



# New digital advertising sign – Cropley Drive M2 Overpass, Baulkham Hills

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Development application assessment report (DA 23/2906 or PAN-310956)

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Title: New digital advertising sign – Croyley Drive M2 Overpass, Baulkham Hills

Subtitle: Development application assessment report (DA 23/2906 or PAN-310956)

Cover image: *Photomontage of proposed digital signage (Source: Applicant's SEE)*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	G.O. SIGNAGE NOMINEES PTY LTD & OSTOR (NO 14) PTY LTD
<b>Consent</b>	Development Consent
<b>Council</b>	The Hills Shire Council
<b>DA</b>	Development Application
<b>Department</b>	Department of Planning and Environment
<b>Dwell time</b>	the amount of time an advertising image is displayed, before transitioning to another
<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>LGA</b>	Local Government Area
<b>THLEP 2019</b>	The Hills Local Environmental Plan 2019
<b>Minister</b>	Minister for Planning
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>RtS</b>	Response to Submissions
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>SEE</b>	Statement of Environment Effects
<b>SEPP IE</b>	State Environmental Planning Policy (Industry and Employment) 2021
<b>TfNSW</b>	Transport for NSW
<b>Transition time</b>	the amount of time taken to change from one image to another

# Executive Summary

G.O. SIGNAGE NOMINEES PTY LTD & OSTOR (NO 14) PTY LTD (the Applicant) seeks development consent for the installation and operation of one new digital advertising sign and associated cladding on the western elevation of the Croyley Drive overpass above the M2 Motorway (DA 23/2906).

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

## Engagement

The Department of Planning and Environment (Department) publicly exhibited the development application (DA) from 20 April 2023 to 22 May 2023 on the NSW Planning Portal.

The Department received submissions from The Hills Shire Council, City of Parramatta Council and TfNSW. The Department did not receive any public submissions.

The Hills Shire Council did not raise any objection to the proposal. City of Parramatta Council advised the sign must comply with the Australian Standards criteria and Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and that occupation of local or regional roads require a Road Occupancy Permit from Council. TfNSW provided concurrence under section 138 of the *Roads Act 1993* and provided its general terms of approval.

On 30 June 2023, the Applicant lodged a Response to Submissions (RtS) which included details of the public benefit offer and amended architectural plans illustrating the height of the existing mesh safety screen.

## Assessment

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

The Department considers the proposal acceptable as:

- it meets the relevant statutory requirements and complies with SEPP IE
- it will not adversely impact the safety or operation of the road network including the road clearance, sight lines and driver decision making subject to the recommended conditions
- the sign sits within a road cutting and is screened by the existing acoustic walls and surrounding vegetation, and therefore would not result in any significant visual impacts on surrounding properties
- the proposed sign would not result in any adverse heritage impacts as it is not visible from the Balcombe Heights Community Buildings Complex and Croyley House Heritage Conservation Area, which is located approximately 100 m north of the site
- the illumination and luminance levels would comply with the relevant Australian Standards and Guidelines and the proposal would not result in any significant impact on adjoining properties

- the sign delivers appropriate public benefits by allocating 5% of advertising time to TfNSW for safety awareness campaigns and 22% of revenue to TfNSW to be made available to The Hills Shire Council for improvements to traffic safety, public transport services, public amenity within or adjacent to the corridor, or other community benefits
- TfNSW has issued its concurrence and general terms of approval to ensure the safe installation, maintenance, and operation of the proposed sign
- the Department has recommended a suite of conditions relating to 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, heritage or road safety impacts and is consistent with the requirements of SEPP IE and the Guidelines.

The Department considers the application is in the public interest and recommends that 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 23/2906) lodged by G.O. SIGNAGE NOMINEES PTY LTD & OSTOR (NO 14) PTY LTD (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks consent for the installation and operation of a new digital advertising sign and associated cladding on the western elevation of the Cropley Drive overpass for the M2 Motorway. The sign would be used primarily for third-party advertising and could include emergency information from Transport for NSW.

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

## 1.2 The site

The sign is proposed to be installed on the western elevation of the Cropley Drive overpass that spans over the eastbound lanes of the M2 Motorway in Baulkham Hills. The Cropley Drive overpass connects the suburbs of Baulkham Hills (north) with Winston Hills (south). The M2 Motorway is bordered by acoustic walls, retaining walls and mature tree planting at the approach to the overpass.

The Cropley Drive overpass comprises of one lane in either direction, pedestrian footpaths on either side and a roundabout at the intersection of Cropley Drive and Junction Road. The overpass contains a mesh safety screen approximately 3 m in height on either side.

There are two bus stops located approximately 160 m east and 140 m west of the overpass which service the outbound and inbound lanes of the M2 Motorway respectively. The bus stops are accessed via pedestrian footpaths that connect to Cropley Drive and Junction Road.

There is an existing directional traffic sign on the eastern elevation of the overpass facing westbound lanes of the M2 Motorway.

Photographs of the overpass and context are provided at **Figure 1** to **Figure 5** below.

## 1.3 Site surrounds

The surrounding area is characterised by low density residential development. This development is typically separated from the signage location by a change in elevation as well as acoustic walls and mature tree planting on either side of the M2 Motorway.

The surrounding area contains the Balcombe Heights Community Buildings Complex and Cropley House Heritage Conservation Area approximately 100 m north of the signage location (see **Figure 6**). The Heritage Conservation Area is of local heritage significance.





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



**Figure 2 |** Location of proposed sign on the western façade of the overpass, facing eastbound lanes (Source: Google Maps 2023)



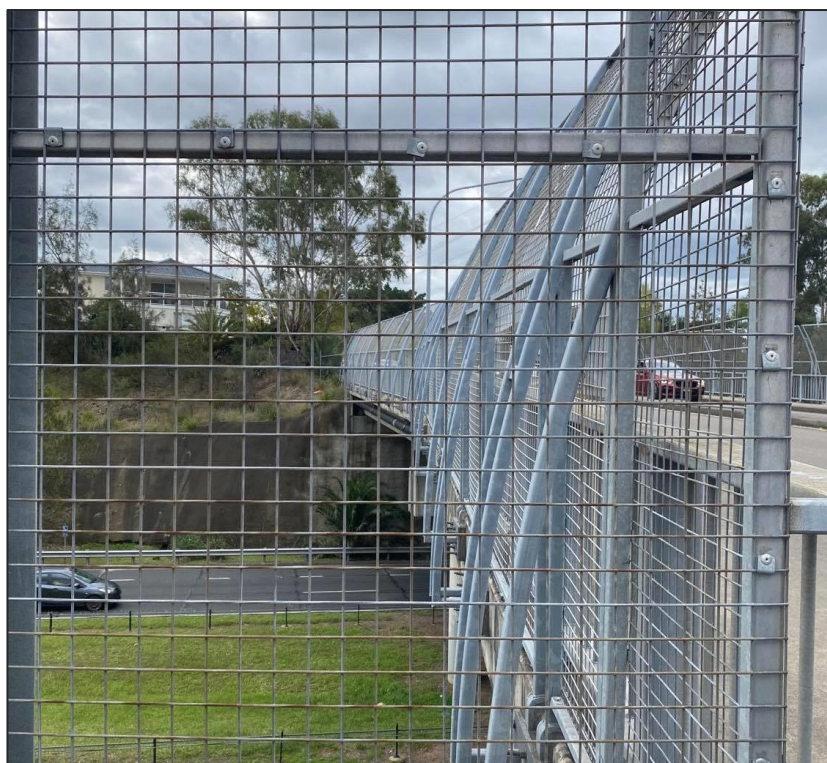


**Figure 3** | Location of existing sign on the eastern façade of the overpass, facing westbound lanes  
(Source: Google Maps 2023)



**Figure 4** | View of Cropley Drive (Source: Department)





**Figure 5 |** View of western elevation of overpass (Source: Department)



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

## 2 Project

The proposal seeks consent to install and operate a digital light emitting diode (LED) screen sign for third-party advertising on the western façade of the Cropley Drive overpass. The screen will have an advertising display area of 12.58 m by 3.30 m (41.51 m<sup>2</sup>).

The application also proposes new electrical cabling, logo box, webcam, fall arrest system, access hatch and an access platform on the overpass. Decorative metal cladding would also be provided along the length of the overpass across both inbound and outbound lanes.

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

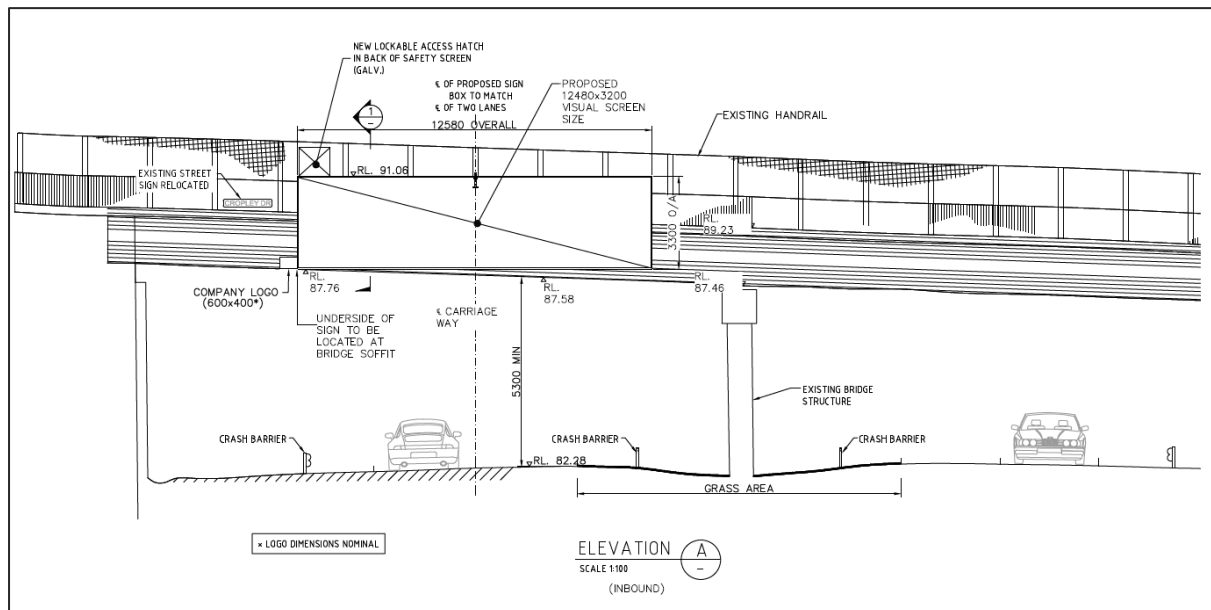
**Table 1 | Main Components of the Project**

Aspect	Description
<b>Signage display area</b>	12.58 m by 3.30 m (41.51 m <sup>2</sup> ) for the primary sign, and a separate static 0.25 m <sup>2</sup> logo box
<b>Backing</b>	The sign will be mounted in a cabinet with a depth of 920 mm
<b>Decorative metal cladding</b>	Decorative metal cladding along the length of the overpass across both inbound and outbound lanes
<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 5.3 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>Signage illumination</b>	6,000 cd/m <sup>2</sup> to 118 cd/m <sup>2</sup> , subject to lighting conditions





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



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



## 3 Statutory Context

### 3.1 Consent authority

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

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

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

### 3.2 Permissibility

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

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

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

### 3.3 Integrated development

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

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

### 3.4 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

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

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

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

## 4 Engagement

### 4.1 Department's engagement

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

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

### 4.2 Summary of submissions

In response to the exhibition of the DA, the Department received comments from The Hills Shire Council and City of Parramatta Council, and advice from TfNSW. No public submissions were received.

### 4.3 Key issues raised in submission

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

**Table 2 | Summary of key issues raised by Council and government agencies**

The Hills Shire Council	
SEE	<ul style="list-style-type: none"><li>Council has no objection to the proposal.</li></ul>
City of Parramatta Council	
SEE	<ul style="list-style-type: none"><li>The sign must comply with the Australian Standards criteria and Guidelines</li><li>Occupation of Local or Regional Roads require a Road Occupancy Permit from Council</li><li>No specific comments regarding the proposed sign as it is located within The Hills Shire Council.</li></ul>
Transport for NSW	
SEE	<ul style="list-style-type: none"><li>Provided concurrence under section 138 of the Roads Act 1993</li><li>Provided recommended conditions of consent including compliance with the Guidelines, controls relating to the type of images displayed, minimum dwell times of 25 seconds, road occupancy licence requirements and costs associated with the proposed sign</li></ul>

#### **4.4 Response to submissions**

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

On 30 June 2023, the Applicant lodged a Response to Submissions (RtS) which included details of the public benefit offer and amended architectural plans detailing the height of the existing mesh safety screen.

The Department made the RtS publicly available on its website. No submissions were received on the RtS.



## 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.

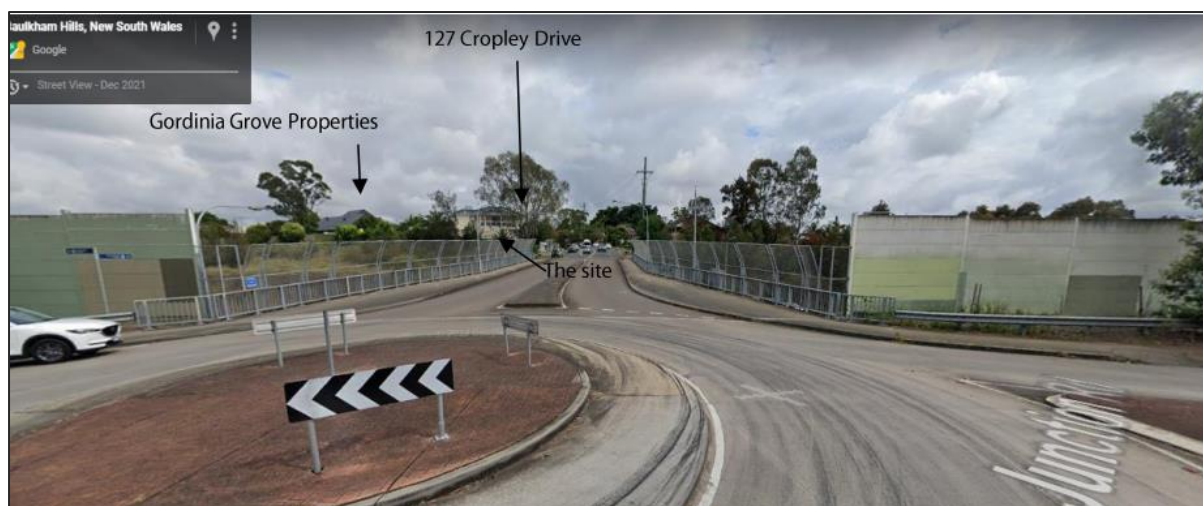
### 5.1 Visual impact

The visual impact of the proposed sign was considered in the Applicant's SEE. The proposed sign would be visible to drivers travelling eastbound on the M2 Motorway. The nearest sensitive receivers (**Figure 8**) are:

- residents located to the south of the site at 114 and 116 Junction Road (located approximately 50 m from the site) who may experience filtered views of the side and rear of the sign (**Figure 9**),
- residents in two storey dwellings located to the north the site at 127 Cropley Drive (located approximately 30 m from the site), and at 17, 19, 27 and 31 Gordonia Grove (located approximately 55 m to 190 m from the site) (**Figure 10**), who may experience filtered views of the sign.



**Figure 8 |** Nearest sensitive receivers (Base source: NearMap)



**Figure 9** | View of the site from 114-116 Junction Road (Source: Applicant's SEE)



**Figure 90** | View from north of the overpass at 127 Cropley Drive (Source: Applicant's SEE)

The Applicant concludes the proposed sign would not result in adverse visual impacts to these residences as the proposed sign would not be viewed front on, would be viewed as part of the existing overpass infrastructure and would not dominate the skyline. Other residences to the north and south of the site would be screened from the sign due to the surrounding topography, acoustic walls and mature vegetation.

The Department considers the proposed visual impacts are acceptable as:

- the proposed sign would not protrude above the overpass and dominate the skyline
- the design of proposed sign is consistent with other advertising signs along the M2 Motorway
- the proposed sign would be viewed as part of the existing overpass from the adjacent residences and would comply with the maximum illuminance limit of 2 lux at all nearby residential receivers



- the proposed sign sits within a road cutting, is largely screened from the surrounding residences due to the topography, acoustic walls and mature vegetation.

The Department is therefore satisfied the proposal would not result in any significant visual impacts to the surrounding receivers.

## 5.2 Illumination

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

The Applicant's Lighting Impact Assessment identifies the site as being A3 (medium district brightness in suburban towns and cities) under AS 4282, and Zone 4 (low-level off-street ambient lighting) under the Guidelines. The maximum luminance level set under AS 4282 applies only to the night-time and is 250 cd/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, 500 cd/m<sup>2</sup> during morning or evenings or incremental weather, and 70 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 as:

- the proposed digital signage has a maximum brightness (luminance) of 8000 cd/m<sup>2</sup>. Accordingly, the screen will be programmed with a maximum screen luminance of 8000 cd/m<sup>2</sup> when full sun strikes the face of the sign (maximum brightness), 6000 cd/m<sup>2</sup> during normal daytime operation, 500 cd/m<sup>2</sup> during twilight and inclement weather and 70 cd/m<sup>2</sup> during night-time. These luminance levels comply with both the AS and Guidelines
- the potential light during night-time operations has been modelled to confirm that the proposed sign complies with the maximum limit of 2 lux at all nearby residential receivers under AS 4282. The modelling is conservative and assumes no mature vegetation or barriers exist between the sign and surrounding development, when in effect there is the existing acoustic wall and mature vegetation that will further restrict light spill from the site to surrounds
- the assessment recommends that 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.

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.

### 5.3 Road safety

The proposed sign will be mounted to the façade of an existing overpass for Croleby Drive that spans over the M2 Motorway.

The Applicant provided a Traffic Safety Assessment (TSA) assessing the location and operation of the proposed sign against the Guidelines, SEPP IE, 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 determined:

- 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
- there is a large retaining wall that prevents the driver from being distracted from cars or other activities outside of the M2 Motorway corridor, ensuring drivers have an unimpacted long-distance view of the sign. At the approach to the sign and overpass, drivers will not be able to view the sign until they are within 450 m of the site, and will not recognise the sign as advertising until within 200 m of the site (see **Figure 11**)
- there are no decision-making points within view of the sign and therefore will not require any rapid or complex decision making by drivers
- an overhead Variable Message Sign (VMS) is located approximately 300 m before the sign. The view range of the VMS is before the practical view range of the sign and therefore would not impact on a driver's observation and understanding of the VMS content
- there are two signs located approximately 190 m and 13 m before the sign, indicating the start of a bus lane. The bus lane starts before the proposed sign and continues beyond the overpass to the bus stop located 175 m past the sign and therefore buses will remain in the bus lane and will not merge into the traffic lanes in the area
- the sign will comply or is capable of complying with the Guidelines and SEPP IE subject to recommendations, and as such will not compromise the safety of road users.

TfNSW provided concurrence on 8 May 2023 subject to general terms of approval, including compliance with the Guidelines, controls relating to the type of images displayed, minimum dwell times of 25 seconds, road occupancy licence requirements and costs associated with the proposed sign.





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

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

The Department also recommends conditions of consent to ensure the sign does not contain or use any method of illumination that distracts or dazzles drivers in accordance with the requirements of the SEPP IE and the Guidelines. Further, a conditions is recommended requiring the completion of a Road Safety Assessment (RSA) after 12 months of operation, with any safety concerns identified being rectified by the applicant.

## 5.4 Other issues

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

**Table 3 | Other issues**

Issue	Findings	Recommendations
<b>Heritage</b>	<ul style="list-style-type: none"> <li>The Balcombe Heights Community Buildings Complex and Cropley House Heritage Conservation Area is located approximately 100 m north of the proposed sign and is of local heritage significance.</li> <li>The Department notes the proposed sign is not visible from the heritage conservation area.</li> <li>The Department is therefore satisfied that the proposal will not have any adverse heritage impacts.</li> </ul>	No additional conditions required.
<b>Public benefit</b>	<ul style="list-style-type: none"> <li>Clause 3.11(2) of SEPP IE requires that public benefits are considered in connection with an advertisement if the Minister is the consent authority.</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 outlines that 22% of revenue generated from the proposed sign will be allocated to The Hills Shire Council via the TfNSW Motorship Partnerships and 5% of advertising time will allocated to TfNSW for safety awareness campaigns.</li> <li>The revenue generated from the proposed sign will be provided to Council to improve traffic safety, public transport services and public amenity and provide other community benefits.</li> <li>The Department has considered the PBO and is satisfied that the proposal will provide public benefits by contributing to improve local community services and facilities in line with the Guidelines and SEPP IE.</li> </ul>	The Department recommends a condition regarding how revenue has been used to provide a public benefit.
<b>Dwell times</b>	<ul style="list-style-type: none"> <li>The Guidelines specify that dwell times for an image display must not be less than 25 seconds for areas where the speed limit is above 80km/h, and that the transition time between messages must not be more than 0.1 seconds.</li> <li>The sign proposes a dwell time for image display limited to no less than 25 seconds, and a transition time of 0.1 seconds.</li> <li>The Department finds that the proposed dwell time and transition time for advertisements would comply with the Guidelines. The Department recommends imposing a condition for the dwell time and transition time.</li> </ul>	The Department recommends a condition specifying the dwell time and transition time.

## 6 Evaluation

The Department considers the proposal is acceptable for the following reasons:

- the proposal meets the relevant statutory requirements under SEPP IE
- the proposal will not adversely impact the safety or operation of the road network and TfNSW has issued concurrence
- the sign will not have significant visual impacts to the surrounding properties as it will be contained within the existing overpass in the motorway corridor, and screened by the existing acoustic walls and surrounding vegetation
- the significance and curtilage of surrounding heritage items will remain unaffected
- the operation of the sign will comply with the relevant Australian Standards and Guidelines
- the sign will deliver appropriate public benefits for local community services and facilities.
- conditions are imposed regulating the use of the sign including road safety, dwell times, illumination and advertising signage content.

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

## 7 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to 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 DA 23/2906, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (**Appendix D**)

**Recommended by:**



**Rodger Roppolo**  
Senior Planning Officer  
Key Sites Assessments

**Recommended by:**



**Cameron Sargent**  
Team Leader  
Key Sites Assessments



## 8 Determination

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



16 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's website as follows:

1. Statement of Environmental Effects

<https://www.planningportal.nsw.gov.au/daex/exhibition/digital-advertising-sign-cropley-drive-overpass-m2-motorway-baulkham-hills-da-232906>

2. Submissions

<https://www.planningportal.nsw.gov.au/daex/exhibition/digital-advertising-sign-cropley-drive-overpass-m2-motorway-baulkham-hills-da-232906>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/daex/exhibition/digital-advertising-sign-cropley-drive-overpass-m2-motorway-baulkham-hills-da-232906>

## Appendix B – Community Views for Draft Notice of Decision

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

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

Issue	Consideration
<b>Use of the sign</b> The sign must comply with all criteria set out by Australian Standards and Transport Corridor Outdoor Advertising and Signage Guidelines.	The Department has imposed conditions to ensure the sign complies with the criteria set out by Australian Standards and Transport Corridor Outdoor Advertising and Signage Guidelines including road safety, dwell times, illumination and advertising signage content.
<b>Requirement for Road Occupancy Permit</b>	The Department has imposed a condition requiring a road occupancy permit to be obtained from Council for the occupation of any part of the footpath or road at or above on any Local or Regional Roads for the carrying out of work, storage of building materials and the like.

## 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 ( <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 proposal would not adversely impact the heritage significance of surrounding items, including any existing or potential archaeological remains. This is further discussed in <b>Section 5</b> .
(g) to promote good design and amenity of the built environment,	The proposal would not adversely impact the amenity of the surrounding area.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposed upgrades would be installed, maintained, and operated in accordance with the relevant standards and codes.
(i) to promote the sharing of the responsibility for environmental planning	The Minister is the consent authority for this application. The Department has consulted with Council ( <b>Section 4</b> ).

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

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

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

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

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed further below.
(a)(ii) any proposed instrument	Consideration of any proposed instruments is provided below.
(a)(iii) any development control plan	The Hills Shire Council Development Control Plan applies to the site. The DCP contains controls for signage and is considered further below.
(a)(iia) any planning agreement	The proponent has 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.
(e) the public interest	The Department considers the proposal to be in the public interest.

### Environmental Planning Instruments

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

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



- The Hills Development Control Plan (THDCP).

### Roads Act 1993

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

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

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

SEPP IE applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed advertising signage has been assessed against the relevant requirements of SEPP IE in **Table 3** and the specific assessment criteria of Schedule 5 of SEPP IE in **Table 4**.

**Table 3 | SEPP IE Compliance Assessment**

Clause	Criteria	Comments
<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 and adjacent two-storey residences. The proposed sign sits within the existing overpass structure and does not protrude above the dominant skyline.</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 signs along the M2 Motorway.</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 (see <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	<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 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>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 Department is satisfied that the proposed sign is compatible with the site and would not adversely impact surrounding land uses.</p>
<p>3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</p>	<p>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.</p>	<p>The proposed sign is greater than 20 m<sup>2</sup> in area and 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>.</p>
<p>3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road</p>	<p>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.</p>	<p>This provision does not apply as the Minister is the consent authority.</p>
<p>3.18 Location of certain names and logos</p>	<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>	<p>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 existing advertising signs along the M2 Motorway, 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.</p>
<p>3.19 Roof or sky advertisements</p>	<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>
<p>3.22 Advertisements on bridges</p>	<p>The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>The proposal has been assessed against the Guidelines in <b>Table 5</b>.</p>

**Table 4 | SEPP IE 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 signs along the M2 Motorway.
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 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 proposed sign will be mounted on an existing overpass and does not project above or below the existing overpass. It does not dominate the skyline. Because of the presence of the existing acoustic walls and mature vegetation, the proposed sign will also be largely obscured from surrounding areas.
<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 is compatible with the scale, proportion, and form of this overpass. It is appropriate for its setting within a road corridor.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign is designed to fit with the existing overpass and road corridor, rather than visually contributing to the streetscape of the surrounding area. The proposed sign is largely screened from the surrounding area and therefore will not detract from the setting or landscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not replace or remove any existing advertising, and as such does not reduce clutter.
Does the proposal screen unsightliness?	The proposed sign will be mounted on the elevation of the existing overpass and does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign would be mounted to the elevation of existing overpass and, while visible in the streetscape, does not protrude above surrounding buildings or trees.
Does the proposal require ongoing vegetation management?	The proposed sign does not require any ongoing vegetation management.

## 5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign is limited 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 signs along the M2 Motorway.
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 would comply with the Guidelines and Australian Standards with respect to illumination as detailed in <b>Section Error! Reference source not found..</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 Guidelines outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of SEPP IE by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in **Table 5** below.

**Table 5 | Assessment of the Guidelines design criteria**

Assessment Criteria	Comments
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## Land Use Compatibility Criteria (Table 1)

Outdoor advertising should not be inconsistent with the LEP land use objectives for the area.	<p>Although signage is a prohibited use under the SP2 zone, the proposal is generally consistent with the objectives of the SP2 Zone under the THLEP 2019 as it will generate revenue used to maintain surrounding local infrastructure, display road safety messages 5% of the time and would not interfere with the operation of the road corridor.</p> <p>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>).</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 is not visible from any environmentally sensitive areas, heritage areas, natural or other conservation areas, open spaces, waterways, scenic protection area, national park or nature reserve.</p> <p>The nearest sensitive receivers are:</p> <ul style="list-style-type: none"> <li>• residents located to the south of the site at 114 and 116 Junction Road, who may experience filtered views of the rear of the sign</li> <li>• residents in two storey dwellings located to the north of the site at 127 Cropley Drive and at 17, 19, 27 and 31 Gordonia Grove, who may experience filtered views of the sign</li> </ul> <p>The proposed sign would not result in significant visual impacts to these receivers and is considered further in <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 proposed sign would be wholly contained within the western elevation of the overpass. The proposed sign would sit below the existing safety mesh screen and would not protrude above the skyline or obscure/compromise significant views or views that add character to the area.
Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The Balcombe Heights Community Buildings Complex and Cropley House Heritage Conservation Area is located approximately 100 m north of the proposed sign and is of local heritage significance. The proposed sign is not visible from the heritage conservation area.
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 proposal is consistent with the context of the M2 Motorway.
<b>2.5 Site-Specific and Structural Criteria</b>	
<b>2.5.1 General Criteria</b>	
The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed sign is of a contemporary standard that is suitable for the road corridor.
The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or	The proposed sign would be contained within the western elevation of the overpass and is compatible with surrounding signs along the M2 Motorway.

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 proposed sign does not detract from any important features of the site and is consistent with other signs along the M2 Motorway.

The placement of the advertising signage should not require the removal of significant trees or other native vegetation.

The proposal does not require the removal of any vegetation.

The advertisement proposal should incorporate landscaping that complements the advertising signage and is in keeping with the landscape and character of the transport corridor.

The proposal will not incorporate landscaping.

Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.

The proposed sign would be mounted in a cabinet and would contain associated infrastructure necessary to operate the sign including new electrical cabling, logo box, webcam, fall arrest system, access hatch and an access platform on the overpass.

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

The illumination of the advertising signage does not result in unacceptable light spill (refer to **Section 5** of this report).

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

The proposal does not result in unacceptable light spillage to nearby residential properties, national parks or nature reserves (refer to **Section 5** of this report).

### 2.5.5 Bridge Signage Criteria

Architecture of the bridge must not be diminished.

The proposed sign would be contained within the existing overpass and would not diminish the architecture of the bridge.

- The advertisement must not extend laterally outside the structural boundaries of the bridge
- The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached, unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8m.
- On a road or pedestrian bridge, the advertisement must:
  - not protrude above the top of the structural boundaries of the bridge
  - not block significant views for pedestrians or other bridge users.
  - not create a tunnel effect, impede passive surveillance or in any other way reduce safety for drivers or pedestrians or other bridge users.

The proposed sign is within the structural boundaries of the bridge, and does not extend above or below the existing bridge.

The proposed sign will not block significant views for pedestrians or other bridge users.

The proposed sign will not reduce passive surveillance or reduce safety for drivers, pedestrians or bridge users.

A development application must include a statement demonstrating how the advertisement will contribute to a public benefit.

The Applicant has provided a statement of public benefit. This is addressed in **Section 5** of this report.

Any advertising sign proposed for development on a bridge over a classified road requires the construction drawings to be submitted for review and approval by TfNSW bridge engineers, prior to construction, to ensure all road safety requirements are met.	The Department recommends a condition of consent requiring structural drawings to be prepared and signed by a suitably qualified practising Structural Engineer and submitted to the satisfaction of the TfNSW engineers prior to the commencement of works.
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Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over-high vehicle.	The Department recommends a condition of consent requiring details of the 'fall arrest' system be submitted to the satisfaction of TfNSW prior to the commencement of works.
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### 2.5.8 Digital signs (Table 3)

(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	The proposal would have a dwell time of 25 seconds. This is included as a recommended condition of consent.
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	The proposal is not seeking consent for message sequencing. This is included as a recommended condition of consent.
(c) The image must not be capable of being mistaken: (i) for a prescribed traffic control (ii) device as text providing driving instructions to drivers.	The proposal would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions. This is included as a recommended condition of consent.
(d) Dwell times for image display are: i. 10 seconds for areas where the speed limit is below 80km/h; and ii. 25 seconds for areas where the speed limit is 80km/h and over.	The proposal would have a dwell time of 25 seconds. This is included as a recommended condition of consent.
(e) The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	The proposed transition time between messages is 0.1 second. This is included as a recommended condition.
(f) Luminance levels comply with the following requirements: 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, 500 cd/m <sup>2</sup> during morning or evenings or incremental weather, and 70 cd/m <sup>2</sup> at night.	The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 4 (refer to <b>Section 5</b> of this report) and would comply with the luminance criteria.
(g) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The images would not dazzle or distract drivers. A condition of consent is recommended to ensure that the sign images comply with requirements to not contain flickering or flashing content.
(h) The amount of text and information supplied on a sign should be kept to a	The advertisements would primarily display images with information/text kept to a minimum. A condition of consent is

minimum. Text should preferably be displayed in the same font and size.	recommended to ensure that text and information is kept to a minimum.
(i) Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	The sign is not visible from a school zone.
(j) Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	The Department has undertaken detailed assessment of the design and location of the proposal ( <b>Section 5</b> ).
(k) At any time, including where the speed limit in the areas of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign.	TfNSW may reassess the sign 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.
(l) 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.	<p>There is one small sign located approximately 13 m before the sign indicating the start of a bus lane. The bus lane starts before the proposed sign and continues beyond the overpass to the bus stop located 175 m past the sign and therefore buses will remain in the bus lane and will not merge into the traffic lanes in the area.</p> <p>TfNSW provided concurrence on 8 May 2023 and their recommended conditions of consent have been included in the conditions.</p>
<p>(m) Signs greater than or equal to 20sqm must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <p>i. 2.5m from lowest point of the sign above the road surface if located outside the clear zone</p> <p>ii. 5.5m from lowest point of the sign 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.</p> <p>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.</p>	<p>The sign is greater than 20 m<sup>2</sup> and TfNSW provided concurrence on 8 May 2023.</p> <p>The sign would be affixed to the overpass and would maintain the minimum vertical clearance of the overpass.</p>
(n) An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint.	Conditions will be imposed to maintain electronic log of the sign's operational activity
(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out	This is included as a recommended condition of consent.



in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation.

### 3.2.1 Road clearance

The advertisement must not create a physical obstruction or hazard.

The proposed sign would be contained within the existing overpass and would not result in any physical obstruction or hazard.

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 proposed sign is not located within a clear zone.

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 be contained within the existing overpass and a condition has been included requiring the proposal to comply with AS 1170.1 and AS 1170.2.

### 3.2.2 Line of Sight

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

The sign is confined to the envelope of the existing overpass and will not obstruct views beyond that of the existing overpass.

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

The sign will not give incorrect information on the alignment of the road.

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

The sign is located front-on and will not require the drivers to direct their attention away from the road.

The sign should not be located:

- less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves
- less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment
- so that it is visible from the stem of a T-intersection.

An assessment against the road safety requirements is provided in **Section 5**.

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

The placement of the sign will not distract drivers at critical times. An assessment against the road safety requirements is provided in **Section 5**.

### 3.3.1 Advertising signage and traffic control devices

The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.

The proposal will not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment as the proposed sign does not overhang the overpass and is not located in proximity to any signals or devices.

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

The proposal will not interfere with stopping sight distance for the road's design speed and would not interfere with the effectiveness of the existing traffic control devices.

### 3.3.3 Illumination and reflectance

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

The Applicant's Lighting Impact Assessment identifies the sign is capable of complying with the Guidelines.

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 sign is a digital light emitting diode (LED) advertising panel. The proposal would not result in unacceptable glare for traffic approaching the sign.

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 would 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 and is recommended as a condition of consent.

Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

No message sequencing is proposed.

### Public Benefit

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

As addressed in **Section 5.4**, the proposal could provide public benefits by improving traffic safety, public transport services and public amenity and provide other community benefits in accordance with the Guidelines.

TfNSW must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

This is recommended to be included as a condition of consent.

## 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 and Cropley Drive 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>The Department is satisfied that the proposed sign can be installed and operated without compromising the safety of both the M2 Motorway and Cropley Drive. 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 when obtaining concurrence under the <i>Roads Act 1993</i>.</p>

### **The Hills Local Environment Plan 2019**

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

The site is located 100 m south of the Balcombe Heights Community Buildings Complex and Cropley House Heritage Conservation Area listed in Schedule 5 of the THLEP 2019. The Department is satisfied that the development will not affect the heritage significance or conservation of these items. This is discussed further in **Section 5**.

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

### **The Hills Development Control Plan 2012**

The Hills Development Control Plan 2012 (THDCP) applies to the site. Part C Section 2 of THDCP contains controls for advertising and signage. The THDCP does not contain any specific controls for advertising signage on overpasses or bridges.

### **Ecologically sustainable development**

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes, and that ESD can be achieved through the implementation of the precautionary principle, inter-generational equity, the conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms.

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

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

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification and Fees have been complied with.

## Appendix D – Recommended Instrument of Consent

The recommended conditions of consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/daex/exhibition/digital-advertising-sign-cropley-drive-overpass-m2-motorway-baulkham-hills-da-232906>