



New digital advertising sign – Windsor Road M2 Overpass, Baulkham Hills

Development application assessment report (DA 23/2901 or PAN-310932)

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Cover image: Render of proposed sign as viewed from the M2 Motorway (source: Applicant's Statement of Environmental Effects)

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Glossary

Abbreviation	Definition
Applicant	G.O. SIGNAGE NOMINEES PTY LTD & O S T O R (NO 14) PTY LTD
Consent	Development Consent
Council	The Hills Shire Council
DA	Development Application
Department	Department of Planning and Environment
Dwell time	the amount of time an advertising image is displayed, before transitioning to another
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
LGA	Local Government Area
THLEP 2019	The Hills Local Environmental Plan 2019
Minister	Minister for Planning
RMS	Roads and Maritime Services, TfNSW
RtS	Response to Submissions
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEE	Statement of Environment Effects
SEPP IE	State Environmental Planning Policy (Industry and Employment) 2021
TfNSW	Transport for NSW
Transition time	the amount of time taken to change from one image to another

Executive Summary

G.O. SIGNAGE NOMINEES PTY LTD & O S T O R (NO 14) PTY LTD (the Applicant) seeks development consent (DA 23/2901) for the installation and operation of a digital advertising sign on the western elevation of the Windsor Road overpass, spanning over the inbound lanes of the M2 Motorway at Baulkham Hills.

The development application (DA) comprises one sign (41.76 m²) mounted to the existing overpass, electrical cabling, logo box, fall arrest system, access hatch and an access platform, and a new anti-gawk screen for the eastbound off-ramp to Windsor Road.

The DA is integrated development in the meaning of Division 4.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) under section 138 of the *Roads Act 1993* (Roads Act).

Engagement

The Department of Planning and Environment (Department) publicly exhibited the DA from Thursday 20 April 2023 until Monday 22 May 2023 and sought advice from The Hills Shire Council, City of Parramatta Council and Transport for NSW under section 138 of the Roads Act.

The Hills Shire Council (Council) did not object to the proposal, and the adjoining City of Parramatta Council also raised no objection to the proposal on traffic grounds. TfNSW confirmed they would provide concurrence and provided its general terms of approval.

No public submissions were received in response to the exhibition of the application.

In June 2023, the Applicant submitted additional information to the Department including a request that the proposed anti-gawk screen no longer apply to the application. In response, TfNSW issued revised concurrence and its general terms of approval confirming that the anti-gawk screen was necessary and the Applicant must prepare a plan for the screen and a supplementary road safety audit for TfNSW's review and approval.

Assessment

The Department has assessed the proposal against the requirements of State Environmental Planning Policy (Industry and Employment) 2021 (SEPP IE) and the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) and has considered the issues raised in submissions.

The Department considers the proposal acceptable as:

- it meets the relevant statutory requirements and complies with SEPP IE
- it will not adversely impact the safety or operation of the road network including the road clearance, lines of sight, driver decision making, and risk of accidents, subject to the recommended conditions
- the sign sits within a road cutting and is screened by the existing acoustic walls and surrounding vegetation, and therefore does not have a material visual impact for the surrounding properties

- the sign will not impact the heritage significance of surrounding items, as the sign will not be readily visible in the curtilage and does not propose any physical works to these items
- the proposed illumination and luminance of the sign would comply with the relevant Australian Standards and Guidelines and would not result in any significant impacts on surrounding properties
- the sign delivers appropriate public benefits by allocating 5% of advertising time to TfNSW for safety awareness campaigns and 22% of revenue to TfNSW to be made available to local Councils bordering the M2 Motorway for improvements to traffic safety, public transport services, public amenity within or adjacent to the corridor, or other community benefits
- TfNSW has issued its concurrence and general terms of approval to ensure the safe installation, maintenance, and operation of the proposed sign
- the Department has recommended a suite of conditions to manage the sign's operation, including dwell and transition times between advertisements, maximum luminance levels, and independent audits for lighting and road safety compliance.

Conclusion

The Department's assessment concludes the proposal is appropriate as it would not result in any unacceptable amenity, visual, heritage or road safety impacts and is consistent with the requirements of SEPP IE and the Guidelines.

The Department considers the application is in the public interest and recommends that it be approved, subject to conditions.

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1 Introduction

1.1 Background

This report provides an assessment of a Development Application (DA 23/2901) lodged by G.O. SIGNAGE NOMINEES PTY LTD & O S T O R (NO 14) PTY LTD (the Applicant) under Part 4 of the EP&A Act.

The proposal seeks consent for the installation and operation of a new digital advertising sign on the western elevation of the Windsor Road overpass for the M2 Motorway.

The site is located in The Hills Shire Council (Council) Local Government Area (LGA).

1.2 The site

The sign is proposed to be installed on the western elevation of the Windsor Road overpass that spans over the eastbound lanes of the M2 Motorway in Baulkham Hills. The Windsor Road overpass connects the suburbs of Baulkham Hills (north) with Winston Hills and Northmead (south) and provides access to on/off ramps for the M2 Motorway. The M2 Motorway has been built into a road cutting and is bordered by acoustic walls and mature trees at the approach to the overpass.

There is an existing illuminated sign on the eastern elevation of the overpass facing the westbound lanes of the Motorway.

Photographs of the overpass and context are provided at **Figure 2** to **Figure 5** below.

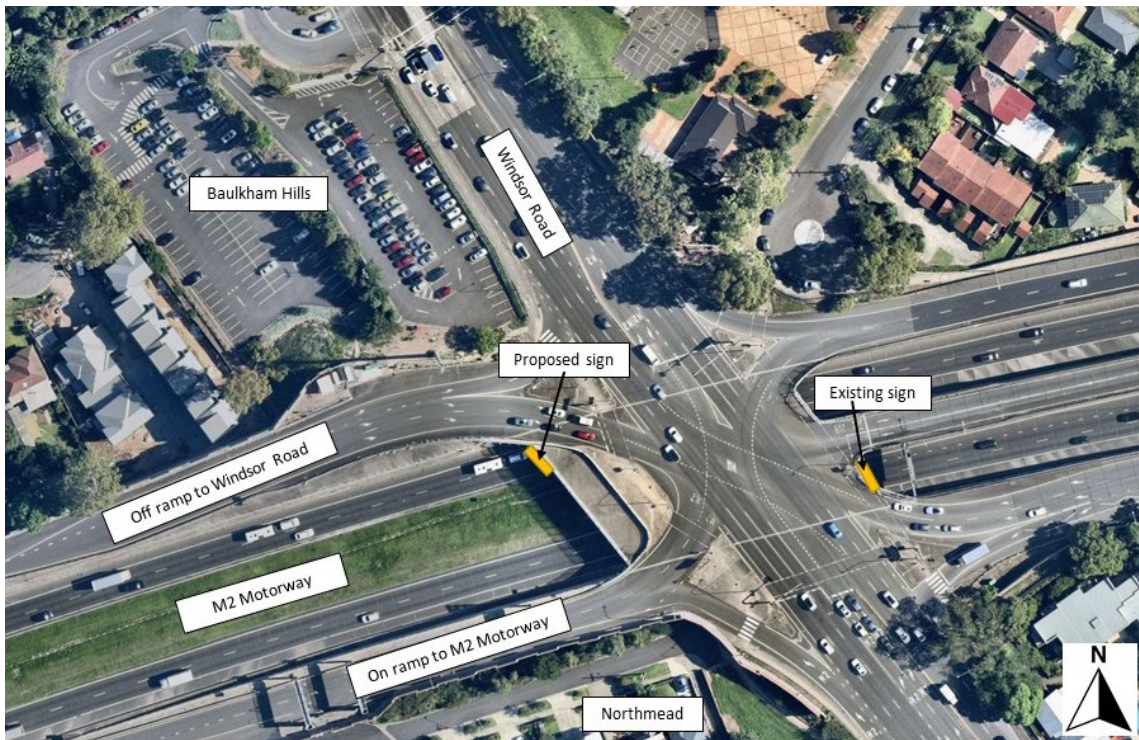


Figure 1 | Site context map (Base source: Nearmap 2023)



Figure 2 | Approach to the sign as viewed from the overpass



Figure 3 | On-ramp to the M2 Motorway as viewed from the overpass looking west



Figure 4 | Intersection of Windsor Road and the M2 Motorway as viewed from the overpass looking south-east (away from the proposed sign)



Figure 5 | Existing sign on the eastern façade of the overpass, facing westbound lanes (Source: GoogleMaps)

1.3 Site surrounds

The surrounding area is characterised by low and medium density residential development, with some higher density apartment blocks and businesses. This development is typically separated from the sign's location by a change in elevation as well as acoustic walls and mature tree planting on either side of the M2 Motorway.

The surrounding area is also characterised by several heritage items (see **Figure 6**), including:

- a heritage significant portion of Windsor Road commencing immediately north of the road's intersection with the M2 Motorway off-ramp for eastbound lanes. The road is of local heritage significance
- Farmhouse Cottage at 266-268 Windsor Road, Baulkham Hills approximately 150 m south of the sign's location. The cottage is of local heritage significance
- Former Baulkham Hills Public School at 1 Russell Street, Baulkham Hills approximately 100 m south-east of the sign's location. The school is of local heritage significance



Figure 6 | Heritage context of the site (Base source: EPlanning Portal)

2 Project

The proposal seeks consent to install and operate a digital light emitting diode (LED) screen sign for third-party advertising on the western façade of the Windsor Road overpass spanning over the eastbound lanes of the M2 Motorway at Baulkham Hills.

The main components of the proposed sign are outlined in **Table 1** and shown in **Figure 7** and **Figure 8**.

Table 1 | Main Components of the Project

Aspect	Description
Signage display area	12.58 m by 3.30 m (41.76 m ²) for the primary sign, and a separate static 0.25 m ² logo box. The total display area is therefore 42.01 m ² .
Infrastructure	New electrical cabling, logo box, fall arrest system, access hatch and an access platform on the overpass. An anti-gawk screen was also proposed to be erected adjacent to the eastbound off-ramp to Windsor Road to prevent views of the sign when approaching the intersection with Windsor Road.
Backing	The sign will be mounted in a cabinet with a depth of 920 mm
Road clearance from ground level to sign	The sign will be aligned with the underside of the overpass bridge, maintaining the same minimum 5.3 m clearance height to the road beneath
Content	Third-party advertising (95% of time) and road safety advertising (5% of time)
Display dwell time	25 second dwell time
Display transition period	0.1 second transition time
Signage illumination	8,000 cd/m ² to 90 cd/m ² , subject to lighting conditions
Public benefits	<ul style="list-style-type: none">• 22% of net revenue from advertising will be given to TfNSW. The revenue will then be available to local Councils to undertake works to improve traffic safety, public transport services, public amenity within or adjacent to the corridor, or other community benefits.• 5% of advertising shall be available for TfNSW to use for safety awareness campaigns.



Figure 7 | Photomontage of the proposed sign (Source: Applicant's SEE)

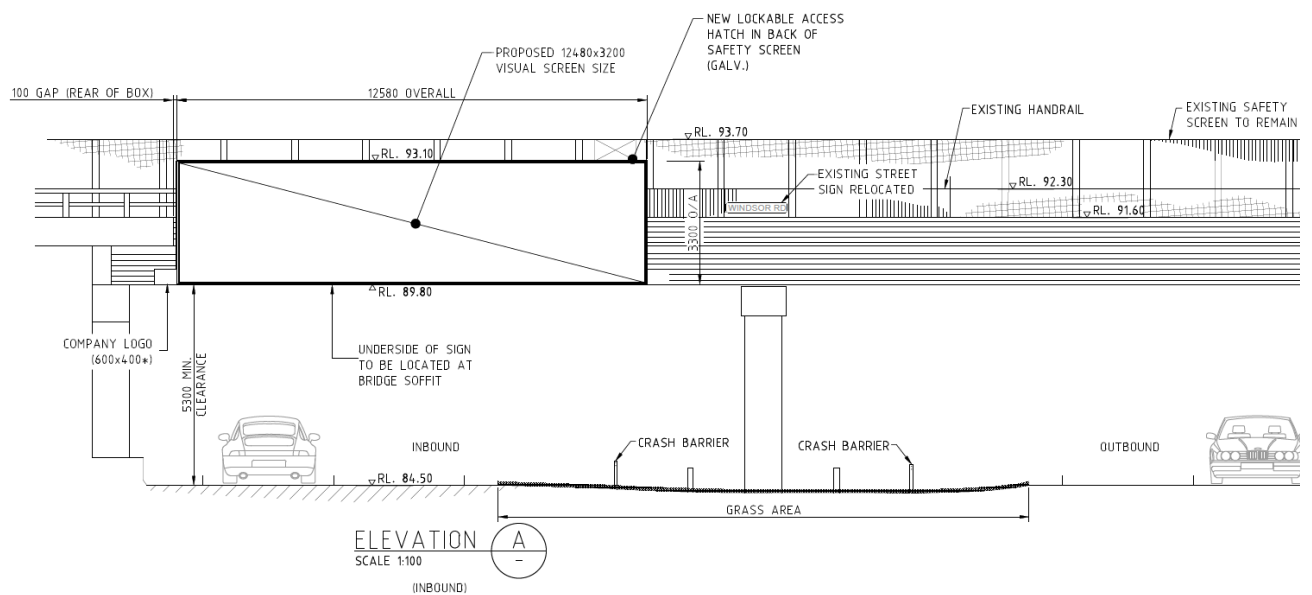


Figure 8 | Plan of the proposed sign (Source: Applicant's SEE)

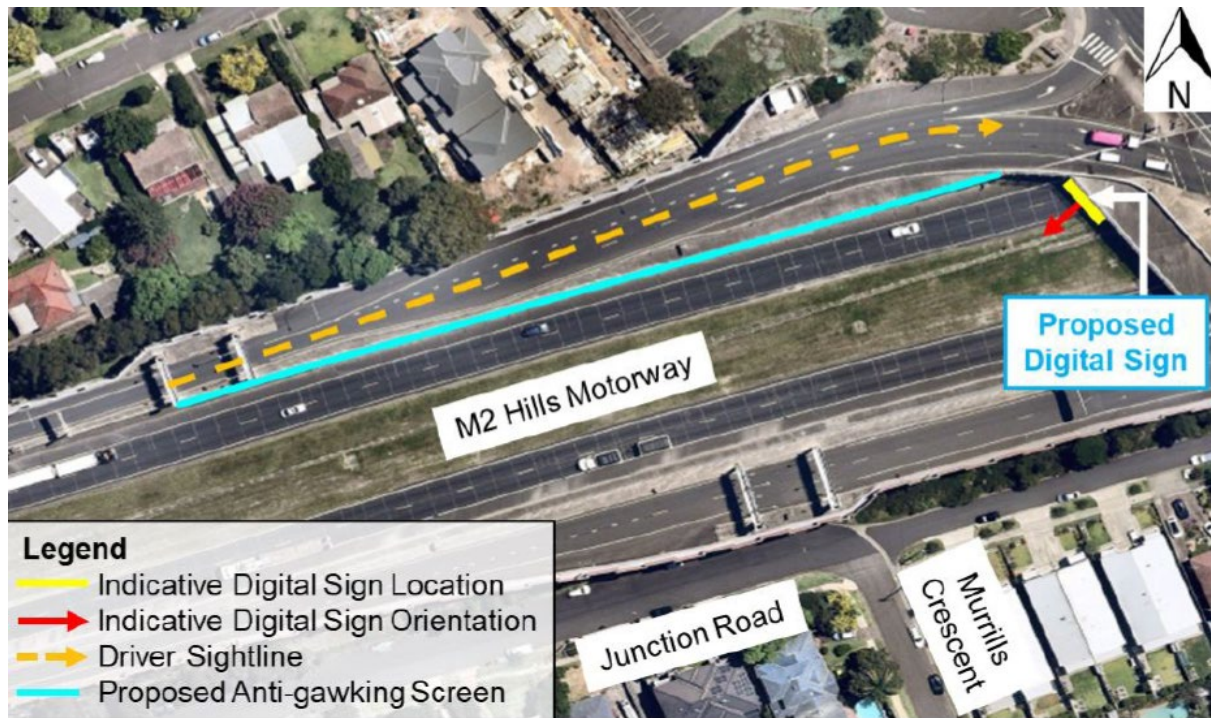


Figure 9 | Proposed anti-gawk screen (Source: Applicant's SEE)

3 Statutory Context

3.1 Consent authority

The Minister for Planning and Public Spaces is the consent authority under Clause 3.10(e) of SEPP IE as the development application relates to an advertisement displayed on transport corridor land and associated adjacent land, which includes the M2 Motorway and the Windsor Road overpass.

However, in accordance with the Minister's delegation, the Director, Key Sites Assessments may determine the application as:

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

3.2 Permissibility

The site is zoned SP2 Infrastructure (Classified Road) under The Hills Local Environment Plan 2019 (THLEP 2019). Development is prohibited in the zone unless it is ordinarily incidental or ancillary to the purpose of the classified road.

However, SEPP IE further permits that notwithstanding any other environmental planning instrument (EPI), the Minister may grant consent to an application for the display of an advertisement on transport corridor land and associated adjacent land which includes the M2 Motorway under Clause 3.14(1)(c) of the SEPP.

The application is therefore permissible with consent.

THLEP 2019 and SEPP IE are further discussed in **Section 5** and **Appendix C**.

3.3 Integrated development

Division 4.8 of the EP&A Act specifies that, for integrated development, the consent authority must obtain general terms of approval from the relevant approval body before granting development consent. As detailed in **Appendix C**, the proposed sign requires consent under section 138 of the Roads Act and therefore is integrated development.

The Department has sought concurrence from TfNSW as part of the assessment and determination of this application. TfNSW's concurrence and general terms of approval are detailed in **Section 4**.

3.4 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant environmental planning instruments (EPIs)
- objects of the EP&A Act

- Ecological Sustainable Development
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix C**.

4 Engagement

4.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act and the Department's Community Participation Plan, the Department publicly exhibited the application for at least 28 days from Thursday 20 April 2023 to Monday 22 May 2023. The application was exhibited on the NSW Planning Portal.

The Department also notified adjoining landholders in writing as well as The Hills Shire Council and the adjacent City of Parramatta Council. An integrated development referral was also sent to Transport for NSW (RMS) on 19 April 2023.

The Department has considered the comments raised in the submissions received in the assessment of the application (**Section 5** and **Appendix B**).

The Department undertook a site visit on 9 May 2023.

4.2 Summary of submissions

In response to the exhibition of the DA, the Department received no public submissions.

The Hills Shire Council confirmed they had no objection to the proposal and did not wish to comment. A submission was received from City of Parramatta Council (whose LGA adjoins the site), which provided comments and did not object to the application.

Transport for NSW (TfNSW) issued their concurrence on 9 May 2023, and revised concurrence on 12 July 2023.

A link to the submissions is provided in **Appendix A**.

4.3 Key issues – Government agencies

The key issues raised by government agencies are summarised in **Table 2**.

Table 2 | Summary of Agency advice

Transport for NSW	
Development Application	<p>TfNSW provided concurrence and requested the following conditions:</p> <ul style="list-style-type: none">the proposed signs design and operation shall be in accordance with the Guidelinesthe images displayed on the sign must not contain/use:<ul style="list-style-type: none">flashing or flickering lights or content.animated displays, moving parts or simulated movement.complex displaysdisplays resembling traffic control devices by use of colour, shape or words

	<ul style="list-style-type: none"> ○ a method of illumination that distracts or dazzles. ○ dominant use of colours red or green. <ul style="list-style-type: none"> • dwell times between displays shall be no shorter than 25 seconds. • a Road Occupancy Licence (ROL) should be obtained • the Applicant shall prepare an independent Road Safety Assessment (RSA) after 18 months of operation of the digital signage • the Applicant is to prepare a plan for the 'anti-gawk' screen and a supplementary road safety audit for review and approval. The applicant is to liaise with M2 Motorway regarding the physical feasibility of the proposed screens and the NSW Department of Planning and Environment regarding other required environmental approvals that may be needed • all costs associated with the proposed sign, 'anti-gawk' screens, including maintenance activities, shall be at no cost to TfNSW.
Response to submissions	<p>TfNSW provided its amended concurrence on 12 July 2023. The final concurrence was issued subject to the following conditions being included in any approval issued:</p> <ul style="list-style-type: none"> • the proposed signs design and operation shall be in accordance with the Guidelines • the images displayed on the sign must not contain/use: <ul style="list-style-type: none"> ○ flashing or flickering lights or content. ○ animated displays, moving parts or simulated movement. ○ complex displays ○ displays resembling traffic control devices by use of colour, shape or words ○ a method of illumination that distracts or dazzles. ○ dominant use of colours red or green. • dwell times between displays shall be no shorter than 25 seconds. • a Road Occupancy Licence (ROL) should be obtained • the Applicant shall prepare an independent Road Safety Assessment (RSA) after 18 months of operation of the digital signage • the Applicant is to prepare a plan for the provision of 'anti-gawk' screens and a supplementary road safety audit is to be submitted for review and approval • all costs associated with the proposed sign, 'anti-gawk' screens, including maintenance activities, shall be at no cost to TfNSW.

4.4 Key issues – Council

The key issues raised by Council are summarised in **Table 3**.

Table 3 | Summary of Council advice

Parramatta City Council	
Development Application	<p>A submission was received from City of Parramatta Council (whose LGA adjoins the site) that did not object to the application and provided the following comments:</p> <ul style="list-style-type: none">• for the approach and departure side of the sign, there are no decision-making points or conflict points in accordance with Section 3.2.3 of the Outdoor Advertising Signage Guidelines.• it is noted that the closest decision making/conflict point (i.e. the merge point and diverge points) for both directions are more than 300 m away, and therefore are unlikely to be impacted by the proposal.• in light of the above, City of Parramatta raises no objection on the proposal on traffic grounds.• at this location, the M2 Motorway is the boundary between The Hills Shire and City of Parramatta Councils. Accordingly, this proposal is also to be reviewed by The Hills Shire Council.
The Hills Shire Council	
Development Application	<p>Correspondence was received from The Hills Shire Council confirming no objection to the proposal and that Council would not like to make a submission</p>

4.5 Response to submissions

The Department requested that the Applicant respond to the above submissions, and provide additional information, including whether there was any crash data for the existing sign on the eastern façade of the overpass, and the intended planning pathway for the anti-gawk screen that is required to screen the proposed sign.

The Applicant lodged a response confirming that no crash data existed for the existing sign on the eastern façade of the overpass and requested that the anti-gawk screen be removed from the application. A response from the Applicant's traffic engineer (Bitzios) confirmed that while the DA as lodged and exhibited did propose an anti-gawk screen, their further investigations indicated that the likelihood of possible views to the sign from the off-ramp location were remote.

As discussed in **Section 5.1**, TfNSW's final concurrence reaffirmed the need for anti-gawk screen.

4.6 Additional information

On 26 July 2023, the Applicant subsequently submitted a concept design for the anti-gawk screen (see **Figure 10**).

As detailed in **Section 5.1**, the final design and installation of the anti-gawk screen will occur in consultation with TfNSW.

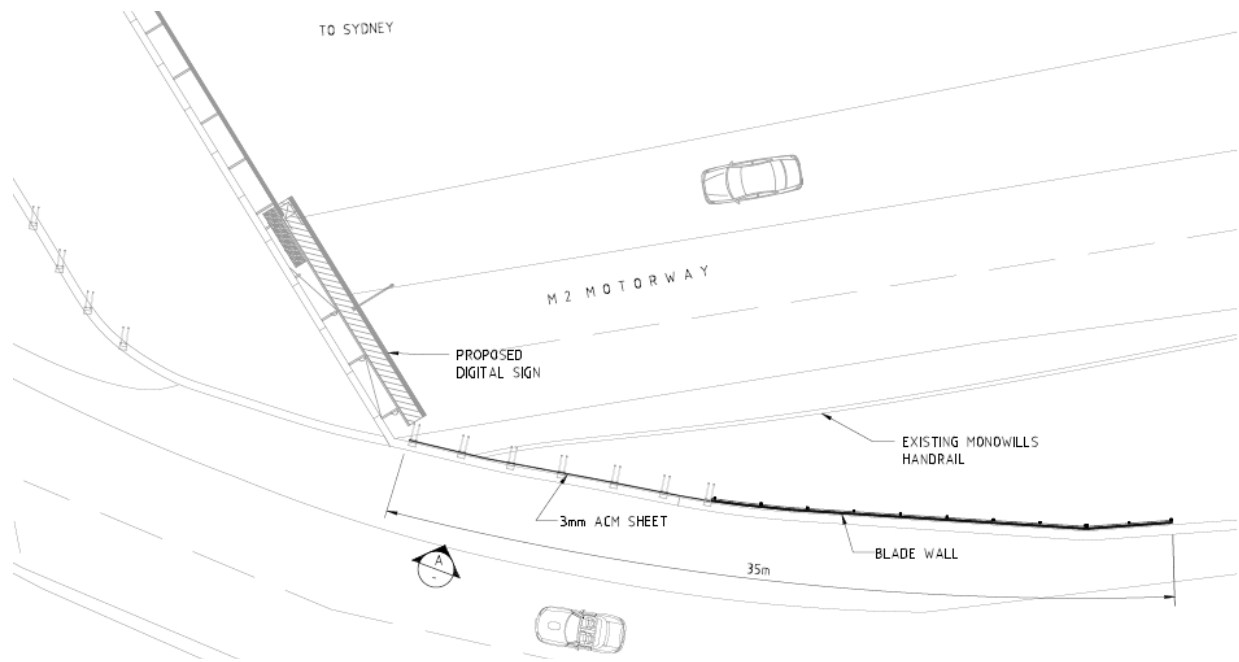


Figure 10 | Concept design of the anti-gawk screen (Source: Applicant's additional information)

5 Assessment

The Department has considered the proposal, the issues raised in submissions, and the Applicant's response in its assessment of the application. The Department considers the key issues associated with the proposal are:

- visual impacts
- illumination
- road safety

The Department's consideration of other issues is considered in **Section 5.4** below.

5.1 Visual impact

The Applicant's SEE confirms the proposed sign has a limited visual catchment. The sign will be mounted on the existing overpass that sits behind acoustic walls and mature vegetation that frames the M2 Motorway corridor. Therefore, because of the location of the proposed sign and the configuration of the interchange, there are no direct view lines to the proposed digital sign and the overpass from surrounding properties.

The Department considers the visual impact of the sign is acceptable as:

- the proposed sign would be located within a road cutting and would not be readily visible from any surrounding properties and therefore does not impact the outlook or amenity of the surrounding area
- the proposed sign is screened by the existing acoustic walls and vegetation, as well as the new anti-gawk screen, and is compatible with the design and use of the existing roadway,
- the sign does not obstruct any significant views along Windsor Road or the M2 Motorway.

The Department is therefore satisfied that the proposal will have acceptable visual impacts.

5.2 Illumination

The Guidelines categorise sign locations and set luminance levels based on land use and ambient lighting levels from Zone 1 (highly lit areas) down to Zone 4 (low lit residential areas). Australian Standard (AS) 4282 'Control of the Obtrusive Effects of Outdoor Lighting' also sets maximum luminance levels for different environmental zones from Zone A4 (high district brightness) down to A0 (naturally dark areas).

The Applicant's Lighting Impact Assessment identifies the site as being A3 (medium district brightness in suburban towns and cities) under AS 4282, and Zone 4 (low-level off-street ambient lighting) under the Guidelines. The maximum luminance level set under AS 4282 applies only to the night-time and is 250 cd/m². The AS does not nominate a day-time luminance level, and instead reference is made to the Guidelines which specifies no maximum applies when the sun is projecting straight onto the face of the sign, a maximum of 6,000 cd/m² in other daytime conditions, 500 cd/m² during morning or evenings or incremental weather, and 200 cd/m² at night.

The proposed digital sign would be constructed from LEDs and operated 24-hours-a-day, 7-days-per-week. The sign is capable of dimming to address different weather conditions and the time of day.

The Lighting Impact Assessment confirms the proposed sign can comply with the relevant requirements of AS 4282 and the Guidelines, including:

- the proposed digital sign has a maximum brightness (luminance) of 8000 cd/m². Accordingly, the screen will be programmed with a maximum screen luminance of 8000 cd/m² when full sun strikes the face of the sign (maximum brightness), 6000 cd/m² during normal daytime operation, 500 cd/m² during twilight and inclement weather, and 90 cd/m² during night-time. These luminance levels comply with both the AS and Guidelines
- the potential light during night-time operations has been modelled to confirm that the proposed sign complies with the maximum limit of 2 lux at all nearby residential receivers under AS 4282. The modelling is conservative and assumes no mature vegetation or barriers exist between the sign and surrounding development, when in effect there is the existing acoustic wall, mature vegetation and the proposed anti-gawk screen that will further restrict light spill from the site to surrounds
- it is recommended that the average luminance difference between successive images does not exceed 30% to ensure compliance with AS 4282 S 4282, and that the dwell time is 10 seconds or greater (however as discussed in **Sections 2** and **5.1**, 25 seconds has been proposed)

The Department considers the proposed sign to be capable of complying with the Guidelines and Australian Standards. It is recommended that the maximum luminance levels be conditioned for different lighting conditions (full sun, day, twilight, and evening), and that the luminance difference between successive advertising images not exceed 30% in accordance with the recommendations of the Lighting Impact Assessment.

The Department also recommends the Applicant be required to maintain an electronic log of the sign's activities and that the luminance strength of the sign be audited within 6 months commencing operations, or as otherwise directed by the Planning Secretary to confirm compliance with the conditions of consent.

All advertising content would separately be required to comply with the content requirements of the Guidelines.

5.3 Road safety

The proposed sign will be mounted to the façade of an existing overpass for Windsor Road that spans over the M2 Motorway. Consideration must be given to the impact of the sign on the operation of the motorway as well as Windsor Road.

The Applicant provided a Traffic Safety Assessment (TSA) assessing the location and operation of the proposed sign against the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines), SEPP IE, and TfNSW's Advertising Sign Safety Assessment Matrix. The TSA considers the road clearance, lines of sight, proximate road accident history, impacts to decision making, and the overall design and operation of the sign.

The TSA determined the following:

- crash data within 200 m of the site demonstrates there is no high-risk of incidents that would render the proposed location unsuitable
- the change in topography on the approach to the sign means there is a large retaining wall that prevents the driver from being distracted from cars or other activities outside of the M2 Motorway corridor. This ensures drivers have an unimpacted long-distance view of the sign. At the approach to the sign and overpass, drivers will not be able to view the sign until they are within 585 m of the site, and will not recognise the sign as advertising until within 200 m of the site (see **Figure 11**)
- the decision-point for drivers taking the off-ramp from the M2 Motorway to Windsor Road occurs approximately 500 m before the sign, when the sign is visible but not recognisable in the view corridor, meaning the sign will not contribute to complex or rapid decision-making for drivers
- drivers using Windsor Road or entering the M2 Motorway from Windsor Road will also not be able to view the sign that is orientated away from the direction of travel. However, users of the M2 Motorway off-ramp will be able to glimpse the sign when approaching the intersection with Windsor Road, and as such the TSA recommends that an anti-gawk screen be installed
- a minimum dwell time of 25 second based on the posted speed limit of 100 km/h and a transition time of 0.1 seconds (or black screen in the event of image failure) would be appropriate
- the sign will comply or is capable of complying with the Guidelines and SEPP and will not compromise the safety of road users.



Figure 11 | Visibility of the proposed sign on the approach to the sign (Source: Applicant's SEE)

The Hills Shire Council did not object to the proposal, and City of Parramatta Council also did not object to the proposal on traffic grounds.

TfNSW provided concurrence on 9 May 2023 subject to general terms of approval, including that the sign be designed and operated in accordance with the Guidelines, the Applicant obtain a Road Occupancy License where construction works will impact road operations, and the sign is audited after 18 months of operation to confirm any impact on road safety. Concurrence also assumed that further details of the anti-gawk screen are submitted for review and approval, and that all costs associated with the maintenance of the screen are not born by TfNSW.

As part of the RtS, the Applicant submitted a supplementary statement from traffic engineers (Bitzios) confirming that while the DA as lodged and exhibited did propose installing an anti-gawk screen, further investigations indicated that the likelihood of possible views to the sign from the off-ramp location were remote.

TfNSW reviewed the response to submissions information and issued further concurrence on 12 July 2023. The revised concurrence confirmed that drivers in the outside lane on the eastbound off-ramp to Windsor Road would have clear visibility to the proposed sign without having to turn their head, which

has the potential to create a potential distraction at this driver decision making point (i.e. signalised intersection of Windsor Rd/M2 interchange). To address the above potential road safety hazard, TfNSW requires the Applicant to install the anti-gawk screen.

The Department considers road safety matters have been satisfactorily addressed in the TSA and subsequent information, and that the proposed sign will not result in an adverse safety risk when implementing the recommended conditions of consent from TfNSW.

The Department recommends that TfNSW's general terms of approval are imposed in the consent. The Department also recommends a condition that the anti-gawk screen be designed in consultation with TfNSW and installed prior to the operation of the sign, and that the anti-gawk screen must remain in place for the duration of the sign's operation.

5.4 Other issues

The Department's consideration of other issues is provided within **Table 4**.

Table 4 | Other assessment issues

Issue	Findings	Recommendations
Heritage impact	<ul style="list-style-type: none"> The Applicant submitted a heritage impact statement considering the impacts of the proposed sign on surrounding heritage items, as identified in Section 1.3 above. The statement contends that because of the sign's orientation and its location within the M2 Motorway road corridor, it will not be visible from nearby heritage items. It concludes the proposed development will have no negative heritage impacts. The Department agrees with the findings of the heritage impact statement and considers the sign will not adversely impact heritage significance as: <ul style="list-style-type: none"> the orientation of the sign and the existing acoustic walls and mature planting surrounding the corridor means the sign will not be readily visible from any surrounding heritage item. It will therefore not impact the curtilage or visual setting of any of these items, and the sign will be mounted on the façade of the existing overpass and as such does not require any in-ground or on-ground works and, therefore, has no potential to disturb archaeology or physically impact nearby heritage items. The Department considers the proposed sign will not impact the heritage significance of surrounding items because it is consistent 	No conditions are recommended.

with the existing use of the site as a road corridor, the sign is not readily visible from the surrounding area, and the installation and maintenance of the sign will not physically impact any items of heritage significance.

- The Department is, therefore, satisfied that the proposal will not have significant visual or physical impacts on heritage items in the area.

Public benefit

- Clause 3.11(2) of SEPP IE requires that public benefits are considered in connection with an advertisement if the Minister is the consent authority.
- The Applicant provided a signed Public Benefit Offer (PBO) agreed between TfNSW and the motorway operator for the proposed sign.
- The PBO proposes to allocate 5% of advertising time to TfNSW for the display of safety awareness campaigns. It also proposes to allocate 22% of revenue to TfNSW to be made available to local councils to improve traffic safety, public transport services, public amenity within or adjacent to the corridor, or other community benefits.
- The Department requested examples of local upgrade projects funded by the existing M2 Motorway signage.
- TfNSW provided evidence of local projects funded by the revenue from advertising along the M2 Motorway across the different affected local government areas. Such recent projects included traffic calming measures, upgrades to bus stops, and bush regeneration activities. TfNSW noted that the signed PBO allocates more funds to Council than the previous agreed scheme.
- Accordingly, the Department has considered the PBO and is satisfied that the proposal provides appropriate public benefits through contributing funds for Council to pursue improvements in the local area, in line with the Guidelines and SEPP IE.

The Department recommends:

- the Public Benefit Statement be nominated in Condition A2 (Terms of Consent)
- the advertising revenue and associated public benefit works be recorded and reported annually as part of TfNSW's financial accounts and Annual Reports.

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 relevant EPIs. The Department's assessment concludes that the proposal is appropriate as it:

- meets the relevant statutory requirements and satisfactorily complies with the IE SEPP
- would not adversely impact the safety or operation of the road network and TfNSW has issued concurrence
- the sign will not have significant visual impacts to the surrounding properties as it will be contained to the overpass within the existing motorway corridor, and screened by the existing motorway acoustic walls, surrounding vegetation, and the associated anti-gawk screen
- the significance and curtilage of surrounding heritage items will remain unaffected
- the operation of the sign, including dwell times, illumination and luminance will comply with the relevant Australian Standards and Guidelines
- the sign would deliver appropriate public benefits by allocating 5% of advertising time to TfNSW for the display of safety awareness campaigns and 22% of revenue to TfNSW, which would be made available to Council for the purpose of improvements to traffic safety, public transport services, public amenity within or adjacent to the corridor, or other community benefits
- the sign can be safely installed, maintained, and operated subject to the recommended conditions of consent

The Department concludes the proposal is in the public interest and should be approved, subject to the recommended conditions of consent.

7 Recommendation

It is recommended that the Director, Key Sites 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 23/2901 subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:



Anna Nowland
Principal Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:



28 August 2023

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of referenced documents

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

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-windsor-road-overpass-m2-motorway-baulkham-hills-da-232901>

Appendix B – Community Views for Draft Notice of Decision

The Department did not receive any submissions from the public. A summary of the Department's consideration of the issues raised by City of Parramatta Council is provided below.

Table 1 | Summary of issues raised in Council's submission

Issue	Consideration
Road safety	<p><i>Assessment</i></p> <p>The Department considers road safety matters have been satisfactorily addressed in the TSA and subsequent information, and that the proposed sign will not result in an adverse safety risk. TfNSW has also issued their concurrence.</p> <p><i>Recommended Conditions/Response</i></p> <p>It is recommended that the sign be audited after 18 months of its operation to confirm any impact on road safety. In the event that recommendations from the audit cannot be addressed by the Applicant to the satisfaction of TfNSW, the sign is to be removed.</p>
Council boundaries	<p><i>Assessment</i></p> <p>The application was also referred to The Hills Shire Council at the time of exhibition. The Hills Shire Council confirmed they did not object or wish to comment on the application.</p> <p><i>Recommended Conditions/Response</i></p> <p>No conditions are recommended.</p>

Appendix C – Statutory Considerations

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

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

The Department has considered all of these matters in its assessment and has provided a summary in **Tables 1** and **2** below.

Table 1 | Consideration of the objects of the EP&A Act

Objects of section 1.3 of the EP&A Act	Department's response
(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 would not adversely impact on natural or other resources. The sign's operation does not adversely impact the social or economic welfare of the community.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is consistent with ESD principles (see below). The impacts of the proposal can be appropriately mitigated or conditioned (Section 5 and Appendix D).
c) to promote the orderly and economic use and development of land,	The proposal involves the economic use of land through utilising an existing overpass in a developed area of Sydney. The impacts of the proposal can be appropriately mitigated or conditioned, and as such the proposal promotes the orderly use of land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would not adversely impact on the natural environment.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would not adversely impact the heritage significance of surrounding items, including any existing or potential archaeological remains. This is further discussed in Section 5 .
(g) to promote good design and amenity of the built environment,	The proposal would not adversely impact the amenity of the surrounding area.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposed upgrades would be installed, maintained, and operated in accordance with the relevant standards and codes.
(i) to promote the sharing of the responsibility for environmental planning	The Minister is the consent authority for this application. The Department has consulted with Council (Section 4).

and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

Section 4 sets out the details of the Department's public exhibition of the DA.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed further below in Appendix C .
(a)(ii) any proposed instrument	Consideration of any proposed instruments is provided below.
(a)(iii) any development control plan	The Hills Shire Council Development Control Plan applies to the site. The DCP contains controls for signage and is considered further below.
(a)(iia) any planning agreement	The proponent has entered into a public benefit agreement with Transport for NSW.
(a)(iv) the regulations	The application satisfactorily meets the requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification, and fees.
(a)(v) (repealed)	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has assessed the likely impacts of the development and considers they are acceptable and/or have been appropriately managed by recommended conditions (Section 5 and Appendix D).
(c) the suitability of the site for the development	The site is suitable for the development (Section 5).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (Sections 5 and Appendix B)
(e) the public interest	The Department considers the proposal to be in the public interest (Section 5).

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following Environmental Planning Instruments, Development Control Plan, and guidelines were considered as part of the assessment of this proposal:

- Roads Act 1993
- State Environmental Planning Policy (Industry and Employment) 2021 (SEPP IE)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI)
- The Hills Local Environment Plan 2019 (THLEP 2019)

- The Hills Development Control Plan (THDCP).

Roads Act 1993

As detailed in **Section 3**, the proposed development is integrated development in the meaning of Division 4.8 of the EP&A Act as it requires consent under Section 138 of the Roads Act.

Section 138 of the Roads Act requires that a person must not carry out work on or over a public road without the concurrence of TfNSW (RMS). Under Section 52 of the Roads Act, the M2 Motorway is declared to be a Tollway and as such is not a public road for the purposes of the Roads Act or EP&A Act. However, the sign would also affect the Windsor Road overpass which is defined as a public road under the Roads Act. Accordingly, concurrence from TfNSW (RMS) (including the general terms of approval) has been received for this application under Section 138 of the Roads Act (see **Section 4** and **Section 5.1**).

State Environmental Planning Policy (Industry and Employment) 2021

SEPP IE 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 advertising signage has been assessed against the relevant requirements of SEPP IE in **Table 3** and the specific assessment criteria of Schedule 5 of SEPP IE in **Table 4**.

Table 3 | SEPP IE Compliance Assessment

Clause	Criteria	Comments
Part 3.2 Signage generally		
3.6 Granting of consent to signage	<p>The signage is to be consistent with the objectives of this Chapter as set out in section 3.1(1)(a):</p> <ul style="list-style-type: none"> (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high-quality design and finish, and 	<ul style="list-style-type: none"> • The sign will not adversely impact the amenity of the surrounding area, and views of the sign are limited to within the road corridor. • The sign will not impact the safe operation of the road and complies with the Guidelines, ensuring it can communicate safely. • The proposed sign is consistent in design and finish with the existing sign on the eastern façade of the overpass.
	The signage is to satisfy the assessment criteria in Schedule 5.	See relevant assessment in Table 4 .
Part 3.3 Advertisements		
3.8 Prohibited development	The display of an advertisement is prohibited on certain land.	None of the zones or descriptions identified in the SEPP apply to this site.
3.9 Requirement for consent	A person must not display an advertisement except with the consent of the consent authority, unless otherwise provided in the SEPP.	The proposed advertising sign requires consent.
3.10 Consent authority	For the purposes of this Chapter, the consent authority is... the Minister for Planning in the case of an	The DA seeks consent for an advertisement displayed on transport corridor land, which includes the M2 Motorway.

advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.

3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> consistent with the objectives of this Chapter assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines the consent authority is satisfied that the proposal is acceptable in terms of: <ul style="list-style-type: none"> design road safety, and the public benefits to be provided in connection with the display of the advertisement. satisfies any other relevant requirement of this Chapter arrangements have been entered into for the provision of public benefits in connection with the display of the advertisement. 	<ul style="list-style-type: none"> The objectives of Chapter 3 of the SEPP are addressed previously in this table. Schedule 5 is addressed in Table 4. The Department is satisfied the proposal is acceptable in terms of design, road safety, and public benefits (see Section 5). Other relevant requirements of Chapter 3 of the SEPP are addressed in this table. Public benefits are discussed in Section 5.
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 83 (now section 4.20) of the Act.	A condition of consent has been recommended to this effect.
3.14 Transport corridor land	<p>The display of an advertisement on transport corridor land is permissible with development consent when the display of an advertisement is on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</p> <p>Before determining an application for consent, the Minister may appoint a design review panel.</p> <p>This section does not apply if the Minister determines the advertisement is not compatible with surrounding land use, taking into consideration the Guidelines.</p>	<p>The DA seeks consent for an advertisement displayed on transport corridor land, which includes the M2 Motorway. It is therefore permissible with consent.</p> <p>No design review panel was appointed for this application.</p> <p>The Department is satisfied that the proposed sign is compatible with the site and would not adversely impact surrounding land uses.</p>

3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	Assessment is required against the criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts.	The proposed sign is greater than 20 m ² in area and has been assessed against Schedule 5 of the SEPP in Table 4 below. The Department is satisfied that the sign is acceptable in terms of impacts as detailed in Section 5 .
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	For an advertisement with a display area greater than 20 square metres the concurrence of TfNSW is required, but does not apply when the Minister is the consent authority.	This provision does not apply as the Minister is the consent authority.
3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <ul style="list-style-type: none"> • 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. 	The logo for the sign operator is proposed to be installed alongside the sign, and not within the advertising display area. This is consistent with the design of the existing sign on the eastern façade of the overpass, and does not create a visually intrusive or poor quality outcome. The logo box will comply with the 0.25 m ² requirement.
3.19 Roof or sky advertisements	<p>The consent authority is satisfied the advertisement replaces one or more existing advertisement or improves the finish and appearance of the building and streetscape.</p> <p>The advertisement is no higher than the highest point of the building that is above the building parapet and is no wider.</p>	<p>While clause 3.22 best applies to the development, the overpass is a 'structure' and therefore a 'building' for the purposes of the EP&A Act.</p> <p>The sign would be mounted on the elevation of the overpass and is not considered to be erected above a parapet, or to be wider than the overpass.</p>
3.22 Advertisements on bridges	The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.	The proposal has been assessed against the Guidelines in Table 5 .

Table 4 | SEPP IE Schedule 5 Compliance Assessment

Assessment Criteria	Comments
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 consistent in size and style with the existing sign mounted on the eastern façade of the overpass. It is also congruent with the existing use of the site as a road corridor.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	While there is no theme for outdoor advertising in the area, the proposed sign is consistent with the one existing sign on the eastern façade of the overpass and is consistent with other advertising signs proposed for the M2 Motorway corridor.
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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 site is not located within an environmental sensitive, natural or conservation area, open space area, or waterway or rural landscapes.</p> <p>While the sign is in proximity of some heritage items, it will not physically impact or be readily visible from these items and therefore does not detract from their setting or significance.</p>
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3 Views and vistas

<p>Does the proposal:</p> <ul style="list-style-type: none"> • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers? 	The proposed sign will be mounted on an existing overpass and does not project above or below the existing overpass. It does not block any existing sign or dominate the skyline. Because of the presence of the existing acoustic walls and mature vegetation and the proposed anti-gawk screen, the proposed sign will also be largely obscured from surrounding areas.
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4 Streetscape, setting or landscape

Is the scale, proportion, and form of the proposal appropriate for the streetscape, setting or landscape?	The sign has been designed to fit the existing overpass and is compatible with the scale, proportion, and form of this overpass. It is appropriate for its setting within a road corridor.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign is designed to fit with the existing overpass and road corridor, rather than visually contributing to the streetscape of the surrounding area. The proposed sign is largely screened from the surrounding area and therefore will not detract from the setting or landscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not replace or remove any existing advertising, and as such does not reduce clutter.
Does the proposal screen unsightliness?	The proposed sign will be mounted on the elevation of the existing overpass and does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign would be mounted to the elevation of existing overpass and, while visible in the streetscape, does not protrude above surrounding buildings or trees.
Does the proposal require ongoing vegetation management?	The proposed sign does not require any ongoing vegetation management.

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 proposed sign is constrained to the elevation of the existing overpass and has been designed to fit within the scale and proportions of this overpass. It is also consistent in design and scale as the existing sign on the eastern elevation of the overpass.
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Does the proposal respect important features of the site or building, or both?	The existing overpass does not have any significant or distinct architectural features to be addressed in the design of the sign.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed sign is not intended to be innovative, but rather to effectively communicate without adversely impact the safety of the road network or amenity of the surrounding area.

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 proposed advertising sign would be mounted and installed with necessary access, wiring, electrical, and communication infrastructure required to operate the sign.
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7 Illumination

<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation. 	The sign is capable of complying with the Guidelines and Australian Standards with respect to illumination as detailed in Section 5 .
<ul style="list-style-type: none"> • Can the intensity of the illumination be adjusted? • Is the illumination subject to a curfew? 	It is recommended that signage illumination levels be adjustable to enable illumination to vary between lighting conditions.

8 Safety

<ul style="list-style-type: none"> • Would the proposal reduce safety for: • any public road? • pedestrian or bicyclists? • pedestrians, particularly children, by obscuring sightlines from public areas? 	The Department considers the road safety matters have been satisfactorily addressed and that the proposed sign will not result in an adverse safety risk. This is discussed further in Section 5.3 .
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Transport Corridor Outdoor Advertising and Signage Guidelines

The Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of SEPP IE by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in **Table 5** below.

Table 5 | Assessment of the Guidelines design criteria

Assessment Criteria	Comments
Land Use Compatibility Criteria (Table 1)	
Outdoor advertising should not be inconsistent with the LEP land use objectives for the area.	The site is zoned SP2 Infrastructure (Classified Road) under The Hills Local Environment Plan 2019 (THLEP 2019). The proposed sign is consistent with the objectives of this zone because it is

	compatible with the current use of the land and will not detract from the provision of infrastructure.
<p>Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts:</p> <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National park or nature reserve. 	<p>None of the zones or descriptions apply to this site.</p> <p>The site is in proximity of residential areas and heritage items, however, as detailed in Section 5 it will not be readily visible from these surrounding areas.</p>
Advertising signage should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant views or views that add to the character of the area.	The proposed sign is restricted to the footprint of the existing road overpass, and does not obstruct any significant views or vistas.
Advertising signage should not be located to diminish the heritage values of items or areas of local, regional, or state heritage significance.	The proposal will not physically impact or remove heritage fabric. The sign is also not readily visible from surrounding heritage items, and will not adversely impact the curtilage or significance of these items.
Advertising signage should be placed within the context of other built structures in preference to non-built areas. Signage should be used to enhance the visual landscape.	The sign will be mounted on an existing overpass, utilising land that is reserved as a road. It is therefore located in the context of other built structures and does not adversely impact the visual landscape.
2.5 Site-Specific and Structural Criteria	
2.5.1 General Criteria	
The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed sign achieves a suitable level of design, and can be safely mounted to the overpass structure.
The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.	The proposed sign would be mounted to the elevation of the overpass, and does not project below this overpass. It is consistent in scale as the existing sign on the eastern side of the overpass.
The advertising signage should be in keeping with important features of the site, building or bridge structure.	The proposed design does not detract from any important features of the overpass or surrounding area.
The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal does not require the removal of any vegetation.
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 will not incorporate landscaping.

Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	The proposed advertising sign would be mounted on a backboard and would be installed with necessary access, wiring, electrical, and communication infrastructure required to operate the sign.
Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	The sign is capable of complying with the Guidelines and Australian Standards with respect to illumination.
Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The sign is capable of complying with the Guidelines and Australian Standards with respect to illumination.
2.5.5 Bridge Signage Criteria	
Architecture of the bridge must not be diminished.	The overpass is taken to be a bridge for the purposes of these guidelines. The proposed sign will not detract from the architecture of the bridge.
<ul style="list-style-type: none"> • The advertisement must not extend laterally outside the structural boundaries of the bridge • The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached, unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8m. • On a road or pedestrian bridge, the advertisement must: <ul style="list-style-type: none"> ○ not protrude above the top of the structural boundaries of the bridge ○ not block significant views for pedestrians or other bridge users. ○ not create a tunnel effect, impede passive surveillance or in any other way reduce safety for drivers or pedestrians or other bridge users. 	<ul style="list-style-type: none"> • The sign does not extend above the height of the existing safety screen, or below the soffit of the existing overpass, ensuring it maintains the current vertical clearance height. • It does not block significant views or create a tunnel effect that would impede surveillance or reduce the safety of users. The existing sign on the eastern elevation of the overpass is separated from the proposal by a multi-lane intersection.
A development application must include a statement demonstrating how the advertisement will contribute to a public benefit.	The Department is satisfied that the proposal will provide public benefits through contributing to local upgrades and maintenance in accordance with the Guidelines.
Any advertising sign proposed for development on a bridge over a classified road requires the construction drawings to be submitted for review and approval by TfNSW bridge engineers, prior to construction, to ensure all road safety requirements are met.	The Department recommends a condition of consent consistent with this recommendation.
Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over-high vehicle.	The Department recommends a condition of consent requiring details of the 'fall arrest' system.

2.5.8 Digital signs (Table 3)

- Each advertisement must be displayed in a completely static manner, without any motion for the approved dwell time
- Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign
- The image must not be capable of being mistaken for a prescribed traffic control device or as text providing driving instructions to drivers
- Dwell times for image display must not be less than 10 seconds for areas where the speed limit is below 80 km/h
- 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
- Luminance levels must comply with the requirements
- 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 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)
- Each sign proposal must be assessed on a case-by-case basis
- At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor.
- 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
- Signs greater than or equal to 20sqm must obtain RMS concurrence
- If attached to road infrastructure (such as an overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location
- An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint
- A road safety check which focuses on the effects of the placement and

As discussed in **Section 5**, the development is capable of complying with the Guidelines and it is recommended imposing conditions of consent for the advertising design and content, dwell times, transition times, luminance levels, and electronic logs.

The proposed sign is also greater than 150 m for any other sign located within the corridor that is facing inbound lanes, and does protrude below the soffit of the existing overpass.

The concurrence of RMS is not required for the size of the sign under SEPP IE because the Minister is the consent authority, but it has been obtained under Section 138 of the Roads Act.

operation of all signs over 20sqm must be carried out

3.1 Road safety objectives

Schedule 1 of SEPP 64 (now taken to be Schedule 5 of SEPP IE) outlines safety considerations that must be addressed for any advertisement proposed under the SEPP. Advertisements have the potential to create a safety hazard if designed and placed contrary to Austroads Guide to Road Design (and RMS supplements) as well as the principles and rules outlined in the SEPP.

As addressed in **Section 5** and **Table 4** above, the Department finds the proposed sign will not adversely impact road safety subject to the recommended conditions of consent.

3.2.1 Road clearance

The advertisement must not create a physical obstruction or hazard.

The sign would be mounted to the elevation of the existing overpass.

Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone. Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.

The sign would be affixed to the existing overpass and is located outside the clear zone requirements.

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 Department recommends a condition requiring the proposal to be designed and installed to comply with AS 1170.1 and AS 1170.2.

3.2.2 Line of Sight

An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings. An advertisement must not obstruct a pedestrian or cyclist's view of the road.

As discussed in **Section 5**, the proposed advertising sign does not impact the safe operation of the road subject to the recommended conditions of consent.

The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.

The advertisement should not distract a driver away from the road environment for an extended length of time.

The sign should not be located:

- less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves

- 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
- so that it is visible from the stem of a T-intersection.

The placement of a sign should not distract a driver at a critical time.

3.3.1 Advertising signage and traffic control devices

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. The proposed anti-gawk screen ensures cars will safely approach the Windsor Road intersection.

The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.

3.3.3 Illumination and reflectance

Advertisements must comply with the luminance requirements in Table 5 of the Guidelines

The proposal will comply with the luminance levels stipulated in the Guidelines and the Australian Standards. It is recommended that the nominated levels form a condition of consent.

For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.

The proposed sign is to be affixed to the overpass within a well-lit road corridor, and as such will not shadow a previously lit area.

The light sources for illuminated signs must focus solely on the sign and:

- be shielded so that glare does not extend beyond the sign
- with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb.

The sign is a digital light emitting diode (LED) advertising panel.

The level of reflectance of an advertisement, and its content, is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian Standard AS/NZS 1906.1:2007. Flashing illuminated advertisements will not be approved.

The proposal will comply with the luminance levels stipulated in the Guidelines and the Australian Standards. The proposal would not involve flashing advertisements.

3.3.4 Interaction and sequencing

The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This

The sign would not incorporate technology that would directly interact with in-vehicle electronic devices or mobile devices. It is recommended that this form a condition of consent.

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

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.

Public Benefit

As proponents of outdoor advertising, TfNSW must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.

As addressed in **Section 5**, the proposal will provide public benefits through contributing to local improvements and maintenance, in accordance with the Guidelines. It is recommended that this form a condition of consent.

TfNSW 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.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP TI) provides planning considerations for development on or around roads and road infrastructure facilities. The Department's consideration of SEPP TI is provided in the table below.

Table 6 | SEPP TI Compliance Assessment

Clause	Criteria	Comments
2.118 Development on proposed classified road	Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW.	The M2 Motorway and Windsor Road were declared to be classified roads prior to the lodgement of the application and as such concurrence is not required under this provision.
2.119 Development with frontage to classified road	<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <ul style="list-style-type: none"> vehicular access to the land is provided by a road other than the classified road, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development the development is of a type that is not sensitive to traffic noise or vehicle emissions 	<p>While access for signage maintenance would be from Windsor Road, which is also a classified road, the Department is satisfied that the proposed sign can be installed and operated without compromising the safety of both the M2 Motorway and Windsor Road. An assessment of road safety is provided in Section 5.1 of this report.</p> <p>The proposed sign is also not a type of development that is sensitive to traffic noise or vehicle emissions.</p>

2.121 Excavation in or immediately adjacent to corridors	The consent authority must give written notice of the application to TfNSW and take into consideration any response where the development involves the penetration of ground to a depth of at least 3 m below ground level on land that is within the M2 Motorway corridor.	The proposed sign will be mounted on an existing overpass, and as such does not require any ground penetrations. Notwithstanding this, notice was given to TfNSW of the application when obtaining concurrence under the Roads Act 1993.
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The Hills Local Environment Plan 2019

The site is subject to the controls of the The Hills Local Environmental Plan 2019 (THLEP 2019) and is zoned SP2 Infrastructure (Classified Road). Only development that is ordinarily incidental or ancillary to the classified road is permitted with consent. However, clause 3.14 of SEPP IE determines the permissibility of advertisements in a transport corridor despite the provisions of any EPI and prevails over the LEP in this instance.

The site is located in proximity of several heritage items listed in Schedule 5 of the THLEP 2019. The SEE was accompanied by a heritage impact statement, and the Department is satisfied that the development will not affect the heritage significance or conservation of these items. This is discussed further in **Section 5.4**.

The proposed development is not affected by any other local provisions including any development standards, flood planning, or design excellence requirements (noting the sign is less than 25m in height).

The Hills Development Control Plan 2012

The Hills Development Control Plan 2012 (THDCP) applies to the site. Part C Section 2 of the THDCP contains controls for signs and advertisements. The Department acknowledges section 4.15(3A) of the EP&A Act requires a consent authority to apply DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards.

The DCP specifies that business and building identification signage must not be installed on land within a special purpose zone. The proposed sign is an advertising sign and is permitted with consent on the site under SEPP IE.

The DCP also specifies that illuminated signage must not adversely impact adjoining properties and must not detract from the significance of heritage items. The proposed sign is capable of complying with the Guidelines and Australian Standards with respect to illumination and will not have significant visual or physical impacts on heritage items in the area.

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, and that ESD can be achieved through the implementation of the precautionary principle, inter-generational equity, the conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms.

The Department has considered the project in relation to ESD principles throughout the decision-making process and assessment of the DA's environmental impacts are detailed in **Section 5** of this report.

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 notification and fees have been complied with.

Appendix D – Recommended Instrument of Consent

The recommended conditions of consent can be found on the NSW Planning Portal at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-windsor-road-overpass-m2-motorway-baulkham-hills-da-232901>