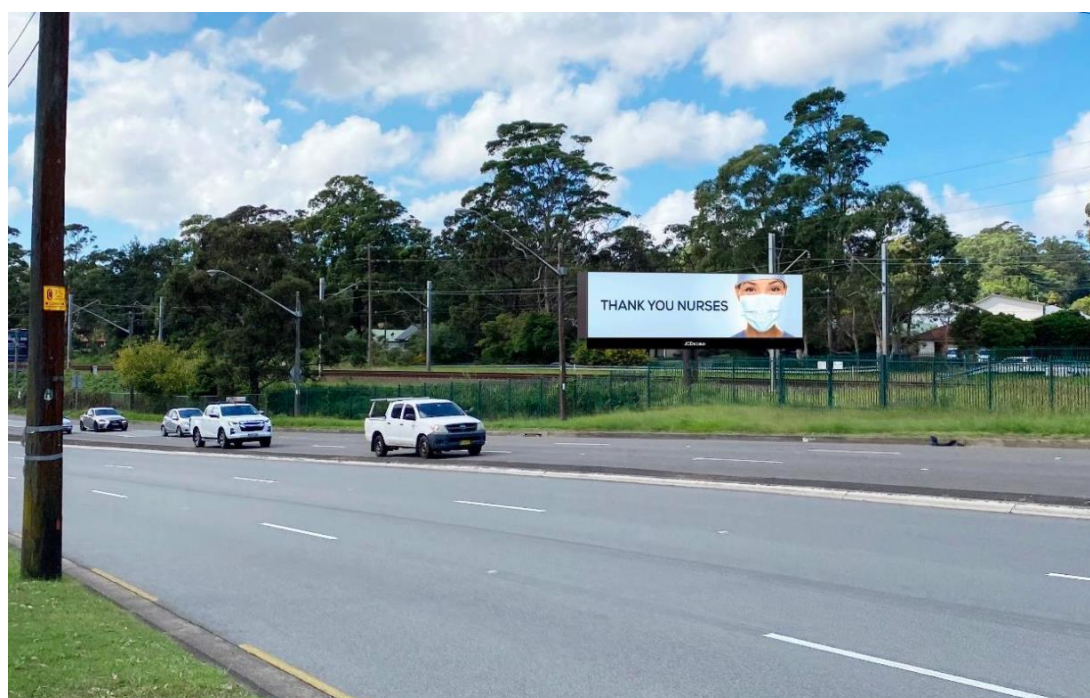




Advertising Signage, Princess Highway, Heathcote

Part 4 Development Application (DA 23/5550)

October 2023



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Glossary

Abbreviation	Definition
Applicant	Transport Asset Holding Entity of New South Wales (TAHE) (formerly RailCorp)
Consent	Development Consent
Council	Sutherland Shire Council
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
EPI	Environmental Planning Instrument
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ESD	Ecologically Sustainable Development
HIA	Heritage Impact Assessment
LEP	Local Environmental Plan
LGA	Local Government Area
LIR	Lighting Impact Report
Minister	Minister for Planning
PBS	Public Benefit Statement
RMS	NSW Roads and Maritime Services within Transport for New South Wales
RSA	Road Safety Assessment
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SEPP (Industry and Employment)	<i>State Environmental Planning Policy (Industry & Employment) 2021</i>
SEPP (R&H)	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
SEPP (Transport and Infrastructure)	<i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i>
Site	Princes Highway, Heathcote
SSDCP 2015	Sutherland Shire Development Control Plan 2015
SSLEP 2015	<i>Sutherland Shire Local Environmental Plan 2015</i>
TfNSW	Transport for New South Wales

The Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
VIA	Visual Impact Assessment

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1 Introduction

1.1 Background

This report provides an assessment of a Development Application (DA 23/5550) for advertising signage on Railway land adjacent to the Princes Highway, Heathcote in the Sutherland Shire local government area (LGA).

The proposal seeks consent for the construction and operation of one new single sided free standing monopole digital advertising sign on the eastern side of the Princes Highway, Heathcote, and removal of an existing double sided static advertising sign, also on the eastern side of the Princes Highway, 100m north of the proposed sign. The proposal has been lodged by Transport Asset Holding Entity of New South Wales (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 The site

The site is legally described as Lot 5 DP 1184025 and is part of the railway corridor in Heathcote on the T4 Illawarra Rail Line. The location of the proposed works is on land between the rail tracks and the Princes Highway to the west. The site is shown in **Figure 1 and 2**.



Figure 1 | Site Context (Source: Applicant's documentation)



Figure 2 | Site Context (Source: Applicant's documentation)

The site is visible to motorists travelling on the Princes Highway. The Princes Highway is classified as a highway under the *Roads Act 1993*, accommodating three lanes of traffic in each direction. On approach to the proposed sign, a 60km/hr speed limit applies in both directions. The nearest intersection is Venio Street, located approximately 100m south of the proposed sign.

1.3 Surrounding context

Development surrounding the site and in proximity to the rail corridor includes commercial and retail uses to the west and south-west, low- to medium-density housing to the west, low-density residential housing to the east, and low-density residential housing to the south. Heathcote Railway Station is also located approximately 250m to the south.

In addition, there are three existing, externally illuminated static advertising signs within proximity to the proposed sign:

- a double sided, static sign located approximately 100m to the north of the proposed sign. The sign has an advertising area of approximately 18m² on each side, and is proposed to be removed as part of this DA (**Figure 4**)
- a single sided (facing southbound traffic), static sign located approximately 45m to the south of the proposed sign. The sign has an advertising area of approximately 37.5m² (**Figure 3** and **Figure 5**).
- a double sided, static sign located approximately 300m to the north of the proposed sign. The sign has an advertising area of approximately 18m² on each side (**Figure 5**).



Figure 3 | Existing Street View – looking east towards the railway and existing signage at the site (Source: Google Street View)

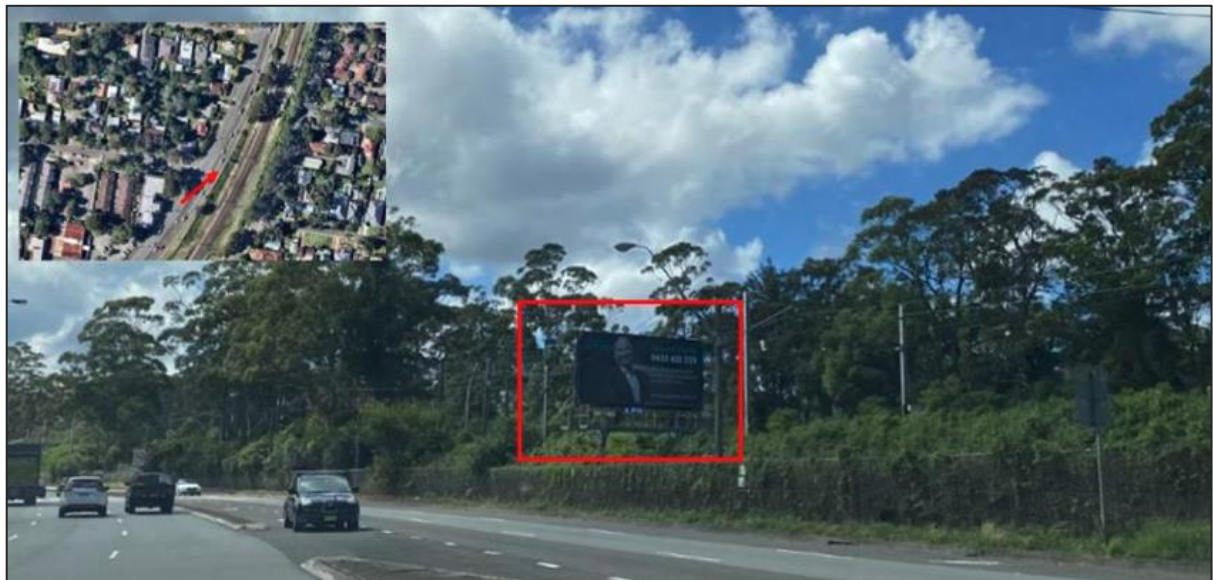


Figure 4 | Existing Street View - looking north-east towards existing signage 100m north of the proposed site (to be removed) (Source: Applicant's documentation)



Figure 5 | Existing Street View - looking south towards existing signage 300m north of the proposed site (to be retained) (Source: Google Street View)

2 Project

The proposal seeks consent for:

- construction and installation of a free standing, single sided digital advertising sign, with the advertiser's banner integrated into the bottom of the screen
- demolition and removal of an existing double-sided static sign

The estimated cost of these works is \$595,100.

The proposed design and operation specifications of the signage is outlined in **Table 1**. The proposed signage details are shown in **FiguresFigure 6 to 7**.

Table 1 | Details of the proposed single sided digital advertising sign

Aspect	Sign
Advertising display area	49.49m ²
Active digital display area	39.94m ²
Total Height (including the frame)	6.46m
Clearance from ground level to the bottom of the sign	2.5m
Signage display	Digital LED Screen
Display type	Static advertisements, content changing every 10 seconds with 0.1 second transition time between advertisements.
Dwell time	10 seconds
Maximum illuminance limit during night-time period	200 cd/m ²
Hours of operation	6.00 am to 11.00pm 7 days a week

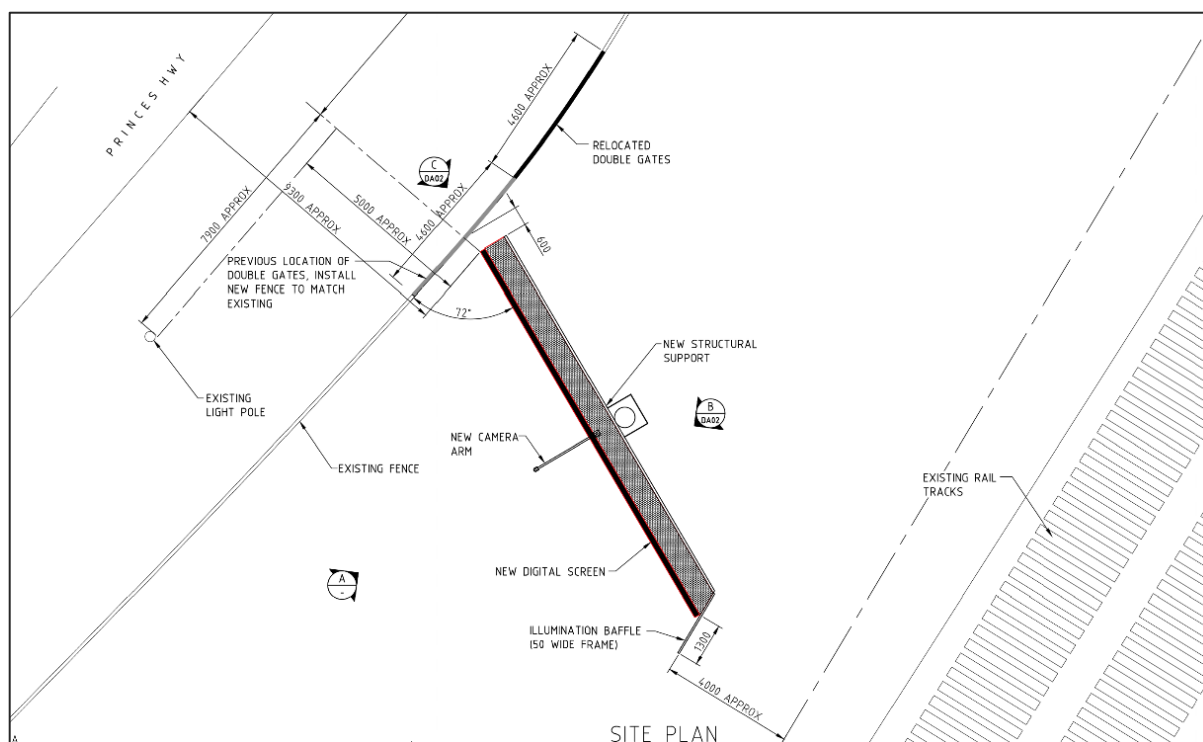


Figure 6 | Proposed site plan (Source: Applicant's documentation)

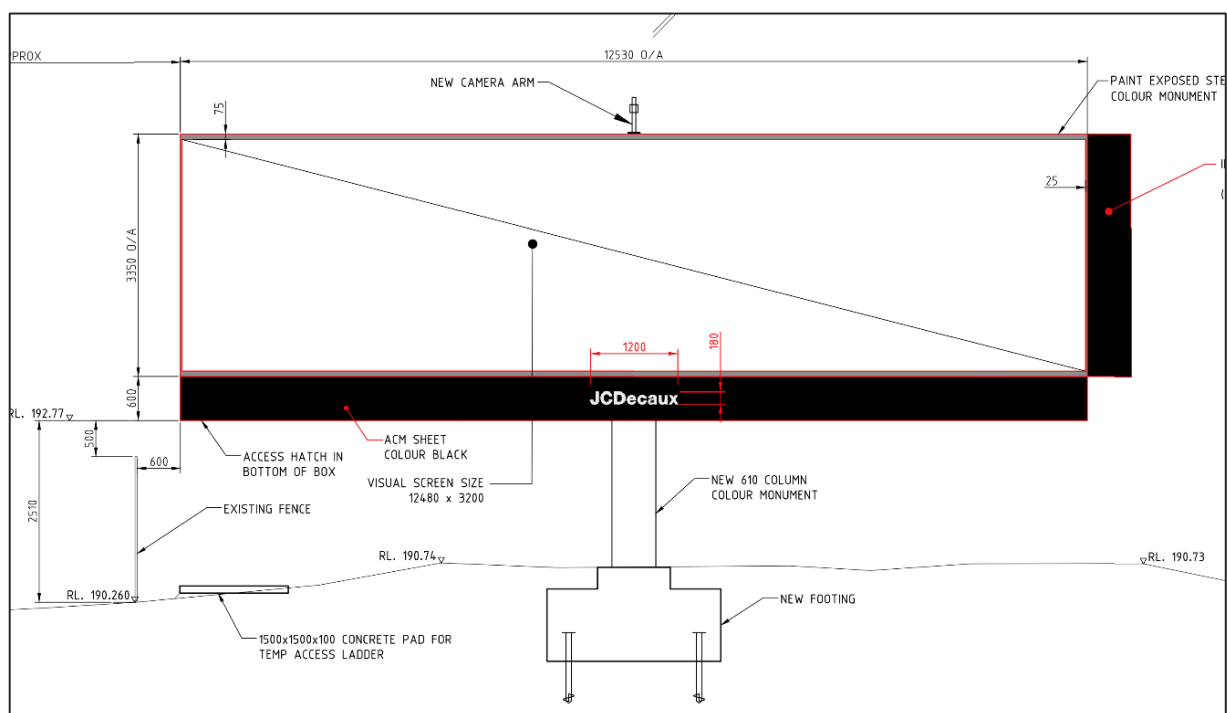


Figure 7 | Proposed south-western elevation (Source: Applicant's documentation)

3 Statutory context

3.1 Consent authority

The Minister for Planning is the consent authority in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor under section 3.10(c) of *State Environmental Planning Policy (Industry and Employment) 2021* (SEPP (Industry and Employment)). The proposal has been submitted by Transport Asset Holding Entity of New South Wales (TAHE, formerly identified as RailCorp) and Sydney trains has been appointed as agent of TAHE for the operational control and asset amendment of the signs. The proposal thereby relates to an advertisement displayed by or on behalf of Sydney Trains on a railway corridor.

The application is a Crown DA under Division 4.6 of the EP&A Act as the Applicant is a public authority, TAHE being a State-owned corporation that is part of the Transport cluster with department TfNSW and agency Sydney Trains.

In accordance with the Minister's delegation dated 9 March 2022, the Director, Regional Assessments may determine the application.

3.2 Crown development

Section 4.33 in the EP&A Act does not allow a consent authority other than the Minister to refuse its consent except with the approval of the Minister, or to impose a condition of consent except with the approval of the applicant or the Minister.

The application is a Crown DA under Division 4.6 of the EP&A Act as the Applicant is a public authority (TAHE is a State-owned corporation that is part of the Transport cluster with department TfNSW and agency Sydney Trains).

On 18 October 2023 the Department forwarded the recommended conditions to the Applicant. On 19 October 2023, the Applicant consented to the recommended conditions subject to minor amendments correcting the dates listed of three documents.

The Department raises no concerns with the proposed amendments to the conditions, and the amended condition has formed part of the recommended conditions. Refer to **Section Error! Reference source not found.** and **Appendix D** – Recommended Instrument of Consent below for further information.

3.3 Permissibility

The site is zoned SP2 Infrastructure (for the purpose of railways) under the *Sutherland Shire Local Environmental Plan 2015* (SSLEP 2015). Signage can be considered a permissible use in the SP2 zone under the SSLEP 2015 as the display of an advertisement by or on behalf of RailCorp (TAHE) or Sydney Trains can be considered ordinarily incidental or ancillary to the use of the land for railways.

Regardless, clause 3.14 of SEPP (Industry and Employment) states that despite the provisions of any Environmental Planning Instrument (EPI), or Clause 3.8 of SEPP (Industry and Employment), the display of an advertisement by or on behalf of TAHE or Sydney Trains on a railway corridor (transport corridor), is permissible with development consent.

The application is therefore permissible with consent as it is located on land comprising a railway corridor and is for the display of an advertisement by Sydney Trains on behalf of TAHE.

3.4 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

- matters in section 4.15(1) of the EP&A Act
- relevant Environmental Planning Instruments (EPIs)
- objects of the EP&A Act
- Ecologically Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The Department's consideration of these matters is set out below, **Section Error! Reference source not found.** and **Appendix C** – Statutory Considerations.

Section 4.15(1): Environmental Planning Instruments

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration any EPI and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development. The consent authority must also take into consideration the provisions of any development control plan and the regulations.

The Department has considered the development against the relevant provisions of several key EPIs and policies including:

- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Sutherland Shire Local Environmental Plan 2015
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C** – Statutory Considerations. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act.

The Department has considered the objects of the EP&A Act in its assessment of the application (see **Appendix C – Statutory Considerations**) and is satisfied that the application meets the objects of the EP&A Act.

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.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. As demonstrated by the Department's assessment in **Section Error! Reference source not found.** and **Appendix C – Statutory Considerations** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

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 fees (Part 13, Division 3) have been complied with and the NSW Planning Portal (Part 15, Division 4) have been complied with.

3.5 Other approvals

The Applicant has not indicated that the proposal is integrated development under section 4.46 of the EP&A Act. An advisory note has been recommended advising that the Applicant is responsible for ensuring that all additional approvals are obtained from other authorities, as relevant, including under section 138 of the *Roads Act 1993*.

4 Engagement

4.1 Department's Engagement

The Department undertook consultation with relevant local and State authorities as well as affected landowners. In accordance with Section 2.22 and Schedule 1 to the EP&A Act, the development application was required to be publicly exhibited for minimum 14 days. This aligns with the minimum exhibition period (14 days) set out in the Department's Community Participation Plan for a development application of this nature.

The exhibition included:

- making the application and SEE publicly available from 23 June to 6 July 2023 (14 days) on the NSW Planning Portal;
- notifying landowners in the vicinity of the site about the public exhibition by letter;
- notifying and inviting comment from TfNSW in accordance with Schedule 1 of division 2 of the EP&A Act, the EP&A Regulation and Section 2.98 of the Industry and Employment SEPP; and
- notifying and inviting comment from relevant State government authorities and Council.

4.2 Summary of submissions

During the exhibition period, the Department received three public submissions and advice from Council and TfNSW:

- Comments from Council,
- Advice from TfNSW, including advice on recommended consent conditions,
- Three public submissions (including 2 unique submissions), all objecting to the DA.

A summary of submissions and advice is provided below and a link to full copies is provided in **Appendix A – List of Documents**. The Department's consideration of the issues raised in the submissions is set out below and in **Section 6** and **Appendix B – Community Views**.

Council Advice

Council advised that it considers the application is supportable, subject to a condition to ensure there are no light spill impacts to nearby residential premises during the night time period, commencing from 10pm.

The matters raised by Council have been considered and addressed in **Section 5** and conditions of consent have been recommended to reduce light spill impacts including the imposition of luminance levels and a night time curfew from 11pm. The proposal complies with prescribed lighting intensity levels, and conditions will require signage illumination levels to be adjustable if the need arises during its operation (**Appendix B – Community Views** and **Appendix D – Recommended Instrument of Consent**).

TfNSW Advice

TfNSW advised that concurrence was not required in this case. TfNSW raised no concerns with the proposal and recommend that the Department include conditions on any consent granted requiring compliance with the Transport Corridor Advertising and Signage Guidelines (the Guidelines), conditions regarding display requirements, dwell times, and a Road Occupancy Licence for any construction activities that may affect traffic flows.

The matters raised by TfNSW have been considered and addressed in **Section 5** and the recommended conditions have been incorporated into the recommended consent (**Appendix D – Recommended Instrument of Consent**).

Sydney Trains also provided a separate response to a referral, advising that the referral was rejected on the basis that ‘This is a TfNSW / Sydney Trains application. Any necessary rail comments would be provided internally’.

Community Submissions

Three submissions were received from community members, all in the nature of objections, including:

- Illumination of the sign, with adverse amenity impacts for neighbouring residential premises
- Visual Impacts, particularly due to the size of the sign, illumination, and proximity to neighbouring heritage dwelling
- There are better locations that the sign could be located without adverse impacts.

The Department has considered the issues raised by the submissions (**Section 5, Appendix C – Statutory Considerations**).

4.3 Response to submissions

Following the exhibition of the application, the Department placed copies of all submissions and agency advice on the NSW Planning Portal. On 11 July 2023, the Department requested the Applicant respond to submissions.

Subsequently, on 31 July 2023, the Department requested the Applicant provide additional information, including details of existing signs in the locality, corrections to the site plan, the signage safety assessment and the visual impact assessment. The applicant was asked to give consideration about the deletion of a proposed large hard stand area and provide further information on visual impacts, illumination and mitigation.

On 19 September 2023, the Applicant submitted a Response to Submissions (RtS) (**Appendix A**), including amended architectural plans noting the deletion of the large hard stand area, lighting impact assessment, traffic safety assessment and amended visual impact assessment, addressing the matters raised by the public submissions, agency advice and the Department.

The RtS was made publicly available on the NSW Planning Portal. The proposal was not re-notified because the Department considered that the RtS did not propose new or increased impacts than the original proposal.

5 Assessment

The Department considers the key issues associated with the proposal are:

- visual impact
- illumination
- road and pedestrian safety

Each of these matters are addressed separately below. Other matters are briefly addressed in **Section 5.4**.

5.1 Visual Impact

Public submissions raised concerns regarding the visual impact of the proposed sign, including the impact on nearby residential premises, due to the size of the sign, illumination, proximity to residential premises and lack of screening vegetation.

Illumination impacts are considered in **Section 5.2** below. All other visual impact are considered in this section.

The Applicant provided a Visual Impact Assessment (VIA) report which assesses the visual impacts of the signage on the surrounding area. The VIA was updated to correct errors and provide additional view analysis as part of the RtS. The updated VIA shows the proposed sign to be visible from:

- the Princes Highway (northbound travelling vehicles / pedestrians);
- the Princes Highway (southbound travelling vehicles / pedestrians): back of the sign structure only;
- the Local Centre zone opposite the site including the Heathcote Hotel and residential flat building on The Princes Highway;
- the dwelling at 1322 Princes Highway (located in the E4 Productivity Support zone); and
- the residential area to the east (zoned C4 Environmental Living) including the heritage listed cottage at 1 Wilson Parade (**Figure 8**).

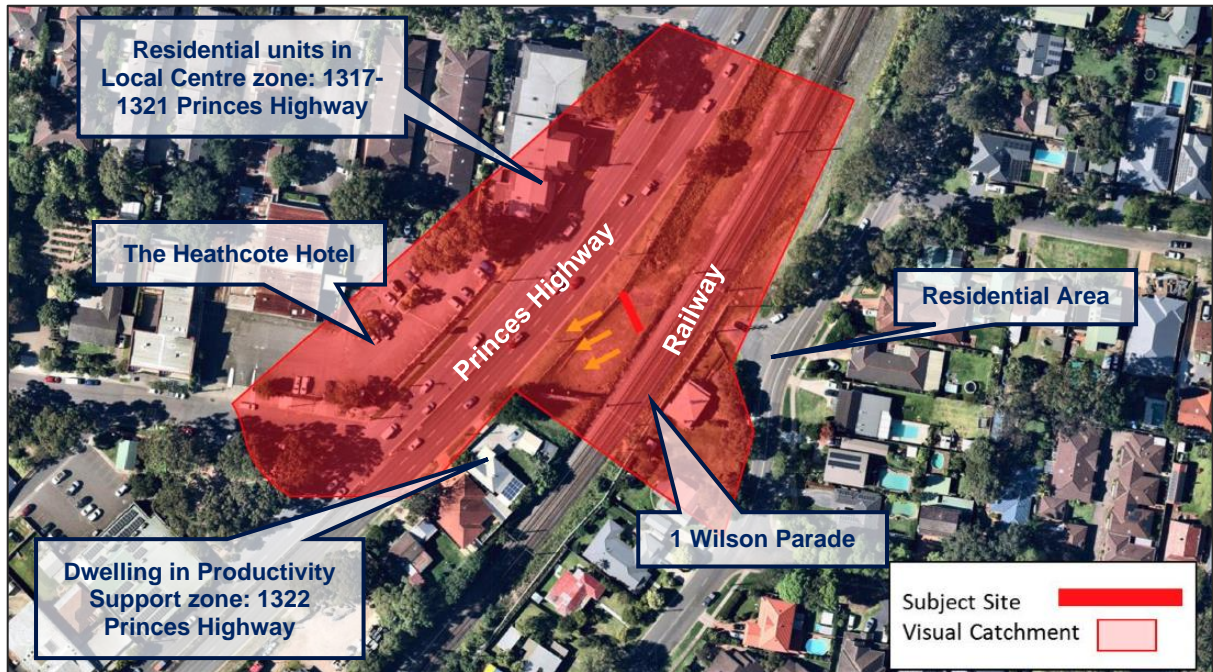


Figure 8 | Visual Catchment (Source: Applicant's documentation)

Indicative images of the proposed sign, as viewed from various locations are shown at **Figure 9** to **Figure 12**.



Figure 9 | Indicative photomontage from Princes Highway adjacent to the Heathcote Hotel facing north-east (source: Applicant's documentation)



Figure 10 | Indicative photomontage from Princes Highway adjacent to the 1317 – 1321 Princes Highway Heathcote facing south-east (source: Applicant's documentation)



Figure 11 | Indicative photomontage from Princes Highway adjacent to the 1322 Princes Highway Heathcote facing north-east (source: Applicant's documentation)



Figure 12 | Indicative photomontage from Wilson Parade facing west (the dwelling at 1 Wilson Parade is located out of the frame to the left)(source: Applicant's documentation)

The VIA concluded that the proposal would result in limited visual impacts to the surrounding locality, including sensitive receivers within the residential areas, as:

- the sign is consistent with the character of the surrounding area, which contains existing outdoor advertising;
- the proposal will not contribute to visual clutter as it involves the removal of an existing double sided sign within the vicinity;
- the proposed sign will be visible to a high number of motorists reflective of its location and proximity to the Princes Highway;
- views to the proposed sign from sensitive receivers will be minimised by existing street trees, fencing and signage;
- the location and orientation of the proposed sign has been carefully considered to limit the number of residential dwellings within the visual catchment, minimising potential impacts;
- the proposal will not impact upon the fabric of nearby heritage items or views to these items;
- the proposal will not impact any scenic views or protrude above the dominant skyline.

The Department considers that as viewed from the Princes Highway and nearby premises with frontages to the Princes Highway, including dwellings located in the commercial zones, the proposal would not result in any unacceptable visual impacts as:

- the proposed signage is typical of signs in major transport corridors and also generally consistent with expectations for commercial zones where signs are permissible and are

typically located, noting that development surrounding the site and in proximity to the rail corridor includes commercial and retail uses to the west and south-west,

- as the proposal includes the removal of a smaller but double-sided advertising sign located 100m further to the north (opposite the residential zone), it ensures that the proposal does not result in a net increase to visual clutter in the area or for motorists travelling along the highway,
- although the sign would be large (with a façade area of 49.5m²), it sits comfortably below the tree line and the height of other surrounding infrastructure and is well-designed as a simple, single enclosed structure with dark recessive finishes that assist with reducing its visual impacts.
- the proposed sign would be approximately 40 metres from, and separated from, the nearest residential building in the commercial zone at 1317-1321 Princes Highway by the 6-lane highway. Views of the sign from that building would generally be limited to the narrow side of the structure (with only oblique views of the front or rear depending on the unit location) as seen in **Figure 10**, so that the structure would not present a significant visual impact as viewed from those units.
- the proposed sign would also be more than 50 metres from the dwelling in the commercial zone at 1322 Princes Highway. Views of the proposed sign would generally be obscured by the existing intervening advertising structure and in this context the proposed structure would not result in a significant visual impact as viewed from that premises.

However, the sign will be visible from the residential area to the east of the railway line which is zoned C4 Environmental Living, and in particular from the heritage listed cottage at 1 Wilson Parade. The sign would be located only around 20m from the boundary of that premises and would be highly visible from the northern and western elevations and the private open space areas of the cottage. Public submissions raised concerns with the visual impacts of the proposal on this cottage.

In response to concerns raised by the Department and in submissions, the Applicant amended the Plans, incorporating an illumination baffle at the eastern end of the sign to assist with screening views of the display area of the sign from the cottage. It also advised the sign would be turned off between 11.00pm and 6.00am (discussed in **Section 5.2** below).

The Department notes that the Industry and Employment SEPP requires that consideration be given to the impacts of the proposal on the amenity or visual quality of environmentally sensitive areas, heritage areas, other conservation area and residential areas. The Guidelines also provide that advertisements should not be placed where they are visible from these areas if the advertisement is likely to significantly impact on the amenity of these areas and that landscaping may be required as part of a DA approval for a free standing advertisement to minimise unintended visual impacts.

The Department considers that the proposed location of the sign on the opposite side of the railway tracks and overhead electrical wiring, illumination baffle and curfew proposed by the Applicant will assist with mitigating the impacts from the illuminated display (discussed in **Section 5.2** below). However, the overall scale of the sign structure, in conjunction with its proximity to the cottage, is considered likely to result some material visual impacts to the cottage, dominating what is currently an open westerly outlook from the premises.

The Department further considers that these visual impacts could be softened and partially mitigated by the incorporation of some careful landscaping between the sign and the cottage. As such, conditions are recommended requiring the submission of a landscape plan incorporating advanced plantings of locally endemic species (as the site is designated as environmentally sensitive land – terrestrial biodiversity) that will assist to mitigate the visual impacts by partially screening and softening the views of the sign from the cottage. Subject to these conditions, the Department is satisfied the sign would not significantly impact the amenity of the cottage at 1 Wilson Parade.

The Department is also satisfied the proposal would not result in significant impacts to other residential premises to the east of the railway line, as all other premises are located much further (in excess of 60m) from the sign and existing vegetation and structures assist with screening views of the sign.

The Department therefore concludes that the development, subject to recommended consent conditions, will not result in unacceptable visual impacts to the surrounding area. A full assessment of the visual impacts of the signage having regard to the requirements of the Industry and Employment SEPP and the Guidelines is included at **Appendix C – Statutory Considerations**

5.2 Illumination

Public submissions raised concerns regarding the proposed illumination of the signage, specifically on nearby residential dwellings at night-time. Council also raised illumination as an issue and recommended that an illumination level of 250cd/m² should apply from 10pm (rather than from 11pm as initially proposed).

The proposed digital signage would be illuminated with LEDs. The Applicant's SEE included a Lighting Impact Assessment Report (LIR) to address illumination impacts of the signage on the surrounding area. The LIR was updated with the RtS to include an assessment against the 'Zone 4' (rather than the 'Zone 3') requirements of the Guidelines, as there are residential properties nearby. The updated assessment also incorporated changes made in the RtS, including an illumination baffle at the eastern end of the sign to mitigate illumination impacts to 1 Wilson Parade, and the introduction of a curfew, with the sign to be turned off between 11.00 pm and 6.00 am.

The updated LIR confirmed the proposed signage would comply with the Industry and Employment SEPP, the Guidelines and Australian Standard 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

The Applicant advised that during the proposed hours of operation, the potential illumination impacts are mitigated by:

- the proposal including a light sensor to automatically adjust the brightness of the display area to ambient lighting conditions;
- inclusion of an illumination baffle at the eastern edge of the sign;
- inclusion of curfew hours with the sign to be switched off between 11.00pm and 6.00am;
- complying with the illumination limits under Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting, of which the Site is adjacent to 'Zone A3,' the zone assigned to medium district brightness, such as suburban areas in towns and cities, where a maximum night time luminance of 250 cd/m² is recommended; and

- complying with the illumination limits under the Guidelines, of which the Site is categorised as 'Zone 4', described as areas with generally low levels of off-street ambient lighting, or areas that have residential properties nearby, where a maximum night-time luminance of 200 cd/m² is recommended

The proposal complies with the stricter limit under the Guidelines (see **Table 2**).

Table 2 | Proposed Luminance Levels

Lighting Conditions	Signage Guidelines Zone 4 Maximum Luminance Limits	Proposed Sign
Full sun on face of signage	Maximum output in cd/m ²	Maximum output in cd/m ²
Day-time luminance	6000 cd/m ²	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	500 cd/m ²	500 cd/m ²
Night-time	200 cd/m ²	200cd/m ² end of twilight - 11pm 0 cd/m ² 11pm - 6am

The LIR also used a lighting calculation program to determine the effect (if any) of the light spill from the proposed signage and determined that the proposal has a maximum vertical illuminance during night-time operation of 0.7 lux or less to all nearby dwellings, except at 1322 Princes Highway where light spill would reach 2.7 lux at one location. Given the sign would be switched off between 11pm and 6am, the proposal would comply with the limits set under AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting, which limits light spill in suburban areas to 10 lux up to 11pm and 2 lux after 11pm.

The Department has reviewed the proposal and the submissions. The Department considers that the proposed illumination would not result in any unacceptable amenity impacts, given:

- the proposal has demonstrated compliance with illumination requirements of the Industry and Employment SEPP, the Guidelines, and other relevant Australian Standards;
- the proposed curfew hours are consistent with the post-curfew period established by AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting, and ensure the sign would not contribute to adverse amenity outcomes during the late night period
- otherwise, illumination levels in the night time period (ie post twilight) will be low, at 200 cd/m², consistent with the Guidelines and lower than the levels recommended by Council for 10pm onwards, and ensuring the illumination would not unacceptably impact nearby residential premises
- similarly, at other times of the day the illumination of the sign would be adjusted so that it is not visually obtrusive, noting that it would be viewed in the context of the Princes Highway and the commercial zone, which includes bright street lighting, significant light movement from moving vehicle headlights and other illuminated commercial premises; and

- the proposed illumination baffle, as well as recommended new tree plantings (discussed in **Section 5.1**) would also assist to partially screen and mitigate the visual impacts of the sign.

The Department has recommended a suite of conditions to ensure the sign operates only between 6.00am and 11.00pm daily, within the limits outlined in **Table 2**, and for the signage illumination levels to be adjustable if the need arises during its operation. The Department has also recommended conditions requiring the submission of a landscape plan that will assist to mitigate the visual impacts by partially screening and softening the views of the sign from the neighbouring cottage at 1 Wilson Parade. Subject to these conditions, the Department is satisfied the proposal would not result in unacceptable illumination impacts and the amenity of the surrounding area and environment would be reasonably maintained.

The Department therefore concludes the proposed sign has demonstrated compliance with the Guidelines, the relevant Australian Standards and would not result in any adverse illumination impacts to residents in proximity to the site.

5.3 Road and Pedestrian Safety

The Applicant provided a Road Safety Assessment (RSA) as part of the Application that assessed the proposal against the Guidelines and SEPP (Industry and Employment). The RSA assessed the signage exposure distance, sight stopping distance and road accident history in proximity to the site. The RSA was updated with the RtS to make a minor correction to the location of the proposed sign.

Figure 13 shows the in-vehicle sightlines on the approach to the sign.



Figure 13 | In-vehicle sightlines on the approach to the proposed sign (source: Applicant's documentation)

The RSA outlines that subject to the removal of the existing static advertising sign 100m north of the site, and conditions requiring compliance with the Guidelines, the proposed signage would not compromise safety as:

- The proposed sign will not obstruct or interfere with the view of or restrict sight distances to any intersections, traffic control devices, vehicles, pedestrians or cyclists given its location on the roadside.
- The proposed sign is not expected to reduce the safety of any traffic, pedestrian or cyclist movements given its location. It will be located within a driver's ordinary field of view when approaching from the south-west and a glance to the sign will still permit co-incident recognition of vehicle, pedestrian and cyclist movements and in the forward view in a generally free-flowing environment where rapid multi-factor decision making is not required.
- A review of available five years of crash data within 150m of the site showed that zero crashes were reported within the viewable area to the sign. As such, the proposed location is not inherently unsafe.
- The proposed sign complies with the requirements of SEPP (Industry and Employment) and TfNSW Advertising Sign Safety Assessment Matrix in terms of obscurity, positioning and sign clutter.

Dwell Time

The Applicant proposed a dwell time of 10 seconds. TfNSW also recommended that dwell times be a minimum of 10 seconds.

The Guidelines stipulate that for signage within an area with a speed limit below 60km/h the prescribed dwell time is 10 seconds. The RSA recommends the same dwell time for the proposed digital sign.

The Department considers the proposed dwell time of 10 seconds complies with the requirements of the Guidelines and advice provided by TfNSW and as such, has recommended a condition requiring compliance.

Crash History

The RSA assessed the crash history within 150m on the approach to the proposed signage, which is identified as the viewing extent of the sign. In the 5-year period between 2016 and 2020, no traffic incidents were recorded within the visible distance of the proposed sign.

Assessment

The Department has recommended conditions of consent to ensure the signage does not use red and green as dominant colours, contain complex displays, animated displays, displays resembling traffic control devices or use any method of illumination that distracts or dazzles drivers. This would ensure the sign complies with the requirements of SEPP (Industry and Employment) and the Guidelines and would not result in any adverse traffic safety impacts.

Subject to the recommended conditions, the Department is satisfied that the proposal complies with the Guidelines and concludes the proposed signage would not have a negative impact on road safety.

5.4 Other issues

Heritage

The Applicant submitted a heritage impact assessment (HIA) which noted the proposed signage's proximity to 1 Wilson Parade, listed as local heritage Item I708 in Schedule 5 of the SSLEP 2015. The item is significant due to its association with NSW Railways and as a rare example of a High Victorian style in the area. The HIS also identifies other heritage items in the locality, although none of these are in the direct line of sight of the proposed sign.

The HIA noted that the proposed signage is not expected to have any adverse impact to the heritage item as:

- There will be no impact to the heritage fabric as the site lies well outside the curtilage of the item.
- The signage is visually separated from the item by the railway corridor.
- The signage will not block view corridors towards the item from Wilson Parade.
- The proposed signage will be consistent with the wider setting of the item, as a busy transport corridor with existing advertising signage.
- Illumination and images on the sign will generally not be discernible from the item.
- The sign will not impact on the ability of the public to understand and appreciate the historic and aesthetic significance of the item.

The Department has reviewed the HIA and is satisfied that the design and location of the proposed sign is suitable and will not result in impacts to the heritage significance of the item. The Department further notes that a recommended condition to provide landscape screening between the sign and 1 Wilson Parade (discussed above in **Section 5.1**), although not strictly necessary to mitigate heritage impacts, will reduce the visual impact of the sign on the heritage property and therefore would also reduce the potential for the sign to affect the heritage values of the site.

Public Benefit

The Guidelines require proposals for outdoor advertisements along railway corridors, classified roads and on bridges to meet a public benefit test to ensure that the advertising would result in a positive gain or benefit for the local community. The Guidelines describe that the public benefit can be provided as a monetary contribution, or as an 'in-kind' contribution, which must be linked to improvements in local community services and facilities such as improved traffic safety, public transport services or public amenity or free advertising time to promote a service, tourism in the locality, community information, or emergency messaging.

The Guidelines describe that for Sydney Trains, railway station upgrades, rail crossings or other rail safety measures, as well as amenity improvements along rail corridors may also be considered appropriate public benefits; Sydney Trains must consult with the relevant councils to identify and prioritise the public benefit works to be delivered through the program on a regional or subregional basis.

The Applicant provided a Public Benefit Statement (PBS) confirming the following public benefits:

- all revenue generated will be re-invested into running the Sydney Trains network including improvement and maintenance programs, facilitating the continued delivery of clean, frequent and reliable services and supporting the next generation of transport solutions
- the digital sign will be available for use by Sydney Trains, TfNSW and NSW emergency services to display safety or public awareness messages
- Sydney Trains may also access the digital screens for up to 5 minutes per hour for Sydney Trains and TfNSW customer promotions and events at no cost.

The proposal thereby provides 'in-kind' contribution of improved public transport services.

The Department has carefully considered the PBS and is satisfied the proposal will result in sufficient public benefits as it will contribute to the improvement and maintenance of train services, and allowance for emergency messaging will play an important role in helping to address traffic safety problems, consistent with the Guidelines.

The Department recommends conditions requiring:

- revenue received by Sydney Trains be recorded in its Annual Reports and identify how the revenue has been applied to provide a public benefit
- removal of graffiti through ongoing maintenance
- the display of road customer promotions and events messages 5 minutes per hour arranged by TfNSW
- no limit on the usage of the sign for safety and emergency messages.

Structural Feasibility

The Applicant submitted a Structural Feasibility Statement which concluded that there is no structural reason why the proposed sign cannot be installed. The Statement recommended a geotechnical report be commissioned to provide information on the soil and its profile and a services search be undertaken in the area of the proposed footing.

The Department has reviewed the Structural Feasibility Statement and is satisfied that, subject to recommended conditions requiring a geotechnical report and services search to inform the final footing design, as well as BCA and Australian Standard compliance, the proposal will be structurally safe.

6 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act, including SEPP (Industry and Employment) and other relevant environmental planning instruments. The Department's assessment concludes the proposed development is acceptable as:

- it is permissible with development consent on transport corridor land under SEPP (Industry and Employment) and consistent with the objectives of the SEPP, the Guidelines and the SP2 zone
- it will have minimal impacts on the character of the area and will not result in the visual clutter
- it complies with the relevant road safety standards and requirements
- its luminance levels are consistent with the Guidelines and Australian Standards and will protect the amenity of surrounding properties and safety of drivers, particularly at night
- it will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

The Department's assessment therefore concludes the proposal is acceptable and is in the public interest. The Department recommends the application be approved, subject to the recommended conditions (**Appendix D** – Recommended Instrument of Consent).

7 Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

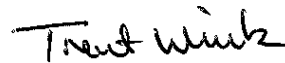
- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 23/5550, subject to the conditions in the attached development consent and
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:



Michael Doyle
Senior Planner
Regional Assessments

Recommended by:



Trent Wink
Team Leader
Regional Assessments

8 Determination

The recommendation is **Adopted** by:



Keiran Thomas

Director, Regional Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The following documents can be found on the NSW Planning Portal as follows:

- Statement of Environmental Effects
- Public submissions and agency advice
- Response to Submissions

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-princes-highway-heathcote-da-235550>

Appendix B – Community Views

The Department received three submissions during the public exhibition as well as one submission from Council and one submission from TfNSW.

The issues raised in the public submissions are addressed below. The matters raised by Council and TfNSW have been considered and addressed in **Section 5** and incorporated into the recommended development consent (**Appendix D – Recommended Instrument of Consent**).

Table 3 | Community Views

Issue	Consideration
<i>Visual Impact</i> <ul style="list-style-type: none">Due to the large size of the sign and proximity to 1 Wilson Parade, the proposal would adversely affect the enjoyment of the outlook from 1 Wilson Parade.	<ul style="list-style-type: none">Visual impact has been assessed in Section 5.1. In terms of impacts to 1 Wilson Parade. The Department considers that the illumination baffle and curfew proposed by the Applicant will assist with mitigating the impacts from the illuminated display. However, the sign structure itself is likely to result in some material visual impacts to the cottage, dominating what is currently an open westerly outlook from the premises. To mitigate these impacts, the Department has recommended conditions requiring some landscaping between the sign and the cottage to partially screen and soften the views of the sign structure. Subject to these conditions, the Department is satisfied the sign would not significantly impact the amenity of the cottage at 1 Wilson Parade.
<i>Illumination Impact</i> <ul style="list-style-type: none">Illumination from the sign will be visible from residential apartments located on Princes Highway and 1 Wilson Place24 hour operation for the display of the sign and illumination impact to residents.An illumination of level of 250cd/m² should apply from 10pm at night to protect the amenity of neighbouring premises	<ul style="list-style-type: none">A revised proposal and revised Lighting Impact Assessment Report were submitted by the Applicant in response to the submissions received. The RtS included a curfew on operating hours of the sign (between 11pm and 6am) and the inclusion of an illumination baffle at the eastern edge of the sign to mitigate impacts.An assessment of illumination impacts has been undertaken in Section 5.2 above and it is considered that illumination impacts associated with the proposed signage would be acceptable as the proposal would comply with the maximum luminance stipulated in the Guidelines, and the lux limit in the Australian Standards (including an illumination level of only 200cd/m² for the night time period to 11pm). Further, the illumination is found not to result in any unacceptable glare or detract from the amenity of the locality.Conditions of consent are recommended to ensure the sign operates only between 6.00am and 11.00pm daily, and complies with the relevant for luminance levels at other times of day.

Issue	Consideration
<p><i>Sign location</i></p> <ul style="list-style-type: none"> • There are better locations that the sign could be located without adverse impacts 	<ul style="list-style-type: none"> • This assessment has concluded that subject to conditions, the proposed sign in the proposed location would not result in any unacceptable impacts. Therefore the site is considered suitable for the proposed development, and it is beyond the scope of the assessment to consider other locations.

Appendix C – Statutory Considerations

In line with the requirements of section 4.15 of the EP&A Act, the Department's assessment of the proposal has included detailed consideration of a number of statutory requirements. These include:

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

The Department has considered all of these matters in its assessment and has provided a summary in **Table 4** and **Table 5** below.

Table 4 | Considerations Against the Objects of the EP&A Act

Object	Consideration
(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 seeks to maximise the use of the site and provides social and economic benefits by generating revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. The proposal would not unreasonably impact on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. The development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. As such, the Department considers that the development would not adversely impact on the environment; The Department considers that the proposal is not inconsistent with any relevant environmental considerations.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly use of land through the removal of an existing double sided sign and the installation of a new sign that is appropriately separated from other development and will not compromise the safe operation of surrounding infrastructure.

Object	Consideration
	The proposal involves the economic use of land through the utilisation of land to the side of a railway corridor that is narrow and constrained to generate revenue which Sydney Trains allocates to improving public infrastructure.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,	The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. The development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal does not have significant impact on built or cultural heritage. Heritage impacts have been considered in Section 5.4 .
(g) to promote good design and amenity of the built environment,	The Department considers the proposal would not result in unacceptable built form impacts, including subject to recommended consent conditions requiring vegetation to mitigate the visual impacts by partially screening and softening the views of the sign from a residential neighbour. Refer to Section 5.1 for further information.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal is not for an occupiable building.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department sought TfNSW advice during exhibition of the proposal (Section 4) and consideration of its response (Section 5).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the application as outlined in Section 4 .

Table 5 | Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
(a) the provisions of: (i) any environmental planning instrument, and	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided below.
(ii) any proposed instrument	N/A: there are no applicable proposed instruments.
(iii) any development control plan, and	The proposal generally meets the relevant/applicable objectives of the <i>Sutherland Shire Development Control Plan 2015</i> as addressed in Table 12 below.
(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
(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 considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) the suitability of the site for the development,	The development is permissible with consent as it is located on land zoned SP2 Infrastructure. The development does not adversely impact on surrounding uses.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the development in Section 5 and Appendix B – Community Views of this

Matter	Consideration
	report.
(e) the public interest.	The Department considers the proposal to be in the public interest (refer to Section 5).

Table 6 | Matters for Consideration under Division 4.6 of the EP&A Act

Matter	Consideration
Section 4.32 Definitions	
(1) In this Division – Crown development application means a development application made by or on behalf of the Crown.	Section 1.4 in the Act prescribes: public authority means – <ul style="list-style-type: none"> (a) <i>a public or local authority constituted by or under an Act, or</i> (b) <i>a Public Service agency, or</i> (c) <i>a statutory body representing the Crown, or</i> (d) <i>a Public Service senior executive within the meaning of the Government Sector Employment Act 2013, or</i> (e) a statutory State-owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or (f) <i>a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or</i> (g) <i>a person prescribed by the regulations for the purposes of this definition.</i> <p style="text-align: right;">(Emphasis added)</p> <p>The Applicant and landowner is a State-owned corporation: The Applicant is considered to constitute a public authority, and the application is considered to be a Crown Development Application.</p>
Section 4.33 Determination of Crown development applications	
(1) A consent authority (other than the Minister) must not –	
(a) refuse its consent to a Crown development application, except with the approval of the Minister, or	The Department recommends the application be approved, subject to the recommended conditions (Appendix D – Recommended

Matter	Consideration
	Instrument of Consent).
(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.	<p>On 18 October 2023 the Department forwarded the recommended conditions to the Applicant. On 19 October 2023, the Applicant consented to the recommended conditions subject to minor amendments correcting the dates listed of three documents.</p> <p>The Department raises no concerns with the proposed amendments to the conditions, and the amended condition has formed part of the recommended conditions (Appendix D – Recommended Instrument of Consent).</p>

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- *State Environmental Planning Policy (Industry & Employment) 2021*
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Sutherland Shire Local Environmental Plan 2015*
- Sutherland Shire Development Control Plan 2015

State Environmental Planning Policy (Industry and Employment) 2021

SEPP (Industry and Employment) 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 digital signage has been assessed against the requirements of the SEPP in **Table 7** and the specific assessment criteria of Schedule 5 of the SEPP in **Table 8**.

Table 7 | SEPP (Industry and Employment) Compliance Assessment

Clause	Criteria	Comments	Compliance
Part 3.2 Signage Generally			

Clause	Criteria	Comments	Compliance
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The proposed development is compatible with the desired amenity and visual character of the area, provides effective communication and is high quality finish and is therefore consistent with the objectives of the SEPP.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5.	See relevant assessment in Table 8 .	Yes
Part 3.3 Advertisements			
3.10 Consent authority	The consent authority is the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	The proposal is for a sign within a railway corridor by Sydney Trains on behalf of RailCorp (TAHE), therefore the Minister for Planning is the consent authority.	Yes
3.11 Matters for consideration	The advertisement or advertising structure is to be: <ul style="list-style-type: none"> i. consistent with the objectives of this Chapter ii. assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	<p>The objectives are considered above.</p> <p>The proposal has been assessed in accordance with the assessment criteria in Schedule 5 in Table 7 and the Guidelines in Table 9.</p> <p>All other relevant requirements are addressed in this table.</p>	Yes
	The consent authority is to be satisfied that the proposal is acceptable in terms of the public benefits to be provided in connection with the display of the advertisement.	The proposal has adequately demonstrated it will provide for public benefit (refer to Section 5 of this report).	Yes
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 of the Act.	The Department recommends a condition of consent to limit the approval for a maximum period of 15 years from the date of operation.	Yes
3.14 Transport corridor land	The display of an advertisement on transport corridor land is permissible with development	The proposal is for a sign within a railway corridor on behalf of RailCorp (TAHE) and therefore	Yes

Clause	Criteria	Comments	Compliance
	consent when on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	is considered permissible with consent.	
	The Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.	A design review panel was not appointed in this case.	n/a
	The Minister must not grant consent unless:		Yes
	<ul style="list-style-type: none"> i. the advice of any design review panel has been considered by the Minister, and ii. the Minister is satisfied that the advertisement is consistent with the Guidelines. 	<p>There was no design review panel for this application.</p> <p>An assessment of the proposal against the Guidelines is provided in Table 9 and demonstrates the advertisement would be consistent with the Guidelines.</p>	
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	<p>The consent authority must not grant consent unless:</p> <ul style="list-style-type: none"> i. the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and ii. the consent authority gave a copy of the application to TfNSW if the application is an application for the display of an advertisement to which section 3.16 applies. 	<p>The proposed signage has a display area greater than 20m².</p> <p>The Applicant's SEE addresses the assessment criteria in Schedule 5. The Department is satisfied that the proposal is acceptable in terms of its impacts as detailed in Section 5 of this report.</p> <p>Section 3.16 does not apply to the application, however the Department provided a copy of the application to TfNSW during the exhibition period and considered the comments from TfNSW.</p>	Yes
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	(6) This section does not apply when the Minister for Planning is the consent authority	The Minister for Planning is the consent authority and therefore Section 3.16 does not apply to the application.	N/A
3.17 Advertising display area	The consent authority must not grant consent unless:	The proposed signage has a display area greater of 49.5m ² .	Yes

Clause	Criteria	Comments	Compliance
greater than 45 square metres	i. a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or ii. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.	A DCP has not been prepared for the advertising design in the precinct. An assessment of the proposal against the Guidelines is provided in Table 9 and the Department is satisfied that subject to conditions, the sign would be consistent with the Guidelines.	
3.18 Location of certain names and logos	The name or logo of the person who owns or leases an advertisement or advertising structure must: <ul style="list-style-type: none"> i. appear only within the advertising display area ii. not be greater than 0.25 square metres iii. be included in calculating the size of the advertising display area. 	The proposed JCDecaux logo is 0.22m ² (0.18m H x 1.2m L) and located in the bottom black border of the sign, which is included in the advertising display area	Yes
3.21 Freestanding advertisements	The consent authority may grant consent only if the consent authority is satisfied that the advertisement does not protrude above the dominant skyline, including any buildings, structure, or tree canopies.	With an overall height of 6.46m, the sign sits below the height of nearby trees and will not protrude into the skyline	Yes

Table 8 | SEPP (Industry and Employment) Schedule 5 Compliance Table

Assessment Criteria	Comments	Compliance
1 Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is compatible with the character of the railway corridor and adjacent road corridor.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no established theme for outdoor advertising, however the proposed sign is consistent with other digital signs emerging within the railway corridor in the locality.	Yes

Assessment Criteria	Comments	Compliance
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?	As discussed in Section 5.1 , the proposed has the potential to detract from the amenity and visual outlook from one heritage listed dwelling within a residential / conservation zone on the opposite side of the railway corridor. However, subject to conditions requiring landscaping to mitigate the visual impacts of the sign, the overall amenity and visual quality impacts are considered to be acceptable.	Yes
3 Views and Vistas		
Does the proposal: <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? 	As discussed in Section 5.1 , the proposed has the potential to reduce the quality of vistas from one dwelling. However, subject to conditions requiring landscaping to mitigate the visual impacts of the sign, the overall impacts to vistas is considered acceptable. The proposed sign otherwise does not obscure any important views, dominate the skyline, or obstruct sightlines to any other advertising structures.	Yes
4 Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is considered appropriate for the main road corridor streetscape and transport corridor setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will contribute to the visual interest of the setting by incorporating digital advertising on the Princes Highway.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal includes removal of an existing double sided static advertisement, 100m to the north. The proposal also aims to present a more rectangular and sleek appearance than the existing signage.	Yes
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Although the proposed sign would be taller than nearby single storey dwellings, it would be well below the tree canopy line and the height of nearby railway infrastructure and light poles and therefore the height is considered to be appropriate for the setting.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal require ongoing vegetation management?	The Department has recommended conditions requiring the submission of a landscape plan that will assist to mitigate the visual impacts by partially screening and softening the views of the sign from the neighbouring cottage at 1 Wilson Parade. Accordingly, ongoing vegetation management may be required to ensure that vegetation does not grow to interfere with the operation of the rail corridor. The Department has recommended conditions requiring the preparation of a Landscape Management Plan.	Yes subject to condition
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 scale of the proposal is appropriate for the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	There are no existing important features on the site.	N/A
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	There are no existing buildings or important features of the site to emulate or interpret in the proposal.	N/A
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?	<p>Illumination is integrated into the sign.</p> <p>A compliant operator logo is located at the bottom of the screen.</p>	Yes
7 Illumination		
<p>Would illumination:</p> <ul style="list-style-type: none"> result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation. 	The proposed illumination complies with the Guidelines and would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or, subject to recommended consent conditions, unreasonably detract from the amenity of any residents (refer to Section Error! Reference source not found. of this report).	Yes
Can the intensity of the illumination be adjusted?	The proposal includes a local light sensor to adjust the intensity of the illumination of the sign in accordance with ambient	Yes

Assessment Criteria	Comments	Compliance
Is the illumination subject to a curfew?	<p>lighting conditions. The Department has also recommended consent conditions requiring signage illumination levels to be adjustable if the need arises during its operation.</p> <p>The sign is proposed to be subject to a curfew: It is proposed to switch off the sign between 11pm and 6am.</p>	

8 Safety

<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? any public road? 	<p>The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines (refer to Section 5 of this report).</p>	Yes
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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 the SEPP (Industry and Employment) 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 99.

Table 9 | Assessment against Guidelines

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria		
i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The proposal is consistent with the objectives of the SP2 Zone under the SSLEP 2015 in that it will be an ancillary use to the transport corridor, which will generate revenue used to maintain and enhance existing and future public transit assets and services which form a key part of the transport network in Sydney and will not interfere with the operation of the rail corridor or adjacent road corridor.	Yes
ii. Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts:	The proposed sign would be visible from the adjoining residential area to the east which includes a heritage listed property within an environmental conservation zone. Residential amenity impacts and heritage	Yes, subject to conditions

Assessment Criteria	Comments	Compliance
<ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National Park or nature reserve. (emphasis added) 	impacts have been considered in Section 5 and the Department is satisfied the proposed sign, subject to recommended consent conditions requiring screen planting at the boundary to the neighbouring heritage listed property, would not result in significant adverse impacts.	
iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.	The proposed sign would not protrude into the skyline (it would sit below the height of the tree line), and it would not affect any significant scenic views that add to the character of the area.	Yes
iv. Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The sign would be located in proximity of a local heritage item listed under SSLEP 2015. A Heritage Impact Statement was submitted as part of the application, however and concludes that the sign would have an acceptable impact because the signage will be sufficiently separate from the item and there would be no impact on significant view corridors or fabric, or the ability for the public to understand and appreciate the significance of the item. These are discussed in more detail in Section 5 .	Yes
v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	The proposed sign is consistent within the rail corridor context which already contains large advertising structures and the adjoining commercial zones where signage and advertising is permissible and expected. There are no unsightly aspects of the landscape that require screening.	Yes

2.3 Macro-scale planning principles

2.3.2 Sign placement in transport corridors in urban areas

Advertising in urban areas should be restricted to rail corridors, freeways, tollways or classified roads:	The proposed sign location is appropriate as it would be located within a transport corridor at the point where it adjoins	Yes
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Assessment Criteria	Comments	Compliance
<p>a. within or adjacent to strategic transport corridors passing through enterprise zones, business development zones, commercial core zones, mixed use zones or industrial zones</p> <p>b. within or adjacent to strategic transport corridors passing through entertainment districts or other urban locations identified by the local council in a relevant strategy as being appropriate for such advertising.</p>	<p>enterprise / commercial zones to the west and south.</p>	
<p>Consideration must be given to the compatibility of advertising development with surrounding land uses and whether such advertising will impact on sensitive locations. For instance, placement of advertising along transport corridors should not result in increased visibility of signage in adjacent or surrounding residential areas</p>	<p>Although the proposed sign would also be visible from the adjoining C4 Environmental Living zone to the east, the impacts are not considered significant as the site is visually separated from that zone by the railway line and recommended conditions requiring landscaping (discussed in Section 5) will help to mitigate the visibility of the signage. Further, as the proposal also includes in removal of another double-sided advertising sign in the transport corridor 100m to the north which is opposite the residential zone there would be no overall net increase in signage visibility from surrounding residential areas.</p>	

2.4 Sign clutter controls

<p>In assessing advertising proposals, the consent authority is to have regard to clutter:</p> <p>a. Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter.</p> <p>b. Where there is advertising clutter, consideration should be given to reducing the overall number of individual advertisements on a site. Replacement of many small signs with a larger single sign is encouraged if the overall advertising display area is not increased.</p>	<p>The proposal would result in two signs immediately adjacent to each other. However, as each of the signs are single-sided, only advertising on one sign would be visible to motorists travelling northbound, while the other would be visible to motorists travelling southbound.</p> <p>In addition, the proposal includes removal of another double-sided advertising sign in the transport corridor 100m to the north.</p> <p>As such the proposal is not considered to result in a net increase in visual clutter.</p>	<p>Yes</p>
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Assessment Criteria	Comments	Compliance
2.5 Site Specific and Structural Criteria		
2.5.1 General Criteria		
a. 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 railway corridor.	Yes
b. The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.	The proposed sign is compatible with surrounding signs and development along the railway corridor.	Yes
c. The advertising signage should be in keeping with important features of the site, building or bridge structure.	The digital advertising signage is in keeping with the emerging form of signs in railway corridors.	Yes
d. 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.	Yes
e. 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 does not include landscaping. However, conditions are recommended to include some landscaping to mitigate visual impacts to an adjacent residential premises.	Yes, subject to condition
f. 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.	A compliant operator logo is located at the bottom of the screen. There is no external lighting, safety device or platform.	Yes
g. 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). Conditions are recommended to ensure compliance with the Guidelines.	Yes, subject to conditions
h. 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).	Yes
2.5.4 Freestanding advertisements criteria		
a. The advertising structure must not protrude above the dominant skyline.	The sign will sit below the tree line and will not protrude into the skyline.	Yes

Assessment Criteria	Comments	Compliance
b. Freestanding advertisement greater than 45sqm that requires consent from local council...	Council is not the consent authority for the subject proposal.	N/A
c. Where the sign is in a transport corridor a landscape management plan may be required. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.	Conditions are recommended to include landscaping to mitigate visual impacts to an adjacent residential premises.	Yes, subject to condition

2.5.8 Digital sign criteria – 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 is for the display of static digital advertisements with a dwell time of 10 seconds in accordance with criterion (d) below.	Yes												
(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 proposed sign is not seeking consent for message sequencing.	Yes												
(c) The image must not be capable of being mistaken: (a) For a prescribed traffic control (ii) device as text providing driving instructions to drivers.	The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions. Consent conditions are recommended to this effect.	Yes												
(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.	A 10 second dwell time is proposed in the applicant's SEE, given a speed limit of 60km/h along the Princes Highway.	Yes												
(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.	Yes												
(f) Luminance levels comply with the following requirements:		Yes												
<table border="1"> <thead> <tr> <th>Lighting Conditions</th><th>Zone 4 Maximum Luminance Levels</th><th>Proposed Luminance Levels</th></tr> </thead> <tbody> <tr> <td>Full sun on face of signage</td><td>No Limit</td><td>No limit</td></tr> <tr> <td>Day-time luminance</td><td>6000 cd/m²</td><td>6000 cd/m²</td></tr> <tr> <td>Morning and Evening, and Twilight and Inclement Weather</td><td>500 cd/m²</td><td>500 cd/m²</td></tr> </tbody> </table>			Lighting Conditions	Zone 4 Maximum Luminance Levels	Proposed Luminance Levels	Full sun on face of signage	No Limit	No limit	Day-time luminance	6000 cd/m ²	6000 cd/m ²	Morning and Evening, and Twilight and Inclement Weather	500 cd/m ²	500 cd/m ²
Lighting Conditions	Zone 4 Maximum Luminance Levels	Proposed Luminance Levels												
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Day-time luminance	6000 cd/m ²	6000 cd/m ²												
Morning and Evening, and Twilight and Inclement Weather	500 cd/m ²	500 cd/m ²												

Assessment Criteria		Comments	Compliance
Night-time Pre-Curfew (Until 11pm)	200 cd/m ²	200 cd/m ²	
Night-time Post-Curfew (11pm - 6am)	200 cd/m ²	0 cd/m ² (sign turned off)	
The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 4 (refer to Section Error! Reference source not found. 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.	<p>The images would not dazzle or distract drivers.</p> <p>A condition of consent is recommended to ensure that the signs images comply with requirements to not contain flickering or flashing content.</p>		Yes
(h) 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.	<p>The advertisements would primarily display images with information/text kept to a minimum.</p> <p>A condition of consent is recommended to ensure that text and information is kept to a minimum.</p>		Yes
(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.	A condition of consent is not required as the sign is not visible from a school zone.		N/A
(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 (refer to Section 5 of this report).		Yes
(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 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.		Yes
(l) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	<p>There is not another sign facing northern-travelling traffic within 150m of the proposed signage.</p> <p>As the proposal includes removal of a two-sided advertising structure 100m to the north of the site which is located within 150m of the nearby sign addressing south-bound motorists, the proposal results in an</p>		Yes

Assessment Criteria	Comments	Compliance
	improvement in compliance with the Guidelines in this regard.	
<p>(m) Signs greater than 20 m² must obtain RMS concurrence and must ensure the following minimum vertical clearances:</p> <ul style="list-style-type: none"> i. 2.5 m from lowest point of the sign above the road surface if located outside the clear zone. ii. 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. 	The application was referred to TfNSW who raised no concerns with the sign location or clearance. The sign is physically separated from the road reserve but still achieves a 2.5m clearance above the height of the road surface.	Yes
(n) An electronic log of a sign's activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of complaint.	This matter will be included as a condition of consent.	Yes, subject to condition
(o) 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.	A condition of consent is recommended to ensure a road safety check is carried out.	Yes, subject to condition
Road Safety Assessment Criteria		
3.2.1 Road clearance		
(a) The advertisement must not create a physical obstruction or hazard.	The proposed works would not overhang the roadway. The proposed signs would not result in any physical obstruction or hazard.	Yes
(b) 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 signs are not located within a clear zone.	N/A
(c) All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS	The proposed works would not overhang the roadway or footpath, being on land classed as the railway corridor.	N/A

Assessment Criteria	Comments	Compliance
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.		

Additional road clearance criteria for digital signs

Digital signs greater than 20m ² must ensure a minimum clearance of 2.5 m from the lowest point of the sign if located outside the clear zone.	The sign would have a minimum clearance of more than 2.5m above the level of the Princes Highway.	N/A
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3.2.2 Line of Sight

(a) An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings.	The proposed digital signage located outside of the road reserve will not obstruct any driver views of the road or footpath.	Yes
(b) An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed digital signage located outside of the road reserve will not obstruct pedestrian or cyclist views.	Yes
(c) 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 will not give incorrect information on the alignment of the road.	Yes
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed sign would be located front-on for north-east bound traffic and will not require the drivers to direct their attention away from the road and would have a dwell time of 10 seconds.	Yes

3.2.3 Proximity to decision making points and conflict points

(a) The sign should not be located: <ul style="list-style-type: none"> i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves ii. 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 	The proposed signage would comply with the road safety requirements (refer to Section 5 of this report) and will be a safe distance from intersections, crossings and not visible from the stem of any T-intersections.	Yes
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Assessment Criteria	Comments	Compliance
iii. so that it is visible from the stem of a T-intersection.		
(b) The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:	The placement of the sign will not distract drivers at critical times (refer to Section 5 of this report).	Yes
i. of a road hazard		
ii. to an intersection		
iii. to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)		
iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.		
3.2.4 Sign Spacing		
Additional criteria for digital signs		
(a) 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.	There is not another sign facing north-travelling traffic within 150m of the proposed signage. As the proposal includes removal of a two-sided advertising structure 100m to the north of the site which is located within 150m of the nearby sign addressing south-bound motorists, the proposal results in an improvement in compliance with the Guidelines in this regard.	Yes
3.3.1 Advertising signage and traffic control devices		
(a) 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 signage does not overhang the roadway and is not located in proximity to any signals or devices.	Yes
(b) 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.	Yes

Assessment Criteria	Comments	Compliance
Additional criteria for digital signs and moving signs		
(a) The image must not be capable of being mistaken: <ul style="list-style-type: none"> i. for a rail or traffic sign or signal because it has, e.g., red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal ii. as text providing driving instructions to drivers. 	The application does not provide specific detail for sign content. Due to the nature of the digital signage display, the advertising content of the signs will change. Therefore, a condition of consent will be applied to ensure the sign content is not mistaken for traffic signals or driving instructions.	Yes, subject to condition
(b) The amount of text and information supplied on a sign should be kept to a minimum (e.g., no more than a driver can read at a short glance).	The Department has included a suite of recommended conditions to ensure the content of the advertising does not include message sequencing, flickering or flashing and has a dwell time of 10 seconds.	Yes, subject to condition
3.3.2 Dwell time and transition time		
Digital signs		
(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The Department has included a recommended condition of consent requiring the advertising to be static and for a 10 second dwell time.	Yes, subject to condition
(b) Dwell times for image display must not be less than: <ul style="list-style-type: none"> i. 10 seconds for areas where the speed limit is below 80km/h. ii. 25 seconds for areas where the speed limit is 80km/h and over. 	A 10 second dwell time is proposed in the applicant's SEE, given a speed limit of 60km/h along The Princes Highway.	Yes, subject to condition
(c) Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	The proposal is not visible from a school zone.	Yes
(d) Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	A condition of consent will be applied to ensure the sign does not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.	Yes, subject to condition

Assessment Criteria	Comments	Compliance
(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.	This has been included as a recommended condition of consent.	Yes, subject to condition

3.3.3 Illumination and reflectance

Digital Signs

(a) Luminance levels must comply with the requirements in Table 6	The proposed luminance complies with Table 6, demonstrated in this table above.	Yes
(b) 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.	This is included as a condition of consent.	Yes, subject to condition

3.3.4 Interaction and sequencing

(a) 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 proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile devices, by condition of consent.	Yes, subject to condition
(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.	No message sequencing is proposed.	Yes

4. Public Benefit

As proponents of outdoor advertising, Sydney Trains must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit. The level of public benefits is to be negotiated and agreed upon between the consent authority and the applicant. The public benefit can be provided as a monetary contribution or as an 'in kind' contribution. Both monetary and in-kind contributions must be linked to improvements in local community services and facilities such as traffic safety, public	The proposal has adequately demonstrated the public benefit (refer to Section Error! Reference source not found. of this report).	Yes
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Assessment Criteria	Comments	Compliance
transport services, transport corridor amenity, or free advertising time to promote a service, tourism in the locality, community information, or emergency messages.		N/A
Sydney Trains must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit. Sydney Trains 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. Sydney Trains must consult with the relevant councils to identify and prioritise the public benefit works to be delivered through the program on a regional or subregional basis.	<p>This is recommended to be included as a condition of consent.</p> <p>The proposed public benefits relate to improvement to the operation of the Sydney Trains network and not to public works that would affect local councils. As such there are no relevant Councils which Sydney Trains must consult with. The application was referred to Sutherland Shire Council who raised no concerns with the proposed public benefits.</p>	Yes, subject to condition

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure of SEPP Transport and Infrastructure aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process. The proposal has been assessed against the SEPP in Table 1010.

Clause 2.119(2) of SEPP Transport and Infrastructure requires the consent authority to be satisfied that the development with frontage to a classified road would not adversely affect the safety, efficiency and ongoing operation of the road. The proposed digital signage is similar in nature to other digital signs which are typically found in road corridors. In consideration of the above, the proposal would not compromise the operation and function of the road.

Table 10 | Assessment against Chapter 2 in SEPP (Transport and Infrastructure)

Assessment Criteria	Comments	Compliance
Division 15, Subdivision 2: Development in or adjacent to rail corridors		
2.98 Development adjacent to rail corridors		
(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development –	The proposal will be within a rail corridor, involves the placing of a metal finish on a structure in the rail corridor, and involve the use of a crane during the construction period	Yes

Assessment Criteria	Comments	Compliance
<p>(a) is likely to have an adverse effect on rail safety, or</p> <p>(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</p> <p>(c) involves the use of a crane in air space above any rail corridor, or</p> <p>(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.</p> <p>(2) Before determining a development application for development to which this section applies, the consent authority must –</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration –</p> <p>i. any response to the notice that is received within 21 days after the notice is given, and</p> <p>ii. any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	<p>on air space above the rail corridor.</p> <p>As such, TfNSW (Sydney Trains) were notified of the proposal. However, Sydney Trains advised that as the application was a TfNSW / Sydney Trains application, it would not be providing a response, and any necessary rail comments would be provided internally.</p> <p>An assessment against the relevant aspects of the Development Near Rail Corridors and Busy Roads – Interim Guideline has been undertaken in Error! Reference source not found..</p>	
2.99 Excavation in, above, below, or adjacent to rail corridors		
<p>(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within a railway corridor.</p>	<p>The proposal involves penetration of ground to a total depth of about 1.5m and therefore this section does not apply.</p>	n/a
2.119 Development with frontage to a classified road		
<p>(2) 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> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p>	<p>Existing vehicular access gates would be relocated approximately 4 metres to the north. Infrequent vehicular access for sign maintenance would be via these gates fronting Princes Highway. There is no</p>	yes

Assessment Criteria	Comments	Compliance
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—	practical or safe alternate access.	
i. the design of the vehicular access to the land, or	Vehicular access design remains unchanged from the existing situation and will not adversely affect the classified road.	
ii. the emission of smoke or dust from the development, or	The proposed sign will not emit smoke or dust.	
iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	Given the proposed sign would replace another sign to be removed in the immediate locality, the overall frequency of vehicles using the classified road to access the railway corridor for sign maintenance would not materially change and would not affect the operation of the classified road.	
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road	The proposed sign would not be adversely affected by traffic noise or emissions.	

Table 11 | Assessment against Development near Rail Corridors and Busy Roads – Interim Guideline.

Clause	Consideration	Compliance
5.1 Essential Early Requirements	Surveying was undertaken to assist in the design of the development.	Yes
5.2 Electrolysis	Conditions are recommended to ensure the signage will comply with the interim guideline, including the requirements to prevent or minimise any effects of stray current electrolysis in accordance with this section.	Yes
5.3 Cranes	Conditions of consent are recommended to ensure that the signage will comply with the interim guideline, including ensuring appropriate approval is in place for the operation of cranes	Yes
5.4 Safe Access for Maintenance	Safe access to the signage for maintenance has been incorporated into the design.	Yes
5.5 Stormwater Management	The sign would not alter or increase the flow of stormwater on to the railway	Yes
5.6 Vandalism	The sign would not increase the risk of vandalism to the railway or rail network.	Yes

5.7 Graffiti	The development would not increase the risk of graffiti to other rail infrastructure.	Yes
5.8 Lighting, External Finishes and Design	The lighting finishes and design have been considered under Section Error! Reference source not found. of this report. Conditions of consent are recommended to ensure that the signage will comply with the interim guideline, including use of non-reflective materials.	Yes
5.9 Structures in the Rail Corridor	Conditions of consent are recommended to ensure that the sign is constructed and operated in accordance with the Australian Standards.	Yes
5.10 Derailment Protection of Structures	The signage is located on the outside of the existing railway tracks and away from railway infrastructure. Sydney Trains have not raised any concerns with potential impacts to railway structures.	Yes
5.11 Electrocutation – Overhead Wiring	Conditions are recommended to comply with the interim guidelines including ensuring the signage will exceed the minimum distances under this clause.	Yes
5.12 Underground Electrical Services	Conditions are recommended to ensure the signage will comply with the interim guideline, including meet the requirements under this clause.	Yes
5.13 Track Closures, Power Outages and Corridor Access	As the applicant is also the rail operator, any access to the rail corridor or alteration to the rail operations would be required managed internally.	Yes
5.14 Level Crossings	Not applicable	N/A
5.15 Fencing	Secure fencing to prevent public access to the rail corridor will be retained under the proposal.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience and Hazards SEPP) contains the provisions of the former SEPP 55. The chapter aims to provide a State-wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, the relevant considerations for consent to carry out remediation work, and the remediation works undertaken that meet certain standards and notification requirements.

Under the framework of the Resilience and Hazards SEPP, the proposed development is considered to be acceptable, given no change of use is proposed on the site and the site will continue to operate as railway corridor land which includes advertising structures. The Department is satisfied that the land is suitable for ongoing use as a railway corridor (with ancillary signage) and remediation of the Site is not required to enable the ongoing use.

Sutherland Shire Local Environmental Plan 2015

The site is zoned SP2 Infrastructure - Railway under the SSLEP 2015. The advertising structure is permissible as ordinarily incidental or ancillary to the railway use given advertising signs are typically located in the rail corridor in order to generate revenue to maintain and improve public railway infrastructure. Regardless, Clause 3.14 of the SEPP (Industry and Employment) states that, despite the provisions of any EPI, the display of an advertisement by or on behalf of Sydney Trains, is permissible with development consent.

The objectives of the zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The applicant has provided a Public Benefit Statement which describes that the proposed sign would generate revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. The proposal is therefore consistent with the objectives of the zone as it provides funding towards rail infrastructure and the related use of the operation of the rail network.

The site has no statutory heritage listings but is within the immediate vicinity of a heritage item, identified in SSLEP 2015, being the house at 1 Wilson Parade. As such, in accordance with section 5.10 of the LEP, a Heritage Impact Statement (HIS) accompanied the application and found that the proposed sign would have minimal and acceptable impacts on the significance of that item. The Department has considered the heritage impacts of the proposal on 1 Wilson Parade in **Section 5**, and is satisfied that the proposal meets the objectives of the LEP with regard to heritage as it would not have unacceptable impacts on the heritage significance of the adjoining heritage item.

The site is also identified as Environmentally Sensitive Land on the Terrestrial Biodiversity Map under the LEP. However, the land is cleared and does not contain any significant vegetation. The Department has also recommended consent conditions requiring the submission of a landscape plan that will mitigate the visual impacts to an adjoining property. Recognising that the site is identified as Environmentally Sensitive Land, the recommended condition requires advanced plantings of locally endemic species. As such, the Department is satisfied the proposal would not result in any adverse impacts to the environmental values of the land, including impacts to significant or native flora, fauna, or habitat.

Sutherland Shire Development Control Plan 2015

Chapter 35 of the Sutherland Shire Development Control Plan 2015 (SSDCP 2015) includes controls for signage. Controls for freestanding pole signs, Illuminated signs and the general assessment principles are relevant to the assessment and have been considered in **Table 12**.

Table 12 | Assessment against SSDCP 2015, Chapter 35

Assessment Criteria	Comments	Compliance
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6.3 Controls for Freestanding Pole Signs

(1) Freestanding pole signs are a type of business identification sign and must relate to the use of the adjacent premises.	The proposal is not for a business identification sign and therefore not technically a freestanding pole sign by the DCP definition. Nevertheless, the remaining controls are relevant to the assessment.	Yes, as relevant
(2) A freestanding pole sign is to be designed to comply with the following controls:		
a. Signs shall not exceed the height of surrounding buildings and/or tree canopy or 8 metres, whichever is the lesser.	The sign would have a height of 6.46m and would be well below the height of the surrounding tree canopy. Buildings in the vicinity of the sign vary in height from 1 to 3 storeys and the height of the sign would fit comfortably within the scale and heights of surrounding built structures and would not protrude into the dominant skyline.	
b. The sign must not protrude above the dominant skyline including any buildings, structures or tree canopies when viewed from ground level within a visual catchment of 1 kilometre.		
c. The sign shall have scale similar to any adjacent built development.		
d. The sign, if located within the front setback of a development, shall not compromise landscaping, parking and visibility requirements.	The sign is not located in a front setback	
e. Significant trees and other native vegetation shall not be removed to accommodate signage.	No significant trees or vegetation would be affected.	
(3) Applications for freestanding signs should include a landscape plan of the site. The proposal should incorporate landscaping that complements the sign and the locality and requires minimal maintenance.	A landscape plan was not provided with the application as no landscaping is proposed. The need for landscaping has been considered in Section 5 and a condition is recommended requiring a landscape plan for approval by the Department prior to commencement of works	
(4) The sign shall not obstruct or impede pedestrian and vehicular traffic. The positioning of the sign shall have regard to adjacent signage on adjoining properties.	The sign will not obstruct pedestrian or traffic movements, nor will it affect other nearby signage.	
(5) The sign must not obstruct the drivers' view of the road, distract the driver or obstruct a pedestrian or cyclists view of the road	The sign will not obstruct any views of the road and as discussed in Section 5 , is considered acceptable with regard to road safety, including potential impacts for driver distraction.	

Controls for Illuminated Signs

(1) Illumination of signs must not result in unacceptable glare or reduce safety for pedestrians, vehicles or aircraft.	Illumination has been considered in detail in Section 5 and in Table 9 above and it has been demonstrated that the proposed illuminated sign complies with the relevant requirements of the Guidelines	Yes
(2) Illumination of signs must not		

Assessment Criteria	Comments	Compliance
<p>cause light spillage into nearby residential properties, national parks or nature reserves.</p> <p>(3) Depending of its location and its relationship to residential properties, Council may require that illumination be controlled by automatic time clocks extinguishing illumination.</p> <p>(4) The lighting intensity of a sign must be capable of modification or control after installation.</p> <p>(5) Illumination of a sign (except for floodlit signs) must not be external to the sign ie surrounding a sign.</p> <p>(6) Electric wiring to illuminated signs must be concealed.</p> <p>(7) Illuminated signs must not use complex displays, moving signs, flashing lights or the like that hold drivers' attention beyond 'glance appreciation'.</p>	<p>and subject to recommended conditions would:</p> <ul style="list-style-type: none"> • not result in acceptable glare or safety impacts • not result in unacceptable light spillage into nearby properties • be subject to an automatic curfew • automatically adjust the lighting intensity based on ambient light and time of day • be internally illuminated with no external electric wiring. • not use complex displays, moving signs, flashing lights or the like 	

6.6 Assessment Principles

<p>(1) Advertising will be assessed according to how compatible it is with the desired amenity and future character of a locality.</p> <p>(2) The following types of advertising may dominate the streetscape, especially when advertising signs are already in place. As such they will generally not be considered suitable:</p> <p>(a) Advertising that detracts from the appearance and character of a building and the surrounding area, for example, because it is not incorporated into the design of a building.</p> <p>(b) Wall advertisements greater than 20m2.</p> <p>(c) Advertising on and painting of entire facades in corporate colours or commercial sponsorship will not be permitted. Only the name of the adjacent business premises and the specific goods/services available is permitted.</p> <p>(3) The following types of advertising may compromise traffic or pedestrian safety and as such will generally not be considered suitable:</p>	<p>The proposed sign is considered to be compatible with the character and amenity of the railway corridor, as well as the desired amenity and future character of the surrounding locality which includes commercial zones on the opposite site of the Princes Highway and immediately to the south of the site.</p> <p>Not applicable: the sign is not related to a building.</p> <p>Not applicable: The sign is not upon a building and, therefore, is not a wall advertisement. Refer to section 6.2 Control of Wall Advertisements in SSDCP 2015 for further information.</p> <p>Not applicable: The sign is not on a building façade.</p> <p>Conditions are recommended to prevent flashing or moving images and to control dwell times.</p> <p>The sign is considered appropriate with</p>	<p>Yes</p>
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Assessment Criteria	Comments	Compliance
<ul style="list-style-type: none"> (a) Advertising which flashes or moves. (b) Any advertising which may detract from traffic or pedestrian movement. 	<p>regard to traffic safety as discussed in Section 5.</p>	

Appendix D – Recommended Instrument of Consent

The Instrument of Consent can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-princes-highway-heathcote-da-235550>