



# Princes Highway, Loftus Digital Advertising Signage

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Part 4 Development Application (DA 22/5186)

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Sydney Trains / Transport Asset Holding Entity of NSW
<b>Consent</b>	Development Consent
<b>Council</b>	Sutherland Shire Council
<b>DA</b>	Development Application
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning and Environment
<b>EPI</b>	Environmental Planning Instrument
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPBC Act</b>	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
<b>ESD</b>	Ecologically Sustainable Development
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>RMS</b>	NSW Roads and Maritime Services within Transport for New South Wales
<b>RtS</b>	Response to Submissions
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEE</b>	Statement of Environmental Effects
<b>SEPP</b>	State Environmental Planning Policy
<b>Site</b>	Princes Highway, Loftus (Lot 2 DP 1183944)
<b>SSLEP 2015</b>	Sutherland Shire Local Environmental Plan 2015
<b>SSDCP 2015</b>	Sutherland Shire Development Control Plan 2015
<b>TfNSW</b>	Transport for New South Wales
<b>the Guidelines</b>	Transport Corridor Outdoor Advertising and Signage Guidelines 2017

# Executive Summary

Transport Asset Holding Entity of NSW (Sydney Trains) (the Applicant) seek development consent for the installation and operation of a single sided, freestanding monopole digital advertising billboard. The site is located adjacent to the Princes Highway in Loftus (DA 22/5186).

## Engagement

The Department of Planning and Environment (Department) publicly exhibited the development application (DA) from Tuesday 10 May 2022 until Monday 6 June 2022 and sought advice from Sutherland Shire Council (Council), Heritage NSW, National Parks and Wildlife Services and Transport for NSW (TfNSW). Due to an unforeseen change to the webpage address of the Planning Portal's exhibition page, to ensure adequate time had been provided to the public, the application was exhibited for an additional 2 weeks from Wednesday 15 June to Tuesday 28 June 2022.

During exhibition, the Department received an objection from Council and advice from TfNSW, Heritage NSW and National Parks and Wildlife Services (NPWS). While not required, TfNSW also provided concurrence under Clause 2 of Section 3.16 of the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP).

Council objected to the proposal due to traffic and safety impacts, residential amenity impacts, visual impacts and proximity to the Royal National Park.

## Assessment

The Department has considered the merits of the proposed development in accordance with the relevant matters under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in the submissions and the Applicant's response.

The key issues associated with the proposed development are site suitability, visual impact, illumination, road and cyclist safety, the Royal National Park and public benefit.

The Department has carefully considered the proposal as well as the issues raised in submissions and is satisfied the proposal is acceptable for the following reasons:

- it is permissible with development consent on transport corridor land under the Industry and Employment SEPP and consistent with the objectives of the SEPP, the Guidelines and the SP2 zone
- it will have minimal impacts on the character of the area and is consistent with the existing urban and transport corridor character of the locality
- it complies with the relevant road safety standards and requirements
- its luminance levels are consistent with the Guidelines and Australian Standards to protect the amenity of surrounding properties and safety of drivers particularly at night
- the visual impacts of the proposal on surrounding residential properties would be minor given the distance to the site

- the proposal will not have any adverse impacts on heritage or the Royal National Park
- it will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network

## Conclusion

The Department's assessment concludes the proposed development is appropriate as it would not result in any unacceptable amenity, visual or safety impacts and it complies with the requirements of *State Environmental Planning Policy (Industry & Employment) 2021*. It is therefore recommended that the application be approved, subject to conditions.

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background .....	1
1.2	The site .....	1
1.3	Surrounding context .....	3
<b>2</b>	<b>Project .....</b>	<b>4</b>
<b>3</b>	<b>Statutory context .....</b>	<b>6</b>
3.1	Consent authority .....	6
3.2	Permissibility .....	6
3.3	Mandatory matters for consideration .....	6
3.4	Other approvals .....	7
<b>4</b>	<b>Engagement .....</b>	<b>8</b>
4.1	Department's Engagement .....	8
4.2	Summary of submissions .....	8
4.3	Key Issues – Government Agencies .....	8
4.4	Key Issues – Council .....	9
4.5	Response to submissions .....	9
4.6	Request for additional information .....	10
4.7	Council Comments .....	10
<b>5</b>	<b>Assessment .....</b>	<b>11</b>
5.1	Design and suitability of the site .....	11
5.2	Residential Amenity .....	11
5.3	Road and Cyclist Safety .....	15
5.4	Public Benefit .....	17
5.5	Royal National Park .....	18
5.6	Other Issues .....	19
<b>6</b>	<b>Evaluation .....</b>	<b>26</b>
<b>7</b>	<b>Recommendation .....</b>	<b>27</b>
<b>8</b>	<b>Determination .....</b>	<b>28</b>
	<b>Appendices .....</b>	<b>29</b>
	Appendix A – List of Documents .....	29
	Appendix B – Statutory Considerations .....	30
	Appendix C – Recommended Instrument of Consent .....	59

# 1 Introduction

## 1.1 Background

This report provides an assessment of a development application (DA) for advertising signage on land legally described as Lot 2 DP 1183944 adjacent to the Princes Highway, Loftus in the Sutherland Shire local government area (LGA).

The proposal seeks approval for the construction and operation of a new single sided monopole digital advertising sign on the northern side of the Princes Highway, Loftus. The proposal has been submitted by Transport Asset Holding Entity of NSW (Sydney Trains) (the Applicant).

## 1.2 The site

The proposed sign would be located on the northern side of the Princes Highway, within the existing railway corridor. The site is legally described as Lot 2 in DP 1183944 and includes the existing rail tracks, a segment of the Princes Highway, as well as the associated railway infrastructure (**Figure 1**).

The sign would face south-east, visible to motorists westbound on the Princes Highway. The rail line forms part of the South Coast and Illawarra lines. The Princes Highway is a State classified road.

In this locality, the Princes Highway has no pedestrian access and accommodates two lanes of vehicle traffic in each direction, crossing over the railway corridor. The legal speed limit is 80km/hr on approach to the site in both directions. At the proposal site, the Princes Highway includes 3.2 metre shoulder lanes which are used as cycleways as denoted by the bicycle pavement stencils.

The site is shown in **Figure 2** and **Figure 3**.





**Figure 1 |** Local context map (Source: Nearmap, 2023)



**Figure 2 |** The existing view of the proposed sign location from the Princes Highway travelling eastbound (Source: Applicant's documentation)





**Figure 3 |** The existing view of the proposed sign location from the Princes Highway travelling westbound (Source: Applicant's documentation)

### **1.3 Surrounding context**

The site is located within an existing railway corridor, within a locality containing a mix of land uses and environmental features.

To the north of the site is a vegetation strip with mature trees and foliage, a water supply system and an electricity substation with residential properties in the suburb of Yarrawarrah further north. The closest residential property to the proposal site is located approximately 35-40 metres to the northwest in Yarrawarrah on Tilba Place.

To the east of the site is the Princes Highway and dense vegetation associated with the Royal National Park. South of the proposed development is the South Coast rail line, passing by way of an underpass bridge beneath the Princes Highway. Further south-east, separated by the Princes Highway, is the Royal National Park. To the immediate west of the site is the Princes Highway and dense vegetation. To the immediate north of the site is dense vegetation and further north residential properties within the suburb of Yarrawarrah. Approximately 10km south of the site, bordering the Royal National Park, is the Garawarra State Conservation Area.

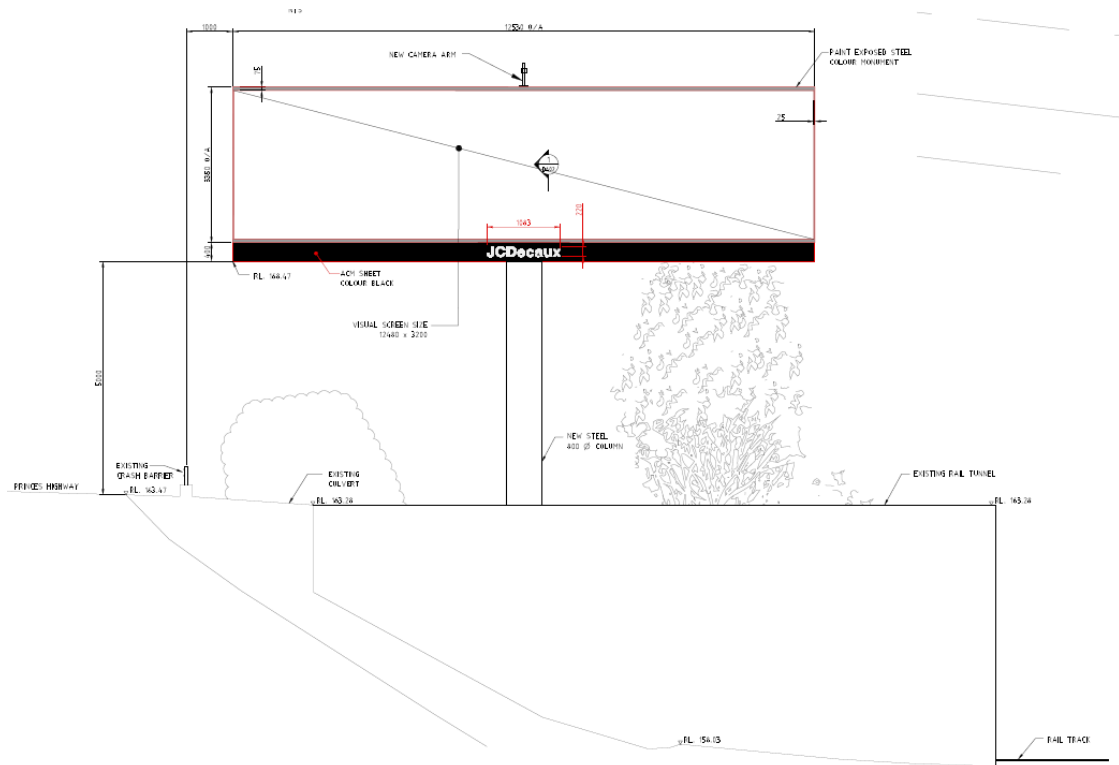
## 2 Project

The DA (22/5186) seeks consent for the construction and operation of a new single sided monopole digital advertising sign on the northern side of the Princes Highway, Loftus. The proposed design and operation specifications of the signage is outlined in **Table 1**. The proposed signage details are shown at **Figure 4** and **Figure 5**.

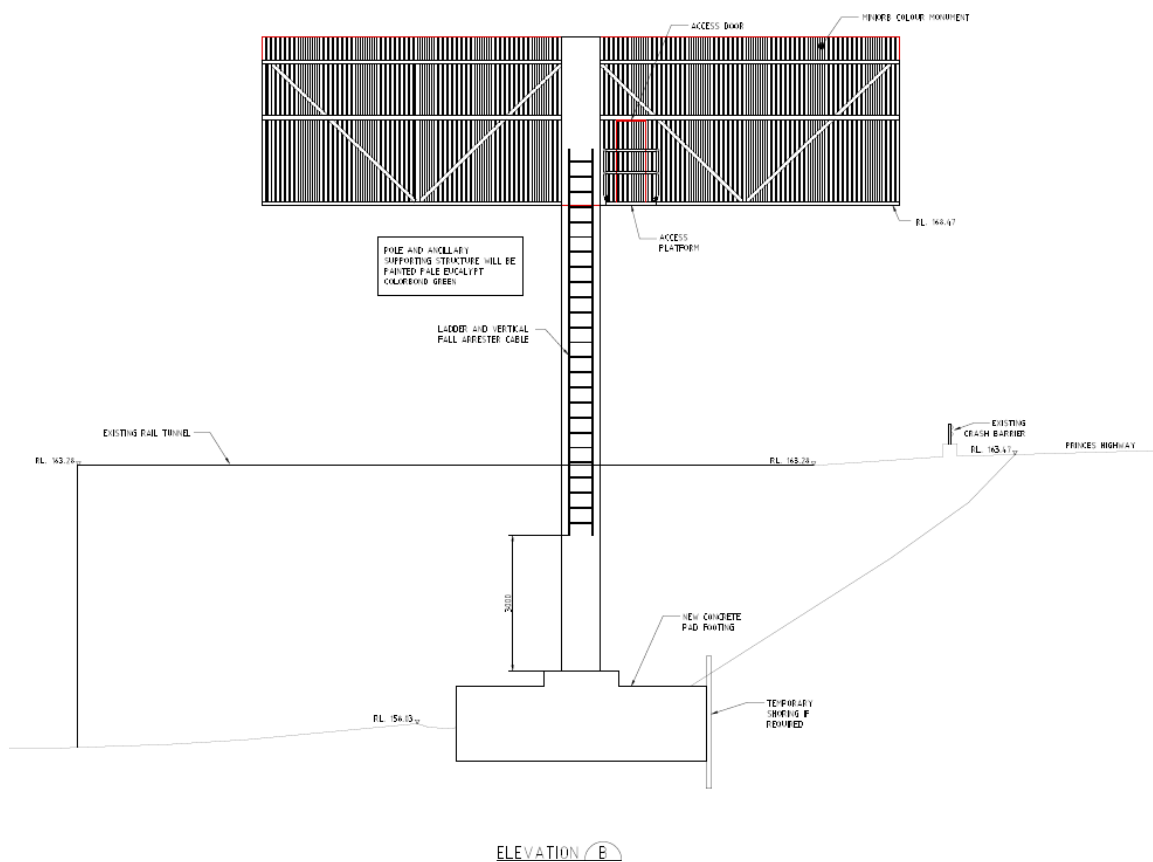
**Table 1 | Details of Proposed Signage**

Aspect	Proposed Sign
Advertising display area	46.99m <sup>2</sup> (12.53m X 3.75m)
Active digital display area	39.94 m <sup>2</sup> (12.48m x 3.2m)
Total Height (including the frame)	14.4 m
Road clearance from ground level to the sign	5m (Princes Highway)
Signage display	Digital LED Screen
Dwell time	25 seconds
Maximum illuminance limit during post night-time period	150 cd/ m <sup>2</sup>

The proposed digital signage would be programmed to operate 24-hours-a-day, 7-days-per-week. The advertisements displayed would be static in their content but designed to automatically change every 25 seconds (0.1 second transition time). The estimated cost of the proposed application is \$547,800.



**Figure 4 |** The proposed digital advertising signage front view (Source: Applicant's documentation)



**Figure 5 |** The proposed digital advertising signage rear view (Source: Applicant's documentation)

## 3 Statutory context

### 3.1 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application in accordance with Section 3.10(c) of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP). The proposal has been submitted by Sydney Trains and relates to an advertisement displayed by or on behalf of Sydney Trains on a railway corridor. The application is a Crown DA under Division 4.6 of the EP&A Act as the Applicant is a public authority (an agency of Transport for NSW).

In accordance with the Minister's delegation dated 9 March 2022, the Deputy Secretary, Development Assessments, may determine the application.

### 3.2 Permissibility

The site is zoned SP2 Infrastructure – Railway Infrastructure under the Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). Signage is a permissible use in the SP2 zone under the SSLEP 2015 as it is considered ancillary to the railway corridor given it will generate revenue to maintain and improve Sydney Trains' infrastructure.

Additionally, Section 3.14(1)(a) of the Industry and Employment SEPP states that the display of an advertisement on transport corridor land is permissible with development consent if it is the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.

The application is therefore permissible with consent.

### 3.3 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

- the matters in Section 4.15(1) of the EP&A Act
- relevant Environmental Planning Instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The Department's consideration of these matters is set out below, **Section 5** and **Appendix B**.

### Environmental Planning Instruments

The relevant environmental planning controls and guidelines that apply to the proposal include:

- Industry and Employment SEPP

- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015)

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix B**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

### Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act.

The Department has considered the objects of the EP&A Act in its assessment of the application (see **Appendix B**) and is satisfied that the application meets the objects of the EP&A Act.

### Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. As demonstrated by the Department's assessment in **Section 5** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats as there is no vegetation clearing proposed nor any vegetation in close proximity to the proposed works. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

### Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for fees (Part 13, Division 3) have been complied with.

## 3.4 Other approvals

The Applicant has not indicated that the proposal is integrated development under Section 4.46 of the EP&A Act. An advisory note has been recommended requiring appropriate approvals be sought including any required under Section 138 of the *Roads Act 1993*.



## 4 Engagement

### 4.1 Department's Engagement

In accordance with Schedule 1 of the EP&A Act and the EP&A Regulation, the Department publicly exhibited the application for 28 days from 10 May 2022 to 6 June 2022. The application was exhibited on the Department's website, and adjoining landholders, Sutherland Shire Council (Council), Heritage NSW, NPWS and TfNSW were notified in writing.

Due to an unforeseen change to the webpage address of the Planning Portal's exhibition page, to ensure adequate time had been provided to the public, the application was exhibited for an additional 14 days from 15 June 2022 to 28 June 2022.

### 4.2 Summary of submissions

The Department received one submission from Council objecting to the application. Comments were received from TfNSW, NPSW and Heritage NSW. The Department did not receive any public submissions. No submissions were received during the additional exhibition period.

### 4.3 Key Issues – Government Agencies

#### Transport for NSW

TfNSW did not object to the proposed signage and provided concurrence subject to the proposal complying with the Guidelines, all sign structures being located wholly within the freehold property and compliance with standard signage conditions such as image content and dwell times. TfNSW also noted that a Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction.

The matters raised by TfNSW have been considered and addressed in **Section 5** of this report.

#### Heritage NSW

Heritage NSW did not object to the proposal and provided comments on the proposal including:

- the site is located approximately 2km to the south-west of Loftus Railway Signal Box (SHR Item 01182)
- a Statement of Heritage Impact (SoHI) not being provided with the application
- identification that the subject site shares a Lot and DP with a State Heritage Register (SHR) item, however, the SHR item only applies to a small area within the north-eastern extent of the Lot and DP
- no visual impacts on the SHR item are anticipated
- recommendation that any approval for the project should include the recommended condition to manage the unexpected discovery of historical archaeological information.

The matters raised by Heritage NSW have been considered and addressed in **Section 5** of this report.

### **National Parks and Wildlife Services (NPWS)**

NPWS (Environment and Heritage Group) did not object to the proposal and provided comments noting the application did not consider impacts to the Royal National Park or on wildlife in accordance with the Industry and Employment SEPP.

The matters raised by NPWS have been considered and addressed in **Section 5** of this report.

## **4.4 Key Issues – Council**

Council objected to the application noting:

- traffic and safety impacts including the potential conflicts with users of the Princes Highway, cyclist safety, distraction to drivers/cyclists, nature of signage content and illumination
- impacts on residential amenity with residential properties approximately 25m from the proposed signage
- visual impacts
- proximity to the Royal National Park.

The matters raised by Council have been considered and addressed in **Section 5** of this report.

## **4.5 Response to submissions**

Following exhibition, the Department placed submission and advice on its website and requested the Applicant provide a response to the issues raised. The Department also requested the Applicant respond to issues raised by the Department related to:

- potential vegetation removal and the need for an Arboriculture Report
- an assessment against clause 6.5 of the SSLEP 2015 regarding environmentally sensitive land
- additional visual analysis
- confirmation of availability of electricity and telecommunication servicing
- a Structural Feasibility Statement
- submission of amended plans that include the depth and extent of excavation, details of the footings/base and pilings and materials of the signage and structure

On 3 November 2022, the Applicant submitted an RtS (**Appendix A**) addressing the matters raised in the submissions and which also included amended architectural plans, a Biodiversity Impact Assessment, Utilities and Services Investigation and Structural Feasibility Statement. The RtS also included an assessment against Clause 6.5 of SSLEP 2015 and additional images demonstrating visual impact.

#### 4.6 Request for additional information

On 31 March 2023, the Department requested minor additional information via email regarding the visual impact assessment including the following:

- the total height of the signage structure
- confirmation of ground level at the proposal site and ground level of the residential properties on Tilba Place
- confirmation of height of vegetation between the proposal and residential properties
- any additional photomontages or assessment of visual impact that may have been undertaken during preparation of the DA

On 14 April 2023, the Applicant provided the following information:

- total height of the structure being 14.4 metres
- closest ground level to the rear of the residential properties on Tilba Place being 157.9
- ground level of the proposed site being 158.03
- highest point of vegetation between the site and the residential properties on Tilba Place being RL 173.01.

#### 4.7 Council Comments

On 26 April 2023, the Department referred the draft conditions to Council with a request for any additional comments on the additional information provided by the Applicant during the RtS stage and the further additional information provided.

On 27 April 2023 and 5 May 2023, Council provided additional comments on:

- visual and heritage impacts on the Royal National Park
- visual impacts and protrusion above the dominant skyline
- permissibility under the SSLEP 2015
- public benefit
- biodiversity impact review

The Department has addressed Council's additional comments in **Section 5**.

## 5 Assessment

The Department considers the key issues associated with the proposal are:

- design and suitability of the site
- residential amenity
- road and cyclist safety
- Royal National Park
- public benefit

Each of these matters are addressed separately below. A number of other issues have also been considered and assessed in **Table 3**.

### 5.1 Design and suitability of the site

The proposal seeks approval for the installation of a single sided monopole digital advertising billboard located adjacent to the Princes Highway in Loftus within an existing railway corridor, with an approximate total advertising area of 46.99m<sup>2</sup>.

The Department considers the design and location of the proposed signage to be suitable for the following reasons:

- it complies with the design criteria of the Industry and Employment SEPP, the Signage Guidelines, and *Australian Standard (AS) 4282-2019 - Control of the Obtrusive Effects of Outdoor Lighting* (see **Section 5.2** and **Appendix B**)
- the proposal will fit within the character of the locality being an urban and developed transport corridor with the Princes Highway and the South Coast Rail Line in close proximity
- the proposed sign would not adversely impact on the existing or future character of land uses surrounding the Princes Highway as the proposed signs would be not visible by most sensitive receivers and will effectively be screened by the existing vegetation
- the location of the signage within a roadway corridor is suitable for digital advertising and consistent with signage on other major roads

The Department is therefore satisfied the design and location of the site is suitable and would not result in adverse amenity impacts.

### 5.2 Residential Amenity

Council raised concerns regarding the visual impact, specifically in relation to the Royal National Park, and regarding residential amenity of surrounding residential properties in Yarrawarrah.

Impacts on the Royal National Park have been addressed below in **Section 5.5**. Impacts on residential amenity relating to visual impacts and illumination are considered below.

## Visual Impact

Council raised concerns regarding the visual impact of the sign on residential properties, particularly on Tilba Place, Yarrawarrah and that the proposal relies on a single tree in the locality to be deemed as not protruding above the dominant skyline.

The Applicant provided an assessment of visual impacts within the SEE to consider the potential visual impacts of the signage on the surrounding area. The assessment concluded the significance of the proposal's visual impact would be considered low and is consistent with the Industry and Employment SEPP and the Guidelines. The Applicant also provided additional images as part of the RtS to further demonstrate visual impacts on properties on Tilba Place (**Figure 6**).

Visibility of the sign is expected to be largely restricted to the road corridor (motorists travelling east and west) as the sign has been designed and positioned to face traffic travelling westbound. Tall and dense vegetation surrounding the site between the proposed site and the closest residential properties on Tilba Place will also assist in screening any direct views towards the proposed sign.



**Figure 6 |** Indicative sign location from 18 and 20 Tilba Place (Applicant's documentation)

The Department requested additional information to further confirm the visual impact of the proposed signage on the closest residential properties on Tilba Place. The Applicant confirmed that the proposed signage and the properties on Tilba Place are at approximately the same ground level, with the proposal site at 158.08 RL and the closest residential property at 157.9 RL (difference of 0.18m). The Applicant also confirmed that the proposed signage is 14.4 m in height, making the highest point of the proposed sign being 172.48 RL and that between the proposed signage and the closest residential property on Tilba Place, the dense vegetation at its highest point is 173.01 RL. The Department is satisfied that any views of the sign from Tilba Place will be partially obstructed by vegetation, including vegetation that is higher than the height of the sign. Additionally, to further reduce any visual impacts, the signage structure is proposed to be a 'Eucalypt' green colour to integrate into the screening vegetation.

In relation to the surrounding locality, the Department notes that the surrounding vegetation is either greater in height or the same height as the proposed signage structure. The locality also includes



electricity infrastructure immediately to the rear of the signage structure and greater in height (**Figure 7**). The vegetation on the opposing side of the Princes Highway is also equal or greater in height to the proposed signage structure. The Department considers that the proposed signage would not protrude above or dominant the skyline within the context of the surrounding vegetation and electricity infrastructure.



**Figure 7** | Proposed signage structure in the context of surrounding vegetation and electricity infrastructure (Source: Applicant's documentation)

The Department has reviewed the visual impacts detailed in the Statement of Environmental Effects, the RtS and the additional information provided and considers the proposed digital sign would have an acceptable level of visual impact as:

- there will be low visual impact on residential dwellings with potential for visibility from only a small number of residences on Tilba Place
- mature vegetation that is present along the road corridor obscures views of the proposed sign from the residences on Tilba Place
- the inclusion of the sign will fit within the character of the urban context of the surrounding area
- the signage would not obscure or compromise important views, would not dominate the skyline or reduce the quality of vistas of any environmentally sensitive areas, heritage areas or open space, especially given that a full assessment of the signage under the Industry and Employment SEPP is included at **Appendix B**.

## Illumination

Council raised concerns regarding illumination impacts on surrounding residential receivers.

The proposed digital signage would be illuminated with LEDs and operated 24-hours-a-day, 7-days-per-week but would be dimmed during the night-time period. A Lighting Impact Assessment (LIA) was provided with the SEE to assess the proposal against the relevant luminance criteria. The LIA confirmed the proposed signage would comply with the Industry and Employment SEPP, the Guidelines and *Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting*.

Under the Guidelines, the LIA categorised the site as 'Zone 4'. This zone is assigned to areas of generally low off-street ambient lighting or areas with residential properties nearby. In this zone, the Guidelines stipulate a maximum luminance level of digital signage of 200 cd/sqm during night-time, however, the under AS4282, the proposal is classified as located in Environmental Zone A2 which has a maximum nighttime luminance of 150cd/m<sup>2</sup>. The proposed luminance for the signs are as follows:

**Table 2 | Proposed Luminance Levels for the proposed signage**

Lighting Conditions	Maximum Zone 4/A2 Luminance Limits	Proposed Sign
Full sun on face of signage	Maximum output in cd/m <sup>2</sup>	Maximum output in cd/m <sup>2</sup>
Day-time luminance	6000 cd/m <sup>2</sup>	6000 cd/m <sup>2</sup>
Morning and Evening Twilight and Inclement Weather	500 cd/m <sup>2</sup>	500 cd/m <sup>2</sup>
Night-time	150 cd/m <sup>2</sup>	150 cd/m <sup>2</sup>

The proposed signage is therefore compliant with the Guidelines.

The proposed signage is located in proximity to residential properties at Tilba Place which is a low density residential area with single and two storey houses. The residential properties on Tilba Place would have a restricted view of the proposed sign due to the dense vegetation and rail line infrastructure separating the two locations. Further as the sign is single sided and orientated towards the Princes Highway roadway, the digital screen does not face towards Tilba Place. Therefore, the Department considers that the residential properties on Tilba Place will have restricted visibility of the signage structure and will not have visibility of the illuminated advertisement area itself and therefore any adverse illumination impacts.

The Department considers the illumination impacts associated with the proposed signage to be acceptable on the basis it is programmed to align with the maximum luminance stipulated in the

Guidelines, and the lux limit in the Australian Standards can be automatically dimmed to ensure luminance levels remain compliant. Additionally, the Department considers that the illumination would not result in any unacceptable glare or detract from the amenity of residence.

The Department therefore concludes the sign has demonstrated compliance with the Guidelines and the relevant Australian Standards and would not result in any adverse illumination impacts to residents in proximity to the site.

### 5.3 Road and Cyclist Safety

Council raised concern the proposal would potentially result in road and cyclist safety impacts.

The Applicant provided a Signage Safety Assessment (SSA) that assessed the proposal against the Guidelines, the Industry and Employment SEPP and Austroads Guide to Road Design. The SSA assessed the signage exposure distance, sight stopping distance and road accident history in proximity to the site.

The Department notes that the proposed signage would be visible to traffic travelling on the Princes Highway westbound.

The SSA notes that the sign posted speed limit of the Princes Highway at the proposed locality is 80 km/h. The SSA used a speed of 90 km/h to calculate the minimum safe stopping distance to allow for a 10km/h greater speed than the sign posted limit. The SSA states the minimum safe sight distance for a 90 km/h road is 126m. The proposal will not be located within the 126m safe sight distance of an intersection, merge point, exit ramp traffic control signal or sharp curve as demonstrated in **Figure 8**.

At the proposal site, the Princes Highway includes 3.2 metre shoulder lanes which are used as



**Figure 8 | Safe stopping distance of proposed sign (travelling eastbound) (Source: Applicant's documentation)**

cycleways as denoted by the bicycle pavement stencils. Council raised that these cycleways carry a

substantial number of cyclists both directions, particularly on weekends. The SSA provided the following assessment of impacts on cyclists:

- the signage will not physically obstruct any cyclist movements or visibility of any decision points, traffic signals or other vehicles
- the signage is placed outside of the carriageway and does not cantilever over the cycleways or the Princes Highway carriageway as a whole
- the signage would not obstruct a cyclist's view of the roadway

There are no pedestrian paths on the Princes Highway.

The Department also referred the proposal to TfNSW for comment. Although not required, TfNSW provided concurrence subject to conditions relating to:

- complying with the Transport Corridor Advertising and Signage Guidelines (Guidelines)
- clearance height and location within the freehold site
- display requirements such as distracting messages and content
- other standard requirements.

The Department has recommended a range of conditions to ensure the signage does not contain or use any method of illumination that distracts or dazzles drivers. This would ensure the sign complies with the requirements the Guidelines and would not result in any adverse traffic safety impacts or impacts on vehicle driver or cyclist safety. The conditions recommended by TfNSW have also been incorporated into the Department's recommended conditions.

## **Dwell Time**

The Guidelines stipulate that for signage within an area with a speed limit of 80km/h or more, the prescribed dwell time is 25 seconds. The proposal includes a dwell time of 25 seconds and therefore meets this requirement. The Department has included this as a recommended condition of consent.

## **Crash History**

The Applicant addressed crash history in the Signage Safety Assessment. There are no recorded crash incidents within the visible distance of the proposed signage within the most recent five year period. The nearest incident on the eastern approach has been recorded approximately 1 km away from the site, where the sign would not be visible.

## **Assessment**

The Department notes the SSA and considers the proposed signage is acceptable in regard to road and pedestrian/cyclist safety as the proposed signage:

- is not located in any school zones or clear zones
- would not physically obstruct any vehicle, pedestrian and cyclist movements



- would not indicate misleading information or information contrary to the existing roadway
- would be positioned away from traffic signals
- would not reduce existing driver sightlines
- is not located within the safe stopping distance of any decision making points
- would display static images only
- would comply with the dwell times outlined in the Guidelines
- is positioned within the railway corridor and would therefore not obstruct any vehicle.

The Department has recommended conditions of consent to ensure the signage does not contain or use any method of illumination that distracts or dazzles drivers. This would ensure the sign complies with the requirements of the Industry and Employment SEPP and the Guidelines and would not result in any adverse traffic safety impacts.

Subject to the recommended conditions, the Department is satisfied the proposal complies with the Guidelines and concludes the proposed signage would not have a negative impact on road or pedestrian/cyclist safety.

#### **5.4 Public Benefit**

The Applicant provided a Public Benefit Statement (PBS) confirming the following public benefits:

- all revenue generated will be re-invested into running the Sydney Trains network including improvement and maintenance programs
- the digital sign will be available for use by Sydney Trains, TfNSW and NSW emergency services to display safety or public awareness messages
- Sydney Trains may also access the digital screens for up to 5 minutes per hour for Sydney Trains and TfNSW customer promotions and events at no cost.

Council raised concerns regarding public benefit not being demonstrated for residents in the locality of the proposal or the wider Sutherland Shire. The Department notes that the local residents will benefit from the display of emergency services or public awareness messages and from the wider upgrades of the Sydney Trains network including the Sydney Trains network in the Sutherland Shire and the localities in which the Sutherland Shire network connects to.

The Department has carefully considered the PBS and is satisfied the proposal will result in sufficient public benefits as it will contribute to the improvement and maintenance of the train services and play an important role in helping to address traffic safety problems and improving local amenity, which is consistent with the Guidelines.

The Department recommends a condition to record the revenue received by Sydney Trains in its Annual Reports and how the revenue has been applied to provide a public benefit. Other recommended conditions include the removal of graffiti prior to the commencement of use and during ongoing maintenance, and the display of road safety and emergency messages 5 minutes per hour arranged by TfNSW.



## 5.5 Royal National Park

The site is located near the Royal National Park and Garawarra State Conservation Area which together are a National listed heritage place with NPWS being responsible for both the Royal National Park and Garawarra State Conservation Area. Nationally listed heritage places are protected under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). To trigger a referral under the EPBC Act, the proposed action must have a significant impact on the national heritage place. The Significant Impact Guidelines provide overarching guidance on determining whether an action is likely to have a significant impact on a matter protected under the EPBC Act. Under these guidelines, an action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- one or more of the National Heritage values to be lost; or
- one or more of the National Heritage values to be degraded or damaged; or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

In the National Heritage listing, the Royal National Park is described to have National Heritage values of plant species, birds, reptiles and butterflies and exemplification of the Hawkesbury Sandstone environment. The Department considers that the proposal does not have a significant impact on the National Heritage values of the Royal National Park as it:

- does not damage, modify, alter or obscure important geological formations or landscape features
- does not modify, alter or inhibit landscape processes
- does not modify or inhibit ecological processes
- reduce the biodiversity or modify the composition of plant and animal species
- fragment, isolate or substantially damage habitat for rare, endemic or unique animal populations or species
- introduce noise, odours, pollutants or other intrusive elements with substantial long term impacts.

Therefore, the proposal does not warrant referral under the EPBC Act for approval however the Applicant is still required to ensure no impacts on the Royal National Park are incurred under the EPBC Act Part 3 Division 1 Subdivision AA.

The proposal was referred to NPWS for comment during exhibition who commented that the proposal is not to include access to or works within the Royal National Park without authorisation and recommended the consent authority consider the NPWS 2020 Developments adjacent to National Parks and Wildlife Service lands guidelines. Council raised concerns that the LIA does not assess whether the proposal would detract from the amenity or visual quality of the environmentally sensitive area

As part of the RtS, the Applicant provided the following responses:

- acceptance of no access or works within the Royal National Park as a condition of consent

- provision of a Biodiversity Impact Assessment (BIA)
- consideration of the guidelines for developments adjacent to NPWS lands as part of the BIA

The BIA found that the visibility of the sign estimated along the highway is approximately 225 metres and noted that there is a vertical drop in elevation between the Princes Highway and the Royal National Park of approximately 5m to 6m with the Park having the lower elevation. Additionally, the Royal National Park is located approximately 15 to 20 metres east of the alignment of the proposed signage with a busy road separating the two locations. Therefore, there is both a vertical and horizontal separation and visual buffer to any habitat proximal to the edge of the Royal National Park. The BIA therefore considered that the signage would be minimally visible from within the Royal National Park and not be visually dominant from the boundary of the park due to the surrounding dense vegetation and material finishes proposed including the 'Eucalypt Green' colour.

The Department notes that the proposed sign is located adjacent to the suburbs of Loftus and Yarrawarrah and considers it fits within the existing urban context of the area and will not significantly impact any existing urban views from the Park.

Further, the Significant Impact Guidelines outline measures to be taken to protect the National Park. The Department has considered the proposal against these guidelines and is satisfied that the proposal meets the objectives of the guidelines as:

- erosion and sediment control measures will be implemented and are included as a condition of consent
- the proposal does not include any vegetation removal
- no access to the Royal National Park without authorisation is proposed and included as a condition of consent
- the proposed illumination levels are in accordance with the relevant standards and guidelines, and the extent of light spill is considered minimal

The Department has included a recommended condition of consent restricting access to the Royal National Park at any time during construction or operation for the storage of materials, equipment, worker's vehicles or machinery. The Department is satisfied that the proposal will not have any adverse impacts on the Royal National Park.

## 5.6 Other Issues

The Department's assessment of other issues is provided in **Table 3**.

**Table 3 | Assessment of Other Issues**

Issue	Findings	Recommendations
<b>Vegetation Removal</b>	The Department requested clarification regarding the need for removal of vegetation	The Department has included a recommended condition of consent

Issue	Findings	Recommendations
	<p>surrounding the sign and the provision of an Arborist Report.</p> <p>As part of the RtS, the Applicant provided a Biodiversity Impact Assessment (BIA) that confirmed that the proposal does not include the removal of any vegetation and that the proposed sign is unlikely to result in any significant impacts to wildlife. Therefore, the Applicant concluded that an Arborist Report was not necessary.</p> <p>The Department notes the Applicant advice that vegetation removal will not be required to accommodate the development and as such, notes that tree removal does not form part of the development. To ensure that surrounding trees are protected during construction activities, the Department has recommended that a Tree Protection Plan be prepared which details protection measures for surrounding trees.</p>	<p>requiring a Tree Protection Plan to be approved prior to the commencement of any works.</p>
<b>Biodiversity</b>	<p>The Department requested consideration of Clause 6.5 of the SSLEP 2015 as the site is located on land classified as Environmentally Sensitive – Terrestrial Biodiversity.</p> <p>As part of the RtS, the Applicant provided a detailed assessment of the proposal against Clause 6.5 of the SSLEP 2015. The assessment concluded that the proposal is consistent with Clause 6.5.</p> <p>The Applicant also provided a BIA that concluded the following:</p> <ul style="list-style-type: none"> <li>• vegetation within the immediate vicinity of the subject site appears to be highly degraded and dominated by weeds, which is typically expected due to edge effects from highways and railways</li> <li>• the habitat available to the south-east of the subject site is substantially degraded and considered unlikely to</li> </ul>	<p>No conditions necessary.</p>

Issue	Findings	Recommendations
	<p>provide habitat important to any threatened species</p> <ul style="list-style-type: none"> <li>the sign is unlikely to result in a significant impact to wildlife and is considered to be a low-risk consequence</li> </ul> <p>The Applicant also notes that the proposal has incorporated sufficient mitigation measures to assist in minimising impacts on biodiversity including:</p> <ul style="list-style-type: none"> <li>appropriate colour selection of the structure as 'Eucalypt Green'</li> <li>ability of the illumination to be adjusted to respond to different lighting conditions</li> <li>orientation of the sign to the road corridor and away from surrounding vegetation</li> </ul> <p>Council's Environmental Scientist reviewed the provided BIA and concluded that the proposed signage was unlikely to result in any significant impact to biodiversity in the Royal National Park.</p> <p>The Department is satisfied that the proposal would not have adverse impacts on biodiversity as appropriate mitigation measures have been implemented and no vegetation removal is required.</p>	
<b>Permissibility</b>	<p>Council raised concerns regarding the permissibility of advertising signage on land mapped as 'Environmentally Sensitive Land' under the SSLEP 2015. Council identified section 3.8(1) of the Industry and Employment SEPP which states that the display of an advertisement is prohibited on land that under an EPI is within an environmentally sensitive area.</p>	<p>No conditions necessary.</p>

Issue	Findings	Recommendations
	<p>The Department notes that under section 3.14(1)(a) of the Industry and Employment SEPP advertisements on a railway corridor on behalf of Sydney Trains are permitted despite section 3.8(1).</p> <p>The proposal is for the display of advertisement on railway corridor land on behalf of Sydney Trains. Therefore, the proposal is permissible with consent.</p>	
<b>Servicing</b>	<p>The Department requested clarification of availability of electricity and telecommunication services to service the proposal and if any connection works are required.</p> <p>As part of the RtS, the Applicant provided a Utilities and Services Investigation that concluded the following:</p> <ul style="list-style-type: none"> <li>the electrical load of the proposed digital advertising sign requires a service cable installed within the rail corridor</li> <li>the cable route emanates from Wheatley Avenue's dedicated public road reserves managed by Council, south along the rail corridor, and then diverts into the site to the west of the rail corridor</li> <li>the supply to the advertising sign is via an isolation transformer to comply with supply arrangements to AMB (Sydney Trains) standards</li> </ul> <p>This proposal does not include any works for installation of a service cable on the site, within the rail corridor or within any public reserves or Council land. The Applicant has not included these works as part of the proposal and will seek separate approval for the connection works.</p>	<p>The Department has included a condition of consent identifying that works associate with the installation of the service cable are not included in the approval and will be subject to a separate approval.</p>



Issue	Findings	Recommendations
<b>Structural Feasibility</b>	<p>The Department requested a Structural Feasibility Statement prepared by a suitably qualified expert.</p> <p>As part of the RtS, the Applicant provided a Structural Feasibility Statement prepared by Dennis Bunt Consulting Engineers Pty Ltd. The statement concluded that:</p> <ul style="list-style-type: none"> <li>the sign demonstrates structural integrity including materials of the frame and details relating to the footings</li> <li>the sign will be self-supported by a single column bolted to a concrete footing that is approximately 5m<sup>2</sup> and 1.5m deep</li> <li>the wall of the footing should be shored to ensure there are no effects on the wall of the culvert during construction</li> <li>the weight of the steel box including the digital screen and the cladding is approximately 5 tonnes and the weight of the steel support structure is approximately 6 tonnes</li> <li>the sign is to be designed for a wind load for region A, terrain category 2.5 and a 50 year design life in accordance with AS1170.2</li> </ul> <p>The statement provided recommendations including shoring for the footing installation being designed by a structural engineer to ensure there are no effects on the culvert wall and that a geotechnical report be prepared. The Department has included these as recommended conditions of consent.</p> <p>The Department is satisfied that subject to the recommended conditions, the proposal is structurally safe.</p>	<p>The Department has recommended a suite of conditions relating to structural integrity and compliance with standards including wind loading requirements, the submission of structural drawings to the satisfaction of TfNSW engineers, the preparation of a Geotechnical Engineering Report and details of proposed shoring.</p>

Issue	Findings	Recommendations
<b>State Heritage</b>	<p>The site is approximately 2km to the south-west of the nearest SHR item (Loftus Junction Railway Signal Box, SHR item 01182). Heritage NSW provided comments regarding this State Heritage Register (SHR) item in proximity to the proposal, noting that the site and the SHR item share a Lot and DP description but the SHR item is located in the north-eastern extent of the lot and therefore due to the distance between the item and the site, no visual impacts are anticipated. Heritage NSW did not identify that a Heritage Act Approval would be required for the proposal.</p> <p>Heritage NSW also provided a recommended condition regarding unexpected historical archaeological relics protection.</p> <p>The Department included Heritage NSW's recommended condition into the Department's standard Unexpected Finds Protocol condition.</p> <p>The Department is satisfied that the proposal will not have any adverse impacts on heritage.</p>	<p>The Department has included a recommended condition for an Unexpected Finds Protocol for both Aboriginal Heritage and Historic Heritage.</p>
<b>Construction Impacts</b>	<p>The proposal includes disturbance of the existing site with the installation of a concrete footing, access to the site and shoring works.</p> <p>The Department has included a suite of conditions to mitigate impacts due to construction works including:</p> <ul style="list-style-type: none"> <li>• preparation of a Construction Management Plan</li> <li>• implementation of erosion and sedimentation control measures</li> <li>• detailed plans demonstrating shoring of the footing</li> <li>• a Tree Protection Plan</li> <li>• dust mitigation measures</li> </ul>	<p>The Department has included a suite of conditions as described.</p>

Issue	Findings	Recommendations
	The Department is satisfied that subject to these conditions, the proposal will not have any adverse impacts during construction.	

## 6 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act, including the Industry & Employment SEPP and other relevant environmental planning instruments. The Department's assessment concludes the proposed development is acceptable as:

- it is permissible with development consent on transport corridor land under the Industry and Employment SEPP and consistent with the objectives of the SEPP, the Guidelines and the SP2 zone
- it will have minimal impacts on the character of the area and is consistent with the existing urban and transport corridor character of the locality
- it complies with the relevant road safety standards and requirements
- its luminance levels are consistent with the Guidelines and Australian Standards to protect the amenity of surrounding properties and safety of drivers particularly at night
- the visual impacts of the proposal on surrounding residential properties would be minor given the distance to the Site
- the proposal will not have any adverse impacts on heritage or the Royal National Park
- it will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

The Department's assessment therefore concludes the proposal is acceptable and is in the public interest. The Department recommends the application be approved, subject to the recommended conditions (**Appendix C**).

## 7 Recommendation

It is recommended that the Deputy Secretary, Development Assessment, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts** and **adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 22/5186, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

**Recommended by:**



**Keiran Thomas**  
Director  
Regional Assessments

**Recommended by:**



**Anthea Sargeant**  
Executive Director  
Key Sites and Regional Assessments

## 8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'David Gainsford', written in a cursive style.

**David Gainsford**

Deputy Secretary

Development Assessment

as delegate of the Minister for Planning and Public Spaces



# Appendices

## Appendix A – List of Documents

The following supporting documents and additional information to this assessment report can be found on the NSW Planning Portal as follows:

- Statement of Environmental Effects
- Agency advice and Council submission
- Response to Submissions and Additional Information

<https://www.planningportal.nsw.gov.au/daex/under-consideration/da-225186-digital-advertising-signage-loftus>

## Appendix B – Statutory Considerations

In line with the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Department's assessment of the proposal has included detailed consideration of a number of statutory requirements. These include:

- the objects found in Section 1.3 of the EP&A Act; and
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations
- the matters for consideration under Division 4.6 of the EP&A Act

The Department has considered all of these matters in its assessment and has provided a summary in **Table 4**, **Table 5** and **Table 6** below.

**Table 4 | Considerations Against the Objects of the EP&A Act**

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal seeks to maximise the use of the site. The proposal would not adversely impact on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department considers that the proposal is not inconsistent with any relevant environmental considerations.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the utilisation of land adjacent to a major road and railway corridor.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,	The Department considers the proposal would not result in unacceptable environmental impacts.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal does not have significant impact on built or cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers the proposal would not result in unacceptable built form impacts.
(h) to promote the proper construction and maintenance of buildings, including the	The proposal is not for an occupiable building.

protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the application as outlined in <b>Section 4</b> .

**Table 5 | Matters for Consideration under Section 4.15 of the EP&A Act**

Matter	Consideration
(a) the provisions of:  (i) any environmental planning instrument, and	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment is provided further below in <b>Appendix B</b> .
(ii) 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 (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment is provided in <b>Appendix B</b> .
(iii) any development control plan, and	The proposal generally meets the relevant/applicable objectives of the SSDCP 2015.
(iii) 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, and	The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in <b>Section 5</b> of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended

	conditions of consent.
(c) the suitability of the site for the development,	The development is permissible with consent and the site is suitable for occupation by the development as it is located on land zoned SP2 and does not adversely impact on surrounding uses.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 4</b> of this report and given due consideration as part of the assessment of the development in <b>Section 5</b> of this report.
(e) the public interest.	The Department considers the proposal to be in the public interest (refer to <b>Section 5</b> ).

**Table 6 | Matters for consideration under Division 4.6 of the EP&A Act**

Matter	Consideration
<b>Section 4.32 Definitions</b>	
(1) In this Division –	Section 1.4 in the Act prescribes:
<b><i>applicable Sydney district or regional planning panel for development</i></b> means the Sydney district or regional planning panel for the part of the State in which the development is to be carried out.	<b>public authority means –</b>
<b><i>Crown development application</i></b> means a development application made by or on behalf of the Crown.	(a) <i>a public or local authority constituted by or under an Act, or</i>
	(b) <i>a Public Service agency, or</i>
	(c) <i>a statutory body representing the Crown, or</i>
	(d) <i>a Public Service senior executive within the meaning of the Government Sector Employment Act 2013, or</i>
	(e) <b><i>a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or</i></b>
	(f) <i>a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or</i>

Matter	Consideration
	<p>(g) <i>a person prescribed by the regulations for the purposes of this definition.</i></p> <p>(emphasis added)</p> <p>The Applicant and landowner is a State-owned corporation. The Applicant is considered to constitute a public authority, and the application is considered to be a Crown Development Application.</p>

### Section 4.33 Determination of Crown development applications

(1) A consent authority (other than the Minister) must not –	
(a) refuse its consent to a Crown development application, except with the approval of the Minister, or	The Minister is the consent authority.
(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.	The Minister is the consent authority.

## Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017
- Sutherland Shire Local Environmental Plan 2015
- Sutherland Shire Development Control Plan 2015

### State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed digital signage has been assessed against the requirements of the Industry and Employment SEPP in **Table 7** and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in **Table 8**.

**Table 7 | Industry and Employment SEPP Compliance Assessment**

Section	Criteria	Comments	Compliance
Part 3.2 Signage Generally			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The proposed development is compatible with the desired amenity and visual character of the area, provides effective communication and is high quality finish and is therefore consistent with the objectives of the Industry and Employment SEPP.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5.	See relevant assessment in <b>Table 8</b> .	Yes
Part 3.3 Advertisements			
3.10 Consent authority	The consent authority is the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	The proposal is for a sign within a railway corridor on behalf of Sydney Trains, therefore the Minister for Planning and Public Spaces is the consent authority.	Yes
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> <li>i. consistent with the objectives of this Policy</li> <li>ii. assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines</li> <li>iii. satisfies any other relevant requirement of this Policy.</li> </ul>	<p>The objectives are considered above.</p> <p>The proposal has been assessed in accordance with the assessment criteria in Schedule 5 in <b>Table 8</b> and the Guidelines in <b>Table 9</b>.</p> <p>All other relevant requirements are addressed in this table.</p>	Yes
	Arrangements for the provision of the public benefits to be provided	The proposal has adequately demonstrated it will provide for	Yes



Section	Criteria	Comments	Compliance
	in connection with the display of the advertisement.	public benefit (refer to <b>Section 5</b> of this report).	
3.12 Duration of consents	A consent granted under this Part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 4 (20) of the Act.	The Department recommends a condition of consent to limit the approval for a maximum period of 15 years from the date of operation.	Yes
3.14 Transport corridor land	The display of an advertisement on transport corridor land is permissible with development consent when on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	The proposal is for a sign within a railway corridor on behalf of Sydney Trains and therefore is considered permissible with consent.	Yes
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> <li>i. the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council have been considered by the Minister, and</li> <li>ii. the advice of any design review panel has been considered by the Minister, and</li> <li>iii. the Minister is satisfied that the advertisement is consistent with the Guidelines.</li> </ul>	<p>Sutherland Shire Council was notified of the proposal and objected to the proposal (refer to <b>Section 4</b> of this report).</p> <p>There was no design review panel for this application.</p> <p>An assessment of the proposal against the Guidelines is provided in <b>Table 9</b>.</p>	Yes

Section	Criteria	Comments	Compliance
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	<p>The consent authority must not grant consent to an application to display an advertisement to which this section applies unless –</p> <p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</p>	<p>The proposed signage has an area greater than 20 square metres.</p> <p>The Applicant's SEE addresses the assessment criteria in Schedule 5. The Department is satisfied that the proposal is acceptable in terms of its impacts as detailed in <b>Section 5</b> of this report.</p> <p>The application has been advertised in accordance with Schedule 1 of the Act as detailed in <b>Section 4</b> of this report.</p> <p>While s3.16 does not apply, the Department provided a copy of the application to TfNSW during the exhibition period.</p>	Yes
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	<p>The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW.</p>	<p>This clause does not apply when the Minister is the consent authority.</p>	N/A
3.17 Advertising display area greater than 45 square metres	<p>The consent authority must not grant consent to the display of an advertisement with an advertising display area of greater than 45 square metres unless:</p> <p>i. a development control plan is in force that has been prepared on the</p>	<p>The proposed signage has an advertising display area of 46.99m<sup>2</sup>.</p> <p>The proposal is to display an advertisement on transport corridor land and the Department is satisfied that the</p>	Yes

Section	Criteria	Comments	Compliance
	<p>basis of an advertising design analysis for the relevant area or precinct, or</p> <p>ii. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>	advertisement is consistent with the Guidelines.	
3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <p>i. appear only within the advertising display area</p> <p>ii. not be greater than 0.25 square metres</p> <p>iii. be included in calculating the size of the advertising display area.</p>	The proposed illuminated JCDecaux logo is within the 0.4m H x 12.53m L black border located at the bottom of the sign. The 0.22m x 1.083m logo is 0.238 m <sup>2</sup> in size.	Yes
3.21 Freestanding advertisements	The consent authority may grant consent only if the consent authority is satisfied that the advertisement does not protrude above the dominant skyline.	The proposal is consistent with the Guidelines as detailed in <b>Table 9</b> .	Yes

**Table 8 | Industry and Employment SEPP Schedule 5 Compliance Table**

Assessment Criteria	Comments	Compliance
<b>1 Character of the Area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is compatible with the character of the railway corridor and adjacent road corridor.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is consistent with other digital signs associated with other major roads in the locality.	Yes
<b>2 Special Areas</b>		
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>The proposed sign is not located within, nor detracts from, any environmental sensitive, natural, conservation, open space, waterway or rural landscapes (see <b>Section 5.5</b>).</p> <p>The proposed sign is located near a residential zone. However, the proposed signs are acceptable as they are effectively distanced and screened by existing dense vegetation and railway infrastructure, resulting in a low visual impact, as discussed in <b>Section 5</b>.</p>	Yes
<b>3 Views and Vistas</b>		
<p>Does the proposal:</p> <ul style="list-style-type: none"> <li>obscure or compromise important views?</li> <li>dominate the skyline and reduce the quality of vistas?</li> <li>respect the viewing rights of other advertisers?</li> </ul>	The sign does not obscure any important views, dominate the skyline, or obstruct sight to any other structures.	Yes

Assessment Criteria	Comments	Compliance
<b>4 Streetscape, Setting or Landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The installation of digital signage is appropriate for the streetscape and transport corridor setting of Loftus.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will contribute to the visual interest of the setting by incorporating digital advertising on the Princes Highway.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing signage in the locality.	N/A
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign is located on the railway corridor land which set below the level of the road corridor. The proposed sign is below the highest point of the tree canopy. The sign is not adjacent to any buildings.	Yes
Does the proposal require ongoing vegetation management?	The proposed sign does not require any ongoing vegetation management.	Yes
<b>5 Site and Building</b>		
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 scale of the proposal is appropriate for the context of the site and will support the character of the area.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed sign is below the tree canopy and does not obscure site to any important feature or building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is innovative in creating the capacity to display digital advertising in this area.	Yes

Assessment Criteria	Comments	Compliance
<b>6 Associated Devices and Logos with Advertisements and Advertising Structures</b>		
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 proposal includes an access platform to the rear of the sign. The sign is digital and therefore illuminated. The sign includes a 0.4m H bottom frame with the logo of the signage operator.	Yes
<b>7 Illumination</b>		
<p>Would illumination:</p> <ul style="list-style-type: none"> <li>result in unacceptable glare?</li> <li>affect safety for pedestrians, vehicles or aircraft?</li> <li>detract from the amenity of any residence or other form of accommodation.</li> </ul>	The proposed illumination complies with the Guidelines and is contained within the screening and would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or unreasonably detract from the amenity of any residents (refer to <b>Section 5</b> of this report).	Yes
<p>Can the intensity of the illumination be adjusted?</p> <p>Is the illumination subject to a curfew?</p>	<p>The proposal includes a local light sensor to adjust the intensity of the illumination of the sign in accordance with ambient lighting conditions.</p> <p>The proposal is consistent with the applicable 'post curfew' illuminance limits established under AS 4282-2019, i.e., lower luminance limit of 150cd/ m<sup>2</sup> will be adopted at nighttime.</p>	Yes
<b>8 Safety</b>		
<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> <li>pedestrians, particularly children, by obscuring sightlines from public areas?</li> <li>any public road?</li> </ul>	The proposal would not adversely impact on road safety for pedestrians, cyclists or vehicles or obscure sightlines (refer to <b>Section 5</b> of this report).	Yes



## Transport Corridor Outdoor Advertising and Signage Guidelines

The Transport Corridor Outdoor Advertising and Signage Guidelines outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of the Industry and Employment SEPP by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in **Table 9**.

**Table 9 | Assessment against Guidelines**

Assessment Criteria	Comments	Compliance
<b>Land Use Compatibility Criteria – Table 1</b>		
i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The proposal is consistent with the objectives of the SP2 zone under the SSLEP 2015 in that signage is a permissible use in the SP2 zone as it is considered ancillary to the railway corridor given it will generate revenue to maintain and improve Sydney Trains' infrastructure.	Yes
ii. Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> <li>• Environmentally sensitive area</li> <li>• Heritage area</li> <li>• Natural or other conservation area</li> <li>• Open space</li> <li>• Waterway</li> <li>• Residential</li> <li>• Scenic protection area</li> <li>• National Park or nature reserve.</li> </ul>	<p>The proposed digital signs would not create adverse amenity impacts on any environmentally significant area, natural/other conservation areas, open space area, waterway, scenic protection area, national park or nature reserve.</p> <p>The signage would be visible from the Princes Highway and potentially minorly from the Royal National Park. The proposed sign is in a transport corridor and an assessment of potential impacts to surrounding residences are considered in <b>Section 5</b>.</p>	Yes
iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant	The sign would be located between a highway and a railway corridor, behind a railway bridge and there would be no protrusion over the skyline.	Yes

Assessment Criteria	Comments	Compliance
scenic views or views that add to the character of the area.		
iv. Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The site is not a heritage item. There is one SHR item in close proximity of which Heritage NSW have assessed will not be impacted by the proposal. There would be negligible impact to any heritage significance in the locality.	Yes
v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	The proposed sign is consistent within the context of the Princes Highway and the road transport corridor.	Yes

## 2.5 Site Specific and Structural Criteria

### 2.5.1 General Criteria

(a) The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed sign is of a contemporary standard that is suitable for the railway corridor.	Yes
(b) The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.	The proposed sign is compatible with surrounding signs and development along the railway corridor.	Yes

Assessment Criteria	Comments	Compliance
(c) The advertising signage should be in keeping with important features of the site, building or bridge structure.	The advertising signage is in keeping with surrounding railway and road corridor character.	Yes
(d) The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal does not require any removal of vegetation.	Yes
(e) The advertisement proposal should incorporate landscaping that complements the advertising signage and is in keeping with the landscape and character of the transport corridor.	The proposed signs will not incorporate landscaping and will continue to be in character of the transport corridor.	Yes
(f) Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	The proposal includes a new servicing platform to the rear of the sign. The sign is digital and therefore internally illuminated. The sign includes a 0.4m H bottom frame with the logo of the signage operator.	Yes
(g) Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	The illumination of the advertising signage does not result in unacceptable light spill (refer to <b>Section 5</b> of this report).	Yes
(h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposal does not result in unacceptable light spillage to nearby residential properties, national parks or nature reserves (refer to <b>Section 5</b> of this report).	Yes
<b>2.5.4 Freestanding advertisements criteria</b>		
(a) The advertising structure must not protrude above the dominant skyline.	The proposal is below the surrounding tree canopy.	Yes

Assessment Criteria	Comments	Compliance
(b) Freestanding advertisement greater than 45 m <sup>2</sup> that requires consent from local council	Council is not the consent authority for the subject proposal.	N/A
(c) Where the sign is in a transport corridor a landscape management plan may be required.	The proposal does not include or require any new planting.	N/A

### 2.5.8 Digital sign criteria – Table 3

(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	The proposal is for the display of static digital advertisements with a dwell time of 25 seconds in accordance with criterion (d) below.	Yes
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	The proposed sign is not seeking consent for message sequencing.	Yes
(c) The image must not be capable of being mistaken: (d) For a prescribed traffic control device as text providing driving instructions to drivers.	The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions.	Yes
(d) Dwell times for image display are: i. 10 seconds for areas where the speed limit is below 80km/h; and ii. 25 seconds for areas where the speed limit is 80km/h and over.	A 25 second dwell time is proposed in the applicant's SEE, given a speed limit of 80km/h along Princes Highway.	Yes
(e) The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	The proposed transition time between messages is 0.1 second.	Yes
(f) Luminance levels comply with the following requirements:		Yes

Assessment Criteria		Comments	Compliance
Lighting Conditions	Zone 4/A2 Maximum Luminance Levels	Proposed Luminance Levels	
Full sun on face of signage	Maximum output in cd/m <sup>2</sup>	Maximum output in cd/m <sup>2</sup>	
Day-time luminance	6000 cd/m <sup>2</sup>	6000 cd/m <sup>2</sup>	
Morning and Evening Twilight and Inclement Weather	500 cd/m <sup>2</sup>	500 cd/m <sup>2</sup>	
Night-time	150 cd/m <sup>2</sup>	150 cd/m <sup>2</sup>	
The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 4/A2 (refer to <b>Section 5</b> of this report) and would comply with the luminance criteria.			
(g) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	<p>The images would not dazzle or distract drivers.</p> <p>A condition of consent is recommended to ensure that the signs images comply with requirements to not contain flickering or flashing content.</p>		Yes
(h) The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size.	<p>The advertisements would primarily display images with information/text kept to a minimum.</p> <p>A condition of consent is recommended to ensure that text and information is kept to a minimum.</p>		Yes
(i) Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	A condition of consent is not required as the sign is not visible from a school zone.		N/A
(j) Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision	The Department has undertaken detailed assessment of the design and location of		Yes

Assessment Criteria	Comments	Compliance
sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	the proposal (refer to <b>Section 5</b> of this report).	
(k) At any time, including where the speed limit in the areas of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign.	TfNSW (previously RMS) may reassess the signs if road safety circumstances change and increase the dwell time or remove the signs, as appropriate. The Minister's approval would be required for any reduction in dwell time.	Yes
(l) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	There are no other digital signs or static billboards within 150 m of the proposed signage.	Yes
(m) Signs greater than 20 m <sup>2</sup> must obtain RMS concurrence and must ensure the following minimum vertical clearances: i. 2.5 m from lowest point of the sign above the road surface if located outside the clear zone. ii. 5.5 m from lowest point of the site above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed.	<p>The sign comprises:</p> <ul style="list-style-type: none"> <li>Advertising display area (including frame and JCDecaux logo) – 46.99m<sup>2</sup></li> <li>Active digital display area – 39.94 m<sup>2</sup></li> </ul> <p>Although not required as the Minister is the consent authority, TfNSW (RMS) has reviewed the application and raised no concerns.</p> <p>There is 5m of clearance between the bottom of the sign and the height of the Princes Highway.</p>	Yes
(n) An electronic log of a sign's activity must be maintained by the operator for the duration of the development consent and be available to the consent authority	This matter will be included as a condition of consent.	Yes

Assessment Criteria	Comments	Compliance
and/or RMS to allow a review of the signs activity in case of complaint.		
(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20 m <sup>2</sup> must be carried out after 12 month period of operation but within 18 months of the sign's installation.	A condition of consent will require a road safety check to be carried out after the first 12 months of operation (but within 18 months of the signage installation).	Yes
<b>Road Safety Assessment Criteria</b>		
<b>3.2.1 Road clearance</b>		
(a) The advertisement must not create a physical obstruction or hazard.	The proposed works would not overhang the roadway. The proposed signs would not result in any physical obstruction or hazard.	Yes
(b) Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone. Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.	The proposed signs are not located within a clear zone.	N/A
(c) All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The proposed works would not overhang the roadway or footpath.	N/A



Assessment Criteria	Comments	Compliance
<b>Additional road clearance criteria for digital signs</b>		
Digital signs greater than 20m <sup>2</sup> must ensure a minimum clearance of 5.5 m from the lowest point of the sign.	The proposed works would not overhang the roadway.	N/A
<b>3.2.2 Line of Sight</b>		
(a) An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings.	The proposed digital signage will not obstruct views of the road.	Yes
(b) An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed digital signage will not obstruct views of the road.	Yes
(c) The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.	The proposal will not give incorrect information on the alignment of the road.	Yes
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed signs would have a dwell time of 25 seconds and are visible from 225 metres away reducing the distraction to drivers .	Yes
<b>3.2.3 Proximity to decision making points and conflict points</b>		
(a) The sign should not be located: <ul style="list-style-type: none"> <li>i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</li> <li>ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing,</li> </ul>	The proposed signage would comply with the road safety requirements (refer to <b>Section 5</b> of this report).	Yes

Assessment Criteria	Comments	Compliance
<p>pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment</p> <p>iii. so that it is visible from the stem of a T-intersection.</p>		
<p>(b) The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</p> <p>i. of a road hazard</p> <p>ii. to an intersection</p> <p>iii. to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)</p> <p>iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.</p>	<p>The placement of the sign will not distract drivers at critical times (refer to <b>Section 5</b> of this report).</p>	<p>Yes</p>
<b>3.2.4 Sign Spacing</b>		
<b>Additional criteria for digital signs</b>		
<p>(a) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.</p>	<p>There are no other digital signs or static billboards within 150 m of the proposed signage.</p>	<p>Yes</p>
<b>3.3.1 Advertising signage and traffic control devices</b>		
<p>(a) The advertisement must not distract a driver from, obstruct or reduce the</p>	<p>The proposal will not distract drivers or reduce the visibility and effectiveness of</p>	<p>Yes</p>

Assessment Criteria	Comments	Compliance
visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment as the signage does not overhang the roadway and is not located in proximity to any signals or devices.	
(b) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.	The proposal will not interfere with stopping sight distance for the road's design speed and would not interfere with the effectiveness of the existing traffic control devices.	Yes
<b>Additional criteria for digital signs and moving signs</b>		
(a) The image must not be capable of being mistaken: <ul style="list-style-type: none"> <li>i. for a rail or traffic sign or signal because it has, e.g., red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal</li> <li>ii. as text providing driving instructions to drivers.</li> </ul>	The application does not provide specific detail for sign content. Due to the nature of the digital signage display, the advertising content of the signs will change. Furthermore, consent is not required for a change in the content of signage in accordance with the Industry and Employment SEPP. Therefore, a condition of consent will be applied to ensure the sign content is not mistaken for traffic signals or driving instructions.	Yes
(b) The amount of text and information supplied on a sign should be kept to a minimum (e.g., no more than a driver can read at a short glance).	The Department has included a suite of recommended conditions to ensure the content of the advertising does not include message sequencing, flickering or flashing.	Yes

Assessment Criteria	Comments	Compliance
<b>3.3.2 Dwell time and transition time</b>		
<b>Digital signs</b>		
(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The Department has included a recommended condition of consent requiring the advertising to be static and for a 25 second dwell time.	Yes
(b) Dwell times for image display must not be less than: <ul style="list-style-type: none"> <li>i. 10 seconds for areas where the speed limit is below 80km/h.</li> <li>ii. 25 seconds for areas where the speed limit is 80km/h and over.</li> </ul>	A 25 second dwell time is proposed in the applicant's SEE, given a speed limit of 80km/h along Princes Highway.	Yes
(c) Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	The proposal is not visible from a school zone.	N/A
(d) Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	A condition of consent will be applied to ensure the sign does not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.	Yes
(e) The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	This has been included as a recommended condition of consent.	Yes

Assessment Criteria	Comments	Compliance
<b>3.3.3 Illumination and reflectance</b>		
<b>Digital Signs</b>		
(a) Luminance levels must comply with the requirements in Table 6 below	The proposed luminance complies with Table 6.	Yes
(b) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	This is included as a recommended condition of consent.	Yes
<b>3.3.4 Interaction and sequencing</b>		
(a) The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	The proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile devices, by condition of consent.	Yes
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	No message sequencing is proposed.	Yes
<b>Public Benefit</b>		
As proponents of outdoor advertising, RMS must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The proposal has adequately demonstrated the public benefit (refer to <b>Section 5</b> of this report).	Yes

Assessment Criteria	Comments	Compliance
RMS must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.	This is recommended to be included as a condition of consent.	Yes

### State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 2.98(2) of the Transport and Infrastructure SEPP applies to development undertaken within a rail corridor. The clause requires the consent authority to notify the rail authority of the rail corridor and to take into consideration their response as well as any guidelines issued by the Planning Secretary.

Sydney Trains is the applicant for the proposed development, and as such, the Department considers that the lodgement of the application is providing concurrence for the development.

An assessment against the relevant aspects of the *Development Near Rail Corridors and Busy Roads – Interim Guideline* has been undertaken in **Table 10**.

Clause 2.119(2) of the Transport and Infrastructure SEPP requires the consent authority to be satisfied that the development with frontage to a classified road would not adversely affect the safety, efficiency and ongoing operation of the road. The proposed digital signage would be located within the existing adjacent railway corridor. The proposed digital signage is similar in nature to other digital signs which are typically found in or adjacent to road corridors. In consideration of the above, the proposal would not compromise the operation and function of the road.

**Table 10 | Assessment of proposal against Interim Guideline**

Part D: Potential impact of adjacent development on roads and railways		
Clause	Considerations	Complies?
5.1 Essential Early Requirements	Early consultation was undertaken with the rail authority being Sydney Trains (the	Yes

Applicant). Surveying was undertaken to assist in the design of the development.

5.2 Electrolysis	Noted. The development is sited away from, and below, overhead wires.	Yes
5.3 Cranes	Conditions of consent are recommended to ensure that appropriate approval is in place for the operation of cranes.	Yes
5.4 Safe Access for Maintenance	Safe access to the signage for maintenance has been incorporated into the design.	Yes
5.5 Stormwater Management	The sign would not alter or increase the flow of stormwater on to the railway	Yes
5.6 Vandalism	The sign would not increase the risk of vandalism to the railway or rail network.	Yes
5.7 Graffiti	The Applicant has committed to the removal of graffiti during the construction and operation of the sign. The development would not increase the risk of graffiti to other rail infrastructure.	Yes
5.8 Lighting, External Finishes and Design	The lighting finishes and design have been considered under <b>Section 5</b> of this report.	Yes
5.9 Structures in the Rail Corridor	Conditions of consent are recommended to ensure that the sign is constructed and is operated in accordance with the Australian Standards.	Yes
5.10 Derailment Protection of Structures	The signage is located on the outside of the existing railway underpass. Notwithstanding, the sign will be constructed with a fall arrest component to prevent the sign from falling if struck by high vehicles.	Yes
5.11 Electrocution – Overhead Wiring	The location of the signage will exceed the minimum distances under this clause.	Yes
5.12 Underground Electrical Services	No excavation works are proposed.	Yes



5.13 Track Closures, Power Outages and Corridor Access	No access to the rail corridor or alteration to the rail operations would be required during construction.	Yes
5.14 Level Crossings	Not applicable.	N/A
5.15 Fencing	No fencing is proposed as part of the proposed development.	Yes

### Sutherland Local Environmental Plan 2015

The site is zoned SP2 Infrastructure – Railway Infrastructure under the SSLEP 2015 where signage is a permissible use as it is considered ancillary to the railway corridor given it will generate revenue to maintain and improve Sydney Trains' infrastructure. Notwithstanding, the signage is permissible under section 3.14(1) of the Industry and Employment SEPP as discussed in **Section 3.2** of this report.

The objectives of the SP2 Infrastructure zone within the SSLEP 2015 are to provide infrastructure and related uses and to prevent development that is not compatible with or that may detract from the provision of infrastructure. The Department considers the proposal is compatible with the use of the railway and road corridors and will not detract from the use of the Princes Highway corridor and is therefore consistent with the objectives of the zone.

The Department requested consideration of Clause 6.5 of the SSLEP 2015 as the site is located on land classified as Environmentally Sensitive – Terrestrial Biodiversity, as per this clause. As part of the RtS the Applicant provided a detailed assessment of the proposal against Clause 6.5 of the SSLEP 2015. The assessment concluded that the proposal is consistent with Clause 6.5 and the Department is satisfied of such as the proposal does not include any vegetation removal, will not have any adverse impact on the significance of the flora and fauna on the land and appropriate mitigation measures have been implemented to reduce impacts of the development such as the 'Eucalypt' green colour.

### Sutherland Shire Development Control Plan 2015

Chapter 35 of the SSDCP 2015 outlines Council's desired objectives and measures for the installation of signage. The proposed signs are consistent with the relevant desired objectives of the SSDCP 2015 (refer to **Table 11**).

**Table 11 | Assessment of compliance with SSDCP 2015 signage objectives**

DCP Signage Objective	Comments	Compliance
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#### 6.1 Objectives

(a) to ensure that signage is compatible with the desired amenity and visual character of an area.	The proposed sign is consistent with the existing railway and road corridor character.	Yes
(b) to ensure that signage provides effective communication in suitable locations.	The LED advertising screen shall be available for 5 minutes per hour for the display of road safety messages by arrangement with TfNSW at no cost to TfNSW. Additionally, the LED advertising screen shall be made available for use in the event of a 'threat to life' emergency to allow emergency messaging to override the commercial advertising.	Yes
(c) to ensure that signage is of high quality design and finish.	The proposed signage is considered to be built to high quality design and finish.	Yes
(e) to ensure that signage does not dominate or clutter the streetscape.	The proposed signage is located within an existing infrastructure corridor and will not clutter or dominate the streetscape.	Yes
(g) To ensure that signage does not reduce the safety of any road, pedestrian pathway or waterway.	The proposed signage would comply with the road safety requirements (refer to <b>Section 5</b> of this report) and will not adversely impact the safety of any road, pedestrian pathway or waterway.	Yes

### 6.3 Controls for Freestanding Pole Signs

1. Freestanding pole signs are a type of business identification sign and must relate to the use of the adjacent premises.	Not applicable.	N/A
2. A freestanding pole sign is to be designed to comply with the following controls:	The proposed signage will exceed 8 metres but will not exceed the height of surrounding tree canopy.	Partially – considered acceptable.
a. Signs shall not exceed the height of surrounding	The proposal will only be visible from the Princes Highway and will	

	buildings and/or tree canopy or 8 metres, whichever is the lesser.	not obscure or compromise any important views.	
	b. The sign must not protrude above the dominant skyline including any buildings, structures or tree canopies when viewed from ground level within a visual catchment of 1 kilometre.	The proposal will be minimally visible outside of the Princes Highway corridor within the 1km catchment. Where minimally visible, the signage will be obstructed by dense vegetation and will not dominate or protrude above the skyline.	
	c. The sign shall have scale similar to any adjacent built development.	The proposal does not require any removal of vegetation.	
	d. The sign, if located within the front setback of a development, shall not compromise landscaping, parking and visibility requirements.		
	e. Significant trees and other native vegetation shall not be removed to accommodate signage.		
3.	Applications for freestanding signs should include a landscape plan of the site. The proposal should incorporate landscaping that complements the sign and the locality and requires minimal maintenance.	The proposal does not include any landscaping features as it is located in close proximity to existing dense vegetation, and the structure is proposed to be painted 'Eucalypt Green' to integrate within the surrounding environment.	Considered acceptable.
4.	The sign shall not obstruct or impede pedestrian and vehicular traffic. The positioning of the sign shall have regard to adjacent signage on adjoining properties.	The signage will not obstruct or impede on pedestrian or vehicular traffic.	Yes
5.	The sign must not obstruct the drivers' view of the road, distract the	The sign will not obstruct the drivers' view of the road, distract	Yes

driver or obstruct a pedestrian or cyclists view of the road.

the driver or obstruct a pedestrian or cyclists view of the road.

#### 6.4 Controls for Illuminated Signs

1. Illumination of signs must not result in acceptable glare or reduce safety for pedestrians, vehicles or aircraft.	The proposed illumination will not result in acceptable glare or reduce safety for pedestrians, vehicles or aircraft.	Yes
2. Illumination of signs must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposed illumination will not cause significant light spillage into nearby residential properties, national parks or nature reserves (see <b>Section 5.2</b> ).	Yes
3. Depending on its location and its relationship to residential properties, Council may require that illumination be controlled by automatic time clocks extinguishing illumination.	Council is not the consent authority.	N/A
4. The lighting intensity of a sign must be capable of modification or control after installation.	This has been included as a condition of consent.	Yes
5. Illumination of a sign (except for floodlit signs) must not be external to the sign i.e. surrounding a sign.	The illuminated sign will use LED technology which will be concealed in the advertising structure.	Yes
6. Electric wiring to illuminated signs must be concealed.	This has been included as a condition of consent.	Yes
7. Illuminated signs must not use complex displays, moving signs, flashing lights or the like that hold drivers' attention beyond 'glance appreciation.	A suite of conditions have been included to ensure the advertisements do not include any components that could dazzle or distract drivers.	Yes

## Appendix C – Recommended Instrument of Consent