



Planning,  
Industry &  
Environment

IRF21/4421

## Gateway determination report – PP-2021-6356

---

Amendment to Schedule 2 - Exempt development for  
advertisement signs on Council sports fields and road  
side bus shelters

November 21



Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Gateway determination report – PP-2021-6356

Subtitle: Amendment to Schedule 2 - Exempt development for advertisement signs on Council sports fields and road side bus shelters

---

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 21) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.



# Contents

|          |                                                     |          |
|----------|-----------------------------------------------------|----------|
| <b>1</b> | <b>Planning proposal .....</b>                      | <b>1</b> |
| 1.1      | Overview.....                                       | 1        |
| 1.2      | Objectives of planning proposal .....               | 1        |
| 1.3      | Explanation of provisions.....                      | 1        |
| 1.4      | Site description and surrounding area .....         | 3        |
| 1.5      | Mapping .....                                       | 3        |
| 1.6      | Background .....                                    | 3        |
| 1.7      | Need for the planning proposal .....                | 4        |
| <b>2</b> | <b>Strategic assessment.....</b>                    | <b>4</b> |
| 2.1      | Regional Plan .....                                 | 4        |
| 2.2      | District Plan .....                                 | 4        |
| 2.3      | Local .....                                         | 4        |
| 2.4      | Local planning panel (LPP) recommendation.....      | 5        |
| 2.5      | Section 9.1 Ministerial Directions .....            | 5        |
| 2.6      | State environmental planning policies (SEPPs) ..... | 5        |
| <b>3</b> | <b>Site-specific assessment .....</b>               | <b>6</b> |
| 3.1      | Environmental.....                                  | 6        |
| 3.2      | Social and economic .....                           | 6        |
| 3.3      | Infrastructure .....                                | 6        |
| <b>4</b> | <b>Consultation.....</b>                            | <b>6</b> |
| 4.1      | Community .....                                     | 6        |
| 4.2      | Agencies.....                                       | 7        |
| <b>5</b> | <b>Timeframe.....</b>                               | <b>7</b> |
| <b>6</b> | <b>Local plan-making authority .....</b>            | <b>7</b> |
| <b>7</b> | <b>Assessment summary .....</b>                     | <b>7</b> |
| <b>8</b> | <b>Recommendation.....</b>                          | <b>7</b> |

## Attachments

Attachment A – Planning Proposal

Attachment A1 – Council Minutes and Agenda

Attachment A2 – Campbelltown Local Planning Panel

# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

|                                 |                                                                                                                          |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>LGA</b>                      | <b>Campbelltown</b>                                                                                                      |
| <b>PPA</b>                      | Campbelltown City Council                                                                                                |
| <b>NAME</b>                     | Amendment to Schedule 2 - Exempt development for advertisement signs on Council sports fields and road side bus shelters |
| <b>NUMBER</b>                   | PP-2021-6356                                                                                                             |
| <b>LEP TO BE AMENDED</b>        | Campbelltown LEP 2015                                                                                                    |
| <b>ADDRESS</b>                  | LGA wide under the Campbelltown LEP 2015                                                                                 |
| <b>RECEIVED</b>                 | 26/10/2021                                                                                                               |
| <b>FILE NO.</b>                 | IRF21/4421                                                                                                               |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required                          |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal                    |

## 1.2 Objectives of planning proposal

The planning proposal (Attachment A) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Streamline the council approval process for low-scale advertising at Council owned sports field and road side bus shelters
- Provide consistent criteria for the design and location of these sign types and to remove their requirement for development consent

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Campbelltown LEP 2015 (CLEP 2015) by including exempt development provisions for low-scale advertising on council sports fields and road bus shelters under Schedule 2 - Exempt development of the CLEP 2015, as shown in **Table 2**.

**Table 2** Proposed draft provisions to Schedule 2 - Exempt development

| <b>Schedule 2 – Exempt Development</b>                                                             |                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Signage – Bus shelter advertising</b>                                                           |                                                                                                                                                                                                                                                                        |
| (1)                                                                                                | Maximum – 1 advertising panel per bus shelter, but the panel may have an advertisement on each side.                                                                                                                                                                   |
| (2)                                                                                                | Maximum display area per panel – 1.2m x 1.8m.                                                                                                                                                                                                                          |
| (3)                                                                                                | Must not contain flashing or continuously moving electronic content.                                                                                                                                                                                                   |
| (4)                                                                                                | Must be integrated into the design of the bus shelter so as not to obscure pedestrian paths of travel.                                                                                                                                                                 |
| (5)                                                                                                | Must not adversely impact the amenity of a heritage item.                                                                                                                                                                                                              |
| (6)                                                                                                | Must be erected by or on behalf of Council.                                                                                                                                                                                                                            |
| <b>Advertisements – signs on field fencing and amenity facilities at sports fields in zone RE1</b> |                                                                                                                                                                                                                                                                        |
| (1)                                                                                                | Must have the consent, in writing, of Council.                                                                                                                                                                                                                         |
| (2)                                                                                                | Must only provide information about sponsors of teams or organisations using the sporting facility.                                                                                                                                                                    |
| (3)                                                                                                | Must not contain direct product advertising for alcohol, tobacco products, or any form of adult entertainment (involving nudity, indecent acts or sexual activity).                                                                                                    |
| (4)                                                                                                | Must not contain any offensive images or references (including sexual references, nudity, or illegal activity)                                                                                                                                                         |
| (5)                                                                                                | Must not obstruct any gates, access points or openings.                                                                                                                                                                                                                |
| (6)                                                                                                | Must not dominate views from the street or from outside of the site on which it is displayed.                                                                                                                                                                          |
| (7)                                                                                                | If affixed to perimeter fencing of the playing area <ul style="list-style-type: none"> <li>a. must not extend above the top or below the bottom of the fencing, and</li> <li>b. have a maximum length of 3 m, and</li> <li>c. have a maximum height of 1 m.</li> </ul> |
| (8)                                                                                                | Must be removable signs or fixings, and must not be painted directly onto fencing or any amenity facilities.                                                                                                                                                           |
| (9)                                                                                                | Must not cover more than 20 per cent of the wall surface area of any amenity facilities.                                                                                                                                                                               |
| (10)                                                                                               | Must not be illuminated.                                                                                                                                                                                                                                               |
| (11)                                                                                               | Must be installed in accordance with relevant building standards                                                                                                                                                                                                       |

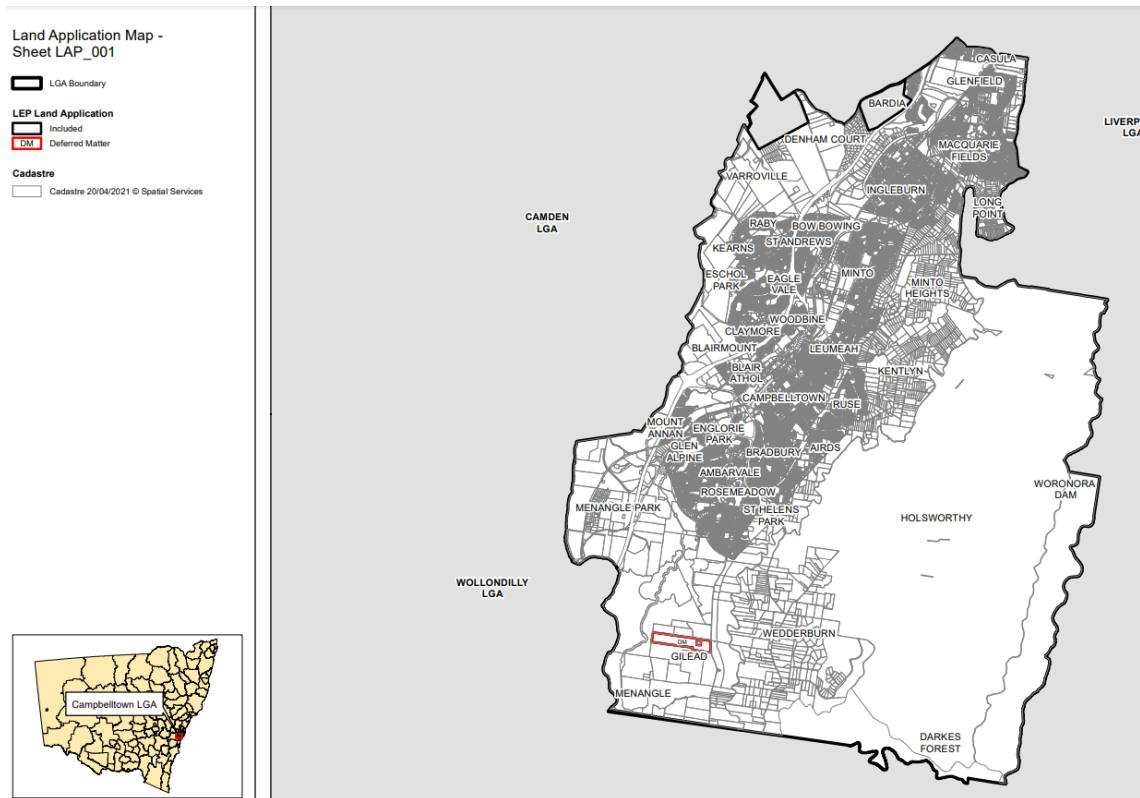
Schedule 2 provisions of the CLEP 2015 provides exempt development criteria for advertising signage – general requirements. However, the provisions under Schedule 2 does not extend to advertising signs on Councils sports fields or bus shelters.

Signage would still be managed and approved by Council as the land owner under a separate agreement with the advertising sign users.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The planning proposal applies to land in the Campbelltown LGA where the exempt provisions of the CLEP 2015 apply. **Figure 1** illustrates the land application of CLEP 2015.



**Figure 1** Campbelltown Land Application Map under the CLEP 2015

## 1.5 Mapping

The planning proposal does not include any mapping amendments.

## 1.6 Background

Commonly used types of signs for businesses and other purposes are provided for as 'exempt development' in the State Environmental Planning Policy – Exempt and Complying Development Code (Codes SEPP) and general provisions for signs are contained in the Infrastructure SEPP, provided they met standards for those types of signs.

Council has reviewed the regulatory framework for signage commonly erected in the LGA. Two types of low-impact signage were identified:

- Advertising signage at sports fields
- Advertising signage on bus shelters

Council's notes these are not listed as exempt development under the Codes SEPP.

Council regulates the size and design of the above types of signs under individual agreements with the users of Council owned or managed land. Council considers there is no requirement for a development application for these two types of signage as a concurrent assessment and approval under the EP&A Act given the individual agreement process with Council.

## 1.7 Need for the planning proposal

The draft proposal is the result of a Council led review of the regulatory framework for the approval of advertising signs at Council owned sports fields and road side bus shelters throughout the Campbelltown LGA.

The proposal will remove the requirement of a development application for two types of signage commonly erected on Council land.

Council notes the planning proposal is considered the best way to achieve the intended outcome.

## 2 Strategic assessment

### 2.1 Regional Plan

It is considered that the proposal is not inconsistent with the overall intent of the Greater Sydney Region Plan. Specifically, the proposal will streamline collaboration between Council, community and business groups relating to specified advertisement signage and therefore meets Objective 5 of the Regional Plan.

### 2.2 District Plan

The site is within the Western District and the Greater Sydney Commission released the Western District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with Planning Priority W1 and W3 as it optimises the use of sports fields by community sporting groups and businesses and will improve revenue streams from low scale advertisement associated with Council's bus shelter assets.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

### 2.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

| Local Strategies                     | Justification                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Strategic Planning Statement   | The proposal will provide consistent criteria for advertising signage at Council sports fields and bus shelters. It gives effect to the LSPS's planning priorities 1, 11, 15 and 16 as it will improve the opportunity of low scale advertisement signage for sporting groups and businesses by removing the requirement of development consent. Further, it increases the ability for Council to improve its revenue stream. |
| Campbelltown Community Strategy Plan | The proposal is consistent with this plan as it would facilitate revenue streams for Council and sporting groups, while promoting local business opportunities through advertisements.                                                                                                                                                                                                                                        |



## 2.4 Local planning panel (LPP) recommendation

The planning proposal was presented to the Campbelltown LPP on 25 August 2021 (Attachment A1 & A2). The panel supported the planning proposal and recommended Council makes sure there is clear direction set for any delegated staff member who will decide if the signs meet the listed criteria. The proposal was updated to reflect the recommendation of the panel.

## 2.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

| Directions                             | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                 |
|----------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 Residential zones                  | Yes                        | The proposal will not impact upon housing or related infrastructure. The exempt development requirements will limit any potential impact of advertising signs.           |
| 3.4 Integrating land use and transport | Yes                        | The proposal will regulate the placement of advertising signage associated with road side bus shelters.                                                                  |
| 4.2 Mine Subsidence and unstable land  | Yes                        | The proposal would not increase the potential for damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. |
| 4.4 Planning for bushfire protection   | Yes                        | The proposal does not expand or alter land use in bushfire prone land.                                                                                                   |

## 2.6 State environmental planning policies (SEPPs)

The planning proposal's assessment against relevant SEPPs is provided below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

| SEPPs                                                           | Requirement                                                                                                                  | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                               |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP) | The Codes SEPP provides a streamlined assessment process for development that complies with specified development standards. | Consistent                 | The proposal seeks to amend Schedule 2 – Exempt development of the CLEP 2015 to include additional exempt development not specified in the Codes SEPP. |

|                                                              |                                                                                                                       |            |                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP<br>(Infrastructure)<br>2007<br>(Infrastructure<br>SEPP) | The Infrastructure SEPP identifies certain types of development which may be carried out without development consent. | Consistent | <p>Council notes there is no provisions of the Infrastructure SEPP that relate to advertising signage on Council owned sports fields.</p> <p>The proposal would complement the exempt development provisions of the Infrastructure SEPP by the erection of signage without development consent in the LGA.</p>                                                                                   |
| SEPP 64 –<br>Advertising<br>and signage                      | The Policy aims to ensure signage is compatible with desired amenity and visual character of the area.                | Consistent | <p>The planning proposal does not seek to introduce potential land uses conflicts with SEPP 64.</p> <p>The proposal would permit advertisement signage on Council owned sports grounds and road side bus shelters under Schedule 2 – Exempt development of the CLEP 2015, while still ensuring criteria is in place to ensure signage is low impact and compatible with the areas character.</p> |

## 3 Site-specific assessment

### 3.1 Environmental

The draft planning proposal is unlikely to result in critical habitat or threatened species, populations or ecological communities or habitat being adversely affected.

### 3.2 Social and economic

The proposal will improve the opportunity for businesses to apply for advertisement signage on Council owned sports grounds and road site bus shelters by removing the need for development consent. The proposed exempt development provisions will assist to limit any potential adverse impact. Signage would still be managed and approved by Council as the land owner under a separate agreement with the sign users.

### 3.3 Infrastructure

The proposal will not generate the need for additional public infrastructure.

## 4 Consultation

### 4.1 Community

Consultation is recommended for a minimum of 28 days.

## 4.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal. This includes: Transport for NSW (TfNSW), NSW Rural Fire Service (RFS) and Mines Subsidence Board.

As the planning proposal applies LGA wide under the CLEP 2015, the Department supports consultation with the identified agencies. In particular TfNSW regarding the proposed draft provisions for CLEP 2015 Schedule 2 for '*Signage – Bus shelter advertising*' as outlined in Table 2 of this report and detailed in Attachment A.

28 days should be given for agencies to comment.

## 5 Timeframe

Council proposes a six month time frame to complete the LEP.

The Department recommends a time frame of nine months to allow for potential timeframe delays relating to Council elections in December 2021, the Christmas period shutdown and the potential for either an extended exhibition period, or a delayed start to the exhibition.

It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit the proposal by specified milestone dates as outlined below:

- Public exhibition before 28 February 2022

A condition to the above effect is recommended in the Gateway determination.

## 6 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal clearly outlines its objectives e.g. to remove development consent for two types of common low impact advertisement signage in the LGA (advertising signage at sports fields and advertising signage on bus shelters) the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 7 Assessment summary

The planning proposal is supported to proceed with conditions as it will streamline the planning controls applying to two common forms of advertisement signage in the Campbelltown LGA.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that there are no inconsistencies with section 9.1 Directions

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
  - TfNSW
  - RFS
  - Mines Subsidence Board
2. The planning proposal should be made available for community consultation for a minimum of 28 days.

3. The planning proposal must be exhibited by 28 February 2022.
4. The timeframe for completing the LEP is to be nine months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



17 November 2021

Naomi Moss  
Manager, Western District



18 Nov 2021

Adrian Hohenzollern  
Director, Western District

Assessment officer

Neala Gautam  
Senior Planning Officer, Western District  
8289 6881