



Advertising Signage, Pacific Highway, Lindfield

Part 4 Development Application (DA 22/14349)

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Glossary

Abbreviation	Definition
Applicant	Transport Asset Holding Entity of New South Wales (TAHE)
Consent	Development Consent
Council	Ku-ring-gai Council
Consent	Development Consent
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>
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
RMS	NSW Roads and Maritime Services within Transport for New South Wales
RSA	Road Safety Assessment
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SEPP (Industry and Employment)	<i>State Environmental Planning Policy (Industry & Employment) 2021</i>
SEPP (R&H)	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
SEPP (Transport and Infrastructure)	<i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i>
Site	Pacific Highway, Lindfield
TfNSW	Transport for New South Wales
The Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
VIA	Visual Impact Assessment

Executive Summary

Transport Asset Holding Entity of New South Wales/Sydney Trains (the Applicant) seeks development consent for the demolition and removal of four existing static advertising signs and installation of one new digital advertising sign at Pacific Highway, Lindfield (DA 22/14349).

Engagement

The Department of Planning and Environment (Department) publicly exhibited the development application (DA) from 29 November 2022 to 12 December 2022 (14 days). Advice was sought from Ku-ring-gai (Council), DPE Water and Transport for New South Wales (TfNSW).

The Department has received in total four submissions during exhibition. These comprised of one objection from a community member and comments from TfNSW, Ku-ring-gai Council and DPE Water. Council provided comment on road and pedestrian safety whilst the community member commented on visual impact and illumination issues. TfNSW and DPE Water advised that it did not have concerns with the proposal. In the Response to Submissions (RtS), the Applicant provided amended architectural plans and a geotechnical report. The RtS was referred to Council. TfNSW and Council provided recommended conditions.

Assessment

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

The key issues associated with the proposed development are visual impact, illumination, road safety and public benefit.

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

- would not result in any significant amenity impacts as the illumination level during night-time would be set below the maximum levels outlined in the Guidelines
- would not result in any adverse pedestrian or road safety impacts as the proposal complies with the Guidelines and the Department has recommended a suite of conditions to appropriately mitigate and manage safety impacts, including an increased dwell time
- would provide 5% of all advertising time for local community information, including road safety messages and would also be available for emergency and traffic information messaging
- is permissible development in an existing road corridor.

Conclusion

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

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1 Introduction

1.1 Background

This report provides an assessment of a Development Application (DA 22/14349) lodged by the Transport Asset Holding Entity of New South Wales (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent to install a new portrait monopole digital advertising sign within an existing railway corridor, located to the west of Pacific Highway, in the Ku-ring-gai Local Government Area (LGA).

1.2 The site

The site is legally described as Lot 1 DP 1131000 and includes the existing rail tracks, and associated railway infrastructure. The location of the proposed works is between the Pacific Highway and the rail corridor to the west.

The site is shown in **Figure 1**.



Figure 1 | Site Context
(Source: Applicant's documentation)

The Pacific Highway is classified as a highway under the *Roads Act 1993*, accommodating three lanes of traffic in each direction. The site is visible to motorists travelling north on the Pacific Highway. The adjacent rail line forms part of the Sydney North Shore line, between Lindfield Railway Station to the south-east and Killara Railway Station to the north-west.

1.3 Surrounding context

Development surrounding the site and in proximity to the road corridor includes two-storey commercial and retail uses to the west directly opposite the proposed development to the west of the Pacific Highway and mixed use and medium to high density housing to the east. Land uses directly south of the site along Pacific Highway are predominantly commercial. The site features extensive canopy cover and vegetation to the north and limited canopy cover to the south, as seen above in **Figure 1**. The elevation along the Pacific Highway increases towards Killara to the north-west and Roseville to the south.



Figure 2 | Existing Street View – looking east towards existing signage at the site
(Source: Applicant's documentation)



Figure 3 | Existing Street View - looking north-east towards existing signage at the site
(Source: Applicant's documentation)

2 Project

The proposal seeks consent to install a new portrait monopole digital advertising sign, including:

- construction and installation of a (free standing, single sided) digital advertising sign, with the advertiser's banner integrated into the bottom of the screen
- demolition and removal of four existing signs

The estimated cost of these works is \$551,100.

The proposed design and operation specifications of the signage is outlined in **Table 1**. The proposed signage details are shown in **Figures 4**.

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

Aspect	Sign
Advertising display area	16.52sqm (14.93sqm excluding logo)
Active digital display area	14.16sqm
Total Height (including the frame)	8.29m from existing rail track level east of the site
Clearance from ground level to the bottom of the sign	2.9m from the bottom of the sign to ground level
Signage display	Digital LED Screen
Dwell time	10 seconds
Maximum illuminance limit during post night-time period	350 cd/m ²
Hours of operation	24 hours a day, 7 days a week

The proposed digital signage would be programmed to operate 24-hours-a-day, 7-days-per-week. The advertisements displayed would be static in their content but designed to automatically change every 10 seconds.

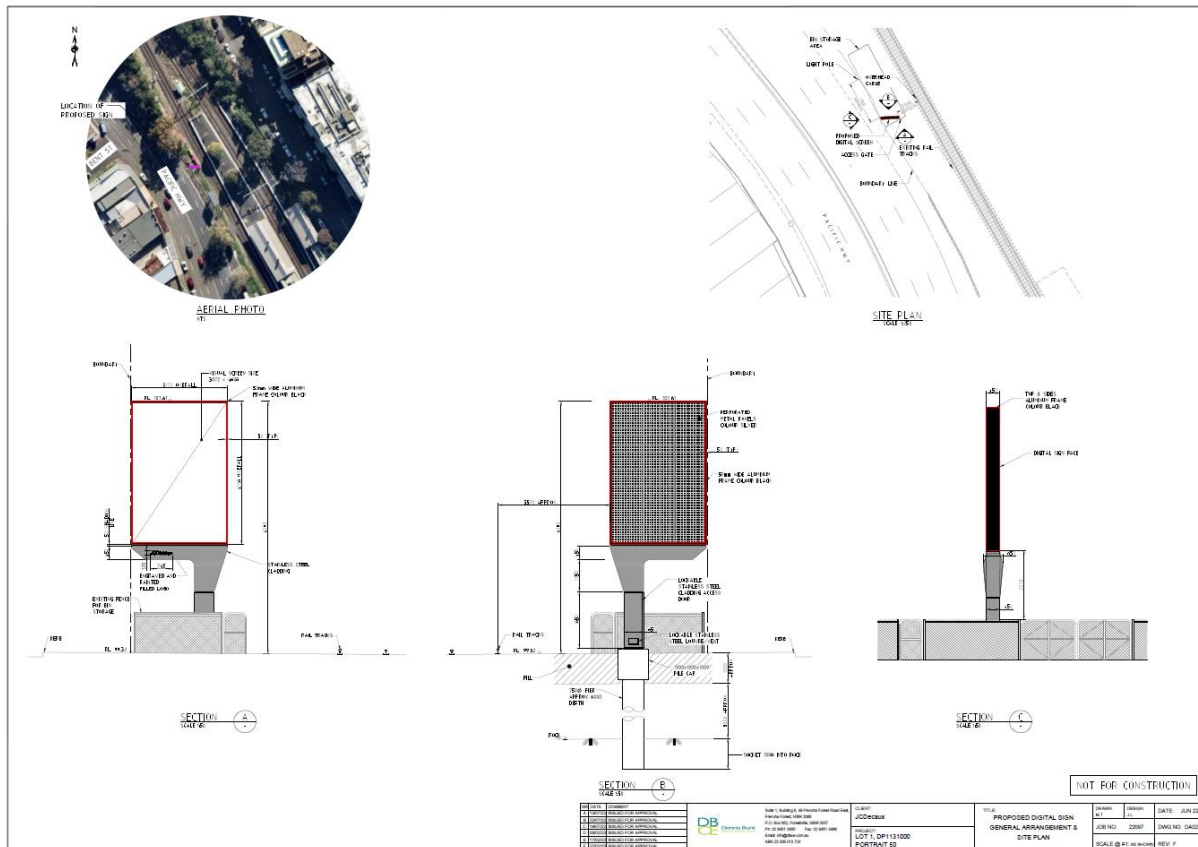


Figure 4 | Proposed Site Plan and Elevation of proposed signage (Source: Applicant's documentation)

3 Strategic context

3.1 Project need and justification

The application's Statement of Environmental Effects (SEE) describes that the introduction of digital technology has enabled new methods to change signage without regular manual change to the advertising signage, and that an LED or digital screen will present a very high-quality image.

The application also included 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.

Further, the digital advertising will provide benefit to Sydney Trains, TfNSW and emergency services, with instantaneous safety or public awareness messages able to be displayed. These messages could include 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.

3.2 Strategic context

The relevant strategy and policies that apply to the site and proposal include:

1. A Metropolis of Three Cities – The Greater Sydney Region Plan
2. The North District Plan
3. Ku-ring-gai Local Strategic Planning Statement
4. Ku-ring-gai Local Character Background Study
5. Ku-ring-gai Community Strategic Plan 2032

A Metropolis of Three Cities – The Greater Sydney Region Plan

A Metropolis of Three Cities – The Greater Sydney Region Plan has been prepared concurrently with Future Transport 2056 and the State Infrastructure Strategy to provide a 20-year plan and 40-year vision for three 30-minute cities divided between the east, centre and west of Sydney. The Ku-ring-gai Local Government Area (LGA) is within the eastern harbour city which includes focus on connection into the Sydney Central Business District.

The subject application included a Public Benefit Statement which describes that the proposed sign would generate revenue which Sydney Trains allocates to improvements to the fleet, stations and network. Further, the digital advertising will include public awareness messages for emergencies and major disruptions.

The North District Plan

The North District Plan includes 10 directions for future planning, including infrastructure and landscape.

The subject proposal will facilitate improvements to the Sydney Trains Network and public messages to road users. In addition, the Department has considered the North District Plan and the proposed sign, and the Department considers that the sign is broadly consistent with the existing sign and character of the road corridor and recognises that the sign will not require the removal of any significant trees or vegetation.

Ku-ring-gai Local Strategic Planning Statement

The Ku-ring-gai Local Strategic Planning Statement (LSPS) respond to the priorities and actions contained in the North District Plan. The LSPS builds upon Council's existing land use plans and policies to guide land-use planning and provide planning actions for new policy over the next 20 years.

The LSPS seeks to maintain elements that are special to the character of the local government. It is underpinned by a series of vision statements, including that the urban forest (including tree canopy) is protected and enhanced. The LSPS also includes the following priorities:

- K1. Local Infrastructure: Providing well-planned and sustainable local infrastructure to support growth and change
- K12. Local Character and Heritage: Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character

The Department considers that the sign is broadly consistent with the existing sign and character of the road corridor. The Department considers that the proposal is in keeping with the priorities within the LSPS.

Ku-ring-gai Local Character Background Study

The Ku-ring-gai Local Character Background Study addresses priority K12 in the LSPS. The Study describes the character of areas within the Ku-ring-gai LGA. It identifies the Ku-ring-gai Ridge and Centres Character Area formed around the North Shore railway corridor and Pacific Highway. The Area holds the main retail, commercial and residential intensity within the LGA, includes less tree canopy cover, and is dominated by the Pacific Highway.

The proposal sits within the Ku-ring-gai Ridge and Centres Character Area.

Ku-ring-gai Community Strategic Plan 2032

The Ku-ring-gai Community Strategic Plan 2032 provides a 10-year vision for the Ku-ring-gai LGA. The Plan seeks to preserve the existing character of Ku-ring-gai.

The Department considers that the sign is broadly consistent with the existing sign and character of the road corridor.

4 Statutory context

4.1 Part 4 development

The development is located at Lindfield, and:

- is permissible with development consent under *State Environmental Planning Policy (Transport and Infrastructure) 2021* (ISEPP)
- has a capital investment value (CIV) of less than \$100 million
- is not designated development under Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

Accordingly, the development does not meet the criteria for State significant development as outlined in Clause 5.27 of the Transport and Infrastructure SEPP and is subsequently classified as a Part 4 development under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

4.2 Consent authority

The Minister for Planning is the consent authority for the application under section 3.10(c) of SEPP (Industry and Employment). The proposal relates to an advertisement displayed by or on behalf of Sydney Trains on a railway corridor.

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

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

4.3 Crown development

Section 4.33 in the EP&A Act does not allow a consent authority other than the Minister to refuse its consent except with the approval of the Minister, or to impose a condition of consent except with the approval of the applicant or the Minister.

The application is a Crown DA under Division 4.6 of the EP&A Act as the Applicant is a public authority (Transport Asset Holding Entity (TAHE) is a State-owned corporation that is part of the Transport cluster with department TfNSW and agency Sydney Trains).

On 22 December 2022 the Department forwarded the recommended conditions to the Applicant. On 16 January 2023, the Applicant and the Department consulted on the draft conditions. On 19 January 2023, the Applicant consented to the recommended conditions subject to minor amendments specifying that the screens shall be available for 5 minutes per hour, rather than 5% of the year, for road safety messaging.

The Department raises no concerns with the proposed amendments to the condition, and the amended condition has formed part of the recommended conditions. Refer to **Section 6** and

Appendix D below for further information.

4.4 Permissibility

The site is zoned SP2 Infrastructure (for the purpose of railways) under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015). Signage is not a permissible use in the SP2 zone under the KLEP 2015.

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

The application is therefore 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.

4.5 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

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

The Department's consideration of these matters is set out below, Refer to **Section 6** and **Appendix B**.

Section 4.15(1)

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

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

- Ku-ring-gai Development Control Plan 2021 (KDCP 2021); and
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)

Detailed consideration of the provisions of KDCP 2021 and the Guidelines is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these policies.

Environmental Planning Instruments

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 environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

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

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

Detailed consideration of the provisions of all EPIs 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.

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 6** 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 and the NSW Planning Portal (Part 15, Division 4) have been complied with.

4.6 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*.

5 Engagement

5.1 Department's Engagement

The Department undertook consultation with relevant local and State authorities as well as affected landowners. In accordance with Section 2.22 and Schedule 1 to the EP&A Act, the development application was required to be publicly exhibited for minimum 14 days. This aligns with the minimum exhibition period (14 days) set out in the Department's Community Participation plan for a development application of this nature.

The exhibition included:

- making the application and SEE publicly available from Tuesday 29 November 2022 until Monday 12 December 2022 (14 days) on the NSW Planning Portal;
- notifying landowners in the vicinity of the site about the public exhibition by letter;
- notifying and inviting comment from TfNSW in accordance with Schedule 1 of division 2 of the EP&A Act, the EP&A Regulation and Clause 3.15 of the Industry and Employment SEPP; and
- notifying and inviting comment from relevant State government authorities and Council.

5.2 Summary of submissions

During the exhibition period, the Department received one public submission and advice from three agencies, comprising:

- One public submission objecting to the DA.
- Advice from TfNSW, comprising recommended consent conditions
- Comments from Council, comprising recommended consent conditions
- Comments from DPE Water, advising that there are no concerns and further engagement is not required.

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

Council Advice

Council provided comments and recommendations to the proposal including the referral of the proposal to TfNSW for approval in relation to the road safety. The proposal was referred to TfNSW who raised no objection in relation to road safety. TfNSW advice is detailed further below.

Council also provided recommendations to address unanticipated light spill impacts to the existing and future residential properties located within the R4 and B4 zones located within close proximity to the site.

The matters raised by Council have been considered and addressed in **Section 6** and conditions of consent have been recommended to reduce light spill impacts including the imposition of luminance levels in accordance with the LIR (**Appendix D**).

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 6** and the recommended conditions have been incorporated into the recommended development consent (**Appendix D**).

Community Submissions

One submission was 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 6** and **Appendix C**).

5.3 Response to submissions

Following the exhibition of the application, the Department placed copies of all submissions and agency advice on the NSW Planning Portal.

On 13 December 2022, the Department requested the Applicant respond to submissions.

Subsequently, on 21 December 2022, the Department requested the Applicant to provide a waste management report, a preliminary geotechnical report and amended plans and documentation.

On 7 March 2023, the Applicant submitted a Response to Submissions (RtS) (**Appendix A**), including amended architectural plans and lighting impact assessment and a geotechnical report, addressing the matters raised by the public submissions, agency advice and the Department.

A copy of the amended documentation was referred to Council along with a copy of TfNSW's concurrence.

6 Assessment

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

- visual impact
- illumination
- road and pedestrian safety
- public benefit

Each of these matters are addressed separately below.

6.1 Visual Impact

The Statement of Environmental Effects (SEE) and Visual Impact Statement (VIA) addressed the potential visual impacts of the signage on the surrounding area. The site currently incorporates four existing signs that are to be removed and replaced by a one-sided single digital sign to the east of the Pacific Highway oriented to the south. The visual catchment of the proposed sign is primarily to northbound traffic on the Pacific Highway to the west, commercial and retail premises to west, Lindfield railway station to the east and mixed used buildings to the east of Lindfield railway station.

The submission received from Council raised concerns with the visual appearance of the sign and its potential to distract motorists and requested TfNSW assess the impacts on road safety of the proposal. The proposal was referred to TfNSW who raised no objection to the proposal subject to conditions of consent.



Figure 5 | Proposed sign and location – Western perspective (Source: Applicant's documentation)



Figure 6 | Proposed sign and location – South-west perspective (Source: Applicant's documentation)



Figure 7 | Proposed sign and location – Eastern perspective from Lindfield Station (Source: Applicant's documentation)

The SEE and visual assessment submitted by the applicant concluded the proposal would have minimal and acceptable visual impact as:

- the proposal does not result in any visual clutter

- the surrounding area is considered to have moderate visual sensitivity as:
 - the Pacific Highway is a highly frequented transport corridor that allows for a high number of pedestrians and motorists to pass through the Lindfield area;
 - there are current and proposed residential dwellings in the vicinity of the site;
 - the proposal will be visible from a heritage item;
- notwithstanding the above, views towards the proposed sign from any sensitive receivers will not result in unacceptable adverse impacts as:
 - the sign will be oriented to face northbound traffic and therefore the visual catchment will mainly consist of vehicles travelling along the Pacific Highway;
 - the area is of a mixed-use character and commercial/retail premises are the main use in proximity to the site;
 - the sign meets the relevant lighting criteria, guidelines and standards as demonstrated in the LIA;
 - the DA proposes to rationalise of signage at the site resulting in an improved outcome;
- the proposal will be visible from a local heritage item however, will have minimal impact upon the heritage values and scenic views for the reasons detailed in the VIA;
- the signage is consistent with the character of the surrounding area that being a rail and road corridor with existing signage.

The Department has reviewed the SEE, visual assessment and the public submission, and considers that the proposed sign is acceptable as:

- while the sign would be visible from the public thoroughfare and to northbound motorists it is considered appropriate in the urban context of the surrounding commercial locality;
- the sign would not obscure or compromise important views, would not dominate the skyline or reduce the quality of vistas of any environmentally sensitive areas or open space (a full assessment of the signage under Industry and Employment SEPP is included at **Appendix C**)
- the location of the sign, achieves an appropriate design outcome and would be appropriate in the context of the development of along the rail corridor; and
- the illumination of the sign, as well as content will be controlled through recommended conditions of consent.

The Department therefore concludes the visual impacts of the proposal on the surrounding area, subject to the above recommended conditions, would be negligible to low.

6.2 Illumination

A Lighting Impact Assessment Report (LIR) was provided in the SEE to assess the proposal against the relevant luminance criteria. The LIR confirmed the proposed signage would comply with the Industry and Employment SEPP, the Guidelines and Australian Standard 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

The LIR notes that the signage has been designed to limit light impacts. The proposed digital signage would be illuminated with LEDs and installed on a pylon orientated towards the north-west bound direction of traffic on Pacific Highway and will be operated 24-hours-a-day, 7-days-per-week.

Under the Guidelines, the LIR categorised the site as 'Zone 3'. This zone is assigned to areas of generally medium off-street ambient lighting. In this zone, the Guidelines stipulate a maximum

luminance level of digital signage of 350 cd/sqm during night-time, 700 cd/sqm during morning and evening twilight and inclement weather and 6000 cd/sqm during daylight. The proposed luminance for the signs is as follows:

Table 2 | Proposed Luminance Levels for the proposed signage

Lighting Conditions	Maximum Zone 3 Luminance Limits	Sign
Full sun on face of signage	No limit	No limit
Day-time luminance	6000 cd/m ²	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	700 cd/m ²	700 cd/m ²
Night-time	350 cd/m ²	350 cd/m ²

An amended LIR was submitted by the applicant as part of the RtS. The amended LIR provided an assessment of the lighting impacts to the residential and mixed uses at 37 Lindfield Avenue. The LIR determined that these uses would experience a luminance rating of 0.1 lux as a result of the sign, which is below the maximum of 2 lux outlined within the Australian Standards. The LIR concludes that the digital signage and proposed luminance levels complies with all the relevant requirements of AS4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

The Department considers the illumination impacts associated with the proposed signage to be acceptable on the basis it is programmed to align with the maximum luminance stipulated in the Guidelines, and the lux limit in the Australian Standards can be automatically dimmed to ensure luminance levels remain compliant. Additionally, the Department considers that the illumination would not result in any unacceptable glare or detract from the amenity of the locality.

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

6.3 Road and Pedestrian Safety

The Applicant provided a Traffic Safety Assessment (SA) as part of the Traffic Impact Assessment that assessed the proposal against the Guidelines and SEPP (Industry and Employment). The SA assessed the signage exposure distance, sight stopping distance and road accident history in proximity to the site.

The SA outlines that the proposed northern signage would not compromise safety as:

- The proposed sign will not obstruct or interfere with the view of or restrict sight distances to any intersections, traffic control devices, vehicles, pedestrians or cyclists given its location on the roadside.
- The proposed sign is not expected to reduce the safety of any traffic, pedestrian or cyclist movements given its location. It will be located within a driver's ordinary field of view when

approaching from the south and a glance to the sign will still permit co-incident recognition of movements and colour changes (e.g. brake lights) in the forward view.

- A review of available five years of crash data within 115m of the site showed that zero crashes were reported within the viewable area to the sign. As such, the proposed location is not inherently unsafe.
- The proposed sign complies with the requirements of SEPP (Industry and Employment) and TfNSW Advertising Sign Safety Assessment Matrix in terms of obscurity, positioning and sign clutter, with the existing static signs facing the Pacific Highway within the same sightline proposed to be removed.

Dwell Time

The Applicant proposed a dwell time of 10 seconds. In its concurrence letter, TfNSW has recommended that dwell times be a minimum of 10 seconds.

The Guidelines stipulate that for signage within an area with a speed limit below 60km/h the prescribed dwell time is 10 seconds. The SA recommends the same dwell time for the proposed digital sign.

The Department considers the proposed dwell time of 10 seconds complies with the requirements of the Guidelines and advice provided by TfNSW and as such, has recommended a condition requiring the dwell times be a minimum of 10 seconds.

Crash History

The SA assessed the crash history within 115m of the proposed signage, which is identified as the viewing extent of the sign. Beyond 115m to the sign, and on approach to the pedestrian signals at the station, the sign could not be seen because of the sharp concave bend in the Pacific Highway. In this instance, the buildings to the left, and their awnings, would obscure it from view.

In the 5-year period between 2016 and 2020, no traffic incidents were recorded within the visible distance of the proposed sign.

Assessment

The Department has recommended conditions of consent to ensure the signage does not use red and green as dominant colours, contain complex displays, animated displays, displays resembling traffic control devices or use any method of illumination that distracts or dazzles drivers. This would ensure the sign complies with the requirements of SEPP (Industry and Employment) 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.

6.4 Other issues

Public Benefit

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

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

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

The Department recommends conditions requiring:

- revenue received by Sydney Trains be recorded in its Annual Reports and identify how the revenue has been applied to provide a public benefit
- removal of graffiti prior to the commencement of use and through ongoing maintenance
- the display of road customer promotions and events messages 5 minutes per hour arranged by TfNSW
- no limit on the usage of the sign for safety and emergency messages.

7 Evaluation

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

- it is permissible with development consent on transport corridor land under SEPP (Industry and Employment) and consistent with the objectives of the SEPP, the Guidelines and the SP2 zone
- it will have minimal impacts on the character of the area and will not result in the visual clutter
- it complies with the relevant road safety standards and requirements
- its luminance levels are consistent with the Guidelines and Australian Standards and the night-time level is compliant with the maximum permitted to protect the amenity of surrounding properties and safety of drivers, particularly at night
- it will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

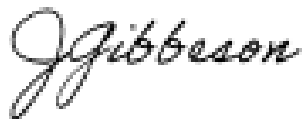
The Department's assessment therefore concludes the proposal is acceptable and is in the public interest. The Department recommends the application be approved, subject to the recommended conditions (**Appendix D**).

8 Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 22/14349, subject to the conditions in the attached development consent and
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:



James Gibbeson

Senior Planner

Regional Assessments

Recommended by:



Stuart Withington

Team Leader

Regional Assessments

9 Determination

The recommendation is **Adopted** by:

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

Keiran Thomas

Director, Regional Assessments

as delegate of the Minister for Planning 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://pp.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-pacific-highway-lindfield-da-2214349>

Appendix B – Community Views

The Department received 2 submissions during the public during exhibition comprising one submission from the public and one submission from Council below.

Table 2 | Community Views

Issue	Consideration
<i>Visual Impact</i> <ul style="list-style-type: none">The sign has the potential to impact road safety for northbound motorists travelling on the Pacific Highway.	<ul style="list-style-type: none">The visual impact concerned raised by council relates to north bound motorists and overall road safety. The proposal was referred to TfNSW for review of road safety impact. TfNSW reviewed the proposal and raised no objection subject to conditions of consent. Visual impact has been addressed further in Section 6.1 with the impact to road safety deemed negligible subject to conditions of consent imposed.
<i>Illumination Impact</i> <ul style="list-style-type: none">Illumination from the sign will be visible from residential apartments located on Linfield Avenue.Hours of operation for the display of the sign and illumination impact to residents. A curfew should be imposed to address unanticipated light spill to the existing and proposed residential purposes.	<ul style="list-style-type: none">A revised Lighting Impact Assessment Report was submitted by the applicant as a result of the submissions received. An assessment of illumination impacts has been undertaken in Section 6.2 above. As a result of the review and assessment of documentation provided, it is considered that illumination impacts associated with the proposed signage to be acceptable on the basis it is programmed to align with the maximum luminance stipulated in the Guidelines, and the lux limit in the Australian Standards can be automatically dimmed to ensure luminance levels remain compliant. It is further considered that the illumination would not result in any unacceptable glare or detract from the amenity of the locality.Conditions of consent are recommended for reduced luminance levels during the morning, and evening night-time periods to reduce light spill impacts on residential receivers.Assessment of the proposal concludes that the signage demonstrates compliance with the Guidelines, the relevant Australian Standards and would not result in any adverse illumination impacts to residents in proximity to the site.

Appendix C – Statutory Considerations

In line with the requirements of section 4.15 of the 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 3** and **Table 4** below.

Table 3 | 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.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,	The Department considers the proposal would not result in unacceptable environmental impacts.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal does not have significant impact on built or cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers the proposal would not result in unacceptable built form impacts.

Object	Consideration
(h) 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.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department sought TfNSW advice during exhibition of the proposal, (Section 5) and consideration of its response (Section 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the application as outlined in Section 4 .

Table 4 | Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
(a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided below in Appendix C .
(i) any environmental planning instrument, and	
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment are provided 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 been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into	The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.

Matter	Consideration
under section 7.4, and	
(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 6 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 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 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
(e) the public interest.	The Department considers the proposal to be in the public interest (refer to Section 6).

Table 5 | Matters for Consideration under Division 4.6 of the EP&A Act

Matter	Consideration
Section 4.32 Definitions	
(1) In this Division – Crown development application means a development application made by or on behalf of the Crown.	Section 1.4 in the Act prescribes: public authority means – (a) a public or local authority constituted by or under an Act, or (b) a Public Service agency, or

Matter	Consideration
	<p>(c) <i>a statutory body representing the Crown, or</i></p> <p>(d) <i>a Public Service senior executive within the meaning of the Government Sector Employment Act 2013, or</i></p> <p>(e) <i>a statutory State-owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or</i></p> <p>(f) <i>a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or</i></p> <p>(g) <i>a person prescribed by the regulations for the purposes of this definition.</i></p> <p>(Emphasis added)</p> <p>The Applicant and landowner is a State-owned corporation: The Applicant is considered to constitute a public authority, and the application is considered to be a Crown Development Application.</p>

Section 4.33 Determination of Crown development applications

(1) A consent authority (other than the Minister) must not –

- | | |
|--|---|
| (a) refuse its consent to a Crown development application, except with the approval of the Minister, or | The Department recommends the application be approved, subject to the recommended conditions (Appendix D). |
| (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister. | The Department recommends the application be approved, subject to the recommended conditions (Appendix D). |

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*

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Ku-ring-gai Local Environmental Plan 2015*
- *Ku-ring-gai Development Control Plan 2021* and
- *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*

State Environmental Planning Policy (Industry and Employment) 2021

SEPP (Industry and Employment) 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 SEPP in **Table 6** and the specific assessment criteria of Schedule 5 of the SEPP in **Table 7**.

Table 6 | SEPP (Industry and Employment) Compliance Assessment

Clause	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 SEPP.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5.	See relevant assessment in Table 8 .	Yes
Part 3.3 Advertisements			
3.10 Consent authority	The consent authority is the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	The proposal is for a sign within a railway corridor on behalf of Sydney Trains, therefore the Minister for Planning is the consent authority.	Yes
3.11 Matters for consideration	The advertisement or advertising structure is to be: <ul style="list-style-type: none"> i. consistent with the objectives of this Policy 	The objectives are considered above. The proposal has been assessed in accordance with	Yes

Clause	Criteria	Comments	Compliance
	<ul style="list-style-type: none"> ii. assessed in accordance with the assessment criteria in Schedule 1 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	<p>the assessment criteria in Schedule 1 in Table 7 and the Guidelines in Table 9.</p> <p>All other relevant requirements are addressed in this table.</p>	
	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 6).	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
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> i. the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council have been considered by the Minister, and 	<p>Council was notified and did not object to the proposal (refer to Section 5 of this report).</p> <p>There was no design review panel for this application.</p> <p>An assessment of the proposal against the Guidelines is provided in Table 9.</p>	Yes

Clause	Criteria	Comments	Compliance
	<ul style="list-style-type: none"> 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. 		
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	<p>For an advertisement with a display area greater than 20 square metres:</p> <ul style="list-style-type: none"> i. the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and ii. the application has been advertised in accordance with section 79A of the Act, and iii. the consent authority gave a copy of the application to RMS at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies. 	<p>The proposed signage has height greater than 8 metres.</p> <p>The Applicant's SEE addresses the assessment criteria in Schedule 1. The Department is satisfied that the proposal is acceptable in terms of its impacts as detailed in Section 6 of this report.</p> <p>The application has been advertised in accordance with Schedule 1 of the Act as detailed in Section 5 of this report.</p> <p>The Department provided a copy of the application to TfNSW during the exhibition period.</p>	Yes

Clause	Criteria	Comments	Compliance
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 SEPP include:</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> <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 0.12m x 0.745m logo is 0.0894sqm in size.</p>	Yes
3.21 Freestanding advertisements	<p>The consent authority may grant consent only if the consent authority is satisfied that the advertisement does not protrude above the dominant skyline.</p>	<p>The proposal is consistent with the Guidelines as detailed in Table 8.</p>	Yes

Table 7 | SEPP (Industry and Employment) 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 background of the Pacific Highway which forms the predominant view catchment, resulting in a low visual impact, as discussed in Section 5.</p>	Yes
3 Views and Vistas		
<p>Does the proposal:</p> <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	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

Assessment Criteria	Comments	Compliance
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 Lindfield.	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
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

Assessment Criteria	Comments	Compliance
6 Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<p>JCDecaux will operate the content management system for the sign. This management system ensures that unapproved content is not downloaded either by mistake or without appropriate authorisation.</p> <p>A compliant operator logo is located at the bottom of the screen</p>	Yes
7 Illumination		
<p>Would illumination:</p> <ul style="list-style-type: none"> • result in unacceptable glare? • affect safety for pedestrians, vehicles or aircraft? • detract from the amenity of any residence or other form of accommodation. 	<p>The 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 6 of this report).</p>	Yes
<p>Can the intensity of the illumination be adjusted?</p> <p>Is the illumination subject to a curfew?</p>	<p>The proposal includes a local light sensor to adjust the intensity of the illumination of the sign in accordance with ambient lighting conditions.</p> <p>The proposal is consistent with the applicable 'post curfew' illuminance limits established under AS 4282-2019, i.e., lower luminance limit of 350cd/sqm will be adopted between 11pm and 6am.</p>	Yes
8 Safety		
<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> • pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines (refer to Section 6 of this report).</p>	Yes

Assessment Criteria	Comments	Compliance
<ul style="list-style-type: none"> any public road? 		

State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (R&H) outlines the framework around land use planning within the coastal zone, the practices to manage hazardous and offensive development, and provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of development on that land. Under the framework of SEPP (R&H), 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 SEPP (Industry and Employment) 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 89**.

Table 8 | Assessment against Guidelines

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria		
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	The proposed digital signs would not create adverse amenity impacts on any environmentally significant area,	Yes

Assessment Criteria	Comments	Compliance
<p>following areas if it is likely to create significant amenity impacts:</p> <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National Park or nature reserve. 	<p>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 east. The existing sign is in a transport corridor and an assessment of potential impacts to surrounding residences are considered in Section 6.</p>	
<p>iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.</p>	<p>The existing static sign is located between a highway and a railway corridor, with any protrusion as existing.</p>	<p>Yes</p>
<p>iv. Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.</p>	<p>The site is 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.</p>	<p>Yes</p>
<p>v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.</p>	<p>The proposed sign is consistent within the context of the Pacific Highway and the road transport corridor.</p>	<p>Yes</p>

Assessment Criteria	Comments	Compliance
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, building or structure on which the proposed signage to be located.	The proposed sign is compatible with surrounding signs and development along the railway corridor.	Yes
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.	The proposal does not require the removal of any vegetation.	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 proposal does not include landscaping. It is not considered warranted in this instance as the subject site and the surrounding area does not contain any significant landscaping.	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.	A compliant operator logo is located at the bottom of the screen	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 6 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 6 of this report).	Yes

2.5.4 Freestanding advertisements criteria

(a) The advertising structure must not protrude above the dominant skyline.	due to the topography of the surrounding area, the proposal is elevated above Avon Road to the south, however the sign is effectively on the southern side of Pacific Highway. The sign will not be higher than other built form elements on Pacific Highway which are primarily two storeys.	Yes
(b) Freestanding advertisement greater than 45sqm 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

Assessment Criteria	Comments	Compliance																		
(c) The image must not be capable of being mistaken: (d) For a prescribed traffic control device as text providing driving instructions to drivers.	The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions.	Yes																		
(d) Dwell times for image display are: i. 10 seconds for areas where the speed limit is below 80km/h; and ii. 25 seconds for areas where the speed limit is 80km/h and over.	A 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>350 cd/m²</td><td>350 cd/m²</td></tr> <tr> <td>Night-time Post-Curfew (11pm - 6am)</td><td>As above</td><td>As above</td></tr> </tbody> </table> <p>The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 4 (refer to Section 6 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)	350 cd/m ²	350 cd/m ²	Night-time Post-Curfew (11pm - 6am)	As above	As above		Yes
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)	350 cd/m ²	350 cd/m ²																		
Night-time Post-Curfew (11pm - 6am)	As above	As above																		
(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</p>	Yes																		

Assessment Criteria	Comments	Compliance
	requirements to not contain flickering or flashing content.	
(h) The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size.	<p>The advertisements would primarily display images with information/text kept to a minimum.</p> <p>A condition of consent is recommended to ensure that text and information is kept to a minimum.</p>	Yes
(i) Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	A condition of consent is not required as the sign is not visible from a school zone.	N/A
(j) Each sign must be assessed on a case-by-case basis, including replacement of an existing fixed, scrolling or tri-vision 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 6 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 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

Assessment Criteria	Comments	Compliance
<p>(m) Signs greater than 20 m² must obtain RMS concurrence and must ensure the following minimum vertical clearances:</p> <ul style="list-style-type: none"> i. 2.5 m from lowest point of the sign above the road surface if located outside the clear zone. ii. 5.5 m from lowest point of the site above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed. 	The sign is not greater than 20 m ² .	Yes
<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 sign's activity in case of complaint.</p>	This matter will be included as a condition of consent.	Yes
<p>(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20 m² must be carried out after 12-month period of operation but within 18 months of the sign's installation.</p>	The sign is not greater than 20 m ² .	Yes

Road Safety Assessment Criteria

3.2.1 Road clearance

<p>(a) The advertisement must not create a physical obstruction or hazard.</p>	The proposed works would not overhang the roadway. The proposed signs would not result in any physical obstruction or hazard.	Yes
<p>(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</p>	The proposed signs are not located within a clear zone.	N/A

Assessment Criteria	Comments	Compliance
behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.		

(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
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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 sign is not greater than 20m ² .	N/A
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3.2.2 Line of Sight

(a) An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings.	The proposed digital signage will not obstruct views, 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	The proposal will not give incorrect information on the alignment of the road.	Yes

Assessment Criteria	Comments	Compliance
incorrect information on the alignment of the road.		
(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-west 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		
(a) The sign should not be located: <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. 	The proposed signage would comply with the road safety requirements (refer to Section 6 of this report).	Yes
(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: <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) 	The placement of the sign will not distract drivers at critical times (refer to Section 6 of this report).	Yes

Assessment Criteria	Comments	Compliance
iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.		

3.2.4 Sign Spacing

Additional criteria for digital signs

(a) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	There is not another sign facing northern-travelling traffic within 150m of the proposed signage.	Yes
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3.3.1 Advertising signage and traffic control devices

(a) The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	The proposal will not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment as the signage does not overhang the roadway and is not located in proximity to any signals or devices.	Yes
(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

Assessment Criteria	Comments	Compliance
Additional criteria for digital signs and moving signs		
<p>(a) The image must not be capable of being mistaken:</p> <ul style="list-style-type: none"> i. for a rail or traffic sign or signal because it has, e.g., red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal ii. as text providing driving instructions to drivers. 	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. Therefore, a condition of consent will be applied to ensure the sign content is not mistaken for traffic signals or driving instructions.	Yes
<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>	The Department has included a suite of recommended conditions to ensure the content of the advertising does not include message sequencing, flickering or flashing and has a dwell time of 10 seconds.	Yes
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>	The Department has included a recommended condition of consent requiring the advertising to be static and for a 10 second dwell time.	Yes
<p>(b) Dwell times for image display must not be less than:</p> <ul style="list-style-type: none"> i. 10 seconds for areas where the speed limit is below 80km/h. 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

Assessment Criteria	Comments	Compliance
(c) Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	The proposal is not visible from a school zone.	Yes
(d) Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	A condition of consent will be applied to ensure the sign does not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.	Yes
(e) The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	This has been included as a recommended condition of consent.	Yes

3.3.3 Illumination and reflectance

Digital Signs

(a) Luminance levels must comply with the requirements 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	The proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile devices, by condition of consent.	Yes
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Assessment Criteria	Comments	Compliance
technology that enables opt-in direction communication with road users.		
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	No message sequencing is proposed.	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure of SEPP (Transport and Infrastructure) 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 910**.

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

Table 9 | Assessment against Chapter 2 in SEPP (Transport and Infrastructure)

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 –		
(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

Assessment Criteria	Comments	Compliance
(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) 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 accessed from the Pacific Highway for import of materials and construction.	N/A
(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 14 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	including that the proposal comply with the Transport Corridor Advertising and Signage Guidelines (the Guidelines), display	Yes

Assessment Criteria	Comments	Compliance
to the rail authority for the rail corridor, and	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 6 and the recommended conditions have been incorporated into the recommended development consent (Appendix D).	
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.		
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

Assessment Criteria	Comments	Compliance
(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
(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	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 activities that may affect traffic flows. The matters raised by TfNSW have been considered and addressed in Section 6 and the recommended conditions have been incorporated into the recommended development consent (Appendix D).	Yes
(b) take into consideration – 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.		Yes

Assessment Criteria	Comments	Compliance
(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 – (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.	TfNSW provided concurrence.	N/A

Ku-ring-gai Local Environmental Plan 2015

The site is zoned SP2 Infrastructure under the KLEP 2015. The objectives of the zone are:

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

The 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.

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

The Department is satisfied that the proposal exhibits design excellence as the proposal:

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

Ku-ring-gai Development Control Plan 2021

The Department notes that this DA is not required to comply with the KDCP 2021 as it is assessed under the SEPP (Industry and Employment).

However, noting the relevance to the proposal, the Department has considered the relevant provisions of the KDCP 2021 below. KDCP 2021 applies to all land within Ku-ring-gai Council.

Table 10 | 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-	The proposed signage would be constructed of high-quality materials. The height of the screen discourages graffiti.	Yes

Assessment Criteria	Comments	Compliance
combustible, graffiti resistant and easily cleaned materials		
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 newsagent's headlines) or stickers affixed to the exterior of the building;	The sign does not comprise a hoarding sign or the like.	Yes
(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

Assessment Criteria	Comments	Compliance
(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 6 of this report).	No
(ix) freestanding signs/pole signs (except service stations)	The sign is freestanding, however the sign is not consistent with the character of the road corridor.	No
<u>Part 12.4 – Advertising Structures</u>		
1. Flush wall signs 2. Fascia signs 3. Portable signs 4. Portable signs (trailers and vehicles)	The proposed signage does not comprise any of the controls.	N/A
<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

Assessment Criteria	Comments	Compliance
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 spotlighting;	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
5. Cabling to signs is 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
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Assessment Criteria	Comments	Compliance
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

The Instrument of Consent can be found here:

<https://pp.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-pacific-highway-lindfield-da-2214349>