

19 July 2022

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

Dear Anthony,

**Application to Modify DA 7153 – Digital Advertising Signage  
M4 Motorway Overpass, Homebush West**

This Modification Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Sydney Trains* (Applicant) to accompany a request to modify Development Consent (DA 7153) under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed modification involves two minor changes to the approved signage structure. The proposed works are as follows:

- amend Condition A2 of DA 7153 to reflect 'JCDecaux' as the sign operator including a change in the logo
- amend Condition A6 of DA 7153 to decrease the advertising dwell time to from 45 seconds to 25 seconds

The proposed modifications meet the requirements of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) and the *NSW Transport Corridor Outdoor Advertising and Signage Guidelines* (Signage Guidelines).

## **1 Background**

On 15 January 2016, the Department of Planning and Environment (DPE) approved Development Consent (DA 7153) for the installation of an east-facing digital advertising billboard on the M4 Motorway overpass, Homebush West. The approved development comprises:

- one east facing digital advertising panel
- signage support structures including framework, wiring, electrical and communications

A copy of the development consent is provided at Appendix 2.

## 2 Request to modify the Conditions of Consent

### 2.1 Condition A2

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

#### **Development in Accordance with Plans**

*The development shall be in accordance with the development application DA 7153 submitted by the Applicant on 13 May 2015, and in accordance with the Statement of Environmental Effects, including appendices titled 'Alterations and digital conversion of third party advertising sign on the railway bridge crossing above the M4 Motorway' prepared by Urban Concepts dated May 2015, the response to submissions prepared by APN Outdoor dated 7 September 2015 and in accordance with the following plans, except for:*

- i) any modifications which are Exempt of Complying Development;*
- ii) any modifications as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and*
- iii) any modifications required by the conditions of this consent.*

Preliminary Plans prepared by Dennis Bunt Consulting Engineers Pty Ltd			
Job no.	Dwg no.	Name of Plan	Date
14022	A02	Existing general arrangement & site plan	Jan 2015
14022	A03	<del>Proposed general arrangement &amp; site plan</del>	Jan 2015
14022	A01	<b>Proposed general arrangement &amp; site plan (Rev D)</b>	<b>April 2023</b>

### 2.2 Condition A6

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

#### **Advertisements - Dwell Time**

*Static digital advertisements are to be displayed on the digital LED screen for a minimum dwell time of ~~45-25~~ seconds.*

*The sign is subject to a 12 month trial period as outlined in Condition A17.*

## 3 Statutory Planning Assessment

The following section provides an assessment against the statutory environmental planning instruments relevant to the development. The section includes 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 approved signage:</p> <ul style="list-style-type: none"> <li>• amendments to reflect JCDecaux as the sign operator, including change of logo</li> <li>• decrease the dwell time from 45 seconds to 25 seconds.</li> </ul> <p>The modification will not result in any adverse impacts given the minor nature of the proposed changes. Importantly, the design, size and location of the signage structure will remain unchanged.</p> <p>An assessment of impacts is provided at Section 4 of this report.</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>The approved the design, size and location of the signage structure will remain unchanged.</p>
(c) <i>it has notified the application in accordance with:</i> <ol style="list-style-type: none"> <li><i>the regulations, if the regulations so require, or</i></li> <li><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></li> </ol>	<p>The application will be notified in accordance with the <i>Environmental Planning and Assessment Regulations 2021</i> if required.</p>
(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>	<p>It is considered that further consultation is not required given the minor nature of the proposal.</p>

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 under DA 7153 addressed the development's level of compliance against relevant planning instruments.</p> <p>The proposed modification remains consistent with the relevant planning instruments.</p> <p>An updated SEPP 64 assessment (now Chapter 3 <i>State Environmental Planning Policy (Industry and Employment) 2021</i>) is provided at Appendix 1.</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 proposed instrument has been deferred indefinitely or has not been approved), and</i>	Not applicable.
(iii) <i>any development control plan, and</i>	The proposed modification remains consistent with the relevant provisions of the <i>Auburn Development Control Plan 2010</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</i>	The application is consistent with the relevant matters of the EP&A Regulations.

Provision	Comment
<i>for the purposes of this paragraph)</i>	
(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>	<p>The request to modify DA 7153 will not result in any adverse environmental, social or economic impacts.</p> <p>An assessment of impacts is provided at Section 4 of this report.</p>
(c) <i>the suitability of the site for the development,</i>	The site remains suitable for the use as approved under DA 7153.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	<p>Any submissions made on this subject modification application will be duly considered and addressed by Keylan.</p> <p>However, as noted, public exhibition is not deemed necessary given the minor nature of this modification.</p>
(e) <i>the public interest.</i>	<p>The original application (DA 7153) addressed public interest. Given the minor amendments proposed by this modification, it is considered that the proposal remains consistent with the original assessment of public interest.</p> <p>This revenue stream generated from the advertising signage is used to support the rail network and related infrastructure in accordance with the public benefit test provisions identified in the Industry and Employment SEPP and the Signage Guidelines.</p> <p>In addition to the above, the signage structure will also be made available to Sydney Trains to advertise important information to customers in special events and circumstances.</p>

Table 2: Section 4.15(1) Assessment

## 4 Environmental Planning Assessment

The proposed modification seeks to modify the original Development Consent (DA 7153) to allow for two minor changes to the approved signage structure.

The proposed modifications are assessed below.

### 4.1 Logo Amendments

The proposed modification involves a minor change to the approved logo to ensure the signage operator 'JCDecaux' is accurately reflected.

The existing and proposed plans are provided at Appendix 2.

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

- the proposed logo change is the only physical amendment to the signage structure
- the proposed amendment only involves a change in text from 'APN' to 'JCDecaux'.
- the proposed logo will be located at the bottom right side of the signage structure, no changes are proposed to the location of the approved logo
- the logo will continue to comply with the requirements of the Industry and Employment SEPP and Signage Guidelines in regard the size and dimensions
- this modification will not alter the approved location, orientation or size of the advertising panel

In light of the above, it is concluded that the proposed modification will not lead to any additional visual, illumination or traffic impacts from the approved signage

Figures 1 and 2 below also highlight the proposed logo change.

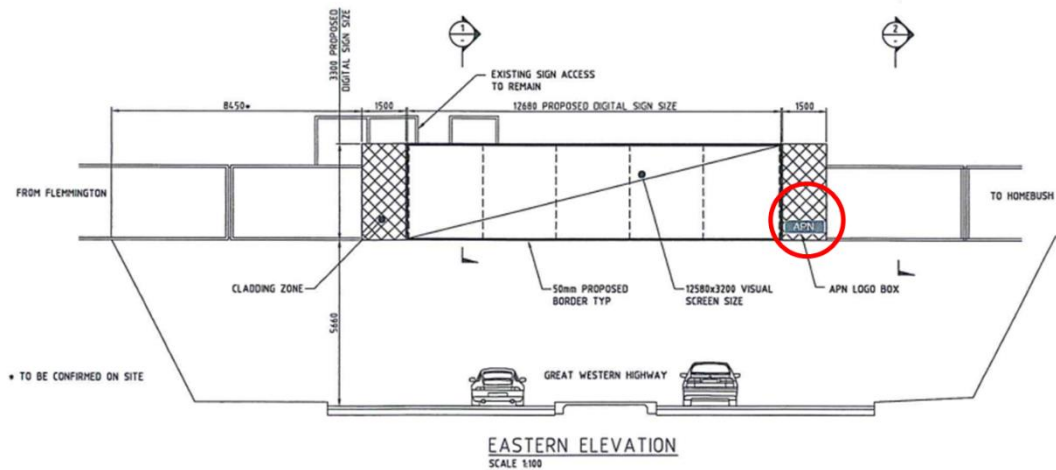


Figure 1: Existing approved plans with logo shown by red circle (Source: DBCE/Keylan markup)

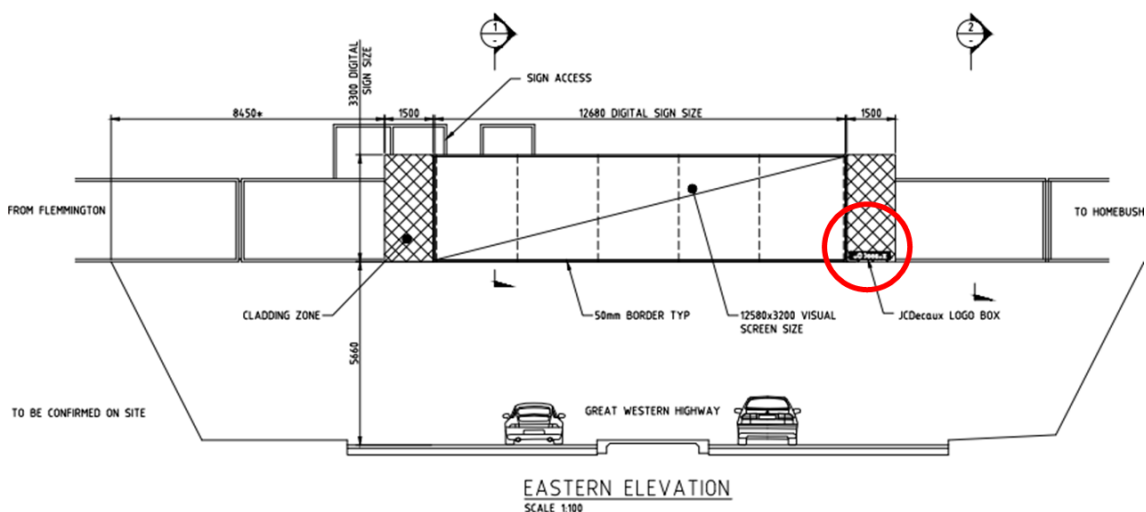


Figure 2: Proposed plans with logo shown by red circle (Source: DBCE/Keylan markup)



Figure 3: Current view of signage structure (Source: DBCE, 2022)

#### 4.2 Dwell time

The proposed modification seeks a decrease in the approved dwell time from 45 seconds to 25 seconds.

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

- the proposed modification will continue to comply with requirements of the Signage Guidelines (guidelines).
- a 25 second dwell time in road environments with 90km/h speed limits is consistent with the Guidelines
- a traffic safety statement has been prepared by TTPP (Appendix 4).
- the traffic statement concludes that the existing digital signage at the site has not previously had a negative impact on the surrounding road environment in relation to road safety, nor has it resulted in any decrease in road safety in the immediate vicinity of the sign.
- this modification will not alter the approved location, orientation or size of the advertising panels.
- the approved luminance levels will remain unchanged.

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 7153).

## 5 Conclusion

This Modification Report supports a request to modify DA 7153 by way of two minor amendments involving the signage logo and dwell time.

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.

In addition, the signage will continue to be available to Sydney Trains to advertise important public safety information to customers in special events and other circumstances.

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 Lauren Donohoe on 8417 4081 or [lauren@keylan.com.au](mailto:lauren@keylan.com.au) if you wish to discuss any aspect of this report.

Yours sincerely



Michael Woodland BTP MPIA  
Director

Appendix 1	SEPP and Guidelines Assessment
Appendix 2	Development Consent (DA 7153)
Appendix 3	Amended Architectural Plans
Appendix 4	Traffic Impact Statement
Appendix 5	Asset Land Owners Consent

## Appendix 1

### Industry and Employment SEPP & Transport Corridor Advertising and Signage Guidelines Assessment

#### Industry and Employment SEPP Assessment

Industry and Employment SEPP Provision	Comment	Compliance
<b>3.1 Aims, objectives etc.</b>		
<p>(1) <i>This Chapter aims:</i></p> <p>(a) <i>To ensure that signage (including advertising):</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under part 4 of the Act, and</i></p> <p>(c) <i>to provide time-limited consents for the display of certain advertisements, and</i></p> <p>(d) <i>to regulate the display of advertisements in transport corridors, and</i></p> <p>(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></p> <p>(2) <i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>The proposed modification will not change the location, orientation or height of the approved signage panels.</p> <p>Therefore, the sign as modified will continue to:</p> <ul style="list-style-type: none"> <li>• remain compatible with the surrounding area</li> <li>• provide effective communication</li> <li>• be of high quality design and finish</li> </ul> <p>The proposal will continue to be assessed and regulated under Part 4 of the EP&amp;A Act.</p> <p>The approved duration of consent for the proposal will continue to be controlled by section 3.12 of the SEPP and will be consistent with the Minister's conditions of consent.</p> <p>The sign as modified will not present any significant road safety issues and is not expected to compromise road safety in its vicinity.</p> <p>The sign as modified will continue to demonstrate public benefit by providing a revenue stream to Sydney Trains and by providing important information to customers in special events and circumstances.</p> <p>The original assessment against SEPP 64 (now Chapter 3 of the Industry and Employment SEPP) remains</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
	relevant and is not expected to change as a result of this modification.	
<b>3.2 Definitions</b>		
	<p>The proposal as modified will continue to constitute an advertisement to which Part 3 of the SEPP applies.</p> <p>The proposal as modified will continue to constitute a bridge advertisement on railway corridor land.</p>	Yes
<b>3.6. Granting of consent to signage</b>		
<p><i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</i></p> <p>(a) <i>that the signage is consistent with the objectives of this Chapter as set out in section 3.1 (1) (a), and</i></p> <p>(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i></p>	<p>An assessment against section 3.1(1)(a) is provided above.</p> <p>The sign as modified continues to satisfy the assessment criteria specified in Schedule 5 as outlined in the original development application approved under DA 7153.</p>	Yes
<b>3.7. Advertisements to which this Part applies</b>		
<p>(1) <i>This Part applies to all signage to which this Chapter applies, other than the following:</i></p> <p>(a) <i>business identification signs,</i></p> <p>(b) <i>building identification signs,</i></p> <p>(c) <i>signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</i></p> <p>(d) <i>signage on vehicles.</i></p> <p>(2) <i>Despite subsection (1) (d), section 3.26 applies to signage on a trailer (within the meaning of the Road Transport Act 2013).</i></p>	<p>The proposal as modified will continue to constitute an advertisement under the provisions of Part 3.3.</p>	Yes
<b>3.8. Prohibited advertisements</b>		
<p>(1) <i>Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:</i></p> <ul style="list-style-type: none"> <li><i>environmentally sensitive area</i></li> <li><i>heritage area (excluding railway stations)</i></li> <li><i>natural or other conservation area</i></li> </ul>	<p>The sign is not located on any of the listed areas.</p> <p>It is noted that as the proposed sign is on behalf of Sydney Trains and is located within a railway corridor, it is permissible with consent under Chapter 3, Section 3.14 of the Industry and Employment SEPP.</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<ul style="list-style-type: none"> <li>• open space</li> <li>• waterway</li> <li>• residential (but not including a mixed residential and business zone, or similar zones)</li> <li>• scenic protection area</li> <li>• national park</li> <li>• nature reserve</li> </ul> <p>(2) This section does not apply to the following:</p> <p>(a) the Mount Panorama Precinct,</p> <p>(b) the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</p>		
<b>3.10. Consent authority</b>		
<p>For the purposes of this Chapter, the consent authority is:</p> <p>(a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or</p> <p>(b) TfNSW in the case of an advertisement displayed on a vessel, or</p> <p>(c) 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, or</p> <p>(d) the Minister for Planning in the case of an advertisement displayed by or on behalf of RMS on -</p> <p>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</p> <p>(ii) a bridge constructed by or on behalf of RMS on any road corridor, or</p> <p>(iii) land that is owned, occupied or managed by TfNSW, or</p> <p>(e) the Minister for Planning in the case of an advertisement displayed on</p>	<p>In accordance with Section 3.10(c), the Minister will remain the consent authority for the proposal as it is on behalf of Sydney Trains on a railway corridor.</p>	<p>Yes</p>

Industry and Employment SEPP Provision	Comment	Compliance
<p><i>transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</i></p>		
<b>3.11 Matters for consideration</b>		
<p>(1) <i>A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires:</i></p> <ul style="list-style-type: none"> <li>(a) <i>is consistent with the objectives of this Chapter as set out in subsection 3.1 (1) (a), and</i></li> <li>(b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i></li> <li>(c) <i>satisfies any other relevant requirements of this Chapter.</i></li> </ul> <p>(2) <i>If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires:</i></p> <ul style="list-style-type: none"> <li>(a) <i>is consistent with the objectives of this Chapter as set out in subsection 3.1(1)(a), and</i></li> <li>(b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of</i> <ul style="list-style-type: none"> <li>(i) <i>design, and</i></li> <li>(ii) <i>road safety, and</i></li> <li>(iii) <i>the public benefits to be provided in connection with the display of the advertisement, and</i></li> </ul> </li> </ul>	<p>The proposal as modified will continue to satisfy the objectives detailed in Section 3.11(1) as the modification is considered minor and is not expected to change how the proposal is assessed against the named EPI's.</p> <p>The sign as modified continues to satisfy the assessment criteria specified in Schedule 5 as outlined in the original development application approved under DA 7153.</p> <p>A statement from a qualified traffic consultant is provided at Appendix 4.</p> <p>The sign will continue to facilitate the provision of funding towards essential Sydney Trains services to the benefit of the local community.</p> <p>An assessment against the Signage Guidelines is provided at the table below.</p>	<p>Yes</p>

Industry and Employment SEPP Provision	Comment	Compliance
<p>(c) satisfies any other relevant requirements of this Chapter.</p> <p>(3) In addition, if section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.</p>		
<b>3.12 Duration of consents</b>		
<p>(1) A consent granted under this Part ceases to be in force:</p> <p>(a) 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, or</p> <p>(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.</p> <p>(2) The consent authority may specify a period of less than 15 years only if:</p> <p>(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</p> <p>(b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or</p> <p>(c) the specification of a lesser period is required by another provision of this Policy.</p>	<p>It is acknowledged that any consent granted for the application would expire 15 years after the date on which the consent becomes effective.</p>	Yes
<b>3.14 Transport corridor land</b>		
<p>(1) Despite section 3.8 (1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases</p>	<p>(1) In accordance with section 3.14(1)(a), the proposal as modified will remain permissible with development consent as the application is for the</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<p><i>permissible with development consent in the following cases:</i></p> <ul style="list-style-type: none"> <li>a. <i>the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,</i></li> <li>b. <i>the display of an advertisement by or on behalf of TfNSW on:</i> <ul style="list-style-type: none"> <li>(i) <i>a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</i></li> <li>(ii) <i>a bridge constructed by or on behalf of TfNSW on any road corridor, or</i></li> <li>(iii) <i>land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,</i></li> </ul> </li> <li>c. <i>the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</i></li> </ul> <p>(2) <i>Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.</i></p> <p>(3) <i>The Minister must not grant consent to the display of an advertisement in such a case unless:</i></p> <ul style="list-style-type: none"> <li>(a) <i>the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council within 28 days have been considered by the Minister, and</i></li> <li>(b) <i>the advice of any design review panel appointed by the Minister has been considered by the Minister, and</i></li> </ul>	<p>display of an advertisement on behalf of Sydney Trains on a rail corridor.</p> <p>(2) In accordance with section 3.14(2), the Minister may appoint a design review panel to provide advice concerning the design quality of the proposal.</p> <p>(3) In accordance with section 3.14(3), Council will be formally advised of the modification to the approved development application (DA 7153) as part of DPE's assessment.</p> <p>(4) The subject modification remains compatible with the land use as the modification will not change the location, orientation or height of the approved signage panels and relates only to the signage logo and dwell time. An assessment against the Signage Guidelines is provided at the table below.</p>	

Industry and Employment SEPP Provision	Comment	Compliance
<p>(c) <i>the Minister is satisfied that the advertisement is consistent with the Guidelines.</i></p> <p>(4) <i>This section does not apply to the display of an advertisement if the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines.</i></p>		
<b>3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</b>		
<p>(1) <i>This section applies to an advertisement:</i></p> <p>(a) <i>that has a display area greater than 20 square metres, or</i></p> <p>(b) <i>that is higher than 8 metres above the ground.</i></p> <p>(2) <i>The display of an advertisement to which this section applies is advertised development for the purposes of the Act.</i></p> <p>(3) <i>The consent authority must not grant consent to an application to display an advertisement to which this section applies unless:</i></p> <p>(a) <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</i></p> <p>(b) <i>the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</i></p>	<p>The display area is not proposed to change under this modification.</p> <p>An assessment against Schedule 5 as approved by Development Consent (DA 7153) remains relevant to this modification.</p>	<p>Yes</p>
<b>3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road</b>		
<p>(1) <i>This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.</i></p> <p>(2) <i>The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW.</i></p>	<p>The proposal modification will not change the advertising display area of the approved sign under DA 7153.</p> <p>The sign as modified will continue to be located within 250 metres of and is visible from, a classified road.</p>	<p>Yes</p>

Industry and Employment SEPP Provision	Comment	Compliance
<p>(3) <i>In deciding whether or not concurrence should be granted, TfNSW must take into consideration:</i></p> <p>(a) <i>the impact of the display of the advertisement on traffic safety, and</i></p> <p>(b) <i>the Guidelines.</i></p> <p>(c) <i>(Repealed)</i></p> <p>(4) <i>If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under section 3.15 (2)(b) that it has granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.</i></p> <p>(5) <i>Nothing in this section affects section 3.14.</i></p> <p>(6) <i>This section does not apply when the Minister for Planning is the consent authority.</i></p>	<p>However, this section does not apply per sub-section (6) as the Minister for Planning is the consent authority.</p>	
<b>3.17 Advertising display area greater than 45 square metres</b>		
<p><i>The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless—</i></p> <p>(a) <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</i></p> <p>(b) <i>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.</i></p>	<p>Section 3.17 does not apply as the proposal has advertising panels with display areas of less than 45m<sup>2</sup>.</p>	Yes
<b>3.18 Location of certain names and logos</b>		
<p>(1) <i>The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.</i></p> <p>(2) <i>If the advertising display area has no border or surrounds, any such name or logo is to be located:</i></p> <p>(a) <i>within the advertisement, or</i></p> <p>(b) <i>within a strip below the advertisement that extends for the full width of the advertisement.</i></p> <p>(3) <i>The area of any such name or logo must not be greater than 0.25 square metres.</i></p> <p>(4) <i>The area of any such strip is to be included in calculating the size of the advertising display area.</i></p>	<p>The proposed modification to the signage logo will continue comply with the requirements within this section.</p> <p>The modification to the logo only represents a change to the text, specifically a change from 'APN' to 'JCDecaux'.</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<b>3.22 Advertisements on bridges</b>		
(1) A person may, with the consent of the consent authority, display an advertisement on a bridge.	Asset owners' consent is provided at Appendix 5.	Yes
(2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines	An assessment against the Signage Guidelines is provided at the table below.	

Figure 4: Assessment against Industry and Employment SEPP

## Transport Corridor Advertising and Signage Guidelines Assessment

### Land Use Compatibility Criteria – Transport Corridor Advertising

Land Use Compatibility Criteria	Response	Compliance
i. <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.</i>	<p>The proposed modification will not change the location, orientation or height of the approved signage panels and only involves amendments to the signage logo and dwell time.</p> <p>On this basis, the modification will not change the assessment against the land use objectives at the site provided within the original development application and approved under the original DA.</p>	Yes
ii. <i>Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:</i> <ul style="list-style-type: none"> <li>• <i>environmentally sensitive area</i></li> <li>• <i>heritage area (excluding railway stations)</i></li> <li>• <i>natural or other conservation area</i></li> <li>• <i>open space (excluding sponsorship advertising at sporting facilities in public recreation zones)</i></li> <li>• <i>waterway</i></li> <li>• <i>residential area (but not including a mixed residential and business zone, or similar zones)</i></li> <li>• <i>scenic protection area</i></li> <li>• <i>national park or nature reserve.</i></li> </ul>	<p>The proposed modification will not change the location, orientation or height of the approved signage panels and only involves amendments to the signage logo and dwell time.</p> <p>On this basis, the signage structure will not become visible to the areas within this section and the assessment against this section of the Signage Guidelines provided in the original application approved under DA 7153 remains relevant.</p>	Yes

Land Use Compatibility Criteria	Response	Compliance
iii. <i>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.</i>	<p>The proposed modification will not change the location, orientation or height of the approved signage panels and only involves amendments to the signage logo and dwell time.</p> <p>On this basis, the signage structure will not begin to dominate or protrude above the skyline or obscure any important views. The assessment against this section of the Signage Guidelines provided in the original application approved under DA 7153 remains relevant.</p>	Yes
iv. <i>Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.</i>	<p>The proposed modification will not change the location, orientation or height of the approved signage panels and only involves amendments to the signage logo and dwell time.</p> <p>On this basis, the proposed modification will not affect any heritage values at the site or surrounds and the original assessment approved under DA 7153 against this criteria will remain relevant.</p>	Yes
v. <i>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.</i>	<p>The sign as modified will remain within the boundary of the bridge to which it was approved on under DA 7153.</p>	Yes

Table 1: Assessment against Land Use Compatibility Criteria – Signage Guidelines

#### Digital Sign Criteria

Design Sign Criteria	Comment	Compliance
a. <i>Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below</i>	<p>The proposed modification seeks to change the approved dwell time from 45 seconds to 25 seconds.</p> <p>Further information is provided at criterion (d) below and in the associated Modification Report.</p>	Yes

Design Sign Criteria	Comment	Compliance
	It is noted, the modification will not change how advertising material is displayed on the signage structure, and it will continue be displayed in a completely static manner, without any motion.	
b. <i>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.</i>	The proposed modification will not change the advertising panels. On this basis, the proposal is considered to remain compliant with this criteria will be managed appropriately so to comply with the requirements for message sequencing.	Yes
c. <i>The image must not be capable of being mistaken:</i> i. <i>For a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device.</i> ii. <i>As text providing driving instructions to drivers.</i>	The proposed modification will not change the location, orientation or height of the approved signage panels and the pole structure will remain at the approved height. On this basis, the proposal will remain substantially the same and will not be capable of being mistaken for a traffic control device or as text providing driving instructions to drivers.	Yes
d. <i>Dwell times for image display must not be less than:</i> i. <i>10 seconds for areas where the speed limit is below 80km/h</i> ii. <i>25 seconds for areas where the speed limit is 80km/h and over</i>	<p>The proposed modification seeks to change the approved dwell time from 45 seconds to 25 seconds.</p> <p>The proposed modification will continue to comply with requirements of the Signage Guidelines as the Signage Guidelines allow for digital signage with a 25 second dwell time in road environments with 90km/h speed limits. This is confirmed by a statement prepared by a qualified traffic consultant at Appendix 4.</p> <p>This statement also concludes that the existing digital signage at the site has not previously had a negative impact on the surrounding road environment in relation to road safety, nor has it resulted in any decrease in road safety in the immediate vicinity of the sign.</p>	Yes
e. <i>The transition time between messages must be no longer than</i>	The proposed modification will not change the advertising panels. On	Yes

Design Sign Criteria	Comment	Compliance
<i>0.1 seconds, and in the event of image failure, the default image must be a black screen.</i>	this basis, the proposal is considered to remain compliant with this criteria and the approved transition time of 0.1 seconds will remain.	
f. <i>Luminance levels must comply with the requirements in Section 3 below.</i>	The proposed modification will not change the advertising panels and therefore the luminance levels approved as part of the original Development Consent (DA 7153) will remain.	Yes
g. <i>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.</i>	The proposed modification does not propose to change the advertising panels. On this basis, the proposal is considered to remain compliant with this criteria and the signage content will comply with the original conditions of consent under DA 7153.	Yes
h. <i>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).</i>	The proposed modification does not propose to change the text or information approved to be displayed on the advertising panels. On this basis, the proposal is considered to remain compliant with this criteria and the signage content will comply with the conditions of consent under DA 7153.	Yes
i. <i>Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.</i>	The proposal will not be visible from a school zone.	Yes
j. <i>Each sign proposal 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.</i>	The proposed modification does not propose to change the advertising panels. On this basis, the merits assessed and approved under DA 7153 will remain relevant.	Yes
k. <i>At any time, including where the speed limit in the area 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 using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed</i>	This requirement is noted.	Yes

Design Sign Criteria	Comment	Compliance
<i>between RMS and the sign owner and operator.</i>		

Figure 5: Assessment against Digital Sign Criteria – Signage Guidelines

### Bridge Signage Criteria

Bridge Signage Criteria	Response	Compliance
<p>a. <i>The architecture of the bridge must not be diminished.</i></p> <p><i>Note: Consideration should be given to whether the advertising structure is compatible with the form and scale of the bridge, and sympathetic to the bridge style and design. Consideration should be given to whether the advertisement significantly detracts from the principle structural qualities of the bridge or any important decorative inclusions. It is preferable that the sign be directly integrated into the structural design of the bridge. The sign should not compromise the architectural and visual quality of the bridge structure.</i></p>	The modification will not change the location, size or design of the sign, including how its position and attachment to the associated bridge structure. On this basis, the proposed modification continues to align with the assessment provided against this criteria under DA 7153.	Yes
<p>b. <i>The advertisement must not extend laterally outside the structural boundaries of the bridge.</i></p> <p><i>Note: The structural boundaries of the bridge include the solid part of the structure, road deck, handrail and safety guard fencing, but do not include additional devices attached to the structure such as lighting and power poles.</i></p>	The modification will not change the location, size or design of the sign and how it sits within the bridge structure. On this basis, the proposed modification continues to align with the assessment provided against this criteria under DA 7153.	Yes
<p>c. <i>The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached, unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8m.</i></p>	The modification will not change the location, size or design of the sign and how it sits within the bridge structure. On this basis, the proposed modification continues to align with the assessment provided against this criteria under DA 7153.	Yes
<p>d. <i>On a road or pedestrian bridge, the advertisement must:</i></p> <p>i. <i>not protrude above the top of the structural boundaries of the bridge</i></p>	The modification will not change the location, size or design of the sign and how it sits within the bridge structure. On this basis, the proposed modification continues to align with the assessment provided against this criteria under DA 7153.	Yes

Bridge Signage Criteria	Response	Compliance
<p>ii. <i>not block significant views for pedestrians or other bridge users (e.g. cyclists)</i></p> <p>iii. <i>not create a tunnel effect, impede passive surveillance, or in any other way reduce safety for drivers, pedestrians or other bridge users.</i></p> <p><i>Note: Signs that extend above bridge handrail height (approximately 1m above the walking surface level) have the potential to block views, create a tunnel effect or impede passive surveillance by blocking clear sightlines to and from the bridge. These viewing and safety impacts may be avoided by:</i></p> <ul style="list-style-type: none"> <li><i>ensuring that signs are below handrail height</i></li> <li><i>for signs more than 1m above the walking surface level, ensuring that signs are:</i> <ul style="list-style-type: none"> <li><i>not longer than half the length of the bridge</i></li> <li><i>not longer than 14m (which ever length is shorter)</i></li> </ul> </li> <li><i>only having a sign on one side of the bridge.</i></li> </ul>		
<p>e. <i>Paragraphs (a) to (d) above do not apply to the continuation of the display of any existing advertising on bridges approved prior to the gazettal of State Environmental Planning Policy No 64 (Advertising and Signage) (Amendment No 2) in 2007 for only one additional period under SEPP 64 Clause 14 if there is no increase in the advertising display area of the signage.</i></p>	N/A	N/A
<p>f. <i>A DCP to display an advertisement on a bridge must be accompanied by a statement demonstrating how the advertisement will contribute to a public benefit. Section 4 outlines the public benefit test requirements.</i></p>	<p>This application does not require the preparation of a site-specific DCP. Notwithstanding, the modification will provide public benefits as it will allow the signage structure to be operated to its maximum potential and therefore more effectively contribute to the</p>	Yes

Bridge Signage Criteria	Response	Compliance
	on-going revenue stream going to Sydney Trains. In addition, the signage structure will provide important information to customers in special events and circumstances.	
<i>g. Any advertising sign proposed for development on a bridge over a classified road requires that construction drawings be submitted for review and approval by RMS bridge engineers prior to construction to ensure all road safety requirements are met.</i>	The digital signage structure has been located on the bridge since it were approved in 2016. This criteria was addressed within the approved development application DA 7153.	Yes
<i>h. Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over high vehicle.</i>	The digital signage structure has been located on the bridge since it were approved in 2016. This criteria was addressed within the approved development application DA 7153.	Yes