

**JOINT REGIONAL PLANNING PANEL**  
**(Western Sydney Region)**

<b>JRPP No</b>	2013SYW072
<b>DA Number</b>	60.1 / 2013
<b>Local Government Area</b>	Fairfield City Council
<b>Proposed Development</b>	<p>Crown Development application for the construction of three (3) single sided advertising billboard signs and one (1) double sided advertising billboard signs within the Western Sydney Parklands adjacent to the M7 Motorway.</p> <p>Capital Investment Value \$1,530,000</p>
<b>Street Address</b>	<p>No. 144 Wallgrove Rd, Cecil Park (Lot 14, DP70578)</p> <p>No. 73 Redmayne Rd, Horsley Park (Lot 6, DP1021711)</p> <p>No. 54-64 Chandos Rd, Horsley Park (Lot 7, DP1021711)</p> <p>No. 372 Wallgrove Rd, Horsley Park (Lot 19, DP1022008)</p>
<b>Applicant/Owner</b>	<p>Applicant: Western Sydney Parklands Trust</p> <p>Owner: Western Sydney Parklands Trust</p>
<b>Number of Submissions</b>	One (1)
<b>Recommendation</b>	That the application be referred to the Minister with a recommendation for the refusal of the application pursuant to Section 89 of the Environmental Planning and Assessment Act 1979.
<b>Report by</b>	Thomas Copping, Development Planner

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**Proposal:** Crown Development application for the construction of three (3) single sided advertising billboard signs and one (1) double sided advertising billboard signs within the Western Sydney Parklands adjacent to the M7 Motorway.

**Location:** No. 144 Wallgrove Rd, Cecil Park (Lot 14, DP70578)  
No. 73 Redmayne Rd, Horsley Park (Lot 6, DP1021711)  
No. 54-64 Chandos Rd, Horsley Park (Lot 7, DP1021711)  
No. 372 Wallgrove Rd, Horsley Park (Lot 19, DP1022008)

**Owner:** Western Sydney Parklands Trust

**Applicant:** Western Sydney Parklands Trust

**Capital Investment Value:** \$1,530,000

**File No:** DA 60.1/2013

**Author:** Thomas Copping, Development Planner  
Fairfield City Council

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## **RECOMMENDATION**

That the application be referred to the Minister with a recommendation for the refusal of the application pursuant to Section 89 of the Environmental Planning and Assessment Act 1979.

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## **SUPPORTING DOCUMENTS**

<b>AT-A</b>	Statement of Environmental Effects	52 Pages
<b>AT-B</b>	Development Plans & Visual Impact	37 Pages
<b>AT-C</b>	Amended Plans for Site 3	8 Pages
<b>AT-D</b>	Applicant's Response Letter	24 Pages
<b>AT E</b>	Supplementary Visual Impact	34 Pages
<b>AT-F</b>	Submissions	6 Pages
<b>AT-G</b>	Flora and Fauna Assessment	29 Pages

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## EXECUTIVE SUMMARY

The development application proposes the construction of four (4) advertising structures located within the Western Sydney Parklands, adjacent to the M7 Motorway for the purpose of generating advertising income to support the economic viability of the Parklands.

The proposed advertising structures are located within land owned by the Western Sydney Parklands. The advertising structures will be positioned adjacent to the M7 Motorway but outside of the M7 road corridor. The advertising panels will each comprise an area of 85.5m<sup>2</sup> with an overall height between 14 to 17 metres from the natural ground level, and will be 19 metres in width, in order to be visible to motorists on the M7 Motorway.

During the assessment of the application the applicant was advised by Council that given the likely visual impact and inconsistency against the Western Sydney Parklands Plan of Management 2020, which is a matter for consideration under the State Environmental Planning Policy (SEPP) Western Sydney Parklands 2009, the application is unlikely to be supported as submitted. On this basis, the applicant (being a crown development) has exercised their right under Section 89 of the Environmental Planning and Assessment Act (EP&A) 1979 to have the matter referred to the Joint Regional Planning Panel (JRPP) for further consideration.

The principle Environmental Planning Instrument applying to the proposed development is SEPP (Western Sydney Parklands) 2009. In accordance with the provisions of the SEPP the land is unzoned (Clause 9(2)) and as such the Fairfield Local Environmental Plan (LEP) 1994 and Fairfield Citywide Development Control Plan (DCP) 2006 are not applicable to the application. Pursuant to Clause 6, the State Environmental Planning Policy No. 64 – Advertising and Signage also does not apply to the Western Sydney Parklands.

This report summarises the key issues associated with the development application and provides an assessment of the matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, the Western Sydney Parklands Trust Act 2006 and the State Environmental Planning Policy (Western Sydney Parklands) 2009.

The proposed development does not meet the matters for consideration under the SEPP (Western Sydney Parklands) 2009 in relation to the aims of the policy, the visual impact of the structures, impact on views and impact on surrounding residential amenity.

The proposal is also considered to be inconsistent with a number of Strategic Directions and corresponding Objectives/Actions as outlined in the Western Sydney Parklands Plan of Management 2020 which is a matter for consideration under the SEPP (WSP) 2009. In addition the proposal is

inconsistent with the specific objectives outlined within the relevant Precinct Plans within which the advertising structures are proposed to be located.

It is noted that one of the strategic directions outlined in the Western Sydney Parklands Plan of Management encourages the development of new business opportunities to support the management and further development of the Parklands. The Plan of Management also identifies income generating activities to include uses such as cafes, bike hire and the like. It is considered that the proposed advertising structures may be inconsistent with this direction and is considered to be in conflict with other strategic directions/objectives such as 'Develop a cohesive and identifiable landscape character for the Parklands'.

Council has received submissions from the NSW Roads and Maritime Services and Westlink M7 relating to vegetation management within the road corridor. In their submission the RMS has indicated that whilst they do not specifically object to the application, they have highlighted the requirement for extensive plantings along the M7 corridor under the Planning Ministers conditions of approval for the M7 project. They have indicated that there are large numbers of Eucalypt trees in the corridor and once these trees and surrounding vegetation have matured the RMS (being the owner of the Motorway reserve) are not agreeable to carrying out any pruning or vegetation management practices in order to maintain clear lines of sight to the advertising structures.

The application was notified to nearby landowners for a period of fourteen (14) days and one (1) submission was also received from a resident objecting to the advertising structure located at Site 4 on the basis that the structure would have an adverse impact on their residential amenity.

The applicant has advised that three similar signage structures have been approved along the M7 Motorway by Blacktown and Liverpool Council. Notwithstanding this, the SEPP (Western Sydney Parklands) 2009 requires that the consent authority consider the consistency of the proposed development with the Plan of Management and the Precinct Plans prepared by the Trust. An assessment of the application has revealed that the proposed advertising structures would not be consistent with the Western Sydney Parklands Plan of Management, would impact on the visual continuity of the Western Sydney Parklands as a scenic break in the urban fabric of western Sydney, would result in an unacceptable amenity impact on an adjoining residential neighbour, and is inconsistent with Clause 16 – Signage specified under SEPP (Western Sydney Parklands) 2009.

On this basis, the application is unable to be supported as submitted. It is also noted that the proposed advertising structures would not align with the objectives and desired future character as prescribed in the precinct plans located within the Plan of Management within which the structures would be located. Accordingly, it is recommended that the application be refused for the reasons set out above.

## **SITE DESCRIPTION AND LOCALITY**

The proposed development is located at four (4) sites within the Western Sydney Parklands along the eastern boundary of the M7 Motorway.

The speed limit on this section of the Motorway is 100 km/hour and other signage present in the area includes variable message signs and directional signs associated with the Motorway.

Site 1 is located at Lot 6, DP 1021711, No. 73 Redmayne Rd, Horsley Park. The advertising structure is single sided and has been orientated towards the north to face the M7 southbound. The surrounding area is characterised by large rural lots with farm sheds and market gardens. The sign is immediately adjoined by the motorcycle club to the east and the nearest residential dwelling is 100 metres south-west.

Site 2 is located at Lot 7 DP 1021711, No. 54-64 Chandos Rd, Horsley Park. The advertising structure is single sided and has been orientated towards the south to face the M7 northbound. The surrounding area characterised by large rural lots with farm sheds and market gardens. The site is a large allotment of open space with remnant vegetation along the east boundary. The sign immediately adjoins small wetlands to the west and approximately 100 metres to the east is a rural property.

Site 3 is located at Lot 19, DP 1022008, No. 372 Wallgrove Rd, Horsley Park. The advertising structure is double sided and faces the M7 northbound and southbound. The site is immediately adjacent to Saxony Road and to the northeast is the Sydney Equestrian Centre

Site 4 is located at Lot 14, DP 70578, No. 144 Wallgrove Rd, Cecil Park. The advertising structure is single sided and has been orientated and faces the M7 southbound. The locality is characterised by views over open space towards the ridgeline in the east. Approximately 60 metres to the south is a large rural-residential property. The dwelling house is 150 metres from the proposed structure and faces towards the rear of the sign. To the north is a large transmission line running east to west across the Motorway.

## **DEVELOPMENT HISTORY**

On 29 November 2011 Council received Development Application No. 1030.1/2011 for the construction of two (2) advertising structures adjacent to the M7 Motorway. Submissions were received from the NSW Roads and Maritime Services, Westlink M7 and a nearby resident objecting to the application. In response, the applicant requested that the assessment be put on hold in order to facilitate meetings with the NSW Roads and Maritime Services.

On 23 January 2013, the application was withdrawn by the applicant.

On 1 February 2013, Development Application No. 60.1/2013 was lodged, for the construction of four (4) advertising structures adjacent to the M7 Motorway.

The applicant was advised by Council that given the likely visual impact and inconsistency against the Western Sydney Parklands Plan of Management 2012, which is a matter of consideration under the SEPP (WSP) 2009, Council is unlikely to be supportive of the application as submitted. On this basis, the applicant has exercised their right to have the matter referred to the JRPP for further consideration.

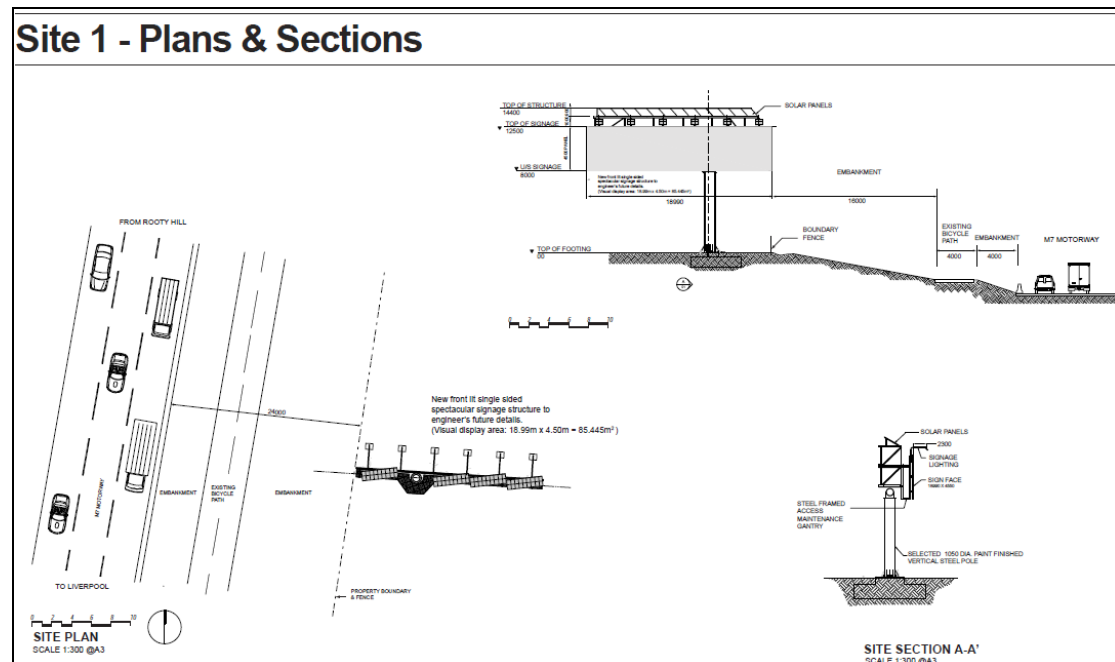
## **PROPOSAL**

The application is a Crown Development for the proposed construction of four (4) advertising billboard signs adjacent to the M7 Motorway. The details of the proposal are summarised below:

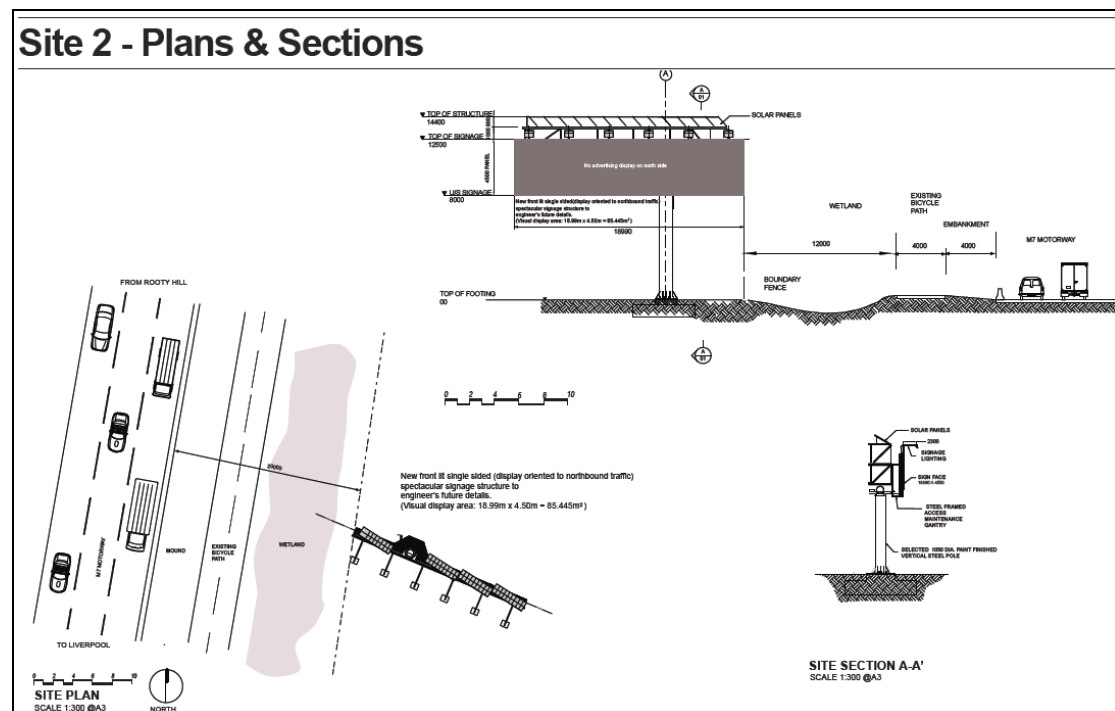
- Development consent is sought for three (3) single sided billboard signs and one (1) double sided billboard side, within land owned by the Western Sydney Parklands which is adjacent to the M7 Motorway but outside of the road corridor.
  - Site 1 (single sided) at No. 73 Redmayne Rd, Horsley Park.
  - Site 2 (single sided) at No. 54-64 Chandos Rd, Horsley Park.
  - Site 3 (double sided) at No. 372 Wallgrove Rd, Horsley Park.
  - Site 4 (single sided) at No. 144 Wallgrove Rd, Cecil Park.
- The purpose of the proposed advertising billboards is to generate income for the Western Sydney Parklands Trust.
- Each structure includes a vertical steel pylon fixed to a concrete slab, advertising panel, steel gantry for maintenance access, lighting for illumination fixed to the top of the panel and solar panels attached to the top of each sign.
- Each advertising panel has an area of 85.5m<sup>2</sup> (19 metres in width by 4.5 metres high).
- The total height of each structure is 14.4 metres from the natural ground level to the top of the sign. The proposed advertising structure at Site 3 is the largest structure with a height of 17.4 metres to the top of the sign.
- Site access for the construction and maintenance of the signs shall be provided from the existing internal road network.
- Flora and Fauna Assessment prepared by Total Earth Care was prepared to identify any threatened species, populations and/or habitats that may be affected by the proposed structures.

- A Visual/Landscape Assessment and Traffic Safety Assessment was prepared by Architectus and TRAFFIX traffic consultants in support of the application.
- A supplementary Visual Impact Assessment was submitted by the applicant on 20 September 2013.

The plans of the proposed development are shown in Attachment B.



**Proposed sign at Site 1 – 73 Redmayne Road, Horsley Park**



**Proposed sign at Site 2 – 54-64 Chandos Road, Horsley Park**





## SECTION 79C EVALUATION (EP&A ACT 1979)

Pursuant to Section 79C Evaluation, the development application has been assessed in accordance with the heads of consideration under S79c of the EP&A Act:

### 1. Western Sydney Parklands Act 2006

The *Western Sydney Parklands Act 2006* defines the boundaries of the Western Sydney Parklands and also legislates the specific functions of the Western Sydney Parklands Trust.

In accordance with Section 12(1) of the Act, the principle function of the Trust is 'to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis'. The other functions of the Trust identified as relevant to the application are as follows:

- 12(2) (a) – *to conserve, restore and enhance the natural environment of the Parklands, including through the protection of remnant bushland and the restoration of vegetation or revegetation,*
- 12(2) (b) – *to conserve, restore and enhance the cultural and historical heritage of the Parklands, including its indigenous heritage and its scenic qualities, and*
- 12(2) (f) *to encourage and promote public access to and use and enjoyment of the Parklands where appropriate,*
- 12(2) (i) – *to maintain the rural character of parts of the Parklands by allowing sustainable agriculture, horticulture or forestry in the Parklands.*
- 12(2) (j) *to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parklands.*

The applicant has justified the proposal under Cl. 12(2) (j) - 'to undertake or provide, or facilitate the undertaking of or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parklands' as the income generated from advertising would be used to support the management and development of the Parklands. While this is acknowledged, the proposed advertising structures are out of character in the parkland area and several of the structures interrupt view corridors from the Motorway across the rural landscape. Therefore, it is considered that while the proposal would meet Cl. 2(j), the proposal is inconsistent with the other functions of the Trust including Cl.2 (e) – 'protect or enhance the cultural or historical heritage of the

Parklands', Cl. 2 (f) – 'maintain the rural character of the Parklands', and Cl.2 (g) – 'facilitate public access to, and use and enjoyment of the Parklands.'

Section 30 of the Act outlines the responsibilities of the Trust and Government agencies in relation to Parklands and specifically requires the Trust, as far as possible, to exercise its functions in accordance with the Plan of Management and to give effect to the provisions of each precinct plan. As discussed further in this report the proposed development is considered to be inconsistent with the Directions/Objectives of the Plan of Management and the associated Precinct Plans for the Western Sydney Parklands.

## **2. State Environmental Planning Policy (Western Sydney Parklands) 2009**

The principle Environmental Planning Instrument applying to the proposed development is SEPP (Western Sydney Parklands) 2009. In accordance with the provisions of the SEPP the land is unzoned (Clause 9(2)) and as such the Fairfield Local Environmental Plan 1994 and Fairfield Citywide Development Control Plan 2006 are not applicable to the application. Pursuant to Clause 6, the State Environmental Planning Policy No. 64 – Advertising and Signage also does not apply to the Western Sydney Parklands.

### *i. Permissibility*

With regard to the permissibility of the proposed development, Clause 11(1) lists development which may be carried out with consent if carried out on or behalf of a public authority. Subclause (3) prohibits residential development in the Western Parklands. Whilst development for the purpose of '*advertising signage*' is not specifically listed or defined in the SEPP, subclause (2) specifies that any development not specified in subclause (1) or (3) may be carried out in the Western Parklands with consent. Therefore, the proposed development would be permitted with consent, subject to meeting the other provisions of the SEPP.

### *ii. Matters for Consideration*

In accordance with Clause 12, the consent authority must consider the following matters as are relevant to the development when assessing the application. Compliance with the SEPP (WSP) 2009 – Matters for consideration is outlined in the table below:

<b>Clause 12 - Matters for Consideration</b>	<b>Compliance</b>	<b>Comment</b>
<b><i>(a) The aim of this Policy, as set out in Clause 2</i></b>  (2) The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region	No	The application proposes large advertising structures that are considered to be out of character in the surrounding rural landscape.  The proposal is considered to be inconsistent with the Aims of the SEPP, specifically (e) 'protect or enhance the cultural and historical heritage of the

<p>of western Sydney by:</p> <p>(a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</p> <p>(b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and</p> <p>(c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</p> <p>(d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</p> <p>(e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and</p> <p>(f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and</p> <p>(g) facilitating public access to, and use and enjoyment of, the Western Parklands, and</p> <p>(h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and</p> <p>(i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and</p> <p>(j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its</p>		<p>Parklands' (f) 'maintain the rural character of the Parklands', and (g) 'facilitate public access to, and use and enjoyment of the Parklands'.</p> <p>On this basis the aims of the SEPP are not considered to provide sufficient planning justification for the proposed advertising structures.</p>
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functions as set out in section 12 of the <i>Western Sydney Parklands Act 2006</i> , and  (k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.		
<b><i>(b) the impact on drinking water catchments and associated infrastructure,</i></b>	Yes	The sites are not located within areas designated by the SEPP's Bulk Water Supply Infrastructure Map.
<b><i>(c) the impact on utility services and easements,</i></b>	Yes	The proposal is considered unlikely to impact on utility services or easements.
<b><i>(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,</i></b>	Yes	A Flora and Fauna Assessment prepared in support of the application found no threatened species at any of the proposed sites. In addition, the sites are designated as environmental conservation under the SEPP's Environmental Conservation Areas Map. Therefore, it is considered that the proposed structures are unlikely to impact on any environmental conservation areas or endangered communities.
<b><i>(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,</i></b>	Yes	Based on the findings of the Flora and Fauna Assessment it is considered unlikely that the proposal would impact on any habitat corridors.
<b><i>(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,</i></b>	Yes	The proposed structures are adjacent to the M7 Motorway and are unlikely to impact on the Parklands access network.
<b><i>(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,</i></b>	No	It is considered that the proposed structures would result in unacceptable impacts on the visual continuity of the Parklands when viewed from the M7 Motorway and bike path. Refer to assessment for detailed discussion.
<b><i>(h) the impact on public access to the Western Parklands,</i></b>	Yes	The proposal is considered unlikely to impact on public access to the Parklands.
<b><i>(i) consistency with: (i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or (ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands,</i></b>	No	The application is considered to be inconsistent with the Directions and Objectives of the Plan of Management and the objectives of the Precinct Plans specific to each site. The Plan of Management contains no explicit statements that contemplates or supports the erection of advertising structures as proposed. Refer to assessment for detailed discussion.

<b><i>prepared and adopted under that Part,</i></b>		
<b><i>(j) the impact on surrounding residential amenity,</i></b>	No	Site 4 is adjacent to a rural-residential property and it is considered that this structure would result in an unacceptable impact on the residential amenity of the property including visual amenity from the interruption of existing views, impacts from the illumination of the sign and associated impacts during construction and maintenance. This resident has also raised significant objections to the application.
<b><i>(k) the impact on significant views,</i></b>	No	The structures are proposed to be located outside of the road corridor and have been elevated over the embankment to be visible from the M7 Motorway. Several of the structures are considered to result in the obstruction of rural views to and from the Western Sydney Parklands.
<b><i>(l) the effect on drainage patterns, ground water, flood patterns and wetland viability,</i></b>	Yes	The application was referred to Council's Development Engineer for comment and it was advised that the sites are not flood affected and that there would be minimal impact on stormwater drainage. Given the location in a rural area any additional runoff would be directed overland to the existing road drainage systems.
<b><i>(m) the impact on heritage items,</i></b>	Yes	The proposed structures are not located within the vicinity of any heritage items.
<b><i>(n) the impact on traffic and parking.</i></b>	Yes	The application was referred to the NSW Roads and Maritime Services and no comments were received in regards to traffic safety or potential impacts on the operation of the Motorway.

### *iii. Clause 16 - Signage*

The provisions of Clause 16 of the SEPP (WSP) 2009 are as follows:

#### **16 Signage**

- (1) This clause applies to signage that is visible from a public place.*
- (2) Development consent must not be granted to the erection of signage unless:*
- (a) the consent authority is satisfied that the signage is consistent with any signage policy prepared by the Trust, and*
  - (b) in the case of a road sign, the Roads and Traffic Authority has been given written notice of the development application and any comments received by the consent authority from the Roads and Traffic Authority within 21 days have been considered by the consent authority.*
- (3) In this clause:*

**"road sign"** means a sign that has a display area greater than 20 square

*metres or that is higher than 8 metres above the ground and is within 250 metres of a classified road and any part of the signage is visible from the classified road.*

Clause 16 requires that any signage within the Parklands that is visible from a public place must be consistent with any signage Policy prepared by the Trust for the Parklands. In this instance, the relevant Policy is the Design Manual for the Western Sydney Parklands.

The Western Sydney Parklands Design Manual outlines the vision for the Parklands and its relationship to infrastructure planning, design, and implementation. The Design Manual does not specify any standards/requirements other than for infrastructure and directional signage associated with the Parklands and there are no statements or provisions within the Design Manual that anticipate or envisage the type of advertising structures proposed by this application. On this basis it is considered that the proposal is inconsistent with the Design Manual and therefore does not meet the requirements of this Clause.

The proposed structures have a display area greater than 20 square metres, higher than 8 metres from the natural ground and are within 250 metre from a classified road and therefore the application was referred to the NSW Roads and Maritime Services for comment. The response from the RMS is discussed in further detail below.

#### **INTERNAL REFERRALS**

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

- Council's Building Control Branch, Development Engineer and Tree Preservation Officer made no significant comments in regards to the application.
- Council's Traffic Branch recommended that the application be referred to the NSW Roads and Maritime Services for comment as the proposed advertising structures are located adjacent to the M7 Motorway and therefore the RMS is the relevant authority with respect to traffic management issues in this instance.
- Council's Place Manager raised concerns in relation to the impact of the proposed structures on the visual amenity of the parklands. The proposed size and position of the signs (i.e. especially those sited on top of hills such as Site 3) would disrupt the semi rural vistas of the nearby residents and users of the motorway.

## EXTERNAL REFERRALS

During the assessment process, comments were sought from the NSW Roads and Maritime Services and Westlink M7, as detailed below:

### ***NSW Roads and Maritime Services***

The submission highlights the RMS's obligations under the Planning Minister's Conditions for Approval for the M7 and the Urban Design and Landscaping Sub Plan which requires extensive plantings within the corridor and the maintenance of existing vegetation. The RMS states that there are a large number of eucalypts within the vicinity of the signs which are expected to interfere with sight lines to these signs. The RMS as the owner of the road are not agreeable to carrying out any pruning or vegetation management within the corridor to maintain clear sight lines to the advertising display panels.

### ***Westlink M7***

Westlink M7 is in agreement with the RMS submission with regard to the issue of vegetation management within the corridor. The submission states that over time, landscape development within the corridor will result in tree growth potentially blocking sight lines to the advertising structures and Westlink M7 are not in a position to maintain sight lines to the signs as this would breach their obligations under the Minister's Conditions of Approval for the M7 Motorway.

The submission points to the history of the Parklands area being established as a buffer from suburban development and to provide an area of high visual and environmental value as well as the provision of major infrastructure. Westlink M7 state that the advertising structures have been sited so as to dominate and protrude above the skyline and therefore objections are raised to the proposal on the grounds that the proposed structures are likely to result in significant impacts on visual amenity and views along the motorway.

## PUBLIC NOTIFICATION

The application was notified to adjoining and surrounding owners for a period of fourteen (14) days. Site 4 is located close to a residential property and an objection has been received from this resident regarding the impact of the proposed sign on their residential amenity. The concerns raised in the objection and the response provided by the applicant is summarised as follows:

- 1. The proposed sign (Site 4) is located too close and will spoil any views from the property.**

The applicant's response states that this issue is addressed in the Visual Impact Assessment.

- 2. The proposed sign will contribute to visual clutter and is likely to cause accidents on the M7 Motorway.**

The RMS has no objection to the application in regards to traffic safety.

- 3. Illumination from the sign is likely to have an impact on the property at night.**

The display area of the sign is front lit and has been orientated away from the residence. Therefore the illuminated portion of the sign will not be visible from the dwelling.

- 4. Our property is isolated and the proposal will result in security risks as the construction and maintenance of the sign will result in workers having access to the property's driveway.**

The site access plan for Site 4 shows the proposed access route to the site which is away from the residential property. Therefore, maintenance workers will not access the site from the residence.

## **PLANNING ASSESSMENT**

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979. A detailed assessment of the proposal is provided as follows;

### ***Visual Amenity and impact on Views***

The SEPP (WSP) 2009 requires the consideration of any potential visual impacts for proposed development within the parklands. The relevant matters for consideration as set out by the SEPP are:

*12 (g) – ‘the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney’, and*

*12 (k) – ‘the impact on significant views.’*

Each sign has been considered with regard to their likely visual impact as follows:

### ***Site 1 - Comment***

Site 1 is proposed to be located behind the road embankment adjacent to an area of open space. The footings of the structure are above the level of the M7 Motorway however sight lines from the Motorway are obscured by the plantings on the embankment and as such the advertising panel has been raised to be visible to southbound motorists.



The locality is characterised by open space which has been modified for the use of the motorcycle track and remnant bushland on the boundary of the property. Existing built elements within this precinct include light poles, the nearby residential property and the motorcycle track.

The signage panel extends above the skyline and the rear of the structure is considered to interrupt the view into the parklands seen by motorists travelling northbound on the M7 and users of the bike path. The visual impact seen from southbound motorists is limited by the road cutting which obscures any existing views into the Parklands.

The Urban Farming Masterplan indicates that the area is intended to be developed into market gardens and glasshouses. It is noted that the Masterplan makes no provision for the proposed sign and that bulk and scale of the structure is likely to exceed that of the types of rural buildings planned to be established in this Precinct.



*Visual Impact - Proposed Site 1*

### ***Site 2 - Comment***

Site 2 is proposed to be located within the open space adjacent to a small area of wetlands. The footings of the structure are below the level of the M7 Motorway and the advertising panel has been raised to be visible to northbound motorists.

The locality is characterised by open space and rural buildings visible beyond remnant bushland on the edge of the open field. Existing built elements include the bike track and the Motorway barrier.

The structure introduces built elements that are out of character with the surrounding open space and is considered to detract from the visual amenity of the area when viewed from the bike path. The advertising panel extends above the skyline and as there is no roadway embankment in this location, it is considered likely that the sign would impact on views into the parklands when travelling southbound on the M7.

While this area is currently underutilised by users of the Parklands, the Urban Farming Masterplan indicates that a link road shall be constructed to provide access to the future business hub to the south, which is likely to increase activity to this area by users of the Parklands.



*Visual Impact – Proposed Site 2*

### **Site 3 - Comment**

The proposed double sided sign at Site 3 is located on a high point behind a large embankment and cantilevers over Saxony Road which provides access to the Sydney Equestrian Centre. Site 3 is the largest sign with a height of 17.4 metres to the top of the sign.

The locality is characterised by open space and built elements such as car parks and access roads associated with the Sydney Equestrian Centre. While there are no existing views into the Parklands from the Motorway, the sign is excessively large and out of character for the locality.

Due to the height and siting of the structure on a high point, the structure has a large visual catchment and therefore it is considered that the structure would result in an unacceptable visual impact when viewed by users of the Parklands and the Equestrian Centre, particularly when entering the site by Saxony Street.







*Visual Impact – Proposed Site 3*

#### **Site 4 - Comment**

Site 4 is proposed to be located within open space adjacent to a private access road behind the road embankment. The locality is characterised by an undulating rural landscape with significant views towards the ridgeline to the east. Built elements within this landscape include the nearby rural-residential property and transmission lines crossing the Motorway.

The proposed structure introduces built elements that are out of character with the surrounding rural landscape. It is considered that the signage panel would result in the obstruction of views into the Parklands and of the rural-residential property from the Motorway and bike path.





*Visual Impact – Proposed Site 4*

The proposed sign at Site 4 is located within 150 metres from a nearby rural-residential dwelling. The dwelling faces the rear of the proposed sign and is directly visible from the front veranda, living room and backyard of the property. On this basis, it is considered that this structure would result in an unacceptable impact on the residential amenity of the property from the interruption of existing views.

### ***Western Sydney Parklands Plan of Management 2020***

The SEPP (WSP) 2009 requires the consent authority to take into consideration Clause 12 (i) which states;

*‘In determining a development application for development on land in the Western Parklands, the consent authority must consider such of the following matters as are relevant to the development:*

*(i) consistency with:*

*(i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or*

*(ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,’*

The WSPT Act 2006 (Sec. 30) specifically requires the Trust, as far as possible, to exercise its functions in accordance with the Plan of Management and to give effect to the provisions of each Precinct Plan. In accordance with the matters for consideration as set out by the SEPP (WSP) 2009, when assessing an application the consent authority must consider the consistency of the proposal with the Western Sydney Parklands Plan of Management and the corresponding Precinct Plans. It is considered that the proposal conflicts with a number of strategic objectives/directions in the Plan of Management and Precinct Plans as outlined below:

### ***Strategic Direction – Recreation and Parkland Infrastructure***

Objective 4 of this Direction is to “Develop a cohesive and identifiable landscape character for the Parklands”. The Plan requires all development

and use of the land to define and maintain a cohesive image for the Parklands from adjacent roads and properties along all boundaries of the Parklands.

The proposed advertising structures introduce built elements that are out of character in the surrounding rural landscape and are likely to detract from the visual amenity of the Parklands when viewed from the M7 motorway and adjacent bike path. Accordingly, it is considered that the proposal would not be consistent with providing a 'cohesive and identifiable landscape character' for the Parklands.

### *Strategic Direction – Parklands Development and Management*

It is acknowledged that Objective 3 within this Direction encourages the development of new business opportunities to support the management and further development of the Parklands. However, the Plan of Management clarifies the intended minor income generating opportunities to be explored and includes land uses such as cafes, bike hire/shelter and the like. Therefore, it is considered that the proposal may be inconsistent with the characterisation of uses and is of a greater scale than that described or intended under this objective.

### *Precinct 9 – Horsley Park*

Two of the proposed advertising structures (Site 1 and Site 2) are located within Precinct 9 – Horsley Park as identified under the Plan of Management. The desired future character for the precinct is 'A centre of sustainable urban farming, featuring market gardening, community gardens, farmers markets, agri-tourism and educational programs' and one of the main objectives of this Precinct is to "Build a cohesive rural image (including from internal and boundary roads) that clearly identifies the precinct as part of the Parklands".

The key management priority with respect to Recreation and Parkland Infrastructure within this Precinct is to enhance the visual quality of the farming landscape and create a cohesive urban farming identity for the Precinct's internal and boundary roads, which reinforces the aim of the Precinct Plan to create a rural landscape character for the Precinct.

The proposed structures are likely to conflict with the existing rural landscape and future desired rural landscape character for the Precinct through the imposition of large advertising structures and the potential for the interruption of rural views from the M7 Motorway and other significant viewpoints within and to the precinct. For these reasons the application conflicts with the objective to create a 'cohesive rural image' for the Precinct.

### *Precinct 10 - Abbotsbury*

The two signs to be located at Site 3 and 4 under the DA are located within Precinct 10 – Abbotsbury. The desired future character for this precinct is stated as "a major activity precinct offering a range of cultural, recreation and

community uses with a high level of design quality in a picturesque environment”.

The Key Management Priority with respect to Recreation and Parkland Infrastructure within this precinct as stated under the Plan is to deliver a strong and cohesive precinct image along the Horsley Drive, M7 Motorway and at key entrances.

The proposed double sided sign at Site 3 is the largest advertising sign with a height of 17.4 metres and length of 18 metres. The advertising structures will be positioned on a high point and will be the tallest structure in the area which can be seen from a large area within the Parklands. Proposed Site 4 is sited within an area of open space and obstructs views from the Motorway over the rural landscape and also views from the nearby rural property. Accordingly, it is considered that neither of these signs would promote ‘a high level of design quality in a picturesque environment’ nor would the structures contribute to a cohesive image of the precinct as they introduce built elements that are out of character within the Parklands and have no relevance to the nature of land uses or promote a quality picturesque environment.

### ***Residential Amenity***

In accordance with the matters for consideration set out by the SEPP (WSP) 2009, the assessment must consider any impact on surrounding residential amenity (Cl. 12 (j)).

The proposed advertising sign at Site 4 is located 60 metres from the adjacent rural-residential property and is 150 metres from the main dwelling. The dwelling faces the rear of the proposed sign and is directly visible from the front veranda, living room and backyard of the property. On this basis, it is considered that the proposal would result in an unacceptable impact on the residential amenity from the interruption of existing views from the property. It is also noted that this resident has also raised significant objections to the application and for these reasons the erection of the structure at this location is not supported.

### ***Summary***

The assessment has considered the application with regard to the visual impact and the potential impacts on significant views and it is considered that the proposed advertising structures, by virtue of their size, bulk and scale, are likely to impact on the scenic qualities of the parklands and also result in the interruption of view corridors across the rural landscape which typifies this area of the Parklands. In response to these issues the applicant has prepared a Supplementary Visual Impact Assessment which has examined the visual impact of the proposed development when viewed from areas within the Parklands. The response states that the existing character of the area is peri-urban rather than ‘pristine’ rural landscape which is highly modified by visual intrusions such as transmission lines. The response also states that the

structures would not be out of character as visually they would be a part of the Motorway corridor.

With regards to the potential obstruction of views, the supplementary report states that the existing ridgeline and the presence of natural vegetation in the background results in the 'visual absorption' of the proposed structures through the elimination of long and middle ground views.

Whilst these comments are acknowledged and attempts have been made to screen the rear of the signs by using sympathetic colours, it is considered that the proposal would impact on the 'visual continuity of the Western Parklands as a scenic break' (SEPP (WSP) 2009 Cl.12 (g)).

With regards to the assessment of the proposal against the Plan of Management (SEPP (WSP) Cl.12 (i)), it is stated by the applicant that the application would be consistent with the Plan of Management on the basis that as the proposal encourages the development of new business opportunities to support the management and further development of the Parklands. Whilst it is acknowledged that the proposed advertising structures will generate income to support the viability of the Parklands, it is considered that the proposed advertising structures may be inconsistent with this direction and is considered to be in conflict with other strategic directions/objectives such as 'Develop a cohesive and identifiable landscape character for the Parklands'.

In response to the applicants comments that the area is not a rural landscape, the objectives of the Plan of Management and the two Precinct Plans is to encourage rural activities and create a cohesive rural image when viewed from the Parklands boundaries. As such, it is considered that the proposed signs would conflict with the desired future landscape character for these Precincts.

The applicant has advised that three similar signage structures have been approved along the M7 Motorway by Blacktown and Liverpool Council. Notwithstanding this, the SEPP (WSP) 2009 requires that the consent authority consider the consistency of the proposed development with the Plan of Management and the Precinct Plans prepared by the Trust. As discussed previously in this report, it is considered that the proposed advertising signs would not be consistent with the objectives set out in the Plan of Management 2020. Consistency with the Plan of Management is a matter for consideration under Clause 12 of the SEPP (WSP) 2009 and on this basis the application is unable to be supported as submitted.

A Flora and Fauna Assessment prepared in support of the application carried out investigations of the proposed sites to identify the presence or likely occurrence of any threatened species, populations and ecological communities listed under the NSW Threatened Species Conservation Act 1995, and the Environment Protection and Biodiversity Conservation Act 1999. The assessment found no evidence of any threatened species at any of the proposed sites.



The application was notified to adjoining and surrounding owners for a period of fourteen (14) days and one submission was received from a nearby resident objecting to the proposed signage structure at Site 4, which is located adjacent to their property. The resident has raised a number of concerns in relation to the interruption of views, illumination from the sign and security concerns. The proposed structure is directly visible from the front porch, living areas and back yard of the property and as such the proposed advertising structure in proximity to the resident is likely to cause an unacceptable amenity impact as a result.

Submissions received from the NSW Roads and Maritime Services and Westlink M7 have identified an issue with vegetation management within the road corridor. A number of eucalypt trees are planted within the vicinity of the proposed signs and are expected to interfere with sight lines as they mature. The RMS as the owner of the land is not agreeable to pruning the trees to maintain clear sight lines to the signs as they are obligated to maintain landscaping within the corridor under the Minister's Conditions of Approval.

The applicant's response has acknowledged that the Western Sydney Parklands Trust would be responsible for the pruning of vegetation on their land however the response does not address how sight lines to the advertising will be maintained from the road corridor without concurrence from the RMS.

The proposed development has been assessed against the SEPP (Western Sydney Parklands) 2009 and it is considered that the proposal for advertising structures within the Parklands is unsatisfactory with regards to the matters of consideration, specifically the aims of the SEPP, visual impact, residential amenity and provisions relating to signage (Clause 16). The proposal is also considered to be inconsistent with the Western Sydney Parklands Plan of Management 2020 and the Precinct Plans which are given weight by the Western Sydney Parklands Act 2006 and the SEPP (WSP) 2009. Under these circumstances Council is unable to support the development proposal as submitted and it is recommended that the application be referred to the Minister with a recommendation for the refusal of the application.

## **CONCLUSION**

Having regard to the assessment of the application the following is noted:

1. The proposed development for 'advertising signage' is permitted with development consent as stipulated by the SEPP (Western Sydney Parklands) 2009.
2. The proposed development has been assessed against the SEPP (WSP) 2009 and it is considered that the proposal does not meet the matters of consideration, specifically the aims of the SEPP, visual impact, residential amenity and provisions relating to signage. The proposal is also

inconsistent with the objectives/strategic directions of the Western Sydney Parklands Plan of Management 2020 and the Precinct Plans which are given weight by the SEPP (WSP) 2009 and the WSPT Act 2006.

3. It is considered that the advertising revenue from the signs would support the economic viability of the Parklands encouraged by the objectives of the Plan of Management. However, the proposal exceeds the scale and type of activities envisaged by the Plan of Management and is considered to be in conflict with other Strategic Directions/objectives such as 'Develop a cohesive and identifiable landscape character for the Parklands'
4. It is considered that the proposal would result in unacceptable impacts on the visual continuity of the Western Sydney Parklands as the proposed structures introduce large built elements that are out of character within the rural landscape.
5. The proposed advertising structure at Site 4 would result in an unacceptable impact on the residential amenity of the nearby residential property including the visual amenity from the interruption of existing views. Therefore, the location of the advertising structure at this site is not supported.
6. Submissions received from the NSW Roads and Maritime Services and Westlink M7 have identified an issue with vegetation management within the road corridor. The applicant's response does not address how sight lines to the advertising will be maintained from the road corridor without concurrence from the RMS.

## **RECOMMENDATION**

It is recommended as follows:

1. That the application be referred to the Minister recommending the refusal of the application pursuant to Section 89 of the Environmental Planning and Assessment Act 1979, for the following reasons:
  - (a) It is considered that the proposed development would have an unacceptable impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney as stipulated under Matters for Consideration – Clause 12(g) pursuant to State Environmental Planning Policy (SEPP) Western Sydney Parklands 2009;
  - (b) It is considered that the proposed development would not be consistent with the Western Sydney Parklands Plan of Management 2020 and associated precinct plans as stipulated under matters for consideration - Clause 12(i) pursuant to SEPP Western Sydney Parklands 2009;

- (c) It is considered that proposed Sign 4 would have an unacceptable impact on the residential amenity to the adjoining residential property as stipulated under matters for consideration - Clause 12(j) pursuant to SEPP Western Sydney Parklands 2009;
- (d) It is considered that the proposed development would impact on significant views as stipulated under matters for consideration – Clause 12(k) pursuant to SEPP Western Sydney Parklands 2009.
- (e) The application is inconsistent with Clause 16 Signage of SEPP (WSP) 2009 in that the proposed development does not meet the provisions of the Western Sydney Parklands Design Manual.
- (f) The proposed development would not be in the public interest.

## **ATTACHMENT A**

## **ATTACHMENT B**

## **ATTACHMENT C**

## **ATTACHMENT D**

## **ATTACHMENT E**



## **ATTACHMENT F**

## **ATTACHMENT G**