the original justification for constructing the advertising display structure was to recover the cost of constructing the pedestrian bridge, and requested further justification for retaining the advertising structures. While this background is acknowledged, it is not a merit consideration for this application, nor justification for reducing the consent period.</p> <p>The Industry and Employment SEPP allows consent for advertising signage for up to 15 years, or a lesser period if specified by the Consent Authority. Section 3.12(2) provides instances when a consent authority may grant consent for less than 15 years. These include:</p> <ul style="list-style-type: none"> a. an adopted pre-existing policy that enabled the consent authority to approve signage for less than 15 years b. the area in which the advertisement is to be displayed is undergoing change c. the specification of a lesser period is required by a different provision in the SEPP. <p>The Department is not aware of any policies which specify that the Consent Authority can grant consent for a period less than 15 years: the area is</p>	<p>The Department has recommended a condition requiring that the sign be removed 15 years after consent is given.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>not undergoing change; and there are no other provisions that limit the consent.</p> <p>As such, the Department does not support a shorter consent period and considers 15 years is appropriate.</p>	
Signage logo	<p>Section 3.18(1) of the Industry and Employment SEPP stipulates that the logo of the person who owns or leases an advertising structure may only appear within the advertising display area. Where the advertising display area has no borders or surrounds, section 3.18(2) stipulates that the logo may be located within a strip below the advertisement running for its full width.</p> <p>Section 3.18(3) of the SEPP stipulates that the logo must not be greater than 0.25 m² in size.</p> <p>The existing sign logo is located outside and to the side of the advertising display area. Council recommended that the sign be modified by relocating and reducing the size of the logo to meet the requirements of the SEPP.</p> <p>The Applicant responded to Council's comments confirming that the logo will be replaced to meet the 0.25m² requirement, however relocating the logo would not be possible due to the location of the advertising structure on top of the pedestrian bridge. The Department accepts that, putting aside the practicalities and the efficient use of public funds, while the location of the logo is not consistent with the current guidelines, it does not affect driver safety or have visual impacts that would warrant its relocation.</p>	<p>The Department has recommended a condition limiting the size of the logo to 0.25m².</p>
Previous Council consent	<p>The consent granted by Council - development consent DA 121/98 - gave consent for the construction of an overhead pedestrian bridge and advertising signage.</p>	<p>The Department recommends the deferred commencement approach with a condition modifying the consent for DA 121/98. This approach would</p>

Issue	Findings and conclusions	Recommended conditions
	<p>Current policy allows for the approval of the advertising signage for a further 15 years. However, this would not be consistent with existing conditions of DA 121/98 (particularly, Condition 12 which requires the removal of the same advertising signage).</p> <p>Condition 12 of DA 121/98 was modified on 3 March 2000 to state that consent for the advertising signage will lapse 20 years from the date of the final inspection by Council. At the expiration of that 20 year period, the advertising signage must be removed at no cost to Council. Council must be informed of the sign's removal.</p> <p>The advertising signage has not been removed.</p> <p>The Applicant is currently seeking a separate consent via this development application to continue using the advertising signage for an additional period of 15 years.</p> <p>While multiple consents can apply to the same land, all consent conditions must be complied with and the consents must be able to co-exist on the same land.</p> <p>The Department assessed a number of options to address this inconsistency, to enable the determination of this development application. Each option involves consideration of the appropriate and efficient use of public funds and practicalities. The options are:</p> <ol style="list-style-type: none"> recommend that consent be granted on the basis that the Applicant complies with both the council-granted consent and this consent imposing a condition requiring the surrender of the council-granted consent imposing a condition requiring a modification of the council-granted consent 	<p>modify the council-granted consent such that the:</p> <ul style="list-style-type: none"> pedestrian bridge continues to be permissible in accordance with the existing Council-granted consent, advertising signage will be permissible in accordance with the Minister's consent only, not the Council-granted consent. <p>This will remove inconsistencies between the Council-granted consent in relation to the advertising signage and the Minister's consent, and ensure that conditions of both consents can be complied with.</p> <p>The Department has recommended conditions to address maintenance and operation of the sign which are similar to and contemporise those removed from the Council-granted consent.</p> <p>The Department has recommended that the application be granted a deferred commencement consent, to ensure that the Applicant has the opportunity to notify council that the council-granted consent has been modified.</p>

Issue	Findings and conclusions	Recommended conditions
	iv. that consent be granted to the development application, subject to a deferred commencement condition and a condition modifying the Council-granted consent.	

6 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Industry and Employment SEPP and other relevant environmental planning instruments. The Department's assessment considered relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Section 3** and **Appendix C**), and assessed the proposal against the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment 2017) (the Guidelines).

The Department is satisfied that it is consistent with the objectives of the Industry and Employment SEPP and satisfies the relevant requirements of the SEPP.

The Department has also considered advice from government agencies (TfNSW) and council (**Section 4**). No public submissions were received during the exhibition period.

The Department's assessment concludes the proposed development is acceptable as:

- it is permissible with development consent on transport corridor land under the Industry and Employment SEPP, and consistent with the objectives of the SEPP and the Guidelines
- it would have minimal impacts on the character of the area, and is consistent with the existing urban and transport corridor character of the locality
- it complies with the relevant road safety standards and requirements
- its luminance levels are consistent with the Guidelines and Australian Standards, to protect the amenity of surrounding properties and safety of drivers, particularly at night
- the visual impacts of the proposal on surrounding residential properties are minor
- the proposal is unlikely to significantly affect threatened species or ecological communities, or their habitats
- it would provide appropriate public benefit, as revenue generated would contribute to funding to support road infrastructure maintenance, network management, road user compliance activities, and road safety programs across NSW.

Notwithstanding the above, the Department has recommended that the application be granted a deferred commencement consent, to ensure that the Applicant can notify council in accordance with section 76 of the EP&A Regulation, that the council-granted consent has been modified. This approach is recommended as two inconsistent consents cannot apply at the same time and the modifications made in accordance with section 4.17(1)(b) of the EP&A Act does not come into force until the Applicant has notified the original consent authority.

The Department concludes the proposal is acceptable and is in the public interest. The Department recommends the application be approved, subject to the recommended conditions (**Appendix C**).

7 Recommendation

It is recommended that the **Deputy Secretary, Development Assessments and Sustainability**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **signs** the attached development consent (**Appendix C**).

Recommended by:



Lisa Mitchell
Team Leader
Transport and Water Assessments

Recommended by:



Glenn Snow
Director
Transport and Water Assessments

8 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'David Gainsford', written in a cursive style.

David Gainsford

Deputy Secretary

Development Assessments and Sustainability

Glossary

Abbreviation	Definition
Advertisement	Has the same meaning as Section 3.2 of the State Environmental Planning Policy (Industry and Employment) 2021
Advertising display area	Has the same meaning as Section 3.2 of the State Environmental Planning Policy (Industry and Employment) 2021
Advertising structure	Has the same meaning as Section 3.2 of the State Environmental Planning Policy (Industry and Employment) 2021
Council	Fairfield City Council
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy (Industry and Employment) 2021
Signage	Has the same meaning as Section 3.2 of the State Environmental Planning Policy (Industry and Employment) 2021
TfNSW	Transport for NSW
the Guidelines	<i>Transport Corridor Outdoor Advertising and Signage Guidelines 2017</i>

Appendices

Appendix A – List of referenced documents

The following supporting documents and additional information to this assessment report can be found on the NSW Planning Portal as follows:

- Statement of Environmental Effects and supporting technical reports
- Agency advice and council submission

<https://www.planningportal.nsw.gov.au/daex/under-consideration/continued-use-existing-advertising-signage-cowpasture-road-bossley-park-da-2311560>.

Appendix B – Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 6** as follows.

Table 6 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<ul style="list-style-type: none">• The development seeks to maximise use of the site and provides social and economic benefits to the community by generating revenue which contributes to road infrastructure maintenance, network management, road user compliance activities, and road safety programs across NSW.• The development would not unreasonably impact on the State's natural or other resources.

Object	Consideration
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none"> • The development is not anticipated to have adverse impacts on flora or fauna, including threatened species, populations and ecological communities, and their habitats. • The development would provide funds for re-investment into the NSW road network. • The Department is satisfied that the development would not adversely impact on the biophysical or social environments, and that the principles of ESD have been appropriately considered.
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none"> • The development promotes the orderly and economic use of the land by continuing the operation of the existing, previously approved advertising signage. • The signs are visible from an established road corridor and provide public benefits including the generation of revenue to improve and maintain the TfNSW road network and display of road safety campaigns/messages.
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> • N/A.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> • The development is not anticipated to have adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> • N/A.

Object	Consideration
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> • The Department considers the proposal would not result in unacceptable built form impacts, as the proposed development is located on an existing pedestrian overbridge over a state road corridor. • The signage is generally consistent with the relevant signage design and illumination requirements (Section 5).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> • The Department recommends conditions of consent requiring ongoing maintenance and review of structural integrity/condition as well as health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<ul style="list-style-type: none"> • The Department sought advice from TfNSW and Fairfield City Council during the exhibition of the proposed development. This is addressed in Section Error! Reference source not found., Section 5 and the recommended conditions.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> • The application and supporting documents were exhibited and comment from members of the public sought, see Section 4.

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the proposal in relation to ESD principles. The precautionary and inter-generational equity principles have been implemented throughout the decision-making process and the assessment of the development's environmental impacts are detailed in **Section 5**.

Section 4.15 – Matters for Consideration

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application.

A summary of the Department's consideration of the matters for consideration (found in s.4.15 of the EP&A Act) are provided in **Table 7** (below) and matters for consideration specific to Crown developments are in **Table 8** (below).

Table 7 | Matters for consideration

Matters for consideration	Consideration
(a) the provisions of — (i) any environmental planning instrument, and	<ul style="list-style-type: none"> The Department considered the relevant environmental planning instruments in its assessment, see Appendix A.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	<ul style="list-style-type: none"> N/A.
(iii) any development control plan, and	<ul style="list-style-type: none"> There are no applicable objectives in the Fairfield City Council Development Control Plan 2013.
(iii)(a) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	<ul style="list-style-type: none"> The Applicant has not entered into a planning agreement under section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	<ul style="list-style-type: none"> The Department assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<ul style="list-style-type: none"> The Department has considered the likely impacts of the development in detail in Section 5. The Department concludes that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.

Matters for consideration	Consideration
(c) the suitability of the site for the development,	<ul style="list-style-type: none"> The development is located on land zoned SP2 Infrastructure and is permissible with consent. It is confined to the road corridor, does not adversely impact on surrounding uses, and is a suitable development at that location.
(d) any submissions made in accordance with this Act or the regulations,	<ul style="list-style-type: none"> Matters raised in submissions have been summarised in Section 4 and considered in Section 5 and Appendix C.
(e) the public interest.	<ul style="list-style-type: none"> The Department considers the proposal to be in the public interest (see Section 5).

Table 8 | Matters for Consideration under Division 4.6 of the EP&A Act

Matter	Consideration
Section 4.32 Definitions	
(1) In this Division — ... Crown development application means a development application made by or on behalf of the Crown.	The Applicant and landowner is a public authority, and the application is considered a Crown Development Application.
Section 4.33 Determination of Crown development applications	
(1) A consent authority (other than the Minister) must not —	
(a) refuse its consent to a Crown development application, except with the approval of the Minister, or	The Department recommends the application be approved, subject to recommended conditions (Appendix C).
(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.	

EP&A Regulation

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification and Fees have been complied with.

Roads Act 1993

The proposed development is not integrated development within the meaning of Division 4.8 of the EP&A Act, as TfNSW is the Applicant.

Section 138 of the *Roads Act 1993* (Roads Act) requires that a person must not carry out work on or over a public road without the concurrence of TfNSW (RMS). Cowpasture Road is a Controlled Road under section 46 of the Roads Act. Comment from TfNSW was sought to better understand impacts to traffic safety and the roads network. TfNSW recommended conditions requiring compliance with the Guidelines and the SEPP, and the requirement for a Road Occupancy Licence to be obtained for any work that may impact traffic. The Department has recommended these conditions.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (Industry & Employment) 2021 (I&E SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)
- Fairfield Local Environmental Plan 2013 (Fairfield LEP 2013)
- Fairfield Development Control Plan 2013 (Fairfield DCP 2013)
- *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (Guidelines).

State Environmental Planning Policy (Industry & Employment) 2021

The I&E SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed signage has been assessed against the requirements of the I&E SEPP in

Table 9 and the specific assessment criteria of Schedule 5 of the I&E SEPP in **Table 10**.

Table 9 | Industry and Employment SEPP Compliance Assessment

Object	Criteria	Comments	Compliance
Part 3.2 Signage Generally			

Object	Criteria	Comments	Compliance
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this policy	The signage is compatible with the desired amenity and visual character of the area, provides effective communication, is of high quality finish, and is therefore considered consistent with the objectives.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5	See Error! Reference source not found.	Yes

Part 3.3 Advertisements

3.10 Consent authority	The consent authority is the Minister for Planning and Public Spaces in the case of an advertisement displayed by or on behalf of TfNSW on land that is owned, occupied or managed by TfNSW	The development application is for signage displayed by or on behalf of TfNSW on TfNSW owned land, therefore the Minister for Planning and Public Spaces is the consent authority.	Yes
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this policy ii. assessed in accordance with the assessment criteria in schedule 5 and the Guidelines iii. satisfies any other relevant requirements of this policy 	<p>The objectives are considered above.</p> <p>The development application has been assessed in accordance with the assessment criteria in Schedule 5 in Error! Reference source not found. and the Guidelines in Table 11.</p> <p>All other relevant requirements are addressed in this table.</p>	Yes
	Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement	The development application has adequately demonstrated it will provide for public benefit (see Section Error! Reference source not found.).	Yes

Object	Criteria	Comments	Compliance
3.12 Duration of consents	A consent granted under this part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 4 (20) of the EP&A Act	The Department recommends a condition of consent to limit the approval to a maximum of 15 years from the date of consent.	Yes
3.14 Transport corridor land	The display of an advertisement by or on behalf of TfNSW on land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road	The development application is for signage on land owned by TfNSW, and is within 250 metres of a Classified Road and is permissible with consent.	Yes
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> i. the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council have been considered by the Minister, and ii. the advice of any design review panel has been considered by the Minister, and iii. the Minister is satisfied that the advertisement is consistent with the Guidelines. 	<p>Fairfield City Council was notified of the development application and provided comments on the application (see Section Error! Reference source not found.).</p> <p>There was no design review panel required for this development application.</p> <p>An assessment of the development application against the Guidelines is provided in Table 111.</p>	Yes
3.15 Advertisements with display area greater than 20 square metres or	The consent authority must not grant consent to an application to display an advertisement to	The signage has an area greater than 20 square metres and is higher than 8 metres above the ground.	Yes

Object	Criteria	Comments	Compliance
higher than 8 metres above the ground	<p>which this section applies unless,</p> <p>(a) the Applicant has provided the consent authority with an impact statement that addresses the assessment criteria in schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</p>	<p>The SEE addresses the assessment criteria in Schedule 5. The Department is satisfied that the impacts of the signage are acceptable as there is no change in impacts from the existing advertising signage.</p> <p>The development application was advertised in accordance with Schedule 1 of the EP&A Act (Section Error! Reference source not found.).</p> <p>The Department provided a copy of the development application to TfNSW during the exhibition period.</p>	
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW.	This section does not apply when the Minister is the consent authority. Notwithstanding, the Department referred the application to TfNSW for comment.	N/A
3.17 Advertising display area greater than 45 square metres	<p>The consent authority must not grant consent to the display of an advertisement with an advertising display area of greater than 45 square metres unless:</p> <p>i. a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or</p>	<p>The proposed signage has an advertising display area of 42.41 square metres.</p> <p>The development application is to display an advertisement on TfNSW owned land. The Department is satisfied that the advertisement is generally consistent with the Guidelines.</p>	Yes

Object	Criteria	Comments	Compliance
	ii. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.		
3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <ul style="list-style-type: none"> i. appear only within the advertising display area ii. not be greater than 0.25 square metres iii. be included in calculating the size of an advertising display area. 	<p>The signage includes a small company logo (unknown size) to the bottom corner of both the southbound and northbound facing signs.</p> <p>The Applicant has committed to replacing the existing logos with smaller logos that comply with the size requirements.</p>	Yes
3.22 Advertisements on bridges	<p>A person may, with the consent of the consent authority, display an advertisement on a bridge.</p> <p>The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>The sign protrudes above the top of the structural boundary of the pedestrian bridge. The Guidelines permit the continuation of the display of any existing advertising on bridges approved before 2007 (the gazettal of the then SEPP 64 (Advertising and Signage) for one additional period, if there is no increase in the advertising display area of the signage.</p> <p>The advertising structure was approved in 1998 before the gazettal of the SEPP.</p>	Yes

Table 10 | Industry and Employment SEPP Schedule 5 Compliance Table

Assessment Criteria	Consideration and Comments	Complies
1 Character of the area		

Assessment Criteria	Consideration and Comments Comments	Complies
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage is compatible with the adjacent road corridor.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent with the design and scale of other static externally illuminated signs located on major roads in the locality.	Yes
2 Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open spaces areas, waterways, rural landscapes or residential areas?	<p>The existing structure will not have any discernible impact on the adjacent riparian area, Orphan School Creek. There is low scenic quality or heritage value within the viewshed of the proposal. Given it is an existing development, there would be no change to the amenity or visual quality of this area. The signage itself is not located in an environmentally sensitive area, or a natural conservation area. It is static and does not detract from the visual quality of these areas.</p> <p>The signage is located near a residential zone. However, it would not significantly detract from the amenity or visual quality of residences (see Section 5.3).</p>	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	The signage does not obscure or compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage does not dominate the skyline or reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The signage does not impact the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is appropriate for the streetscape, setting and landscape.	Yes

Assessment Criteria	Consideration and Comments Comments	Complies
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The Applicant considers the signage contributes to the visual interest of the streetscape, by creating positive visual amenity on the pedestrian bridge.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage does not contribute to additional visual clutter.	Yes
Does the proposal screen unsightliness?	The signage does not screen unsightliness as there is none in the immediate surrounds.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage protrudes above the top of the pedestrian bridge.	Yes
Does the proposal require ongoing vegetation management?	No ongoing vegetation management is required.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale of the signage is appropriate for the context of the site and is compatible with the character of the area.	Yes
Does the proposal respect important features of the site or building, or both?	The signage is below the tree canopy and does not obscure any important features.	Yes.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign is situated on the top of an existing pedestrian bridge.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal consists of an existing access ladder, safety platform, and small company logo (unknown size) to the bottom left and right corners of each respective sign. The structure is lit by four overhead downward facing lights.	Yes

Assessment Criteria	Consideration and Comments Comments	Complies
	<p>These features are not detracting from the sign itself or the main advertising panel.</p> <p>The advertising structure is located in a secure area which prevents members of the public from gaining access to the advertising structure and advertising display area.</p>	
7 Illumination		
Would illumination result in unacceptable glare?	The signage would not result in unacceptable glare. The Department has recommended a condition of consent requiring all signage floodlights to be fitted with baffles, in accordance with <i>AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signage would not adversely affect safety for pedestrians, vehicles or aircraft. The Department has recommended a condition of consent requiring all signage floodlights to be fitted with baffles, in accordance with <i>AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The signage illumination would not detract from the amenity of any residence or other form of accommodation.	Yes
Can the intensity of the illumination be adjusted, if necessary?	<p>The Department has recommended a condition of consent requiring all signage floodlights to be fitted with baffles, in accordance with <i>AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p> <p>All signage floodlights must meet luminance criteria for non-digital signs set out in Table 5 of the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017).</p>	Yes

Assessment Criteria	Consideration and Comments Comments	Complies
Is the illumination subject to a curfew?	The signage illumination is not subject to a curfew.	Yes
8 Safety		
Would the proposal reduce the safety for any public road?	The signage would not reduce safety for any public road.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage would not reduce safety for pedestrians or bicyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage would not obscure sightlines from public areas.	Yes

Transport Corridor Outdoor Advertising and Signage Guidelines 2017

The *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (the Guidelines) outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of the Industry and Employment SEPP, by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The development application has been assessed against the Guidelines in Table 11.

Table 11 | Assessment against the Guidelines

Assessment Criteria	Comments	Complies
Land use compatibility criteria – Table 1		
(i) The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The outdoor advertising is consistent with the land use objectives outlined in the Fairfield Local Environmental Plan 2013, where signage is permissible with consent in the SP2 Infrastructure zone. Any development that is ordinarily incidental or ancillary to development for that purpose is permitted with consent.	Yes
(ii) Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National Park or nature reserve. 	<p>The signage is unlikely to create adverse amenity impacts on any environmentally sensitive area, heritage area, natural/other conservation area, open space, waterway, scenic protection area, national park or nature reserve.</p> <p>The surrounding lands are mainly zoned R2 Low Density Residential, RE1 Public Recreation and E2 Environmental Conservation. The pedestrian bridge connects the recreational lands to the west with Orphans School Creek to the east. Orphans School Creek is a designated riparian land and watercourse. This area is zoned C2 Environmental Conservation, however, is not an environmentally sensitive area. Significant screening around the bridge and between the land uses ensures no impact on the C2 lands.</p> <p>The signage itself is not located in an environmentally sensitive area, or a natural conservation area, and therefore it is not likely to cause significant impacts. The proposal uses an</p>	Yes

Assessment Criteria	Comments	Complies
	<p>existing structure that has limited impact on the amenity of sensitive areas and is therefore considered acceptable.</p> <p>There is a significant vegetation buffer along Cowpasture Road that will screen the proposal from the adjoining sensitive land uses.</p>	
(iii) Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.	The signage does not dominate or protrude above the skyline. There are no significant scenic views compromised. The pedestrian bridge and the signage are well screened by landscape buffers along either side of the Cowpasture Road.	Yes
(iv) Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The signage does not diminish heritage values of items or areas of local, regional or state significance.	Yes
(v) Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	<p>The signage is affixed to transport infrastructure: the pedestrian bridge across Cowpasture Road.</p> <p>This is placed within the context of other built structures and acts as a screening measure for the bridge. Vegetation along the corridor acts as a buffer which helps minimise visual impacts on residential properties.</p>	Yes
2.5 Site specific and structural criteria		
2.5.1 General criteria		
(a) The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The signage is of a contemporary standard that is suitable for the transport corridor.	Yes

Assessment Criteria	Comments	Complies
(b) The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage is to be located.	The signage is compatible with adjacent road infrastructure.	Yes
(c) The advertising signage should be in keeping with important features of the site, building or bridge structure.	The signage is in keeping with the surrounding road corridor character.	Yes
(d) The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The development application does not incorporate landscaping. No trees or vegetation are proposed to be removed as part of the development application.	Yes
(e) The advertisement proposal should incorporate landscaping that complements the advertising signage and is keeping with the landscape and character of the transport corridor.	The development application does not incorporate landscaping and the signage would continue to be in character with the road corridor.	Yes
(f) Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage structure on which it is to be displayed.	The signage structure consists of an existing access ladder, safety platform, and small company logo to the bottom of each sign. Each of the two signs are lit by 4 overhead downward facing lights.	Yes
(g) Illumination of advertisements must comply with the requirement in Section 3.3.3 of the Guidelines.	<p>The illumination of the signage would not result in unacceptable light spill (Section 5.5).</p> <p>The Department has recommended a condition of consent requiring all signage floodlights must meet luminance criteria for non-digital signs set out in Table 5 of the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017).</p>	Yes
(h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The signage would not result in unacceptable light spillage to nearby residential properties, national parks or nature reserves (Section 5.5).	Yes

Assessment Criteria	Comments	Complies
2.5.5 Bridge Signage criteria		
(a) The architecture of the bridge must not be diminished.	The advertising signage was constructed at the same time as the pedestrian bridge and is part of the bridge structure.	Yes
(b) The advertisement must not extend laterally outside the structural boundaries of the bridge.	Not applicable.	N/A
(c) The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached, unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8m.	Not applicable.	N/A
(d) On a road or pedestrian bridge, the advertisement must: <ul style="list-style-type: none"> v. not protrude above the top of the structural boundaries of the bridge vi. not block significant views for pedestrians or other bridge users (e.g. cyclists) vii. not create a tunnel effect, impede passive surveillance, or in any other way reduce safety for drivers, pedestrians or other bridge users 	Not applicable.	N/A
(e) Paragraphs (a) to (d) above do not apply to the continuation of the display of any existing advertising on bridges approved prior to the gazettal of State Environmental Planning Policy No 64 (Advertising and Signage) (Amendment No 2) in 2007 for only one additional period under SEPP 64 Clause 14 if there is no increase in the advertising display area of the signage	The signage was approved in 1998, and later modified in 2000, prior to the implementation of SEPP 64. Therefore, (a) to (d) above do not apply in this instance.	Yes

Assessment Criteria	Comments	Complies
(f) A DA to display an advertisement on a bridge must be accompanied by a statement demonstrating how the advertisement will contribute to a public benefit. Section 4 outlines the public benefit test requirements	The Applicant provided a statement of public benefit, see Section 5 .	
(g) Any advertising sign proposed for development on a bridge over a classified road requires that construction drawings be submitted for review and approval by RMS bridge engineers prior to construction to ensure all road safety requirements are met.	The signage is an existing sign that was previously approved and constructed at the same time as the pedestrian bridge.	N/A
(h) Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over high vehicle.	<p>The signage is an existing sign that was previously approved and constructed at the same time as the pedestrian bridge.</p> <p>The sign is above the bridge and cannot be impacted by high vehicles.</p>	N/A

Road safety assessment criteria

3.2.1 Road clearance

(a) The advertisement must not create a physical obstruction or hazard.	The proposal would not result in any physical obstruction or hazard.	Yes
(b) Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone.	The signage is located on top of an existing pedestrian bridge. Therefore the sign does not require road-side supports or introduce additional hazards.	N/A
(c) Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m height (relative to the road level) are to comply with lateral clearances as	The signage is located outside the clear zone.	N/A

Assessment Criteria	Comments	Complies
specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.		
(d) All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The Department recommends a condition to ensure the proposal complies with AS 1170.1 and AS 1170.2.	Yes

3.2.2 Line of sight

(a) An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings.	The signage would be located above the road corridor and would not obstruct views of the road.	Yes
(b) A advertisement must not obstruct a pedestrian or cyclist's view of the road.	The signage would be located above the road corridor and would not obstruct pedestrian or cyclist views of the road.	Yes
(c) The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.	The signage does not give incorrect information on the alignment of the road.	Yes
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The signage is unlikely to distract a driver away from the road environment for an extended length of time.	Yes

3.2.3 Proximity to decision making points and conflict points

(a) The sign should not be located: i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves	The signage would comply with the road safety requirements (see Section Error! Reference source not found.).	Yes
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Assessment Criteria	Comments	Complies
<p>ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment</p> <p>iii. so that it is visible from the stem of a T-intersection.</p>		
<p>(b) The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</p> <p>i. of a road hazard</p> <p>ii. to an intersection</p> <p>iii. to a prescribed traffic control device(such as traffic signals, stop or give way signs or warning signs)</p> <p>iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.</p>	<p>The placement of the signage is unlikely to distract drivers at critical times (see Section Error! Reference source not found.).</p>	Yes
3.3.1 Advertising signage and traffic control devices		
<p>(a) The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</p>	<p>The signage would not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs, or obscure information about the road alignment.</p>	Yes
<p>(b) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.</p>	<p>The signage would not interfere with stopping sight distance for the road's design speed, and would not interfere with the effectiveness of existing traffic control devices.</p>	Yes

Assessment Criteria	Comments	Complies
3.3 Illumination and reflectance		
Illumination and reflectance criteria for non-digital signs		
(a) Advertisements must comply with the luminance requirements in Table 5 below	This is a recommended condition of consent.	Yes
(b) For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.	The external illumination of the signage would not cause unacceptable glare or adverse impacts on the safety of pedestrians, residents or traffic.	Yes
(c) The light sources for illuminated signs must focus solely on the sign and: i be shielded so that glare does not extend beyond the sign ii with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb	The external illumination of the signage would not cause unacceptable glare. The Department has recommended a condition of consent that requires all signage floodlights to be fitted with baffles, to limit upward light viewable by aircraft.	Yes
(d) The level of reflectance of an advertisement, and its content, is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian Standard AS/NZS 1906.1:2007. Flashing illuminated advertisements will not be approved.	A condition of consent is recommended requiring the visible light reflectivity from materials used on the signage structure (including the advertising skins) to not exceed 20 percent, and be designed to minimise glare. No flashing illuminated advertisements are proposed.	Yes
3.3.4 Interaction and sequencing		
(a) The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in	The signage does not incorporate technology that would interact with in-vehicle electronic devices or mobile devices.	Yes

Assessment Criteria	Comments	Complies
direction communication with road users.		
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	No message sequencing is proposed.	Yes
Public benefit		
As proponents of outdoor advertising, TfNSW must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The Department has recommended a condition requiring the advertising structure be made available for the display of road safety messages.	Yes
TfNSW must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.	This is recommended as a condition of consent.	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.119(2) of the Transport and Infrastructure SEPP requires the consent authority to be satisfied that development with a frontage to a classified road would not adversely affect the safety, efficiency and ongoing operation of the road. The existing static sign is similar to other non-digital signs which are typically found in or adjacent to road corridors, and the proposal would not compromise the operation and function of the road. An assessment of compliance with section 2.119(2) of the Transport and Infrastructure SEPP is provided in **Table 12**.

Table 12 | Compliance with section 2.119(2) of Transport and Infrastructure SEPP

Section	Comment	Complies
Section 2.119(2)		
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Monthly vehicular access to the sign is required to change advertising skins. Inspections are also undertaken infrequently (every three years). During these periods, vehicles are parked in adjacent streets and the sign accessed on foot via the pedestrian bridge.	Yes
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of – <ul style="list-style-type: none"> i the design of the vehicular access to the land, or ii the emission of smoke or dust from the development, or iii the nature, volume or frequency of vehicles using the classified road to gain access to the land, and 	The safety, efficiency and ongoing operation of Cowpasture Road would not be adversely affected by the sign. No new vehicular access is proposed, as the structure is situated above Cowpasture Road and is accessible via an existing access. No smoke or dust would be emitted from the development. The volume of vehicles using the classified road would not be impacted by the signage.	Yes
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicles emissions within the site of the development arising from the adjacent classified road.	The signage is not sensitive to traffic noise or vehicle emissions and would not create any further noise emissions.	Yes

Fairfield Local Environmental Plan 2013

The site is zoned SP2 Infrastructure under the Fairfield LEP 2013. Advertising signage is permissible with consent in the SP2 zone. The signage is also permissible under section 3.14 of the Industry and Employment SEPP as discussed in **Section 3.1**.

Further, the proposal is consistent with the objectives of the SP2 Zone, as it will provide for infrastructure and related uses and would not detract from the provision of infrastructure.

Fairfield Development Control Plan 2013

There are no relevant provisions within the Fairfield Development Control Plan 2013 that apply to advertising signage in SP2 zones.

Appendix C – Recommended instrument of consent

The recommended instrument of consent can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/continued-use-existing-advertising-signage-cowpasture-road-bossley-park-da-2311560>.