

10 July 2023

Anthony Witherdin
Director, Key Sites Assessments
NSW Department of Planning and Environment
Locked Bag 5022 Parramatta NSW 2124

Dear Anthony,

**Application to modify DA 10082 – Digital Advertising Signage
Church Street Overpass, Hunters Hill**

This Modification Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Transport for NSW* (Applicant) to accompany a request to modify Development Consent DA10082 under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The development consent for DA 10082 is provided at Appendix 1.

The proposed modification seeks to amend Condition A2 of DA 10082 to allow for two minor changes to the approved signage structure. The modifications proposed are as follows:

- A minor increase to the width of the signage box located at the rear of the approved sign from 850mm to 1220mm, representing a 370mm change to allow for a new step ladder design.
- New access hatch location – moved from the eastern end to the western end of the sign to allow safe access for maintenance purposes.

The modifications will allow the signage box to be accessed internally for maintenance as needed. The modification will also ensure the sign meets the relevant Australian Standards, specifically clause 5.1.3 & clause 7.4.6 of AS1657 as outlined in the engineering supporting statement at Appendix 4.

1 Background

On the 9 June 2021, the Department of Planning and Environment (DPE) approved Development Consent (DA 10082) for the installation of a south facing digital advertising sign on the Church Street Overpass, Hunters Hill. The approved development comprises:

- One south facing digital panel.
- Signage support structures including framework, wiring, electrical and communications.

The consent has not been previously modified.

2 Request to modify the Conditions of Consent

The following condition is proposed to be modified as outlined below (**BOLD strikethrough**):

Condition Title

Condition A2: The development may only be carried out:

- (a) in compliance with the conditions of this consent;*
- (b) in compliance with all written directions of the Planning Secretary;*
- (c) in accordance with the approved plans and reports in the tables below:*

Design Drawings prepared by Arcadis DBCE				
Job no.	Sheet no.	Issue	Name of Plan	Date
DS2019/000865	DA.01	5	General Arrangement – Sheet 1	24/03/2021
DS2019/000865	DA.02	5	General Arrangement – Sheet 2	24/03/2021
DS2019/000865	DA.01	6	General Arrangement – Sheet 1	20/06/23
DS2019/000865	DA.02	6	General Arrangement – Sheet 2	20/06/23

3 Environmental Planning and Assessment Act 1979

The following section provides an assessment against the statutory environmental planning instruments relevant to the development. The section includes a discussion and evaluation of the key issues and matters for consideration under Sections 4.55 and 4.15(1) of the EP&A Act.

It is noted, as the Applicant is a public authority, the subject application is a Crown Development Application pursuant to Part 4 Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

3.1 Section 4.55(1A) of EP&A Act

Section 4.55(1A) of the EP&A Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	<p>The proposed modification seeks two minor changes to the signage box of the approved signage structure:</p> <ul style="list-style-type: none"> A minor increase to the width of the signage box located at the rear of the sign from 850mm to 1220mm, representing a 370mm change to allow for a new step ladder design. New access hatch location – moved from the eastern end to the western end of the sign to

Section 4.55(1A) Provision	Response
	<p>allow safe access to the sign for maintenance purposes.</p> <p>The modification will ensure a person can access the inside of the signage box to maintain the sign as needed.</p> <p>The modification will also ensure the sign meets the relevant Australian Standards, specifically AS1657 clause 5.1.3 & clause 7.4.6 as outlined in the engineering statement (Appendix 4).</p> <p>A statement from a qualified lighting consultant is also provided at Appendix 3. The statement outlines the proposed modification will comply with the luminance levels approved under DA 10082 as well as the relevant requirements and standards outlined in the original Luminance Impact Assessment, including:</p> <ul style="list-style-type: none"> • <i>Transport Corridor Outdoor Advertising & Signage Guidelines 2017 - State Environmental Planning Policy (Industry and Employment) 2021</i> • AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting
<p>(b) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i></p>	<p>The approved location, orientation and size of the advertising panels will remain unchanged.</p> <p>The signage box is located behind the sign, hidden behind the digital panel. On this basis, the signage box will not be visible to oncoming traffic and will not lead to any additional visual, illumination or traffic impacts from the approved signage (DA 10082).</p> <p>Notwithstanding the above, the increased width of the signage box will cause the sign to extend an extra 370mm over the road corridor. However, given the minor nature of this change, there will be no adverse impacts.</p>
<p>(c) <i>it has notified the application in accordance with:</i></p> <ol style="list-style-type: none"> <i>the regulations, if the regulations so require, or</i> <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i> 	<p>The application will be notified in accordance with the Regulations if required.</p>

Section 4.55(1A) Provision	Response
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	It is considered that further consultation is not required given the minor nature of the proposal.

Table 1: Section 4.55(1A) Assessment

3.2 Section 4.55(3)

Section 4.55(3) of the EP&A Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The following section also includes a discussion and evaluation of the key issues and matters for consideration under Section 4.15(1) of the EP&A Act.

3.3 Section 4.15(1) Assessment

This section provides an assessment against Section 4.15(1) of the EP&A Act.

Provision	Comment
(a) <i>The provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	<p>The original Development Application addressed the development's level of compliance against relevant planning instruments, including:</p> <ul style="list-style-type: none"> • Roads Act 1993 • State Environmental Planning Policy no.64 (Advertising and Signage) (SEPP 64) • State Environmental Planning Policy (Infrastructure) 2007 • Hunters Hills Local Environmental Plan 2012 • Hunters Hills Development Control Plan 2013 • Transport Corridor Outdoor Advertising and Signage Guidelines (Signage Guidelines) <p>The proposed modification remains consistent with the above planning instruments.</p>
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the</i>	Not applicable.

Provision	Comment
<i>proposed instrument has been deferred indefinitely or has not been approved), and</i>	
(iii) <i>any development control plan, and</i>	The proposed modification remains consistent with the approved development's compliance with the relevant provisions of the <i>Hunters Hills Development Control Plan 2013</i> .
(iiia) <i>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</i>	No planning agreement or draft planning agreement has been entered into as part of this application.
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	The application is consistent with the relevant matters of the EP&A Regulations.
(v) <i>(Repealed)</i>	Not applicable.
<i>that apply to the land to which the development application relates,</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The request to modify the Development Consent DA 10082 will not result in any adverse environmental impacts and will facilitate the maintenance of the sign in line with the relevant Australian Standards. This is confirmed in a statement from a qualified lighting consultant (Appendix 3) and a statement from a qualified engineer (Appendix 4).
(c) <i>the suitability of the site for the development,</i>	The site is suitable for the approved use for the reasons outlined in the original application DA 10082.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject modification application will be duly considered and addressed by Keylan.
(e) <i>the public interest.</i>	The modification will allow the signage structure to be appropriately and safely maintained and managed and therefore contribute to revenue to which the NSW State Government allocates to contribute to funding to support road infrastructure maintenance, network management, road user compliance activities and road safety programs across NSW. This aligns with the public benefit statement submitted with the original DA (DA 10082).

Table 2: Section 4.15(1) Assessment

4 Environmental Planning Assessment

The proposed modification seeks to modify the original Development Consent (DA 10082) to allow for two minor changes to the signage box at the rear of approved signage structure.

The proposed modifications are assessed below.

Signage box width

The proposed modification involves a minor increase to the width of the signage box located at the rear of the sign from 850mm to 1220mm. This will result in a 370mm change and will allow for a new step ladder design. Figure 1 below compares the approved and proposed signage box.

The proposed modification will not lead to any environmental impacts and should be supported based on the following points:

- The approved location, orientation and size of the advertising panels will remain unchanged.
- The approved luminance levels will remain unchanged.
- The modification involves a minor (370mm) increase in the width of the signage box.
- It is noted that the modification will cause the sign to extend further over the road corridor, however, as this will only be by an extra 370mm (than currently approved), no impacts are anticipated. In addition, the signage box will be located at the rear of the approved sign and therefore will not be visible to oncoming traffic.
- On the basis of the above, the proposed modification will not lead to any additional visual, illumination or traffic impacts from the approved signage (DA 10082).
- The location change will optimise safe access to the sign by maintenance personnel and therefore allow the sign to be appropriately and safely maintained in line with the relevant Australian Standards.

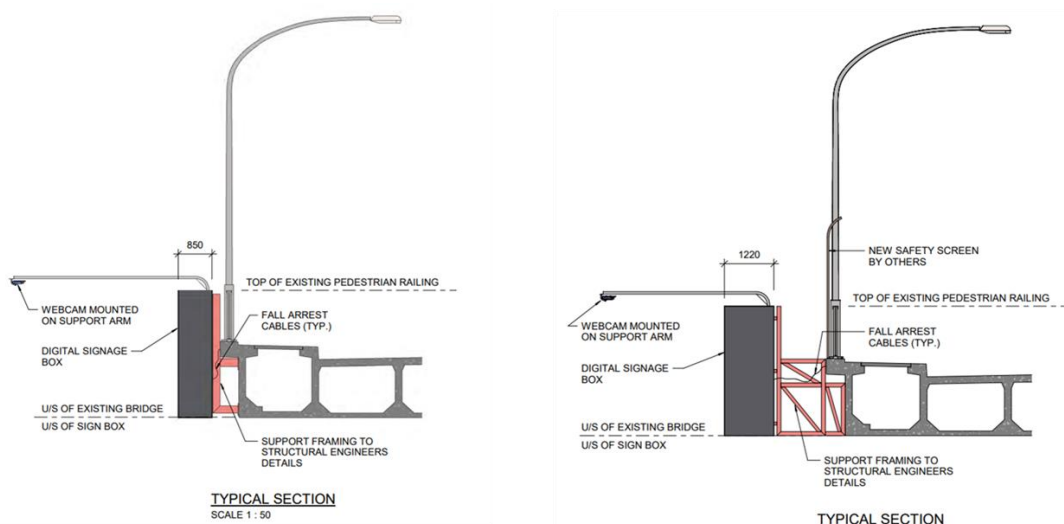


Figure 1: Width of signage box - approved plans (left) and proposed plans (right) (Source: Arcadis/DBCE)

Access hatch location

The proposed modification involves a new access hatch location. The access hatch is proposed to be moved from the currently approved location at the eastern end of the structure to a new location at the western end of the structure. Figure 2 below compares the approved and proposed access hatch locations.

The proposed modification will not lead to any environmental impacts and should be supported based on the following:

- The approved location, orientation and size of the advertising panels will remain unchanged.
- The approved luminance levels will remain unchanged.
- The access hatch will remain on the top of the digital signage panel as approved under DA 10082.
- The access hatch will not be visible to oncoming traffic.
- The location change will optimise safe access to the sign by maintenance personnel and therefore allow the sign to be appropriately and safely maintained in line with the relevant Australian Standards.

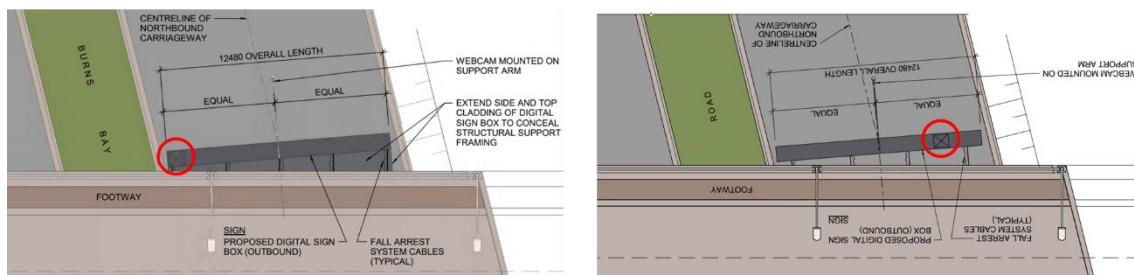


Figure 2: Access hatch location - approved plans (left) and proposed plans (right) (Source: Arcadis/DBCE & Keylan markup)

5 Conclusion

This Modification Report supports a request to modify DA 10082 by way of two minor amendments involving the width of the signage box and the location of the access hatch.

The proposed modification will not result in any adverse environmental impacts and the approved location, orientation, size and luminance of the advertising panels will remain unchanged.

The modification will facilitate the maintenance of the signage structure in line with the relevant Australian Standards. Moreover, the modification will allow for the maintenance and management of a signage structure that generates revenue which the NSW State Government allocates to contribute to funding to support road infrastructure maintenance, network management, road user compliance activities and road safety programs across NSW.

The sign will also provide affordable advertising space for road safety messages in a strategic location. The proposed digital screens will display road safety messages for a minimum of 5% of all advertising time and will be available for use by TfNSW in the event

of a 'threat to life' emergency. This aligns with the public benefit statement submitted with the original DA (DA 10082).

Based on the assessment in this letter, we consider that the applicant has shown good cause for DPE to modify the consent as requested. Please do not hesitate to contact Michael Woodland at 02 8459 7506 or michael@keylan.com.au if you wish to discuss any aspect of this application.

Yours sincerely



Michael Woodland BTP MPIA
Director

Appendix 1	Development Consent (DA 10082)
Appendix 2	Amended Architectural Plans
Appendix 3	Lighting Statement
Appendix 4	Engineering Statement
Appendix 5	Land Owners Consent