



Digital Advertising Sign – Eden Park, Macquarie Park

Development Application Assessment DA 23/2904 (PAN-310946)

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

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Glossary

Abbreviation	Definition
Applicant	Manboom Signage Partnership Pty Ltd (Manboom)
Application	DA 23/2904
Council	City of Ryde
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
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
IESEPP	State Environmental Planning Policy (Industry and Employment) 2021
LEP	Local Environmental Plan
LGA	Local Government Area
LIA	Lighting Impact Assessment
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RDCP	City of Ryde Development Control Plan
RLEP 2013	Ryde Local Environmental Plan 2014
RtS	Response to Submissions
SEE	Statement of Environment Effects
SEPP	State Environmental Planning Policy
SSA	Signage Safety Assessment
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement

Executive Summary

Manboom Signage Partnership Pty Ltd (Manboom). seeks development consent (DA 23/2904) for the installation of a new digital advertising monopole sign within the road reserve adjacent to the Lane Cove Road on-ramp merge lane of the M2 Motorway (M2) at Macquarie Park.

Engagement

The Department publicly exhibited the application from 20 April 2023 to 5 May 2023, and sought advice from City of Ryde Council (Council) and Transport for NSW.

TfNSW recommended conditions of consent, including compliance with the Guidelines and associated safety requirements.

A submission making comments from Council was received after the statutory public exhibition period, raising concerns with the potential visual and amenity impacts of the signage, and the separation distance between the existing advertising signage on the Lane Cove overpass.

The Applicant subsequently submitted a Response to Submissions (RtS), including details about the Public Benefit Offer and a Traffic Statement.

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
- the proposal not adversely impact the safety or operation of the road network as it would not be within the same visual catchment as the existing advertisement sign on the eastern elevation of the Lane Cove Road Overpass and would comply with the Guidelines.
- would not result in any adverse visual impacts to residential properties due to the separation distance and the sign would face away from the nearest residential properties
- it would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas, including views from Lane Cover National Park and Macquarie Park Cemetery and Crematorium as it would sit below the treeline either side of the M2 road corridor
- 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
- the Department recommends conditions of consent including dwell and transition times between advertisements, the luminance levels of the sign, and preparing independent audits for lighting

conditions and road safety to verify that it complies with the relevant conditions, Guidelines, and standards.

Conclusion

The Department's assessment concludes the proposal is appropriate as it would not result in any unacceptable 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 23/2904) lodged by Manboom Signage Partnership Pty Ltd (Manboom) (the Applicant) under Part 4 of the EP&A Act.

The proposal seeks consent for the installation of a new digital advertising monopole sign within the road reserve adjacent to the Lane Cove Road on-ramp merge lane of the 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 sign is proposed to be installed within the road reserve adjacent to the Lane Cove Road on-ramp merge lane of the 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.

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 2** and **Figure 3**.



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



Figure 2 | View of site looking south-east



Figure 3 | View of site looking east

1.3 Site surrounds

The surrounding area is characterised by commercial and light industrial uses, with the Eden Gardens Centre to the north of the site, the Macquarie Business Park to the south of the M2 and the Cleanaway Ryde Reuse and Recycling Depot directly east. The nearest residential use is approximately 320 m northwest of the site on the corner of Lane Cove Road and Fontenoy Road.

These surrounding uses are typically 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 installation of a new digital advertising monopole sign 6.3 m in height within the road reserve adjacent to the Lane Cove Road on-ramp merge lane of the M2 at Macquarie Park.

The main components of the proposal are outlined in **Table 1** and shown in **Figure 4** and **Figure 5**.

Table 1 | Main Components of the Project

Aspect	Description
Location	<ul style="list-style-type: none">Single-sided digital advertising sign (facing outbound traffic) on the road reserve of the M2 Motorway in Macquarie Park adjacent to the Lane Cove Road on ramp merge lane
Signage structure dimensions	<ul style="list-style-type: none">The signage structure would measure 12.58 m wide x 3.3 m high, mounted on a single cross bar 61 cm in diameter, supported by a reinforced concrete pad footing approximately 2 m deep.
Advertising display area	<ul style="list-style-type: none">The signage structure would have a display area of 41.51 m² with a 0.25 m² logo, resulting in a total signage area of 41.76 m²
Clearance from ground level to bottom of sign	<ul style="list-style-type: none">3 m
Maximum height	<ul style="list-style-type: none">6.3 m
Signage display	<ul style="list-style-type: none">Static illuminated digital LED screen
Illumination	<ul style="list-style-type: none">Average luminance during night-time period: 140 cd/m²
Dwell time	<ul style="list-style-type: none">25 seconds0.1 second transition time between images (appears instantaneous).
Hours of operation	<ul style="list-style-type: none">24-hours-a-day, 7-days-per-week
Cost of work	<ul style="list-style-type: none">\$1,005,455.

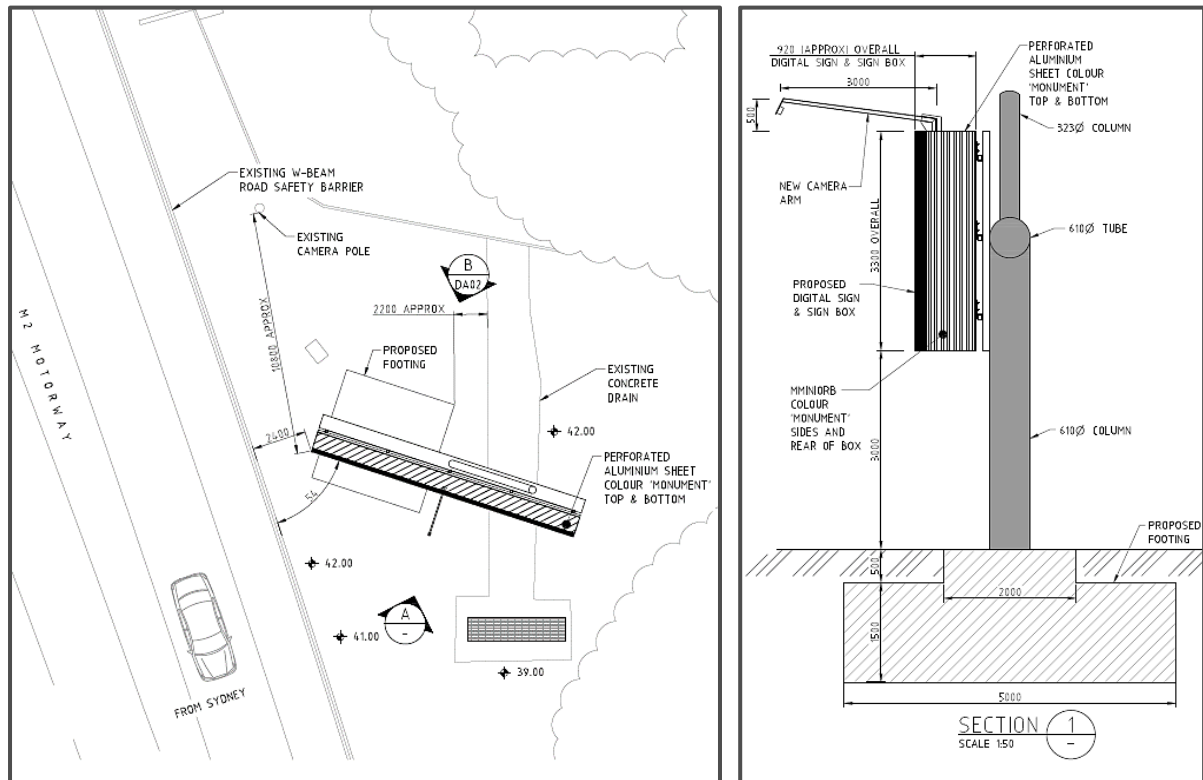


Figure 4 | Site Plan (left) and section (right) (source: Applicant's Engineering Plans)

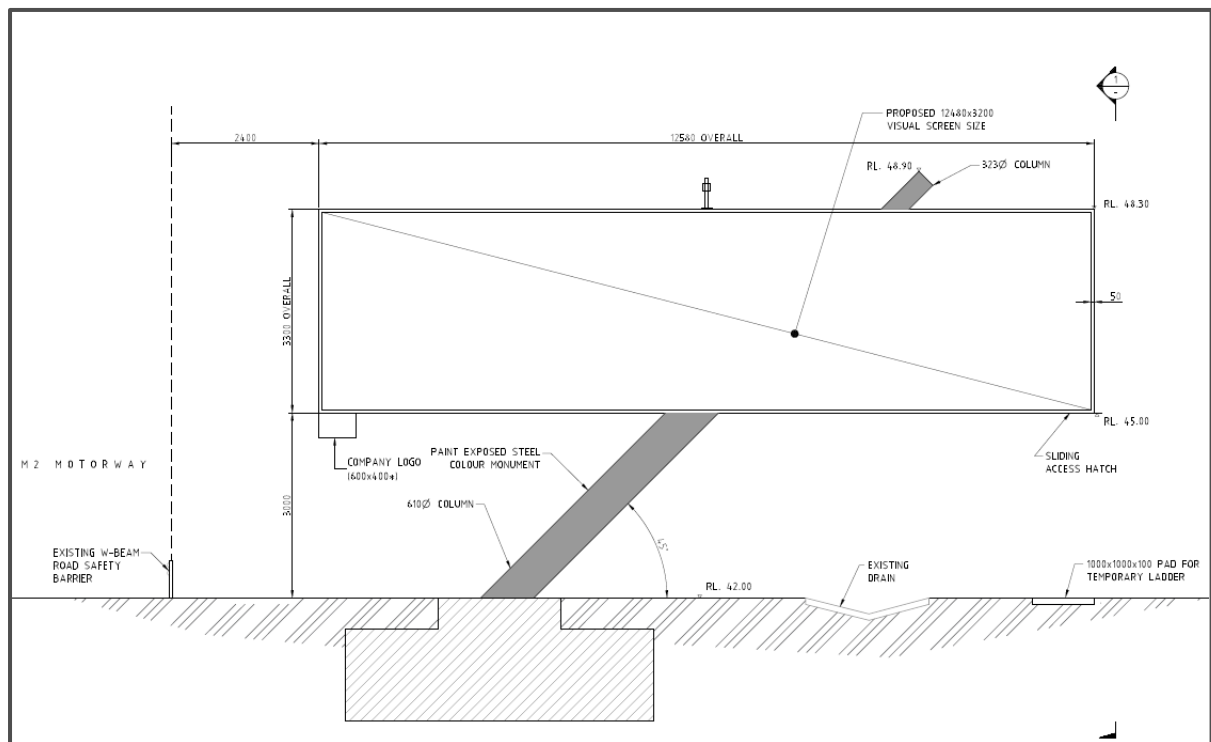


Figure 5 | Elevation (source: Applicant's Engineering Plans)



Figure 6 | View of proposal from M2 Motorway viewed by inbound traffic (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 IE SEPP as the development application relates to advertisement displayed on transport corridor land and associated adjacent land, which includes the M2 Motorway.

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 State Environmental Planning Policy (Industry and Employment) 2021 (IE SEPP) 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). The application is therefore permissible with consent.

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

3.3 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

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

The Department 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 16 days from 20 April 2023 to 5 May 2023. The application was exhibited on the NSW Planning Portal.

The Department also notified adjoining landholders in writing as well as City of Ryde Council (Council) and Transport for NSW (TfNSW).

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 Department received a submission making comments from Transport for NSW (TfNSW).

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

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

4.3 Key issues – Government agencies

A summary of advice received from TfNSW is provided in **Table 2**.

Table 2 | Summary of TfNSW Advice

TfNSW	
Development Application	<p>TfNSW recommends the following conditions of consent:</p> <ul style="list-style-type: none">the sign design and operation shall be in accordance with the Guidelinesimages displayed on the sign must not contain/use:<ul style="list-style-type: none">flashing or flickering lights or contentanimated display, moving parts or simulated movementcomplex displaysdisplays resembling traffic signs or signalsa method of illumination that distracts or dazzlesdominant use of colours red or greendwelt time between displays shall be no shorter than 25 secondsa Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows.

- the sign is not to obstruct sight distance to any of the existing traffic signs for motorists travelling southbound on the M2 Motorway.
- all costs associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

4.4 Key issues – Council

A summary of advice received from Council received after the statutory public exhibition period is provided in **Table 3**.

The Department requested clarification from Council regarding whether the advice provided was by way of objection or comments. On 11 July 2023, Council confirmed the submission was to provide comments and not an objection.

Table 3 | Council comments

City of Ryde Council (Council)

EIS

Council reviewed the proposal and provided the following comments:

- update SEE to thoroughly address Schedule 5 of the IE SEPP
- concerns with the introduction of the first freestanding sign along the M2
- potential for visual clutter as there is already a large format road sign and the existing advertising signage on the Lane Cove overpass within the visual catchment.
- further consideration is required into potential impacts of the separation distance between the existing and proposed advertising signs.
- potential amenity and visual character impacts resulting from the sign obscuring views of the vegetation corridor.
- logo should be located within the advertising display area to comply with Clause 3.18 of the IE SEPP.
- the proposal should be reviewed by TfNSW
- recommended the application be refused*; however, if approved the following condition should be imposed:
 - the sign is to be designed and installed in accordance with the IE SEPP and the Guidelines.

*Council confirmed the submission was to provide comments and not an objection on 11 July 2023.

4.5 Response to submissions

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 details into the Public Benefit Offer and a Traffic Statement.

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 assessment issues associated with the application to include:

- 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 illuminated digital advertising monopole sign within the road reserve adjacent to the Lane Cove Road on-ramp merge lane of the M2 at Macquarie Park. The sign would have an overall display area of 41.51 m² (41.76 m² inclusive of logo) with a maximum height of 6.3 m above ground level.

As shown in **Figure 6**, the sign would be orientated towards outbound traffic lanes.



Figure 7 | View of proposal from M2 Motorway viewed by inbound traffic (Source: Applicant's SEE)

As discussed in **Section 4.4**, Council raised concerns with the potential for visual clutter due to the proximity to a large format road sign and the existing advertising signage on the eastern elevation of the Lane Cove overpass. Further, concerns were raised about the potential amenity and visual impacts resulting from the sign obscuring views of the vegetation corridor behind the site. It was also 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.

In response, the Applicant advised:

- the proposed sign and the existing overpass advertisement are within separate visual catchments and would not be visible concurrently to motorists travelling outbound due to the 230 m separation distance and the bend in the motorway (**Figure 7** and **Figure 8**).
- views of the vegetation corridor would not be dominated by the proposed signage given the extensive length of the vegetation corridor and the sign would sit below the treeline with a maximum height of 6.3 m as shown in **Figure 8**.
- the total signage area for the proposed sign is 41.76 m² inclusive of logo.



Figure 8 | Driver viewing range of existing (green dash) and proposed (orange dash) sign (source: Applicant RtS)



Figure 9 | View of sign from M2 Northbound (base source: Applicant RtS)

The Department has reviewed the submissions 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 adjacent directional sign and the residential buildings north-west of the site
- it would not result in adverse visual clutter given there is only one other advertisement sign within the immediate area, which is not within the same visual catchment as the proposed sign
- 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 and Macquarie Park Cemetery and Crematorium (**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). Australian Standard 4282 'Control of the Obtrusive Effects of Outdoor Lighting' (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 A3 (medium district brightness) 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 250 cd/m². Given AS 4282 does not nominate a day-time luminance level, 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, 700 cd/m² during morning or evenings or incremental weather, and 140 cd/m² at night.

The LIA confirms the proposed sign would comply with the relevant requirements of AS 4282 and the Guidelines as:

- the proposed digital signage would have 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 140 cd/sqm during night time.
- the proposed sign complies with the maximum limit of 2 lux at the nearest residential receivers under AS 4282.
- the average luminance difference between successive images must 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. TfNSW recommended standard conditions prohibiting the use of flashing or flickering lights or content or a method of illumination that distracts or dazzles. Should the application be approved, both Council and TfNSW recommended a

condition be imposed requiring the sign be designed and installed in accordance with the IE SEPP and the Transport Corridor Outdoor Advertising and Signage Guidelines.

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 LIA.

The Department also recommends the Applicant be required to maintain an electronic log of the sign's activities and 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.

5.3 Road safety

The Applicant provided a Traffic Safety Assessment (TSA) assessing the location and operation of the proposed sign against the Guidelines, IE SEPP and TfNSW's Advertising Sign Safety Assessment Matrix. The TSA considered 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 found that the proposed sign would not result in any significant road safety impacts as:

- 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 535 m of the site, and would not recognise the sign as advertising until within 200 m of the site (**Figure 9**)
- the driving approach to the proposed sign is relatively straight with no on-ramps or off-ramps within the viewable area
- the sign would be located within driver's ordinary field of view when approaching from the south
- a minimum dwell time of 25 seconds 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).
- the sign would comply or is capable of complying with the Guidelines and IE SEPP and will not compromise the safety of road users.



Figure 10 | Visibility of the proposed sign on the approach to the sign (Source: Applicant's SEE)

Council raised concerns with the separation distance between the proposed signage and the existing Lane Cove overpass signage and requested further analysis of impacts.

While Council considered the application should be refused; however, if approved recommended a condition be imposed requiring the sign is to be designed and installed in accordance with the IE SEPP and the Guidelines.

TfNSW did not object to the proposal and recommended conditions of consent including minimum dwell and transition times between advertisements, requirement for a Road Occupancy Licence (ROL) from Transport Management Centre for any works that may impact on traffic flows. TfNSW also advised the proposed sign must not obstruct sight distance to any of the existing traffic signs for motorists travelling southbound on the M2 Motorway.

As part of the RtS, the Applicant provided a Traffic Statement responding to the concerns raised by Council advising:

- the sign spacing would not result in driver distraction given the proposed signage and the existing advertisement sign on the eastern elevation of the Lane Cove Road Overpass would not be visible concurrently to motorists traveling outbound (**Figure 7** and **Figure 8**).

- the proposed signage would not obstruct sight distances to existing traffic signs given it would be located behind the directional sign for Delhi Road with the rear side positioned towards inbound traffic (**Figure 10**).



Figure 11 | Photomontage of sign from inbound lanes in relation to existing traffic signs (source: Applicant RtS)

Based on the findings of the TSA and TfNSW's advice the Department considers the road safety matters have been satisfactorily addressed, and that the proposed sign will not result in an adverse road safety risk.

The Department also supports the inclusion of the conditions recommended by TfNSW and Council in the consent to ensure the proposal complies with the requirements of the SEPP IE and the Guidelines. Further, a condition is recommended requiring a Road Safety Assessment being undertaken, with any safety concerns identified being rectified by the Applicant.

5.4 Other issues

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

Table 4 | Summary of other issues raised

Issue	Findings	Recommendations
Public benefit	<ul style="list-style-type: none"> 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. 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 	<p>The Department recommends:</p> <ul style="list-style-type: none"> 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.

proposes to allocate 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.

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

- meets the relevant statutory requirements and complies with IE SEPP
- the proposal not adversely impact the safety or operation of the road network as it would not be within the same visual catchment as the existing advertisement sign on the eastern elevation of the Lane Cove Road Overpass and would comply with the Guidelines.
- would not result in any adverse visual impacts to residential properties due to the separation distance and the sign would be orientated away from the nearest residential property
- it would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas, including views from Lane Cover National Park and Macquarie Park Cemetery and Crematorium as it would sit below the treeline either side of the M2 road corridor
- 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
- the Department recommends conditions of consent including dwell and transition times between advertisements, the luminance levels of the sign, and preparing independent audits for lighting conditions and road safety to verify that it complies with the relevant conditions, Guidelines, and standards.

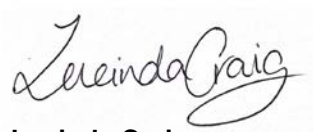
The Department therefore concludes the proposal is in the public interest and should be approved, subject to the recommended conditions of consent.

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 grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- grants consent for the application in respect of DA23/2904 subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:



Lucinda Craig

A/ Senior Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent

Team leader
Key Sites Assessments

8 Determination

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



18 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 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-eden-park-m2-motorway-macquarie-park-da-232904>

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
<p>Road safety (Council issue)</p> <ul style="list-style-type: none"> Potential impacts of separation distance between the existing and proposed advertising signs 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes Transport for NSW did not raise concerns with the proximity of the proposed sign to the existing advertising signage located on the Lane Cove overpass. The proposed sign spacing would not result in driver distraction given the separation distance exceeds that recommended by the Guidelines and the signs would not be visible concurrently to motorists traveling outbound. This matter is discussed further in in Section 5 of the Department's assessment report. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> The Department has recommended a suite of conditions to ensure the sign does not result in adverse safety impacts, including a requirement for a Road Safety Audit to be undertaken, with any issues identified being rectified by the Applicant.
<p>Visual and amenity impacts (Council issue)</p> <ul style="list-style-type: none"> Visual clutter introduction of first freestanding sign along the M2 obscure views of the vegetation corridor behind the site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal is not considered to result in significant visual clutter as the proposed and the existing signage on the Lane Cove overpass are not within the same viewing corridor for motorists travelling outbound due to the 230 m separation distance and the bend in the motorway While the proposal would be the first freestanding sign along this section of the M2, a monopole structure is not inconsistent with the character of the immediately surrounding area, which includes the M2 road corridor and business and commercial uses. The proposal would not dominate views of the vegetation corridor given the substantial length of the corridor and the signage would be lower in height than the trees. 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 and it not result in any significant visual impacts. These matters are discussed further in in Section 5 of the Department's assessment report. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.
<p>Other issues (Council issue)</p> <ul style="list-style-type: none"> SEE consideration of the Assessment Criteria in Schedule 5 of the IE SEPP 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The SEE included an adequate assessment into the Assessment Criteria in Schedule 5 of the IE SEPP. The Department notes that all development applications are assessed on a merit basis. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.

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 the road reserve 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 (Section 5).
(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 (Section 4).
(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 application.

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 in Section 4 and Appendix C .
(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 (Section 5).
(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 (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:

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

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 other signs associated with other major metropolitan roads.
	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 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"> • consistent with the objectives of this Chapter 	<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.

	<ul style="list-style-type: none"> 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 Department is satisfied the proposal is acceptable in terms of design, road safety, and public benefits (Sections 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>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>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>There was no design review panel for this application.</p> <p>An assessment of the proposal against the Guidelines is provided in Table 5.</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	Assessment is required against the criteria in Schedule 5 and the consent	The proposed sign is greater than 20 m ² in area. Therefore, the proposal has been assessed against Schedule 5 of the IE SEPP

than 20 square metres or higher than 8 metres above ground	authority is satisfied that the proposal is acceptable in terms of its impacts.	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 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"> • appear only within the advertising display area • not be greater than 0.25 square meters • be included in calculating the size of the advertising display area • where the advertising display area has no border or surrounds the logo must be located either within the advertisement or within a strip below that extends the full width of the advertisement. 	While the logo for the sign operator is proposed to be installed below the sign rather than within the advertising display area, it would be a maximum of 0.25 m ² requirement. It is noted this will be of a consistent design to the existing signage on the Lane Cove Road Overpass sign 230 m from the site.
3.21 Freestanding advertisements	The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 km.	The proposal would have a maximum height of 6.3 m and would not protrude above the surrounding tree canopy or surrounding buildings visible from the M2 in this location, including the Macquarie Business Park and Macquarie Gardens.
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 compatible with the character of the road corridor and surrounding mixed use environment (Section 5).
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	While the proposal would be the first freestanding advertisement structure in this location, it is consistent with other signs associated with other major metropolitan roads.

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?

The proposed site is directly adjoined by industrial zoned land and the Lane Cove National Park, which extends north to southeast of the site. While land on the opposite side of the motorway is zoned Business.

The subject site is also located within proximity to the heritage listed Macquarie Park Cemetery (south-east).

The proposed signage would not be visible from within the cemetery or the national park.

A residential development is located approximately 330 m north-west of the site. However, as the sign is one sided and would face southeast, the proposal would not detract from the amenity or visual quality of this area.

Potential visual impacts are further discussed in **Section 5**.

3 Views and vistas

- Does the proposal:
- obscure or compromise important views?
- dominate the skyline and reduce the quality of vistas?
- respect the viewing rights of other advertisers?

The proposal would not obscure important views, dominate the skyline or impact viewing rights of other advertisers.

4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

The scale complies with IE SEPP and the proposal is appropriate for the streetscape and transport corridor setting.

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

The proposal would contribute to the visual interest of the setting by providing advertising and road safety messages.

Does the proposal reduce clutter by rationalising and simplifying existing advertising?

The proposal would not result in adverse visual clutter given there is only one other advertisement sign within the immediate area, which would not be within the same visual catchment as the proposed sign for motorists travelling outbound on the M2 (**Section 5**).

Does the proposal screen unsightliness?

The proposal does not screen unsightliness.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

The proposal would be of a lower height than the adjacent directional sign (opposite orientation) and would not protrude above surrounding tree canopies.

Does the proposal require ongoing vegetation management?

Any potential ongoing vegetation management would be minimal and would continue to be undertaken by Transurban as part of its ongoing maintenance of the road corridor, and would therefore not require a formal management plan.

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 proposal is compatible with the scale, proportion and other characteristics of the M2 road corridor.
Does the proposal respect important features of the site or building, or both?	The proposal would be compatible with the site and surrounds.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is innovative in creating the capacity to display road safety advertising in this 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 proposal contains lighting and logos as an integral part of the signage structure, and a webcam would be attached to the front of the sign to ensure signage quality remotely.
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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 proposal would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence (Section 5).
<ul style="list-style-type: none"> • Can the intensity of the illumination be adjusted? • Is the illumination subject to a curfew? 	The illumination complies with the Guidelines and therefore no adjustments to the intensity of the illumination is required, and it is not subject to a curfew. The signage would be dimmed at night time to comply with relevant requirements in the Guidelines and Australian Standards (Section 5).

8 Safety

<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> • any public road? • pedestrian or bicyclists? • pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines (Section 5.2).
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Transport Corridor Outdoor Advertising and Signage Guidelines

The Transport Corridor Outdoor Advertising and Signage Guidelines outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of 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 | The Guidelines Compliance Assessment

Assessment Criteria	Comments
Land Use Compatibility Criteria (Table 1)	
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"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National park or nature reserve. 	<p>The proposed sign would not be visible from the Lane Cove National Park/ Lane Cove River (north to southeast) or the heritage listed Macquarie Park Cemetery (south-east).</p> <p>A residential development is located approximately 330 m northwest of the site. However, as the sign is one sided and would face southeast, the proposal would not detract from the amenity or visual quality of this area (Section 5).</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 would have a maximum height of 6.3 m and would not protrude above the surrounding tree canopy or surrounding buildings and would have acceptable visual impacts (Section 5). The proposal would not obscure any significant views.
Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	As the proposal would not be visible from the Macquarie Park Cemetery, it 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.	The proposed sign is consistent within the context of the M2 road corridor.
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 and is compatible with the scale, proportion and other characteristics of the road corridor (Section 5).
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 advertising signage should be in keeping with important features of the site, building or bridge structure.

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 and would not result in unacceptable light spill (**Section 5**).

Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.

2.5.4 Freestanding advertisements criteria

The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1 km. Note: this impact should be measured from the vehicle approach location and any other critical viewpoints.

The advertising structure would not protrude above the dominant skyline and would have acceptable visual impacts (**Section 5**).

Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.

The Department does not consider a landscape management plan is required as the proposal is located in a highly urban environment with minimal vegetation. Any potential ongoing vegetation management would be minimal and would continue to be undertaken by Transurban as part of its ongoing maintenance of the road corridor.

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 as per criterion (d) below.

The proposal is for the display of static digital advertisements with a dwell time of 25 seconds in accordance with criterion (d).

The Department recommends a condition of consent also be imposed requiring the sign be static for the required dwell time.

Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	The proposed signs are not seeking consent for message sequencing.
<p>The image must not be capable of being mistaken:</p> <ul style="list-style-type: none"> • for a prescribed traffic control device • as text providing driving instructions to drivers. 	The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions. The Department recommends this be imposed as a condition of consent.
<p>Dwell times for image display are:</p> <ul style="list-style-type: none"> • 10 seconds for areas where the speed limit is below 80km/h; and • 25 seconds for areas where the speed limit is 80km/h and over. 	As the speed limit is 100 km/h, the Applicant has proposed a 25 second dwell time (Section 5), which will also be imposed as a condition of consent.
The transition time between messages must be no longer than 0.1 second and in the event of image failure, the default image must be a black screen.	The proposed transition time between messages is 0.1 second and in the event of image failure the default image must be a 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"> • Full sun on face of signage: No limit • Day-time luminance: 6000 cd/m² • Morning and evening and Inclement Weather: 700 cd/m² • Night time: 350 cd/m² 	The proposal would operate in accordance with the proposed luminance levels of Zone 3 (Section 5) 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 complies with requirements to 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 (Section 5).
At any time, including where the speed limit in the areas of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign.	TfNSW may reassess the signs if road safety circumstances change and increase the dwell time or remove the signs, as appropriate. The Minister's approval would be required for any reduction in dwell time.

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.

The nearest advertisement sign within proximity is an existing mounted sign on the eastern elevation on the Lane Cove Road overpass, approximately 230 m from the site. It is noted both signs would not be visible concurrently to motorists traveling outbound (**Section 5**).

Signs greater than 20 m² must obtain RMS concurrence and must ensure the following minimum vertical clearances:

- 2.5 m from lowest point of the sign above the road surface if located outside the clear zone.
- 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.

In accordance with s4.13(2) of the EP&A Act, where development that requires concurrence is to be determined by the Minister, consultation is only required.

The Department referred the application to TfNSW who raised no objections to the proposal, subject to recommended conditions of consent.

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

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 m² 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.

3.2.1 Road clearance

The advertisement must not create a physical obstruction or hazard.

The proposal would not result in any physical obstruction or hazard as the edge of the signage would be located 2.4 m behind the existing road safety barrier.

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 signage is not within the clear zone as it is behind the existing crash barrier.

All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.

The proposed sign would not hang over the road or a footpath. 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 ² must ensure the following clearances:	The advertising structure is not located within the clear zone and would propose a 3 m vertical clearance above the M2 carriageway.
<ul style="list-style-type: none"> 2.5 m from lowest point of the sign above the road surface if located outside the clear zone 5.5 m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed. 	

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.	The signage would be located adjacent to the road corridor and would not obstruct drivers view of the road, other vehicles or cyclists (Section 5). Pedestrians are not permitted on the M2.
An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposal would not obstruct the view 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 is located directly adjacent to the road corridor 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"> 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. 	<p>The proposed signage would not be located within proximity to an intersection, hazard within the road environment or sharp curve in the road.</p> <p>While the Lane Cove Road inbound on-ramp is runs adjacent to the M2 in proximity to the site, the signage would face outbound traffic and the signage would be located behind a directional sign. Therefore, the signage would not be visually dominant.</p> <p>The signage would not impact sightlines of decision making points to outbound traffic.</p> <p>The Department has assessed impacts on road safety in Section 5.</p>
The placement of a sign should not distract a driver at a critical time.	The proposed signage would not be located within proximity to a critical decision making point and there would be sufficient time for motorists to view the signage without it causing distraction given the visible distance to the signage is 200 m on the approach. The Department has assessed impacts on road safety in Section 5.2 .

3.2.4 Sign spacing

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.	<p>Drivers views would be limited to a single road corridor sign and there would not be any further digital or static billboard signs within 150 m.</p> <p>The proposed sign would be located 230 m away from the existing advertisement sign on the eastern elevation of the Lane Cove Road Overpass and would not be visible concurrently to motorists traveling outbound.</p>
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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 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.

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

The proposed signage would not interfere with stopping sign distances and is not within proximity to traffic signals.

While the Lane Cove Road inbound on-ramp is runs adjacent to the M2 in proximity to the site, the signage would face outbound traffic and the signage would be located behind a directional sign. Therefore, the signage would not be visually dominant.

The Department has assessed impacts on road safety in **Section 5.2**.

The image must not be capable of being mistaken for traffic signals or driving instructions.

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.

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 sign would operate in accordance with the proposed luminance levels of Zone 3 (**Section 5**) and would operate according to the luminance criteria.

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 proposal would not cast shadows on areas that were previously lit or have a special lighting requirement.

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 proposal would not result in unacceptable glare for traffic approaching the signs.

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

The proposal complies with the luminance levels stipulated in the Guidelines and the Australian Standards. The proposal does not involve flashing illuminated advertisements.

illuminated advertisements will not be approved.

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 the proposal is displayed on a tollway, the Applicant must demonstrate the proposal would contribute an appropriate public benefit.

As addressed in **Section 5.4**, 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.

The tollway operator (Transurban) must enter into satisfactory arrangements with RMS to meet the public benefit requirements. The requirements may include payment of an annual or upfront fee negotiated with RMS. Public benefit monies received by RMS must be recorded in their financial accounts and Annual Reports. RMS must consult with the relevant council to identify and prioritise activities to be included in the public benefit works program to be delivered through the program.

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 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 was declared to be classified road 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	The consent authority must not grant consent to development on land that	While access for signage maintenance would be from M2 Motorway, which is also a classified road, the Department is satisfied

	<p>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>that the proposed sign can be installed and operated without compromising the safety of the M2 Motorway. An assessment of road safety is provided in Section 5 of this report. 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	<p>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>	<p>The proposed sign would comprise of 3 m footing which would require ground penetration. Notwithstanding, notice was given to TfNSW of the application when requesting comments.</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 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 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 Billboard Type Signage and Advertising Structures are prohibited throughout the City of Ryde. However, 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 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-eden-park-m2-motorway-macquarie-park-da-232904>