



Digital Advertising Sign – Ixion Street Pedestrian Bridge, Baulkham Hills

Development Application Assessment DA 23/4396 (PAN-320910)

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Subtitle: Development Application Assessment DA 23/4396 (PAN-320910)

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

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Glossary

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

Executive Summary

G.O. SIGNAGE NOMINEES PTY LTD & OSTOR (NO 14) PTY LTD (the Applicant) seeks development consent for the installation and operation of a new digital advertising sign and associated cladding on the western elevation of the Ixion Street pedestrian overpass on the Hills M2 Motorway (M2) at Baulkham Hills (DA 23/4396).

Engagement

The Department of Planning and Environment publicly exhibited the development application (DA) from 26 April 2023 to 11 May 2023. Advice was sought from The Hills Shire Council, City of Parramatta Council and Transport for New South Wales (TfNSW).

The Department received three submissions during exhibition. These comprised of comments from The Hills Shire Council, City of Parramatta Council and TfNSW. The Hills Shire Council and City of Parramatta Council raised no issues. TfNSW recommend approval, subject to conditions.

The Department did not receive any public submissions.

On 6 July 2023, the Applicant lodged a Response to Submissions (RtS) to address additional information requested by the Department. The RtS included details of the public benefit offer and additional information on visual impacts.

Assessment

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

The Department considers the proposal acceptable as:

- it meets the relevant statutory requirements and complies with IE SEPP
- it would not adversely impact the safety or operation of the road network, including the road clearance, lines of sight, driver decision making, and risk of accidents subject to the recommended conditions of consent
- would not have adverse visual impacts to 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 illumination and luminance would comply with the relevant Australian Standards and Guidelines
- the sign delivers appropriate public benefits by allocating 5% of advertising time to TfNSW for safety awareness campaigns, and 22% of revenue to TfNSW would 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 have raised no issues, subject to conditions to ensure the safe installation, maintenance, and operation of the proposed sign

- recommended conditions of consent would manage potential road safety and amenity impacts, including dwell time and transition time between advertisements, the luminance levels of the sign, and preparation of independent lighting and road safety audits.

Conclusion

The Department's assessment concludes the proposal is appropriate as it would not result in any adverse amenity, visual, or road safety impacts and is consistent with the requirements of IE SEPP 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 23/4396) lodged by G.O. SIGNAGE NOMINEES PTY LTD & O S T O R (NO 14) PTY LTD (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent for the installation of a new digital advertising sign and associated cladding works on the western elevation of the Ixion Street pedestrian overpass on the Hills M2 Motorway (M2) at Baulkham Hills.

1.2 The site

The sign is proposed to be installed on the western elevation of the Ixion Street pedestrian overpass that spans over the eastbound lanes of the M2 in Baulkham Hills. The overpass connects the suburbs of Baulkham Hills (north) with Winston Hills (south) and provides pedestrian access between the suburbs. The ramp to the overpass leads to Leatherwood Court in the north, and to a public reserve (Timbergetters Reserve) in the south.

There is an existing digital advertising sign on the eastern elevation of the overpass facing the westbound lanes of the M2. Photographs of the overpass and surrounding context are provided at **Figures 1 to 5** below.



Figure 1 | Site context map (base source: NearMap, February 2023)

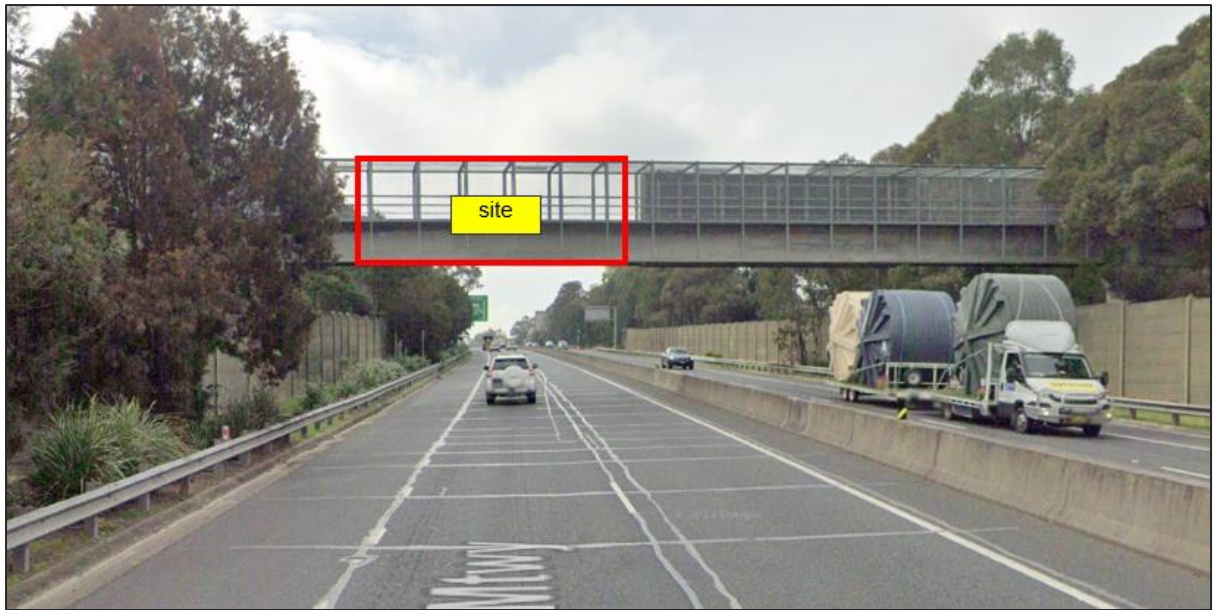


Figure 2 | View of the site (base source: Google Streetview, August 2022)



Figure 3 | View of the existing digital advertising sign and decorative cladding (base source: Google Streetview, August 2022)



Figure 4 | View of the overpass looking south towards Winston Hills (source: Department photograph, May 2023)



Figure 5 | View of the overpass looking west along Junction Road, showing the existing sign, mature tree planting and M2 acoustic wall (base source: Department photograph, May 2023)

1.3 Site surrounds

The immediate surrounding area to the north and south is characterised by low density residential development. Timbergetters Reserve and Winston Hills Public School is located south-east of the site.

Surrounding development is separated from the site by a change in elevation, acoustic walls and mature tree planting on either side of the M2.

2 Project

2.1 Proposed development

The development application seeks consent for the consent for the installation of a new digital advertising sign and associated cladding works on the western elevation of the Ixion Street pedestrian bridge overpass on the Hills M2 Motorway (M2) at Baulkham Hills.

The main components of the proposal are outlined in **Table 2** and shown in **Figure 6** and **Figure 7**.

Table 1 | Main Components of the Project

Aspect	Description
Signage structure	The signage structure would measure 12.58 m by 3.3 m (41.51 m ²)
Signage display area	The signage display area would measure 12.48 m by 3.20 m (41.76 m ²). A separate static logo box measuring 0.6 m by 0.4 m (0.25 m ²)
Backing	The sign will be mounted in a cabinet with a depth of 920 mm
Decorative panel	Decorative metal cladding to extend across the full horizontal length of the overpass bridge, including both the inbound and outbound lanes.
Road clearance	The sign and decorative panel will be aligned with the underside of the overpass bridge, maintaining the same minimum 5.5 m clearance height to the road beneath
Content	Third-party advertising (95% of time) and road safety advertising (5% of time)
Display dwell time	25 second dwell time
Display transition period	0.1 second transition time
Signage illumination	8,000 cd/m ² to 97 cd/m ² , subject to lighting conditions
Operation	24-hours-a-day, 7-days-per-week



Figure 6 | Photomontage of the proposed sign and decorative panelling (Source: Applicant's SEE)

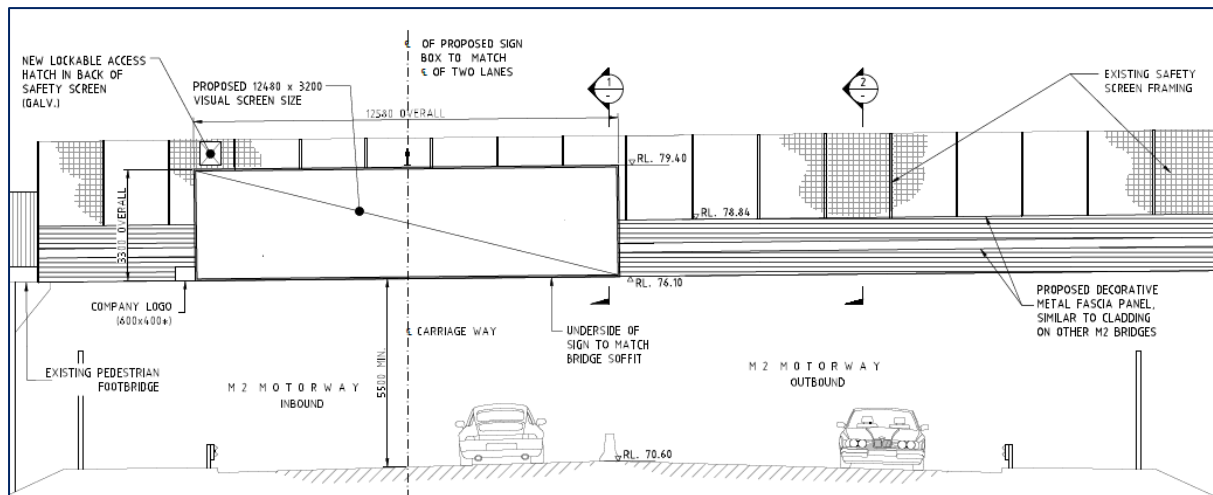


Figure 7 | Plan of the proposed sign (Source: Applicant's SEE)

3 Statutory Context

3.1 Consent authority

The Minister for Planning and Public Spaces is the consent authority under Clause 3.10(e) of 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 Hills Local Environmental 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, the IE SEPP further permits that notwithstanding any other environmental planning instrument (EPI), the Minister may grant consent to an application for the display of an advertisement on transport corridor land and associated adjacent land which includes the M2 Motorway under Clause 3.14(1)(c) of the SEPP.

The application is therefore permissible with consent.

THLEP 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 at least 14 days from 26 April 2023 to 11 May 2023. The application was exhibited on the NSW Planning Portal.

The Department also notified adjoining landholders, The Hills Shire Council (Council), the adjacent City of Parramatta Council, and Transport for NSW (TfNSW) in writing.

The Department has considered the comments raised in the submissions below and in **Section 5** and **Appendix B**.

4.2 Summary of submissions

The Department received submissions making comments from Council, City of Parramatta Council and TfNSW. No public submissions were received. A link to submissions is provided in **Appendix A**.

4.3 Key issues – Government agencies

TfNSW raised no concerns on the proposal, subject to recommended conditions including:

- complying with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines)
- restrictions on the images displayed on the sign
- dwell times shall be shorter than 25 seconds
- preparation of a Road Safety Audit after 18 months of operation
- delineation for the Bus Lane is to be amended in accordance with the Bus Lane Delineation technical direction prior to installation of digital advertising sign

4.4 Key issues – Council

Council advised they had no objection to the proposal and City of Parramatta Council advised they had no comments to make on the proposal.

4.5 Response to submissions

The Department requested that the Applicant respond to TfNSW comments and provide additional information on the visual impacts of the sign, crash data for the existing sign, and submission of the executed public benefit offer.

On 5 July 2023, the Applicant lodged a response which included:

- a Road Safety Check of the existing sign completed in February 2019, confirming no crashes at the site since installation of the sign in November 2017

- additional visual impact analysis confirming there would be no adverse visual impact of the sign from residential development in Leatherwood Court and Junction Road
- the executed public benefit offer

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

5 Assessment

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

- visual impact
- illumination
- road safety.

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

5.1 Visual impact

The visual impact of the proposed sign was considered in the Applicant's SEE and within the RtS. The proposed sign would be visible to drivers travelling eastbound on the M2 Motorway. The nearest sensitive receivers are the residents located to the north in Leatherwood Circuit, and to the south in Junction Road (**Figure 1**). The Applicant concludes the proposed sign would not result in adverse visual impacts to these residences as:

- it is not possible to view the western elevation of the pedestrian bridge from the public domain of Leatherwood Court. The Leatherwood Court carriageway sits well below the Motorway, and the landscaped embankment with its mature tree canopies and acoustic barrier buffer the residential area from the Motorway (**Figure 8**)
- the residences in Junction Road will not have views to the sign, as Junction Road sits well below the height of the acoustic barrier and the associated landscaped embankment with its mature tree canopies (**Figure 9**).



Figure 8 | View from Leatherwood Circuit looking east towards the pedestrian bridge (Source: Applicant's SEE)



Figure 9 | View from Junction Road looking east towards the pedestrian bridge (Source: Applicant's SEE)

The Department considers the proposed visual impacts are acceptable as:

- the proposed sign is screened from the surrounding residences due to the topography, acoustic walls and mature vegetation
- 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 Department is therefore satisfied the proposal will not have adverse visual impacts to 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/m². The AS 4282 does not nominate a day-time luminance level, and instead reference is made to the Guidelines which specifies no maximum applies when the sun is projecting straight onto the face of the sign, a maximum of 6,000 cd/m² in other daytime conditions, 500 cd/m² during morning or evenings or incremental weather, and 200 cd/m² at night.

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

- the proposed digital signage has a maximum brightness (luminance) of 8000 cd/m². Accordingly, the screen will be programmed with a maximum screen luminance of 8000 cd/m² when full sun strikes the face of the sign (maximum brightness), 6000 cd/m² during normal daytime operation, 500 cd/m² during twilight and inclement weather and 97 cd/m² during night-time. These luminance levels comply with both AS 4282 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.

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

5.3 Road safety

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

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

The TSA determines the following for the proposed sign:

- 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 acoustic 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, drivers will not be able to view the sign

until they are within 300 m of the site, and will not recognise the sign as advertising until within 190 m of the site (**Figure 10**)

- there are no decision-making points within view of the sign and therefore will not require any rapid or complex decision making by drivers
- the kerbside bus lane merge into lane 1 occurs when the proposed sign is still relatively small in the field of view (165 m from the site of the proposed sign) and beyond any potential distraction range of it. However, bus drivers avoid using the narrow bus lane on approach to the merge and opt to merge earlier after the Gordon Reserve stop (approximately 520 m from the site of the proposed sign) where the lane is wider
- the sign will comply or is capable of complying with the Guidelines and IE SEPP, subject to recommendations, and as such 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)

TfNSW provided its approval, subject to conditions, including complying with the Guidelines, obtaining a Road Occupancy Licence for the works, restrictions on the images displayed on the sign, minimum dwell times, undertaking a Road Safety Audit after 18 months of operation, and delineation of the Bus Lane to be amended in accordance with the Bus Lane Delineation Technical Direction.

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 will not result in an adverse road safety risk. The Department recommends that TfNSW conditions of approval are imposed in the consent.

5.4 Other issues

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

Table 3 | 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 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. 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. 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 IE SEPP. 	<p>The Department recommends a condition requiring 22% of the net total amount of outdoor advertising revenue received each year by The Hills Motorway Limited to be given to TfNSW and recorded in TfNSW's financial accounts and Annual Reports. The Annual Reports must also outline how revenue has been applied to provide a public benefit in the areas of transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.</p>
Dwell times	<ul style="list-style-type: none"> The Guidelines specify that dwell times for 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. The sign proposes a dwell time for image display limited to no less than 25 seconds, and a transition time of 0.1 seconds. 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. 	<p>The Department recommends imposing a condition specifying the dwell time and transition time.</p>

6 Evaluation

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

- the proposal meets the relevant statutory requirements under IE SEPP
- the proposal will not adversely impact the safety or operation of the road network and TfNSW has recommended approval, subject to conditions
- the sign will not have adverse visual impacts to the surrounding properties as it will be contained within the existing overpass in the motorway corridor, and is screened by 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 recommended 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 Acting Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval 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 23/4396, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (**Appendix C**).

Recommended by:

A handwritten signature in black ink, appearing to read 'R. Roppolo'.

Rodger Roppolo

Senior Planning Officer
Key Sites Assessments

8 Determination

The recommendation is **adopted** / ~~not adopted~~ by:

A handwritten signature in blue ink, appearing to be 'CS', is written over a horizontal line.

1.09.2023

Cameron Sargent

Acting 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-ixion-street-pedestrian-bridge-baulkham-hills-da-234396>

2. Submissions

<https://www.planningportal.nsw.gov.au/daex/exhibition/digital-advertising-sign-ixion-street-pedestrian-bridge-baulkham-hills-da-234396>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/daex/exhibition/digital-advertising-sign-ixion-street-pedestrian-bridge-baulkham-hills-da-234396>

Appendix B – 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 C).
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 Section 5 .
(g) to promote good design and amenity of the built environment,	The proposal would not adversely impact the amenity of the surrounding area.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposed sign 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 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 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 DA.

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

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed further below in Appendix B .
(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 2012 (THDCP) applies to the site. The THDCP contains controls for signage and is considered 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 (Section 5 and Appendix C).
(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 (Section 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 (IE SEPP)
- 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).

State Environmental Planning Policy (Industry and Employment) 2021

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

Table 3 | IE SEPP 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 generally limited to within the road corridor. • The sign will not impact the safe operation of the road and complies with the Guidelines, ensuring it can communicate safely. • The proposed sign is consistent in design and finish with the existing sign on the eastern façade of the overpass.
	The signage is to satisfy the assessment criteria in Schedule 5.	See relevant assessment in Table 4 .
Part 3.3 Advertisements		
3.8 Prohibited development	The display of an advertisement is prohibited on certain land.	None of the zones or descriptions identified in the SEPP apply to this site.
3.9 Requirement for consent	A person must not display an advertisement except with the consent of the consent authority, unless otherwise provided in the SEPP.	The proposed advertising sign requires consent.
3.10 Consent authority	For the purposes of this Chapter, the consent authority is... the Minister for Planning in the case of an 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 (Section 5). Other relevant requirements of Chapter 3 of the SEPP are addressed in this table. Public benefits are discussed in Section 5.
3.12 Duration of consents	A consent granted under this Part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 (now section 4.20) of the Act.	A condition of consent has been recommended to this effect.
3.14 Transport corridor land	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.	The DA seeks consent for an advertisement displayed on transport corridor land, which includes the M2 Motorway. It is therefore permissible with consent.
	Before determining an application for consent, the Minister may appoint a design review panel.	No design review panel was appointed for this application.
	This section does not apply if the Minister determines the advertisement is not compatible with surrounding land use, taking into consideration the Guidelines.	The Department is satisfied that the proposed sign is compatible with the site and would not adversely impact surrounding land uses.
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	Assessment is required against the criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts.	The proposed sign is greater than 20 m ² in area and has been assessed against Schedule 5 of the IE SEPP in Table 4 below. The Department is satisfied that the sign is acceptable in terms of impacts as detailed in Section 5 .
3.16 Advertisements greater than 20 square metres and within 250 metres	For an advertisement with a display area greater than 20 square metres the concurrence of TfNSW is required, but does not apply when the Minister is the consent authority.	This provision does not apply as the Minister is the consent authority.

of, and visible from,
a classified road

3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <ul style="list-style-type: none"> • appear only within the advertising display area • not be greater than 0.25 square metres • be included in calculating the size of the advertising display area. 	<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 the existing sign on the eastern façade of the overpass, and does not create a visually intrusive or poor quality outcome. The logo box will comply with the 0.25 m² requirement.</p>
3.19 Roof or sky advertisements	<p>The consent authority is satisfied the advertisement replaces one or more existing advertisement or improves the finish and appearance of the building and streetscape.</p> <p>The advertisement is no higher than the highest point of the building that is above the building parapet and is no wider.</p>	<p>While clause 3.22 best applies to the development, the overpass is a 'structure' and therefore a 'building' for the purposes of the EP&A Act.</p> <p>The sign would be mounted on the elevation of the overpass and is not considered to be erected above a parapet, or to be wider than the overpass.</p>
3.22 Advertisements on bridges	<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 Table 5.</p>

Table 4 | IE SEPP Schedule 5 Compliance Assessment

Assessment Criteria	Comments
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is consistent in size and style with the existing sign mounted on the eastern façade of the overpass. It is also congruent with the existing use of the site as a road corridor.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	While there is no theme for outdoor advertising in the area, the proposed sign is consistent with the one existing sign on the eastern façade of the overpass and is consistent with other advertising signs proposed for the M2 Motorway corridor.
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 site is not located within an environmental sensitive, natural or conservation area, heritage areas, open space area, or waterway or rural landscapes.
3 Views and vistas	

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

4 Streetscape, setting or landscape

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

5 Site and building

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

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed advertising sign would be mounted and installed with necessary access, wiring, electrical, and communication infrastructure required to operate the sign.
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7 Illumination

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

8 Safety

<ul style="list-style-type: none"> • Would the proposal reduce safety for: • any public road? • pedestrian or bicyclists? • pedestrians, particularly children, by obscuring sightlines from public areas? 	The Department considers the road safety matters have been satisfactorily addressed and that the proposed sign will not result in an adverse safety risk. This is discussed further in Section 5 .
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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 | Guidelines consideration

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 THLEP 2019, the objectives of which include:</p> <ul style="list-style-type: none"> • providing for infrastructure and related uses • preventing incompatible development that may detract from the provision of infrastructure. <p>The THLEP 2019 does not identify advertisement signage as permitted either with or without consent in this zone. Therefore, the proposed land use is prohibited under the THLEP 2019.</p> <p>However, 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 THLEP 2019 as it will provide for infrastructure and related uses and would not detract from the provision of infrastructure.</p>

Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts:

- Environmentally sensitive area
- Heritage area
- Natural or other conservation area
- Open space
- Waterway
- Residential
- Scenic protection area
- National park or nature reserve.

As discussed in **Section 5**, the proposal would not result in any significant amenity impacts, as the site is largely obscured by the acoustic wall and mature tree planting.

Advertising signage should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant views or views that add to the character of the area.

The advertising structure is located wholly within the western elevation of the bridge overpass, as such it would not dominate or protrude significantly above the skyline and would have acceptable visual impacts.

Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.

The proposal would not result in any heritage impacts.

Advertising signage should be placed within the context of other built structures in preference to non-built areas. Signage should be used to enhance the visual landscape.

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

2.5 Site-Specific and Structural Criteria

2.5.1 General Criteria

The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.

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

The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.

The proposal is compatible with the scale, proportion and other characteristics of the road corridor and the overpass bridge.

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

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

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

The proposal does not require the removal of any vegetation.

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

The proposal will not incorporate landscaping.

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

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

<p>Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.</p>	<p>The sign would be capable of complying with the Guidelines and Australian Standards with respect to illumination.</p>
<p>Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.</p>	<p>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).</p>
<h3>2.5.5 Bridge Signage Criteria</h3>	
<p>Architecture of the bridge must not be diminished.</p>	<p>The architecture of the bridge would be improved through the incorporation of cladding on the western elevation in a similar design to the existing eastern elevation.</p>
<ul style="list-style-type: none"> • The advertisement must not extend laterally outside the structural boundaries of the bridge • The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached, unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8m. • On a road or pedestrian bridge, the advertisement must: <ul style="list-style-type: none"> • not protrude above the top of the structural boundaries of the bridge • not block significant views for pedestrians or other bridge users. • not create a tunnel effect, impede passive surveillance or in any other way reduce safety for drivers or pedestrians or other bridge users. 	<ul style="list-style-type: none"> • The advertising structure would not extend laterally outside the structural boundaries of the bridge. • The overpass bridge has a minimum clearance of 5.5 m. The advertising structure would not extend below the overpass. • The proposal sits well below the height of the safety mesh. • The proposed screen is 12.58 m in length, which is less than half of the horizontal span of the bridge. The design ensures that open and unimpeded views for the bridge area maintained for users. • The low placement of the signage on the elevation ensures that there are clear sight lines to and from the bridge.
<p>A development application must include a statement demonstrating how the advertisement will contribute to a public benefit.</p>	<p>As addressed in Section 5, the proposal would provide public benefits as follows:</p> <ul style="list-style-type: none"> • a portion of the public benefit monies will be given directly to Council, to deliver projects in the local community relating to: <ul style="list-style-type: none"> • improved traffic safety • improved public transport services • improved public amenity within or adjacent to the transport corridor • 5% of advertising will be provided to TfNSW for safety awareness campaigns
<p>Any advertising sign proposed for development on a bridge over a classified road requires the construction drawings to be submitted for review and approval by TfNSW bridge engineers, prior to construction, to ensure all road safety requirements are met.</p>	<p>The Department recommends this be imposed as a condition of consent.</p>
<p>Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over-high vehicle.</p>	<p>The Department recommends this be imposed as a condition of consent to be provided prior to the issue of any Construction Certificate/Crown Building Works certification.</p>

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).
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. 	<p>The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions.</p> <p>The Department recommends this be imposed as a condition of consent.</p>
<p>Dwell times for image display are:</p> <ul style="list-style-type: none"> • 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, 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 seconds 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 4 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: 500 cd/m² • Night time: 200 cd/m² 	The proposal would operate in accordance with the proposed luminance levels of Zone 4 and AS 4282 (Section 5).
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 Department has undertaken a detailed assessment of the design and location of the proposal and considers it is acceptable.

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.
<p>Signs greater than 20 m² must obtain RMS concurrence and must ensure the following minimum vertical clearances:</p> <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 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. <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 Department referred the application to TfNSW who raised no objections to the proposal, subject to recommended conditions of consent.</p> <p>The advertising structure would not alter the clearance of the existing overpass.</p>
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 m ² must be carried out after 12-month period of operation but within 18 months of the sign's installation.	The Department recommends a condition of consent to ensure this matter is complied with.

3.1 Road safety objectives

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

3.2.1 Road clearance

The advertisement must not create a physical obstruction or hazard.	The sign would be mounted to the elevation of the existing pedestrian bridge.
Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone. Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.	The sign would be affixed to the existing overpass bridge and is located outside the clear zone requirements.
All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The Department recommends a condition be imposed requiring the proposal to comply with AS 1170.1 and AS 1170.2.
Digital signs greater than 20 m ² must ensure that no portion of the sign is lower than the minimum vertical clearance under the overpass or supporting structure.	The advertising structure is located on an overpass bridge and would not protrude lower than the overpass.
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.	<p>The signage would be positioned on an overpass above the M2 carriageway and would not obstruct visibility to any vehicles or on the roadway.</p> <p>The proposal would not obstruct visibility of cyclists and pedestrians are not permitted on the M2.</p>
The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.	The proposal would not give incorrect information on the road alignment.
The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposal would be positioned on an overpass above the M2 carriageway and would not require drivers to direct their attention away from the road.
3.2.3 Proximity to decision making points and conflict points	
<p>The sign should not be located:</p> <ul style="list-style-type: none"> 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>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.	Given that the visible distance to the digital signage is 200 m on the east approach, there is sufficient time for motorists to view

the signage without it causing distraction The Department has assessed impacts on road safety in **Section 5**.

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 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.

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.

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 westbound facing sign would not interfere with stopping sight distance. The Department has assessed road safety in **Section 5**.

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

3.3.4 Interaction and sequencing

The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.

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

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

No message sequencing was proposed. The Department recommends a condition be imposed to this effect.

Public Benefit

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

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

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 (TI SEPP) provides planning considerations for development on or around roads and road infrastructure facilities. The Department's consideration of TI SEPP 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	The M2 Motorway was declared to be a classified road prior to the lodgement of the application and as such concurrence is not required under this provision.

be granted only with the concurrence of TfNSW.

2.119 Development with frontage to classified road	<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <ul style="list-style-type: none">• vehicular access to the land is provided by a road other than the classified road,• the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development• the development is of a type that is not sensitive to traffic noise or vehicle emissions	<p>While access for signage maintenance would be from the overpass, which is located within the corridor of the M2 Motorway, the Department is satisfied that the proposed sign can be installed and operated without compromising the safety of both the M2 Motorway and the overpass. An assessment of road safety is provided in Section 5 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	<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 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 during exhibition.</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 IE SEPP determines the permissibility of advertisements in a transport corridor despite the provisions of any EPI and prevails over the LEP in this instance.

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

The Hills Development Control Plan 2012

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

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

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

Ecologically sustainable development

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

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

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

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

Appendix C – 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-ixion-street-pedestrian-bridge-baulkham-hills-da-234396>