

Advertising Signage (2 sided) - Princes Highway, Bombo

Part 4 Development Application (DA 22/5177)

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Glossary

Abbreviation	Definition
Applicant	Transport Asset Holding Entity of New South Wales (TAHE)
Consent	Development Consent
Council	Kiama Municipal Council
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
EPI	Environmental Planning Instrument
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GSRP	<i>Greater Sydney Region Plan</i>
Industry and Employment SEPP'	<i>State Environmental Planning Policy (Industry & Employment) 2021</i>
KLEP 2011	<i>Kiama Local Environmental Plan 2011</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LIR	Lighting Impact Report
Minister	Minister for Planning and Public Spaces
Resilience and Hazard SEPP	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
RMS	NSW Roads and Maritime Services within Transport for New South Wales
RSA	Road Safety Assessment
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
Site	Princes Highway, Bombo
SOHI	Statement of Heritage Impact
SSD	Stopping Sight Distance
TfNSW	Transport for New South Wales
The Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Transport and Infrastructure SEPP	<i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i>
VIA	Visual Impact Assessment

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1 Introduction

1.1 Background

This report provides an assessment of a Development Application (DA 22/5177) lodged by Transport Asset Holding Entity of NSW (TAHE) (the Applicant) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Applicant seeks consent for the demolition of an existing two sided static advertising sign and associated structures, and the construction of a new (free standing, two sided) digital advertising sign within an existing railway corridor, adjacent to the Princes Highway, Bombo, in the Kiama Local Government Area (LGA).

1.2 The Site

The site is legally described as Lot 27 in DP 1188375 and includes the existing rail tracks, Bombo Station, as well as associated railway infrastructure.

The existing sign is located on the eastern side of the Princes Highway, within the existing railway corridor. The sign faces north and south, visible to motorists using the Princes Highway in both directions (**Figure 2 and Figure 3**). The rail line forms part of the South Coastline, between Kiama Station to the south and Minnamurra to the north.

The Princes Highway is a classified road, classified as a highway under the *Roads Act 1993*. The road accommodates three lanes of traffic in each direction, approximately 10 metres from the rail line at some points. The roadway contains various slip lanes to enter or exit Kiama Cemetery to the west and parking by Bombo Station to the south.

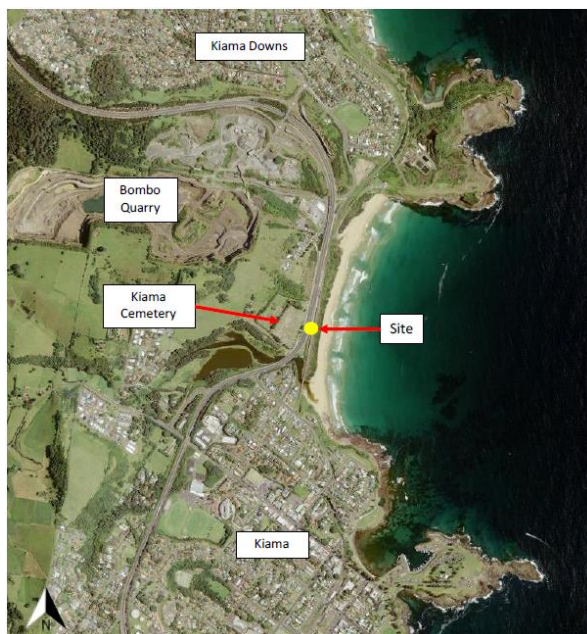


Figure 1 | Local context map (Source: Applicant's documentation)



Figure 2 | View of the existing sign location from Princes Highway travelling northbound (Source: Google Maps)



Figure 3 | View of the existing sign location from Princes Highway travelling westbound (Source: Google Maps)

1.3 Surrounding context

The site is located within an existing railway corridor in a locality containing a number of land uses and environmental features (**Error! Reference source not found.** above). To the immediate south of the site is Spring Creek, and further south is the townships of Kiama, comprising multiple commercial, residential and industrial uses.

Immediately north of the site is Bombo Station, a single platform intercity train station. To the west of the site is the Princes Highway and Kiama Cemetery. To the east of the site (and the railway corridor) is a vegetated strip of land adjoining Bombo Beach.

2 Project

2.1 Description of the Development

The proposal seeks consent for the demolition of an existing (freestanding, double sided and static) advertising sign with a new (free standing, double sided) digital advertising sign, including:

- demolition and removal of the existing sign and support columns
- removal of existing footings
- installation of new footing, or their replacement (subject to further structural engineering)
- construction and installation of a digital advertising sign
- construction and installation of a new handrail, platform and ladder for rear servicing
- upgraded electricity supply

The estimated cost of these works is \$492,250.00.

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.

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 the proposed signage

Aspect	Northern elevation / Southbound	Southern elevation / Northbound
Advertising display area	20.75 m ² (7.936m L x 2.048m H)	20.75 m ² (7.936m L x 2.048m H)
Active digital display area	16.25 m ²	16.25 m ²
Illuminated signage company logo	0.12 m ² (0.88m L x 0.14m H)	0.12 m ² (0.88m L x 0.14m H)
Total Height	9.3m	9.3m
Clearance from top of footing to the bottom of the logo banner	5.02 m	5.02 m
Signage display	Digital LED	Digital LED
Dwell time	25 seconds	25 seconds
Maximum illuminance limit during post night-time period	250 cd/ m ²	250 cd/ m ²

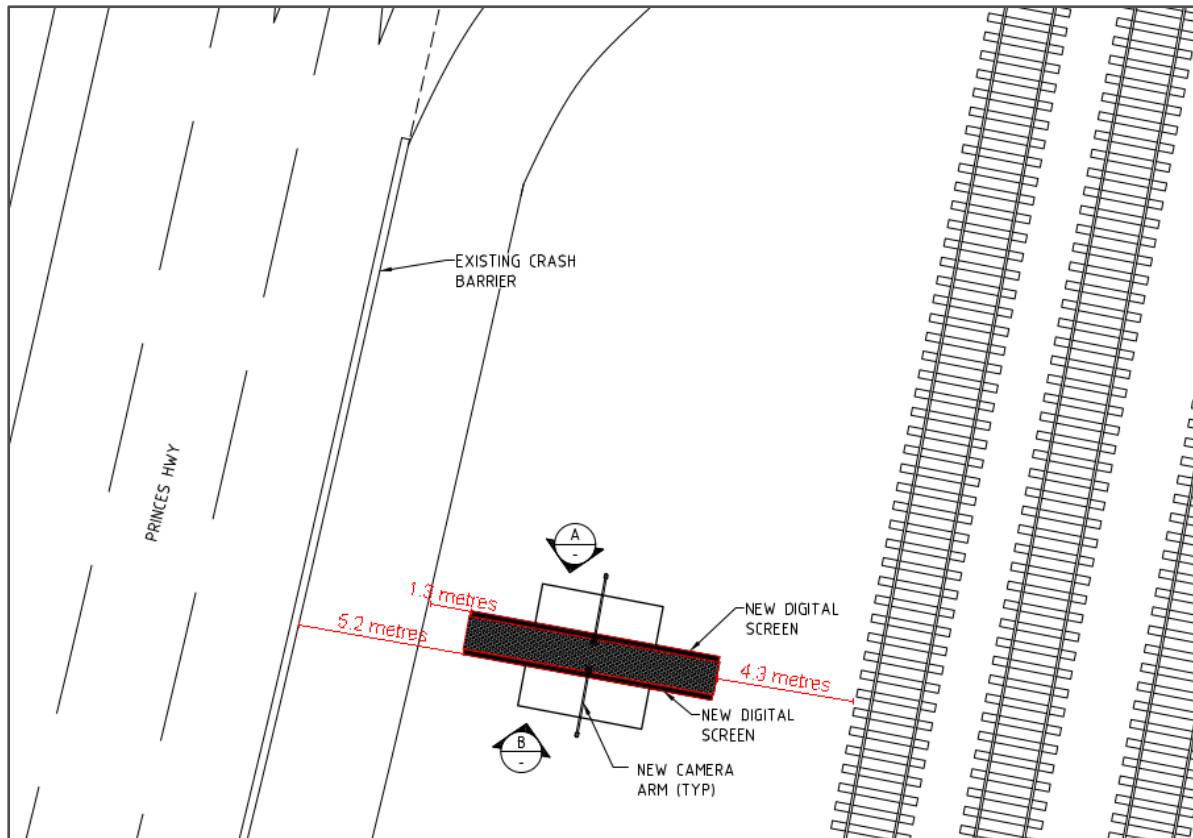


Figure 4 | Site plan with setback notations (Source: Applicant's documentation and the Department)

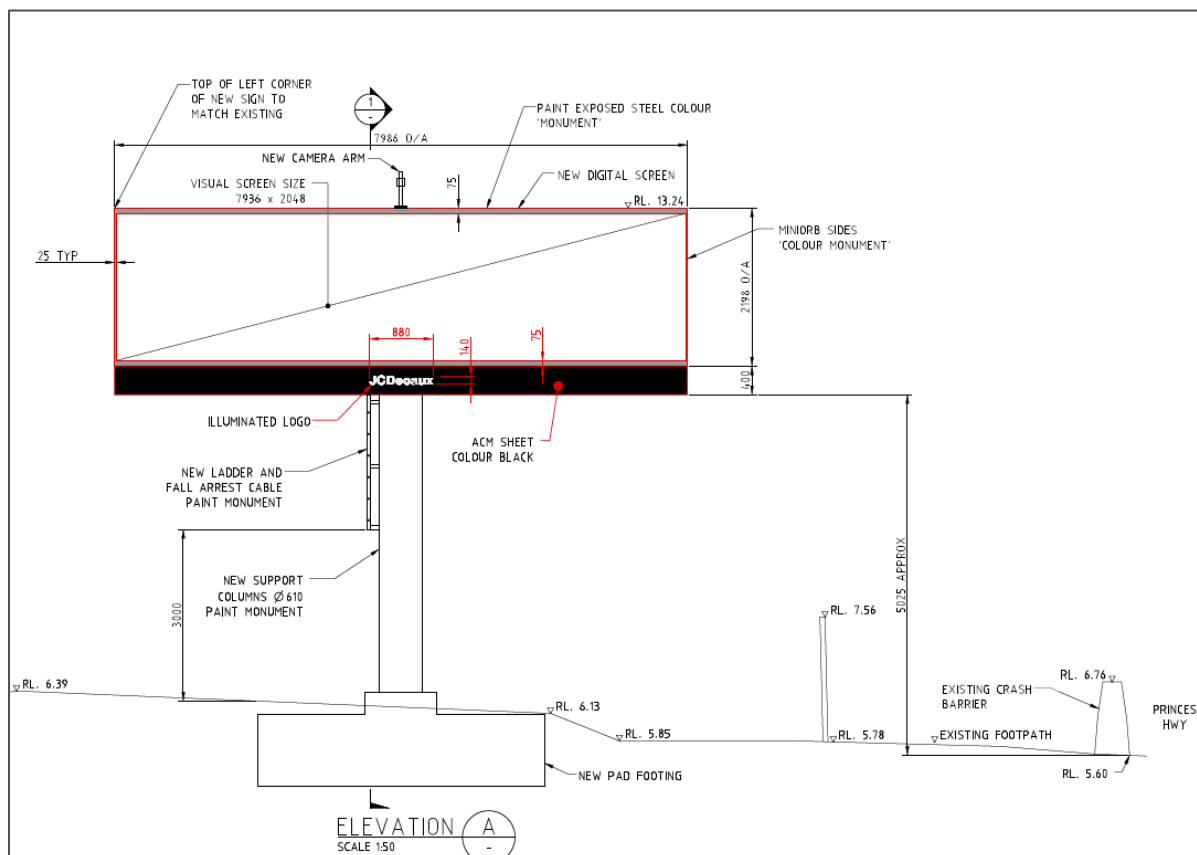


Figure 5 | Northern elevation of the proposed sign and associated structures (Source: Applicant's documentation)

3 Statutory context

3.1 Consent Authority

The proposal relates to an advertisement displayed by or on behalf of Sydney Trains on a railway corridor. As such, the Minister for Planning is the consent authority for the application under Section 3.10(c) of State Environmental Planning Policy (Industry and Employment) 2021 (the Industry and Employment SEPP).

In accordance with the Minister's delegation dated 9 March 2022, the Director, Regional Assessments may determine the application as:

- the Council has not made an objection
- there are less than 15 public submissions in the nature of objection
- a political disclosure statement has not been made.

3.2 Permissibility

Section 3.14 of Industry and Employment SEPP states that despite the provisions of any Environmental Planning Instrument (EPI), the display of an advertisement by or on behalf of Sydney Trains on a railway corridor (transport corridor), is permissible with development consent. The Industry and Employment SEPP defines Transport corridor land as:

- (a) Land comprising a railway corridor,
- (b) Land comprising a road corridor,
- (c) Land zoned industrial under an environmental planning instrument and owned, occupied or managed by TfNSW, Sydney Metro or RailCorp.

The site is zoned *SP2 Infrastructure – Classified Road* under the *Kiama Local Environmental Plan 2011* (KLEP 2011). The application is permissible with consent as it is located on land comprising a road corridor and is for the display of an advertisement by or on behalf of Sydney Trains.

3.3 Crown development

The application is Crown development under Division 4.6 of the EP&A Act as the Applicant is a public authority (Transport Asset Holding Entity of NSW is a State-owned corporation that is part of the Sydney Trains and the TfNSW cluster). Section 4.33 of the EP&A Act provides that a consent authority (other than the Minister) must not impose a condition on its consent to a Crown development application, except with the approval of the Applicant or the Minister.

The Minister for Planning is the consent authority for the application, and the application will be determined in accordance with the Minister's delegation dated 9 March 2022.

3.4 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, in **Section 5** and in **Appendix B**.

Section 4.15 of the EP&A Act

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any EPI and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

Environmental Planning Instruments

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (Industry & Employment) 2021);
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP);
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP); and
- Kiama Local Environmental Plan 2011 (KLEP 2011).

The Kiama Development Control Plan 2020 (KDCP 2020) and Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines) also apply to the site.

Detailed consideration of the provisions of all EPIs, the KDCP 2020 and the Guidelines that apply to the development is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs, policy and guidelines.

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.

3.5 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 58 of the Heritage Act 1977 and section 138 of the Roads Act 1993.

4 Engagement

4.1 Department's Engagement

In accordance with Section 2.22 and Schedule 1 Section 7 of the EP&A Act, Section 287 of the EP&A Regulation, and Section 3.15 of the Industry and Employment SEPP, the Department publicly exhibited the proposal from 10 May 2022 until 6 June 2022 (28 days) on the NSW Planning Portal and notified relevant local and State authorities and owners in the vicinity of the development in writing.

The proposal was therefore publicly exhibited in excess of the minimum 14 days prescribed by legislation and the minimum exhibition period (14 days) set out in the Department's Community Participation plan for a development application of this nature.

The application was exhibited on the Department's website, and the Department notified adjoining landholders, Kiama Council, Transport for New South Wales (TfNSW) and Heritage NSW.

4.2 Submissions and Advice

During the exhibition period, the Department received no submissions from the public, one submission from Council, advice from TfNSW and advice from Heritage NSW.

A summary of the submissions and advice is provided below and a link to the full copies is provided in **Appendix A**.

TfNSW Advice

TfNSW provided concurrence, subject to the proposal complying with the Transport Corridor Advertising and Signage Guidelines (the Guidelines), and recommended conditions regarding display requirements, dwell times, a Road Occupancy Licence for any construction activities that may affect traffic flows, and costs thereof.

The matters raised by TfNSW have been considered and addressed in **Section 5** and the recommended conditions have been incorporated into the recommended development consent (**Appendix D**).

Council Submission

Council made a submission via email to the Department. Council provided comments on the proposal, raising concerns regarding driver safety and the Guidelines.

The matters raised by Council have been considered and addressed in **Section 5**, and the recommended development consent (**Appendix D**) includes requirements addressing driver safety and the Guidelines.

Heritage NSW

Heritage NSW provided comments regarding the location of proposal in relation to a nearby State Heritage Register Item Bombo Station. They recommended conditions for unexpected historical archaeological relics protection.

The matters raised by Heritage NSW have been considered and addressed in **Section 5**, and the recommended development consent (**Appendix D**) includes requirements addressing unexpected historical archaeological relics protection.

4.3 Response to submissions

Following the exhibition of the application, the Department placed copies of all submissions and agency advice on its website and requested the Applicant respond to issues raised in the submissions.

On 17 August 2022, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) addressing the matters raised in the submissions. The RtS addressed comments from Council and the Department. Specifically, the RtS included:

- an addendum Evaluation of Lighting Impact Report
- an addendum Traffic Assessment
- an addendum Visual Impact Assessment and an Illumination Summary.

The RtS was made publicly available on the NSW Planning Portal.

On 17 August 2022 the RtS was sent to Council, TfNSW and Heritage NSW who were given until 31 August 2022 to provide further comments. On 19 August 2022 TfNSW responded to the Department via email and had no further comments. Council and Heritage NSW provided no further responses.

4.4 Request for Information

On 23 September 2022 the Department requested the Applicant provide the following:

- a structural feasibility statement
- a waste management plan
- amended plans that include demolition and measurements.

On 11 November, the Applicant provided additional information in response to the Department's Request for Further Information (RFI), including:

- a response to the issues raised by DPE;
- a Structural Design Statement and Structural Feasibility Assessment Calculations
- a waste management plan
- amended plans detailing demolition works and measurements.

The RFI was made publicly available on the NSW Planning Portal. On 19 August 2022.

On 17 August 2022 the RtS was sent to Council, TfNSW and Heritage NSW. TfNSW responded that it had no further comments about the application, and Council and Heritage NSW did not respond, and so the RFI was not referred to Council or agencies for review.

The Department has considered all comments raised from submissions and is satisfied that the development has been appropriately assessed under the KLEP 2011 and KDCP 2020 as per Part 4.1 of the EP&A Act.

5 Assessment

The Department has considered the SEE, the additional information contained in the RtS, the additional information submitted in response to the RFI, agency advice and community views in its assessment of the development. The Department considers the key issues associated with the proposal are:

- site suitability
- visual impact
- illumination
- road safety
- heritage
- public benefit

Each of these matters are addressed separately below.

5.1 Site suitability

Section 3.6 in the Industry and Employment SEPP requires signage to be consistent with the objectives of the SEPP. Schedule 5 in the Industry and Employment SEPP requires consideration be given to whether the proposal is compatible with the character of the area, or a theme for advertising in the area.

The proposal seeks approval for the demolition of an existing double-sided static advertising billboard and associated structures and the construction of a new monopole with two digital signs. The combined area of the signs is approximately 41.5m². The signs and structure are located adjacent to the Princes Highway in Bombo within an existing railway corridor. The immediate area includes existing public infrastructure, transport corridors and associated infrastructure.

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

- the proposed signage satisfactorily complies with the design criteria in the Industry and Employment SEPP, the Guidelines and Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting (Refer to **Appendix C**);
- the proposed sign would have no adverse impacts on the existing or future character of land uses surrounding the Princes Highway as the proposed sign would be effectively distanced by
 - the existing vegetation towards Bombo Beach to the east, as well as
 - the road corridor to the west.

Therefore, the signage would not be unduly visually prominent from the surrounding areas.

- the location of the signage within a railway corridor is suitable for digital advertising and consistent with signage on major roads.

The Department is therefore satisfied the proposed scale and design is appropriately suited to the site and the character of the area more broadly.

5.2 Visual Impact

No concerns were raised from the public or other agencies regarding visual impacts. Council described the proposal to be highly visible while Heritage NSW comment that the proposal is not anticipated to result in additional visual impact upon the State Heritage Register item (Bombo Station).

The Applicant provided a Visual Impact Assessment (VIA) to consider the potential visual impacts of the signage on the surrounding area, including the Princes Highway, Princes Highway off-ramp, Kiama Cemetery and Bombo Beach. The VIA identified the visual catchment of the proposal, as outlined in **Figure 6** below. The locations considered in the VIA are shown in **Figure 7** and the potential visual impacts to these viewpoints are shown in **Figure 8** and **Figure 9**.



Figure 6 | Visual catchments considered as part of VIA (Source: Applicant's documentation)



Figure 7 | Proposed view one (Source: Applicant's documentation)

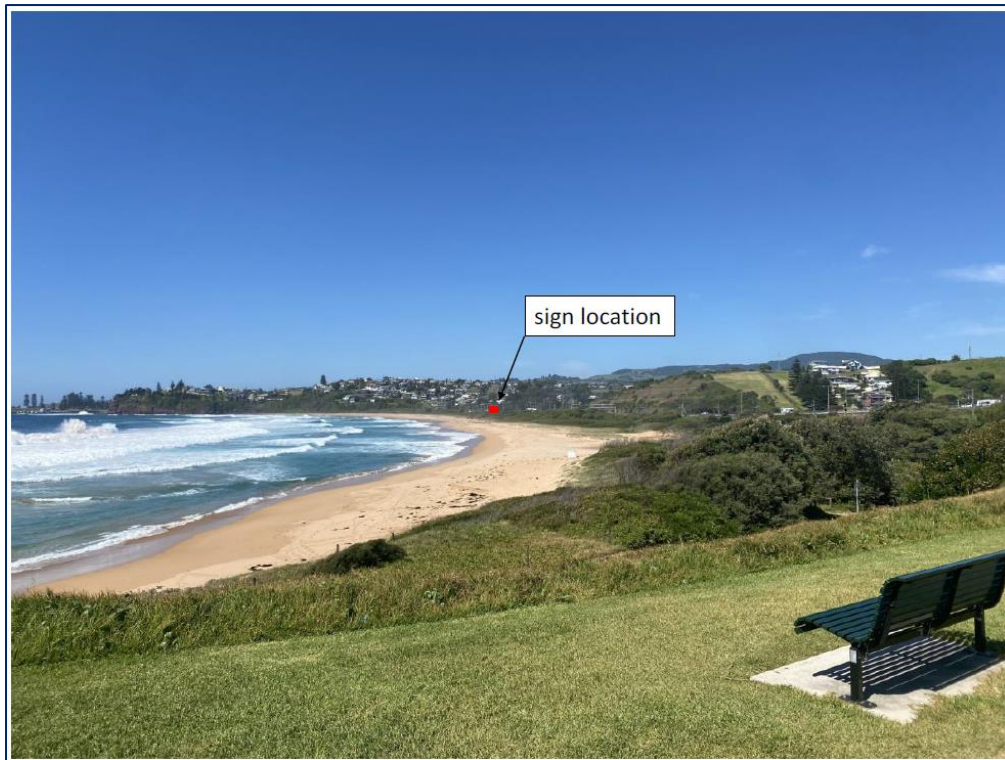


Figure 8 | View from Kiama Headland Reserve (Source: Applicant's documentation)



Figure 9 | View from Kiama residential area (Source: Applicant's documentation)

The VIA concluded that the proposal's visual impact is considered low and is consistent with Industry and Employment SEPP and the Guidelines.

The Department has reviewed the VIA and considers the proposed signage acceptable based on visual impact grounds as:

- From all viewpoints, the proposal is considered to represent a minor to moderate change to the visual scale and proportions of the existing site signage;
- The visual impact of the illumination will be most visible during periods that are outside when surrounding areas (Kiama Cemetery and Bombo Beach) are likely to be at peak usage;
- The monopole will fit within the existing character as it is replacing the existing structure;
- While the proposed monopole and signage would be visible from multiple levels of surrounding development, these view impacts are minor and would be obscured by existing rail infrastructure; and
- 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.

The Department is therefore satisfied the design and location of the proposal would not result in adverse amenity impacts to adjoining land uses and the surrounding environment.

5.3 Illumination

The proposed digital signage will be illuminated with LEDs and operated 24-hours-a-day, 7-days-per-week. The signage will be dimmed during the night-time period.

Council raised concerns with flashing and adverts that could potentially be animated or with movement. No submissions or agencies raised concerns with luminance levels. However, the Department considers illumination to be a key issue. This is because illumination levels have to comply with the Guidelines and can be potentially distracting if not complied with.

A Lighting Impact Report (LIR) was provided with the development application to assess the proposal against the relevant luminance criteria. The LIR 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 LIR categorised the site as 'Zone 3'. This zone is assigned to areas of generally medium off-street ambient lighting. In this zone, the Guidelines stipulate a maximum luminance level of digital signage of 350 cd/sqm during night-time, 700 cd/sqm during morning and evening twilight and inclement weather and 6000 cd/sqm during daylight. The proposed luminance for the signs are as follows:

Table 2 | Lighting Impact Report (for both sides, A and B)

Lighting Conditions	Maximum Zone 3 Luminance Limits (cd/sqm)	Proposed Luminance Levels (cd/sqm)
Full sun on face of signage	Maximum output	Maximum output
Day-time luminance	6000	6000

Morning and Evening Twilight and Inclement Weather	700	700
Night-time	350	250

The Applicant's LIR also assessed the proposal against Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting. Under the Standard, a value of less than 2 lux during night-time is deemed to not affect the visual amenity of residents within the A3 Zone. The LIR includes obtrusive lighting and threshold increment calculations, which concludes the proposed works would have a maximum lux level of 0, primarily because of the distance to the nearest dwelling. Therefore, the signage complies with the Australian Standard.

The Department considers the Applicant's proposed illumination levels to be acceptable as the proposal is compliant with the Guidelines, has demonstrated compliance with the relevant Australian Standards and would not result in any adverse illumination impacts. To ensure the signs operate within acceptable illumination levels, the Department has recommended conditions to ensure the signs operate within limits outlined in **Table 2**.

5.4 Road and Pedestrian Safety

Driver attention

TfNSW and Council raised concerns about driver safety. Council provided comments that the proposal must be in line with the Guidelines, and that the signs do not display any motion within the advertisements. TfNSW raised concerns with signage display when vehicles are exiting Bombo station, however TfNSW recommended conditions requiring, prior to the operation of the sign, the Applicant to prepare and obtain TfNSW acceptance to an Operation Management Plan for the sign including for the installation of sensors to detect car movements and to prevent the digital advertising from changing displays when a car is about to exit the carpark.

In response to Council's concerns, the Applicant reiterated that only static images will be displayed on the sign. A condition of consent will ensure that the advertising sign will display static images.

The Applicant provided a Signage Safety Assessment (SSA) that assessed the proposal against the Guidelines, the Industry and Employment SEPP and *Guide to Road Design (Austroads)* and to determine the safe stopping distance (SSD) between any intersection, merge point, exit ramp traffic control signal or sharp curve and the proposal.

The SSA used the signpost speed limit of 100 km/h to calculate the 85th percentile travel speed of vehicles.

In addition, the SSA noted that *Guide to Road Design (Austroads)* states that the minimum SSD when travelling at a speed of 110 km/h is 193 m, and the SSA used a design speed of 110 km/h to calculate the minimum safe stopping distance (SSD) to any intersection, merge point, exit ramp traffic control signal or sharp curve, given the signposted speed limit of 100km/h on Princes Highway.

The SSA concluded that while the proposal will be located within the SSD, as demonstrated in **Figure 10** and **Figure 11**, the road environment means this is acceptable for the proposed signage.

TfNSW raised no concerns regarding the location of the proposal. The Department is satisfied that the proposed signage is appropriately located despite being located with the SSD of the Kiama Cemetery exist, noting the nearby directional signage 80 m north of the site and the site's location on the opposite side of the highway.



Figure 10 | Safe Stopping Sight Distance (Bombo Station entrance) (Source: Applicant's documentation)

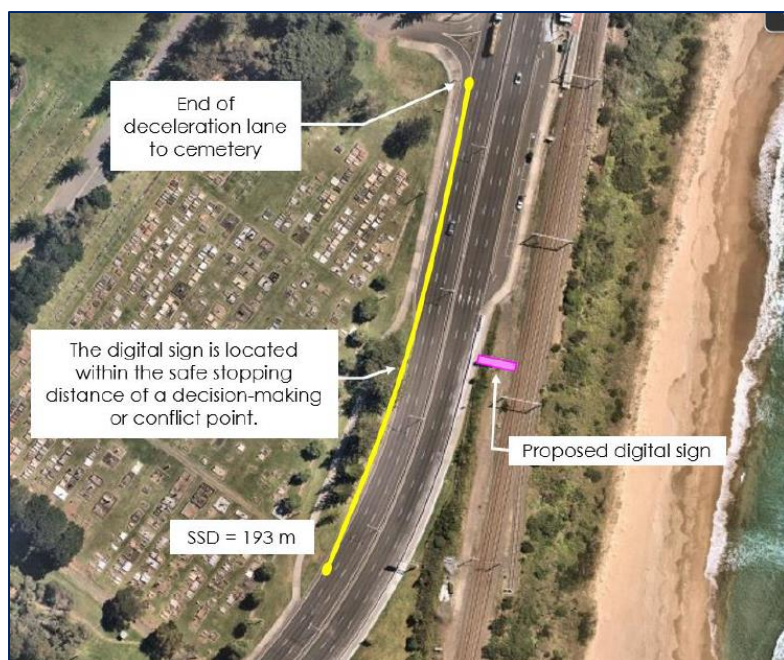


Figure 11 | Safe Stopping Sight Distance (southern approach) (Source: Applicant's documentation)

TfNSW provided concurrence subject to the proposal complying with the Guidelines and recommended conditions regarding display requirements, dwell times, a Road Occupancy Licence for any construction activities that may affect traffic flows, and costs thereof.

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 Industry and Employment SEPP and the Guidelines and would not result in any adverse traffic safety impacts.

The Department notes the SSA along with TfNSW's and Council comments, and considers the proposal is acceptable regarding road safety, as the proposed signage:

- Is not located near any pedestrian or cyclist crossings or school zones;
- Would not reduce existing driver sightlines;
- Would display static images only;
- Would comply with 25 second dwell times outlined in the Guidelines; and
- Would not affect road safety at the off-ramp merge and exit points.

Subject to 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 safety.

Dwell time

TfNSW provided concurrence subject to the proposal complying with the Guidelines and recommended conditions regarding display requirements, dwell times, a Road Occupancy Licence for any construction activities that may affect traffic flows, and costs thereof.

The sign posted speed limit of the Princes Highway is 100 km/h. The dwell time criteria for digital signs in areas where the speed limit is above 80 km/h is 25 seconds, as per the Guidelines.

The proposal includes a 25 second dwell time with a transition of no more than 0.1 seconds. The Department is satisfied that a 25 second dwell time is appropriate for the context of the Princes Highway and is consistent with the Guidelines.

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.

The Department is satisfied the proposal complies with the Guidelines and that the proposed signage would not have a negative impact on road safety.

5.5 Heritage Impacts

The proposed signage will be in the immediate vicinity of two heritage items, Bombo Station and Kiama Cemetery. Bombo Station is listed on the State Heritage Register (SHR ID 01092) and TfNSW's Section 170 Heritage and Conservation Register under the State Heritage Inventory (Listing ID 4801134). Kiama Cemetery is within 100m of the signage location, with a local heritage listing, as identified in the KLEP 2011 (Item no. I111).

The State Heritage Inventory states that item 01092 (Bombo Station) is of significance with regards to its historical, social, aesthetic and rarity value and is an example of the infrastructure that helped establish Bombo and connect Sydney to regional areas. The terrain of the station and associated views are also cited as significant.

Heritage NSW noted that the subject works are located approximately 100m to the south of the SHR curtilage. Therefore, the proposal would not be integrated development under the Heritage Act 1977. Heritage NSW, TfNSW and Council provided no comments regarding heritage impacts. Nevertheless, the Department still considered visual impacts to nearby heritage items a key issue.

Heritage NSW provided recommended conditions of consent relating to unexpected archaeological finds during excavation. As stated above, these comments were made publicly available on the website and the Applicant provided an RtS that had no concerns regarding comments made by Heritage NSW. As such, the condition regarding excavation and unexpected finds forms part of the conditions of consent (**Appendix D**).

The proposal will not visually dominate the surrounding area, and the ability for the public to view and appreciate the heritage value of the items will not change. In addition, the proposed works are unlikely to impact the historical, associative, and representative significance of the site.

Therefore, the Department is satisfied that the proposal will not have significant physical or visual impacts on heritage items in the area, subject to the recommended conditions.

5.6 Public Benefit

The Guidelines require proposals for certain outdoor advertisements on classified roads and bridges to meet a public benefit test to ensure that the advertising would result in a positive gain or benefit for the local community.

The Applicant provided a Public Benefit Statement which identifies that the proposal:

- provides revenue to Sydney Trains
- enables Sydney Trains, TfNSW and emergency services to display public awareness messages
- enables display of important information in station emergency situations, major train disruptions, Sydney Trains / NSW Trains / TfNSW promotions and events, and threats-to-life; and
- enables display of Sydney Trains and TfNSW customer promotion and events for up to 5 minutes per hour at no cost to Sydney Trains.

The Public Benefit Statement identifies that advertising is an innovative and efficient way to generate revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. The Applicant has identified that the revenue will be funded back into and assist in sustaining the transport network and will assist in funding several projects that are being delivered by Sydney Trains that would benefit the local community, including network upgrades, fleet improvements, providing clean, frequent and reliable services, station upgrades such as providing wheelchair access, maintenance depot upgrades, and amenity improvements along rail corridors including landscaping, litter removal, or vandalism and graffiti management.

The digital advertising will enable Sydney Trains, TfNSW and emergency services to display public awareness messages. Further, the digital advertising will enable display of messages including station emergency situations, major disruptions to train running times, Sydney Trains and TfNSW promotions and events or threat-to-life alerts by NSW Government Emergency and Police Agencies. The proposed sign would also display Sydney Trains and TfNSW customer promotion and events for a minimum of 5 minutes per hour.

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 customer promotion and event messages 5 minutes per hour arranged by TfNSW. The condition shall also note that emergency messaging, including station emergency situations, major disruptions to the rail network and threat-to-life alerts will not be included in the 5 minutes per hour arranged with TFSNW.

The Department is therefore satisfied the signage proposed is suitable for the locality and would result in sufficient public benefits as it would contribute to the maintenance and management of the train network, consistent with the Guidelines.

5.7 Other issues

Other issues the Department has concerns with include the following:

- demolition and waste
- construction management
- structural integrity
- geotechnical conditions
- earthworks

The assessment of other issues is provided in the below table.

Table 3 | Other Issues

Issue	Findings	Recommendations
Demolition and Waste	<p>Plans submitted by the applicant suggested that demolition formed part of the works. However, there were no details within the SEE</p> <p>The Department requested a Demolition Plan and Statement.</p> <p>The Applicant provided a Waste Management Plan, Demolition Plan and demolition details.</p> <p>The information provided by the Applicant details the demolition management, reuse of materials and waste management. The demolition plan provided details the demolition of the existing sign and also the location of any temporary waste storage areas.</p>	<p>The Department has recommended that the development be undertaken in accordance with the waste management plan and demolition plans.</p>
Construction Management	<p>Given the location the construction phase of the development is not expected to result in the unacceptable disturbance in the locality. However, there could be some minor impacts to traffic, erosion, noise and dust due to construction of the digital advertising sign and associated structures.</p> <p>To minimise construction impacts, conditions are recommended to limit the hours of construction, manage noise impacts, and include erosion and sediment control measures. The Applicant is also</p>	<p>The Department has recommended conditions for prior to and during construction.</p>

required to submit to the Department and Council a Construction Management Plan.

Any impacts from the development during its construction can be effectively managed through conditions of development consent.

The Department is satisfied that, subject to the recommended conditions, construction management will be suitable.

Geotechnical condition

The soil type of the site is unknown. As such it is unknown whether the soil type is appropriate to withstand a 1 ton advertising structure.

The Structural Statement submitted in response to a Request for Information stated that, based on the survey and the preliminary design, there is no reason why the cantilevered signage cannot be installed. The Structural Statement also recommended

- geotechnical report is commissioned to provide information on the soil and its profile.
- services search is undertaken in the area of the footing.

The Department is satisfied that, subject to the recommended conditions, the proposal is satisfactory.

The Department has recommended a condition of consent that a geotechnical report and services report be submitted to the Certifier for approval, and the approved geotechnical report to be submitted to the Department, prior to the commencement of any works.

Earthworks

The development will involve minor earthworks due to the excavation for one footing. Design details of the footing have been provided and it involves approximately 1 m cut below the ground level.

A recommended condition of consent will require the development to incorporate appropriate sediment and erosion control measures during construction.

As a result, it is considered unlikely that there will be any unacceptable impacts on the amenity of adjoining properties due to earthworks.

The Department is satisfied that, subject to the recommended conditions the proposal earthworks are satisfactory.

The Department has recommended a condition of consent that, during works (including demolition), appropriate sediment and erosion control methods be in place. The Department has also recommended conditions of consent that require a CMP.

Structural Feasibility

The Department requested a Structural Feasibility Statement, prepared by a suitably qualified expert, be provided which assesses the structural feasibility of the proposed signage and supporting structure and assesses the wind loading for the site.

The Department has recommended conditions of consent including wind loading requirements and structural adequacy.

The Applicant provided Structural Feasibility Calculations and a Structural Statement, prepared by Dennis Bunt Consulting Engineers Pty Ltd, in the additional information received by the Department.

The Structural Statement advised that the proposed advertising signage structure:

- includes a soffit of the box that will be bolted to the top of a steel column, 610mm in diameter, and the bottom of the column bolted to a concrete footing
- would comply with the requirements of AS 1170.2 – Structural design actions, Part 2: Wind actions.

The Department has recommended a suite of conditions relating to structural integrity to ensure the structural safety of the proposed signage structure.

The recommended conditions also require the detailed design of the foundation be prepared with consideration to the recommendations of the Structural Feasibility Statement and that a copy of the detailed design approved by the Certifier be provided to the Department for information.

The Department is satisfied that, subject to the recommended conditions, the proposal is structurally safe.

6 Evaluation

The Department's assessment of the application has considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development on its merits, the EPIs that apply to the development and advice received from the relevant public authorities, including Council.,

No objections from State government agencies or Council to the development have been received and the Department has sought to address any issues raised in consultation with the Applicant.

The Department's assessment of the development identified site suitability, visual impact, illumination, road safety and public benefit as the key issues for consideration.

Overall, the Department considers the proposal to be acceptable for the following reasons:

- The proposal is permissible development within the railway corridor and is consistent with the objectives of the zone
- The proposal meets the relevant statutory requirements and is consistent with the Industry and Employment SEPP
- The proposal would not result in any significant visual impacts as the proposed sign would be characteristic of the context of the area and considered to have a negligible to low visual impact
- The visual impacts of the proposal on surrounding residential properties would be minor given the distance to the site
- The proposal has demonstrated compliance with the Transport Corridor Outdoor Advertising and Signage Guidelines and relevant Australian Standards regarding illumination
- The proposal will not have significant physical or visual impacts on heritage items in the area, subject to the recommended conditions of consent
- The proposal will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

The Department concludes the impacts of the development are acceptable and the proposal is in the public interest. The Department recommends the application be approved, subject to conditions (**Appendix D**).

7 Recommendation

It is recommended that the Deputy Secretary, Development Assessments, as delegate for the Minister for Planning:

- **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 22/5177, subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:



Clay Logan

Acting Senior Planning Officer
Regional Assessments

Recommended by:



Michael Doyle

Acting Team Leader
Regional Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a horizontal line.

Keiran Thomas

Director

Regional Assessments

as delegate of the Minister for Planning

9 Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Application, RtS Report and RFI Report

<https://www.planningportal.nsw.gov.au/daex/exhibition/da225177-digital-advertising-signage-princes-highway-bombo>

2. Submissions

<https://www.planningportal.nsw.gov.au/daex/exhibition/da225177-digital-advertising-signage-princes-highway-bombo>

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 Department has considered all of these matters in its assessment and has provided a summary in **Table 4** to **Table 9** 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 and provides social and economic benefits by generating revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. 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 has considered ecologically sustainable development (ESD) in its assessment of the development (see Section 5). The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.
(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 corridor.
(d) 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.
(e) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed signage will be in the immediate vicinity of two heritage items, however the proposal will not visually dominate the surrounding area, and the ability for the public to view and appreciate the heritage value of the items will not change, and no impacts to built and cultural heritage have been identified due to the historical disturbance of the site and locality.

(f) to promote good design and amenity of the built environment,	The Department considers the proposal would not result in unacceptable built form impacts.
(g) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal is not for an occupiable building.
(h) 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.
(i) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the application as outlined in Section 4.

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

Matter		Consideration
(a) the provisions of:		The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided further below in Appendix C.
(i) any environmental planning instrument, and		
(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 are provided further below in Appendix C.
(iii) any development control plan, and		The Department notes that this DA is not required to comply with the Kiama Development Control Plan 2020 (KDCP 2020) as it is assessed under Industry and Employment SEPP. However, noting the relevance to the proposal, the Department has considered the relevant provisions of KDCP 2020 below. Details of the assessment are provided

further below in **Appendix C**.

(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 Section 5 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 Infrastructure 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 Section 4 of this report and given due consideration as part of the assessment of the development in Section 5 of this report.
(e) the public interest.	The Department considers the proposal to be in the public interest (refer to Section 5).

Appendix C – 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 & Employment) 2021* (Industry and Employment SEPP);
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP);
- *Kiama Local Environmental Plan 2011* (KLEP 2011);
- *Kiama Development Control Plan 2020* (KDCP 2020); and
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)

State Environmental Planning Policy (Industry and Employment) 2021

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 proposal has been assessed against the requirements of the Industry and Employment SEPP in **Error! Reference source not found.** and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in **Table 7** below.

Table 6 | 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 Table 8 .	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	The proposal is for a sign within a railway corridor on behalf of Sydney Trains, therefore the	Yes

Section	Criteria	Comments	Compliance
	or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	Minister for Planning is the consent authority.	
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this Policy ii. assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	<p>The objectives are considered above.</p> <p>The proposal has been assessed in accordance with the assessment criteria in Schedule 5 in Table 7 and the Guidelines in Table 8.</p> <p>All other relevant requirements are addressed in this table.</p>	Yes
	Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement.	The proposal has adequately demonstrated it will provide for public benefit (refer to Section Error! Reference source not found. of this report).	Yes
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

Section	Criteria	Comments	Compliance
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> 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 ii. the advice of any design review panel has been considered by the Minister, and iii. the Minister is satisfied that the advertisement is consistent with the Guidelines. 	<p>Council was notified and did not object to the proposal (refer to Section 5 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 Table 8.</p>	Yes
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> <ul style="list-style-type: none"> (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 (b) the consent authority gave a copy of the application to TfNSW before the 	<p>The proposed signage is more than 8 m high.</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 Section 6 of this report.</p> <p>The application has been advertised in accordance with Schedule 1 of the Act as detailed in Section 5 of this report.</p> <p>The Department provided a copy of the application to TfNSW during the exhibition period.</p>	Yes

Section	Criteria	Comments	Compliance
	application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.		
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> <ul style="list-style-type: none"> i. appear only within the advertising display area ii. not be greater than 0.25 square metres iii. be included in calculating the size of the advertising display area. 	<p>Part 3.2 Definitions in the Industry and Employment SEPP includes:</p> <p>advertising display area means, subject to subsection (2), the area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures.</p> <p>The SEE describes that:</p> <p><i>A compliant operator logo will also be located at the bottom of the screen and within the skirting of the sign.</i></p> <p>The proposed illuminated JCDecaux logo is within the 7.986m L x 0.4m H bottom black border of the sign. The 0.88m L x 0.14m H logo is 0.12 m² in size.</p>	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 Table 8 .	Yes

Table 7 | Consideration of Schedule 5 of Industry and Employment SEPP 2021

Assessment Criteria	Comments	Compliance
1 Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is located within an existing railway corridor and is considered compatible with the surrounding character of the site.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with other signs associated with other major roads.	Yes
2 Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is not located within, nor detracts from, any environmentally sensitive, natural, conservation, open space, waterways, rural landscapes or residential areas.	Yes
3 Views and Vistas		
<p>Does the proposal:</p> <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	<p>The proposed signage:</p> <ul style="list-style-type: none"> will not obscure any views, including important views. does not dominate the existing skyline will not disturb the viewing rights of other advertisers in the vicinity. 	Yes
4 Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the setting of the proposed development as discussed in Section 5 .	Yes

Assessment Criteria	Comments	Compliance
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?	The proposal is 1.75 sqm less than the existing signage. The proposal also aims to present a sleek appearance from the existing signage.	N/A
Does the proposal screen unsightliness?	The proposed signage does not screen unsightliness as there is no unsightliness surrounding the proposal. The proposal integrates within the surrounding character of infrastructure.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is not located in the vicinity of any existing buildings. The proposed signage does not unacceptability protrude above the tree canopies and is lower in height compared to existing infrastructure in the locality.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not require any ongoing vegetation management.	N/A
5 Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale of the proposal is appropriate for the context of the site and is consistent with the character of the area. The proposal is consistent with the scale of surrounding infrastructure, including street lights, overhead wires and rail infrastructure.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage will not detract from the important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is digital and innovative. It relates to the site and is capable of displaying messages for	Yes

Assessment Criteria	Comments	Compliance
	emergency situations such as bushfire threats.	
6 Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<p>The proposal includes a new ladder and fall arrest cable facilitating access to an internal walkway between and behind both signs for maintenance.</p> <p>The signs include a camera arm and local light sensor to adjust the intensity of the illumination of the sign in accordance with ambient lighting conditions.</p> <p>The sign includes a 0.4m H bottom frame with the logo of the signage operator.</p>	Yes
7 Illumination		
<p>Would illumination:</p> <ul style="list-style-type: none"> result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation. 	<p>The Department considers that the proposed illumination:</p> <ul style="list-style-type: none"> complies with the Guidelines would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft would not detract from the amenity of any residents. <p>Section 5 of this report assesses the illumination impacts of the signage.</p>	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>	Yes
8 Safety		
<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The Department considers that the signage:</p> <ul style="list-style-type: none"> will not reduce the safety for any public road or pedestrians or cyclists. will not obscure any sightlines, and therefore is not considered to reduce the safety of pedestrians. 	Yes

Assessment Criteria	Comments	Compliance
<ul style="list-style-type: none"> any public road? 	Section 5 of this report assesses the road safety impacts of the signage.	

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience and Hazards SEPP) contains the provisions of the former SEPP 55. The chapter aims to provide a State-wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken that meet certain standards and notification requirements.

Under the framework of the R&H SEPP (2021), the proposed development is acceptable given the site is previously developed, is in keeping with the existing coastal environment, and there would be controls and conditions of consent regarding the display of unsuitable advertisements. As such, coastal management, land contamination and hazardous development have been considered during this assessment.

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 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 8**.

Table 8 | Assessment against Guidelines

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria – Table 1		
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 Infrastructure zone.	Yes

Land Use Compatibility Criteria – Table 1

<p>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:</p> <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National park or nature reserve. 	<p>The proposed digital signs would not create adverse amenity impacts on any environmentally significant area, heritage area, natural/other conservation areas, open space area, waterway, residential area, scenic protection area, national park or nature reserve.</p> <p>Section 5 and Appendix C of this report assesses the impacts of the signage.</p>	<p>Yes</p>
<p>iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.</p>	<p>The sign would be located next to a major roadway integrated within the existing railway corridor and would not obscure any significant views.</p>	<p>Yes</p>
<p>iv. Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or State heritage significance.</p>	<p>The site is in the proximity of two heritage items. The sign will not detract from the heritage significance of the nearby items.</p> <p>See Section 5 of this report.</p>	<p>Yes</p>
<p>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.</p>	<p>The proposed sign is consistent within the context of the existing road and railway corridors.</p>	<p>Yes</p>

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 design standard that is suitable for the railway corridor and adjacent road 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 the characteristics of the railway corridor and adjacent road corridor at which the proposed signage will be located.	Yes
(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 the features of the site and surrounding area.	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 the removal of any 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.	While the proposed sign will not incorporate landscaping it will continue to be in character with the transport corridor.	Considered acceptable – see comments
(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.	<p>The proposal includes a new ladder and fall arrest cable facilitating access to an internal walkway between and behind both signs for maintenance.</p> <p>The signs include a camera arm and local light sensor to adjust the intensity of the illumination of the sign in accordance with ambient lighting conditions.</p> <p>The sign includes a 0.4m H bottom frame with the logo of the signage operator.</p>	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 Section 5 of this report).	Yes

Land Use Compatibility Criteria – Table 1

(h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposal is not in proximity to any residential properties, national parks or nature reserves.	Yes
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2.5.4 Freestanding advertisements criteria

(a) The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.	The proposed signage does not dominate or protrude above the skyline and is consistent with the scale of the surrounding development including streetlights and electricity infrastructure.	Yes
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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 two 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 signs are not seeking consent for message sequencing. This is included as a recommended condition of consent.	Yes
(c) The image must not be capable of being mistaken: (ii) For a prescribed traffic control (iii) device as text providing driving instructions to drivers.	The proposed signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions. This is included as a recommended condition of consent.	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, as the speed limit on Princess Highway is 100km/h. A condition of consent requiring a 25 second dwell time has been included as a recommended condition of consent.	Yes

Land Use Compatibility Criteria – Table 1

- (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 of a second. This is included as a recommended condition.
- Yes

- (f) Luminance levels comply with the following requirements:
- Yes

Lighting Conditions	Zone 3 Maximum Luminance Levels	Proposed Luminance Levels
Full sun on face of signage	Maximum output	Maximum output
Day-time luminance	6000 cd/m ²	6000 cd/m ²
Morning and Evening, and Twilight and Inclement Weather	700 cd/m ²	700 cd/m ²
Night-time	250 cd/m ² for digital sign	250 cd/m ²

The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 3 (refer to **Section 5** 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.
- The images would not dazzle or distract drivers.
- A condition of consent is recommended to ensure that sign images comply with requirements to not contain flickering or flashing content.
- 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.
- The advertisements would primarily display images with information/text kept to a minimum.
- A condition of consent is recommended to ensure that text and information is kept to a minimum.
- 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

Land Use Compatibility Criteria – Table 1

(j) Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision 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 Department has undertaken a detailed assessment of the design and location of the proposal (refer to Section 5 of this report).	Yes
(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 reassess 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

Road Safety Assessment Criteria

3.2.1 Road clearance

(a) The advertisement must not create a physical obstruction or hazard.	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
(d) 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.	Yes

Additional road clearance criteria for digital signs

Land Use Compatibility Criteria – Table 1

Digital signs greater than 20 m ² must ensure a minimum clearance of 5.5 m from the lowest point of the sign.	The proposed sign has an area of 16.25m ² .	N/A
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3.2.2 Line of Sight

(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 as it is not located overhanging the roadway.	Yes
(b) An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed digital signage is not located near a pedestrian path or cycleway.	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 as it does not overhang the road and will not display road information.	Yes
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed signs would not distract drivers as they are visible upon approach of between 215m and 285m and will not require the drivers to direct their attention away from the road. Additionally, the digital sign would have a dwell time of 25 seconds.	Yes

3.2.3 Proximity to decision making points and conflict points

(a) The sign should not be located:	The proposed signage would comply with the road safety requirements (refer to Section 5 of this report).	Yes
<ul style="list-style-type: none"> i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment 		

Land Use Compatibility Criteria – Table 1

iii.	so that it is visible from the stem of a T-intersection.		
(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:	The placement of the sign will not distract drivers at critical times (refer to Section 5 of this report).	Yes
i.	of a road hazard		
ii.	to an intersection		
iii.	to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)		
iv.	to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.		

3.2.4 Sign Spacing

Additional criteria for digital signs

(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.	The proposal is 120m to a Kiama Area Events billboard to the south, however criterion 3.2.4(a) only applies to signs more than 20sqm in size, and the subject signs are each 16.25m ² in size.	N/A
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3.3.1 Advertising signage and traffic control devices

(a)	The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	The proposal will not distract drivers or reduce the visibility and effectiveness of 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.	Yes
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Land Use Compatibility Criteria – Table 1

(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 the proposal is not in proximity to any decision making points where safe stopping distances would be required.	N/A
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Additional criteria for digital signs and moving signs

(a) The image must not be capable of being mistaken:	The application does not provide specific detail for sign content. Due to the nature of the 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 Industry and Employment SEPP. Therefore, a condition of consent is recommended to ensure the sign content is not mistaken for traffic signals or driving instructions.	Yes
<ul style="list-style-type: none"> 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 ii. as text providing driving instructions to drivers. 		
(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 and has a dwell time of 25 seconds.	Yes

3.3.2 Dwell time and transition time

Digital signs

(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:	The speed limit along the Princes Highway is 100km/hr and the dwell time proposed is 25 seconds. This has been	Yes

Land Use Compatibility Criteria – Table 1

i.	10 seconds for areas where the speed limit is below 80km/h.	included as a recommended condition of consent.	
ii.	25 seconds for areas where the speed limit is 80km/h and over.		
(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

3.3.3 Illumination and reflectance

Digital signs

(a)	Luminance levels must comply with the requirements.	The proposed luminance complies with the Guidelines.	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 condition of consent.	Yes

3.3.4 Interaction and sequencing

(a)	The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or	The proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile device.	Yes
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Land Use Compatibility Criteria – Table 1

technology that enables opt-in direction communication with road users.

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|---|------------------------------------|-----|
| (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 |
|---|------------------------------------|-----|

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 2.119(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 is similar in nature to other digital signs which are typically found in road or railway corridors. In consideration of the above, the proposal would not compromise the operation and function of the road.

Section 2.98 of the Transport and Infrastructure SEPP applies to development on land that is in or adjacent to a rail corridor, if the development is likely to have an adverse effect on rail safety; or involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains; involves the use of a crane in air space above any rail corridor; or is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

In accordance with section 2.98(b), TfNSW provided comments on the proposal including ensuring the proposal meets the criteria of the Guidelines and Schedule 5 of the Industry and Employment SEPP and advised a number of conditions to be included. The matters raised by TfNSW have been considered and addressed in **Section 6** and the recommended conditions have been incorporated into the recommended development consent (**Appendix D**).

Section 2.99 of the Transport and Infrastructure SEPP applies to development that involves penetration of ground to a depth of at least 2m below ground generally within 25m from rail corridor. The proposal has a cut of approximately 1.5m. As such, concurrence is not required, and no further consideration is required under this section.

The Department is satisfied the proposal meets the relevant sections and complies with the Transport and Infrastructure SEPP, subject to conditions of consent.

Kiama Local Environmental Plan 2011

The site is zoned SP2 Infrastructure under the KLEP 2011. Clause 3.14 of Industry and Employment SEPP states that, despite the provisions of any EPI or Clause 3.8(1) of the SEPP, the display of an advertisement by or on behalf of Sydney Trains, is permissible with development consent.

The Department is satisfied that irrespective of the application of the Clause, the proposal does exhibit design excellence as the proposal will:

- not be visually intrusive;
- be constructed using high quality materials;
- exhibit a high quality and sleek design, with a form and appearance compatible with the character of the locality, including its heritage significance;
- not detrimentally impact on view corridors;
- be suitable for the land and current uses of the surrounding area;
- not impact on pedestrian, cycle, vehicular, or service access and circulation requirements; and
- be consistent with the design of digital advertising structures throughout the area.

Kiama Development Control Plan 2020

The Department notes that this DA is not required to comply with the KDCP 2020 as it is assessed under Industry and Employment SEPP. However, noting the relevance to the proposal, the Department has considered the relevant provisions of the KDCP 2020 below.

KDCP 2020 applies to all land within Kiama Municipal Council. There are no specific signage provisions relating to the site location, with signage provisions only available for other areas such as Jamberoo and Kiama Town Centre. However, Chapter 4 of KDCP 2020 relates to heritage and cultural conservation and requires consideration of the following design criteria for new development in the vicinity of a heritage item.

Table 9 | Kiama DCP European Cultural Heritage Management

Heritage Management Objective	Comments	Compliance
Character – The character of the built environment is shaped by many contributing factors including: the natural landform; landscape elements; date and style of buildings; scale and form of buildings; street and subdivision patterns; building setbacks; materials and details; and views, vistas and skylines.	The proposal would not impact the character of either Bombo Railway or Kiama Cemetery as detailed within this report.	Yes

Scale – Scale encompasses proportion, height and bulk, and relates to the size of buildings relative to surrounding buildings.	The scale of the proposal would be in keeping with the bulk of the railway infrastructure, cemetery, and road infrastructure along the Princes Highway.	Yes
Form – Form relates to the overall shape and volume of a building, and the arrangement of its parts including the roof and façade.	The form of the proposed signage would not be undue, given the existing design of the transport corridor.	Yes
Siting – Siting relates to the positioning of buildings on allotments, which includes houses, garages and carports	The siting of the proposed signage would be in keeping with the existing signage, and would also be appropriate given the locality of a transport corridor along the Princes Highway and railway corridor.	Yes
Materials and Detailing – Proposed alterations and additions to heritage items and new development in the vicinity of a heritage item should recognise and respond to the predominant materials, textures, and details which contribute to the character of a locality.	The materials and detailing would not detract from the Bombo Railway or Kiama Cemetery heritage items.	Yes

Appendix D – Recommended Instrument of Consent