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| Regional panel reference No. | 2013SYW072 |
| DA No. | 60.1/2013 |
| Proposed development | Proposed advertising signage adjacent to the M7 motorway |
| Applicant | Western Sydney Parklands Trust |
| Report by | Regional Panels Secretariat |
| Report date | 17 October 2013 |

Crown DA Summary Report

This Crown development application (DA) has been referred to the Sydney West Joint Regional Planning Panel (regional panel) under section 89 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The applicant is taken to be the Crown for the purposes of Part 4, Division 4, of the EP&A Act, as it is a public authority (not being a council).

Section 89(1)(a) of the EP&A Act states that a consent authority must not refuse its consent to a Crown DA, except with the approval of the Minister. In this case, council has not provided consent to the DA and has resolved to refer the application to the regional panel. The DA seeks consent for the construction of four 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.

If the regional panel does not determine the DA within 50 days, the DA may be referred to the Minister for Planning and Infrastructure for determination.

1. EXECUTIVE SUMMARY AND BACKGROUND

On 1 February 2013, Western Sydney Parklands Trust (Trust) lodged the DA with Fairfield City Council (council) which proposes construction of four advertising structures located within the Western Sydney Parklands, adjacent to the M7 Motorway corridor. This follows a similar DA for two advertising structures adjacent to the M7 Motorway which was lodged with council on 29 November 2011 and subsequently withdrawn by the Trust on 23 January 2013.

During the assessment period, council highlighted several concerns with the application essentially raising doubt about the application of the consistency with the Western Sydney Parklands Plan of Management 2020, which is a matter of consideration under the State Environmental Planning Policy (SEPP) Western Sydney Parklands 2009. On this basis, council indicated that the DA is unlikely to be supported. The Trust has reserved their right for this Crown DA to be referred to the regional panel for further consideration.

The applicable planning controls are the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Western Sydney Parklands Trust Act 2006* and the State Environmental Planning Policy (Western Sydney Parklands) 2009.

The Fairfield Local Environmental Plan 1994 and the Fairfield Citywide Development Control Plan 2006 do not apply to the DA and are not matters for consideration.

Council has prepared an assessment report for the panels consideration which concludes that the DA be referred to the Minister for Planning and Infrastructure with a recommendation for refusal based on inconsistencies with the Western Sydney Parklands SEPP as outlined in the report (see **Attachment: Council Assessment Report**).

Architectus, on behalf of the Trust have provided comment on the report which responds to the reasons for refusal within the assessment report (see **Attachment: Proponent Response to Council Assessment Report**).

2. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The application relates to 4 sites located on Trust land adjacent to the M7 Motorway. The description of sites are as follows:

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Refer to **Figures 1-4**.

Refer to council's assessment report (see **Attachment: Council Assessment Report**) for a full description of the site and surrounding locality and a description of the proposal.



Figure 1 – Site 1 Location

Source: Six Maps, NSW Land & Property Information

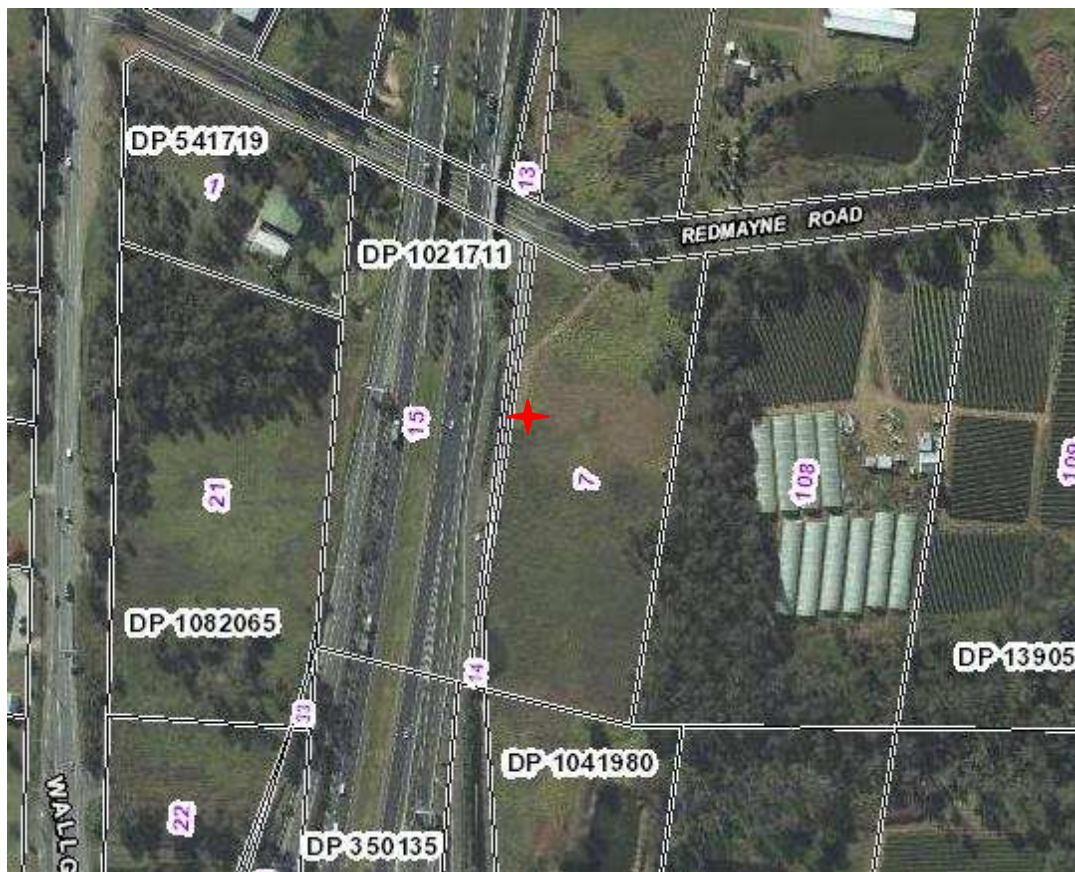


Figure 2 – Site 2 Location
Source: Six Maps, NSW Land & Property Information



Figure 3 – Site 3 Location
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Figure 4 – Site 4 Location

Source: Six Maps, NSW Land & Property Information

3. VIEWS OF COUNCIL

An assessment of the application has been undertaken in accordance with the provisions of the EP&A Act and all matters specified under section 79C(1).

The views of council assessment staff are summarised below.

5.1 Council - Assessment Report

The council assessment report recommended the application be referred to the Minister for Planning and Infrastructure with a recommendation for refusal based on inconsistencies with the Western Sydney Parklands SEPP. The inconsistencies identified by council are in reference to Plan of Management for the Western Sydney Parklands. Section 30 of the *Western Sydney Parklands Act 2006* outlines the responsibilities of the Trust including the requirement that the Trust, as far as possible, exercise its functions in accordance with the Plan of Management. The Western Sydney Parklands SEPP also identifies the Plan of Management as a matter for consideration.

Council's assessment report raises several key issues pertaining to consistency between the DA and the Plan of Management. These key issues are summarised in **Table 1**. See **Table 1** for a summary of council's key issues.

4. VIEWS OF THE PROPONENT

The proponent has responded to the council assessment report. The proponent identifies that a Draft Supplement to the Western Sydney Parklands Plan of Management is

forthcoming (yet to go on exhibition) and that this draft supplement specifies that 10 locations have been identified through the parklands for billboard signage which are adjacent to arterial roads and have low environmental and scenic landscape values. The proponent notes that the Draft Supplement can be tabled to the regional panel at the forthcoming meeting on 24 October 2013 by the Director of the Trust.

On 20 September 2013, at the request of council, the Trust submitted a Supplementary Visual Impact Assessment (SVIA) for consideration. The proponent's response indicates that council accepted the SVIA and that it met their requirements, however council maintained their position that the DA was inconsistent with the SEPP by way of the Plan of Management. Further detail on this matter can be found attached (see **Attachment: Proponent Response to Council Assessment Report**).

The Trust's response to council's key issues are summarised in **Table 1**.

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| Council identified issue | Proponent Response |
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| Council considers the DA is inconsistent with the aims of the SEPP to protect or enhance the cultural and historical heritage of the Parklands | The land on which the signs are situated and surrounding the signs are not subject to a heritage item and nor are located in the vicinity of a heritage item. |
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| Council considers the DA results in unacceptable impacts on the visual continuity of the Parklands when viewed from the M7 Motorway and bike path. | The proposed signs are situated along the edge of the road corridor and therefore do not visually form part of the highway infrastructure. Nor do they fragment the continuity of the parklands corridor. |
| Site 4 signage would result in an unacceptable impact on the residential amenity of the adjacent property including visual amenity from the interruption of existing views, impacts from the illumination of the sign and associated impacts during construction and maintenance. | There would be only minor visual impact of Sign 4 on the existing residence due to the: <ul style="list-style-type: none"> • intervening distance and trees which will at least partially obscure the view of the sign; • signage content and illumination is situated to the other side of the sign away from the residence; • the signage structure will be painted in |

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| Council notes 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 Clause 16 of the SEPP. | Although the Design Manual does not contain provisions for advertising signage, this does not mean that the proposal is inconsistent with the Manual and therefore does not meet Clause 16. An absence of relevant criteria is not grounds for non-compliance. |

6. CONCLUSION

Council has provided an assessment report to the regional panel recommending refusal based on its consideration that the DA is inconsistent with the Western Sydney Parklands Plan of Management.

The proponent has provided a detailed response to the council assessment report and the issues raised by council as reasons for refusal. The proponent maintains its position that the DA is consistent with the applicable planning controls and therefore the council has no reason to recommend refusal of the DA.

Pursuant to section 89 of the EP&A Act, if the regional panel wishes to impose a condition that is not agreed to by the applicant, or to refuse consent, the regional panel must refer the DA to the Minister for Planning and Infrastructure. Should the applicant agree to the imposition of conditions the regional panel may proceed to determine the application without referral to the Minister.

Should the regional panel determine to approve the application, council will need to draft conditions of consent for consideration by the regional panel.

Prepared by:

Dean Hosking
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Source: Six Maps, NSW Land & Property Information

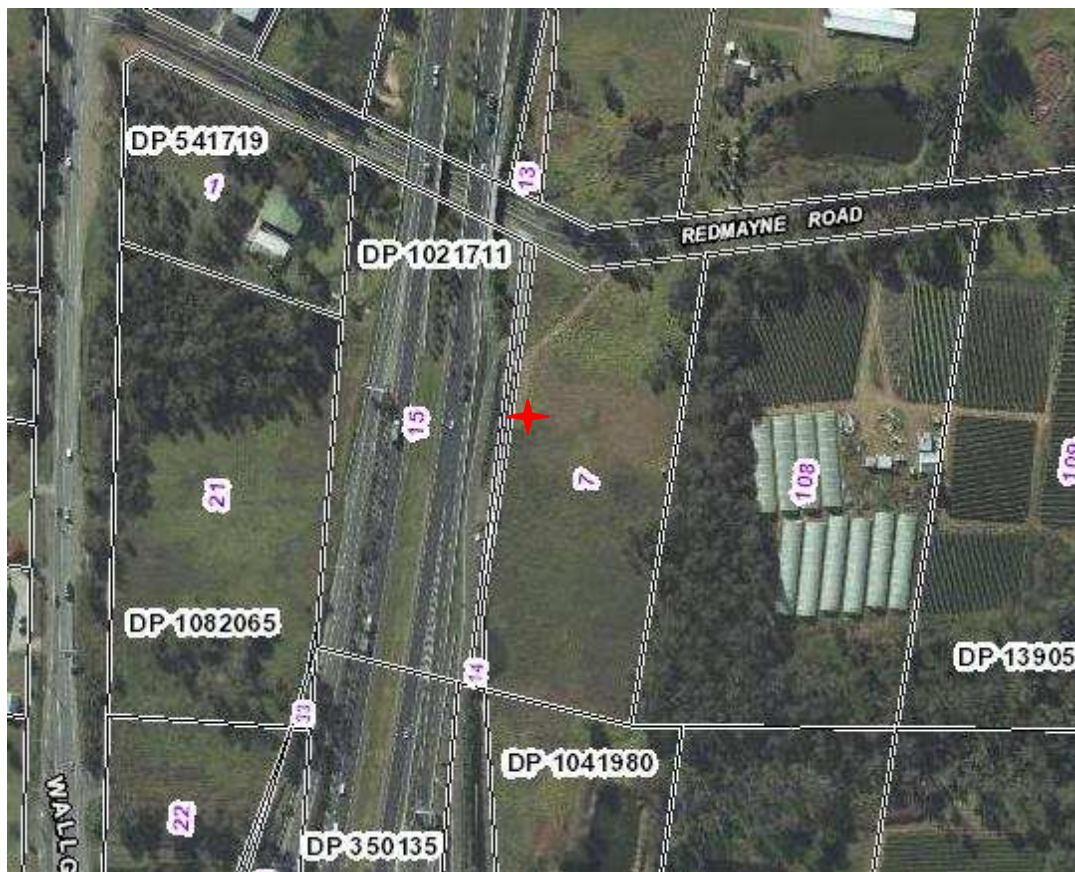


Figure 2 – Site 2 Location
Source: Six Maps, NSW Land & Property Information



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Source: Six Maps, NSW Land & Property Information

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| Council notes 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 Clause 16 of the SEPP. | Although the Design Manual does not contain provisions for advertising signage, this does not mean that the proposal is inconsistent with the Manual and therefore does not meet Clause 16. An absence of relevant criteria is not grounds for non-compliance. |

6. CONCLUSION

Council has provided an assessment report to the regional panel recommending refusal based on its consideration that the DA is inconsistent with the Western Sydney Parklands Plan of Management.

The proponent has provided a detailed response to the council assessment report and the issues raised by council as reasons for refusal. The proponent maintains its position that the DA is consistent with the applicable planning controls and therefore the council has no reason to recommend refusal of the DA.

Pursuant to section 89 of the EP&A Act, if the regional panel wishes to impose a condition that is not agreed to by the applicant, or to refuse consent, the regional panel must refer the DA to the Minister for Planning and Infrastructure. Should the applicant agree to the imposition of conditions the regional panel may proceed to determine the application without referral to the Minister.

Should the regional panel determine to approve the application, council will need to draft conditions of consent for consideration by the regional panel.

Prepared by:

Dean Hosking
Planning Officer
Regional Panels Secretariat

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| Regional panel reference No. | 2013SYW072 |
| DA No. | 60.1/2013 |
| Proposed development | Proposed advertising signage adjacent to the M7 motorway |
| Applicant | Western Sydney Parklands Trust |
| Report by | Regional Panels Secretariat |
| Report date | 17 October 2013 |

Crown DA Summary Report

This Crown development application (DA) has been referred to the Sydney West Joint Regional Planning Panel (regional panel) under section 89 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The applicant is taken to be the Crown for the purposes of Part 4, Division 4, of the EP&A Act, as it is a public authority (not being a council).

Section 89(1)(a) of the EP&A Act states that a consent authority must not refuse its consent to a Crown DA, except with the approval of the Minister. In this case, council has not provided consent to the DA and has resolved to refer the application to the regional panel. The DA seeks consent for the construction of four 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.

If the regional panel does not determine the DA within 50 days, the DA may be referred to the Minister for Planning and Infrastructure for determination.

1. EXECUTIVE SUMMARY AND BACKGROUND

On 1 February 2013, Western Sydney Parklands Trust (Trust) lodged the DA with Fairfield City Council (council) which proposes construction of four advertising structures located within the Western Sydney Parklands, adjacent to the M7 Motorway corridor. This follows a similar DA for two advertising structures adjacent to the M7 Motorway which was lodged with council on 29 November 2011 and subsequently withdrawn by the Trust on 23 January 2013.

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The applicable planning controls are the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Western Sydney Parklands Trust Act 2006* and the State Environmental Planning Policy (Western Sydney Parklands) 2009.

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Council has prepared an assessment report for the panels consideration which concludes that the DA be referred to the Minister for Planning and Infrastructure with a recommendation for refusal based on inconsistencies with the Western Sydney Parklands SEPP as outlined in the report (see **Attachment: Council Assessment Report**).

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