



Digital Advertising Signage Pacific Highway, Pymble

Part 4 Development Application (DA 22/14353)

October 2023



Published by the NSW Department of Planning and Environment

planning.nsw.gov.au

Title: Digital Advertising Signage - Pacific Highway, Pymble

Subtitle: DA 22/14353

Cover image: Statement of Environmental Effects prepared by Keylan dated November 2022

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Glossary

Abbreviation	Definition
Applicant	Transport Asset Holding Entity of NSW / Sydney Trains
Consent	Development Consent
Council	Ku-ring-gai Council
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
EPI	Environmental Planning Instrument
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Industry and Employment SEPP	<i>State Environmental Planning Policy (Industry & Employment) 2021</i>
KLEP 2015	<i>Ku-ring-gai Local Environmental Plan 2015</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LIR	Lighting Impact Assessment Report
Minister	Minister for Planning and Public Spaces
Resilience and Hazards SEPP	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
RMS	NSW Roads and Maritime Services within Transport for New South Wales
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
Site	Pacific Highway, Pymble (Lot 2073 DP 1132828)
TSA	Traffic Safety Assessment
TfNSW	Transport for New South Wales
The Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Transport and Infrastructure SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
VIA	Visual Impact Assessment

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1 Introduction

1.1 Background

This report provides an assessment of a development application (DA 22/14353) for advertising signage adjacent to the Pacific Highway, Pymble in the Ku-ring-gai local government area (LGA).

The proposal seeks consent for the construction and operation of one new single sided free standing monopole digital advertising sign on the north-western side of the Princes Highway, Pymble. The proposal has been lodged by Transport Asset Holding Entity of NSW (Sydney Trains) (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 The Site

The Site is within the local government area of Ku-ring-gai Council on land legally described as Lot 2073 in DP 1132828, which contains the Pymble Railway Station and the railway corridor approximately 500 meters north and south of the station.

In this part of Ku-ring-gai, the Pacific Highway runs roughly parallel to the train line and crosses over the train line at the subject site.

The proposed sign would be constructed on top of a retaining wall structure on the north-western side of the elevated portion of the Pacific Highway. The narrow vegetated strip of land is part of the Pacific Highway's overpass of the railway tracks (Sydney Trains T1 North Shore line services), approximately 70m east of the Pymble Train Station (**Figure 1**).

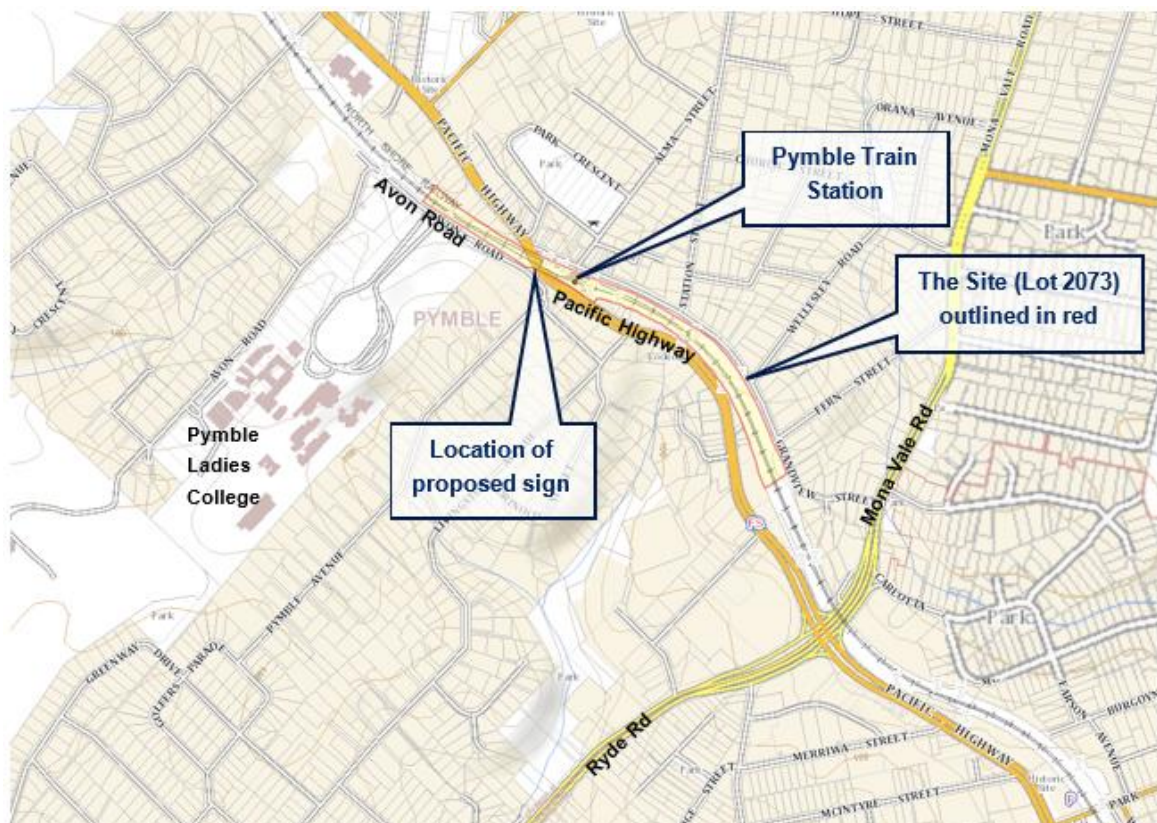


Figure 1 | Regional context of Site (Source: Six Maps, 2023)

Figure 2 shows the Site from the viewpoint of traffic heading northwest along Pacific Highway while **Figure 3** shows the Site from Avon Road, a local road serving the residential area directly to the south-west of the site.



Figure 2 | View of the Site from Pacific Highway footpath (Source: Applicant's documentation)



Figure 3 | View of the Site from Avon Road below (Source: Applicant's documentation)

1.3 Surrounding Context

The immediate locality of the proposed sign is characterised by commercial and retail land uses to the northern and eastern side of the Pacific Highway and predominantly residential developments to the south and west of the highway. The major landmark within the visual catchment of the Site is the Pymble Railway Station.

To the north and east of the proposed sign, are predominantly two-storey commercial and retail developments along the Pacific Highway and Grandview Street interspersed with mature native canopy trees and vegetation.

To the southwest of the Site, are residential areas comprised by four to five storey apartment buildings accessed via Avon Road, Everton Street and Pymble Avenue, beyond which are low density residential areas on large lots.

75 metres west of the Site is Pymble Ladies' College, an independent girls school with students from Kindergarten to Year 12, including boarding school students. Avon Road immediately adjoins the site to the south-west and provides the primary access to the school, for both vehicles and for pedestrians, including all pedestrians approaching from Pymble Station. The speed limit on Avon Road is usually 50km/hr, but a school zone operates along Avon Road, commencing on Pymble Avenue and Everton Road approximately 100 m to the south-east of the Site, and continues along Avon Road past the site approximately 350m to the north-west.



Figure 4 | Aerial view of local context (Base Image: Apple Maps)

2 Project

2.1 Description of the Development

The proposal seeks consent to install a new portrait monopole digital advertising sign, being a free standing, single sided digital advertising sign, with the advertiser's banner integrated into the bottom of the screen. The details of the proposed sign are outlined in **Table 1**. The proposed signage details are shown at **Figure 5** to **Figure 7**.

Table 1 | Details of the Proposed Sign

Aspect	Proposed Sign
Advertising display area	14.93 m ² (3.172m H x 4.708m L) + logo (0.09 m ²)
Active digital display area	14.16 m ² (3.072m H x 4.608m L)
Total height (including the frame)	8.23 m from existing footpath level
Signage display	Digital LED Screen
Dwell time	10 seconds
Maximum illuminance	Day time: 6000 cd/m ² Twilight & Inclement Weather: 500 cd/m ² Night-time to 11.00pm: 77 cd/m ²
Hours of operation	6.00 am – 11.00 pm 7 days a week
Associated landscaping	<ul style="list-style-type: none"> Removal of 1 x Camphor Laurel Tree New Planting of 8 x Prickly Paperbark trees, 12 x Bottlebrush shrubs and new groundcovers
Cost of works	\$591,800

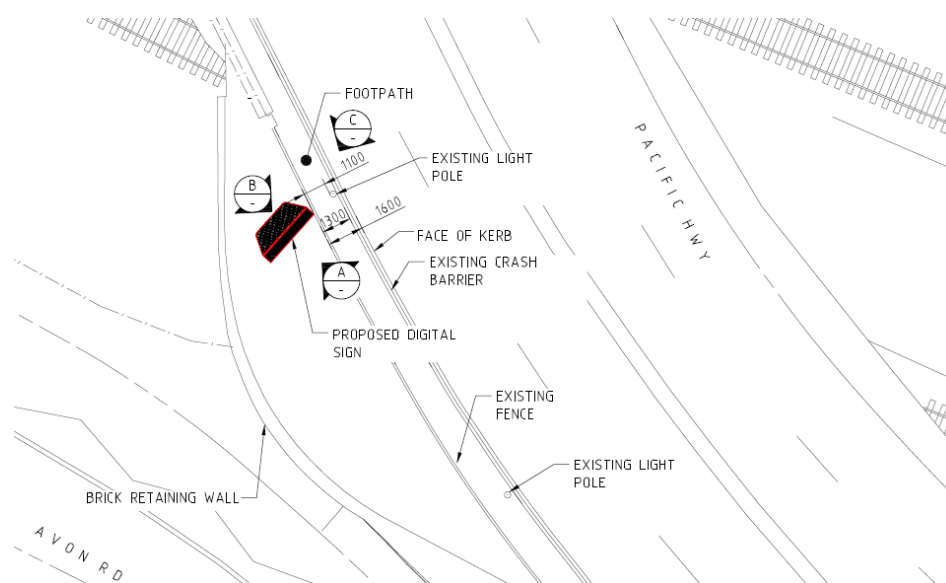


Figure 5 | Site plan of the proposed signage (Source: Applicant's documentation)

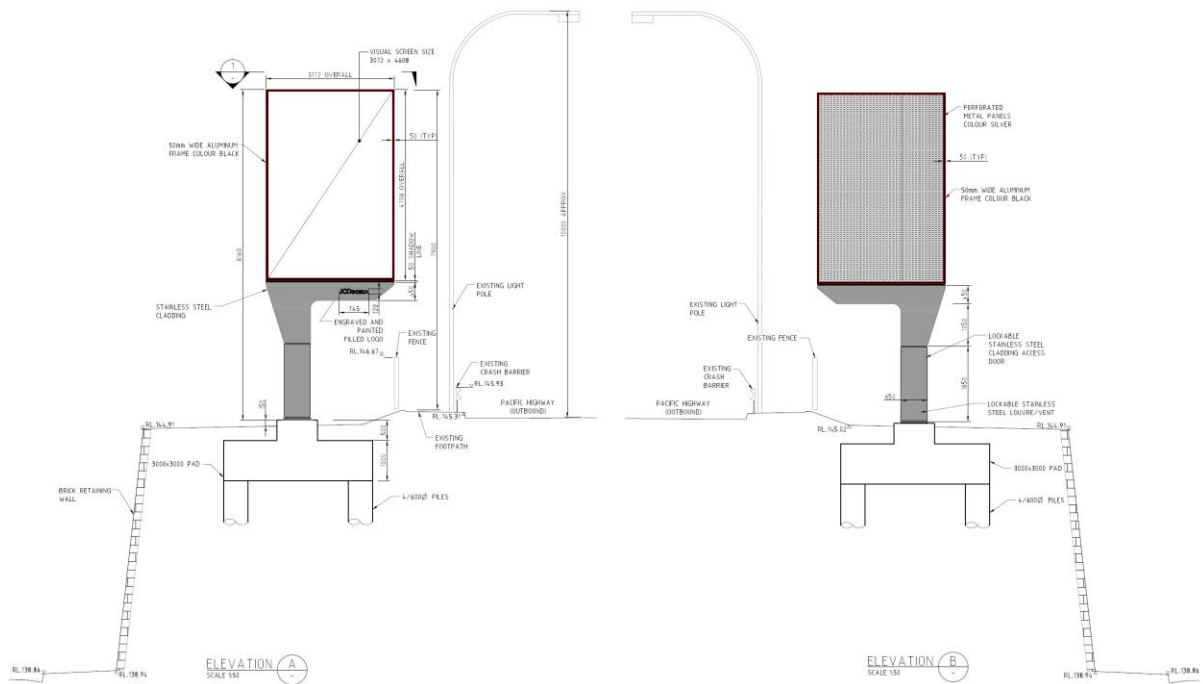


Figure 6 | Front and back elevations of the proposed signage (Source: Applicant's documentation)



Figure 7 | Photomontage of the proposed signage as viewed from the Pacific Highway traveling northbound (Source: Applicant's documentation)

3 Statutory context

3.1 Consent authority

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

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

3.2 Permissibility

The Site is zoned SP2 Infrastructure (Railways) under the KLEP 2015. The application is permissible with consent as it is located on land comprising a railway corridor and is for the display of an advertisement by or on behalf of Sydney Trains, which is an ancillary development.

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

The application is therefore permissible with consent.

3.3 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

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

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

Environmental Planning Instruments

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

- *State Environmental Planning Policy (Industry and Employment SEPP) 2021* (Industry and Employment SEPP)

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

The Ku-ring-gai Development Control Plan 2021 (KDCP 2021) and Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines) also apply to the Site.

Detailed consideration of the provisions of all EPIs, the KDCP 2021 and the Guidelines that apply to the development is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs, policies and guidelines.

Objects of the EP&A Act

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

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

Ecologically sustainable development

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

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. 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. Rather, as demonstrated by the Department's assessment in **Section 5** of this report, the proposal would improve on-site landscaping and therefore results in positive outcomes for biodiversity. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

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

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

3.4 Other approvals

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

4 Engagement

4.1 Department's Engagement

In accordance with Schedule 1 of the EP&A Act and the EP&A Regulation, the Department publicly exhibited the application from 29 November 2022 until 12 December 2022 (14 days) on the NSW Planning Portal. Adjoining landowners, Ku-ring-gai Council, TfNSW and DPE Water were notified

4.2 Summary of submissions

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

- six public submissions (all objecting to the DA);
- advice from TfNSW, including recommended consent conditions; and
- comments from DPE Water, advising that there are no concerns and further engagement is not required.

Council was notified of the proposal but did not make a submission. A summary of submissions and advice is provided below and a link to full copies is provided in **Appendix A**.

TfNSW Advice

TfNSW did not object to the proposal and provided concurrence, subject to the proposal complying with the Transport Corridor Advertising and Signage Guidelines (the Guidelines). TfNSW also 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 in **Section 5** and the recommended conditions have been incorporated into the recommended development consent (**Appendix D**).

Public Submissions

Six submissions were received from community members who made comments in relation to visual amenity impacts; compatibility with the surrounding area; illumination impacts; road safety; and public benefit and economic impacts.

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

4.3 Response to submissions and additional information

Following exhibition, the Department placed copies of all submissions and agency advice on the NSW Planning Portal and on 21 December 2022 requested the Applicant respond to the submissions and respond to the following queries raised by the Department:

- provision of a Preliminary Geotechnical Report;

- provision of a Landscape Management Plan which includes discussion on ongoing vegetation management;
- provision of updated plans and documentation showing distances from surrounding structures and details of the signage's construction materials, footing/base, piling and excavation;
- provision of an updated Arboriculture Report and Public Benefit Statement relating to subject Site and proposal; and
- address of the discrepancy between the Statement of Environmental Effects and Visual Impact Assessment on the sign's visibility to the school zone of Pymble Ladies' College.

On 17 March 2023, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) addressing the matters raised in the submissions and the Department's requests for information (RFIs) including:

- confirmation the Applicant have no objections to proposed conditions of consent provided by TfNSW;
- a response to public submissions providing further justification for the proposed signage's lack of impacts;
- a Preliminary Geotech Report;
- an updated Arborist Report that proposes the removal of one tree and protection of two other nearby trees;
- an updated Public Benefit Statement relating to the proposed signage;
- updated architectural plans with the requested details included; and
- a Landscape Management Plan with the requested details included and the recommendations of the arborist's report incorporated.

The RtS was made publicly available on the NSW Planning Portal. The Department reviewed the RtS and on 12 May 2023 requested further additional information including:

- a Structural Feasibility Statement;
- an updated Visual Impact Assessment to address potential visual impacts as a consequence of the removal of the tree identified in the Arborist Report;
- confirmation of the height of the proposal in relation to nearby street lighting structures; and
- consideration of alternative coloured materials for the frame to reduce visual prominence.

On 26 June 2023, the Applicant provided Response to the Request for Further Information (RFI Response) (**Appendix A**) including:

- additional information, including advising the use of the proposed signage will be restricted between 11pm and 6am daily;
- an updated Landscape Plan incorporating new tree and shrub plantings on the site;
- an updated Structural Feasibility Statement confirming the Site can support the weight of the proposed works;
- corrected architectural plans; and
- a design statement prepared by a suitably qualified architect in support of the proposed display border materials.

The RFI Response was made publicly available on the NSW Planning Portal. No further submissions were received.

5 Assessment

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

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

Each of these matters are addressed separately below, with other issues assessed in **Table 3**.

5.1 Visual Impact

Public submissions raised concerns regarding the visual impact of the proposed signage, including the impact on views from residential apartments and the compatibility of the proposed signage with the character of the area.

The Applicant provided a Visual Impact Assessment (VIA) report which assesses the visual impacts of the signage on the surrounding area. The VIA shows the proposed sign to be visible from:

- the Pacific Highway (northbound travelling vehicles / pedestrians);
- Pymble Train Station;
- the Pymble commercial area; and
- the residential area to the south-west, including two residential flat buildings (at 2 Avon Road and 1116 Pacific Highway) and from parts of Avon Road (**Figure 8**).

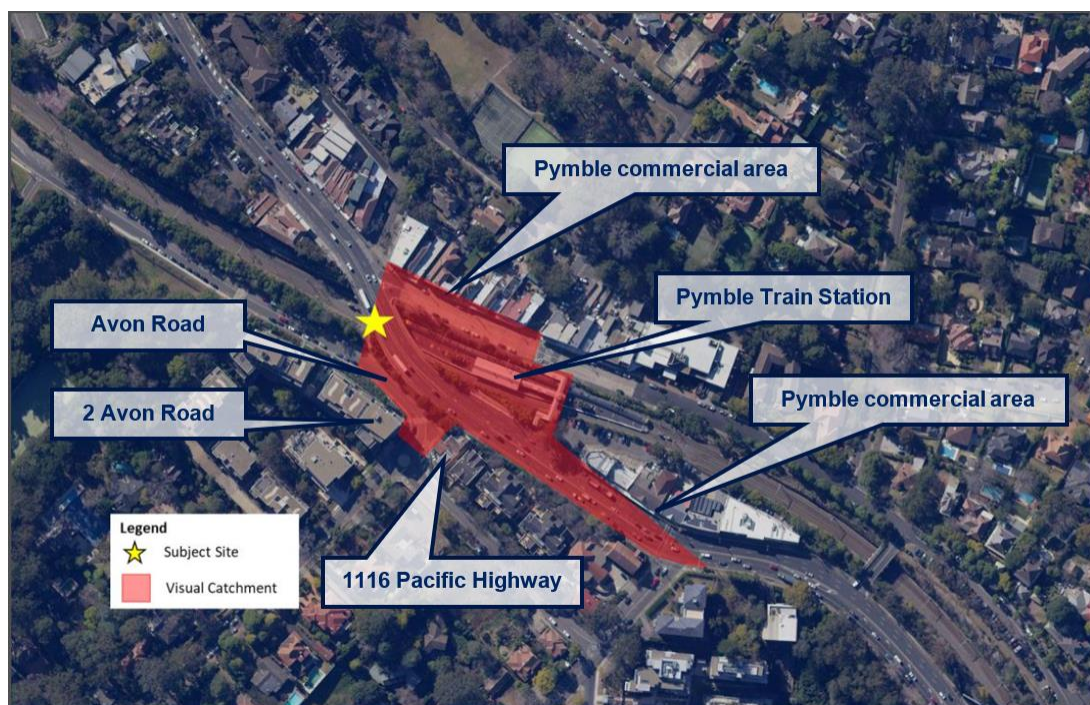


Figure 8 | Visual Catchment (Source: Applicant's documentation)

Indicative images of the proposed signage, viewed from the Pacific Highway, Pymble Train Station, Avon Road and Grandview Street in the commercial area are provided at **Figure 9** to **Figure 11**.



Figure 9 | Indicative photomontage from Pacific Highway facing north-west (Source: Applicant's documentation)

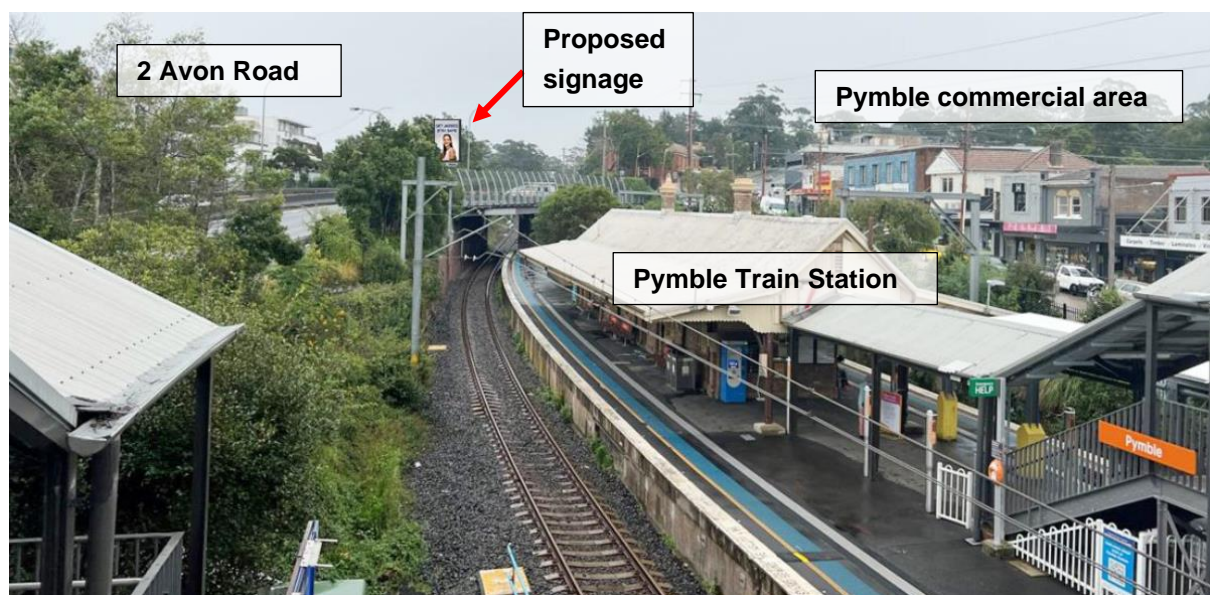


Figure 10 | Indicative photomontage from Pymble Railway Station facing south-west (Source: Applicant's documentation)



Figure 11 | Indicative photomontage from Avon Road facing north (Source: Applicant's documentation)

The VIA concluded that the proposal would not produce visual clutter as there is no other advertising signage and there are limited business identification and road safety signs in the vicinity of the Site.

The VIA also concluded the proposal would be consistent with the visual character of the area as:

- it is located within a transport corridor (where signs are typically located to be visible to a high number of pedestrians and motorists); and
- it is located adjacent to the Pymble local centre which includes various commercial signage.

However, the VIA assessed the surrounding locality to have medium to high visual sensitivity due to the proximity of residential developments and proximity of the 'Pymble Railway Station Group,' a local heritage item under the KLEP 2015.

The VIA concluded that the potential visual impacts on Pymble Railway Station to be acceptable as the signage would be located a considerable distance from the components of the station that primarily define the item's heritage significance. This includes the station building and footbridge, separated from the main station area by the overpass of the Pacific Highway.

The VIA also concluded that the potential impacts to the apartments at 2 Avon Road and 1116 Pacific Highway would be low to medium, given that the views from both sites to the proposed signage would be angled, at a distance, and screened by interim landscaping.

Three public submissions from residents of nearby apartment buildings raised concerns with potential visual amenity impacts. The objections were concerned with the scale and design of the sign, compatibility with the character of the area and the potential devaluation of properties. The visual relationship between the Site and nearby apartments can be seen in **Figure 12**.



Figure 12 | Relationship between the Site and adjoining residential premises (Source: Applicant's documentation)

In response to concerns raised by the Department, the Applicant provided updated Landscape Plans, incorporating additional landscape screening along the length of the Site between Avon Road and the Pacific Highway. It also advised the sign would be turned off between 11.00pm and 6.00am (discussed in **Section 5.3** below).

The proposed landscape works include:

- removal of one existing tree (a 3m high *Camphor Laurel* which is considered a weed and can be removed at any time without approval);
- 8 new Prickly Paperbark trees (with a mature height of 5 metres); and
- 12 new bottlebrush shrubs (with a mature height of 3 metres).

The Department notes that the amended Landscape Plans identify that Prickly Paperbark trees with a mature height of 5 metres are proposed. However, the Department has included conditions recommending updated Landscape Plans and a Landscape Management Plan that include the provision of advanced plantings and Prickly Paperbark trees up to a maximum height of 8m, so the trees are of similar height as the proposed signage. Nevertheless, it is noted that Prickly Paperbark trees are capable of reaching 20 metres in height. This is discussed in more detail below.

The Department considers the proposed signage is acceptable regarding visual impact as viewed from the context of the Pacific Highway transport corridor and Pymble commercial centre as:

- it is consistent with the character of those areas where signage is typical;
- it would not create visual clutter;
- it would not obscure or compromise important views; and
- it would not dominate the skyline.

Visual impacts to Pymble Railway Station are considered in this report at **Section 5.4** and the Department is satisfied the visual impacts on the heritage item, as mitigated, are acceptable.

The Department raised concerns with the potential visual impacts of the proposed signage on the adjoining residential premises to the east. Due to its size (8.23m in height, equivalent to 2.5 storeys) and its proximity to the nearby residents (approximately 35 metres), the sign would be visible and a dominant element of the outlook from the apartments.

In response, the Applicant provided amended Landscape Plans which provide screening as discussed above.

The Department considers that the visual impacts can be reasonably mitigated, subject to:

- the inclusion of trees that would reach a mature height of at least 8 metres to be of a similar height to the proposed signage (noting that Prickly Paperbark trees can reach a height of up to 20 metres);
- advanced plantings of the trees and shrubs to reduce the timeframe before the landscaping provides a screening effect; and
- the preparation of a Landscape Management Plan.

Conditions have therefore been recommended requiring updated Landscape Plans and a Landscape Management Plan as outlined above. Subject to these conditions, the Department considers that the proposed signage would not result in unacceptable visual impacts, as:

- the sign would be viewed in the context of / with a background of the Pacific Highway and the Pymble commercial centre where signage is reasonably expected to be located;
- once the landscaping is established, views of the sign will be partially screened so that the sign would not be a dominant visual element in the outlook from the residential apartments;
- the proposed landscaping will make a significant contribution to the landscape character of the area as viewed from the residential apartments and will assist with screening views of the Pacific Highway traffic generally, resulting an overall improvement to the outlook from the apartments in the long term;
- the signage otherwise would not obscure or compromise any important views, or vistas environmentally sensitive areas, heritage areas or open space; and
- illumination impacts have also separately been considered as part of this report in **Section 5.2**.

The Department therefore concludes that the development will not result in unacceptable visual impacts to the surrounding area. A full assessment of the visual impacts of the signage having regard to the requirements of the Industry and Employment SEPP and the Guidelines is included at **Appendix C**.

5.2 Illumination

Public submissions raised concerns regarding the proposed illumination of the signage, specifically on nearby residential apartments.

The proposed digital signage would be illuminated with LEDs. The Applicant's SEE included a Lighting Impact Assessment Report (LIR) to address illumination impacts of the signage on the surrounding area.

In response to public submissions concerned with the potential 24 hour operation of the proposed signage, the Applicant advised that the signage is not proposed to be used between 11pm and 6am daily to mitigate potential impacts on nearby residential apartments during night time.

The Applicant advises that during the proposed hours of operation, the potential illumination impacts are mitigated by:

- the proposal including a light sensor to automatically adjust the brightness of the display area to ambient lighting conditions;
- complying with the illumination limits under Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting, of which the Site is within 'Zone A3,' the zone assigned to medium district brightness, such as suburban areas in towns and cities, where a maximum night time luminance of 250 cd/m² is recommended; and
- complying with the illumination limits under the Guidelines, of which the Site is categorised as "Zone 4", described as areas with generally low levels of off-street ambient lighting, or areas that have residential properties nearby, where a maximum night-time luminance of 200 cd/m² is recommended.

The proposal complies with the stricter limit under the Guidelines (see **Table 2**).

Table 2 | Proposed Luminance Levels

Lighting Conditions	Signage Guidelines Zone 4 Maximum Luminance Limits	AS 4282-2019 Zone A3 Maximum Luminance Limits	Proposed Sign
Full sun on face of signage	Maximum output in cd/m ²	Maximum output in cd/m ²	Maximum output in cd/m ²
Day-time luminance	6000 cd/m ²	6000 cd/m ²	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	500 cd/m ²	500 cd/m ²	500 cd/m ²
Night-time	200 cd/m ²	250 cd/m ²	77 cd/m ² 6am - 11pm 0 cd/m ² 11pm - 6am

The LIR also used the lighting calculation program AGI32 to determine the effect (if any) of the light spill from the proposed signage and determined that the proposal has a maximum vertical illuminance during night-time operation of 0.29 lux to nearby dwellings at 1116 Pacific Highway and 2-12 Avon Road, which is compliant with the limit of 2 lux under AS 4282-2019 Control of the Obtrusive Effects

of Outdoor Lighting. The Applicant also noted that illuminance calculations were undertaken assuming that there were no obstructions present.

The Department has reviewed the proposal and the public submissions. The Department considers that with the signage not used between the hours of 11.00pm to 6.00am, the proposed illumination would not result in any unacceptable amenity impacts, given:

- the proposal has demonstrated compliance with illumination requirements of the Industry and Employment SEPP, the Guidelines, and other relevant Australian Standards;
- the proposed curfew hours are consistent with the post-curfew period established by AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting;
- at other times of the day the illumination of the sign would be viewed in the context of / with a background of, the Pacific Highway and the commercial centre, which in the evening includes bright street lighting, significant light movement from moving vehicle headlights and other illuminated commercial premises; and
- the proposed new trees and shrub plantings should also assist to partially screen and mitigate the visual impacts of the sign.

The Department has recommended a suite of conditions to ensure the sign operates only between 6.00am and 11.00pm daily, within the limits outlined in **Table 2**, and for the signage illumination levels to be adjustable if the need arises during its operation. Subject to these conditions, the Department is satisfied the proposal would not result in unacceptable illumination impacts and the amenity of the surrounding area and environment would be reasonably maintained.

5.3 Road Safety

Public submissions raised concerns regarding the potential impact of the proposed signage on road safety at the Site.

The Applicant's Traffic Safety Assessment (TSA) states:

- there is currently no advertising sign at the site;
- the northbound approach along the Pacific Highway is predominantly straight, moderately uphill and with a moderate right-hand curve commencing approximately 60m before the proposed digital sign;
- the sign will be seen from 220m away (**Figure 13**) but its content is only likely to be recognisable from approximately 150m away;
- the sign will appear at the windscreen as an object that is 3cm high and 2cm wide when 150m away;
- the approach to it does not require rapid, complex decision making by drivers and is not a location of high cognitive load;
- all vehicle movements are in the same sight line as the sign, which means no risk of 'missing' movements by forward vehicles when glancing to the digital sign;
- 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;
- the proposed sign will not reduce the safety of any traffic, pedestrian or cyclist movements given its location;

- crash history data indicates an average of less than 1 crash per year in the vicinity of the site, indicative of a low crash rate and analysis of the crash records does not identify an unusually high or inherently high crash risk on approach to the Site that would deem the proposed location unsuitable; and
- the proposal includes a 10 second dwell time with a transition of no more than 0.1 seconds which is consistent with the Guidelines which recommend a 10 second dwell time for digital signs in areas where the speed limit is below 80 km/h (the speed limit on the Pacific Highway is 60 km/h).



Figure 13 | In-vehicle viewing range and views along Pacific Highway (northbound)
(Source: Applicant's documentation)

The Department received one public submission from a resident of a nearby apartment building about potential road safety issues on the tricky bend on approach to the sign along the Pacific Highway, as well as the Pymble Hotel entry/exit which located about 50 metres after the sign.

In response, the Applicant advised that the TSA has reviewed the road safety impacts of the proposal against the requirements of the Industry and Employment SEPP and other relevant criteria and has assessed it to be compliant. The TSA finds that the proposed sign will not be located near any driver decision points and the risk for distracting drivers at critical times is assessed as low.

The application was referred to TfNSW as the authority responsible for road safety on the Pacific Highway. TfNSW did not raise any concerns regarding road safety and provided concurrence to the proposal subject to the proposal complying with the Guidelines and recommended conditions regarding display requirements, illumination, and dwell times.

Section 3 of the Guidelines provides detailed guidance to ensure road safety in association with outdoor advertising. The application has been assessed against the Guidelines in **Appendix C**. The Department is satisfied that given the long viewing distance and relatively straight approach to the sign, with a direct view of the sign in the same direction as the road alignment, the approach would not require rapid, complex decision making. The Department considers the proposal has been appropriately designed and would be located so that it would not result in unacceptable road safety impacts.

The Department also notes that the Guidelines provide that for safety reasons, 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 Applicant has advised that the proposed signage is not located within and/or in proximity to a school zone and would not be visible from within the school zone located on Avon Road.

However, the Department notes that **Figure 11**, taken from within the school zone, clearly shows that the sign would be visible to traffic approaching Avon Road from the east. Consequently, the Department has included a condition of consent requiring the sign to be switched to a fixed display during the school zone hours.

The Department has also included standard conditions of consent in relation to dwell times, sign content, and illumination to ensure ongoing compliance during the operation of the sign with the safety requirements of TfNSW and the Guidelines. Further, the Department has recommended conditions requiring a road safety assessment following commencement of operations. Subject to the recommended conditions, the Department is satisfied that the proposal would not have a negative impact on road safety.

5.4 Heritage

The Applicant submitted a Heritage Impact Statement (HIS) in support of the proposal. The proposed location of the sign is technically within the site listed as 'Pymble Railway Station Group,' which is Item 11110 of Schedule 5 Part 1 of KLEP 2015. The Site is not listed on a State Heritage Register or located in a Heritage Conservation Area.

There are a number of other locally listed heritage items within the vicinity of the Site including the 'Pymble Hotel', No. 1134 Pacific Highway, Pymble (I70 in **Figure 14**) and the 'Former Police Station', No. 1116 Pacific Highway, Pymble (I69 in **Figure 14**). The Pymble Hotel has limited visibility from the Site due to existing vegetation and the curve of the road whilst the Former Police Station is visible from the Site except where it is obscured by vegetation.

The HIS concluded that the proposed signage would have an acceptable impact on the Pymble Railway Station Group as:

- the proposal is consistent with the setting of the item in a busy motorway;
- the proposal is located well away from the elements that primarily define the item's significance, i.e., the station building and footbridge;
- there are also other illuminated elements that are visible to the heritage item; and
- the proposal will only require minimal excavation for the new concrete pier.

The HIS concluded that the proposal would also have minimal and acceptable impact to both Pymble Hotel and the Former Police Station as the proposal:

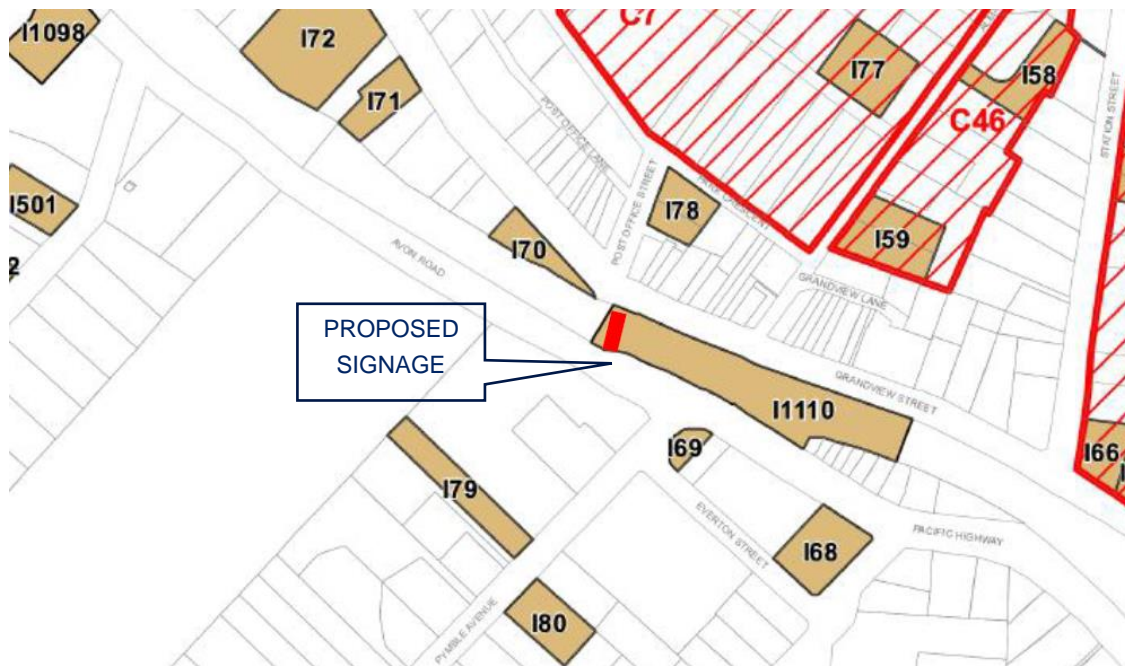


Figure 14 | Extract from KLEP 2015 Heritage Map showing heritage items and conservation areas
(Source: Applicant's documentation)

- would have no impact on the fabric of the items;
- would not block significant view corridors towards the items;
- will be oriented away from the item or will not be readily perceptible as viewed from the items;
and
- would have no impact on ability of the public to understand and appreciate the heritage significance of the items.

The Department agrees with the assessment provided by the HIS. The Department considers the proposed signage would be visually and physically separated from the primary areas of the Railway Station by the Pacific Highway overpass and therefore would not be read as part of the heritage item. Instead, the sign would be located on a narrow strip of land, above a brick retaining wall which forms part of the overbridge. Neither the retaining wall, nor the overbridge, are considered to have any specific significance within the heritage listing. The Department is also satisfied the sign would have little visual relationship with, or impact on, other nearby heritage items.

The Department has included recommended conditions of consent requiring the implementation of Unexpected Finds Protocols for both historic and Aboriginal heritage.

5.5 Public Benefit

Public submissions raised concerns regarding the public benefit provided by the proposed signage.

Section 4 of the Guidelines require proposals for certain outdoor advertisements on classified roads and bridges to meet a public benefit test to ensure that the advertising would result in a positive gain or benefit for the local community.

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

- all revenue generated will be re-invested into running the Sydney Trains network including improvement and maintenance programs;
- the digital sign will be available for use by Sydney Trains, TfNSW and NSW emergency services to display safety or public awareness messages; and
- 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 PBS identifies that advertising is an innovative and efficient way to generate revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. The Applicant has identified that the revenue will be funded back into and assist in sustaining the transport network and in funding several projects that are being delivered by Sydney Trains that would benefit the local community. Examples include network upgrades, fleet improvements, provision of clean, frequent and reliable services, station upgrades (such as providing wheelchair access), maintenance depot upgrades, and amenity improvements along rail corridors such as landscaping, litter removal, or vandalism and graffiti management.

The Department received one public submission from a resident of adjoining apartments who raised concern on the cost of building the signage while the funds can be more appropriately used for the health care system. In response, the Applicant justified the economic and practical benefits of the signage which are discussed in detail in the PBS.

The Department reviewed the proposal and the public submission and recommended a condition of consent requiring a record of the revenue received by Sydney Trains in its Annual Reports including how the revenue has been applied to provide a public benefit. Other recommended conditions include the availability for the display of customer promotion and event messages for 5 minutes per hour arranged by TfNSW and the display of emergency messaging overriding commercial advertising where required.

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

5.6 Other Issues

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

Table 3 | Assessment of Other Issues

Issue	Findings	Recommendations
Vegetation Impacts	The Site includes 3 trees as well as shrubs, groundcovers and weeds.	The Department has recommended conditions of consent requesting that landscaping works are in compliance with the approved Arborist Report.
	The proposal seeks to remove one tree, which is identified by the Arborist Report as a 3m high <i>Camphor Laurel</i> . The tree is identified as a weed under Council's Tree	
		To ensure retention of the amenity of neighbours and the delivery of the

Issue	Findings	Recommendations
	<p>Protection Order and can be removed at any time without approval.</p> <p>The Arborist Report identifies 2 other trees (Prickly Leaved Paperbarks) in the vicinity of the sign that are to be retained. The report recommended a range of tree protection measures during construction including protective fencing, root zone and trunk protection and restriction of site storage and cement mixing locations.</p> <p>As discussed in Section 5.1, during the assessment process, the Applicant submitted amended landscape plans which included new plantings of 8 additional Prickly Paperbark trees and 12 new bottlebrush shrubs.</p> <p>The Department considers that the proposal would result in a significant improvement to the landscaping on the site, will improve the landscape character of the area and improve biodiversity and amenity outcomes for neighbours as discussed in Section 5.1.</p> <p>The Department is satisfied that, subject to the recommended conditions, the proposal will have no adverse impact to the vegetation.</p>	<p>proposed new trees and plantings, the Department has recommended conditions of consent requiring:</p> <ul style="list-style-type: none"> • Prickly Paperbarks or other native species in the vicinity of the sign that would reach a mature height of at least 8 metres; • advanced plantings of the trees and shrubs; and • a landscape management plan to ensure new plantings are cared for throughout the establishment phase and any unsuccessful plantings are replaced.
Structural Stability	<p>The Site is located on steep and narrow plot of land above retaining wall structure on the north-western side of the elevated portion of the Pacific Highway which separates its grade from the railway corridor.</p> <p>The Application was accompanied by a Structural Feasibility Statement. The Applicant also prepared a Preliminary Geotechnical Report in response to a request from the Department. Subsequently, the Applicant updated the Structural Feasibility Statement.</p>	<p>The Department has recommended conditions of consent that require a Detailed Geotechnical Investigation to inform the final design and depth of the footings, as well as a structural engineer to design and certify the final design of the structure and footings.</p> <p>The Department has also recommended a suite of conditions relating to structural integrity and compliance with these standards to ensure the structural safety of the proposed signage structure.</p>

Issue	Findings	Recommendations
	<p>The Preliminary Geotechnical Report identifies that the retaining wall is likely to support 6 metres of fill above residual clay to depths of up to 12 metres, overlying shale and laminate bedrock below. It recommends footings be socketed into 1m of rock, and a detailed investigation, including drilling of a borehole at least 4 metres into the bedrock prior to construction.</p> <p>The Structural Feasibility Statement advises the proposed footing would be a 3m x 3m x 1.5m deep concrete pad and plinth supported by 4 x concrete piles that are to be socketed into 1m of rock (around 13 metres in depth). The Structural Engineer confirms that the proposed footing arrangement would not rely on the fill or the retaining wall to support the sign and would be appropriate to support the weight of the sign and wind loading. The Statement also confirmed construction arrangements and recommended further analysis of geotechnical investigations and detailed design following drilling of a bore hole on the site.</p> <p>The Department is satisfied that, subject to compliance with the recommended conditions, the works would not negatively impact the stability of the retaining wall structure and will be appropriately constructed.</p>	
Construction Management	<p>Due to the Site's size, topography and location, construction will need to be carefully managed in order to minimise impacts to the adjoining road and rail corridors.</p> <p>The updated Structural Feasibility Statement identified the bore hole drilling and construction of the footings will require a drilling rig stationed on the</p>	<p>The Department has recommended conditions of consent that require the preparation of a Construction Management Plan, including road closure management, crane management, hours of work, safety, traffic management, site compound, haulage routes, parking, pedestrian access and waste in order to ensure</p>

Issue	Findings	Recommendations
	<p>Pacific Highway at night during a road closure.</p> <p>The SEE identified that the construction of the sign will involve the use of a crane in the air space above the rail corridor.</p> <p>The Department referred the application to TfNSW in accordance with the Transport and Infrastructure SEPP. TfNSW did not raise any issues with the proposed crane use and provided concurrence to the application, subject to a condition requiring a Road Occupancy licence for any works that may impact traffic flows on the Pacific Highway.</p> <p>The Department acknowledges that the site is constrained, but is satisfied that, subject to compliance with the recommended conditions and other statutory requirements, construction can be appropriately managed without unacceptable impacts to the surrounding area.</p>	<p>minimal disruption to traffic and residential amenity.</p> <p>Conditions are also recommended requiring the Applicant to obtain a road occupancy licence for any works that may impact on traffic flows and restricting obstruction of the public way (other than within a construction works zone).</p> <p>Advisory notes are also included on the consent to remind the Applicant of the need to obtain all necessary permits, including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits or any other applicable approvals under other legislation. This will ensure that construction impacts on the adjoining road and rail corridors will be appropriately managed in accordance with the relevant authority's requirements.</p>
Impact on Property Value	<p>Public submissions raised concerns regarding the loss of property value as a result of the proposed signage.</p> <p>The Department notes that impacts on property values is not a planning consideration under the EP&A Act. Notwithstanding, the Department has undertaken a detailed merit assessment of the proposal and is satisfied it would not result in any unreasonable amenity impacts as discussed in Section 5.</p>	<p>No recommendations necessary.</p>

6 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act, including the Industry & Employment SEPP and other relevant environmental planning instruments. The Department has considered the development on its merits, taking into consideration advice received from the relevant public authorities and issues raised in submissions.

The Department's assessment concludes the proposed development is acceptable as:

- it is permissible with development consent on the railway corridor and consistent with the objectives of the Industry and Employment SEPP, the Guidelines and the SP2 zone
- it meets the relevant statutory requirements within the Industry and Employment SEPP
- the scale, dimensions, and design of the sign are appropriate for the surrounding environment
- subject to landscaped screening, the proposal will have minimal impacts on the character of the area and will not result in unacceptable visual impacts or impacts on residential amenity
- the proposal has demonstrated compliance with the Guidelines and relevant Australian Standards regarding illumination
- the proposal will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

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

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts** and **adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 22/14353, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

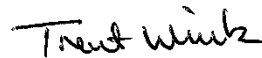
Recommended by:



Meg D'souza

Planning Officer
Regional Assessments

Recommended by:



Trent Wink

Team Leader
Regional Assessments

8 Determination

The recommendation is **Adopted** by:



Keiran Thomas

Director, Regional Assessments

As delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

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

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

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-pacific-highway-pymble-da-2214353>

Appendix B – Community Views

The Department received six submissions from members of the public during exhibition. The Department's consideration of the issues raised in the submissions are included in **Table 4** below.

Table 4 | Community Views

Issue	Consideration
<p><i>Visual Impact</i></p> <ul style="list-style-type: none"> • Large and an eyesore • Not in keeping with the character of the Pymble locality • Property devaluation 	<ul style="list-style-type: none"> • Following the submissions, the Applicant amended the proposal to include a curfew period of 11.00pm and 6.00am daily when the sign would be completely shut down. It also updated the landscape plans to include new trees and shrub plantings which will assist with screening the sign from residential properties. • The Department considers the proposed sign is acceptable as viewed from the context of the Pacific Highway transport corridor and Pymble commercial centre as it is consistent with the character of those areas where signage is typical, it would not create visual clutter and it would not obscure or compromise important views, or dominate the skyline. • The Department has recommended amending the Landscape Plan to include planting of large trees to further screen the sign from view. • Subject to conditions to ensure appropriate landscape screening, the Department considers the proposed sign is acceptable as viewed from the adjoining residential area as: <ul style="list-style-type: none"> ○ the sign would be viewed in the context of / with a background of the Pacific Highway and the Pymble commercial centre where signage is reasonably expected to be located; ○ once the landscaping is established, views of the sign will be partially screened so that the sign would not be a dominant visual element in the outlook from the residential apartments; ○ the proposed landscaping will make a significant contribution to the landscape character of the area as viewed from the residential apartments and will assist with screening views of the Pacific Highway traffic generally, resulting an overall improvement to the outlook from the apartments in the long term, • The Department therefore concludes the proposed signage would not result in adverse visual impacts or unacceptable impacts to residential properties or their value.
<p><i>Illumination Impact</i></p>	<ul style="list-style-type: none"> • Following the submissions, the Applicant amended the proposal to include a curfew period of 11.00pm and 6.00am

Issue	Consideration
<ul style="list-style-type: none"> Window louvres will not sufficiently obscure the sign Not acceptable to have 24-hour illumination Night time light pollution and flickering lights in the bedrooms 	<p>daily when the sign would be completely shut down. The Applicant also updated the landscape plans to include new trees and shrub plantings which will assist with screening the sign from residential properties.</p> <ul style="list-style-type: none"> As outlined in the applicant's SEE and LIR, the signage would comply with the relevant Australian standards and guidelines pertaining to illumination impacts. The Department notes the sign would be viewed in the context of / with a background of the Pacific Highway road corridor which includes bright street lighting and moving lights from vehicles, as well as the background of the Pymble commercial centre which is also illuminated. Subject to the proposed curfew period, landscaping and control of illumination levels in accordance with the relevant standards, the Department concludes the proposal would not result in unacceptable impacts due to illumination. The Department has included conditions of consent to the curfew, to restrict illumination levels at other times and to provide landscaping.
<p><i>Road Safety</i></p> <ul style="list-style-type: none"> Tricky bend on approach to the sign along the Pacific Highway Pymble Hotel entry/exit is located only a few meters after the sign. 	<ul style="list-style-type: none"> The Applicant provided a Traffic Safety Assessment (TSA) that assessed the proposal against the NSW Government Signage Guidelines, SEPP 64 and Austroads Guide to Road Design. The TSA assessed the signage exposure distance and road accident history in proximity to the Site and considered the proposal would not have significant impact on road or pedestrian safety. TfNSW, as the Roads Authority responsible for road safety on the Pacific Highway, reviewed the application and did not raise any concerns regarding road safety. It provided concurrence to the proposal subject to the proposal complying with the Guidelines and recommended conditions regarding display requirements, illumination and dwell times. The Department is satisfied the proposal complies with the Guidelines and concludes the proposed signage would not have a negative impact on road safety. Standard conditions are recommended in relation to safety, to ensure compliance with TfNSW requirements and the Guidelines.
<p><i>Public Benefit</i></p>	<ul style="list-style-type: none"> The Applicant has provided a Public Benefit Statement with the application.

Issue	Consideration
<ul style="list-style-type: none"> Waste of taxpayers' money that could be used to help fund the hospital system 	<ul style="list-style-type: none"> The proposal would provide safety messaging to the public and that the signage can provide live traffic and accident updates. Further, revenue from the advertising would be used to fund improvements to the Railway System, resulting in a saving to taxpayers. The public benefit statement provides clear evidence of the benefit to the local community and therefore complies with the requirements of the Guidelines.
<p><i>Property Values</i></p> <ul style="list-style-type: none"> loss of property value as a result of the proposed signage 	<ul style="list-style-type: none"> Impact on property values is not a planning consideration under the EP&A Act. Notwithstanding, the Department has undertaken a detailed merit assessment of the proposal and is satisfied it would not result in any unreasonable amenity impacts.

Appendix C – Statutory Considerations

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

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

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

Table 5 | Considerations Against the Objects of the EP&A Act

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal seeks to maximise the use of the Site and provide 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 railway land adjacent to a major road corridor for an economic purpose.
(d) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,	The Department considers the proposal would not result in unacceptable environmental impacts and would not impact threatened species. Rather, the proposal would result in increased tree and vegetation planting, resulting in improved outcomes for the environment (refer Section 5).
(e) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal has been assessed having regard to heritage values of the Site and surrounds (refer Section 4) and is not considered to result in any unacceptable impact on built or cultural heritage.
(f) 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
(g) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal is not for an occupiable building. Nevertheless, the proposal is considered to be appropriately designed having regard to geotechnical considerations, structural stability and safety.
(h) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department exhibited the proposal, which included consultation with Ku-ring-gai Council and TfNSW (Section 4) and consideration of their responses (Section 5).
(i) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the application as outlined in Section 4 and has considered the responses received as relevant throughout this assessment report.

Table 6 | Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
(a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment is provided further below.
(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	There are no relevant draft EPIs applicable to the assessment.
(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 below.
(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately

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

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

Matter	Consideration
Section 4.32 Definitions	
<p>(1) In this Division –</p> <p>applicable Sydney district or regional planning panel for development means the Sydney district or regional planning panel for the part of the State in which the development is to be carried out.</p> <p>Crown development application means a development application made by or on behalf of the Crown.</p>	<p>Section 1.4 in the Act prescribes:</p> <p>public authority means –</p> <ul style="list-style-type: none"> (a) a public or local authority constituted by or under an Act, or (b) a Public Service agency, or (c) a statutory body representing the Crown, or (d) a Public Service senior executive within the meaning of the Government Sector Employment Act 2013, or (e) a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or (f) a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or (g) a person prescribed by the regulations for the purposes of this definition. <p style="text-align: right;">(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	
<p>1. A consent authority (other than the Minister) must not –</p> <ul style="list-style-type: none"> (a) refuse its consent to a Crown development application, except with the approval of the Minister, or 	<p>The Minister is the consent authority.</p>

Matter	Consideration
(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.	The Minister is the consent authority.

Environmental Planning Instruments

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

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

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed digital signage has been assessed against the requirements of the Industry and Employment SEPP in **Table 8** and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in **Table 9**.

Table 8 | Industry and Employment SEPP Compliance Assessment

Section	Criteria	Comments	Compliance
Part 3.2 Signage Generally			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The proposed development is considered to be compatible with the desired amenity and visual character of the area, provides effective communication and is high quality finish (refer to assessment in Section 5) and is therefore consistent with the objectives of the Industry and Employment SEPP.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5.	See the relevant assessment in Table 9 .	Yes
Part 3.3 Advertisements			
3.10 Consent authority	The consent authority is the Minister for Planning in the case	The proposal is for a sign within a railway corridor on behalf of	Yes

Section	Criteria	Comments	Compliance
	of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	Sydney Trains, therefore the Minister for Planning and Public Spaces is the consent authority.	
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this Policy ii. assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	<p>The objectives are considered above.</p> <p>The proposal has been assessed in accordance with the assessment criteria in Schedule 5 in Table 9 and the Guidelines in Error! Reference source not found..</p> <p>All other relevant requirements are addressed in this table.</p>	Yes
	Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement.	The proposal has adequately demonstrated it will provide for public benefit (refer to Section 5 of this report).	Yes
3.12 Duration of consents	A consent granted under this Part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 4 (20) of the Act.	The Department recommends a condition of consent to limit the approval for a maximum period of 15 years from the date of operation.	Yes
3.14 Transport corridor land	The display of an advertisement on transport corridor land is permissible with development consent when on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	The proposal is for a sign within a railway corridor on behalf of Sydney Trains and therefore is considered permissible with consent.	Yes
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> i. the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council have been considered by the Minister, and ii. the advice of any design review panel has been considered by the Minister, and iii. the Minister is satisfied that the advertisement is 	<p>Ku-ring-gai Council was notified and did not object to the proposal (refer to Section 4 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 Error! Reference source not found. and demonstrates the advertisement would be consistent with the Guidelines.</p>	Yes

Section	Criteria	Comments	Compliance
	consistent with the Guidelines.		
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	<p>(1) This clause applies to an advertisement:</p> <p>(a) that has a display area greater than 20 square metres, or</p> <p>(b) that is higher than 8 metres above the ground.</p> <p>(2) The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.</p> <p>(3) The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:</p> <p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</p>	<p>The proposal has overall height higher than 8m.</p> <p>The application has been advertised in accordance with the Regulations.</p> <p>The Applicant has submitted an assessment against Schedule 5. TfNSW has provided concurrence to the application dated 13 December 2022.</p> <p>The Department has considered Schedule 5 in Table 9 below and is satisfied the proposal is acceptable.</p> <p>Section 3.16 does not apply</p>	Yes
3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <ol style="list-style-type: none"> appear only within the advertising display area not be greater than 0.25 square metres be included in calculating the size of the advertising display area. 	<p>Part 3.2 Definitions in the Industry and Employment SEPP includes:</p> <p>advertising display area means, subject to subsection (2), the area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures.</p> <p>The SEE describes that: A compliant operator logo will also be located at the bottom of the screen and within the skirting of the sign.</p> <p>The proposed illuminated JCDecaux logo is within the</p>	Yes

Section	Criteria	Comments	Compliance
		bottom border of the sign. The 0.745m x 0.12m logo is 0.089 m ² in size.	
3.21 Freestanding advertisements	The consent authority may grant consent only if the consent authority is satisfied that the advertisement does not protrude above the dominant skyline.	The proposed signage would not protrude above the height of adjoining residential buildings to the west and would be similar in height to commercial buildings (generally two storey in scale) which front the Pacific Highway in the Pymble town centre. Therefore it is not considered to protrude above the dominant skyline.	Yes
3.22 Advertisements on bridges	(1) A person may, with the consent of the consent authority, display an advertisement on a bridge. (2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines	The proposal is consistent with the Guidelines as detailed in Error! Reference source not found..	Yes

Table 9 | Industry and Employment SEPP Schedule 5 Compliance Table

Assessment Criteria	Comments	Compliance
1 Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is compatible with the character of the railway corridor and adjacent road corridor within the Pymble town centre which is characterised by a range of commercial premises with associated advertising.	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 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 does it detract from, any environmentally sensitive, natural, conservation, open space, waterway or rural landscape.</p> <p>The proposed sign is located on land identified as a heritage item and in the vicinity of other heritage items, but as discussed in Section 5, the Department is satisfied the proposal would not result in</p>	Yes

Assessment Criteria	Comments	Compliance
	any unacceptable impacts to the heritage values of the items.	
	The proposed sign is also located near a residential zone. However, by virtue of the separation distance and the significant difference in height between the residential area and the location of the sign, the sign will clearly be read as part of the Pacific Highway road reserve and not part of the residential area. Further, the proposal incorporates new landscape plantings which will assist to screen the much of the sign from the residential area. It is also proposed to turn off the sign at night to further mitigate impacts to the residential areas. The Department is therefore satisfied the proposal would result in no unacceptable impacts to the amenity or character of the residential area as discussed in Section 5 .	
3 Views and Vistas		
Does the proposal: <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 sign would not obscure any important views, would not dominate the skyline, or materially obstruct sight to any other advertising structures.	Yes
4 Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The installation of digital signage is appropriate for the streetscape and transport corridor setting of Pymble.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will contribute to the visual interest of the setting by incorporating digital advertising on the Pacific Highway.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There are no other existing signs on this land	N/A
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign would not protrude above the maximum height of the closest adjoining buildings to the west. It would be similar in height to the general 2-storey scale of the surrounding commercial area.	Yes
Does the proposal require ongoing vegetation management?	The proposed sign does not require ongoing vegetation management in the long term, but as discussed in Section 5, conditions are recommended to ensure	Yes

Assessment Criteria	Comments	Compliance
	establishment of new plantings in the short-medium term.	
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 considered appropriate for the context of the Site and the character of the area.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed sign is not considered to adversely impact any important features of the site.	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 on the Pacific Highway.	Yes
6 Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The sign is digital and therefore inherently illuminated. The sign includes a 0.45m H bottom frame with the logo of the signage operator.	Yes
7 Illumination		
Would illumination: <ul style="list-style-type: none"> • result in unacceptable glare? • affect safety for pedestrians, vehicles or aircraft? • detract from the amenity of any residence or other form of accommodation. 	The proposed illumination complies with the Guidelines and is contained within the screening and would not result in unacceptable glare, affect safety for pedestrians, vehicles, or aircraft, or unreasonably detract from the amenity of any residents (refer to Section 5 of this report).	Yes
Can the intensity of the illumination be adjusted? Is the illumination subject to a curfew?	The proposal includes a local light sensor to adjust the intensity of the illumination of the sign in accordance with ambient lighting conditions. The proposal is subject to a curfew and will not be illuminated between 11pm and 6am.	Yes
8 Safety		
Would the proposal reduce safety for: <ul style="list-style-type: none"> • pedestrians, particularly children, by obscuring sightlines from public areas? • any public road? 	The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines (refer to Section 5 of this report).	Yes

Transport Corridor Outdoor Advertising and Signage Guidelines

The *Transport Corridor Outdoor Advertising and Signage Guidelines* outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of the Industry and Employment SEPP by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in Error! Reference source not found..

Table 10 | Assessment against Guidelines

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria – Table 1		
i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The proposal is consistent with the objectives of the SP2 Zone under the KLEP 2015 in that it will be an ancillary use to the transport corridor, which will generate revenue used to maintain and enhance existing and future Sydney Trains assets and services which form a key part of the transport network in Sydney, and will not interfere with the operation of the rail corridor or adjacent road corridor.	Yes
ii. Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National Park or nature reserve. 	The proposed sign would be visible from the adjoining residential area to the west and is within a heritage listed site. Residential amenity impacts and heritage impacts have been considered in Section 5 and the Department is satisfied the proposed sign would not result in significant adverse impacts.	Yes
iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.	The proposed sign would not protrude into the skyline (it would sit below the height of the closest adjoining buildings), and it would not affect any significant scenic views.	Yes
iv. Advertising signage should not be located to diminish the heritage values of items or areas of local, regional, or state heritage significance.	Pymble Railway Station is heritage listed under KLEP 2015 and lies within the vicinity of other local heritage items. A Heritage Impact Statement submitted as part of the application, however, concludes that will have an acceptable impact because the signage will be visually separate from the main railway station area and does not form part of the visual setting of the station. It also does not affect the heritage fabric or significant views of other	Yes

Assessment Criteria	Comments	Compliance
	surrounding items. These are discussed in more detail in Section 5 .	
v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites, or infrastructure such as railway lines or power lines.	The proposed sign is consistent within the context of the commercial centre, centered on Pacific Highway and the road and rail transport corridors.	Yes
2.4 Sign clutter controls		
In assessing advertising proposals, the consent authority is to have regard to clutter:	The proposal is not considered to result in visual clutter:	Yes
a. Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter.	The proposed sign would be the only sign on the Site visible from the Pacific Highway	
b. Where there is advertising clutter, consideration should be given to reducing the overall number of individual advertisements on a site. Replacement of many small signs with a larger single sign is encouraged if the overall advertising display area is not increased.	There is no advertising clutter.	
c. In rural areas, and along freeways and tollways, no more than one advertising structure should be visible along a given sightline	N/A, as the sign is not proposed on a freeway.	
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 and road corridors.	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.	There is no existing building or any specific characteristics of the Site to which the structure should relate. The structure is considered to be compatible with the area generally.	Yes
iii. The advertising signage should be in keeping with important features of the site, building or bridge structure.	As above. The advertising signage is in keeping with the Pacific Highway, the transport corridor, and the nature of the commercial area generally.	Yes
iv. The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal involves the removal of one 3m high Camphor Laurel tree, which is considered a weed and of low significance. It also includes significant replacement	Yes

Assessment Criteria	Comments	Compliance
	planting which would more than offset the loss of the tree.	
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 includes extensive new landscaping on the Site including 8 new trees which would materially improve the landscape character of transport corridor.	Yes
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.	All physical aspects of the proposal are integrated into the signage structure.	Yes
vii. Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	The illumination complies with Section 3.3.3 as discussed below	Yes
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 (refer to Section 5 of this report). It is not in the vicinity of national parks or nature reserves.	Yes
2.5.4 Freestanding advertisements criteria		
(a) The advertising structure must not protrude above the dominant skyline.	The proposed sign would not protrude into the skyline (it would sit below the height of the closest adjoining buildings).	Yes
(b) Freestanding advertisement greater than 45 m ² that requires consent from local council...	The sign is smaller than 45m ² and council consent is not required.	N/A
(c) Where the sign is in a transport corridor a landscape management plan may be required.	The Applicant has submitted a draft Landscape Plan. Conditions including requirements for landscaping and landscape maintenance in accordance with a Landscape Management Plan have also been recommended.	Yes
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: (i) for a prescribed traffic control device (ii) 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>Not limited</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</td><td>200 cd/m²</td><td>77 cd/m² to 11pm 0 cd/m² 11pm to 6am</td></tr> </tbody> </table> <p>The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 4 (refer to Section 5 of this report) and would comply with the luminance criteria.</p>	Lighting Conditions	Zone 4 Maximum Luminance Levels	Proposed Luminance Levels	Full sun on face of signage	No Limit	Not limited	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	200 cd/m ²	77 cd/m ² to 11pm 0 cd/m ² 11pm to 6am	Yes
Lighting Conditions	Zone 4 Maximum Luminance Levels	Proposed Luminance Levels															
Full sun on face of signage	No Limit	Not limited															
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	200 cd/m ²	77 cd/m ² to 11pm 0 cd/m ² 11pm to 6am															
(g) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The images would not dazzle or distract drivers. A condition of consent is recommended to ensure that the signs images comply with requirements to not contain flickering or flashing content.	Yes															
(h) The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size.	The advertisements would primarily display images with information/text kept to a minimum. A condition of consent is recommended to ensure that text and information is kept to a minimum.	Yes															
(i) Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	The sign is adjacent to Pacific Highway which is a classified road. It is also visible from parts of Avon Road which are in a school zone. As such, a condition is recommended requiring that the sign be switched to a fixed display during school zone hours.	N/A															
(j) Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision	The Department has undertaken detailed assessment of the design and location of the proposal (refer to Section 5 of this report).	Yes															

Assessment Criteria	Comments	Compliance
sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.		
(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.	Although there is other general commercial signage in the area on private land, typical for a commercial zone, there is not another general advertising sign within the road transport corridor within 150m.	Yes
(m) Signs greater than 20 m ² must obtain RMS concurrence and must ensure the following minimum vertical clearances: <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 less than 20 m ²	Yes
(n) An electronic log of a sign's activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the signs activity in case of complaint.	This matter will be included as a condition of consent.	Yes
(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20 m ² must be carried out after 12 month period of operation but within 18 months of the sign's installation.	The sign is less than 20m ² , but nevertheless it is considered appropriate due to its location on a major highway within a busy commercial centre to require a road safety check. A condition of consent will require a road safety check to be carried out after the first 12 months of operation (but within 18 months of the signage installation).	Yes
2.5.10 Residential amenity		
Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to	To protect the amenity of nearby residential premises, the applicant amended the proposed operating hours of the sign, so that it would not operate at all between the hours of 11am to 6am.	Yes

Assessment Criteria	Comments	Compliance
minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above	Dwell times are in accordance with the Guidelines as discussed above and considered to be appropriate.	
Road Safety Assessment Criteria		
3.2.1 Road clearance		
(a) The advertisement must not create a physical obstruction or hazard.	The proposed works would not overhang the roadway. The proposed signs would not result in any physical obstruction or hazard.	Yes
(b) Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone.	The proposed sign will be placed outside the clear zone.	N/A
(c) Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.	The proposed sign will be placed outside the clear zone.	N/A
(d) All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The proposed works would not overhang the roadway or footpath, being on land classed as the railway corridor.	N/A
Additional road clearance criteria for digital signs		
Digital signs greater than 20m ² must ensure a minimum clearance of 5.5 m from the lowest point of the sign.	The proposed sign is less than 20m ² and would not overhang the roadway.	N/A
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 of the road for drivers.	Yes
(b) An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed digital signage will not obstruct views of the road for pedestrians or cyclists.	Yes
(c) The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.	The proposal will not give incorrect information on the alignment of the road.	Yes

Assessment Criteria	Comments	Compliance
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed sign is located front-on for north-bound traffic and will not require the drivers to direct their attention away from the road, and would have a dwell time of 10 seconds.	Yes
3.2.3 Proximity to decision making points and conflict points		
(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 5 of this report) and will be a safe distance from intersections, crossings and not visible from the stem of any T-intersections.	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) iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher. 	The placement of the sign will not distract drivers at critical times (refer to Section 5 of this report).	Yes
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.	Although there is other general commercial signage in the area on private land, typical for a commercial zone, there is not another general advertising sign within the road transport corridor within 150m. The sign is also visually separated from all other signs, being in a part of the roadway that does not include extensive advertising.	Yes
3.3.1 Advertising signage and traffic control devices		
(a) The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	The proposal will not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment as the signage does not overhang the roadway and is not located in proximity to any signals or devices.	Yes

Assessment Criteria	Comments	Compliance
(b) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.	The proposal will not interfere with stopping sight distance for the road's design speed and would not interfere with the effectiveness of the existing traffic control devices.	Yes
Additional criteria for digital signs and moving signs		
(a) The image must not be capable of being mistaken: <ul style="list-style-type: none"> i. for a rail or traffic sign or signal because it has, e.g., red, amber or green circles, octagons, crosses or 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. Furthermore, consent is not required for a change in the content of signage in accordance with the Industry and Employment SEPP. Therefore, a condition of consent will be applied to ensure the sign content is not mistaken for traffic signals or driving instructions.	Yes
(b) The amount of text and information supplied on a sign should be kept to a minimum (e.g., no more than a driver can read at a short glance).	The Department has included a suite of recommended conditions to ensure the content of the advertising does not include message sequencing, flickering, or flashing.	Yes
3.3.2 Dwell time and transition time		
Digital signs		
(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The Department has included a recommended condition of consent requiring the advertising to be static and for a 10 second dwell time.	Yes
(b) Dwell times for image display must not be less than: <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
(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 sign is adjacent to Pacific Highway which is a classified road. It is also visible from parts of Avon Road which are in a school zone. As such, a condition is recommended requiring that the sign be switched to a fixed display during school zone hours.	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

Assessment Criteria	Comments	Compliance
3.3.3 Illumination and reflectance		
Digital Signs		
(a) Luminance levels must comply with the requirements in Table 6	The proposed luminance complies with Table 6 . Refer to table above in 2.5.8 (f) .	Yes
(b) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	This is included as a condition of consent.	Yes
3.3.4 Interaction and sequencing		
(a) The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	The proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile devices, by condition of consent.	Yes
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	No message sequencing is proposed.	Yes
4. Public Benefit		
As proponents of outdoor advertising, RMS must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The proposal has adequately demonstrated the public benefit (refer to Section 5 of this report).	Yes
RMS must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.	This is recommended to be included as a condition of consent.	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Sydney Trains is the applicant for the proposed development, and as such, the Department considers that the lodgement of the application is providing concurrence for the development. Regardless, the proposal has been assessed against the SEPP in **Table 11**.

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

An assessment against the relevant aspects of the *Development Near Rail Corridors and Busy Roads – Interim Guideline* has been undertaken in **Table 12**.

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

Assessment Criteria	Comments	Compliance
Division 15, Subdivision 2: Development in or adjacent to rail corridors		
2.98 Development adjacent to rail corridors		
<p>(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development –</p> <ul style="list-style-type: none"> (a) is likely to have an adverse effect on rail safety, or (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or (c) involves the use of a crane in air space above any rail corridor, or (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. <p>(2) Before determining a development application for development to which this section applies, the consent authority must –</p> <ul style="list-style-type: none"> (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and (b) take into consideration – <ul style="list-style-type: none"> 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. 	<p>The proposal will involve the use of a crane during the construction period on air space above the rail corridor. The Department publicly exhibited the application for 28 days, and adjoining landholders, Council and TfNSW were notified. In response, TfNSW provided concurrence subject to recommended consent conditions. The matters raised by TfNSW have been considered and addressed in Section 5 and the recommended conditions have been incorporated into the recommended development consent (Appendix D).</p>	Yes

Assessment Criteria	Comments	Compliance
2.99 Excavation in, above, below, or adjacent to rail corridors		
<p>(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> <p>(a) within, below or above a rail corridor, or</p> <p>(b) within 25m (measured horizontally) of a rail corridor, or</p> <p>(c) within 25m (measured horizontally) of the ground directly below a rail corridor, or</p> <p>(d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.</p> <p>(2) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration –</p> <p>i. any response to the notice that is received within 21 days after the notice is given, and</p> <p>ii. any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(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.</p> <p>(5) The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if –</p> <p>(b) in any other case, 21 days</p>	<p>The proposal involves penetration of ground to a total depth of about 14m for the footing's concrete piles within 10m of the rail corridor. The Department publicly exhibited the application and TfNSW were notified. In response, TfNSW provided concurrence subject to recommended consent conditions. The matters raised by TfNSW have been considered and addressed in Section 5 and the recommended conditions have been incorporated into the recommended development consent (Appendix D).</p>	<p>Yes</p>

Assessment Criteria	Comments	Compliance
have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.		

Table 12 | Assessment of compliance with *Development Near Rail Corridors and Busy Roads – Interim Guideline*

Part D: Potential impact of adjacent development on roads and railways

Clause	Considerations	Complies?
5.1 Essential Early Requirements	Early consultation was undertaken with the rail authority. Surveying was undertaken to assist in the design of the development.	Yes
5.2 Electrolysis	Noted. The development is sited away from overhead wires.	Yes
5.3 Cranes	Conditions of consent are recommended to ensure that appropriate approval is in place for the operation of cranes	Yes
5.4 Safe Access for Maintenance	Safe access to the signage for maintenance has been incorporated into the design.	Yes
5.5 Stormwater Management	The sign would not alter or increase the flow of stormwater on to the railway	Yes
5.6 Vandalism	The sign would not increase the risk of vandalism to the railway or rail network.	Yes

5.7 Graffiti	The applicant has committed to the removal of graffiti during the construction and operation of the sign. The development would not increase the risk of graffiti to other rail infrastructure.	Yes
5.8 Lighting, External Finishes and Design	The lighting finishes and design have been considered under Section 5 of this report.	Yes
5.9 Structures in the Rail Corridor	Conditions of consent are recommended to ensure that the sign is constructed and is operated in accordance with the Australian Standards.	Yes
5.10 Derailment Protection of Structures	The signage is located on the outside of the existing railway underpass. Notwithstanding, the sign will be constructed with a fall arrest component to prevent the sign from falling if struck by high vehicles.	Yes
5.11 Electrocution – Overhead Wiring	The location of the signage will exceed the minimum distances under this clause.	Yes
5.12 Underground Electrical Services	The signage is proposed on top of a retaining wall that is raised 6m above ground. As such, there are no anticipated impacts to underground services.	Yes
5.13 Track Closures, Power Outages and Corridor Access	No access to the rail corridor or alteration to the rail operations would be required during construction.	Yes

5.14 Level Crossings	Not applicable.	Yes
5.15 Fencing	No fencing is proposed as part of the proposed development.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience and Hazards SEPP) contains the provisions of the former SEPP 55. The chapter aims to provide a State-wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, the relevant considerations for consent to carry out remediation work, and the remediation works undertaken that meet certain standards and notification requirements.

Under the framework of the Resilience and Hazards SEPP, the proposed development is considered to be acceptable, given the Site is a small, elevated piece of land, separate from the remainder of the railway corridor, has not been used for any known contaminating purpose, and no change of use is proposed. The Department is satisfied that the land is suitable for ongoing use as a railway corridor (with ancillary signage) and remediation of the Site is not required to enable the ongoing use.

Ku-ring-gai Local Environmental Plan 2015

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

The objectives of the SP2 zone are:

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

The Applicant has provided a Public Benefit Statement which describes that the proposed sign would generate revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. The Applicant has identified that the revenue will be funded back into the transport network and will assist in funding several projects that are being delivered by Sydney Trains that would benefit the local community, including network upgrades, fleet improvements, station upgrades and maintenance depot upgrades. The Department is therefore satisfied the proposal is consistent with the objectives of the zone.

Section 5.10 of the LEP includes heritage conservation provisions. Heritage has been considered in detail in **Section 5** and the Department is satisfied the proposal would not result in any unacceptable outcomes for the heritage values of the Site or nearby heritage items, in accordance with the requirements of the LEP.

Ku-ring-gai Development Control Plan 2021

Section A Part 12 of the KDCP 2021 outlines Council's desired objectives and measures for the installation of signage. The proposed signs are consistent with the relevant controls of the KDCP 2021 as detailed in **Table 13**.

Table 13 | Assessment of compliance with KDCP 2021 criteria

Assessment Criteria	Comments	Compliance
Section A Part 12 Signage and Advertising		
<u>Part 12.1 Signage General</u>		
1. Where located on a building, signage is to be integrated with the architecture and/or structure of the host building. Building façade detail, ventilated inlets or outlets and projecting features of the building are to remain unobscured by signage.	The proposed signage is not on a building.	N/A
2. Signage and advertising are to be constructed of non-combustible, graffiti resistant and easily cleaned materials	The proposed signage would be constructed of high quality materials. The height of the screen discourages graffiti.	Yes
4. The following signage is not permitted:		
(i) flashing signs, moving signs, balloon signs, inflatable signs or the like, or any bunting, flag signs or those made of canvas, calico, textile or the like;	Conditions are recommended to ensure no flashing or flickering lights, content, 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 advertises third party activity. However, the sign is permissible in accordance with the Industry and Employment SEPP, which prevails over the DCP.	No
(iii) hoarding signs, painted bulletins or advertisements in the nature of posters (except newsagents headlines) or stickers affixed to the exterior of the building;	The sign does not comprise a hoarding sign or the like.	Yes

Assessment Criteria	Comments	Compliance
(iv) signage above awning level, except for building identification signs;	The sign is not affixed to a building.	Yes
(v) signage affixed to or attached to telephone booths, trees, poles, signs, shelters, sheds, bins and the like;	The sign is not affixed to another structure.	Yes
(vi) fluorescent colours on signs or buildings;	Fluorescent colours are not proposed on the structure. Although the variable advertising display may incorporate fluorescent colours from time to time the overall effect of the sign would not present as fluorescent generally.	Yes
(vii) sky, roof or fin signs;	The sign is not a sky sign or the like.	Yes
(viii) internally and externally illuminated signs, other than those permitted under 12.7 of this Part (except where internally lit signs do not cause any spillage of light onto neighbouring properties or can be proven not to cause any detracting from the amenity of the locality);	The illumination of the advertising signage does not result in unacceptable light spill (refer to Section 5 of this report).	No
(ix) freestanding signs/pole signs (except service stations)	The sign is freestanding, however the sign is consistent with the character of the road corridor and is permissible under the Transport and Infrastructure SEPP, which prevails over the DCP.	No

Part 12.4 – Advertising Structures

Controls are provided for: 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 types to which the controls apply.	N/A
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Part 12.5 – Advertising on Heritage Items or in Heritage Conservation Areas

1. All signs on Heritage Items or in Heritage Conservation Area (HCAs) are to be: i) of a design that is in sympathy with the character of the Heritage item or HCA ii) appropriately located iii) located not to obscure or detract from significant fabric or views of the Heritage item or HCA	Heritage impacts have been considered in Section 5 . Although the sign is technically on a heritage listed site (Pymble Railway Station), it is physically and visually separated from the main station area by Pacific Highway and therefore is not read as part of the station. It will not affect the fabric of, views of, or the heritage significance of the heritage item.	No
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Assessment Criteria	Comments	Compliance
iv) of appropriate size and scale to the Heritage Item or HCA streetscape and not be the dominant visual element on the building or in the HCA streetscape v) non-illuminated.	The sign will be illuminated, but due to the visual separation, the illumination does not result in material adverse heritage impacts and the illumination is therefore considered acceptable, despite the provisions of the DCP	
2 Installation of a sign on a Heritage Item or within an HCA is to be: i) carried out in a reversible manner without damage to significant fabric; ii) attached to fabric of lesser significance; iii) freestanding signs may be permitted for Heritage Items to avoid adverse impacts on built fabric	The proposed signage can be removed in the future without any adverse impacts to heritage significant fabric.	Yes
3 Original or significant signs on a Heritage Item or within an HCA are to be retained.	Original signs at Pymble Railway Station are unaffected	Yes
4 Painting of whole buildings, facades, windows and shopfronts in corporate colours is not permitted.	Not proposed.	Yes

Part 12.7 – Illumination of Signs

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

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.	Alteration of the sign would require a modification application	N/A
2. All signs are to be maintained to the satisfaction of Council at all times.	Council is not the consent authority. Any issues of maintenance would be a matter for the Department's compliance team.	N/A

Appendix D – Recommended Instrument of Consent