

MEETING NOTICE

A meeting of the
Bayside Local Planning Panel
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 8 July 2025 at 6:00 PM**

ON-SITE INSPECTIONS

On-site inspections are undertaken beforehand.

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council acknowledges traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

Nil

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1 DA-2024/29 - Eastlakes Golf Course - Bridge over Wentworth Avenue,
Eastlakes - Development Application.....2

Members of the public, who have requested to speak at the meeting, will be invited to address the Panel by the Chairperson.

The meeting will be video recorded and live streamed to the community via Council's Facebook page.

Meredith Wallace
General Manager

Bayside Local Planning Panel

8/07/2025

Item No	6.1
Application No	DA-2024/29
Property	Eastlakes Golf Course - Bridge over Wentworth Avenue, Eastlakes
Application Type	Development Application
Proposal	Use of two existing digital signage panels on Wentworth Avenue bridge for advertising purposes
Owner	Bayside Council
Applicant	The Trustee for OUT OF HOME MEDIA GROUP TRUST
Ward	Ward 1
Lodgement Date	9/02/2024
No. of Submissions	Nil
Cost of Development	\$0.00.
Reason Criteria	Conflict of Interest
Report by	Peter Barber, Director City Futures

Officer Recommendation

THAT the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the Environmental Planning and Assessment Act 1979, determine Development Application DA-2024/29 for Use of two existing digital signage panels on Wentworth Avenue bridge for advertising purposes at Eastlakes Golf Course, Bridge over Wentworth Avenue, EASTLAKES NSW 2018 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.

Location Plan



Attachments

- 1 [↓](#) Planning Assess Report
- 2 [↓](#) Draft Notice Of Determination
- 3 [↓](#) Architectural Drawings
- 4 [↓](#) Site Plan

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number:	DA-2024/29
Date of Receipt:	9 February 2024
Property:	Eastlakes Golf Course, Bridge over Wentworth Avenue, EASTLAKES NSW 2018 Lot 1 DP 1144655
Applicant:	The Trustee For Out Of Home Media Group Trust
Proposal:	Use of two existing digital signage panels on Wentworth Avenue bridge for advertising purposes
Recommendation:	Approval
No. of submissions:	Nil
Author:	Felicity Eberhart – Senior Development Assessment Planner
Date of Report:	11 June 2025

Key Issues

Council received DA-2024/29 on 9 February 2024 seeking consent for the use of two existing digital signage panels on Wentworth Avenue bridge for advertising purposes. The existing structure including the bridge and associated advertising signage were approved by the Land and Environment Court on 30 November 2006.

The key issues associated with this application are as follow:

- Permissibility: The development application relies on Planning Proposal (PP-2023-1358) to achieve permissibility for the signage land use which was supported on 25 March 2025.
- Lodgement Date: The application, pursuant to Division 3.5 of the Environmental Planning and Assessment Act, was permitted to be submitted prior to the determination of PP-2023-1358. Division 3.5 allows the DA to be considered in conjunction with the Planning Proposal.

- Deed of Agreement: An agreement was made between Bayside Council Property Team, the Eastlake Golf Club and Outdoor Systems Pty Ltd to enter into a revised deed of agreement to lease the airspace above Wentworth Avenue and continue the use of the existing advertising structures.

The development application ("DA") has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 ("the Act") and is recommended for approval.

The officers involved in writing and authorising this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

Recommendation

1. THAT the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/29 for Use of two existing digital signage panels on Wentworth Avenue bridge for advertising purposes at Eastlakes Golf Course, Bridge over Wentworth Avenue, EASTLAKES NSW 2018 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.

Background

History

30 November 2006	<p>Development Consent No. 2005/123 was approved by the Land and Environment Court for:</p> <ul style="list-style-type: none">• The construction of a new pedestrian access bridge over Wentworth Avenue to provide access from one part of the Eastlakes Golf Course to the other, being some 25m in length and 3.3m in width and 5.5m clearance to the existing road level of Wentworth Avenue; and• The erection of two illuminated third-party advertising signage panels to the access bridge being one facing west and one facing east, each being 12.6m x 3.4m in area <p>As part of the Court approval, a Deed of Agreement was entered into between the former Council of the City of Botany Bay, the Eastlake Golf Club Ltd and Outdoor Systems Pty Ltd for the lease of the airspace above Wentworth Avenue for the purposes of constructing a bridge and erecting advertising structures.</p> <p>The approved signage was subject to Clause 14 of the then State Environmental Planning Policy No. 64 which stipulated that the use of signage expired after 15 years.</p>
21 June 2013	<p>The Botany Bay Local Environment Plan 2013 (BBLEP 2013) came into force. Under the BBLEP 2013, Wentworth Avenue was zoned</p>

	as SP2 Infrastructure Zone (Classified Road). In this zone, "advertising structures" and "advertisements" were prohibited.
28 April 2016	A Modification Application No.05/123/03 was submitted to Council seeking consent to convert the two (2) existing approved signage structures to two (2) digital signage structures.
8 March 2017	Modification Application No. 05/123/03 was approved at the Council Meeting.
30 November 2021	Development Consent No. 2005/123, issued by the Development Consent No. 2005/123 ceased to be in force because of the operation of the former cl 14(1) of SEPP 64.
20 January 2022	A Pre-Development Application No. 2021/57 was submitted to Council for which the following formal correspondence was provided. Correspondence advised that: <ul style="list-style-type: none"> Any deed agreement(s) between the three interested parties being Bayside Council, Eastlake Golf Club and Outdoor Systems Pty Ltd should ideally be finalised prior to the submission and determination of the application to ensure greater transparency. Other issues that were raised included that a Heritage Impact Report, Traffic and Road Safety Report, Visual Impact Assessment and Light Impact Assessment were required to support the proposal.
27 May 2022	A Development Application No.2022/157 was submitted to Council for the use of the existing LED signage panels on both sides of the golf course bridge over Wentworth Avenue for a further 15 years.
19 July 2022	The applicant lodged a Class 1 appeal with the Land and Environment Court.
2 August 2023	A Class 4 Proceedings commenced. As a means of moving forward: <ul style="list-style-type: none"> The Class 1 was to be discontinued A Planning Proposal is required to be submitted A fresh DA pursuant to Division 3.5 of the EPA Act to permit the fresh DA is to be lodged and assessed considered in conjunction with the Planning Proposal;
18 August 2023	The Class 1 proceedings were discontinued on 18 August 2023 for which the Court simply noted.
31 January 2024	The following declarations and orders were made as part of the Class 4 proceedings: The Court declares that: <ol style="list-style-type: none"> Development Consent 05/123, granted by the Land and Environment Court on 30 November 2006 and as subsequently modified (the consent) ceased to be in force as at 30 November 2021 to the extent that it authorised advertising signage on the pedestrian bridge referred to in declaration 2 below. In breach of s 4.3 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW), the first respondent has since 30 November 2021 carried out development which is prohibited by the <i>Bayside Local Environmental Plan 2021</i> (NSW), namely using the digital advertising signage affixed to both sides of the pedestrian bridge constructed over Wentworth Avenue, Pagewood

	<p>The Court orders that:</p> <ol style="list-style-type: none"> 1. The first respondent by itself, its servants and/or agents is restrained from operating or using the signage for the purposes of advertising, including any associated use formerly approved by the consent. 2. The operation of Order 1 is stayed until 31 December 2024. 3. The first respondent is to pay the applicant's costs in the agreed sum of \$18,000 within 28 days of the making of these orders. 4. Any party has liberty to restore on three days' notice until 31 December 2024 to make an application to the Court to extend the time period in Order 2 above. <p>The Court notes that:</p> <ol style="list-style-type: none"> 1. The applicant will not unreasonably withhold its consent to any application by the first respondent to extend the dates in Orders 2 and 4 above. 2. The parties are to advise the Court no later than Friday, 13 December 2024 whether a party proposes to make an application in accordance with Order 4 above.
27 June 2024	The applicant lodged a Planning Proposal (PP-2023-1358) seeking an amendment to Schedule 1 of BLEP 2021 to include signage as an "additional permitted use" on the subject site.
5 December 2024	PP-2023-1358 was reported to the Bayside Local Planning Panel (BLPP) where it was agreed that the draft Planning Proposal be submitted to the Department of Planning and Environment for a Gateway determination.
9 February 2024	Council received the subject development application pursuant to Division 3.5 of the EP&A Act 1979.
21 February to 6 March 2024	The subject development application was notified.
27 November 2024	The Bayside Councillors voted in favour of the amendment to the Bayside Local Environmental Plan to add signage as an additional permitted use on the subject site.
25 March 2025	PP-2023-1358 was endorsed by the Department of Planning and Environment and the BLEP 2022 was amended.
29 April to 27 May 2025	Second notification was undertaken as it was identified that an error had been made during the first notification.

Proposal

The proposal seeks the use of two existing digital LED screens for a period of or a 15 years pursuant to the provisions of Chapter 3 of SEPP (Industry and Employment) 2021. The existing signage structure measures 12.48m X 3.2m with a total area of 39.94m.

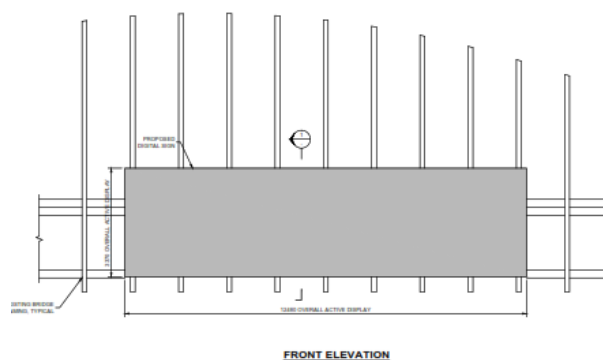


Figure 1: Front elevation

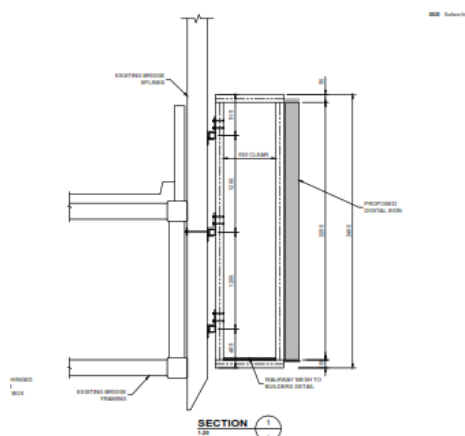


Figure 2: Section

The panels will operate with a ten (10) second dwell time between static displays with a transition time of 0.1 seconds between images. The nominated dwell and transition times comply with the current guidelines given the 60kmh speed limit. Twenty-four-hour monitoring of the sign via webcam mounted on the top of the panel will be maintained.

Site Location and Context

The existing bridge over Wentworth Avenue has its footing located on Lot 1 DP 1144655 identified as 65-67 Gardeners Road Eastlakes, being land owned by Sydney Water Corporation, however this is not the location of the subject pedestrian bridge, which is a further 450m south-east of the Southern Cross Drive overpass intersection on Wentworth Avenue, Eastlakes.

Council mapping systems identify the land as R 8292 Wentworth Avenue, upon which the bridge spans over the airspace of Wentworth Avenue (Site). To the north and south bordering Wentworth Avenue, is the Eastlakes Golf Course.

The site is in proximity to the Botany Water Reserve, which is a heritage item of State significance, being item 01317 on the State Heritage Register, and within the

Botany/Daceyville/Eastlakes/Mascot/Pagewood water reserves. These reserves are items of local heritage significance, being item I160 identified in Schedule 5 of the Bayside Local Environmental Plan 2021.



Figure 3: Aerial

Existing on site is a private bridge used by pedestrians and golf buggies that spans Wentworth Avenue, being a major road of four (4) lanes which runs east-west. Existing on the private bridge are two (2) LED digital screens with dimensions of 12.46m x 3.2m, and a display area of 39.94m².

Bayside Council is the owner of this section of Wentworth Avenue and, therefore, Council is also the owner of the airspace occupied by the existing LED screens the subject of the DA and the bridge to which they are affixed.

The locality is characterised by private recreation areas comprising the Eastlakes Golf Club on both sides of Wentworth Avenue, with low density and medium density residential areas beyond.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* ("the Act").

S4.15 (1) - Matters for Consideration - General

S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policies

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

This Chapter of the SEPP applies to all signage that is visible from a public space or public reserve except for signage that is exempt development.

Clause 3.6 states:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied –

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The proposal seeks consent for the use of two existing digital signage panels on Wentworth Avenue bridge for advertising purposes. See above Figures 1 and 2.

An assessment of the proposed signage against the SEPP provisions has been undertaken and is summarised below.

Objectives

The objectives of Clause 3.1(a) of the SEPP states:

- (a) to ensure that signage (including advertising) –*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish,*

The proposal is consistent with these objectives because the proposal:

- Is compatible with the desired amenity and visual character of the SP2 locality which permits signage in the zone by virtue of an Additional Permitted Use (APU) No. 45 Schedule 1 of the BBLEP 2021.
- The locality has an established character for signs, many of which have been recently converted to digital media.
- Provides effective communication due to the placement and design of the signage; and
- Is of a high-quality design and finish.

Assessment Criteria

The following table is provided, including all the mandatory matters for consideration in Schedule 5 of SEPP, including commentary and whether the matters for consideration are complied with for the proposal.

Matters for Consideration	Comment	Complies
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Use of the exiting digital sign infrastructure was approved under DA-05/123/02 on 8 March 2017. The application does not seek to make any changes to the existing infrastructure, but for its ongoing use. The existing sign is considered to be consistent with the existing and desired future character of the locality.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no theme for outdoor advertising in the existing area. The bridge is over Wentworth Avenue in a section of road which is not immediately surrounded by buildings or other signage. The existing sign is appropriate.	Yes
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>Whiles it is acknowledged there are habitation areas of the Eastern Suburbs Banksia scrub to the northern side of Wentworth Avenue. The application is seeking for the continuation of the existing infrastructure and does not seek for further works.</p> <p>Therefore, its considered that the ongoing use of the signage does not detract from the amenity or visual quality of environmentally sensitive areas, heritage areas of conservations areas, areas of open space and waterways.</p>	Yes
3. Views and Vistas		
Does the proposal obscure or compromise important views?	No identified or important views will be obscured or compromised by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not dominate the skyline.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed digital signage does not impact on the viewing rights of other advertisers.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the	The application does not seek to make any changes to the existing infrastructure, but for its ongoing use. The proposals scale, proportion and form are existing and thus is appropriate for the streetscape.	Yes

Matters for Consideration	Comment	Complies
streetscape, setting or landscape?		
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign will continue to contribute to the established character.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal seeks for the continual use of the existing infrastructure. There will be no resulting additional clutter.	Yes
Does the proposal screen unsightliness?	The pedestrian bridge is not unsightly; moreover, the signage makes use of the bridge elevations for advertising purposes.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the bridge that it is attached too. The bridge and signage sit roughly at the same level as the tree canopies	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not require ongoing vegetation management.	Yes
5. Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal has been designed to be incorporated with existing bridge. No works are proposed as part of the application as it is seeking the continuation of the use of the existing infrastructure.	Yes
Does the proposal respect important features of the site or building, or both?	The proposal respects important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The digital sign does not show innovation and is typical for such uses.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The applicant has confirmed that the digital displays and service platform are integrated into the structural frame. There are no external fittings.	Yes
7. Illumination		

Matters for Consideration	Comment	Complies
Would illumination result in unacceptable glare?	<p>A lighting report was prepared by Electrolight Australia Pty Ltd dated 5 November 2021. The report advises the existing signage should not result in unacceptable glare subject to:</p> <ul style="list-style-type: none"> The signage operator ensuring that the average luminance difference between successive images does not exceed 30% to ensure compliance with AS4282. The dwell time shall be 10 seconds or greater. <p>It has also been identified that the sign has been found to comply with all relevant requirements of AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting</p> <p>The illumination will not result in any unacceptable glare, subject to conditions, that the sign must operate as outlined in Electrolight Australia report.</p>	Yes, via condition of consent
Would illumination affect safety for pedestrians, vehicles or aircraft?	<p>The Road Safety Assessment prepared by Traffic Safety Solutions dated 19 November 2021 confirms that there is no impact on road safety resulting from the digital signage.</p> <p>Notwithstanding the above, the application was referred to both TfNSW whom raised any issues with the proposal subject to conditions.</p>	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	Due to the location and design of proposed signage, illumination should not adversely impact on residential amenity.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The use of the existing infrastructure can be conditioned to require that illumination can be adjusted if or when required.	Yes, via condition of consent.
Is the illumination subject to a curfew?	As the subject site is not in the vicinity of any residential dwellings a curfew will not be required in this instant.	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not reduce the safety for any of the public roads surrounding the site nor reduced the safety for	Yes

Matters for Consideration	Comment	Complies
Would the proposal reduce the safety for pedestrians or bicyclists?	pedestrians or cyclist as outlined by the Road Safety Assessment prepared by Traffic Safety Solutions	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	It is considered that the proposed signs have been appropriately located within the site as to prevent the reduction in safety for pedestrians (including children) and will not obscure sightlines from public areas. Furthermore, TfNSW has reviewed the application and have raised no issues with the proposal.	

As shown above, the proposal is satisfactory when considered against the matters for consideration in Schedule 5 of the SEPP.

Division 2 – Control of Advertisements

Section – 3.12 Duration of Consents

The Clause allows a consent to be issued for a period not exceeding 15 years or a lesser period determined by the consent authority. In this instance a period of 15 years is considered appropriate and acceptable. Prior to the commencement of this 15 years the applicant is required to re-apply, via a new Development Application, for another 15 years duration. Any future application will be required to address the relative controls at the time.

Section 3.16 – Advertisements greater than 20sqm and within 250m of, and visible from, a classified road; and

This Clause requires an applicant to provide an impact statement that addresses Schedule 5 of the SEPP and the consent authority is to be satisfied the proposal is acceptable regarding those considerations. This has been addressed in the table above and the proposal is acceptable in this regard.

As the proposal is also within 250m of a classified road, the consent authority is required to obtain concurrence from TfNSW for the proposal. TfNSW is required to consider the impacts of the display of the advertisement on traffic safety, and the Guidelines under this section. TfNSW issued a letter dated 8 April 2024 granting such concurrence. This letter also outlined several conditions to be imposed including dwell times, transition time and what images can be displayed on the signage.

3.22 – Advertisements on bridges

The sign is located on a bridge and this Clause requires the consent authority to be satisfied the proposed signage is consistent with the “Guidelines” (namely the publication titled Transport Corridor Outdoor Advertising and Signage Guidelines approved by the Minister). This document is dated November 2017.

The proposal is considered consistent with those Guidelines, noting:

- The development complies with any relevant provisions of the State Environmental Planning Policy (Industry and Employment) 2021

- The use is permissible, by virtue of an AUP, under the BLEP2021.
- Schedule 5 of the Industry and Employment SEPP has been satisfactorily addressed above,
- TfNSW has been informed and is satisfied with regards to road safety considerations; and
- The public benefit test for advertising has been addressed by virtue of a VPA/ Deed of agreement.

Bayside Local Environmental Plan 2021

The following table outlines the relevant Clauses of Bayside Local Environmental Plan 2021 ("the LEP") applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
2.3 Zone and Zone Objectives	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
6.7 Airspace operations	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion

2.3 - Zone

The subject site is zoned SP2 – Infrastructure under the provisions of Bayside Local Environmental Plan 2021 (BLEP 2021). The proposal is defined as advertising structure and signage which constitutes a prohibited use under the land use table in the zone.

However, the area for which the subject site is located is subject to an additional permitted uses (No. 5) which permits advertising structures in the SP2 – Infrastructure zone. Therefore, the proposed use is permissible.

The objectives of the zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed development is considered to satisfy the objectives of the zone and is acceptable in this instance.

4.3 - Height of Buildings

A maximum height standard does not apply for the site. Nonetheless the application does not seek to amend the height of the advertising infrastructure, or the existing pedestrian bridge used exclusively by members of The Lakes Golf course.

6.7 – Airspace operations

A maximum building height of 15.23m applies to the site in accordance with the Obstacle Limitation Surface Map. The proposal does not seek to amend the height of the building, nonetheless Sydney Airports have advised they raise no objections to the proposal.

5.10 – Heritage Conservation

The subject site is within the vicinity of the Botany Water Reserves, item number I160 within the BLEP 2021 which is of significance.

The item is about 200ha between Mascot and Botany extending from the northern shore of Botany Bay to Gardeners Road including the Lakes and Eastlakes Golf Courses and Mill and Engine Pond. Council's heritage officer has advised that The Botany Water Reserve are highly significant for their historic values and their research potential (archaeological). The aesthetic value is defined as a substantial sized green space close to the city with important landscape attributes.

The submitted heritage report by Heritage 21 was reviewed by Council's Heritage Advisor. No objections were raised given:

- The pedestrian overbridge and digital signage are existing.
- The pedestrian bridge is outside the curtilage of the Botany Water Reserves
- The signs are mainly viewed from the road corridor which is not part of the heritage curtilage.
- Vegetation alongside the road corridor helps screen the sign from the adjoining heritage item especially on the southern side
- The Botany Water Reserve are highly significant for their historic values and their research potential (archaeological). The aesthetic value is defined as a substantial sized green space close to the city with important landscape attributes. None of these heritage values will be impacted by the continuation of the signage on the pedestrian bridge.

Having regard to the above, the proposal is considered acceptable in terms of heritage impacts, subject to the imposition of conditions as recommended.

S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft environmental planning instruments of direct relevance to the proposal.

S4.15 (1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Bayside Development Control Plan 2022

The application is subject to the Bayside Development Control Plan 2022 ("the DCP"). The following table outlines the relevant Clauses of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
3.16 Signs and Advertising	Yes	Yes - see discussion

Part 3.16 – Signs and Advertising

An assessment against signage has been discussed in *SEPP (industry and Employment) 2021* in a previous Section of this report.

Notwithstanding the above an assessment against the relevant controls has been addressed

Control	Proposed	Complies
3.16.1 General		
C1 The erection of the following types of signs is not permitted: a. flashing, moving or video signs b. signs other than building identification signs above the awning in a business zone c. a sign erected on or above the parapet of a building, other than a building identification sign d. a sign attached to a building and capable of movement e. projecting wall sign (attached to a wall and projecting horizontally more than 300mm) f. any signage not permanently fixed to the premises	The application is not: <ul style="list-style-type: none"> seeking for signage that contains flashing, moving or video signs. located above an awning in a business zone erected on or above the parapet of a building; or attached to a building and capable of movement capable of movement; nor a temporary sign. 	Yes
C2 Any signage proposed within an open space or infrastructure zone will be assessed on its merit.	The sign is proposed within the SP2 – Infrastructure zone. The application has been assessed on merit based on the controls that are applicable including Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021, as outlined above, and is acceptable.	Yes
C10 Corporate colours should be limited to the advertising sign or structure, and should not be applied to the painted surface of the building.	The corporate colours of oOh!media are existing and limited to the advertising structure.	Yes
Size		
C13 The maximum advertising display area for: a. commercial zones is 0.5m ² of advertising area per 1m of shopfront b. enterprise Corridor and Industrial zone is 1m ² of advertising area per 3m of street frontage	The existing sign exceeds the size as required under the BDCP 2022. However, Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 contain various controls which allows for signage that exceeds the BDDCP 2022 controls. An assessment under this SEPP has been addressed above and the proposal is considered to be acceptable subject to conditions.	No - see above discussion under Industry and Employment SEPP.
Design		
C19 All advertisements in a foreign language must contain a legible English equivalent.	The application will be condition that any advertisements in a foreign language must contain a legible English equivalent.	Yes, subject to conditions
C20 Advertising structures are to form an integrated part of the	The is existing advertising infrastructure is integrated on the	Yes

Control	Proposed	Complies
façade of buildings and must reinforce architectural elements and design.	pedestrian bridge (for the use by the members of the Lake Golf Cours) façade.	
C23 Materials used must be durable, fade and corrosion proof and of a high aesthetic quality.	The proposal is seeking the use of existing infrastructure. The digital sign has been in use for 15+ year and is not showing any sign of deterioration. As such it is determined that the existing materials are durable, fade and corrosion proof and are of a high aesthetic quality.	Yes
Safety		
C24 Advertising signs and their supporting structures are not to be: a. hazardous to passers-by b. located so as to be hazardous for traffic safety and must not obscure a driver's or pedestrian's view of road or rail vehicles, pedestrians or features of the road, railway or footpath (e.g. junctions, bends, changes in width) c. so highly illuminated that they cause discomfort to, or inhibit vision of drivers or pedestrians d. mistaken as an official traffic sign and must not distract a driver's attention or be confused with instructions given by traffic signals.	<p>The application was supported by a Road Safety Assessment prepared by Traffic Safety Solutions.</p> <p>This report noted that the analysis of the crash history of the roads from where the proposed digital LED sign will be visible from, indicates that there have been only 3 crashes occurring within the study area in the most recent 5 year period. Of these 3 crashes, only 1 crash is a crash where the sign would be potentially visible to the driver.</p> <p>The report concludes the development to complies with the road safety criteria specified in the Department of Planning and Environment's <i>The Transport Corridor Outdoor Advertising and Signage Guidelines (Guidelines)</i>.</p> <p>Finally, the application was referred to Transport for New South Wales who raised no objections to the proposal.</p>	Yes
3.16.2 Illuminated and Animated Signage		
C1 The lighting intensity must not unreasonably impact on any residential properties adjoining the sign or that is within its locality.	There are no residential properties within the vicinity that would be impacted by lighting intensity.	Yes
C2 Illuminated signage is to be switched off between 10pm and 6am daily, where the illuminated signage: a. has an advertising signage area larger than 1m ² and/or b. is located adjacent to or in the vicinity of residential dwellings	As the subject site is not in the vicinity of any residential dwellings a curfew will not be required in this instant.	Yes
C3 Electric wiring to illuminated signage is to be concealed.	The proposal is seeking the use of existing infrastructure. As such it is onerous to require that any electric wiring	N/A

Control	Proposed	Complies
	to illuminated signage is to be concealed.	
C4 Illumination of a sign (with the exception of floodlit signs) must not be external to the sign i.e. surrounding the sign. Illumination must be part of the sign.	Illumination is contained within the sign.	Yes
C5 Illuminated signage is encouraged to be powered by solar power.	Solar power is not a requirement, however, is encouraged. However, as the proposal is seeking the use of existing infrastructure it is onerous to require an upgrade to enable solar power.	N/A
C6 Illuminated signage must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft.	The application was referred Transport for New South Wales who raised no objections to the proposal.	Yes

S4.15(1)(a)(iii) - Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

As part of DA-2005/123 a deed of agreement was originally entered into between the former City of Botany Bay, The Eastlakes Golf Course, and Outdoor Systems for the lease of the airspace above Wentworth Avenue for the purpose of constructing a bridge and erecting advertising structures.

As part of the Class 1 court appeal associated with DA- 2022/157 revised agreement was made between Bayside Council Property Team, the Eastlake Golf Club and Outdoor Systems Pty Ltd to lease the airspace above Wentworth Avenue and continue the use of the existing advertising structures.

S4.15(1)(a)(iv) - Provisions of the Regulations

In terms of provisions of the Regulation:

- The DA submission has included sufficient information to enable environmental assessment of the application (Clause 24);
- Concurrences and other approvals are addressed above; and
- No approval under the Local Government Act 1993 is sought as part of this DA (Clause 31(3)); and

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

S4.15(1)(b) - Likely Impacts of Development

This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls.

S4.15(1)(c) - Suitability of the Site

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal, throughout this report. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. Subject to the recommended conditions, the proposal is suitable for the site.

S4.15(1)(d) - Public Submissions

The development has been notified in accordance with DCP, between 21 February to 6 March 2024. During the assessment of the application, it was identified that the first notification was undertaken incorrectly. To rectify this issue, the application was notified for a second time between 29 April to 27 May 2025. No submissions were received.

S4.15(1)(e) - Public interest

The proposal has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the development application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposed development will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

S7.11/S7.12 - Development Contributions

The application is not subject to contributions.

Conclusion and Reasons for Decision

The proposed development at Eastlakes Golf Course, Bridge over Wentworth Avenue, EASTLAKES NSW 2018 has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposed development, being use of existing signage infrastructure, is permissible within the zone with development consent. Accordingly, the proposal is supported for the following reasons:

- The proposed signage is acceptable when considered against the relevant provisions of State Environmental Planning Policy (Industry and Employment) 2021.
- The development is consistent with the objectives of the SP2 – Infrastructure zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The infrastructure is existing and lawfully approved under DA-05/123/02. The application is only seeking for the continuation of the use for another 15 years.
- The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-2024/29 PAN-374651
Applicant	Andrew Tyquin P.O. Box 919 Sylvania Southgate
Description of development	Use of two existing digital signage panels on Wentworth Avenue bridge for advertising purposes
Property	Lot 1 DP 1144655
Determination	Approved Consent Authority - Local Planning Panel
Date of determination	
Date from which the consent operates	8/07/25
Date on which the consent lapses	8/07/30
Building Code of Australia building classification	10b

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section

4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

- The proposed signage is acceptable when considered against the relevant provisions of State Environmental Planning Policy (Industry and Employment) 2021.
- The development is consistent with the objectives of the SP2 – Infrastructure zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The infrastructure is existing and previously lawfully approved under DA-05/123/02. The application is only seeking for the continuation of the use for another 15 years.
- The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Carine Elias
Manager - Development Services
Person on behalf of the consent authority

For further information, please contact Felicity Eberhart / Senior Development Assessment Planner

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	Approved plans and supporting documentation			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved plans			
	Plan number	Revision number	Plan title	Drawn by Date of plan
	S01.01	B	General Arrangement Plan	Engineering Studio Civil and Structural 05.09.16
	S01.02	B	General Arrangement Plan	Steel Framing and Elevation 05.09.16
	S01.03	B	General Arrangement Plan	Steel Works Details Sheet 05.09.16
	Approved documents			
	Document title		Version number	Prepared by Date of document
	Lighting Impact Assessment Outdoor Signage at the Pedestrian Bridge over Wentworth Ave, Pagewood NSW.		A Ref: 3048	Electro Light 5 November
	Visual Impact Assessment			Dr Richard Lamb 12 November 2021

	Digital Signage Wentworth Avenue Pagewood			
	Traffic and Safety Assessment Report	A	Traffic and Safety Solution	19 November 2021
	Supplementary Traffic Report		Traffic and Safety Solution	29 January 2024
	<p>In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			
2	Deed of Agreement			
	<p>A Deed of agreement shall be entered into with Council within ninety (90) days of the date of the approval, to be prepared by Council's Solicitors at the applicant's expense. The Deed of Agreement and payment for public benefits shall be reviewed by Council and a new Deed entered into within 3 months of the date of this approval.</p> <p>Condition reason: To ensure any Deed of Agreement is finalised at the appropriate time.</p>			
3	Costs of Works			
	<p>All costs associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.</p> <p>Condition reason: Requirements of Transport for NSW</p>			
4	Road Occupancy Licence			
	<p>A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the subject section of Wentworth Avenue during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.</p> <p>Condition reason: Requirements of Transport for NSW</p>			
5	Duration of consents			
	<p>The consent for the sign shall expire 15 years after the date on which this consent is approved.</p>			

	Condition reason: To limit the consent period in accordance with the relevant legislation.
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Building Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

No additional conditions have been applied to this stage of development.

During building work

No additional conditions have been applied to this stage of development.

Before issue of an occupation certificate

No additional conditions have been applied to this stage of development.

Occupation and ongoing use

6	Graffiti Removal
	Where the signage structures and / or other facilities within the property / site are vandalised by graffiti, the graffiti shall be removed with the affected areas returned to its former state within seven (7) days of the occurrence.
	Condition reason: To protect the amenity of the surrounding area.
7	Signage Display – Major Signage.
	<p>The advertisement(s) and/or signs:</p> <ul style="list-style-type: none"> (a) Flash, move, be animated, scintillate or be decorated with rotating flashing lights, and (b) Include any apparatus to provide any sound, and (c) Cover any architectural features or windows, and

	<p>(d) Carry a message(s) which is offensive, and</p> <p>(e) Give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, not imitate traffic signs in respect to shape, layout or colour, and</p> <p>(f) Contain interchangeable or movable parts, and</p> <p>(g) Impair or distract the vision of a driver through the intensity of the illumination of the sign, and</p> <p>(h) Must not impede the ability of the occupants to exit the building under emergency conditions, and</p> <p>(i) No consent is given or implied for any form of external illumination or floodlighting to any sign. Only internal illumination is approved.</p> <p>(j) The advertising panels must be maintained in good repair at all times.</p> <p>(k) Shall be in full compliance with Sydney Airport's publication Lighting in the Vicinity of Airports -Advice to Designer.</p> <p>(l) All advertisements in a foreign language must contain a legible English equivalent.</p> <p>Condition reason: To minimise adverse impacts resulting from signage.</p>
8	<p>Transport Corridor Outdoor Advertising and Signage Guidelines 2017</p> <p>The proposed design and operation of the sign shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) requirements.</p> <p>Condition reason: Requirements of Transport for NSW</p>
9	<p>Signage Display - Transport for NSW</p> <p>The images displayed on the sign must not contain/use:</p> <ul style="list-style-type: none"> • Flashing or flickering lights or content. • Animated displays, moving parts or simulated movement. • Complex displays including text and information that hold a driver's attention beyond "glance appreciation". • Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or

	<p>green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'.</p> <ul style="list-style-type: none"> • A method of illumination that distracts or dazzles. • Dominant use of colours red or green. • Dwell times between displays shall be no shorter than 10 seconds. • In accordance with the Guidelines, transition time between advertisements shall be no longer than 0.1 seconds
	Condition reason: Requirements of Transport for NSW
10	<p>Luminance levels</p> <p>Luminance levels must comply with section 4.1(f) of the submitted traffic report 'Traffic and Road Safety Assessment Existing Digital Advertising Sign Wentworth Avenue Pagewood NSW 2035' prepared by Traffic & Safety Solutions PTY LTD dated 19 November 2021.</p>
	Condition reason: To comply with the NSW Planning and Environment Department of Planning Transport Corridor Outdoor Advertising and Signage Guidelines

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the

conditions of this consent.

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Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means BAYSIDE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Bayside Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to

building work, subdivision work, demolition work, clearing of vegetation or remediation work.

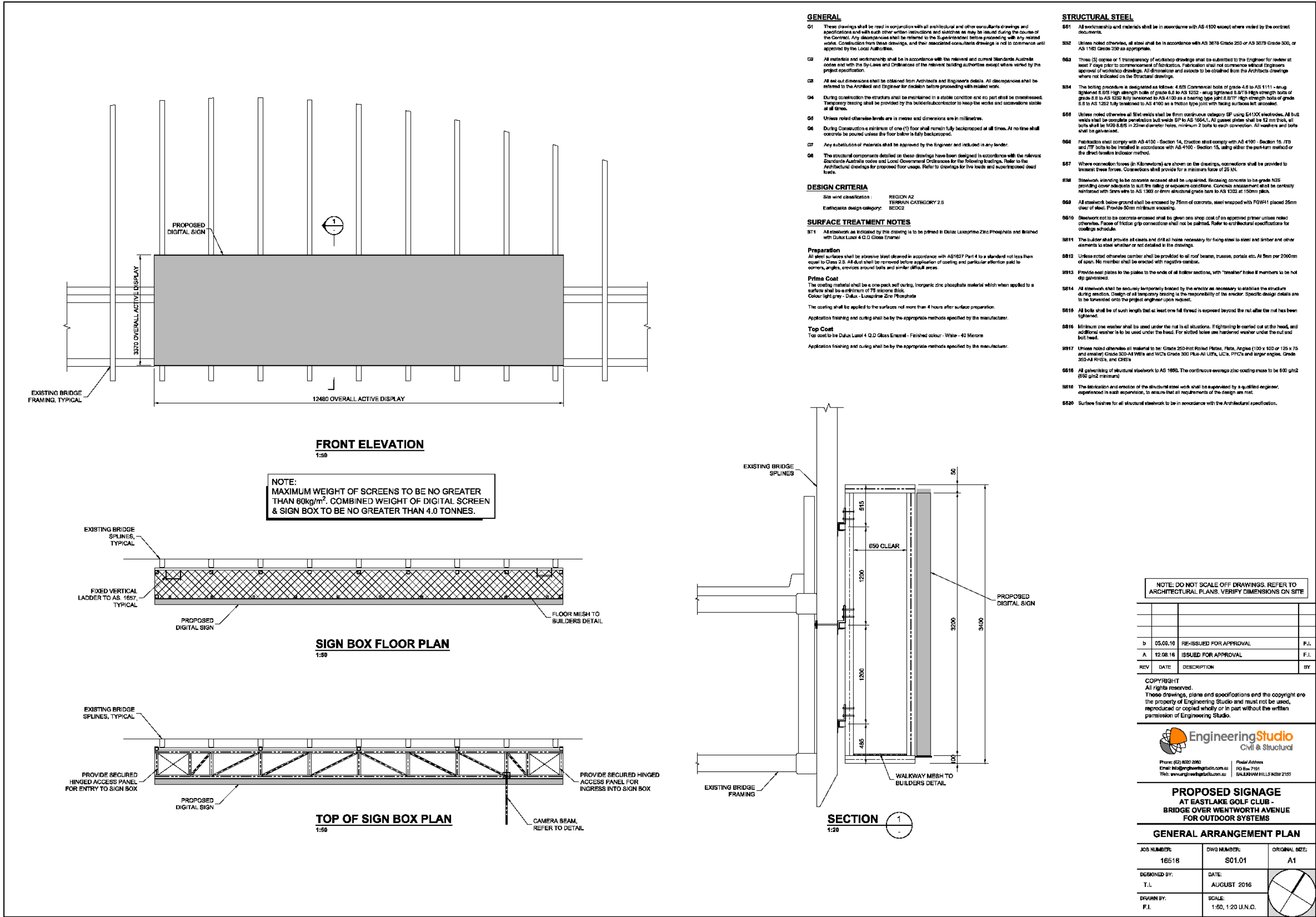
Stormwater drainage system means all works and facilities relating to:

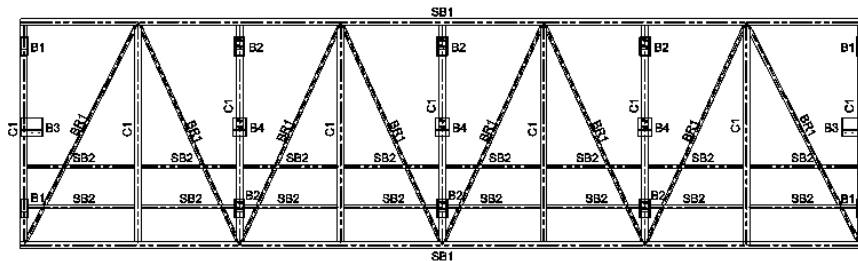
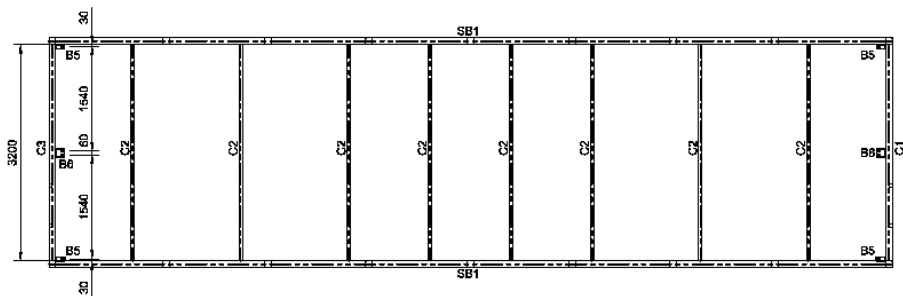
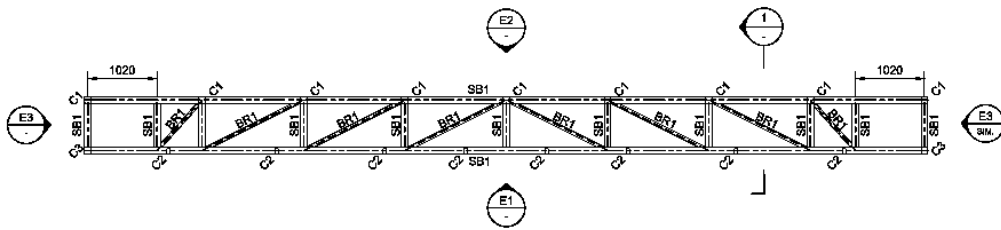
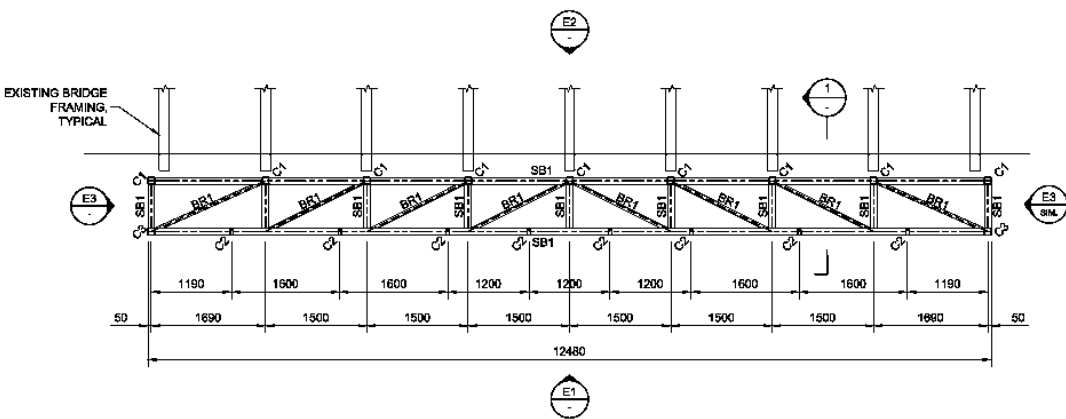
- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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STRUCTURAL MEMBER SCHEDULE			
MARK	DESCRIPTION	SIZE	COMMENTS
SB1	STEEL BEAM	100 x 100 x 5.0 SHS	GRADE C350L0
SB2	STEEL BEAM	50 x 50 x 4.0 SHS	GRADE C350L0
BR1	BRACING	50 x 50 x 4.0 SHS	GRADE C350L0
C1	STEEL COLUMN	100 x 100 x 5.0 SHS	GRADE C350L0
C2	STEEL COLUMN	75 x 50 x 4.0 RH-S	GRADE C350L0
C3	STEEL COLUMN	100 x 100 x 5.0 SHS	GRADE C350L0

NOTE:
ALL CONNECTIONS BETWEEN SHS & RHS MEMBERS SHALL BE FPBW/480/SP U.N.O

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE

REV	DATE	DESCRIPTION	BY
b	06.09.18	RE-ISSUED FOR APPROVAL	F.L.
A	12.08.16	ISSUED FOR APPROVAL	F.L.

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PROPOSED SIGNAGE
AT EASTLAKE GOLF CLUB
BRIDGE OVER WENTWORTH AVENUE
FOR OUTDOOR SYSTEMS

STEEL FRAMING PLAN & ELEVATIONS		
JOB NUMBER:	DWG NUMBER:	ORIGINAL SIZE:
16518	S01.02	A1
DESIGNED BY:	DATE:	
T.I.	AUGUST 2018	
DRAWN BY:	SCALE:	
F.L.	1:50, 1:20 U.N.O.	

