

## Appendix 1

### Industry and Employment SEPP & Transport Corridor Advertising and Signage Guidelines Assessment

#### 1 Industry and Employment SEPP Assessment

Industry and Employment SEPP Provision	Comment	Compliance
3.1 Aims, objectives etc.		
<p>(1) <i>This Chapter aims:</i></p> <p>(a) <i>To ensure that signage (including advertising):</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under part 4 of the Act, and</i></p> <p>(c) <i>to provide time-limited consents for the display of certain advertisements, and</i></p> <p>(d) <i>to regulate the display of advertisements in transport corridors, and</i></p> <p>(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></p> <p>(2) <i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>(a) The proposal is assessed to be compatible with the visual character and desired amenity of the locality as it is proposed to extend the duration of an existing approved signage structure. The sign is of high design quality and enhances the visual interest along the motorway. It is also compatible with the land use character being a busy, urban transport corridor.</p> <p>(b) The proposal will be assessed and regulated under Part 4 of the EP&amp;A Act and will be appropriately managed by the Minister of Planning and Public Spaces (Minister) conditions of consent.</p> <p>(c) Duration of consent for the proposal will be controlled by section 3.12 of the SEPP.</p> <p>(d) The proposal does not present any significant road safety issues and is not expected to compromise road safety in its vicinity. The proposal is also regulated against the Guidelines.</p> <p>(e) The proposal demonstrates public benefit by providing a revenue stream for which TfNSW allocates to contribute to funding to</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
	support road infrastructure maintenance, network management, road use compliance activities and road safety programs across the whole of NSW.	
3.2 Definitions		
	<p>The proposal constitutes an advertisement to which Part 3 of the SEPP applies.</p> <p>The M4 Motorway is a State classified road (no. 6004) under the <i>Roads Act 1993</i>.</p> <p>The proposal seeks to extend the duration of the existing approved advertising sign on the northern side of the M4 Motorway for a further 15 year period.</p>	Yes
3.4 Signage to which this Chapter applies		
<p>(1) <i>This Chapter applies to all signage that—</i></p> <p>a) <i>can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and</i></p> <p>b) <i>is visible from any public place or public reserve except as provided by this Chapter. Note—Public place and public reserve are defined in section 4(1) of the Act to have the same meanings as in the Local Government Act 1993.</i></p> <p>(2) <i>This Chapter does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Chapter.</i></p>	<p>This section applies as the signage:</p> <ul style="list-style-type: none"> <li>is permissible with consent in the SP2 zone under the BLEP 2015;</li> <li>is visible from a public place; and</li> <li>is not exempt development.</li> </ul>	
3.6. Granting of consent to signage		
<p><i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</i></p> <p>(a) <i>that the signage is consistent with the objectives of this Chapter as set out in section 3.1 (1) (a), and</i></p>	<p>An assessment against section 3.1(1)(a) is provided above, which concludes the signage will remain consistent with the objectives of the Chapter.</p> <p>Further, the SEE undertakes a detailed assessment</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i>	demonstrating that the proposal is consistent with the Assessment Criteria specified in Schedule 5.	
<b>3.7. Advertisements to which this Part applies</b>		
<p>(1) <i>This Part applies to all signage to which this Chapter applies, other than the following:</i></p> <ul style="list-style-type: none"> <li>(a) <i>business identification signs,</i></li> <li>(b) <i>building identification signs,</i></li> <li>(c) <i>signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</i></li> <li>(d) <i>signage on vehicles.</i></li> </ul> <p>(2) <i>Despite subsection (1)(d), section 3.26 applies to signage on a trailer (within the meaning of the Road Transport Act 2013).</i></p>	The proposal constitutes an advertisement under the provisions of Part 3.3 and therefore the provisions of this Part applies.	Yes
<b>3.8. Prohibited advertisements</b>		
<p>(1) <i>Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:</i></p> <ul style="list-style-type: none"> <li>• <i>environmentally sensitive area</i></li> <li>• <i>heritage area (excluding railway stations)</i></li> <li>• <i>natural or other conservation area</i></li> <li>• <i>open space</i></li> <li>• <i>waterway</i></li> <li>• <i>residential (but not including a mixed residential and business zone, or similar zones)</i></li> <li>• <i>scenic protection area</i></li> <li>• <i>national park</i></li> <li>• <i>nature reserve</i></li> </ul> <p>(2) <i>This section does not apply to the following:</i></p> <ul style="list-style-type: none"> <li>(a) <i>the Mount Panorama Precinct,</i></li> <li>(b) <i>the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the</i></li> </ul>	<p>The sign is not located in any of the listed zones and therefore, it is not a prohibited advertisement.</p> <p>The proposed signage is permissible with consent under both Chapter 3, Section 3.14 of the Industry and Employment SEPP and the BLEP 2015.</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<i>sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</i>		
<b>3.9 Requirement for consent</b>		
<i>A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Chapter.</i>	This application seeks consent for the continuation of the existing sign.	Yes
<b>3.10. Consent authority</b>		
<p><i>For the purposes of this Chapter, the consent authority is:</i></p> <p>(a) <i>the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or</i></p> <p>(b) <i>TfNSW in the case of an advertisement displayed on a vessel, or</i></p> <p>(c) <i>the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor, or</i></p> <p>(d) <i>the Minister for Planning in the case of an advertisement displayed by or on behalf of RMS on -</i></p> <p style="padding-left: 20px;">(i) <i>a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</i></p> <p style="padding-left: 20px;">(ii) <i>a bridge constructed by or on behalf of RMS on any road corridor, or</i></p> <p style="padding-left: 20px;">(iii) <i>land that is owned, occupied or managed by TfNSW, or</i></p> <p>(e) <i>the Minister for Planning in the case of an advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</i></p>	In accordance with Section 3.10(d)(iii), the Minister is the consent authority as the advertisement is displayed on land managed by TfNSW within 250m of a classified road.	Yes
<b>3.11 Matters for consideration</b>		
(1) <i>A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement</i>	The proposal satisfies the objectives detailed in Section 3.11(2) as:	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<p><i>to which this Chapter applies unless the advertisement or the advertising structure, as the case requires:</i></p> <p>(a) <i>is consistent with the objectives of this Chapter as set out in subsection 3.1 (1) (a), and</i></p> <p>(b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i></p> <p>(c) <i>satisfies any other relevant requirements of this Chapter.</i></p> <p>(2) <i>If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires:</i></p> <p>(a) <i>is consistent with the objectives of this Chapter as set out in subsection 3.1(1)(a), and</i></p> <p>(b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of</i></p> <p style="padding-left: 20px;">(i) <i>design, and</i></p> <p style="padding-left: 20px;">(ii) <i>road safety, and</i></p> <p style="padding-left: 20px;">(iii) <i>the public benefits to be provided in connection with the display of the advertisement, and</i></p> <p>(c) <i>satisfies any other relevant requirements of this Chapter.</i></p> <p>(3) <i>In addition, if section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.</i></p>	<ul style="list-style-type: none"> <li>it is consistent with the objectives of this Chapter as set out in the response above under Section 3.1(1)(a)</li> <li>the SEE concludes that the proposal is consistent with the assessment criteria detailed in Schedule 5 and in the Signage Guidelines</li> <li>it continues to be acceptable from a road safety perspective as outlined in the SEE and SSA at Appendix 3</li> <li>provides substantial public benefits as the proposed continuation of the signs will generate revenue that contributes to improving and maintaining the TfNSW road network</li> </ul> <p>The SEE concludes that the proposal is consistent with the assessment criteria detailed in Schedule 5 and in the Signage Guidelines.</p> <p>In accordance with 3.11(3), the Applicant has committed to the provision of funding towards essential TfNSW services to the benefit of the local community.</p>	
<b>3.12 Duration of consents</b>		
(1) <i>A consent granted under this Part ceases to be in force:</i>	The existing sign was approved at the site by the	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<p>(a) <i>on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</i></p> <p>(b) <i>if a lesser period is specified by the consent authority, on the expiration of the lesser period.</i></p> <p>(2) <i>The consent authority may specify a period of less than 15 years only if:</i></p> <p>(a) <i>before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</i></p> <p>(b) <i>the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or</i></p> <p>(c) <i>the specification of a lesser period is required by another provision of this Policy.</i></p>	<p>Department of Planning and Environment (DPE) (now DPHI), on 10 December 2009.</p> <p>As such, the proposed application seeks to continue the operation of the existing approved sign for an additional period of 15 years.</p> <p>It is acknowledged that any consent granted for the application would expire 15 years after the date on which the consent becomes effective.</p>	
<b>3.14 Transport corridor land</b>		
<p>(1) <i>Despite section 3.8 (1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases permissible with development consent in the following cases:</i></p> <p>a. <i>the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,</i></p> <p>b. <i>the display of an advertisement by or on behalf of TfNSW on:</i></p> <p>(i) <i>a road that is a freeway or tollway (under the Roads Act 1993) or associated road use</i></p>	<p>(1) In accordance with section 3.14(1)(b), the proposal is permissible with development consent as the application is on behalf of TfNSW and is located on land managed by TfNSW and that is within 250 metres of a classified road.</p> <p>(2) In accordance with section 3.14(2), the Minister may appoint a design review panel to provide advice concerning the design quality of the proposal. A design review panel for this application has not been appointed as it is not</p>	<p>Yes</p>



Industry and Employment SEPP Provision	Comment	Compliance
<p><i>land that is adjacent to such a road, or</i></p> <p>(ii) <i>a bridge constructed by or on behalf of TfNSW on any road corridor, or</i></p> <p>(iii) <i>land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,</i></p> <p>c. <i>the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</i></p> <p>(2) <i>Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.</i></p> <p>(3) <i>The Minister must not grant consent to the display of an advertisement in such a case unless:</i></p> <p>(a) <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 within 28 days have been considered by the Minister, and</i></p> <p>(b) <i>the Minister is satisfied that the advertisement is consistent with the Guidelines.</i></p> <p>(4) <i>This section does not apply to the display of an advertisement if the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines.</i></p>	<p>warranted given the nature of the application (proposes the continuation of operation of existing signage). Notwithstanding, an assessment against the Signage Guidelines is provided in this appendix which confirms the proposal is consistent</p> <p>(3) In accordance with section 3.14(3), Council will be formally advised of the development application as part of DPHI's assessment and the advertisement is considered to be consistent with the Guidelines.</p> <p>(4) In accordance with subsection 3.14(4), an assessment against the Signage Guidelines has been provided in the SEE. In summary, signage continues to be appropriate for the existing arterial road context in which it is located. Impacts on surrounding sensitive receivers are acceptable as outlined in Section 6 of the SEE.</p>	
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground		
<p>(1) <i>This section applies to an advertisement—</i></p> <p>(a) <i>that has a display area greater than 20 square metres, or</i></p>	<p>Section 3.15 applies as the proposal has an advertising display area greater than 20m<sup>2</sup></p>	<p>Yes</p>

Industry and Employment SEPP Provision	Comment	Compliance
<p>(b) <i>that is higher than 8 metres above the ground.</i></p> <p>(2) <i>The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—</i></p> <p>(a) <i>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</i></p> <p>(b) <i>(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.</i></p>	<p>(44.92m<sup>2</sup>) and is 8.5m from natural ground level.</p> <p>An assessment against the assessment criteria in Schedule 5 is provided within the SEE. This demonstrates the proposal is acceptable in terms of its impacts.</p>	
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road		
<p>(1) <i>This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.</i></p> <p>(2) <i>The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW.</i></p> <p>(3) <i>In deciding whether or not concurrence should be granted, TfNSW must take into consideration:</i></p> <p>(a) <i>the impact of the display of the advertisement on traffic safety, and</i></p> <p>(b) <i>the Guidelines.</i></p> <p>(4) <i>If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under section 3.15 (2)(b) that it has granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.</i></p> <p>(5) <i>Nothing in this section affects section 3.14.</i></p> <p>(6) <i>This section does not apply when the Minister for Planning is the consent authority.</i></p>	<p>The proposal has an advertising display area greater than 20m<sup>2</sup> (44.92m<sup>2</sup>) and is within 250m of and is visible from a classified road.</p> <p>Notwithstanding, subsection (6) states that this section does not apply when the Minister for Planning is the consent authority.</p>	N/A



Industry and Employment SEPP Provision	Comment	Compliance
<b>3.17 Advertising display area greater than 45 square metres</b>		
<p><i>The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless—</i></p> <p>(a) <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</i></p> <p>(b) <i>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.</i></p>	<p>Section 3.17 does not apply as the proposal has an advertising display area less than 45m<sup>2</sup> (44.92m<sup>2</sup>).</p>	N/A
<b>3.18 Location of certain names and logos</b>		
<p>(1) <i>The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.</i></p> <p>(2) <i>If the advertising display area has no border or surrounds, any such name or logo is to be located:</i></p> <p>(a) <i>within the advertisement, or</i></p> <p>(b) <i>within a strip below the advertisement that extends for the full width of the advertisement.</i></p> <p>(3) <i>The area of any such name or logo must not be greater than 0.25 square metres.</i></p> <p>(4) <i>The area of any such strip is to be included in calculating the size of the advertising display area.</i></p>	<p>The operator logo is located within a strip to the bottom right of the advertisement and has an area of 0.61m<sup>2</sup>. This has been incorporated into the overall advertising display area calculation.</p> <p>The logo results in a minor (0.36m<sup>2</sup>) exceedance. This insignificant exceedance is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>the proposal does not involve any physical works, and the existing signage will be maintained</li> <li>the exceedance does not contribute to any additional perceived bulk or size of the signage</li> <li>the exceedance will not be visible to the passing human eye, especially given the nature of the environment, being a busy road corridor</li> <li>relocation of the logo would require reinstallation of the signage</li> </ul>	Yes
<b>3.21 Freestanding advertisement</b>		
<p>(1) <i>The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is</i></p>	<p>The proposal is a freestanding advertisement.</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<p><i>displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.</i></p> <p>(2) <i>This section does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under section 3.13.</i></p>	<p>The proposal does not protrude above the dominant skyline and is located below the canopy of any trees or structures within the immediate locality.</p>	

## 2 Transport Corridor Advertising and Signage Guidelines Assessment

### 2.1 Section 1.5 - Land Use Compatibility Criteria – Transport Corridor Advertising

Land Use Compatibility Criteria	Response	Compliance
i. <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.</i>	<p>The proposal is located on land zoned SP2 Infrastructure under the BLEP 2015.</p> <p>The proposal is consistent with the SP2 zone objectives in the BLEP 2015 as it will not detract from the provision of infrastructure along the major road corridor and will not adversely impact the form and scale of the surrounding locality.</p>	Yes
ii. <i>Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:</i> <ul style="list-style-type: none"> <li>• <i>environmentally sensitive area</i></li> <li>• <i>heritage area (excluding railway stations)</i></li> <li>• <i>natural or other conservation area</i></li> <li>• <i>open space (excluding sponsorship advertising at sporting facilities in public recreation zones)</i></li> <li>• <i>waterway</i></li> <li>• <i>residential area (but not including a mixed residential and business zone, or similar zones)</i></li> <li>• <i>scenic protection area</i></li> <li>• <i>national park or nature reserve.</i></li> </ul>	<p>The proposal is not visible from any of the listed areas.</p>	Yes
iii. <i>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.</i>	<p>The proposal is located on the northern side of the M4 Motorway, Eastern Creek.</p> <p>As no proposed physical works are proposed as part of the application, the signage will continue to not dominate or protrude above the surrounding tree canopy and the nearby traffic and road signs located along the M4 Motorway.</p>	Yes
iv. <i>Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.</i>	<p>There are no heritage items located in proximity to the proposal.</p>	Yes

Land Use Compatibility Criteria	Response	Compliance
v. <i>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.</i>	The proposal is considered to be consistent with the context of the existing setting, being an established motorway corridor, and will provide visual interest to motorists along the M4 Motorway.	Yes

Table 1: Land Use Compatibility Criteria – Signage Guidelines

## 2.2 Chapter 2: Site specific and structural criteria

### Section 2.54 Freestanding advertisement criteria

Criteria	Comment	Compliance
2.5.4 Freestanding advertisements criteria		
<i>Freestanding advertisements must comply with the requirements of SEPP 64 Clause 23 and Clause 19 including:</i>		Yes
a. <i>The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.</i>	The existing advertising sign does not protrude above the dominant skyline, and is located below any trees or structures within the nearby area.	Yes
b. <i>For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.</i>	Not applicable as the advertisement is less than 45m <sup>2</sup> (44.92m <sup>2</sup> ).	N/A
c. <i>Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.</i>	No landscaping is proposed as part of this application.	N/A

Table 2: Freestanding Signage Criteria – Signage Guidelines