



Digital Advertising Signage - Pacific Highway, Pymble

Part 4 Development Application (DA 22/5184)

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Glossary

Abbreviation	Definition
Applicant	Sydney Trains
Consent	Development Consent
Council	Ku-ring-gai 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>
Industry and Employment SEPP'	<i>State Environmental Planning Policy (Industry & Employment) 2021</i>
KLEP 2015	<i>Ku-ring-gai Local Environmental Plan 2015</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LIR	Lighting Impact Report
Minister	Minister for Planning and Public Spaces
Resilience and Hazards SEPP	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
RMS	NSW Roads and Maritime Services within Transport for New South Wales
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
Site	Lot 2073 in DP 1132828 Pacific Highway, Pymble
SSA	Signage Safety Assessment
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 and 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 22/5184) for the demolition, construction and operation of advertising signage on land legally described as Lot 2073 in DP 1132828 (the site) on the Pacific Highway, Pymble in the Ku-ring-gai Local Government Area (LGA).

The proposal seeks approval to demolish an existing (freestanding, single sided, static and back-lit from dusk until dawn) advertising sign and to install a new (freestanding, single sided and illuminated) digital advertising sign within an existing railway corridor.

The proposal has been submitted by the Transport Asset Holding Entity of NSW (TAHE) / Sydney Trains (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 The Site

The site (Lot 2073 in DP 1132828) includes the existing rail tracks, a segment of the Pacific Highway and the associated railway infrastructure. The sign is proposed on a broad vegetated strip on the north-eastern side of the Pacific Highway. The site is shown in **Figure 1 to Figure 3**.

The Pacific Highway is classified as a highway under the *Roads Act 1993*, accommodating multiple lanes of traffic in each direction. The site is visible to motorists heading north-west on the Pacific Highway. The adjacent rail line forms part of the Sydney north-shore line, between Pymble Railway Station to the north-west and Gordon Railway Station to the south-east.

The existing static advertising sign (proposed to be replaced) is mirrored to the north by an existing digital advertising sign facing traffic travelling in the opposite direction of the Pacific Highway.



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



Figure 2 | View of the existing static sign from Pacific Highway travelling north-west (Source: Applicant's documentation)



Figure 3 | View of the existing digital sign from Pacific Highway travelling south-east, showing the existing static sign adjoining (Source: Applicant's documentation)

1.3 Surrounding Context

The site is a landscaped strip with mature vegetation within an urban setting. The surrounding locality contains a number of commercial land uses along the eastern side of the Pacific Highway, Creswell O'Reilly Lookout and vegetated area along the western side of the Pacific Highway, as well as residential development along the western side of the Pacific Highway (see **Figure 1**).

Surrounding development is predominantly single- and two-storeys at street level and interspersed with mature native canopy trees and vegetation. The Pacific Highway within Sydney is typified by areas of one- and two- storey dwellings, medium-rise residential flat buildings, each with mature native canopy trees and vegetation, and one- and two- storey retail and other shops.

From the intersection between the Pacific Highway and Lane Cover Road approximately 500m to the south, the Pacific Highway generally rises until Telegraph Road approximately 750m to the northwest. The Pacific Highway continues to rise across the northern suburbs of Sydney.

There are no landmarks within the visual catchment of the site, however local landmark and heritage item Ku-Ring-gai Town Hall with a tower rising four storeys and in the Spanish Mission style is 630m northwest of the site along the Pacific Highway.

2 Project

2.1 Description of the Development

The proposal seeks consent to demolish and replace an existing (freestanding, single sided, static and back-lit from dusk until dawn) advertising sign with a new (free standing, single sided and illuminated) digital advertising sign, including:

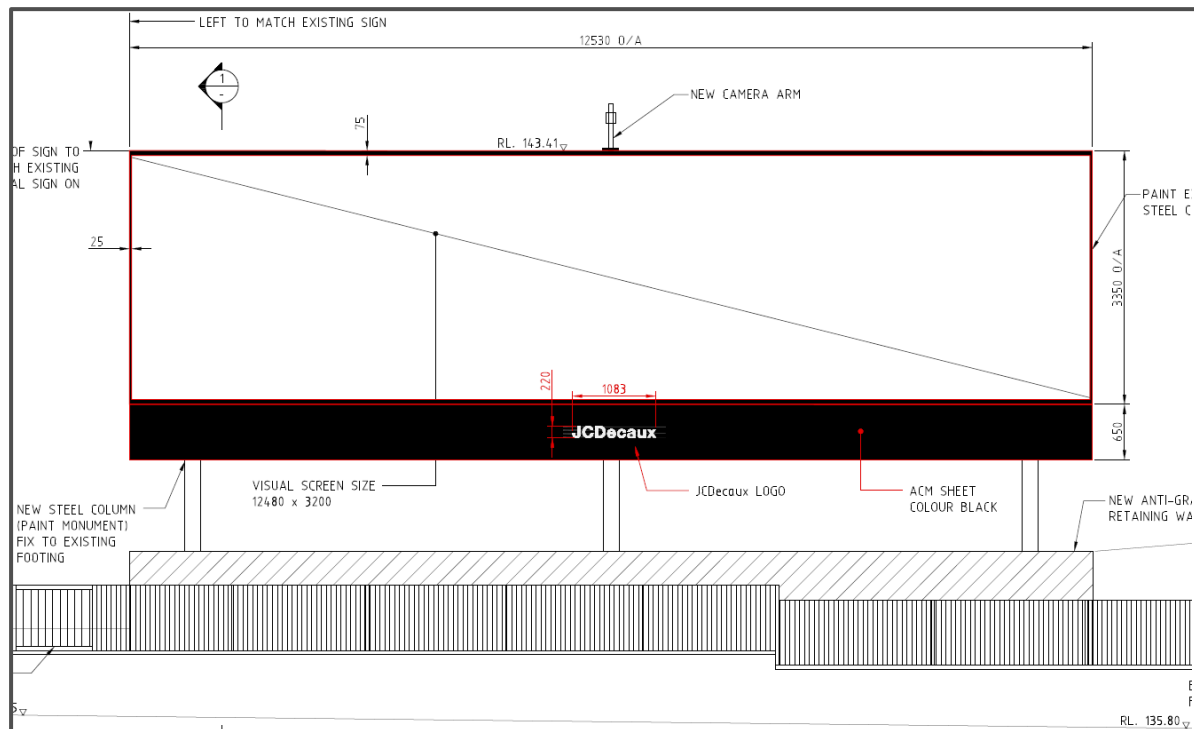
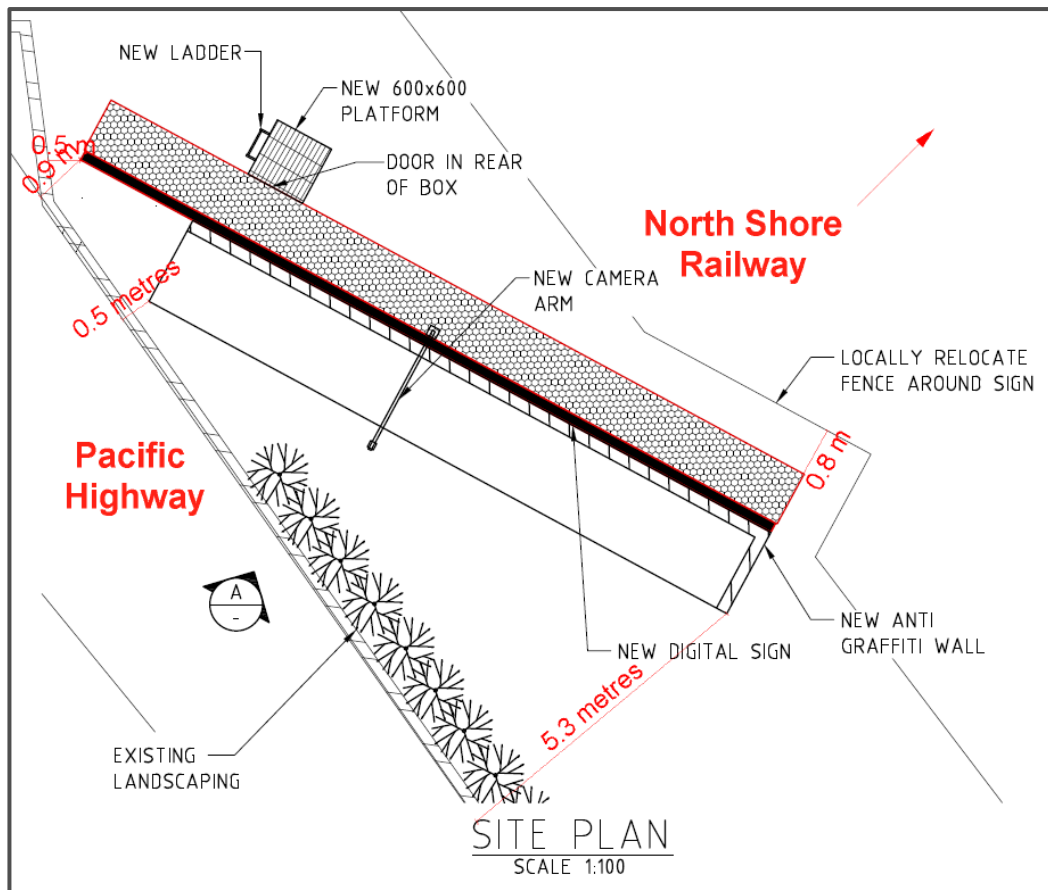
- demolition and removal of the existing sign and support columns
- retention and reuse of the three existing pile footings, or their replacement (subject to further structural engineering)
- construction and installation of a digital advertising sign
- construction and installation of a new handrail, platform and ladder for rear servicing
- removal of three native trees (4-5m high and 3m spread)
- upgraded electricity supply
- new anti-graffiti retaining wall
- relocated fencing and associated painting of surface

The estimated cost of these works is \$578,600.

The proposed design and operation specifications of the signage is outlined in **Table 1**. The proposed signage details are shown at **Figure 4**, **Figure 5** and **Figure 6**.

Table 1 | Details of the proposed single sided digital advertising sign

Aspect	Proposed Sign
Advertising display area	50.12 m ² (4m H x 12.53m L)
Active digital display area	39.94 m ² (3.2m H x 12.48m L)
Total Height (including the frame)	8.1m from existing footpath level (unchanged) to new camera arm facing sign
Clearance from ground level to the bottom of the sign	2.25m from the bottom of the sign to the top of piles 3.15m from the bottom of the sign to the base of the 1m high anti-graffiti retaining wall 4.26m from the bottom of the sign to footpath level Note: The 0.65m H x 12.53m L signage base containing a 0.22m x 1.083m JCDecaux logo is below the sign and reduces the gap between the sign and ground level
Signage display	Digital LED Screen
Dwell time	10 seconds
Maximum illuminance limit during post night-time period	140 cd/m ²
Hours of operation	24 hours a day, 7 days a week



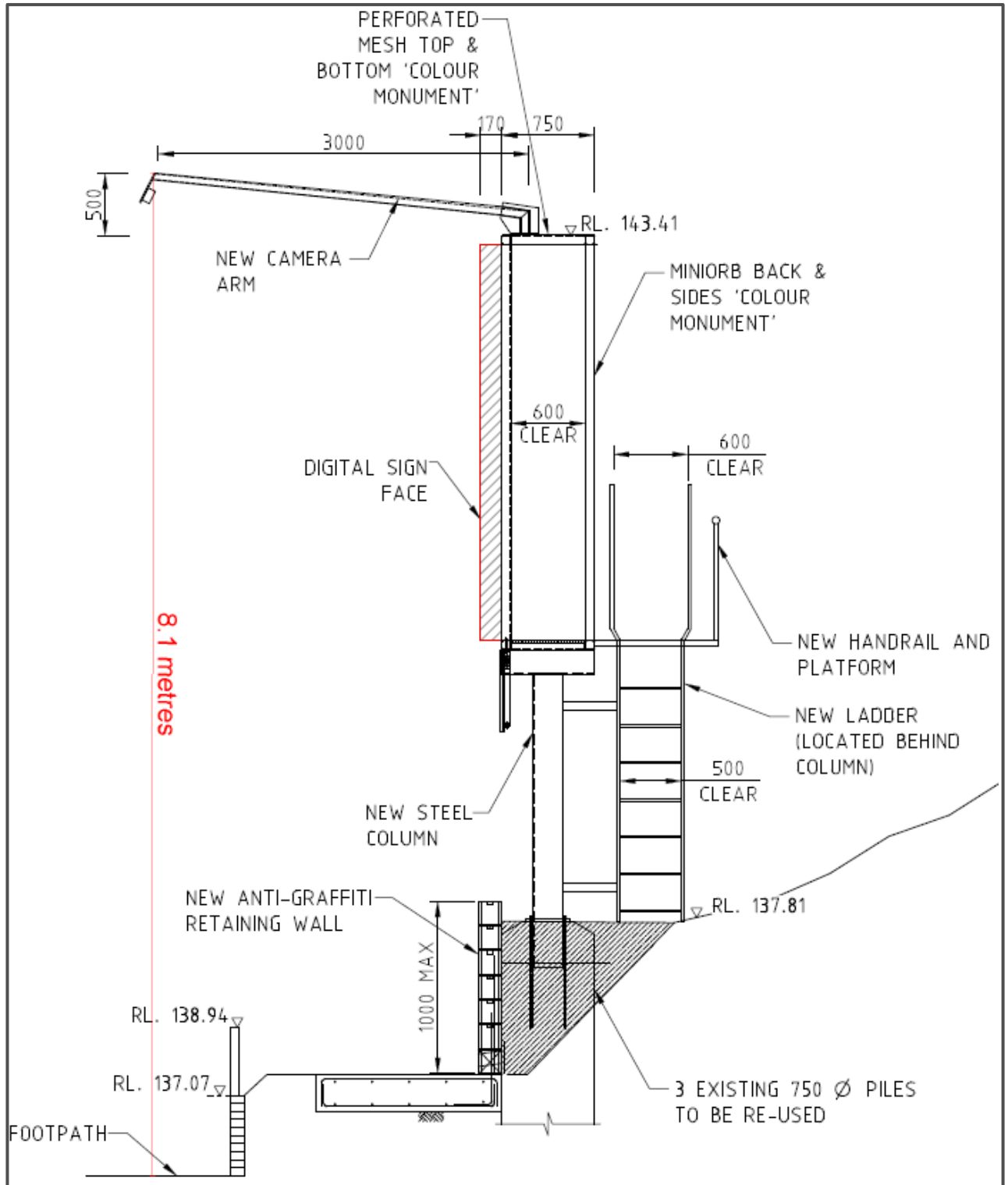


Figure 6 | Section plan showing sign design
(Source: Applicant's amended documentation submitted 4 November 2022)

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 and Public Spaces 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:

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

3.2 Permissibility

The site is zoned SP2 Infrastructure (for the purpose of railways) under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015). The application is permissible with consent as it is located on land comprising a railway corridor and is for the display of an advertisement by or on behalf of Sydney Trains which is ancillary development.

Additionally, Section 3.14 of the Industry and Employment SEPP also states that despite the provisions of any Environmental Planning Instrument (EPI) or Section 3.8 of the Industry and Employment SEPP, the display of an advertisement by or on behalf of Sydney Trains on a railway corridor, is permissible with development consent.

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 and Public Spaces is the consent authority for the application, and the application will be determined in accordance with the Minister's delegation dated 9 March 2022. Refer to **Section 3.1** above for further information.

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 – Community Views**.

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* (Industry and Employment SEPP)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP)
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP)
- Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015).

The Ku-ring-gai Development Control Plan 2021 (KDCP 2021) 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 2021 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 C**) 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 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 advising that the Applicant is responsible for ensuring that all additional approvals are obtained from other authorities, as relevant, including under 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.

Due to an unforeseen change to the exhibition webpage address on the NSW Planning Portal, the application was exhibited for an additional 2 weeks from 15 June to 28 June 2022 (14 days) and to ensure adequate time had been provided to the public.

4.2 Summary of submissions

During the exhibition period, the Department received 5 submissions in relation to the DA, comprising:

- Three public submissions (2 objections and 1 providing comments)
- Advice from TfNSW, comprising recommended consent conditions

Two public submissions were duplicates of each other. In accordance with the Submissions Policy (DPE July 2022), the two submissions are thereby counted as one unique submission. In these circumstances, the Department is considered to have only received two public submissions, including one objection, for the subject application.

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

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 the NSW Planning Portal, however the submission did not include any comments on the content of the application. Subsequently, Council emailed the Department advising this was in error and that Council would not be making a submission.

Public Submissions

Two unique submissions were received from community members who made comments in relation to:

- Visual impacts
- Illumination impacts

The Department has considered the issues raised by the public submissions in its assessment of this proposal (**Section 5** and **Appendix C**).

4.3 Response to submissions

Following the exhibition of the application, the Department placed copies of all submissions and agency advice on the NSW Planning Portal and requested the Applicant provide a response to the issues raised.

On 10 August 2022, the Department requested the Applicant respond to submissions and requested additional information including:

- providing an arborist's report
- clarification on whether utility connections are available or required
- clarification on whether sign will overhang the road reserve

Subsequently, on 23 September 2022, the Department also requested the Applicant submit a Structural Feasibility Statement.

On 4 November 2022, the Applicant provided a Response to Submissions (RtS) (**Appendix A – List of Documents**) addressing the matters raised in the submissions and the Department's requests for information (RFIs) including:

- an arborist's report that proposes the removal of three trees
- a servicing statement that describes that the proposed sign will have an electricity supply from the existing Ausgrid LV Overhead pole which will be upgraded to meet required demand
- amended plans demonstrating that the proposed sign will not overhang the road reserve
- a structural feasibility statement describing that the sign will be supported by three steel columns fixed to a concrete footing, that the sign can withstand wind loading, and recommending retention or replacement of existing footings, subject to further structural engineering.

The RtS was made publicly available on the NSW Planning Portal. Council had previously advised it would not make comment on the application, and as such the RtS was not referred to Council for review.

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 and design
- visual impact
- illumination
- road and pedestrian safety
- trees and vegetation
- public benefit

Each of these matters are addressed separately below.

5.1 Site suitability and design

The proposal seeks to replace an existing static advertising signage with a new digital sign within a railway corridor, adjacent to the Pacific Highway in Pymble. The proposed sign has an approximate total area of 50.12m².

Section 3.6 of 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 the area.

The Applicant describes that the proposal is located on the opposite side of the Pacific Highway between two transport corridors, and sits below surrounding infrastructure and the tree canopy, and is thereby consistent with the nature and character of the area.

No submissions were received raising concerns with the proposal's compatibility with the local character.

The Department considers that the design of the sign is consistent with the existing digital sign 90m north of the proposal and with other signs located on major roads in the surrounding locality. The Department considers that the proposal:

- fits with the character of the locality, being an urban and highly developed transport corridor
- has a design and scale that provides a high-quality structure integrated with the existing transport corridor
- is effectively distanced from residences and is not unduly visually prominent
- satisfactorily complies with the design criteria of the Industry and Employment SEPP, the Guidelines and AS4282 (1997 Control of obtrusive effects of outdoor lighting).

The Department has recommended conditions of consent that restrict the permitted luminance levels in accordance with Australian Standards. The Department is therefore satisfied the design and location of the site is suitable and that the development will not result in adverse amenity impacts to adjoining land uses and the surrounding environment. Refer to **Section 5.3** below and **Appendix C** for further information.

5.2 Visual Impact

The Applicant provided an assessment of the visual impacts of the signage on the surrounding area, including the Pacific Highway in the SEE provided at lodgement (**Figure 7**). The Applicant's visual assessment concluded the proposal's visual impact is low and is consistent with the Industry and Employment SEPP and the Guidelines.

One public submission raised concern with the potential impact to nearby residential properties.



Figure 7 | Locations of views considered as part of the visual impact assessment conducted by the applicant (Source: Applicant's documentation)



Figure 8 | Indicative view from view one (1026-1028 Pacific Highway)
(Source: Applicant's documentation)



Figure 9 | View from view two (1022 Pacific Highway) (Source: Applicant's documentation)

In response, the Applicant's advised that:

- the lighting impact assessment submitted with the application indicates that the sign will not result in unacceptable glare or adversely impact on the amenity of these nearby residences in accordance with the Guidelines
- the sign is smaller than the existing sign being replaced
- proposed illumination and brightness will be automatically reduced during evening hours, and further reduced during night-time hours

The Department has reviewed the proposal and the public submission and considers the proposed sign is acceptable as:

- the proposed signage is visually smaller in scale than the existing signage, by 2.2% of the gross area
- view impacts are minor and would be obscured by future vegetation, existing topography, traffic upon the Pacific Highway, and the 45m distance to the nearest residence
- the proposed signage would have impacts broadly similar to the existing signage on site, and in addition to this would form part of the background of the Pacific Highway transport corridor that is predominant in that view catchment.
- 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 (a full assessment of the signage under the Industry and Employment SEPP is included at **Appendix C**)
- illumination impacts have also separately been considered as part of this report in **Section 5.3**.

The Department therefore concludes that the development will not result in unreasonable visual impacts on surrounding residential properties.

5.3 Illumination

The proposed digital signage would be illuminated with LEDs and operated 24 hours a day, 7 days per week, and be dimmed during the night-time period. The Applicant's SEE included a Lighting Impact Report (LIR) to address illumination impacts of the signage on the surrounding area which stated:

- the existing sign is currently back-lit from dusk until dawn
- the proposal includes a light sensor to automatically adjust the brightness of the display area to ambient lighting conditions
- the site is within Zone 4 under the Signage Guidelines, which is described as areas with generally low levels of off-street ambient lighting, or areas that have residential properties nearby
- the sign at maximum luminance, will be visually consistent with the existing ambient lighting and is therefore suitable for the local area
- the maximum luminance limit during the night time period will not exceed the recommended maximum luminance level set out in the Signage Guidelines of 200 cd/m² for Zone 4

The LIR categorised the site as 'Zone A3' under Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting. This zone is assigned to medium district brightness, such as suburban areas in towns and cities. The standard includes a stricter limit for luminance at night-time, being 140 cd/m². The proposal complies with this stricter limit (see **Table 2**).

The LIR also undertook a lighting model which found the maximum illuminance during night-time operation is 1.56 lux to dwellings within zone A3 which is compliant with the limit of 2 lux under AS 4282-2019. The proposed luminance for the signs is as follows:

Table 2 | Proposed Luminance Levels

Lighting Conditions	Signage Guidelines	AS 4282-2019	Sign
	Zone 4 Maximum Luminance Limits	Zone A3 Maximum Luminance Limits	
Full sun on face of signage	Maximum output in cd/m ²	Maximum output in cd/m ²	Maximum output in cd/m ²
Day-time luminance	6000 cd/m ²	6000 cd/m ²	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	500 cd/m ²	500 cd/m ²	500 cd/m ²
Night-time Pre-Curfew (Until 11pm)	200 cd/m ²	200 cd/m ²	200 cd/m ²
Night-time Post-Curfew (11pm - 6am)	As above	140 cd/m ²	140 cd/m ²

A public submission requested consideration be given to any adverse amenity impacts upon the nearby residential receptors. Another public submission raised the following concerns with respect to the proposal and impacts upon the neighbouring residential unit opposite the site:

- The proposal will reduce the amenity of and directly adversely impact on the neighbouring unit, including its main living room and bedroom.
- Change in advertisements and colour draws attention
- The levels of brightness of the existing sign, and whether the proposal will reduce brightness, is unknown.
- The automatic brightness reduction of the nearby existing southbound digital billboard has failed a number of times, leaving the billboard in daytime brightness mode overnight. Despite complaints to the billboard operator, fixes were not implemented for between 3-5 days.
- There is insufficient foliage between proposal and the neighbouring property
- The proposal will decrease the property value

Points 3 and 4 specifically relate to luminance levels of the proposal.

In the RtS, the Applicant noted that illuminance calculations were undertaken assuming that there were no obstructions present and, in addition, the LIA outlines that the illuminance levels for nearest

residences complies with the maximum AS4282 limit which is 10 lux for pre-curfew and 2 lux for post-curfew.

The Department has reviewed the proposal, TfNSW comments and the two public submissions, and considers that the proposal has demonstrated compliance with illumination requirements of the Industry and Employment SEPP, the Guidelines, the relevant Australian Standards and would not result in any adverse illumination impacts to residents in proximity to the site.

To ensure the signs operate within acceptable illumination levels, the Department has recommended conditions to ensure the signs operate within the limits outlined in **Table 2** and for the signage illumination levels to be adjustable if the need arises during its operation. This is to ensure any potential lighting impacts are appropriately minimised and the existing amenity of the surrounding area and environment is reasonably maintained.

5.4 Road and Pedestrian Safety

Driver attention

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 describes that:

- there are two decision points within view of the site
- there is a very long viewing, relatively straight northbound approach to the sign, meaning drivers approaching the site have a direct view of the sign in the same direction as the road alignment
- the approach does not require rapid, complex decision making, and the sign does not affect traffic control devices, signage or hazards
- there would be minimal risk of 'missing' vehicle movements when glancing to the digital sign

The proposal will not be located within the safe stopping sight distance of an intersection, exit ramp traffic control signal or sharp curve as demonstrated in **Figure 10**. The SSA concluded the road environment along the Pacific Highway, Pymble is acceptable for the proposed signage.

The public submissions did not raise road safety concerns.

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 Department has recommended conditions of consent that include the conditions recommended by TfNSW and thereby manage safety of the roadway with respect to the proposed sign.

Dwell time

The proposal includes a 10 second dwell time with a transition of no more than 0.1 seconds. The sign posted speed limit of the Pacific Highway is 60 km/h. The dwell time criteria for digital signs in areas where the speed limit is below 80 km/h is 10 seconds, as per the Guidelines.

The Department is satisfied that a 10 second dwell time is appropriate for the context of the Pacific 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. 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.

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



Figure 10 | In-vehicle sightlines along Pacific Highway (northbound)
(Source: Applicant's documentation)

5.5 Trees and Vegetation

The proposal involves the removal of three native trees, identified as T1, T7 and T6 in the submitted arborist report, as shown in **Figure 11** Error! Reference source not found.. The

arborist's report nominates that these trees are unimportant and low category and concludes that the removal of the trees will not appreciably affect the amenity or presentation of the railway or road corridors.

The Department notes that T6 is not near the subject sign (**Figure 11**Error! Reference source not found.) and therefore should not be applicable to the subject proposal. Accordingly, a recommended condition of consent has been included specifying that the removal of T6 is not approved.

Existing vegetation within the rail corridor and vicinity of the development is not identified under mapping as being Terrestrial Biodiversity under the *Biodiversity Conservation Act 2016* (BC Act). The site is located near land classified as Environmentally Sensitive – Terrestrial Biodiversity, as per Section 6.3 of the KLEP 2015. As a result, recommended conditions of consent have been included for the assessment of the construction and structural details of the proposed sign and the required process if any further tree removal is deemed required.

Subject to recommended conditions, the Department considers that the proposed tree removal reasonably relates to the sign, will not detract from the amenity of the road corridor or local area and will not result in unacceptable biodiversity impacts.

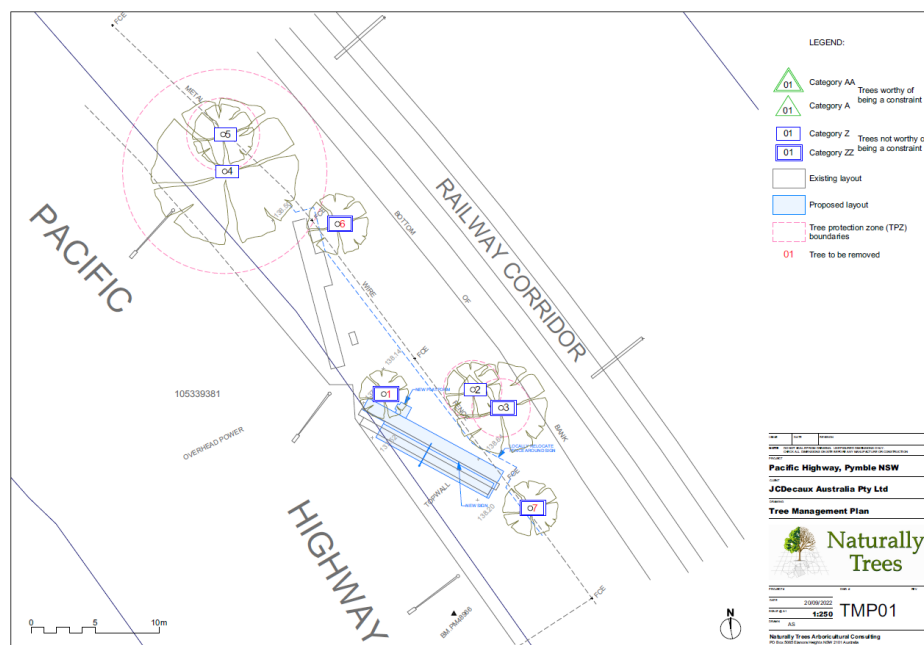


Figure 11 | Tree Management Plan showing proposed removal of trees 1, 6 and 7
(Source: Arborist report)

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 will:

- provide revenue to Sydney Trains
- enable Sydney Trains, TfNSW and emergency services to display public awareness messages
- enable the display of important information in station emergency situations, major train disruptions, Sydney Trains / NSW Trains / TfNSW promotions and events, and threats-to-life
- enable the 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

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

Table 3 | Assessment of other issues

Issue	Findings	Recommendations
Demolition and Waste	<p>The proposal seeks consent to demolish and replace an existing (freestanding, single sided) static advertising sign, including its three steel support columns, with a new (freestanding, single sided) digital advertising sign.</p> <p>The application did not include demolition plans but nominated on the Existing General Arrangement & Site Plan that the existing sign, cladding, steel column and support structure are to be removed.</p> <p>The Department is satisfied that, subject to compliance with the recommended conditions, the works will not impact the health and safety of the local environment.</p>	<p>The Department has recommended consent conditions that require demolition to be undertaken in accordance with a demolition work plan that is prepared heeding Australian Standards. The Department has also recommended consent conditions that require the installation of sediment and erosion controls and temporary hoarding prior to the commencement of any demolition.</p>
Construction Management	<p>The site is not within the roadway or road reserve, however the site is on the road-facing side of a bank that rises and separates the existing and proposed signs from the railway corridor. The proposed sign is adjacent to and likely to be accessed from the Pacific Highway for import of materials and construction.</p> <p>The Department is satisfied that, subject to compliance with the recommended conditions, construction will be appropriately managed.</p>	<p>The Department has recommended conditions of consent that require the preparation of a Construction Management Plan including hours of work, safety, traffic management Including site compound, haulage routes, parking, pedestrian access and waste in order to ensure minimal disruption of any surrounding residential amenity and traffic operation.</p>
Development Contributions	<p>The applicable contribution plan to the proposal in the Ku-ring-gai Council area is the s7.11 Plan called Ku-ring-gai Contributions Plan 2010.</p> <p>The proposal seeks to replace an existing static advertising sign with a</p>	<p>The proposal does not warrant the imposition of a condition of consent requiring contributions.</p>

Issue	Findings	Recommendations
	<p>new digital sign. The Applicant included a public benefit Statement detailing the public benefits of the proposal.</p> <p>Council did not make a submission on the proposal.</p> <p>The proposal does not increase the demand for the facilities and amenities for which the Ku-ring-gai Contributions Plan 2010 provides. Therefore, the proposal does not warrant the imposition of a condition of consent requiring contributions.</p>	
Earthworks and Geotechnical Condition	<p>The proposal seeks consent to demolish an existing advertising sign, including its three steel support columns, and replace them with a new digital advertising sign with new support columns.</p> <p>The Applicant provided a Structural Feasibility Statement, prepared by Dennis Bunt Consulting Engineers Pty Ltd, as part of the RtS that recommended replacement of existing footings depending on the structural engineer's calculations.</p> <p>The plans do not show the depth of the existing or potential footings. The proposed plans also show that an existing retaining wall shall be replaced, however the plans do not show any associated excavation. The wall is 1m high.</p> <p>The ground conditions (soil type) of the site is unknown.</p> <p>The Department considers that the possible excavation associated with increased depth of footings is likely to be minor. The Department is satisfied that, subject to compliance with the recommended conditions, the works will</p>	<p>The Department has recommended conditions of consent that include the implementation of sediment and erosion controls during works. The Department has also recommended conditions of consent that require a structural engineer and a geotechnical engineer to design and certify the structure.</p> <p>The Department has also recommended consent conditions that require the structural engineer to prepare structural drawings that comply with the recommendations of the project's geotechnical engineer.</p>

Issue	Findings	Recommendations
	not negatively impact the safety of the surrounding area.	
Structural Feasibility	<p>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.</p> <p>The Applicant provided a Structural Feasibility Statement, prepared by Dennis Bunt Consulting Engineers Pty Ltd, in the RtS that:</p> <ul style="list-style-type: none"> advised that the proposed sign will be supported by three steel columns fixed to a concrete footing advised that the proposed sign can withstand wind loading recommended replacement of existing footings depending on the structural engineer's calculations. <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 these standards to ensure the structural safety of the proposed signage structure. The conditions also require all structural works to be designed and certified by a suitably qualified and practising structural engineer and a suitably qualified and practising geotechnical engineer.</p> <p>The recommended conditions also require the detailed design of the foundation be prepared with consideration to the recommendations of the Structural Feasibility Statement and Geotechnical Report, and that a copy of the detailed design approved by the Certifying Authority be provided to the Planning Secretary for information.</p>

6 Evaluation

The Department has assessed the development application in accordance with all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act, the principles of ecologically sustainable development. The Department has considered the development on its merits, taking into consideration advice received from the relevant public authorities and issues raised in submissions.

The Department's assessment concludes that the proposal is acceptable as:

- it is permissible with development consent on the railway corridor and consistent with the objectives of the SEPP, the Guidelines and the zone
- it meets the relevant statutory requirements within the Industry and Employment SEPP
- the scale and dimensions of the sign are appropriate for the surroundings
- the proposal will have minimal impacts on the character of the area and will not result in unacceptable visual impacts
- the proposal has demonstrated compliance with the Transport Corridor Outdoor Advertising and Signage Guidelines and relevant Australian Standards regarding illumination
- the proposal 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 D**).

7 Recommendation

It is recommended that the Director, Regional Assessments, 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 22/5184, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:

A handwritten signature in dark ink, appearing to read 'Michael Doyle', with a stylized flourish at the end.

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 long horizontal stroke.

Keiran Thomas

Director, Regional Assessments

As delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The following documents can be found on the NSW Planning Portal as follows:

- Statement of Environmental Effects
- Public submissions and agency advice
- Response to Submissions

<https://www.planningportal.nsw.gov.au/daex/exhibition/da-225184-signage-digital-advertising-signage-conversion-pymble>

Appendix B – Community Views

The Department received a combined two submissions from members of the public during exhibition. These submissions are included in **Table 4** below.

Table 4 | Community Views

Issue	Consideration
<i>Visual Impact</i> <ul style="list-style-type: none">• Not a detailed assessment of visual impacts• Proposal will be visible from residential apartments	<ul style="list-style-type: none">• The Department notes the signage meets the criteria under Schedule 5 of the Industry and Employment SEPP as the sign would not obscure important views, dominate the skyline or reduce the quality of vistas.• There would be a reasonable distance to the proposed sign, which is slated to replace the existing sign.• The Department therefore concludes the proposed signage would not result in any adverse visual impacts to surrounding properties or viewpoints of the site.
<i>Illumination Impact</i> <ul style="list-style-type: none">• Not a detailed assessment of illumination impacts• Illumination will be visible from residential apartments• The transitions of the digital display would be visible	<ul style="list-style-type: none">• The Department notes the signage meets the criteria under Schedule 5 of the Industry and Employment SEPP as the sign would not unduly detract from the amenity or visual quality of residences.• As outlined in the applicant's SEE and LIR, the signage would comply with the relevant Australian standards and guidelines pertaining to illumination impact pre and post curfew. In addition to this, conditions of consent have been imposed to ensure a reasonable illumination standard.• At 45m distance to the nearest residence, there would be a reasonable distance to the proposed sign, which is slated to replace the existing sign.• The Department therefore concludes the proposed signage would not result in any unreasonable visual impacts to surrounding properties or viewpoints of the site.

Note: One submission was submitted twice but, in accordance with the Submissions Policy (DPE July 2022), is counted once as the second submission was from the same entity and was a duplicate of the first submission.

Appendix C – 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 5** and **Table 6** below.

Table 5 | 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 unreasonably 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 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 proposal does not have significant impact on built or cultural heritage.

Object	Consideration
(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 exhibited the proposal, which included consultation with Ku-ring-gai Council and TfNSW (Section 4) and consideration of their responses (Section 5).
(i) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the application as outlined in Section 4 .

Table 6 | 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 is 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 is provided in Appendix C .
(iii) any development control plan, and	The proposal generally meets the relevant/applicable objectives of the <i>Ku-ring-gai Development Control Plan 2015</i> as addressed in Appendix C .
(iii) any planning agreement that has	The Applicant has not entered into a planning

Matter	Consideration
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	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).

Table 7 | Matters for Consideration under Division 4.6 of the EP&A Act

Matter	Consideration
Section 4.32 Definitions	
(1) In this Division – <i>applicable Sydney district or regional planning panel for development</i> means the Sydney district or regional planning	Section 1.4 in the Act prescribes: public authority means –

Matter	Consideration
panel for the part of the State in which the development is to be carried out.	(a) <i>a public or local authority constituted by or under an Act, or</i>
Crown development application means a development application made by or on behalf of the Crown.	(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) a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or
	(f) <i>a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or</i>
	(g) <i>a person prescribed by the regulations for the purposes of this definition.</i>
	(emphasis added)
	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.

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 & Employment) 2021* (Industry and Employment SEPP);
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP);
- *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015);
- *Ku-ring-gai Development Control Plan 2021* (KDCP 2021); 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 proposed digital signage has been assessed against the requirements of the Industry and Employment SEPP in **Table 8** and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in **Table 9**.

Table 8 | 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 9 .	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	The proposal is for a sign within a railway corridor on behalf of Sydney Trains, therefore the	Yes

Section	Criteria	Comments	Compliance
	Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	Minister for Planning and Public Spaces 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 9 and the Guidelines in Table 10.</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 5 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
	The Minister must not grant consent to the display of an advertisement unless:	Ku-ring-gai Council was notified and did not object to the proposal (refer to Section 4 of this report).	Yes

Section	Criteria	Comments	Compliance
	<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>There was no design review panel for this application.</p> <p>An assessment of the proposal against the Guidelines is provided in Table 10.</p>	
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 application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.. 	<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 Section 5 of this report.</p> <p>The application has been advertised in accordance with Schedule 1 of the Act as detailed in Section 4 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
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> <ul style="list-style-type: none"> i. a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or 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>The proposed signage has an advertising display area of 50.12 m².</p> <p>The proposal is to display an advertisement on transport corridor land and the Department is satisfied that the advertisement is consistent with the Guidelines.</p>	Yes
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 <i>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.</i></p> <p>The SEE describes that:</p>	Yes

Section	Criteria	Comments	Compliance
		<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 0.65m H x 12.53m L bottom black border of the sign. The 0.22m x 1.083m logo is 0.238 m² in size.</p>	
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 10 .	Yes

Table 9 | Industry and Employment SEPP Schedule 5 Compliance Table

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 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
2 Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed sign is not located within, nor detracts from, any environmental sensitive, natural, conservation, open space, waterway or rural landscapes.</p> <p>The proposed sign is located near a residential zone. However, the proposed signs are acceptable as they are effectively distanced and are part of the</p>	Yes

Assessment Criteria	Comments	Compliance
	background of the Pacific Highway which forms the predominant view catchment, resulting in a low visual impact, as discussed in Section 5 .	
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? 	The proposed sign is upon an embankment and is below the tree canopy. The sign does not obscure any important views, dominate the skyline, or obstruct sight to any other structures.	Yes
4 Streetscape, Setting or Landscape		
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 Pymble.	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 Pacific Highway.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal includes reducing the size of the sign by 2.2% from existing. The proposal also aims to present a more rectangular and sleek appearance from the existing signage.	Yes
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign is upon an embankment and is below 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

Assessment Criteria	Comments	Compliance
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 will support the character of the area.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signs 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
6 Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal includes a new servicing platform to the rear of the sign. The sign is digital and therefore inherently illuminated. The sign includes a 0.65m H bottom frame with the logo of the signage operator.	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. 	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 Section 5 of this report).	Yes
<p>Can the intensity of the illumination be adjusted?</p> <p>Is the illumination subject to a curfew?</p>	The proposal includes a local light sensor to adjust the intensity of the illumination of the sign in accordance with ambient lighting conditions.	Yes

Assessment Criteria	Comments	Compliance
	The proposal is consistent with the applicable 'post curfew' illuminance limits established under AS 4282-2019, i.e., lower luminance limit of 140cd/ m ² will be adopted between 11pm and 6am.	
8 Safety		
Would the proposal reduce safety for:	The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines (refer to Section 5 of this report).	Yes
<ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? any public road? 		

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.

The Applicant provided a Structural Feasibility Statement as part of the RtS that recommended replacement of existing footings depending on the structural engineer's calculations.

The plans do not show the depth of the existing or potential footings. The proposed plans also show that an existing retaining wall shall be replaced, however the plans do not show any associated excavation. The wall is 1m high. The ground conditions (soil type) of the site is unknown.

The Department considers that the possible excavation associated with increased depth of footings is likely to be minor and the likelihood and risk of contaminated soils in this area of excavation would be low.

Under the framework of the Resilience and Hazards SEPP, the proposed development is acceptable given the site is previously developed, and there would be controls and conditions of consent regarding the display of unsuitable advertisements. As such, 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 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 10**.

Table 10 | 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 Zone under the KLEP 2015 in that it will be any ancillary use to the transport corridor, which will generate revenue used to maintain and enhance existing and future Sydney Trains assets and services which form a key part of the transport network in Sydney, and will not interfere with the operation of the rail corridor or adjacent road corridor.	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"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential 	<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 Pacific Highway and the Ku-ring-gai locality to the south and west. The existing sign is in a transport corridor and an assessment of</p>	Yes

Assessment Criteria	Comments	Compliance
<ul style="list-style-type: none"> Scenic protection area National Park or nature reserve. 	potential impacts to surrounding residences are considered in Section 5 .	
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.	The existing static sign is located between a highway and a railway corridor, with any protrusion as existing.	Yes
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, with no items in close proximity to the site. 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 Pacific Highway and the road transport corridor.	Yes

2.5 Site Specific and Structural Criteria

2.5.1 General Criteria

i. 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
ii. The advertising structure should be compatible with the scale, proportion, and other characteristics of the site,	The proposed sign is compatible with surrounding signs and development along the railway corridor.	Yes

Assessment Criteria	Comments	Compliance
building or structure on which the proposed signage to be located.		
iii. 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 signs.	Yes
iv. The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	<p>The proposal involves the removal of three trees. The arborist's report nominates that these trees are unimportant and low category.</p> <p>Trees 2 and 3 are behind the sign. The removal of the trees will not appreciably affect the amenity or presentation of the railway or road corridors.</p> <p>Tree 6 is not near the subject sign. It should not be applicable to the subject proposal. It is included as a recommended condition that the subject consent does not authorise the removal of T6.</p>	Yes
v. 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 sign will retain trees 1 and 7 to each side of the sign and will continue to be in character of the transport corridor.	Considered acceptable – see comments
vi. 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 inherently illuminated. The sign includes a 0.65m H bottom frame with the logo of the signage operator.	Yes
vii. 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

Assessment Criteria	Comments	Compliance
viii. 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 Section 5 of this report).	Yes

2.5.4 Freestanding advertisements criteria

(a) The advertising structure must not protrude above the dominant skyline.	The proposal is below the surrounding tree canopy.	Yes
(b) Freestanding advertisement greater than 45 m ² 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 10 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 (ii) 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

Assessment Criteria	Comments	Compliance																		
(d) Dwell times for image display are: <ul style="list-style-type: none"> 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 10 second dwell time is proposed in the applicant's SEE, given a speed limit of 60km/h along Pacific 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:	<table border="1"> <thead> <tr> <th>Lighting Conditions</th><th>Zone 4 Maximum Luminance Levels</th><th>Proposed Luminance Levels</th></tr> </thead> <tbody> <tr> <td>Full sun on face of signage</td><td>No Limit</td><td>6000 cd/m²</td></tr> <tr> <td>Day-time luminance</td><td>6000 cd/m²</td><td>6000 cd/m²</td></tr> <tr> <td>Morning and Evening, and Twilight and Inclement Weather</td><td>500 cd/m²</td><td>500 cd/m²</td></tr> <tr> <td>Night-time Pre-Curfew (Until 11pm)</td><td>200 cd/m²</td><td>200 cd/m²</td></tr> <tr> <td>Night-time Post-Curfew (11pm - 6am)</td><td>As above</td><td>140 cd/m²</td></tr> </tbody> </table> <p>The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 4 (refer to Section 5 of this report) and would comply with the luminance criteria.</p>	Lighting Conditions	Zone 4 Maximum Luminance Levels	Proposed Luminance Levels	Full sun on face of signage	No Limit	6000 cd/m ²	Day-time luminance	6000 cd/m ²	6000 cd/m ²	Morning and Evening, and Twilight and Inclement Weather	500 cd/m ²	500 cd/m ²	Night-time Pre-Curfew (Until 11pm)	200 cd/m ²	200 cd/m ²	Night-time Post-Curfew (11pm - 6am)	As above	140 cd/m ²	Yes
Lighting Conditions	Zone 4 Maximum Luminance Levels	Proposed Luminance Levels																		
Full sun on face of signage	No Limit	6000 cd/m ²																		
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Night-time Pre-Curfew (Until 11pm)	200 cd/m ²	200 cd/m ²																		
Night-time Post-Curfew (11pm - 6am)	As above	140 cd/m ²																		
(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.	The advertisements would primarily display images with information/text kept to a minimum.	Yes																		

Assessment Criteria	Comments	Compliance
	A condition of consent is recommended to ensure that text and information is kept to a minimum.	
(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 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 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 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 is not another sign facing northern-travelling traffic within 150 m of the proposed signage.	Yes
(m) Signs greater than 20 m ² 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.	The sign comprises: <ul style="list-style-type: none"> Advertising display area (including frame and JCDecaux logo) – 50.12m² Active digital display area – 39.94m² 	Yes

Assessment Criteria	Comments	Compliance
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>Although not required as the Minister is the consent authority, TfNSW (RMS) has reviewed the application and raised no concerns.</p> <p>The bottom of the sign is 4.26m to footpath level. The proposed works would not overhang the roadway.</p>	
(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 and/or RMS to allow a review of the signs activity in case of complaint.	This matter will be included as a condition of consent.	Yes
(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20 m ² 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
Road Safety Assessment Criteria		
3.2.1 Road clearance		
(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	The proposed signs are not located within a clear zone.	N/A

Assessment Criteria	Comments	Compliance
specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.		
(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, being on land classed as the railway corridor.	N/A

Additional road clearance criteria for digital signs

Digital signs greater than 20m ² 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
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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, backing onto vegetation and an embankment.	Yes
(b) An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed digital signage will not obstruct views, backing onto vegetation and an embankment.	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

Assessment Criteria	Comments	Compliance
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed signs are located front-on for north-bound traffic and will not require the drivers to direct their attention away from the road, and would have a dwell time of 10 seconds.	Yes

3.2.3 Proximity to decision making points and conflict points

<p>(a) The sign should not be located:</p> <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 iii. so that it is visible from the stem of a T-intersection. 	<p>The proposed signage would comply with the road safety requirements (refer to Section 5Error! Reference source not found. of this report).</p>	Yes
<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> <ul style="list-style-type: none"> 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. 	<p>The placement of the sign will not distract drivers at critical times (refer to Section 5Error! Reference source not found. of this report).</p>	Yes

Assessment Criteria	Comments	Compliance
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.	There is not another sign facing northern-travelling traffic within 150m of the proposed signage.	Yes
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
(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
Additional criteria for digital signs and moving signs		
(a) The image must not be capable of being mistaken: <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 	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	Yes

Assessment Criteria	Comments	Compliance
<p>triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal</p> <p>ii. as text providing driving instructions to drivers.</p>	<p>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.</p>	
<p>(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).</p>	<p>The Department has included a suite of recommended conditions to ensure the content of the advertising does not include message sequencing, flickering or flashing.</p>	<p>Yes</p>
3.3.2 Dwell time and transition time		
Digital signs		
<p>(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.</p>	<p>The Department has included a recommended condition of consent requiring the advertising to be static and for a 10 second dwell time.</p>	<p>Yes</p>
<p>(b) Dwell times for image display must not be less than:</p> <p>i. 10 seconds for areas where the speed limit is below 80km/h.</p> <p>ii. 25 seconds for areas where the speed limit is 80km/h and over.</p>	<p>A 10 second dwell time is proposed in the applicant's SEE, given a speed limit of 60km/h along Pacific Highway.</p>	<p>Yes</p>
<p>(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.</p>	<p>The proposal is not visible from a school zone.</p>	<p>Yes</p>
<p>(d) Digital signs must not contain animated or video/movie style advertising or</p>	<p>A condition of consent will be applied to ensure the sign does not contain animated or video/movie style advertising or</p>	<p>Yes</p>

Assessment Criteria	Comments	Compliance
messages including live television, satellite, Internet or similar broadcasts.	messages, including live television, satellite, internet or similar broadcasts.	
(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 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 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 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

Assessment Criteria	Comments	Compliance
Public Benefit		
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 Section 5 of this report).	Yes
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

Chapter 2 Infrastructure of 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. The proposal has been assessed against the SEPP in **Table 11**.

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 is replacing an existing sign and is similar in nature to other signs which are typically found in road corridors. In consideration of the above, the proposal would not compromise the operation and function of the road

Table 11 | Assessment against Chapter 2 in Transport and Infrastructure SEPP

Assessment Criteria	Comments	Compliance
Division 15 Railways		
<u>Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements</u>		
2.98 Development adjacent to rail corridors		
(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development –	On 4 November 2022, the Applicant submitted an RtS (Appendix A – List of Documents) including a Structural Feasibility Statement describing that the sign will consist of a rectangular steel box which will act as a three dimensional (3D) welded steel frame. The statement also described that three new steel columns will be fixed to the concrete footings and cantilever vertically upwards approximately 2m.	Yes
(a) is likely to have an adverse effect on rail safety, or	A bank of land rises and separates the existing and proposed signs from the railway line.	N/A
(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or	On 4 November 2022, the Applicant submitted an RtS (Appendix A – List of Documents) including a Structural Feasibility Statement describing that the sign will consist of a rectangular steel box which will act as a three dimensional (3D) welded steel frame. The statement also described that three new steel columns will be fixed to the concrete footings and cantilever vertically upwards approximately 2m.	Yes
(c) involves the use of a crane in air space above any rail corridor, or	The site is on the road-facing side of a bank that rises and separates the existing and proposed signs from the railway corridor. The proposed sign is adjacent to and likely to be	N/A

Assessment Criteria	Comments	Compliance
	accessed from the Pacific Highway for import of materials and construction.	
(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.	The proposed sign is 8.5m from the north-bound railway tracks and overhead power lines.	N/A
Note: Section 2.48 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.	The proposed sign is 8.5m from the north-bound railway tracks and overhead power lines.	N/A
(2) Before determining a development application for development to which this section applies, the consent authority must –	The Department publicly exhibited the application for 30 days, and adjoining landholders, Council and TfNSW were notified. In response, TfNSW provided concurrence subject to recommended consent conditions including that the proposal comply with the	Yes
(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and	Transport Corridor Advertising and Signage Guidelines (the Guidelines), display requirements including colours, shapes, movement and lighting effects, dwell times, a Road Occupancy Licence for any construction activities that may affect traffic flows. The	Yes
(b) take into consideration –	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).	Yes
i. any response to the notice that is received within 21 days after the notice is given, and		
ii. any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.		

Assessment Criteria	Comments	Compliance
2.99 Excavation in, above, below or adjacent to rail corridors		
(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land –	<p>The existing sign, including the three existing steel support columns, are due to be removed, however the three existing support 'pile footings will remain and be reused or replaced (with similar but larger) if required depending on the calculations by the structural engineer. (Source: Structural Feasibility Statement dated 25 October 2022 and Response to Submissions and Request for Information letter dated 4 November 2022). However, the plans do not show the depth of the existing or potential footings.</p> <p>The proposed plans also show that an existing retaining wall shall be replaced, however the plans do not show any associated excavation and the wall is only 1m high.</p>	Yes
(a) within, below or above a rail corridor, or	The site is on the opposite side of a bank of land that rises and separates the adjacent road and rail corridors.	N/A
(b) within 25m (measured horizontally) of a rail corridor, or	The site is within 25m of the rail corridor.	Yes
(c) within 25m (measured horizontally) of the ground directly below a rail corridor, or	The site is above the railway tracks.	N/A
(d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.	The railway corridor is not underground.	N/A

Assessment Criteria	Comments	Compliance
(2) Before determining a development application for development to which this section applies, the consent authority must—	The Department publicly exhibited the application for 42 days, and adjoining landholders, Council and TfNSW were notified. In response, TfNSW provided concurrence subject to recommended consent conditions	Yes
(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and	including that the proposal comply with the Transport Corridor Advertising and Signage Guidelines (the Guidelines), display requirements including colours, shapes, movement and lighting effects, dwell times, a Road Occupancy Licence for any construction	Yes
(b) take into consideration –	activities that may affect traffic flows. 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).	Yes
i. any response to the notice that is received within 21 days after the notice is given, and		
ii. any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.		
(3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.	TfNSW provided concurrence subject to recommended consent conditions. The recommended conditions have been incorporated into the recommended development consent (Appendix D).	Yes
(5) The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if –	TfNSW provided concurrence.	N/A

Assessment Criteria	Comments	Compliance
(b) in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.		

Ku-ring-gai Local Environmental Plan 2015

The site is zoned SP2 Infrastructure (for the purpose of railways) under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015). The application is permissible with consent as it is located on land comprising a railway corridor and is for the display of an advertisement by or on behalf of Sydney Trains which is ancillary development

The objectives of the SP2 zone are:

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

The Applicant has provided a Public Benefit Statement which describes that the proposed sign would 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 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, station upgrades and maintenance depot upgrades.

The proposal is not within or near any known proposed widening of the railway corridor or the adjacent SP2 Classified Road.

The proposal is consistent with the objectives of the zone.

Section 3.14 of the Industry and Employment SEPP states that, despite the provisions of any EPI or Section 10(1) of the SEPP, the display of an advertisement by or on behalf of Sydney Trains, is permissible with development consent.

Ku-ring-gai Development Control Plan 2021

Section A Part 12 of the KDCP 2021 outlines Council's desired objectives and measures for the installation of signage.

The proposed signs are consistent with the relevant desired objectives of the KDCP 2021 as detailed in **Table 12**.

Table 12 | Assessment of compliance with KDCP 2021 criteria

Assessment Criteria	Comments	Compliance
Section A Part 12 Signage and Advertising		
<u>Part 12.1 Signage General</u>		
1. Where located on a building, signage is to be integrated with the architecture and/or structure of the host building. Building façade detail, ventilated inlets or outlets and projecting features of the building are to remain unobscured by signage.	The proposed signage is not on a building.	N/A
2. Signage and advertising are to be constructed of non-combustible, graffiti resistant and easily cleaned materials	The proposed signage would be constructed of high quality materials. The height of the screen discourages graffiti.	Yes
4. The following signage is not permitted:		
(i) flashing signs, moving signs, balloon signs, inflatable signs or the like, or any bunting, flag signs or those made of canvas, calico, textile or the like;	TfNSW has granted concurrence subject to consent conditions that forbid flashing or flickering lights or content and animated displays, moving parts or simulated movement.	Yes
(ii) signs advertising a third party, activity or trade other than that associated with the building to which the sign is attached;	The sign does not advertise activity of the site. The sign advertises third party activity. However, the sign is consistent with the character of the road corridor.	No
(iii) hoarding signs, painted bulletins or advertisements in the nature of posters (except newsagents headlines) or stickers affixed to the exterior of the building;	The sign does not comprise a hoarding sign or the like.	Yes

Assessment Criteria	Comments	Compliance
(iv) signage above awning level, except for building identification signs;	The sign is not affixed to a building.	Yes
(v) signage affixed to or attached to telephone booths, trees, poles, signs, shelters, sheds, bins and the like;	The sign is not affixed to another structure.	Yes
(vi) fluorescent colours on signs or buildings;	TfNSW has granted concurrence subject to consent conditions that forbid red, amber or green circles, or the dominant use of colours red or green. There are no other requirements to restrict fluorescent colours, and the signs are distinct from surrounding built form and area.	No
(vii) sky, roof or fin signs;	The sign is not a sky sign or the like.	Yes
(viii) internally and externally illuminated signs, other than those permitted under 12.7 of this Part (except where internally lit signs do not cause any spillage of light onto neighbouring properties or can be proven not to cause any detracting from the amenity of the locality);	The illumination of the advertising signage does not result in unacceptable light spill (refer to Section 5 of this report).	No
(ix) freestanding signs/pole signs (except service stations)	The sign is freestanding, however the sign is consistent with the character of the road corridor.	No
Part 12.4 – Advertising Structures		
1. Flush wall signs 2. Fascia signs 3. Portable signs	The proposed signage does not comprise any of the controls.	N/A

Assessment Criteria	Comments	Compliance
4. Portable signs (trailers and vehicles)		
<u>Part 12.7 – Illumination of Signs</u>		
Non-Residential and Mixed Use Buildings For mixed use developments, the requirements below apply only to the non-residential portion of mixed use development.	The proposal does not constitute mixed use.	N/A
1. Illuminated signs may be considered subject to specific controls such as the inclusion of automatic timing devices, to turn lights on/off at times designated by the Council;	As above.	N/A
2. Illumination is to be concealed within, or integral to, the sign through use of neon or an internally lit box, or by sensitively designed external spot-lighting;	The signage would have LED technology for display and illumination.	Yes
3. Illuminated signs are to use LED diode technology or a lighting source of equivalent or higher efficiency;	The signage would have LED technology for display and illumination.	Yes
4. Illumination is not to be hazardous or a nuisance to pedestrians or vehicular traffic and not to produce any light spill;	As discussed earlier in this report, the signage would not cause an undue light spill, and meets the Australian Standards in this regard.	Yes

Assessment Criteria	Comments	Compliance
5. Cabling to signs are to be concealed.	The signage would have a sleek exterior appearance.	Yes
6. Consideration is to be given to avoid the use of illuminated red, green and amber colours in proximity to signalised intersections, to avoid the likelihood of motorist misinterpretation.	The signage is not in proximity to a signalised intersection.	N/A

Part 12.10 – Maintenance

1. A sign is not to be altered in any way (except for removal) after approval unless permission in writing for such alteration is obtained beforehand from Council.	Council is not the consent authority for the subject proposal.	N/A
2. All signs are to be maintained to the satisfaction of Council at all times.	As above.	N/A

Appendix D – Recommended Instrument of Consent