

Erection of a digital advertising sign on the Church Street Overpass, Hunters Hill, Modification 1

Modification to amend the width of the signage box and location of the access hatch for the approved signage structure. Section 4.55(1A)
Assessment (DA 10082 MOD 1)

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Cover image: View of the proposed sign (southern elevation) from Burns Bay Road. Source: Applicant's Signage Safety Assessment, DA 10082.

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Glossary

Abbreviation	Definition
Applicant	Transport for New South Wales
Consent	Development Consent
Council	Hunters Hill 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>
HHDCP 2013	Hunters Hill Development Control Plan 2013
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	NSW Minister for Planning and Public Spaces (or delegate)
RMS	Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically
RFI	Request for Information
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
Industry and Employment SEPP	<i>State Environmental Planning Policy (Industry & Employment) 2021</i>
Site	Church Street Overpass, Hunters Hill
TfNSW	Transport for NSW
the Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017

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1 Introduction

This report provides the Department of Planning and Environment's assessment of a request to modify the approval of a digital advertising sign located on the Southern elevation of the Church Street Overpass over Burns Bay Road at Hunters Hill (DA 10082).

The proposal seeks to increase the depth of the signage box by 370mm to allow for a new step ladder, move the location of the access hatch from the eastern end to western end and associated changes to the supporting structure.

The application was lodged on 7 August 2023 by Transport Asset Holding Entity of New South Wales on behalf of Transport for New South Wales (TfNSW) (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The approved signage would be located on the southern elevation of the Church Street overpass, over Burns Bay Road, Hunters Hill (**Figure 1** and **Figure 4**). Burns Bay Road is a State Road, classified as a Freeway under the *Roads Act 1993*.

The overpass connects to Hunters Hill and Gladesville to the west and Hunters Hill and Woolwich to the east. Burns Bay Road has a speed limit of 70 km/hr.



Figure 1 | Site Location (Source: DA 10082 SEE)

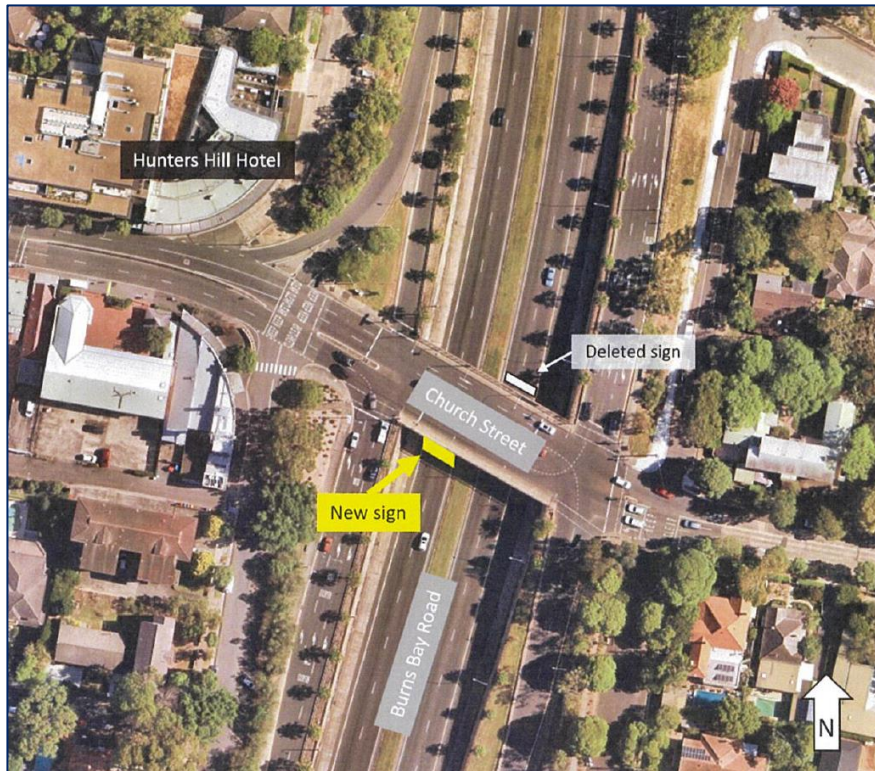


Figure 2 | Sign Location (Source: DA 10082 Amended Plans)

The surrounding development comprises of low to medium density residential housing to the east, northeast, southeast and southwest. Local heritage items and state heritage items “The Priory” is located south-west of the site and “Gladesville Bridge” is located south of the site (**Figure 1**).

1.2 Approval history

A consent was granted for DA 10082 by the Minister for Planning and Public Spaces on 9 June 2021 for the construction of a digital advertising sign.

2 Proposed modification

The modification application seeks approval to modify Condition A2 of the consent to:

- increase to the width of the signage box 850mm to 1220mm (+ by 370mm) and associated changes to the required structural support system (**Figure 4**), and;
- relocate the access hatch from the eastern end to the western end of the sign (**Figure 4**).

No other changes are proposed.

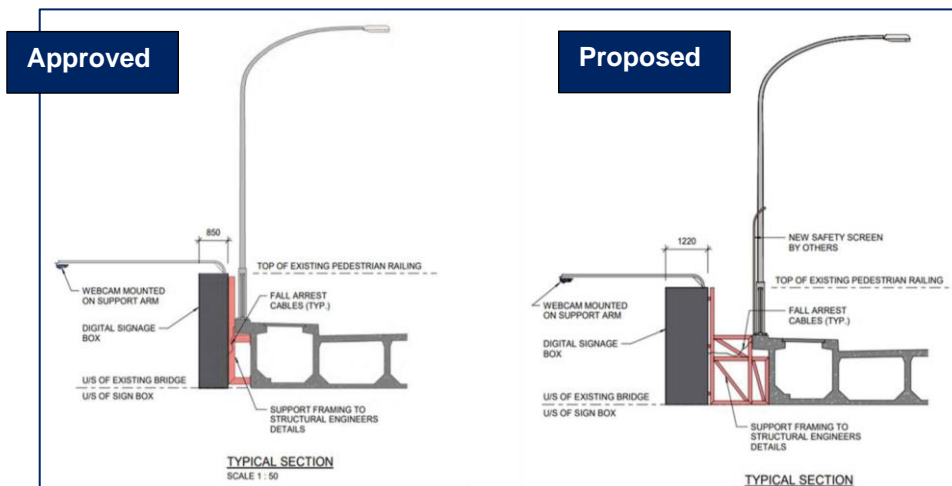


Figure 3 | Approved (left) and proposed (right) elevation (Base Source: Modification Letter

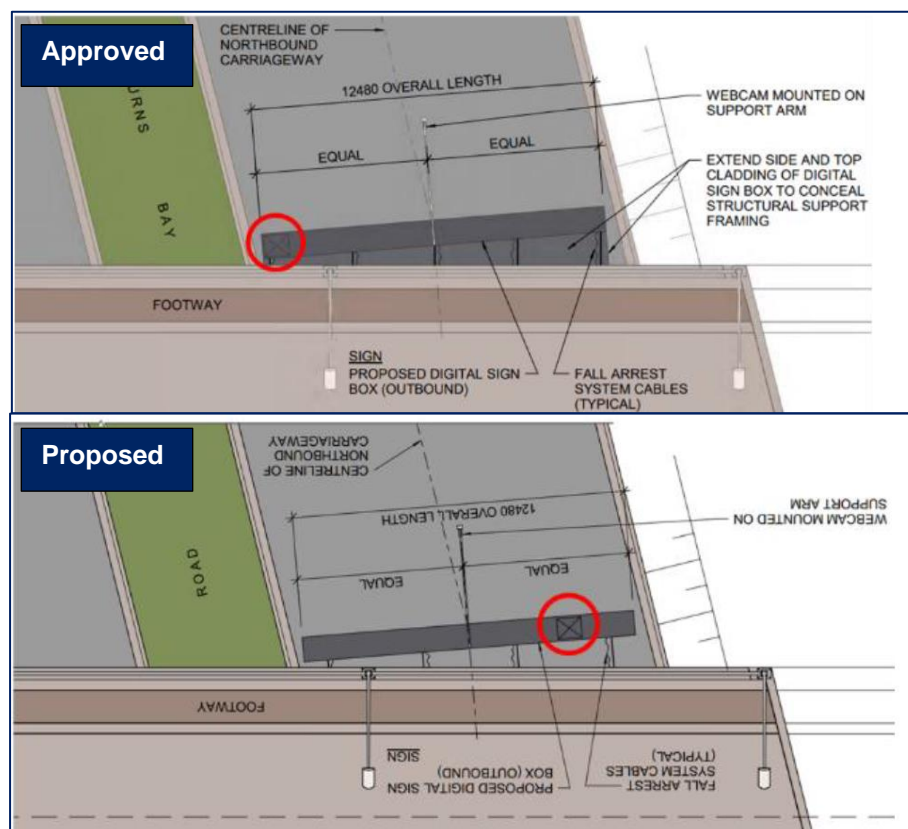


Figure 4 | Approved (top) and proposed (bottom) elevation (Base Source: Modification Letter)

2.1 Applicant's Justification

The Applicant has advised the increase in the width of the signage box and relocated access hatch is to accommodate a new step ladder design to enable internal maintenance access and improve safety. The Applicant has also advised these changes allow the sign to meet clauses 5.1.3 and clause 7.4.6 of Australian Standards 1657 - Fixed platforms, walkways, stairways, and ladders.

3 Statutory context

3.1 Scope of Modification

The Department has reviewed the scope of the modification application and considers it can be characterised as a modification involving minimal environmental impact as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- would not disturb any additional area outside the site.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify a Part 4 consent and results in minor environmental impacts. The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the project approval have been considered in

3.1.1 Objects of the EP&A Act	3.1.2 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	<p>The proposal seeks to provide social and economic benefits including reinvesting all revenue to Sydney Trains network to improve the services.</p> <p>The proposal will not adversely impact on the State's natural and other resources.</p>
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<p>The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles noting the application does not seek to change ESD initiatives and sustainability measures.</p>
c) to promote the orderly and economic use and development of land	<p>The sign is using an approved railway infrastructure and will generate revenue to contribute to improving the Sydney Trains network.</p>

d) o promote the delivery and maintenance of affordable housing	Not relevant.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal will not impact on the natural environment.
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal is not in the vicinity of, and therefore will not cause an adverse impact on, any heritage items.
g) to promote good design and amenity of the built environment	The design and impacts on amenity are considered in Section 5 .
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Not relevant.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department referred the proposal to TfNSW and Council (Section 4) and considered their responses (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 .

B2 Objects of the EPA&A Act

Table 2.

The Department has reviewed the scope of the modification application and considers that the application involves minimal environmental impacts as the proposal is substantially the same development as originally approved.

3.2 Objects of the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the EP&A Act. The Department has considered the objects of the EP&A Act in its assessment of the modification application and is satisfied that the modification meets the objects of the EP&A Act as the modification will:

- promote the proper management and development of a TfNSW regional road (Church Street) by allowing a more efficient access and movements for vehicles
- promote the orderly and economic use of land through the utilisation of an established transport corridor by contributing to the provision of new road infrastructure and maintenance of existing road infrastructure
- not result in unacceptable environmental, built and cultural heritage impacts
- promote planning and assessment coordination since the advice and comments from TfNSW and Council has been given due consideration by the Department in the assessment stage.

3.3 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the modification. However, under the Minister's delegation dated 9 March 2022, the Team Leader, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been received,
- no objection from Council was received, and
- no submissions were received from the public objecting to the proposal.

3.4 Mandatory matters for consideration

The approved signage was assessed by the Department against the provisions of applicable EPIs that were in force at the time of the assessment. The Department is satisfied that the proposed modification does not significantly alter the conclusions of the original assessment against those EPIs.

4 Engagement

4.1 Department's engagement

The modification documents were made publicly available on the Department's website and referred to TfNSW and the Hunters Hill Council for review. TfNSW assessed that the modification will have no significant impact on the nearby classified (State) road network. Council advised that they continue to not support the approved sign but did not provide comments on the proposed modification.

5 Assessment

The Department has considered the key assessment issues associated with the modification in .

Table 1 | Assessment Issues

Issue	Findings	Recommendation
Design and Structural Feasibility	<p>The Applicant provided an engineering statement confirming the signage design complies with the requirements of <i>Australian Standard AS 1657 - Fixed platforms, walkways, stairways, and ladders</i>, clause 7.4.6, is in accordance with accepted engineering principles and would improve the safety and maintenance of the sign.</p> <p>The Department is therefore satisfied that the application can comply with Australian structural design standards.</p> <p>Conditions are recommended to reference the modified plans and documents in the development consent.</p>	Amend Condition A2 to reference the modified plans and documents for the signage structure.
Visual Amenity Impacts	<p>The signage will be within the sightlines of road users of the Brian McGowan Bridge, however apart from increased depth of the box (+480mm) and the relocation of the access hatch, all other aspects of the approved signage will remain as originally approved.</p> <p>Both Council and TfNSW did not object or raise any visual amenity concerns.</p> <p>While the sign will extend marginally further over the road from the bridge, the Department is satisfied this will not be discernable from the road and the modification will not result in any adverse visual impacts over and above those previously assessed and approved.</p>	No additional conditions necessary.
Road Safety	<p>No changes to the advertising display area, angle of view, illumination levels or dwell time are proposed.</p> <p>The Department is therefore satisfied that the application will not lead to any additional impacts to road safety.</p>	No additional conditions necessary.

6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposal to be acceptable on the basis that the proposal:

- is capable of being structurally feasible and designed to relevant Australian Standards
- complies with statutory requirements of relevant environmental planning instruments
- will not result in any adverse visual amenity or road safety impacts
- will not create any significant environmental impacts

The Department is satisfied that the modification can be approved, subject to the recommended conditions (**Appendix B**).

7 Recommendation

It is recommended that the A/Team Leader, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application DA 10082 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the development consent DA 10082
- **signs** the attached Instrument of Modification (Error! Reference source not found.).

Recommended by:



Shruthi Sriram
Planning Officer
Key Sites Assessments

Recommended by:



24 August 2023
Thomas Piovesan
A/Principal Planner
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'D Glasgow', with a stylized flourish at the end.

David Glasgow

A/Team Leader

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Modification Report and Associated Documentation

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-sign-church-street-overpass-hunter-hill-modification-1>

Appendix B – Statutory Considerations

To satisfy the requirements of the EP&A Act, the Department has undertaken a detailed assessment of the statutory requirements of:

- the objects of the EP&A Act
- section 4.55(1A) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, applicable EPIs and regulations.

The Department has considered these matters in its assessment in Table 2 and Table 3.

B1 Objects of the EPA&A Act

Table 1 | Objects of the EP&A Act

8.1.1 Objects of the EP&A Act	8.1.2 Consideration
k) 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	<p>The proposal seeks to provide social and economic benefits including reinvesting all revenue to Sydney Trains network to improve the services.</p> <p>The proposal will not adversely impact on the State's natural and other resources.</p>
l) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<p>The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles noting the application does not seek to change ESD initiatives and sustainability measures.</p>
m) to promote the orderly and economic use and development of land	<p>The sign is using an approved railway infrastructure and will generate revenue to contribute to improving the Sydney Trains network.</p>

n) o promote the delivery and maintenance of affordable housing	Not relevant.
o) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal will not impact on the natural environment.
p) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal is not in the vicinity of, and therefore will not cause an adverse impact on, any heritage items.
q) to promote good design and amenity of the built environment	The design and impacts on amenity are considered in Section 5 .
r) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Not relevant.
s) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department referred the proposal to TfNSW and Council (Section 4) and considered their responses (Section 5).
t) to provide increased opportunity for community participation in environmental planning and assessment	The Department exhibited the application as outlined in Section 4 .

B2 Objects of the EPA&A Act

Table 2 | Section 4.55(1A) Evaluation

Section 4.55(1A) Evaluation		Consideration
u)	that the proposed modification is of minimal environmental impact, and	The Department is satisfied that the proposed modification will have minimal environmental impacts. Section 5 of this report provides an assessment of the issues associated with the proposed changes.
v)	that the development to which the consent as modified relates is substantially the same development as the	The proposed modification seeks to increase to the width of the rear of the signage box by 370mm and relocate the access hatch from the eastern end to the western end of the sign. All other features and aspects of the approved

	development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	signage remain the same as approved. On this basis, the Department is satisfied that the proposed modification results in development that is substantially the same as originally approved.
w)	the application has been notified in accordance with the regulations, and	Notification of the modification application was not required in accordance with the <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)</i> (Section 4).
x)	any submissions made concerning the proposed modification have been considered	The Department consulted with Transport for NSW (TfNSW) and Hunters Hill Council (Council). They have made no objections or provided any comments on the proposed modification.

B3 Section 4.15(1) Matters for consideration

Section 4.55(3) of the EP&A Act states that in determining the application for modification, the consent authority must take into consideration the matters referred to in section 4.15(1) of the assessment of the originally approved application.

Table 1 | Matters for Consideration under Section 4.15 (1) of the EP&A Act

Matter	Consideration
a) the provisions of:	<p>The Department considered the following relevant environmental planning instruments in the assessment of the original approved application:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) (now consolidated in SEPP (Industry & Employment) 2021) • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Hunters Hill Local Environmental Plan (HHLEP) 2012 <p>The Department is satisfied that the proposed changes do not significantly alter the conclusions of the original assessment of the signage against those EPIs or any subsequent replacement EPIs.</p>
i) any environmental planning instrument, and	
ii.) any proposed instrument that is or has been the subject of public	Not applicable.

Matter	Consideration
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 proposed instrument has been deferred indefinitely or has not been approved), and	
iii.) any development control plan, and	The modification application meets the relevant/applicable objectives of the Hunters Hill Development Control Plan 2013.
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 modification application in accordance with all relevant matters prescribed by the regulations.
(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 modification application and concludes that there would be no significant environmental impacts from the modification application.
(c) the suitability of the site for the development,	The signage is permissible with consent and the proposed modification does not give rise to any permissibility issues.
(d) any submissions made in accordance with this Act or the regulations,	Both Council and TfNSW has advised that they do not have any objection or comments to the proposed modification.
e) the public interest.	The Department considers the subject modification does not alter the benefits that the public will obtain from the originally approved development.

Appendix C - Environmental Planning Instruments

The following EPIs and guidance are relevant to the application:

- State Environmental Planning Policy (Industry and Employment) 2021 and the associated Transport Corridor 2017 (the Guidelines)
- State Environmental Planning Policy (Transport and Infrastructure 2021)
- Hunters Hill Local Environment Plan 2013 (SLEP 2013) and DCP

The Department undertook a comprehensive assessment of the application against the relevant EPIs in its original assessment and is satisfied the modifications do not result in any inconsistency.