

Industry and Employment SEPP & Transport Corridor Advertising and Signage Guidelines Assessment

1 Industry and Employment SEPP Assessment

Industry and Employment SEPP Provision	Comment	Compliance
3.1 Aims, objectives etc.		
<p>(1) <i>This Policy aims:</i></p> <p>(a) <i>To ensure that signage (including advertising):</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under part 4 of the Act, and</i></p> <p>(c) <i>to provide time-limited consents for the display of certain advertisements, and</i></p> <p>(d) <i>to regulate the display of advertisements in transport corridors, and</i></p> <p>(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></p> <p>(2) <i>This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>(a) The proposal is assessed to be compatible with the visual character and desired amenity of the locality as it is proposed install digital advertising signage. The sign will have a high design quality and is compatible with the land use character of the location.</p> <p>(b) The proposal will be assessed and regulated under Part 4 of the EP&A Act and will be appropriately managed by the Minister's conditions of consent.</p> <p>(c) Duration of consent for the proposal will be controlled by section 3.12 of the SEPP and will be consistent with the Minister's conditions of consent.</p> <p>(d) The proposal does not present any significant road safety issues and is not expected to compromise road safety in its vicinity. The proposal is also regulated against the Guidelines.</p> <p>(e) The proposal demonstrates public benefit by providing a revenue stream for the State Government and by providing important information to customers in special events and circumstances.</p>	✓
3.2 Definitions		
	<p>The proposal constitutes an advertisement to which Part 3 of the SEPP applies.</p> <p>Help Street is <u>not</u> a State classified road under the <i>Roads Act 1993</i>.</p>	✓

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	The proposal constitutes an advertisement on railway corridor land .	
3.6 Granting of consent to signage		
<p>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</p> <p>(a) that the signage is consistent with the objectives of this Policy as set out in section 3.1 (1) (a), and</p> <p>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</p>	<p>An assessment against section 3.1 (1) (a) is provided above.</p> <p>The SEE also undertakes a detailed assessment demonstrating that the proposal is consistent with the objectives of the Policy and the Assessment Criteria specified in Schedule 5.</p>	✓
3.7 Advertisements to which this Part applies		
<p>(1) This Part applies to all signage to which this Policy applies, other than the following:</p> <p>(a) business identification signs,</p> <p>(b) building identification signs,</p> <p>(c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</p> <p>(d) signage on vehicles.</p> <p>(2) Despite subsection (1) (d), section 3.26 applies to signage on a trailer (within the meaning of the Road Transport Act 2013).</p>	<p>The proposal constitutes an advertisement under the provisions of Part 3.3.</p>	✓
3.8 Prohibited advertisements		
<p>(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:</p> <ul style="list-style-type: none"> environmentally sensitive area heritage area (excluding railway stations) natural or other conservation area open space waterway residential (but not including a mixed residential and business zone, or similar zones) scenic protection area national park nature reserve <p>(2) This section does not apply to the following:</p> <p>(a) the Mount Panorama Precinct,</p> <p>(b) the display of an advertisement at a public sporting facility situated on</p>	<p>The land upon which the sign is proposed to be erected is not described as being within any of the zones or descriptions identified and therefore it is not a prohibited advertisement.</p> <p>It is noted that as the proposed sign is on behalf of Sydney Trains and is located within a railway corridor, it is permissible with consent under chapter 3, section 3.14 of SEPP Industry and Employment.</p>	✓

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land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.		
3.10 Consent authority		
<p>For the purposes of this Policy, the consent authority is:</p> <p>(a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or</p> <p>(b) TfNSW in the case of an advertisement displayed on a vessel, or</p> <p>(c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor, or</p> <p>(d) the Minister for Planning in the case of an advertisement displayed by or on behalf of RMS on -</p> <p>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</p> <p>(ii) a bridge constructed by or on behalf of RMS on any road corridor, or</p> <p>(iii) land that is owned, occupied or managed by RMS, or</p> <p>(e) the Minister for Planning in the case of an advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</p>	<p>In accordance with Section 3.10(c), the Minister for Planning and Homes is the consent authority for the proposal as it is on behalf of Sydney Trains on a railway corridor.</p>	✓
3.11 Matters for consideration		
<p>(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:</p>	<p>The proposal satisfies the objectives detailed in Section 3.11(1).</p> <p>The SEE concludes that the proposal is consistent with the assessment criteria detailed in</p>	✓

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<p>(a) <i>is consistent with the objectives of this Policy as set out in section 3.1 (1) (a), and</i></p> <p>(b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i></p> <p>(c) <i>satisfies any other relevant requirements of this Policy.</i></p> <p>(2) <i>If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:</i></p> <p>(a) <i>is consistent with the objectives of this Policy as set out in section 3.1 (1) (a), and</i></p> <p>(b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of</i></p> <p style="padding-left: 20px;">(i) <i>design, and</i></p> <p style="padding-left: 20px;">(ii) <i>road safety, and</i></p> <p style="padding-left: 20px;">(iii) <i>the public benefits to be provided in connection with the display of the advertisement, and</i></p> <p>(c) <i>satisfies any other relevant requirements of this Policy.</i></p> <p>(3) <i>In addition, if section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.</i></p>	<p>Schedule 5 and in the Signage Guidelines.</p> <p>As part of the application, the Applicant has committed to the provision of funding towards essential Sydney Trains services to the benefit of the local community.</p>	
3.12 Duration of consents		
<p>(1) <i>A consent granted under this Part ceases to be in force:</i></p> <p>(a) <i>on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</i></p>	<p>It is acknowledged that any consent granted for the application would expire 15 years after the date on which the consent becomes effective.</p>	<p>✓</p>

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<p>(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.</p> <p>(2) The consent authority may specify a period of less than 15 years only if:</p> <p>(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</p> <p>(b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or</p> <p>(c) the specification of a lesser period is required by another provision of this Policy.</p>		
3.14 Transport corridor land		
<p>(1) Despite section 3.8(1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases permissible with development consent in the following cases:</p> <p>a. the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,</p> <p>b. the display of an advertisement by or on behalf of TfNSW on:</p> <p>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</p> <p>(ii) a bridge constructed by or on behalf of TfNSW on any road corridor, or</p> <p>(iii) land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,</p>	<p>(1) In accordance with subsection (1)(a), the proposal is permissible with development consent as the application is for the display of an advertisement on behalf of Sydney Trains on a rail corridor.</p> <p>(2) In accordance with subsection (2), the Minister may appoint a design review panel to provide advice concerning the design quality of the proposal.</p> <p>(3) In accordance with subsection (3), Council will be formally advised of the development application as part of DPIE's assessment.</p> <p>(4) In accordance with subsection (4), an assessment against the Signage Guidelines has been provided in the SEE.</p>	<p>✓</p>

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<p>c. the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</p> <p>(2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.</p> <p>(3) The Minister must not grant consent to the display of an advertisement in such a case unless:</p> <p>(a) the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council within 28 days have been considered by the Minister, and</p> <p>(b) the advice of any design review panel appointed by the Minister has been considered by the Minister, and</p> <p>(c) the Minister is satisfied that the advertisement is consistent with the Guidelines.</p> <p>(4) This clause does not apply to the display of an advertisement if the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines.</p>		
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground		
<p>(1) This clause applies to an advertisement:</p> <p>(a) that has a display area greater than 20 square metres, or</p> <p>(b) that is higher than 8 metres above the ground.</p> <p>(2) The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.</p> <p>(3) The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:</p>	<p>An assessment against the assessment criteria in Schedule 5 is provided within the SEE.</p> <p>Clause 3.16 does not apply as the proposed sign has an advertising display area less than 20 square metres (14.93 square metres) and is not higher than 8m above the ground.</p>	<p>✓</p>

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<p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</p>		
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road		
<p>(1) This clause applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.</p> <p>(2) The consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of TfNSW.</p> <p>(3) In deciding whether or not concurrence should be granted, TfNSW must take into consideration:</p> <p>(a) the impact of the display of the advertisement on traffic safety, and</p> <p>(b) the Guidelines.</p> <p>(c) (Repealed)</p> <p>(4) If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under section 3.15(2)(b) that it has granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.</p> <p>(5) Nothing in this clause affects section 3.14.</p> <p>(6) This clause does not apply when the Minister for Planning is the consent authority.</p>	The Minister is the consent authority for the application and, therefore, section 3.16 does not apply.	N/A
3.17 Advertising display area greater than 45 square metres		
	Section 3.17 does not apply as the proposal has an advertising display area less than 45m ² .	N/A
3.18 Location of certain names and logos		
(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.	A compliant operator logo will also be located within the monopole structure.	✓

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<p>(2) If the advertising display area has no border or surrounds, any such name or logo is to be located:</p> <p>(a) within the advertisement, or</p> <p>(b) within a strip below the advertisement that extends for the full width of the advertisement.</p> <p>(3) The area of any such name or logo must not be greater than 0.25 square metres.</p> <p>(4) The area of any such strip is to be included in calculating the size of the advertising display area.</p>		
3.20 Wall advertisements		
<p>(1) Only one wall advertisement may be displayed per building elevation.</p> <p>(2) The consent authority may grant consent to a wall advertisement only if—</p> <p>(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and</p> <p>(b) for a building having—</p> <p>(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and</p> <p>(ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and</p> <p>(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and</p> <p>(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and</p> <p>(d) the advertisement does not protrude above the parapet or eaves, and</p> <p>(e) the advertisement does not extend over a window or other opening, and</p> <p>(f) the advertisement does not obscure significant architectural elements of the building, and</p> <p>(g) a building identification sign or business identification sign is not displayed on the building elevation.</p>	The proposal is not a wall advertisement.	N/A

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<p>(2A) In the case of the display of a wall advertisement on transport corridor land, subsection (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.</p> <p>(3) In this clause, building elevation means an elevation of a building as commonly shown on building plans.</p>		
3.21 Freestanding advertisement		
<p>(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.</p> <p>(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under section 3.13.</p>	<p>The proposal is a freestanding advertisement.</p> <p>The proposal does not protrude above the dominant skyline, including any buildings, structures or tree canopies.</p>	✓
3.22 Advertisements on bridges		
<p>(1) A person may, with the consent of the consent authority, display an advertisement on a bridge.</p> <p>(2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p> <p>(3) (Repealed)</p>	<p>The proposal is not a bridge advertisement.</p>	N/A

2 Transport Corridor Advertising and Signage Guidelines Assessment

2.1 Land Use Compatibility Criteria – Transport Corridor Advertising

Land Use Compatibility Criteria	Response	Compliance
i. <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.</i>	<p>The proposal is located on land zoned B3 Commercial Core under the Willoughby Local Environmental Plan 2012 (WLEP).</p> <p>The proposed advertising signage is prohibited within the B3 zone under the WLEP.</p> <p>Notwithstanding, the proposal is consistent with the land use objectives for the B3 zone in the WLEP 2012 as it is compatible with the character of the Chatswood CBD, which is highly urbanised in nature, and will not detract from the road corridor.</p>	✓
ii. <i>Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:</i> <ul style="list-style-type: none"> • environmentally sensitive area • heritage area (excluding railway stations) • natural or other conservation area • open space (excluding sponsorship advertising at sporting facilities in public recreation zones) • waterway • residential area (but not including a mixed residential and business zone, or similar zones) • scenic protection area • national park or nature reserve. 	<p>The proposal is not located in an environmentally sensitive area and it is unlikely the sign will have tangible impacts to the nearby residential area as demonstrated in the accompanying Visual Impact Assessment and Lighting Impact Assessment.</p> <p>The proposal is unlikely to comprise any additional adverse visual impact to what is currently occurring on site from Help Street.</p>	✓
iii. <i>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.</i>	<p>The sign will be located within the railway corridor adjacent to the railway overpass. It will remain below the existing tree canopy and will not comprise any significant scenic views.</p>	✓
iv. <i>Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.</i>	<p>As there are no heritage items located within the vicinity of the proposed advertising signage, the proposal will not impact on any items of heritage significance.</p>	✓

Land Use Compatibility Criteria	Response	Compliance
v. <i>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.</i>	<p>The proposal is considered to be consistent with the context of the existing setting, being an established road corridor, and will provide visual interest to motorists along Help Street.</p> <p>The sign represents a contemporary form of digital advertising signage, designed by Tzannes Architects, that is considered and creative ensuring a high quality design outcome</p>	✓

Table 1: Land Use Compatibility Criteria – Signage Guidelines

2.2 Digital Sign Criteria (applies to signs less than 20 sqm)

Design Sign Criteria	Comment	Compliance
a. <i>Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below</i>	Static digital advertisements will appear on the screen for a minimum 25 second dwell time before changing to a new static digital image.	✓
b. <i>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.</i>	The signage content will be managed in order to comply with the requirements for message sequencing.	✓
c. <i>The image must not be capable of being mistaken:</i> <ol style="list-style-type: none"> <i>For a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device.</i> <i>As text providing driving instructions to drivers.</i> 	The signage content will be managed in order to ensure images are not capable of being mistaken for a traffic control device or as text providing driving instructions to drivers.	✓
d. <i>Dwell times for image display must not be less than:</i> <ol style="list-style-type: none"> <i>10 seconds for areas where the speed limit is below 80km/h</i> <i>25 seconds for areas where the speed limit is 80km/h and over</i> 	A compliant dwell time of 25 seconds is proposed.	✓
e. <i>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.</i>	The transition time between messages will be no longer than 0.1 seconds and the default image in the event of image failure will be a black screen.	✓

Design Sign Criteria	Comment	Compliance
f. <i>Luminance levels must comply with the requirements in Section 3 below.</i>	The Luminance criteria is addressed within the SEE and the Lighting Impact Assessment.	✓
g. <i>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.</i>	The signage content will be managed in order to ensure drivers are not unreasonably distracted.	✓
h. <i>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).</i>	The signage content will be managed in order to ensure text and information is kept to a minimum.	✓
i. <i>Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.</i>	The proposal will not be visible from a school zone.	✓
j. <i>Each sign proposal 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.</i>	This SEE provides a comprehensive assessment of the proposal and considers impacts of the digital advertising sign on westbound motorists and pedestrians of Help Street.	✓
k. <i>At any time, including where the speed limit in the area 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 using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.</i>	This requirement is noted.	✓

Table 2: Digital Sign Criteria – Signage Guidelines

2.3 Freestanding Advertisements Criteria

Freestanding Signage Criteria	Response	Compliance
a. The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.	As demonstrated in the accompanying Traffic Safety Assessment at Appendix 3, upon vehicle approach the advertising structure does not protrude above the dominant skyline.	✓
b. For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.	The proposed sign is less than 45sqm (14.93 square metres).	✓
c. Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.	The proposal will require ongoing vegetation management due to the signs location within a planter bed. Notwithstanding the planter bed is currently managed and maintained by Sydney Trains which will continue when the sign is in place.	✓

Table 3: Freestanding signage criteria – Signage Guidelines