

# Digital Advertising Sign – Lane Cove Overpass

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Development Application Assessment DA 23/2902 (PAN-310940)

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Subtitle: Development Application Assessment DA 23/2902 (PAN-310940)

Cover image: *View of proposal from M2 Motorway viewed by inbound traffic (Source: Applicant's SEE)*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Manboom Signage Partnership Pty Ltd (Manboom)
<b>Application</b>	DA 23/2902
<b>Council</b>	City of Ryde
<b>DA</b>	Development Application
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>Guidelines</b>	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
<b>IESEPP</b>	State Environmental Planning Policy (Industry and Employment) 2021
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>LIA</b>	Lighting Impact Assessment
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>RDCP</b>	City of Ryde Development Control Plan
<b>RLEP 2013</b>	Ryde Local Environmental Plan 2014
<b>RtS</b>	Response to Submissions
<b>SEE</b>	Statement of Environment Effects
<b>SEPP</b>	State Environmental Planning Policy
<b>SSA</b>	Signage Safety Assessment
<b>TfNSW</b>	Transport for NSW
<b>VPA</b>	Voluntary Planning Agreement

# Executive Summary

Manboom Signage Partnership Pty Ltd (Manboom). seeks development consent (DA 23/2902) for the installation of a new digital advertising sign and associated cladding works on the western elevation of the Lane Cove Road overpass on the Hills M2 Motorway (M2) at Macquarie Park. The application is integrated development under section 138 of the Roads Act.

## Engagement

The Department publicly exhibited the application from 20 April 2023 to 19 May 2023, and sought advice from City of Ryde Council (Council) and Transport for NSW (TfNSW).

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

TfNSW confirmed they would provide concurrence and issued general terms of approval.

A submission making comments from Council was received after the statutory public exhibition period, raising concerns with the location of the logo and the vertical clearance of the proposed sign.

In June 2023, the Applicant submitted a Response to Submissions (RtS), including a request that the TfNSW condition for the anti-gawk screen be removed. In response, TfNSW issued revised concurrence and general terms of approval confirming a trial period without an anti-gawk screen for a period of 18 months. Following 12 months of operation, an independent Road Safety Assessment (RSA) must be submitted to determine the road safety impact of the sign's visibility to drivers on the eastbound off-ramp. If the RSA indicates crashes have increased on the off ramp, an anti-gawk screen must be installed.

## Assessment

The Department has assessed the proposal against the requirements of State Environmental Planning Policy (Industry and Employment) 2021 (IE SEPP) 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 IE SEPP
- it would not adversely impact the safety or operation of the road network as it would not be within the same visual catchment as any existing advertisement signage and would comply with the Guidelines
- it would not result in any adverse visual impacts to the nearest residents as potential views would be limited to the upper, south-facing units, from which the sign would not be within the direct line of sight due to the angle of the tower and the vertical separation distance.
- It would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas, as it would be lower in height than the vegetation either side of the M2 road corridor, the parapet of the overpass and the residential buildings north-west of the site.
- the illumination and luminance would 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
- recommended conditions of consent would manage potential impacts, including dwell and transition times, luminance levels, and preparation of independent audits for lighting and road safety to verify that it complies with the relevant conditions, Guidelines, and Australian standards.

## Conclusion

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

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

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# 1 Introduction

## 1.1 Background

This report provides an assessment of a Development Application (DA 23/2902) lodged by Manboom Signage Partnership Pty Ltd (Manboom) (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent for the installation of a new digital advertising sign and associated cladding works on the western elevation of the Lane Cove Road overpass on the Hills M2 Motorway (M2) at Macquarie Park (the proposal).

The subject site is located within the City of Ryde Local Government Area.

## 1.2 The site

The proposal would be located on the western elevation of the Lane Cove Road overpass on the Hills M2 Motorway (M2) at Macquarie Park (Lot 182 DP 1154992). The site is managed by the Hills Motorway Ltd and the Transurban Group on behalf of Transport for NSW (TfNSW), being the owner of the M2. The subject site is located within the City of Ryde Local Government Area.

There is an existing sign located on the eastern elevation of the Lane Cove Road Overpass visible to outbound traffic.

A site context map is provided in **Figure 1** and site photos are shown in **Figure 1** to **Figure 3**.



**Figure 1** | Site context map (base source: NearMap)





**Figure 2 |** View of site looking south-west elevation (source: Department photo)



**Figure 3 |** View of site looking north-east elevation (source: Department photo)



### **1.3 Site surrounds**

The surrounding area is characterised by commercial and light industrial uses on the southern side of the M2 and residential uses to the north. The surrounding uses include the Macquarie Gardens residential apartments to the north of the site, the Macquarie Business Park to the south of the M2, and the Eden Gardens Centre to the east.

The nearest residential use is approximately 75 m north of the site on the corner of Lane Cove Road and Fontenoy Road.

The surrounding uses are separated from the sign's location by a change in elevation and mature tree planting on either side of the M2 Motorway.

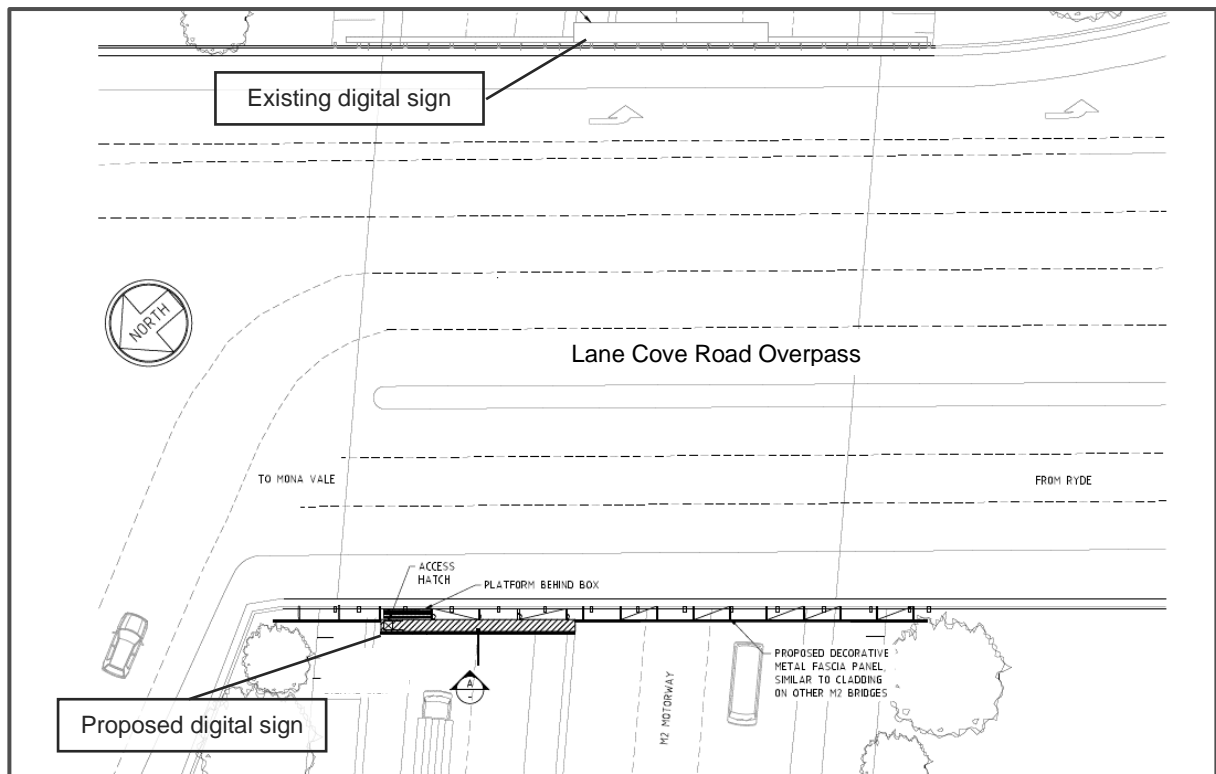
## 2 Project

The development application seeks consent for the consent for the installation of a new digital advertising sign and associated cladding works on the western elevation of the Lane Cove Road overpass on the Hills M2 Motorway (M2) at Macquarie Park.

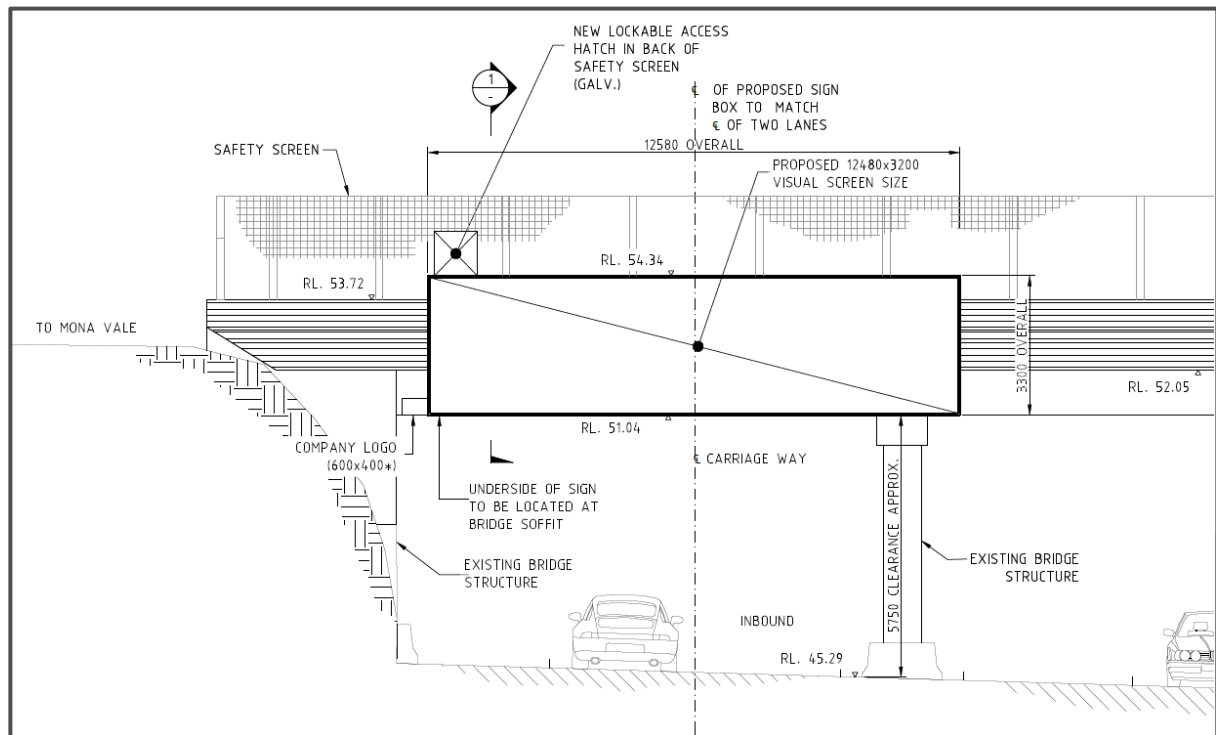
The main components of the proposal are outlined in **Table 1** and shown in **Figure 4** to **Figure 6**.

**Table 1 | Main Components of the Project**

Aspect	Description
<b>Location</b>	Single-sided digital advertising sign on the western elevation of the Lane Cove Road overpass.
<b>Signage display area</b>	12.48 m by 3.2 m (41.51 m <sup>2</sup> ) for the primary sign, and a separate static 0.25 m <sup>2</sup> logo box. The total display area is therefore 41.76 m <sup>2</sup> .
<b>Signage display</b>	Static illuminated digital LED screen.
<b>Infrastructure</b>	New electrical cabling, logo box, fall arrest system, access hatch and an access platform on the overpass.
<b>Backing</b>	The sign will be mounted in a cabinet with a depth of 920 mm
<b>Road clearance from ground level to sign</b>	The sign will be aligned with the underside of the overpass bridge, maintaining the same minimum 5.75 m clearance height to the road beneath
<b>Content</b>	Third-party advertising (95% of time) and road safety advertising (5% of time)
<b>Display dwell time</b>	25 second dwell time
<b>Display transition period</b>	0.1 second transition time
<b>Illumination</b>	8,000 cd/m <sup>2</sup> to 350 cd/m <sup>2</sup> , subject to lighting conditions
<b>Hours of operation</b>	24-hours-a-day, 7-days-per-week
<b>Public benefits</b>	<ul style="list-style-type: none"><li>• 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.</li><li>• 5% of advertising shall be available for TfNSW to use for safety awareness campaigns.</li></ul>



**Figure 4 | Site Plan** (source: Applicant's Engineering Plans)



**Figure 5 | Elevation** (source: Applicant's Engineering Plans)



**Figure 6 |** View of sign looking east (source: Applicant's photomontage)



## 3 Statutory Context

### 3.1 Consent authority

The Minister for Planning and Public Spaces is the consent authority under Clause 3.10(e) of IE SEPP as the development application relates to advertisement displayed on transport corridor land and associated adjacent land, which includes the M2 Motorway and the Lane Cove 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 Ryde Local Environment Plan 2014 (RLEP 2014). Development is prohibited in the zone unless it is ordinarily incidental or ancillary to the purpose of the classified road.

However, the IE SEPP 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 IE SEPP.

The application is therefore permissible with consent.

RLEP 2019 and IE SEPP 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** and **Appendix C**.

### 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 20 April 2023 to 19 May 2023. The application was exhibited on the NSW Planning Portal.

It is noted the exhibition period was extended as the Department performed system updates to the Planning Portal on 23 April and 29 April 2023, which meant users were unable to access the portal or lodge submissions.

The Department also notified adjoining landholders in writing as well as City of Ryde Council. An integrated development referral was also sent to Transport for NSW (TfNSW) on 18 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.

A submission making comments from Council was received after the statutory public exhibition period.

TfNSW issued their concurrence on 9 May 2023, and revised concurrence on 16 July 2023.

### 4.3 Key issues – Government agencies

A summary of Transport for New South Wales provided in **Table 2**.

**Table 2 | Summary of TfNSW Advice**

TfNSW	
DA	<p>TfNSW provided concurrence subject to the following general terms of approval:</p> <ul style="list-style-type: none"><li>• The sign design and operation shall be in accordance with requirements in the Guidelines.</li><li>• Images displayed on the sign must not contain/use:<ul style="list-style-type: none"><li>○ flashing or flickering lights or content</li><li>○ animated display, moving parts or simulated movement</li><li>○ complex displays that hold a driver's attention beyond "glance appreciation"</li></ul></li></ul>

- displays resembling traffic signs or signals, or giving instructions to traffic by using colours and shapes that imitate a prescribed traffic control device
- a method of illumination that distracts or dazzles
- dominant use of colours red or green
- Dwell time between displays shall be no shorter than 25 seconds
- An independent Road Safety Assessment (RSA) should be prepared after 18 months of operation
- Prepare a plan for the provision of an 'anti-gawk' screens and a supplementary RSA is to be submitted for review and approval by TfNSW.
- A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows.
- All costs associated with the proposed sign, 'anti-gawk' screens, including maintenance activities, shall be at no cost to TfNSW.

#### RtS

TfNSW reviewed the submission report and provided the following comments:

- While there is vegetation that may offer screening the sign from the eastbound off-ramp, there is potential for this to be trimmed, which could increase the sign's visibility to drivers on the off-ramp and may result in increased safety risks.
- Willing to trial the installation of the advertising sign without the installation of the anti-gawk screen for a period of 18 months subject to an independent Road Safety Assessment (RSA) that assesses the road safety impact of the sign's visibility to drivers on the eastbound off-ramp.

TfNSW confirmed provided its concurrence, subject to the recommended conditions provided in their response dated 9 May 2023 and the trial period without the anti-gawk screen.

## 4.4 Key issues – Council

A summary of advice received from Council received after the statutory public exhibition period is provided in .

**Table 3.** On 11 July 2023, Council confirmed the submission was to provide comments and was not an objection.

**Table 3 | Summary of Council comments**

#### City of Ryde Council (Council)

#### DA

Council reviewed the proposal and provided the following comments:

- logo should be located within the advertising display area to comply with Clause 3.18 of the IE SEPP.
- plans provided indicate the vertical clearance proposed is less than 5.8 m



- 
- the proposal should be reviewed by TfNSW

Council recommended a condition of consent be imposed requiring the sign is designed and installed in accordance with the State Environmental Planning Policy (Industry and Employment) 2021 (IE SEPP) and the Transport Corridor Outdoor Advertising and Signage Guidelines (Guidelines).

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#### 4.5 Response to submissions and Government Agency advice

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

In June 2023, the Applicant submitted a Response to Submissions (RtS) addressing matters raised by submissions and the Department, including:

- a Traffic Statement in opposition of TfNSW's requirement for the installation of an anti-gawk screen on the basis that existing vegetation would block views from the off-ramp
- details into the public benefit offer
- confirmation the sign would not extend below the soffit of the bridge.

As discussed in **Section 5.1**, TfNSW's final concurrence reaffirmed the recommended general terms of approval provided in their response dated 9 May 2023, and an additional general term of approval requiring a trial period without the anti-gawk screen.

## 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 impact
- illumination
- road safety

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

### 5.1 Visual impact

The proposal seeks approval for the installation of a single-sided digital advertising sign on the western elevation of the Lane Cove Road overpass, which traverses the M2 Motorway corridor. The sign would measure 12.58 m wide x 3.3 m high, resulting in a total display area of 41.51 m<sup>2</sup>.

The sign would have an overall height of approximately 9.05 m above road level, with the underside of the sign elevated approximately 5.75 m above the M2 Motorway corridor. A view of the proposed signage looking east is provided in **Figure 7**.



**Figure 7 |** View of sign looking east (source: Applicant's photomontage)

Council raised no concerns regarding the potential visual impact of the proposed signage; however, noted that to comply with Clause 3.18 of the IE SEPP the logo should be located within the advertising area rather than in a panel below.

No public submissions were received.

As part of the RtS the Applicant advised the total signage area for the proposed sign is 41.76 m<sup>2</sup> inclusive of logo. The Applicant also provided an additional statement addressing the potential visual impact to the nearest residential property (Macquarie Gardens Complex), which concluded any visual impact would be mitigated through the vertical separation, the angle of apartments, and compliance with night-time illumination levels.

The Department has reviewed application and RtS, and considers the visual impacts associated with the proposal are acceptable as:

- it is not located above the dominant skyline as it is lower in height than the vegetation either side of the M2 road corridor, the parapet of the overpass, and the residential buildings north-west of the site
- it would not result in adverse visual clutter given it would not be within the same visual catchment of any existing advertising signage
- would not result in any adverse visual impacts to the nearest residents as potential views would be limited to the upper, south-facing units, from which the sign would not be within the direct line of sight due to the angle of the tower and the vertical separation distance
- the proposal would comply with the lighting requirements in the IE SEPP, the Guidelines and the Australian Standard (AS) 4282 'Control of the Obtrusive Effects of Outdoor Lighting' (AS 4282) (**Section 5.2**)
- the signage is consistent with the character of the surrounding area, which includes the M2 road corridor and business and commercial uses
- it meets the criteria under Schedule 5 of IE SEPP as it would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas, including views from Lane Cove National Park (**Appendix C**).

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). AS 4282 also sets maximum luminance levels for different environmental zones from Zone A4 (high district brightness) down to A0 (naturally dark areas).

The proposed digital signage would be illuminated with LEDs and operated 24-hours-a-day, 7-days-per-week but would be dimmed during the night-time period.

The Applicant's Lighting Impact Assessment (LIA) identifies the site as being A4 (high district brightness in town and city centres) under AS 4282, and Zone 3 (medium-level off-street ambient lighting) under the Guidelines. The maximum luminance level set under AS 4282 applies only to the night-time and is 350 cd/m<sup>2</sup>.

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/m<sup>2</sup> in other daytime conditions, 700 cd/m<sup>2</sup> during morning or evenings or incremental weather, and 350 cd/m<sup>2</sup> at night.

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

- the proposed digital signage has a maximum brightness (luminance) of 8000 cd/sqm. Therefore, the screen will be programmed with a maximum screen luminance of 8000 cds/qm when full sun strikes the face of the sign (maximum brightness), 6000 cd/sqm during normal daytime operation, 700 cd/sqm during twilight and inclement weather and 350 cd/sqm during night-time
- the potential light during night-time operations has been modelled to confirm that the proposed sign would result in a maximum illuminance level of 1.20 lux at the nearest residential receivers (1-15 Fontenoy Road); and therefore, complies with the maximum limit of 2 lux under AS 4282. The LIA noted this modelling assumed no mature vegetation or barriers exist between the sign and surrounding development, when in effect the existing acoustic wall and mature vegetation would further restrict light spill from the site to surrounds.
- the average luminance difference between successive images does not exceed 30% to ensure compliance with AS 4282, and that the dwell time is 10 seconds or greater (25 seconds has been proposed).

Neither Council nor TfNSW raised any issues relating to illumination.

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 that 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 of the commencement of operation of the development, or as otherwise directed by the Planning Secretary, to confirm compliance with the conditions of consent.

All advertising content would separately also 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 Lane Cove Road that spans over the M2 Motorway. Consideration must therefore be given to the impact of the sign on the operation of the motorway and Lane Cove 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), IE SEPP, 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 for the proposed sign:

- 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).



- a review of crash data within 200 m of the site demonstrates there is no high risk of incident that would deem the proposed location unsuitable
- at the approach to the sign and overpass drivers would not be able to view the sign until they are within 685 m of the site, and would not recognise the sign as advertising until within 200 m of the site (**Figure 8**)
- the decision-point for drivers taking the eastbound off-ramp from the M2 Motorway to Lane Cove Road occurs approximately 400 m before the sign, when it is visible but not recognisable in the view corridor. Therefore, the sign should not contribute to complex or rapid decision-making for drivers
- the sign would be capable of complying with the Guidelines and IE SEPP, subject to recommendations, and as such will not compromise the safety of road users.



**Figure 8** | Visibility of the proposed sign on the approach to the sign at 315 m (Source: Applicant's SEE)



**Figure 9** | Visibility of the proposed sign on the approach to the sign at 180 m (Source: Applicant's SEE)

As discussed in **Section 4.4**, Council raised concerns the sign would reduce the vertical clearance to less than 5.8 m. Council recommended a condition of consent be imposed requiring the sign is designed and installed in accordance with the IE SEPP and the Guidelines.

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 Licence 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 required the addition of an anti-gawk screen with details to be 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 advised the reference to the 5.8 m clearance requirement in the Guidelines is not applicable to the proposed sign as would not extend below the soffit of the superstructure. The RtS also included a supplementary statement from traffic engineers (Bitzios) contesting TfNSW's requirement for an anti-gawk screen on the basis that existing vegetation would block views from the off-ramp.

TfNSW reviewed the RtS information and issued further concurrence on 16 July 2023. The revised concurrence permitted the installation of the advertising sign without an anti-gawk screen for a period of 18 months, and following 12 months of operation, the Applicant must submit an independent Road Safety Assessment (RSA) that assesses the road safety impact of the sign's visibility to drivers on the eastbound off-ramp. Where the RSA indicates crashes have increased on the off ramp, an anti-gawk screen would be required to be installed.

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, subject to TfNSW's general terms of approval.

Subject to the recommended conditions, the Department is satisfied the proposal complies with the Guidelines and concludes it would not have an adverse impact on road safety.

## 5.4 Other issues

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

**Table 4 | Summary of other issues raised**

Issue	Findings	Recommendations
<b>Public benefit</b>	<ul style="list-style-type: none"> <li>Clause 3.11(2) of IE SEPP requires that public benefits are considered in connection with an advertisement if the Minister is the consent authority.</li> <li>The Applicant provided a signed Public Benefit Offer (PBO) agreed between TfNSW and the motorway operator for the proposed sign.</li> <li>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, which would be made available to Council for the purpose of improvements to</li> </ul>	<p>The Department recommends:</p> <ul style="list-style-type: none"> <li>the Public Benefit Statement be nominated in Condition A2 (Terms of Consent)</li> <li>the advertising revenue and associated public benefit works be recorded and reported annually as part of TfNSW's financial accounts and Annual Reports.</li> </ul>

traffic safety, public transport services, public amenity within or adjacent to the corridor, or other community benefits.

- TfNSW also provided the Department with 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.
  - The Department has considered the PBO and is satisfied that the proposal will provide public benefits by contributing to funds to Council in accordance with the Guidelines and IE SEPP.
-

## 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, and has considered Council and TfNSW submissions. The Department's assessment concludes that the proposal is acceptable as:

- it meets the relevant statutory requirements and complies with IE SEPP
- it would not adversely impact the safety or operation of the road network as it would not be within the same visual catchment as any existing advertisement signage and would comply with the Guidelines.
- it would not result in any adverse visual impacts to the nearest residents as potential views would be limited to the upper, south-facing units, from which the sign would not be within the direct line of sight due to the angle of the tower and the vertical separation distance.
- it would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas, as it would be lower in height than the vegetation either side of the M2 road corridor, the parapet of the overpass and the residential buildings north-west of the site.
- the illumination and luminance would 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
- recommended conditions of consent, including dwell and transition times, the luminance levels, and preparing independent audits for lighting and road safety would ensure that it complies with the relevant conditions, Guidelines, and AS standards.

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 Acting 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 23/2902 subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

**Recommended by:**

A handwritten signature in black ink, reading 'Lucinda Craig', written in a cursive style.

**Lucinda Craig**

A/ Senior Planning Officer

Key Sites Assessments

## 8 Determination

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

A handwritten signature in blue ink, appearing to be 'CS', is written over a faint, light blue rectangular stamp.

1.09.2023

**Cameron Sargent**

Acting Director

Key Sites Assessments

(as delegate of the Minister for Planning and Public Spaces\_

# Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

### **Application Documentation and Response to Submissions**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-sign-lane-cove-road-overpass-m2-motorway-macquarie-park-da-232902>

## 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 Council is provided below.

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

Issue	Consideration
Vertical clearance	<p><i>Assessment</i></p> <ul style="list-style-type: none"><li>• Council raised concerns the sign would reduce the vertical clearance to less than 5.8 m.</li><li>• The Applicant advised the reference to the 5.8 m clearance requirement in the Guidelines is not applicable to the proposal, as it would not extend below the soffit of the superstructure.</li><li>• The Department notes Transport for NSW did not raise concerns with the vertical clearance of the Lane Cove overpass.</li><li>• This matter is discussed further in in <b>Section 5</b> of the Department's assessment report.</li></ul> <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"><li>• The Department has recommended a suite of conditions to ensure the sign does not result in adverse safety impacts, including a requirement the sign be wholly contained within the extent of the overpass structure with no reduction to the vertical clearance permitted.</li></ul>
Location of logo	<p><i>Assessment</i></p> <ul style="list-style-type: none"><li>• While the logo for the sign operator is proposed to be installed below the sign and not within the advertising display area, it would comply with logo size requirements in the IE SEPP.</li><li>• These matters are discussed further in in <b>Section 5</b> of the Department's assessment report.</li></ul> <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"><li>• The Department has recommended a condition requiring the logo space attached to the bottom left corner or bottom right corner of the advertising structure (never both) and must be no greater than 0.25 m<sup>2</sup> in size.</li></ul>

## Appendix C – Statutory Considerations

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

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

The Department has considered all of these matters in its assessment and has provided a summary in **Table 1** and **Table 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 ( <b>Section 5</b> and <b>Appendix D</b> ).
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 is also considered to promote 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 proposed development would not adversely impact on any heritage items.
(g) to promote good design and amenity of the built environment,	The proposal would not adversely impact the amenity of the surrounding area and is consistent with the relevant signage design and illumination requirements ( <b>Section 5</b> ).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposal would be constructed in compliance with all relevant building codes and health and safety requirements.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Minister is the consent authority for this application. The Department has consulted with Council and relevant government agencies ( <b>Section 4</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<b>Section 4</b> sets out the details of the Department's public exhibition of the application.

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

<b>Section 4.15(1) Matters for consideration</b>	<b>The Department's assessment</b>
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed in <b>Section 4</b> and <b>Appendix C</b> .
(a)(ii) any proposed instrument	Consideration of any proposed instruments is provided below.
(a)(iii) any development control plan	The City of Ryde 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 sought to enter into a public benefit agreement with Transport for NSW.
(a)(iv) the regulations	The application satisfactorily meets the relevant 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 ( <b>Section 5</b> and <b>Appendix D</b> ).
(c) the suitability of the site for the development	The site is suitable for the development ( <b>Section 5</b> ).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period ( <b>Section 5</b> and <b>Appendix B</b> )
(e) the public interest	The Department considers the proposal to be in the public interest ( <b>Section 5</b> ).

### 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 (IE SEPP)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)



- Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP BC)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI)
- Ryde Local Environment Plan 2019 (RLEP 2019)
- City of Ryde Development Control Plan (RDCP).

### Roads Act 1993

The Roads Act 1993 (Roads Act) communicates the right to use, the intended operation, and the responsibilities for roads in NSW.

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 the 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 Lane Cove Road overpass which is defined as a public road under the Roads Act. Accordingly, concurrence from TfNSW (RMS) has been received for this application under Section 138 of the Roads Act (**Section 3** and **Section 5**).

### State Environmental Planning Policy (Industry and Employment) 2021

The IE 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 advertising signage has been assessed against the relevant requirements of the IE SEPP 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
<b>Part 3.2 Signage generally</b>		
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"> <li>(i) is compatible with the desired amenity and visual character of an area, and</li> <li>(ii) provides effective communication in suitable locations, and</li> <li>(iii) is of high-quality design and finish, and</li> </ul>	<ul style="list-style-type: none"> <li>• The sign will not adversely impact the amenity of the surrounding area, and views of the sign are limited to within the road corridor.</li> <li>• The sign will not impact the safe operation of the road and complies with the Guidelines, ensuring it can communicate safely.</li> <li>• The proposed sign is consistent in design and finish with the existing sign on the eastern façade of the overpass.</li> </ul>
	The signage is to satisfy the assessment criteria in Schedule 5.	See relevant assessment in <b>Table 4</b> .
<b>Part 3.3 Advertisements</b>		

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 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.	The DA seeks consent for an advertisement displayed on transport corridor land, which includes the M2 Motorway.
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> <li>• consistent with the objectives of this Chapter</li> <li>• assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines</li> <li>• the consent authority is satisfied that the proposal is acceptable in terms of: <ul style="list-style-type: none"> <li>○ design</li> <li>○ road safety, and</li> <li>○ the public benefits to be provided in connection with the display of the advertisement.</li> </ul> </li> <li>• satisfies any other relevant requirement of this Chapter</li> <li>• arrangements have been entered into for the provision of public benefits in connection with the display of the advertisement.</li> </ul>	<ul style="list-style-type: none"> <li>• The objectives of Chapter 3 of the SEPP are addressed previously in this table.</li> <li>• Schedule 5 is addressed in <b>Table 4</b>.</li> <li>• The Department is satisfied the proposal is acceptable in terms of design, road safety, and public benefits (<b>Section 5</b>).</li> <li>• Other relevant requirements of Chapter 3 of the SEPP are addressed in this table.</li> <li>• Public benefits are discussed in <b>Section 5</b>.</li> </ul>
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	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	The DA seeks consent for an advertisement displayed on transport corridor land, which includes the M2 Motorway. It is therefore permissible with consent.

	Tunnel, or associated road use land that is adjacent to such a road.	
	Before determining an application for consent, the Minister may appoint a design review panel.	No design review panel was appointed for this application.
	<p>The Minister must not grant consent to the display of an advertisement in such a case unless—</p> <p>(a) the advice of any design review panel appointed by the Minister has been considered by the Minister, and</p> <p>(b) the Minister is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>There was no design review panel for this application.</p> <p>An assessment of the proposal against the Guidelines is provided in <b>Table 5</b>.</p>
	This section does not apply if the Minister determines the advertisement is not compatible with surrounding land use, taking into consideration the Guidelines.	The Department is satisfied that the proposed sign is compatible with the site and would not adversely impact surrounding land uses.
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 <sup>2</sup> in area with an overall height of 9.05 m above ground. The proposal has been assessed against Schedule 5 of the SEPP in <b>Table 4</b> below. The Department is satisfied that the sign is acceptable in terms of impacts as detailed in <b>Section 5</b> .
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 meters 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"> <li>• appear only within the advertising display area</li> <li>• not be greater than 0.25 square metres</li> <li>• be included in calculating the size of the advertising display area.</li> </ul>	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 <sup>2</sup> 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&amp;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 <b>Table 5</b> .

**Table 4 | IE SEPP Schedule 5 Compliance Assessment**

Assessment Criteria	Comments
<b>1 Character of the area</b>	
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.
<b>2 Special areas</b>	
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>
<b>3 Views and vistas</b>	
<p>Does the proposal:</p> <ul style="list-style-type: none"> <li>obscure or compromise important views?</li> <li>dominate the skyline and reduce the quality of vistas?</li> <li>respect the viewing rights of other advertisers?</li> </ul>	The proposal would not obscure important views, dominate the skyline or impact viewing rights of other advertisers as it is lower in height than the vegetation either side of the M2 road corridor, the parapet of the overpass and the residential buildings north-west of the site.
<b>4 Streetscape, setting or landscape</b>	
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 by existing vegetation 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. It is noted the proposal would also involve cladding works on the western elevation of the Lane Cove Road overpass, which would improve the existing appearance of this elevation.
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.
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"> <li>• Would illumination result in unacceptable glare?</li> <li>• Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>• Would illumination detract from the amenity of any residence or other form of accommodation.</li> </ul>	The sign is capable of complying with the Guidelines and Australian Standards with respect to illumination as detailed in <b>Section 5</b> .
<ul style="list-style-type: none"> <li>• Can the intensity of the illumination be adjusted?</li> <li>• Is the illumination subject to a curfew?</li> </ul>	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"> <li>• Would the proposal reduce safety for:</li> <li>• any public road?</li> <li>• pedestrian or bicyclists?</li> <li>• pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	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 <b>Section 5</b> .
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## Transport Corridor Outdoor Advertising and Signage Guidelines

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

**Table 5 | Guidelines Compliance Assessment**

Assessment Criteria	Comments
<b>Land Use Compatibility Criteria (Table 1)</b>	
Outdoor advertising should not be inconsistent with the LEP land use objectives for the area.	<p>The site is located in SP2 Zone under the RLEP 2014. The RLEP does not identify advertisement signage as permitted either with or without consent in this zone. Therefore, the proposed land use is prohibited under the RLEP.</p> <p>The IE SEPP identifies the display of an advertisement on transport corridor land comprising of the M2 as permissible with consent.</p> <p>The Department notes the proposal would be consistent with the objectives of the RLEP as it will provide for infrastructure and related uses and would not detract from the provision of infrastructure.</p>
<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"> <li>• Environmentally sensitive area</li> <li>• Heritage area</li> <li>• Natural or other conservation area</li> <li>• Open space</li> <li>• Waterway</li> <li>• Residential</li> <li>• Scenic protection area</li> <li>• National park or nature reserve.</li> </ul>	<p>The proposed sign would not be visible from the Lane Cove National Park/ Lane Cove River (north to south-east) or the heritage listed Macquarie Park Cemetery (south-east).</p> <p>While a residential development is located approximately 75 m north of the site, the proposal is not considered to create significant amenity impacts as potential views would be limited to the upper, south-facing units, from which the sign would not be within the direct line of sight due to the angle of the tower and the vertical separation distance (<b>Section 5</b>).</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 advertising structure is located wholly within the western elevation of the bridge overpass, as such it would not dominate or protrude significantly above the skyline and would have acceptable visual impacts ( <b>Section 5</b> ).
Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The proposal would not result in any heritage impacts.



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.

In addition to the advertising structure, the proposal seeks to install metal cladding across the horizontal deck of the bridge. This would improve the existing appearance of this elevation which is currently a raw concrete deck. The proposed design would be complementary of the eastern elevation.

## 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 proposal is of a contemporary design standard that is suitable for the road corridor and would improve the western elevation of the overpass bridge through the incorporation of cladding similar to the existing eastern elevation.

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 proposal is compatible with the scale, proportion and other characteristics of the road corridor and the overpass bridge (**Section 5**).

The advertising signage should be in keeping with important features of the site, building or bridge structure.

The proposal would be compatible with the overpass bridge and transport corridor.

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 proposal contains lighting and logos as an integral part of the signage, and the signage would display road safety advertising messages.

Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.

The sign would be 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 would be capable of complying with the Guidelines and Australian Standards with respect to illumination and would not result in unacceptable light spill (**Section 5**).

### 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 and the incorporation of cladding on the western elevation would be in accordance with the existing eastern elevation.

- 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 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 of 5.75m.

It does not block significant views or create a tunnel effect that would impede surveillance or reduce the safety of users. The

<p>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.</p> <ul style="list-style-type: none"> <li>On a road or pedestrian bridge, the advertisement must: <ul style="list-style-type: none"> <li>not protrude above the top of the structural boundaries of the bridge</li> <li>not block significant views for pedestrians or other bridge users.</li> <li>not create a tunnel effect, impede passive surveillance or in any other way reduce safety for drivers or pedestrians or other bridge users.</li> </ul> </li> </ul>	<p>existing sign on the eastern elevation of the overpass is separated from the proposal by a multi-lane intersection.</p>
<p>A development application must include a statement demonstrating how the advertisement will contribute to a public benefit.</p>	<p>The Department is satisfied that the proposal could provide public benefits through contributing to the maintenance and management of the road network in accordance with the Guidelines (<b>Section 5</b>).</p>
<p>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.</p>	<p>The Department recommends this be imposed as a condition of consent.</p>
<p>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.</p>	<p>The proposed plans detail a fall arrest system would be provided. The Department recommends this be imposed as a condition of consent to be provided prior to the issue of any Construction Certificate/Crown Building Works certification.</p>
<h3>2.5.8 Digital signs (Table 3)</h3>	
<p>Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.</p>	<p>The proposal is for the display of static digital advertisements with a dwell time of 25 seconds in accordance with criterion (d).</p>
<p>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.</p>	<p>The proposed signs are not seeking consent for message sequencing.</p>
<p>The image must not be capable of being mistaken:</p> <ul style="list-style-type: none"> <li>for a prescribed traffic control device</li> <li>as text providing driving instructions to drivers.</li> </ul>	<p>The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions.</p> <p>The Department recommends this be imposed as a condition of consent.</p>
<p>Dwell times for image display are:</p> <ul style="list-style-type: none"> <li>10 seconds for areas where the speed limit is below 80km/h; and</li> <li>25 seconds for areas where the speed limit is 80km/h and over.</li> </ul>	<p>As the speed limit is 100 km/h, the Applicant has proposed a 25 second dwell time, which will also be imposed as a condition of consent.</p>
<p>The transition time between messages must be no longer than 0.1 second and in</p>	<p>The proposed transition time between messages is 0.1 second and in the event of image failure the default image must be a</p>

the event of image failure, the default image must be a black screen.	black screen. The Department recommends this be imposed as a condition of consent.
<p>Luminance levels must comply with the following requirements, being for a Zone 3 site:</p> <ul style="list-style-type: none"> <li>• Full sun on face of signage: No limit</li> <li>• Day-time luminance: 6000 cd/m<sup>2</sup></li> <li>• Morning and evening and Inclement Weather: 700 cd/m<sup>2</sup></li> <li>• Night time: 350 cd/m<sup>2</sup></li> </ul>	The proposal would operate in accordance with the proposed luminance levels of Zone 3 ( <b>Section 5</b> ) and would operate according to the luminance criteria.
The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	<p>The images would not dazzle or distract drivers.</p> <p>The Department recommends a condition of consent to ensure that the signage does not contain flickering or flashing content.</p>
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 Department recommends a condition of consent to ensure this matter is complied with.
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 not visible from a school zone.
Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	The proposal is for a single sided sign. The Department has undertaken a detailed assessment of the design and location of the proposal and considers it is acceptable ( <b>Section 5</b> and <b>Appendix C</b> ).
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 sign if road safety circumstances change and increase the dwell time or remove the sign, as appropriate. The Minister's approval would be required for any reduction in dwell time.
Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	There are no other digital signs or static billboards visible within 150 m of the proposal.
<p>Signs greater than 20 m<sup>2</sup> must obtain RMS concurrence and must ensure the following minimum vertical clearances:</p> <ul style="list-style-type: none"> <li>• 2.5 m from lowest point of the sign above the road surface if located outside the clear zone.</li> <li>• 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.</li> </ul> <p>If attached to road infrastructure (such as an overpass), the sign must be located so</p>	<p>The concurrence of TfNSW is not required under the IE SEPP because the Minister is the consent authority, but it has been obtained under Section 138 of the Roads Act.</p> <p>The advertising structure is located on an overpass bridge and would not reduce the vertical clearance above the M2 carriageway.</p>

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 activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of complaint.

The Department recommends a condition of consent to ensure this matter is complied with.

A road safety check which focuses on the effects of the placement and operation of all signs over 20 m<sup>2</sup> must be carried out after 12-month period of operation but within 18 months of the sign's installation.

The Department recommends a condition of consent to ensure this matter is complied with.

### 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 pedestrian bridge.

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 road overpass bridge 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 be imposed requiring the proposal to comply with AS 1170.1 and AS 1170.2.

Digital signs greater than 20 m<sup>2</sup> must ensure that no portion of the sign is lower than the minimum vertical clearance under the overpass or supporting structure.

The advertising structure is located on an overpass bridge and would maintain the existing 5.75 m vertical clearance above the M2 carriageway.

### 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.	The signage would be positioned on an overpass above the M2 carriageway and would not obstruct visibility to any vehicles on the roadway ( <b>Section 5</b> ). The proposal would not obstruct visibility of cyclists and pedestrians are not permitted on the M2.
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 would not give incorrect information on the road alignment.
The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposal would be positioned on an overpass above the M2 carriageway and would not require drivers to direct their attention away from the road.

### 3.2.3 Proximity to decision making points and conflict points

<p>The sign should not be located:</p> <ul style="list-style-type: none"> <li>less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</li> <li>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</li> <li>so that it is visible from the stem of a T-intersection.</li> </ul>	As discussed in <b>Section 5</b> , the proposed advertising sign does not impact the safe operation of the road, subject to the recommended conditions of consent.
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The placement of a sign should not distract a driver at a critical time.

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.

### 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.	<p>The proposal would 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.</p> <p>TfNSW has provided concurrence to the proposal with a condition requiring an RSA be undertaken 12 months following operation to determine any potential road safety impacts to drivers on the eastbound off-ramp. If any increased crashes are identified, the Applicant would be required to install an anti-gawk screen.</p> <p>The Department has assessed road safety in <b>Section 5</b>.</p>
The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.	
The image must not be capable of being mistaken for traffic signals or driving instructions.	<p>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 IE SEPP. Therefore, the Department recommends a condition of consent to ensure the sign content is not mistaken for traffic signals or driving instructions.</p>

Digital signs must not contain animated or video/movie style advertising or messages, including live television, satellite, Internet or similar broadcasts.

The Department recommends a condition of consent to ensure the sign does not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.

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

The sign would not incorporate technology that would directly interact with in-vehicle electronic devices or mobile devices. The Department recommends a condition be imposed to this effect.

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 was proposed. The Department recommends a condition be imposed to this effect.

### 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 would provide public benefits by allocating 5% of advertising time to TfNSW for safety awareness campaigns. Additionally, the proposal would contribute to funds 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 Department recommends a condition be imposed to this effect.

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

As addressed in **Section 5**, the proposal would provide public benefits.



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 (Transport and Infrastructure) 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 6** 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 Lane Cove 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"><li>• vehicular access to the land is provided by a road other than the classified road,</li><li>• the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development</li><li>• the development is of a type that is not sensitive to traffic noise or vehicle emissions</li></ul>	<p>While access for signage maintenance would be from Lane Cove 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 Lane Cove Road. An assessment of road safety is provided in <b>Section 5</b> 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.	<p>The proposed sign will be mounted on an existing overpass, and as such does not require any ground penetrations.</p> <p>Notwithstanding this, notice was given to TfNSW of the application.</p>

### Ryde Local Environment Plan 2014

The site is subject to the controls of the Ryde Local Environmental Plan 2014 (RLEP 2014) 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 the IE SEPP determines the permissibility of advertisements in a transport corridor despite the provisions of any EPI and prevails over the LEP in this instance.

The proposed development is not affected by any other local provisions, including any development standards, or flood planning.

### **City of Ryde Development Control Plan 2012**

The City of Ryde Development Control Plan 2012 (RDCP) applies to the site. Part 9.1 of RDCP 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 RDCP specifies that General Advertising is prohibited throughout the City of Ryde. However, the proposed sign is an advertising sign and is permitted with consent on the site under IE SEPP.

The DCP also specifies that illuminated signage must not unreasonably impact residential properties and must minimise the spill effects or escape of light beyond the subject sign. The proposed sign is capable of complying with the Guidelines and Australian Standards with respect to illumination and will not have unreasonable impacts to any nearby residential properties.

### **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 – Instrument of Consent

The Instrument of Consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-sign-lane-cove-road-overpass-m2-motorway-macquarie-park-da-232902>