



CP/MR
16420
28 June 2017

Executive Director, Regions, Planning Services
Department of Planning and Environment
PO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

DRAFT ADVERTISING AND SIGNAGE SEPP

Thank you for the opportunity to make a submission in response to the proposed changes to *State Environmental Planning Policy 64 - Advertising and Signage* (SEPP64). This submission has been prepared on behalf of the operator of the Westlink M7 Motorway (WSO Co), who's ownership comprises of 50% Transurban, 25% Queensland Infrastructure Corp (QIC) and 25% Canada Pension Plan Investment Board (CPPIB). Westlink M7 Motorway is part of the NorthWestern Roads Group (NWR) which also encompasses the NorthConnex (NCX) project.

NWR wish to state their strong support for the proposed changes to SEPP64, in particular the proposed repeal of clause 16(4)(b) to ensure advertising in transport corridors is permissible with consent.

This submission outlines the reasons the proposed repeal of SEPP 64 is supported from the perspective of NWR. It raises further issues with SEPP 64 (relating to clause 16 in particular) that should be considered by the Department of Planning and Environment (DP&E) to ensure that the intended effect of SEPP 64 is realised. The main area for further consideration is associated with the non-recognition of future transport corridors under the current wording of SEPP 64.

This submission should be read in conjunction with the attached brochure *A Case for Change* (**Attachment A**), which outlines in detail the benefits associated with repealing clause 16(4)(b).

1.0 BACKGROUND AND CONTEXT

As outlined in the attached brochure *A Case for Change* (**Attachment A**), SEPP 64 was amended in 2007 (Amendment No 2), which changed the conditions relating to advertising and signage to occur on transport corridor land. The amendment included the introduction of clause 16, which states that despite the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development approval. However, clause 16(4)(b) goes on to say that consent cannot be given for the display of an advertisement on transport corridor land if:

“the display of an advertisement on the land concerned is prohibited by a local environmental plan made after the commencement of SEPP 64 (Amendment No. 2)”

Under the Standard Instrument (LEP) Order 2006, LGAs were made to adopt new LEPs that were consistent with the terms, structure and definitions of the Standard Instrument. The intention at the time of the Amendment may have been for each Council to consider the permissibility of advertising on transport corridor land when they adopted the Standard Instrument. However, because the Standard Instrument SP2 Infrastructure zone (which is used for Motorways) prohibits all uses other than roads, this is not what eventuated.

When the final Standard Instrument LEP was gazetted in 2015, only three LGAs out of the 43 in metropolitan Sydney (prior to amalgamation) included signage in SP2 zones – Holroyd, Kogarah and Lane Cove. As a result, advertising is now prohibited on almost all transport corridor land in Sydney.

This prohibition appears to contradict the intention of State Policy. *Transport Corridor Advertising and Signage Guidelines* were introduced in 2007 to outline best practice for the planning and design of outdoor advertisements such as along or adjacent to classified roads, freeways, tollways, transitways, railway corridors or on bridges or road and rail overpass. These Guidelines were updated in December 2015 through the *Draft Transport Corridor Outdoor Advertising and Signage Guidelines*, incorporating new standards for digital signage. The Guidelines outline assessment criteria associated with sign location, design, illumination, reflectance and content. The presence of a regulatory framework to assess advertising and signage in transport corridor land is redundant if such advertising and signage is not permissible in New South Wales.

2.0 SUPPORT FOR THE REPEAL OF CLAUSE 16(4)(B)

NWR wishes to state its strong support for the repeal of clause 16(4)(b) for the following reasons, as it:

- Contributes to public benefits; and
- Does not impact on priorities of safety and amenity.

Public Benefits

Under the *Draft Transport Corridor Advertising and Signage Guidelines* (and its preceding iteration), certain outdoor advertisements along railway corridors, classified roads and on bridges must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community. Both monetary and in-kind contributions must be linked to improvements in local community services and facilities including benefits such as:

- Improved traffic safety (road, rail, bicycle and pedestrian);
- Improved public transport services;
- Improved public amenity within or adjacent to the transport corridor;
- Support school safety infrastructure and programs; or
- Other appropriate community benefits.

The repeal of clause 16(4)(b) will allow for a significant increase in mandated public benefits to occur as a result of advertising in transport corridor land.

Priority for Safety and Amenity

The approval pathway for advertising on transport corridor land continues to require consent and demonstrated adherence to safety and amenity outcomes. Applicants are required to comply with established criteria under the *Draft Transport Corridor Outdoor Advertising and Signage Guidelines* (and its preceding iteration) under the proposed changes to SEPP 64. These Guidelines represent best practice in ensuring that:

- There continues to be no clear relationship between the installation of regulated transport corridor advertising and crash data; and
- Our urban environment is not degraded by the proliferation of outdoor advertising that may be viewed as clutter or of low standard advertising.

3.0 FUTURE PROOFING SEPP 64 – FURTHER CONSIDERATIONS FOR AMENDMENT

Whilst the repeal of clause 16(4)(b) will allow the Minister for Planning to approve applications for signage along transport corridor land, further amendments to clause 16 are warranted to further deliver on the benefits associated with transport corridor advertising outlined above and in the brochure *A Case for Change (Attachment A)*. The main area for further consideration is associated with the non-recognition of future transport corridors under the current wording of SEPP 64.

Non recognition of future transport corridors

Under clause 16(1)(c) of SEPP 64, the display of an advertisement on transport corridor land (or associated road use land that is adjacent to such a road) is permissible with consent for the following roads:

- The Sydney Harbour Tunnel;
- The Eastern Distributor;
- The M2 Motorway;
- The M4 Motorway;
- The M5 Motorway;
- The M7 Motorway;
- The Cross City Tunnel; and
- The Lane Cove Tunnel.

NWR notes that a prescriptive list, such as under clause 16(1)(c), would require amendments on each occasion that a new road is completed that forms part of Sydney's Orbital Network. This includes roads that are either in planning or under construction, including but not limited to:

- WestConnex;
- NorthConnex;
- The Western Harbour Tunnel;
- The Beaches Link Tunnel;
- The F6 Motorway;
- The M12 Motorway; and
- The M9 Motorway.

In consideration of whether to invest in these future additions to the Sydney Orbital Network, NWR would benefit from a drafted approval pathway that would contribute to a strengthened business case. This could include a less-prescriptive reference (e.g. to a 'Tollway' under the *Roads Act 1993*), or by amending the list to include the above roads. Consideration of these amendments at this time is the most efficient and pre-emptive means of addressing this issue.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or MRowe@jbaurban.com.au.

Yours faithfully,



Michael Rowe
Director