

Digital Advertising Signage, Pacific Highway, Hornsby

Part 4 Development Application (DA 23/15294) Assessment Report

July 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the development application for the proposed installation and operation of a digital advertising sign at the corner of the Pacific Highway and Government Road, Hornsby. The application has been lodged by Sydney Trains. The report includes:

- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable, and
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the project should be granted and any conditions that should be imposed.

Executive Summary

This report details the Department's assessment of the Development Application (DA 23/15294) for the construction of digital signage in the railway corridor on the Pacific Highway, Hornsby.

Project

Sydney Trains (the Applicant) proposes to demolish an existing static advertising sign on the corner of the Pacific Highway and Government Road at Hornsby and replace it with a digital advertising sign. The project is located in the Hornsby Shire local government area (LGA).

The project has a capital investment value of \$563,750.

Statutory context

The project is a Part 4 Crown Development Application under Part 4, Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is proposed by a public authority. Section 2.94 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), prescribes a public authority as the Crown for the purposes for development under Division 4.6.

Pursuant to section 3.10(c) of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP), the Minister is the consent authority for the project as it is an advertisement displayed by Sydney Trains on a railway corridor. In accordance with the Minister's delegation dated 9 March 2022, the Director, Transport and Water Assessments may determine the application.

The application is permissible with consent.

Engagement

The Department exhibited the development application for 14 days from 22 November 2023 to 5 December 2023. During the exhibition period, the Department received two submissions from the public, both objecting to the proposed signage. Issues raised included impact of illumination on adjacent residents, visual impact of the proposed signage, the potential for the sign to increase driver distraction and impact on road safety.

Although Hornsby Shire Council was notified of the development, it did not provide a submission.

Transport for NSW (TfNSW) was also notified of the proposed development and provided recommended conditions of consent.

The Applicant provided a response to the submissions and advice from TfNSW. It also provided responses to requests for information from the Department on potential biodiversity impacts, road safety, currency of standards applied, and construction and maintenance activities.

Assessment

Design and site suitability

The proposed signage has been designed to a high quality and finish. The proposed location on the corner of the Pacific Highway and Government Road is considered suitable as the proposed signage would not have a significant impact on the local landscape character which is highly urbanised. Further, the proposed signage would be located within a Mixed-Use Zone within the Eastern Precinct of the Hornsby Town Centre and would not adversely impact on the existing and future character of land uses surrounding the site.

Road safety

The proposed signage would be located three metres within the stopping sight distance of the nearest signalised intersection. However, it would be unlikely to significantly increase the risk of a driver being distracted and unable to stop safely at the nearby intersection at Pacific Highway / Edgeworth David Avenue as it would not be visible to a driver at this distance due to its placement and orientation. The Department has taken a precautionary approach and recommended a Road Safety Assessment be undertaken within 12-18 months of the operation of the sign. If any safety matters are identified, rectification works must be undertaken and no advertisements can be displayed until the works are complete.

The Department has also recommended the digital sign to be switched to a fixed display during school zone operating hours to minimise the potential for driver distraction as it is visible from a school zone. This restriction is consistent with the requirements of the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017).

Visual Amenity

The proposed signage will not impact on vistas or the landscape character of the area. It will not increase signage clutter or significantly alter the visual quality of the landscape as it is replacing an existing sign in the same location. The development would not be introducing an uncommon element into the commercial district with commercial signage (retail logos) displayed on the nearby Westfield complex and advertising signage on the nearby rail overbridge.

The proposed signage will be clearly visible from some residences at 135-157, 208-226 and 121-133 Pacific Highway. The visual impact will be more prominent when it is dark as the sign will contrast the vegetative backdrop. Visual impacts would be addressed through the imposition of conditions on hours of operation, the display features of advertisements (including no flashing or flickering images), and illumination levels.

Illumination

The proposed signage would meet the relevant requirements for luminance and should not have adverse illumination impacts on nearby residents, subject to the imposition of a night-time curfew from 11:00 pm to 6:00 am, seven days a week.

Conclusion

Overall, the Department's assessment concludes the project would provide public benefit as the revenue raised from leasing the site for advertising would be reinvested into the Sydney Trains network, resulting in an overall improved public transport system and experience. The proposed signage would also be made available (at no cost) for road safety, transport and community information messaging.

It is recommended that the proposed development be approved, subject to conditions.

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1 Introduction

1.1 The project

Sydney Trains (the Applicant) proposes to construct and operate a digital advertising sign (referred to as the 'proposed signage' herein) on the corner of Government Road and Pacific Highway, Hornsby. The project requires the removal of an existing static advertising sign which is currently located on the site.

The project description and mitigation measures provided in the Statement of Environmental Effects and responses to requests for information dated 9 February 2024, 16 April 2024 and, 3 May 2024 are the subject of this report and will form part of the development consent if the project is approved.

An overview of the project is provided in **Section 2**.

The development application has been lodged for consideration under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Project location

The proposed signage would be located on land within the Sydney Trains railway corridor on the corner of the Pacific Highway and Government Road Hornsby (**Figure 1**). The railway corridor is part of the T1 – North Shore and Western line. The site is legally described as Lot 1023 DP 1192060 and is located within the Hornsby local government area (LGA).

The site has an existing static advertising sign, retaining wall and electrical box. Vegetation consisting of small shrubs and mature trees are also present on the site (**Figure 1**).

The proposed signage would be visible to motorists travelling north along the Pacific Highway. The Pacific Highway is classified as a highway (No. 10) under the *Roads Act 1993* and in this location consists of three lanes of traffic in each direction. The speed limit along the Pacific Highway is 60 km/h in both directions.

Government Road intersects with the Pacific Highway immediately south of the proposed signage.

The closest signalised intersection is Pacific Highway / Edgeworth David Avenue which is located approximately 45 metres north of the proposed signage and includes a signalised pedestrian crossing across the highway.



Figure 1 | Location of proposed signage illustrating the existing static advertising sign (Source: Statement of Environmental Effects, 2023)

1.3 Surrounding Context

The site is highly urbanised with land uses surrounding the proposed development site shown in **Figure 2**, **Figure 3** and **Figure 4**, which include:

- mixed-use developments to the southeast and southwest of the site
- Hornsby Shire Girls School to the east
- high density residential buildings to the west and south
- retail shopping complex (Westfield) with associated parking to the north
- vacant land to the east of the site with an approved development application (DA/416/2020) for a multi-storey, mixed-use building with commercial and retail tenancies as well as an aged care facility, and
- railway and road infrastructure.



Figure 2 | Site context map (Source: Statement of Environmental Effects, 2023)



Figure 3 | Mixed-use development at 135-137 Pacific Highway and 2 Pound Road, Hornsby (Source: Statement of Environmental Effects, 2023)

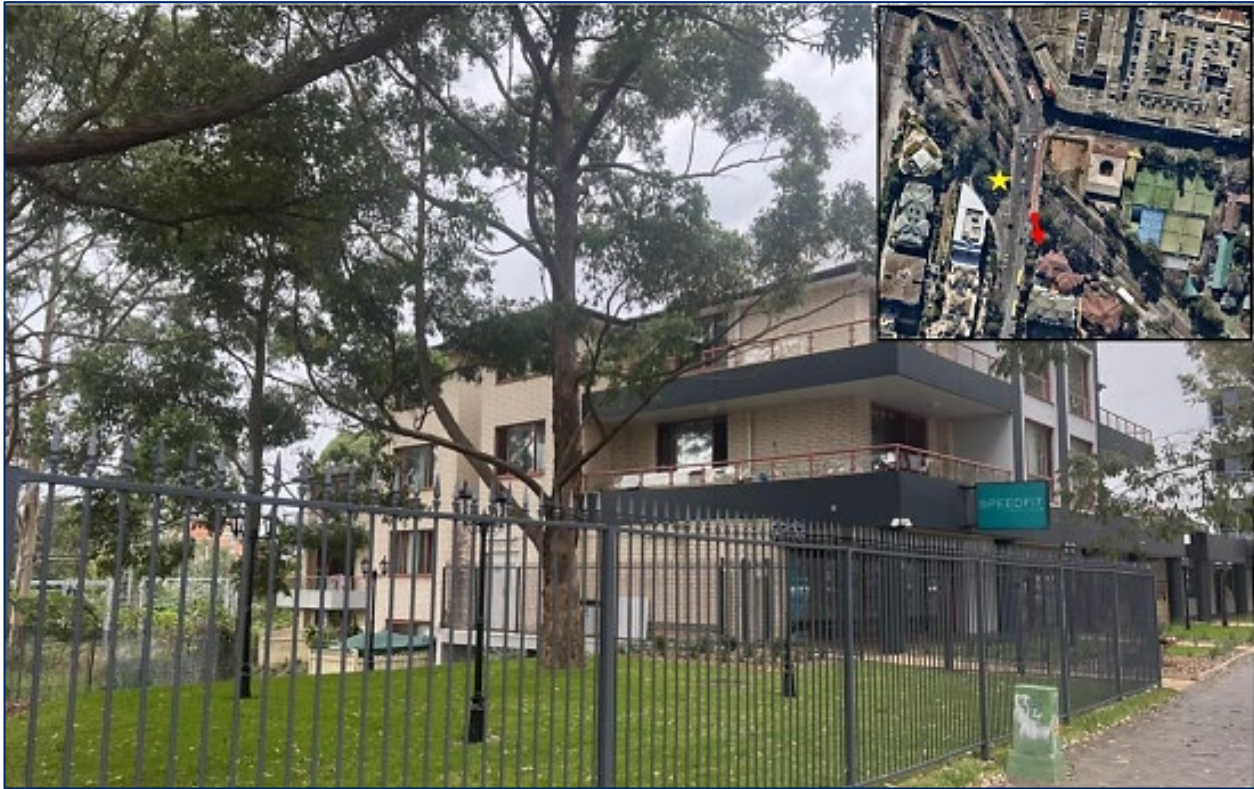


Figure 4 | Mixed-use development at 208-226 Pacific Highway, Hornsby (Source: Statement of Environmental Effects, 2023)

Nearby signage includes:

- non-permanent banners attached to the western and eastern sides of the railway overbridge located adjacent to the site (**Figure 5**)
- directional road signage to the south of site, above the north-bound traffic lanes of the Pacific Highway (**Figure 6**), and
- business identification signage on the façade of Westfield which is located approximately to the north-east of the site (**Figure 7**).

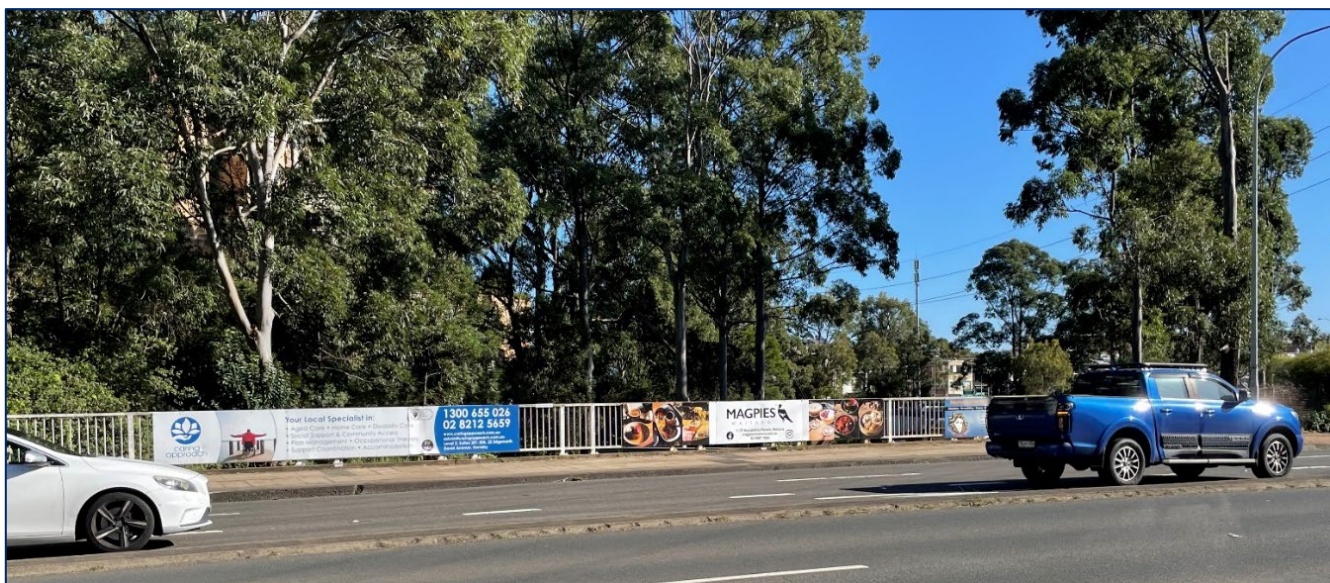


Figure 5 | Banner signage located on the bridge overpass, directly north of the proposed signage



Figure 6 | Overhead directional signage directly south of the proposed signage



Figure 7 | Nearby Westfield business signage, directly north east of site

2 Project

2.1 Project overview

The project seeks consent to:

- construct and operate a new digital advertising sign, and
- demolish and remove an existing static advertising sign on the proposed development site.

The estimated cost of the works is \$563,750.

Electrical services will be provided to support the development and are subject to separate approval.

The proposed design and operation specifications of the proposed signage are outlined in **Table 1**. The proposed signage details are shown in **Figure 8**, **Figure 9**, **Figure 10** and **Figure 11**.

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

Aspect	Sign
Advertising display area including logo strip	14.93 m ² (3.172 m x 4.708 m) + 1.586 m ² logo strip = 16.51 m ² (3.172 m x 5.208 m)
Active digital display area	14.16 m ²
Total height (including the frame)	8.2 metres
Clearance from ground level to the bottom of the sign	3.35 metres from the top of the retaining wall to the bottom of the advertising display. Approximately 3.5 metres from the bottom of the advertising display to ground level.
Monopole dimensions and footings	Stainless-steel cladding column: 1.85 m x 0.65 m x 0.45 m L-Shaped stainless-steel structure: 1.50 m x 0.65 m x 3.17 m Pile cap: 1.00 m x 1.00 m x 1.00 m Concrete pile 0.75 m x 8.00 m below ground level
Signage display	Digital LED Screen

Aspect	Sign
Display type	Static advertisements, content changing every 15 seconds with a 0.1 second transition time between advertisements
Dwell time	15 seconds, excluding school zone hours where the signage will be switched to a fixed display
Maximum luminance limit during nighttime period	250 cd/m ²
Hours of operation	6:00 am – 11:00 pm, 7 days a week

2.2 Uses and activities

The proposed signage would primarily display advertisements. It would also be made available for road safety and community messaging. The display would not scroll, flash or feature motion pictures or emit intermittent light. The LED brightness would be controlled to provide upper and lower thresholds, and automatically via a local light sensor, to adjust to ambient lighting conditions and any post curfew illuminance limits.

Advertising copy material would comply with the Australian Advertising Industry Code of Conduct and Outdoor Media Association (OMA) Code of Conduct.

Maintenance of the proposed signage would be performed as required by staff from JCDecaux at night.

2.3 Construction

The proposed signage would be installed over a period of up to two weeks. Construction is proposed during the daytime (6:00 am to 6:00 pm) and nighttime (6:00 pm to 6:00 am). Closure of two lanes on the Pacific Highway and one lane of Government Road would occur for seven-nights from 9:00 pm to 5:00 am. Traffic control would be present on Government Road to assist in the flow of inbound and outbound traffic. Additionally, the western pedestrian path would need to be closed for the entirety of the night works. A rail possession would not be required.

Equipment used to carry out construction include a drill rig, crane, concrete pump, agitator and skip bins. These would be carried over the pedestrian footpath via a crane from the two westernmost lanes of the Pacific Highway.



Figure 8 | Photographic illustration of proposed signage (Source: Statement of Environmental Effects, 2023)

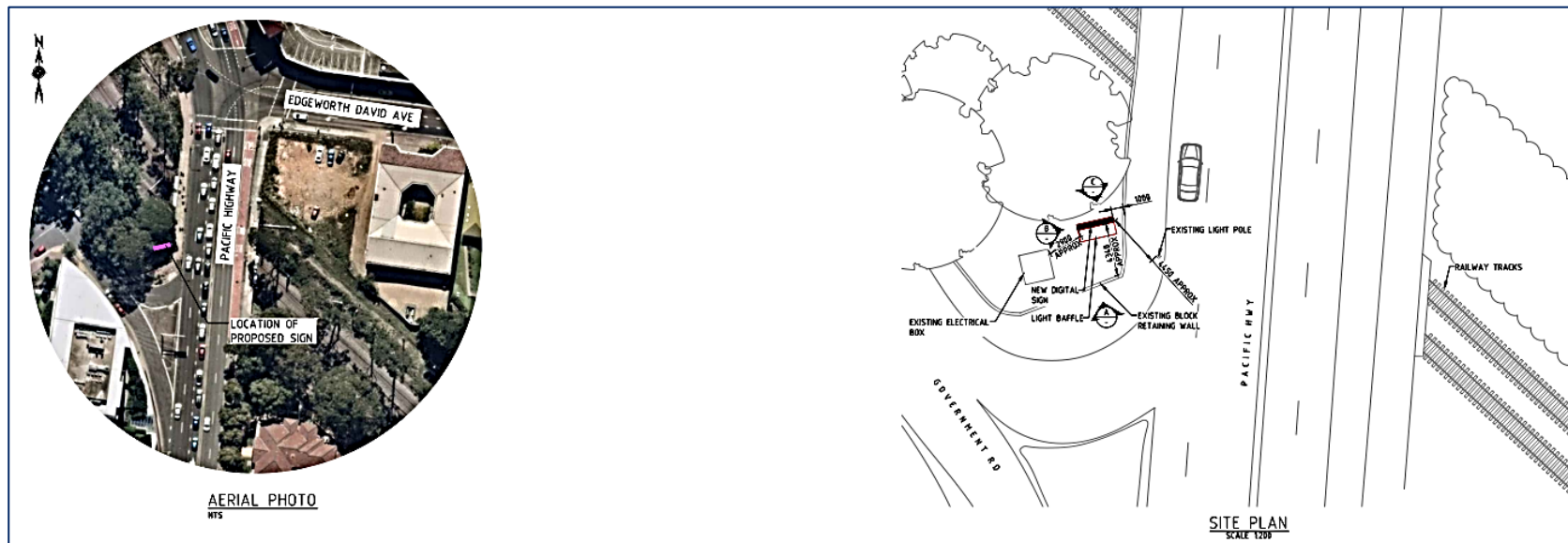


Figure 9 | Proposed signage aerial plan (Source: Architectural Drawings, Dennis Bunt, January 2024)

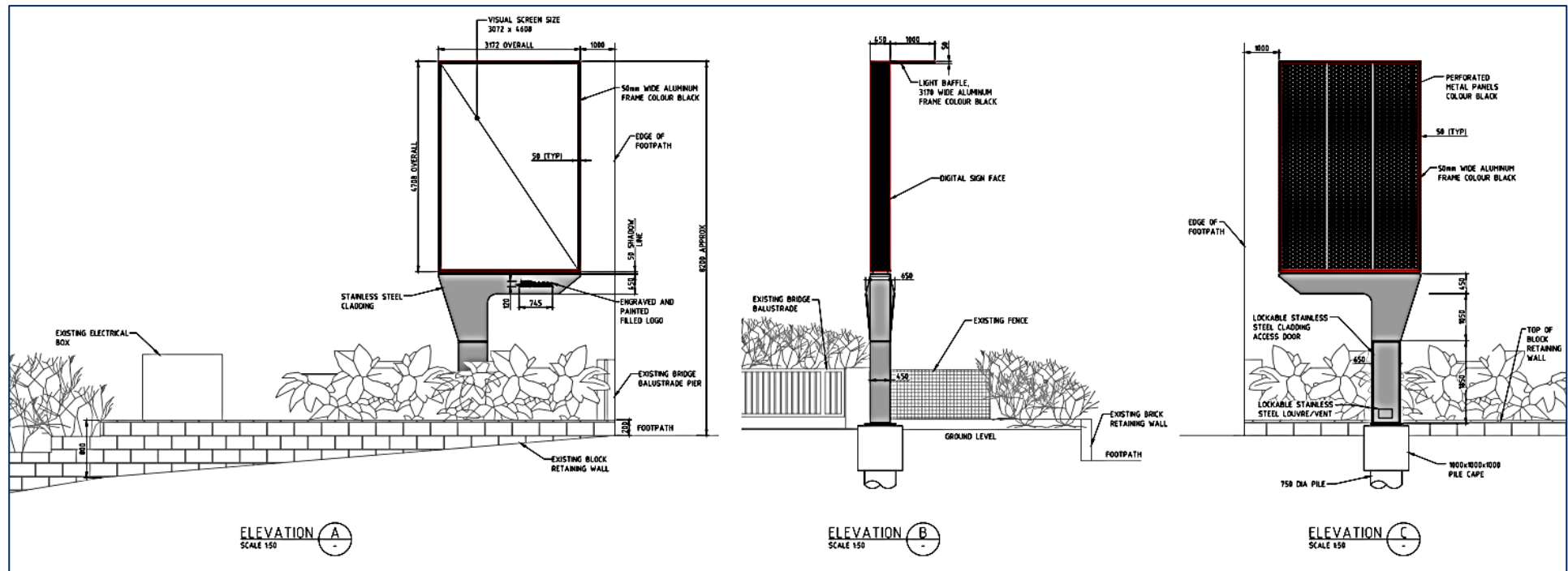


Figure 10 | Proposed signage architectural plan (Source: Architectural Drawings, Dennis Bunt, January 2024)

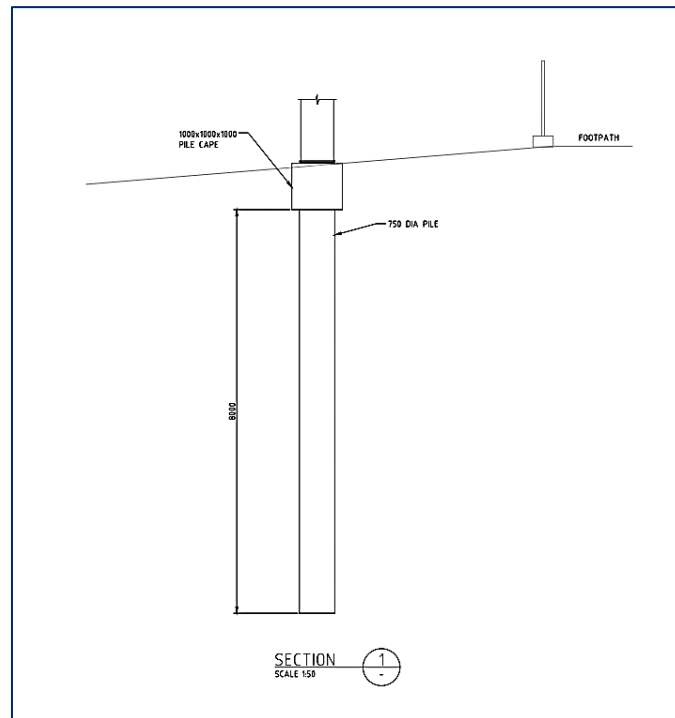


Figure 11 | Proposed footing plan and section

(Source: Architectural Drawings, Dennis Bunt, January 2024)

The proposed pile cap would be one metre square in area and one metre deep as well as a concrete pile approximately 750 millimetres in diameter, extending below the ground level by eight metres.

Management measures would be implemented if unstable ground conditions are found on site (i.e. non-cohesive soils).

There are buried services within and adjacent to the site. Service locations will be marked by a utility mapping service provider. Where required, exclusion “No-go” zones will be established. Personnel from Jemena Gas and Ausgrid would be present on site to ensure excavation does not impact on services.

Services and assets will be required and include:

- Ausgrid Link Pillar
- isolation padmount transformer
- metering and distribution main switchboard, and
- low voltage underground cables.

These will be subject to separate approvals processes.

No trees are proposed to be removed during construction or operation of the development.

3 Statutory context

3.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought and the permissibility of the proposed signage are provided in **Table 2**.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	<p>Crown Development Application</p> <p>The development is a Crown Development Application under Division 4.6, section 4.32(2)(a) of the EP&A Act because it is an application made by the Crown. Section 2.94 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation), states that a public authority is prescribed as the Crown for the purposes of section 4.32(2)(a) of the EP&A Act. Sydney Trains is a public authority.</p> <p>The application will be assessed under Part 4 of the EP&A Act.</p>
Consent authority	<p>Minister for Planning and Public Spaces (the Minister)</p> <p>The Minister for Planning and Public Spaces is the consent authority for the application as prescribed under section 3.10(c) of <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP), as the application is for an advertisement displayed by Sydney Trains on a railway corridor.</p>
Decision-maker	<p>Director, Transport and Water Assessments</p> <p>In accordance with the Minister's delegation dated 9 March 2022, the Director, Transport and Water Assessments may determine the application as:</p> <ul style="list-style-type: none">• the application has not been made by a person who has disclosed a reportable political donation• there are less than 15 public submissions in the nature of objections, and• the council has not made a submission by way of objection.
Permissibility	<p>Permissible with consent</p> <p>The site is zoned mixed use (MU1) under the <i>Hornsby Local Environment Plan 2013</i>. Signage can be considered a permissible use in the MU1 zone under the Hornsby LEP 2013.</p>

Consideration	Description
	<p>Section 3.14 of the Industry and Employment SEPP states that despite the provisions of any environmental planning instrument, or section 3.8 of the Industry and Employment SEPP, the display of an advertisement by or on behalf of Sydney Trains on a railway corridor is permissible with development consent. Railway corridor is defined in section 3.2 of the Industry and Employment SEPP as land on which railway track and associated railway infrastructure is located.</p> <p>The proposed signage would be on land (same lot and DP) on which there is railway track and so it would be on a railway corridor. As such, the development is permissible with consent.</p>

3.2 Other approvals and authorisations

The project will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

Under section 4.44 of the EP&A Act, certain other integrated development approvals are not required to be obtained for Crown developments, other than development that requires a heritage approval. The proposed signage does not require a heritage approval.

Under section 23 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), a development application may be made by another person with the written consent of the owner of the land. However, the consent of a landowner is not required for a development application made by a public authority if the applicant complies with section 23(3) which requires the public authority to give notice to the landowner before the application is made.

The development application has been lodged by Sydney Trains (a public authority) who has provided the landowner (Transport Asset Holding Entity - TAHE) with notice. TAHE has provided landowner consent, even though this is not required.

3.3 Mandatory matters for consideration

3.3.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be taken into consideration by a consent authority when determining a development application. The Department's consideration of these matters is summarised in **Table 3**.

Table 3 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	<p>The relevant environmental planning instruments and development control plan are:</p> <p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p> <p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p><i>Hornsby Local Environmental Plan 2013</i></p> <p><i>Hornsby Development Control Plan 2013</i></p> <p>Detailed consideration of the provisions of the environmental planning instruments and development control plan is provided in Appendix F. The Department is satisfied that the development generally complies with the relevant provisions of these.</p>
<i>Environmental Planning and Assessment Regulation (EP&A Regulation)</i>	Subject to any other references to compliance with the EP&A Regulation cited in this Assessment Report, the requirements for fees (Part 13) and consultation with relevant authorities via the NSW Planning Portal (Part 15, Division 4) have been complied with.
Likely impacts of the development	Section 5 - Assessment
Suitability of the site	Section 5.1 – Design and suitability of the site
Any submissions	Section 4 - Engagement
Public interest	Section 4 - Engagement, Section 5 – Assessment, Section 6 - Evaluation

3.3.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act. These objects are set out in section 1.3 of the EP&A Act and include the principles of ecologically sustainable development. Consideration of the objects is provided in **Appendix F, Table F-1**.

The Department is satisfied that the development is generally consistent with the objects of the EP&A Act and the principles of ecologically sustainable development.

3.3.3 Biodiversity development assessment report

The proposed development site is located in an area which has been mapped on the Biodiversity Values Map prepared by the Department of Climate Change, Energy, the Environment and Water under Part 7 of the *Biodiversity Conservation Regulation 2017* (**Figure 12**). The Applicant has advised that there would be no direct impact to the high biodiversity value trees within the vicinity of the site.

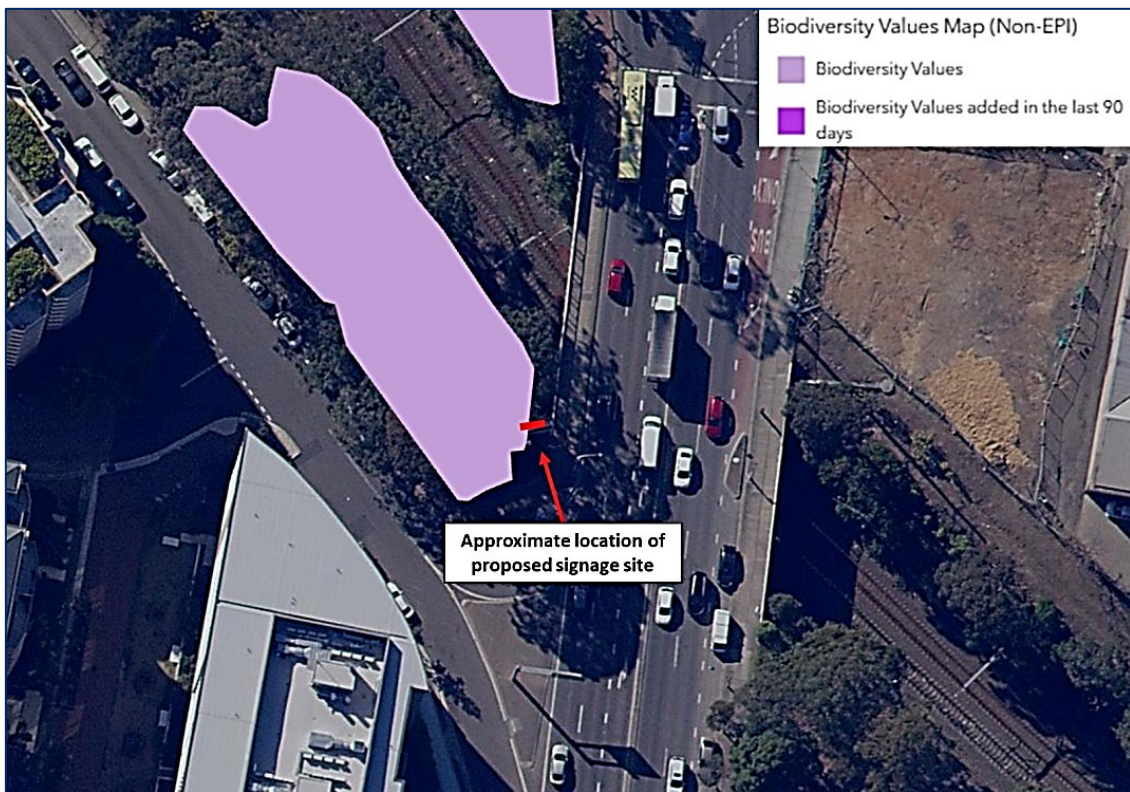


Figure 12 | Approximate location for the proposed signage within the biodiversity values map
(Source: Statement of Environmental Effects, 2023)

Section 7.7 of the *Biodiversity Conservation Act 2016* (BC Act) requires all Part 4 development applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) if the proposed development is likely to significantly affect threatened species.

The Applicant engaged *écologique* and Environmental Services and Education Australia to undertake a Test of Significance in accordance with section 7.3 of the BC Act to determine if construction and operation of the proposed signage is likely to significantly affect threatened species or ecological communities, or their habitats. The test concluded that there would be no significant impact. As such, a BDAR is not required to be provided with the development application.

An inspection of the site found that the area behind the existing static advertising sign is fenced off as an 'environmentally sensitive location'. The Applicant has advised that there would be no direct impact to the high biodiversity value trees on or adjacent to the site.

4 Engagement

4.1 Exhibition of the development application

4.1.1 Public exhibition of the development application

After accepting the development application and Statement of Environmental Effects, the Department:

- publicly exhibited the development application from Wednesday 22 November 2032 until Tuesday 5 December 2023 on the NSW planning portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition, and
- notified and invited comment from Transport for NSW (TfNSW) and Hornsby Shire Council.

4.1.2 Summary of advice received from government agencies

The Department received advice from TfNSW (**Appendix C**). The advice did not object to the proposed development and provided recommended conditions of consent regarding:

- the types of images to be displayed on the proposed signage
- requirements for compliance with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (the 2017 Guidelines)
- dwell times (no shorter than 10 seconds)
- requirement for an independent Road Safety Assessment (RSA) to be prepared after 12 months of operation and within 18 months of the installation of the proposed signage. The RSA should provide a formal assessment of the safety performance of the proposed signage, and
- the need to obtain a Road Occupancy Licence from the Transport Management Centre for any works that may impact traffic flows on the subject section of the Pacific Highway during construction activities.

4.1.3 Council submission

Hornsby Shire Council was invited to provide a submission on the application but did not provide any comments.

4.1.4 Summary of public submissions

The Department received three public submissions¹ (two unique and one duplicate submission) during the public exhibition period. Both public submissions objected to the proposed signage. Issues raised in the submissions are summarised in **Table 4**. A link to the submissions is provided in **Appendix C**.

Table 4 | Key issues raised in submissions

Issue
Illumination <ul style="list-style-type: none">light spillage into apartments next to and opposite the proposed signage, particularly 135-137 Pacific Highway, of a nighttime and evening causing disruption
Visual Amenity <ul style="list-style-type: none">obstructed views for residentsdisruptive to residents with the advertisements changing four times a minute, 24 hours a day
Traffic/Road Hazard <ul style="list-style-type: none">Pacific Highway is already a busy road, adding a digital sign will increase distraction to road users
Public Benefit <ul style="list-style-type: none">additional revenue does not outweigh potential distraction and danger of proposed signage

4.2 Response to submissions

Following the public exhibition period, the Department asked the Applicant to respond to the issues raised in submissions. The Applicant provided a response to submissions to the Department on 9 February 2024 (see **Appendix D**).

The Department published the submissions report on the NSW Planning Portal.

¹ Under the *Submissions Policy for development applications submitted to the Department of Planning and Environment* (Department of Planning and Environment, 2022), each petition or submission that contains the same or substantially the same text is counted as one submission in accordance with section 2.7(6) of the *State Environmental Planning Policy (Planning Systems) 2021*

4.3 Requests for further information

During its assessment of the application, the Department sought further information in relation to the following matters:

- traffic safety risks
- currency of standards
- construction activities
- detail of supporting works and infrastructure
- biodiversity impacts, and
- the maintenance regime for the proposed signage.

A link to the Department's requests for information and the Applicant's responses can be found at **Appendix H**.

4.4 Site inspections

The Department undertook inspections of the proposed signage site and surrounds in December 2023 and February, June and July 2024 to obtain an understanding of the local environment, its sensitivities and the visual catchment.

5 Assessment

The Department has reviewed the Applicant's Statement of Environmental Effects, supporting information, response to submissions report and responses to requests for information and considered the potential impacts of the proposed signage. Based on this, the Department considers the key issues associated with the proposal are:

- design and suitability of the site
- road safety
- visual amenity, and
- illumination impacts.

Other matters considered are addressed in **Section 5.5**.

5.1 Design and suitability of the site

5.1.1 Design

The proposed signage has been designed to a high quality and finish and has a modern, aesthetic appeal.

The proposal seeks approval for a new digital advertising sign with an overall advertising display area of 16.51 m² (including the logo strip). The proposed signage would be in the newly designed portrait style known as the Aspire. The Aspire sign has been architecturally designed and has a modern aesthetic with the standard monopole being replaced by an L-shaped leg. The proposed signage would be manufactured using recyclable stainless steel cladding and powered by green energy sources.

5.1.2 Site suitability

The proposed location is suitable as the proposed signage would not have a significant impact on the local urban character which is highly urbanised.

The proposed signage would be located in a mixed use zone and is considered consistent with the desired future character of the Hornsby Town Centre (and mixed use zoning), being a vibrant and attractive place to live, shop, work, and visit, providing a variety of goods, services and employment opportunities. The *Hornsby Development Control Plan 2013* (Hornsby DCP) classifies the proposed site as being within the Eastern Precinct of the Hornsby Town Centre which has a focus on retail and commercial activity.

The Department considers the site would be suitable for the proposed signage as:

- the proposed signage satisfactorily complies with the design criteria of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) and locational criteria in the 2017 Guidelines (refer **Appendix F, Tables F-4, F-5 and F-7**) and would be required to meet *AS/NZS 4282:2023 Control of obtrusive effects of outdoor lighting* (refer **Section 5.4**)
- there would not be adverse impacts upon significant Environmental or Aboriginal cultural heritage items or heritage conservation areas (refer **Section 5.5**)
- the proposed signage would not impact on the continued and safe operation of Pacific Highway or Government Road in its functions (refer **Section 5.2**)
- the proposed signage would not obstruct a view line or any significant views (refer **Section 5.3**)
- the proposed signage would be located within a Mixed-Use Zone within the Eastern Precinct of the Hornsby Town Centre and would not adversely impact on the existing and future character of land uses surrounding the site, and
- construction and operation would not have a significant impact on threatened species or ecological communities (refer **Section 5.5**).

The 2017 Guidelines states that consideration must be given to whether advertising development will impact on sensitive locations. It provides the example that placement of advertising along transport corridors should not result in increased visibility of signage in adjacent or surrounding residential areas. The Department considers that the proposed signage would not result in significant increased visibility of signage as there is an existing sign in the location and the proposed signage would be comparatively smaller in overall dimensions. However, it is likely to be more noticeable as it is a digital sign. The impacts of the proposed on visual amenity are addressed in **Section 5.3**. Illumination impacts are assessed in **Section 5.4**.

5.2 Road safety

5.2.1 Stopping sight distance

The proposed signage would be located within the stopping sight distance of the nearest signalised intersection but would be unlikely to significantly increase the risk of a driver being distracted and unable to stop safely at the intersection.

The development application was supported by a Digital Signage Safety Assessment (DSSA) which assessed the safety aspects of the proposed signage, including the requirements of the 2017 Guidelines and the Industry and Employment SEPP.

The DSSA indicated that the stopping sight distance on the approach to the signalised Pacific Highway / David Edgeworth Avenue intersection is 64 metres. The proposed signage would be located approximately 45 metres south the signalised intersection, within the stopping sight distance (Figure 13). The DSSA concluded that this deferment from the 2017 Guidelines would not result in unsafe levels of distraction for motorists as there is already a sign in this location and there has been only one recorded crash in the recent five-year period.



Figure 13 | Original safe sight stopping distance in relation to the proposed signage
(Source: Statement of Environmental Effects, 2023)

Due to concerns for potential driver distraction, which were also raised in one of the two public submissions, the Department engaged an independent road safety expert (DC Traffic Engineering) to assist the Department in its technical review of the DSSA. A link to the review can be found at **Appendix H**. The review identified a number of issues with the DSSA including compliance with and calculation of the stopping site distance, including in relation to driver reaction time and design speed.

The Applicant confirmed that its DSSA was compliant with the relevant sections of Austroads *Guide to Road Design Part 3* in relation to driver reaction time and that an appropriate design speed was used (the posted speed limit of 60km/h), consistent with TfNSW's Technical Direction – TD 00030:2023.

The TfNSW Technical Direction states that the design speed should match the context and movement function of the street where roads are signposted at 60 km/h. The Applicant undertook a seven-day tube count survey which recorded vehicle numbers and speeds. The survey was undertaken post exhibition of the development application in response to a request for information by the Department on the findings of the independent review. The results of the survey indicated that the 85th percentile speed was approximately 50 km/h and that the average speed of vehicles in this section of the Pacific Highway was 43.7 km/h.

Following the survey, the Applicant re-calculated the stopping sight distance using the 85th percentile speed and a reaction time of 1.5 seconds to determine a stopping sight distance of 48 metres to the signalised traffic intersection (**Figure 14**). Although the proposed signage would be three metres into the stopping sight distance, information provided by the Applicant indicates that advertisement on the proposed signage would not be readable at 48 metres south of the signalised intersection due to its placement and orientation (**Figure 15**).



Figure 14 | Revised safe sight stopping distance in relation to the proposed signage
(Source: Response to request for information, April 2024)



Figure 15 | Last point of visibility of proposed signage on the lefthand side of road user (pictured)
(Source: Response to Request for information, April 2024)

Based on the updated information provided by the Applicant, the Department considers that the three-metre intrusion into the stopping sight distance is acceptable and would not result in a significant increase in the risk of driver distraction ahead of the intersection. To ensure that the proposed signage does not pose an increased traffic safety risk, the Department has taken a precautionary approach and recommended that the Applicant undertake an independent Road Safety Assessment between 12-18 months after the proposed signage is operational to identify any potential traffic safety risks associated with its operation. If any safety matters are identified, rectification works must be undertaken and no advertisements can be displayed until the works are complete. If rectification is not possible, the signage must be removed.

5.2.2 Accident risk from other road hazards

There is a low risk of the proposed signage affecting a driver's reaction time to stop to avoid potential road hazards.

The proposed signage would be readable to northbound motorists from approximately 95 to 105 metres south of the proposed signage and visible at a distance greater than 250 metres on the Pacific Highway. The independent review indicated that there are other potential traffic hazards within the readable distance and the stopping sight distance which could cause a driver to stop:

- back-of-queue traffic south of the signalised intersection
- pedestrians crossing Government Road via the uncontrolled crossing (refer **Section 5.2.3**)
- vehicles moving into small gaps, and

- vehicles moving out of Government Road onto the Pacific Highway.

This means the length over which a driver needs to see, react and respond to traffic conditions has a larger spatial overlap with the viewing time to the proposed signage.

One public submission raised concerns with road safety, emphasising that the Pacific Highway is a busy road with high traffic flows and any additional distraction in this area could compromise traffic safety.

The 2017 Guidelines do not address other potential road hazards such as those identified in the independent review – the requirements are that a sign should not be located:

- less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curve, and
- 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 be beyond the intersection of, and pedestrian refuge located at, Government Road/Pacific Highway. There is also no marked crossing before the proposed signage location and, as such, the proposed location complies with the 2017 Guidelines.

The length of the back-of-queue from the signalised intersection would vary depending on the time of day (and could extend beyond the proposed signage) making it difficult to define a set stopping sight distance, as shown in **Figure 16**.



Figure 16 | Variation in length of lane queues on Pacific Highway south of the intersection of Pacific Highway and David Edgeworth Avenue

The independent peer review indicated that the proposed signage would be within a road users lateral scan of the road environment and as such potentially distract drivers. The Department agrees with this conclusion but acknowledges that drivers within this built-up area would be on higher alert due to the surrounding built up environment, signalised intersections and heavy traffic flows.

Results of research on the nature and effect of billboard signage on driver distraction provide are conflicting (ARRB, 2018; Bates et al., 2021; Samsa, 2015; Wachtel, 2020). Many recent studies indicate that billboards do distract drivers while other research suggests that they have limited effect on driving safety.

In the absence of guideline requirements on potential traffic hazards before a sign and conflicting research outcomes on casual relationships between signs and driver distraction, the Department is not placed to draw a conclusion on the level of distraction risk the sign could create for drivers on the approach to the proposed signage. It is acknowledged that there is adequate sight distance along the Pacific Highway between Pretoria Parade and the signalised intersection (approximately 350 metres) as the road has a straight alignment. This straight alignment would enable drivers to readily see the back of queue and other potential road hazards, reducing the risk of collision.

As there is a potential for driver distraction, the Department has recommended that the Applicant undertake an independent Road Safety Assessment between 12-18 months after the proposed signage is operational.

5.2.3 Pedestrian and cyclist safety

Pedestrian and cyclist safety will be managed through existing infrastructure and restrictions on the operation of the proposed signage during school zone hours.

The proposed signage would be located in an area with nearby residential and retail tenancies (Westfield), Hornsby train station and two schools - Barker College and Hornsby Girls High School. The area is traversed by people travelling to each of the nearby destinations. School-based traffic flows would use the highway and David Edgeworth Avenue during school pick-up and drop-off hours, with increased pedestrian movements at these times as well.

There is an uncontrolled crossing with a refuge island spanning between Government Road and the western side of Pacific Highway in proximity to the proposed signage. The uncontrolled crossing is marked with “<LOOK>” paint to increase pedestrian vehicular awareness (**Figure 17**). There is also pedestrian fencing located along the Pacific Highway to Government Road slipway in the lead up to the crossing and refuge island to restrict wayward pedestrian movements.

There is a school zone on the Pacific Highway which extends to number 105 Pacific Highway. There is the potential for glimpses of the proposed signage from this location. Data provided in the updated traffic safety assessment indicates that the highest weekday morning peak hour flows on

the Pacific Highway are between 8:00 am and 9:00 am. This is the school drop off time for the nearby schools of Barker College and Hornsby Girls High School. PM peaks occur between 3:00 and 5:00 pm, which encompasses school pick up times.



Figure 17 | 'Look' printed on refuge kerbside

The 2017 Guidelines state that any 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. Site visits undertaken by Department staff identified that the sign would be visible from the school zone. It would also be in close proximity to pedestrian destinations (schools, a major shopping centre and train station), and students and parents are likely to traverse between these during school pick up and drop off times either on foot, on bicycles or in vehicles. Due to the potential safety concerns and the sign being visible from a school zone the Department has recommended a condition requiring the proposed signage be switched to a fixed display during school zone hours. This proposed restriction is consistent with the 2017 Guidelines.

5.2.4 Dwell time

The amount of time allocated for each advertising image would comply with the 2017 Guidelines.

The Applicant has proposed an advertisement dwell time of 15 seconds per image with a 0.1 second transition between images. The 2017 Guidelines recommend a dwell time of 10 seconds for a singular advertising image on roads where the posted speed limit is less than 80 km/h. However, the Department notes that the 2017 Guidelines state that longer dwell times may be necessary in more

complex locations, such as this proposal. The Department considers the increased dwell time of 15 seconds acceptable given the road environment and surrounding land uses.

5.3 Visual amenity

The proposed signage will not impact on vistas or the landscape character of the area.

The proposed signage will be replacing an existing static sign and will not significantly alter the visual quality of the landscape which is dominated by road and rail infrastructure, Westfield and high density residential development. Commercial signage is common in the locality with a number of retailer logos prominently displayed on the Westfield complex to the north east of the site and advertising signage along the rail overbridge. As such, the proposal would not be introducing an uncommon element into the commercial district.

The proposed signage would not obscure or compromise important views and it would not dominate the skyline or reduce the quality of vistas of any environmentally sensitive areas, heritage item or open space.

The proposed signage will not increase signage clutter as it is replacing an existing sign in the same location.

The proposed signage would be replacing an existing static billboard and decreasing the advertising area thereby not adding additional significant visual clutter to the area. As noted above, signage typifies the commercial centre. There is signage located along both sides of the bridge overpass (over the T9 Northern Line and Central Coast and Newcastle railway lines) which is adjacent and opposite to the proposed signage location (**Figure 5**). The pedestrian guardrails are owned by Sydney Trains who leases advertising space on the guardrail. The signs assist in obscuring views of the guardrail and railway tracks and for this reason the Department has not recommended that they be removed to reduce signage clutter.

There is a low to moderate visual impact on the visual amenity of residents.

The proposed signage would be oriented to the south, to face the northbound traffic flows on the Pacific Highway. There are several apartment complexes within the surrounds from which a large number of residential tenants would have direct views of the proposed signage:

- 121-133 Pacific Highway, located 85 metres south of the site, comprising an eight-storey mixed development with businesses on the ground floor and residences over seven storeys (**Figure 18**)
- 208-226 Pacific Highway (2 building complex), located 23 metres and 50 metres southeast of the site comprising 1 x three storey and 1 x eight storey mixed use development (**Figure 19** and **Figure 20**), and

- 135-137 Pacific Highway, located approximately 25 metres directly south of the site, comprising businesses on the ground level and 11 residential floors above (**Figure 21**).



Figure 18 | View of apartment complex at 121-133 Pacific Highway, Hornsby (Source: Statement of Environmental Effects, 2023)

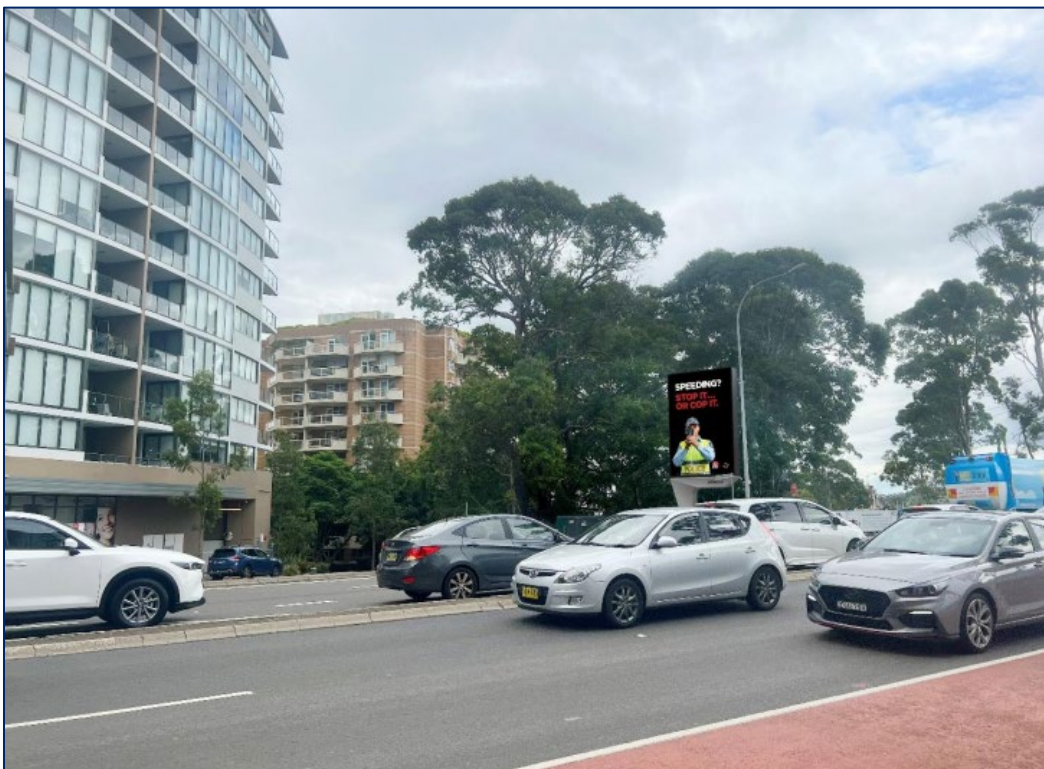


Figure 19 | Proposed view from the three-storey apartment complex at 208-226 Pacific Highway (Source: Statement of Environmental Effects, 2023)



Figure 20 | Proposed view from the eight-storey development 208-226 Pacific Highway (Source: Statement of Environmental Effects, 2023)



Figure 21 | Proposed view from street level of 135-137 Pacific Highway (Source: Statement of Environmental Effects, 2023)

The Applicant undertook an assessment of the visual impacts of the proposed signage, taking into account the sensitivity of the surrounding receivers and sensitivity of the viewpoint to change. The assessment concluded that the visual impact would be low and acceptable from all areas of high viewer sensitivity.

The most relevant methodology for assessing the visual impact of a proposed development within a railway corridor in NSW is Transport for NSW's *Guideline for Landscape Character and Visual Impact Assessment, Environmental Impact Assessment Practice Note EIA-N04* (2020). This sets out an established visual impact rating matrix (used in visual impact assessments) based on the combination of the sensitivity of the view(er) to change and the magnitude (scale, contrast, quality, distance) of the development on the view (**Figure 22**).

		Magnitude			
		High	Moderate	Low	Negligible
Sensitivity	High	High	High-Moderate	Moderate	Negligible
	Moderate	High-Moderate	Moderate	Moderate-low	Negligible
	Low	Moderate	Moderate-low	Low	Negligible
	Negligible	Negligible	Negligible	Negligible	Negligible

Figure 22 | Landscape character and visual impact rating matrix (Source: *Guideline for landscape character and visual impact assessment*, TfNSW, 2023)

Based on the applicant’s assessment and the Department’s site visits, the Department concluded that the visual impact would be:

- low for existing residents in 121-133 Pacific Hwy,
- moderate for some residents at 208-226 Pacific Hwy whose balconies and windows face the proposed signage, and
- low to moderate for residents in the lower storeys of 135-137 Pacific Hwy with direct views of the proposed signage would be moderate.

There is a vacant block of land located at 228-234 Pacific Highway, around 40 metres east of the site, with an approved DA for a 10-12 storey development comprising retail and commercial tenancies on the lower floors, a residential aged care facility a residential apartment. Future residents would have views of the rear of the proposed signage only and so the impact is considered negligible.

5.4 Illumination

The proposed signage would meet the relevant requirements for luminance and should not result in adverse illumination impacts on nearby residents, subject to a night-time curfew.

The proposed signage would be illuminated with LEDs installed within the front face. Brightness of the LEDs would be controlled to provide upper and lower limits, as well as set automatically via a

local light sensor to adjust to ambient lighting conditions. In addition, the LEDs would have baffles which would mitigate upward waste light, decreasing impacts to the nearby residential apartments.

Illumination set to an inappropriate level, either too bright or too low for the ambient lighting conditions, can present a risk to traffic safety by distracting a driver. It can do this either through glare or poor illumination requiring long looks to determine the illuminated subject.

Illuminance requirements for advertising signage are outlined in the 2017 Guidelines and Australian Standard AS/NZS 4282:2023 *Control of the Obtrusive Effects of Outdoor Lighting*. Both the 2017 Guidelines and the Australian Standard set the luminance levels for signage in various areas classified as zones. These zones are based on the typical existing lighting environment of the surrounds.

The Applicant’s Lighting Impact Assessment categorised the site of the proposed signage as Environmental Zone A4 (high brightness e.g., commercial areas, town centres) under AS/NZS 4282. The maximum night-time illuminance for an A4 zone is 350 cd/m². The site was assessed as Zone 3 (medium off-street ambient lighting e.g. small to medium shopping / commercial centres) under the 2017 Guidelines. The maximum night-time illuminance for a Zone 3 area is 350 cd/m² (refer **Table 5**).

To ensure compliance with other criteria of AS/NZS 4282:2023, the Applicant is proposing a more stringent night-time luminance level of 250 cd/m². As such, the proposed luminance levels would be more stringent than the requirements of the 2017 Guidelines.

Table 5 | Luminance levels for digital advertisements in Zone 3 (Source: 2017 Guidelines)

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS	
Lighting Condition	Max Permissible Luminance (cd/m ²)
Full sun on face of signage	No Limit
Daytime luminance	6000
Morning and evening twilight and inclement weather	700
Night-time	350

Initially, the Applicant proposed to have the proposed signage operating 24-hours a day. However, in response to concerns raised by the Department and the public, the Applicant has proposed to turn the proposed signage off from 11:00 pm to 6:00 am. This self-imposed restriction is supported by the Department as it would limit light spill into residential apartments and reduce the potential for sleep disturbance, while also being consistent with the AS/NZS 4282:2023 illuminance levels and curfew hours.

The Applicant also indicated that an Aspire digital sign has been erected at Saunders Street in Pymont which would have a similar night-time luminance level to the proposed sign. A night-time inspection of the Aspire digital sign at Saunders Street in Pymont was undertaken to aid the Department in its consideration of luminance impacts, which was considered to have a negligible impact in comparison to the surrounding environment.

To ensure the proposed sign remain complaints the Department has recommended:

- the signage be programmed to align with the maximum night-time (on dark) luminance level of 250 cd/m²
- a luminance strength audit is undertaken within six months of the proposed signage being operational
- the brightness of the display must not impact the visibility of the traffic signals at any time (e.g. through flashing, flickering or use of traffic signal colours), and
- requirements for reflectivity and glare.

Implementing the recommended conditions would ensure that the proposed signage would not cause unacceptable illumination.

5.5 Other issues

The Department's consideration of other issues is summarised in **Table 6**.

Table 6 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Biodiversity	<p>The proposed site is located adjacent to land categorised as high biodiversity value. The project does not include the removal of any trees.</p> <p>The proposed signage would be located on land that has been highly disturbed by the installation of the existing static advertising sign. Vegetation located on site consists of weed and/or species of invasive origins. Native vegetation in the immediate surrounds has been fenced off from the site and comprises Grey Ironbark (<i>Eucalyptus paniculata</i>), Rough-barked Apple (<i>Angophora floribunda</i>), Sydney Blue Gum (<i>Eucalyptus saligna</i>) and Sweet Pittosporum (<i>Pittosporum undulatum</i>). These species are representative of the critically</p>	<ul style="list-style-type: none"> • Trees identified within the Arboricultural Impact Appraisal and Method Statement must be protected. • All construction and ground disturbance works must be carried out under the supervision of a qualified practicing arborist. • If pruning works are required, an arborist is required to

Issue	Findings and conclusions	Recommended conditions
	<p>endangered low condition Plant Community Type 3136 - Blue Gum High Forest.</p> <p>There is potential for the structural root zones of these species to extend into the excavation area of the proposed signage. However, the implementation of control methods set out in the Applicant's Arboricultural Impact Appraisal and Method Statement, would minimise the potential of tree root impacts.</p> <p>A number of vulnerable species listed under the <i>Biodiversity Conservation Act 2016</i>, have been identified as having a high likelihood of occurrence - Little Lorikeet (<i>Glossopsitta pusilla</i>) and Miniopteridae (<i>Miniopterus australis</i> – Little Bent-winged Bat and <i>Miniopterus orianae oceanensis</i> – Large Bent-winged Bat).</p> <p>A Test of Significance was undertaken in accordance with section 7.3 of the BC Act to assess whether the proposed construction and operation of the proposed signage would be likely to significantly affect threatened species. The test concluded that the proposed development would not be likely to impact threatened species, ecological communities or their habitats.</p> <p>The Department has recommended a number of conditions for tree protection and pruning to minimise the potential for impacts to native vegetation.</p>	<p>prepare and implement a Pruning Specification Plan.</p>
Public benefit	<p>A submission from a member of the public raised concern that the public benefit garnered from the proposed development does not outweigh the potential distraction to road users.</p> <p>The Development Application is accompanied by a Public Benefit Statement that advises that funds obtained from the proposed development will be re-invested into the public transport system,</p>	<ul style="list-style-type: none"> The proposed signage must be made available for the display of road safety messages, transport information and community information by arrangement with Sydney Trains. It must also be made available for use in the event of a 'threat

Issue	Findings and conclusions	Recommended conditions
	<p>resulting in an overall improved public transport system and experience.</p> <p>The statement indicates that the proposed signage would also provide public benefit through availability to be used for emergency messaging relating to disruptions to train services and threat-to-life alerts by NSW government emergency and police agencies. In addition, Sydney Trains would be able to access the digital screens for Sydney Trains and TfNSW customer promotions and events at no cost. This offer of public benefit has been reinforced in the recommended conditions.</p> <p>The Department has also recommended that an electronic log of the advertisements be kept at all times. This will enable confirmation on the percentage of time the proposed signage has been made available for transport, emergency and community messaging.</p> <p>The 2017 Guidelines require Sydney Trains to record the total amount of outdoor advertising revenue received each year in its financial accounts and Annual Reports. It also requires that Sydney Trains outline the investments made, listing specific works to which the funds have been applied. The Department has reinforced this requirement in the recommended conditions of consent.</p>	<p>to life' or other emergency to allow emergency messaging.</p> <ul style="list-style-type: none"> • An electronic log of the proposed signage activities must be maintained by the operator. • The Applicant must record the total amount of outdoor advertising revenue that it receives each year in its Annual Reports. The Annual Reports must provide a detailed list of how revenue has been applied to provide a public benefit.
Heritage	<p>There are no State or local heritage listings within the site of the proposed signage.</p> <p>The proposed signage is within the vicinity of three heritage items as defined by Schedule 5 Part 1 of the Hornsby LEP 2013. However, visibility of the heritage items from the site is restricted due to the dense vegetation cover and built form surrounding the railway corridor. Further, the nearby heritage items are at least 70 metres or more from site. As such, the proposed signage</p>	

Issue	Findings and conclusions	Recommended conditions
	<p>would not impact on the heritage significance of the items.</p> <p>In addition, the approved development at 228-234 Pacific Highway, Hornsby (DA/416/2020), if constructed, would further restrict sightlines to the heritage items from the proposed signage.</p>	
Utilities	<p>The Department requested information on the existing buried services on and adjacent to the site. It also sought confirmation whether the provision of electricity to power the proposed signage formed part of the development application.</p> <p>The Applicant provided details on the existing buried electrical and gas services on and surrounding the site. Information was also provided on the procedures that would be implemented during construction to protect the existing services. The Department is satisfied that implementation of the procedures would ensure that construction could be undertaken without impact to utility services in the vicinity of the site.</p> <p>Electricity supply is available to the site and does not form part of the development application.</p>	<ul style="list-style-type: none"> • The consent does not approve electrical and telecommunication works and services associated with the installation and operation of the development. • The Applicant must comply with the requirements (and associated costs) of relevant utility providers in regard to the connection to, relocation and/or adjustment of any utility services affected by the construction.
Construction traffic and access	<p>Installation of the proposed signage would require access from Pacific Highway, and so the Applicant must obtain a road occupancy licence. In order to minimise impacts to traffic and pedestrians the licence would likely limit some construction works to the nighttime. Lane closures on Pacific Highway and Government Road would be required for safety reasons which would cause traffic impacts and/or delays. The pedestrian path along Pacific Highway adjacent to the site would also be closed.</p> <p>The Department has recommended conditions regarding the management of construction traffic</p>	<ul style="list-style-type: none"> • A road occupancy licence must be obtained for works which have the potential to affect traffic during construction. • The Construction Management Plan must address traffic and access management. • Pedestrian access must be maintained at all times along Pacific Highway and Government Road. Otherwise,

Issue	Findings and conclusions	Recommended conditions
	and pedestrian access during construction to facilitate the safe movement of vehicles and pedestrians.	alternative access needs to be provided and signposted.
Construction Noise	The Department considers that nighttime works proposed on site would cause noise impacts and disruptions to the nearby residential receivers, particularly 135-137 Pacific Highway. These noise impacts can be managed with standard noise controls. The Department has recommended that noise measures be developed and detailed in the Construction Management Plan.	<ul style="list-style-type: none"> • Construction noise must meet the noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). • The Construction Management Plan must detail the noise management measures that will be implemented.

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. This includes the objects of the EP&A Act, including the principles of ecologically sustainable development (**Table F-1**), the Industry and Employment SEPP (**Tables F-4 and F-5**), the Transport and Infrastructure SEPP (**Table F-6**) and the Hornsby LEP and DCP (**Appendix F**). It has also assessed the proposal against the 2017 Guidelines (**Table F-7**) and *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008). In addition, the Department has taken into consideration advice from TfNSW and issues raised in public submissions.

The Department is satisfied that the proposed signage is consistent with the objectives of the Industry and Employment SEPP and satisfies the relevant requirements of the SEPP. It is also satisfied that the proposed signage complies with the relevant requirements of the Transport and Infrastructure SEPP.

The Department has considered the likely impacts of the development and is satisfied that it is acceptable in terms of impacts and in terms of design, road safety and the public benefits to be provided.

If approved, the proposed development would provide an overall public benefit through the reinvestment of funds received from the proposed development into the public transport system, resulting in an overall improved public transport system and experience. It would also provide for road safety and community information messaging.

The proposed signage would be replacing an existing static advertising sign. Although the proposed signage is smaller in area, it would introduce a new digital advertising sign into the environment. The Department is satisfied that the proposed signage is acceptable in terms of design and compatibility with the visual character of the area. However, it is acknowledged that the proposed signage could impact on the visual amenity of nearby residents and so a nighttime curfew from 11:00 pm to 6:00 am has been recommended.

The Department has considered the potential for the proposed signage to distract drivers and increase the risk of collisions and is satisfied that it is acceptable in terms of road safety. The Applicant has proposed a number of measures for managing illumination and controls around display features to reduce driver distraction. These are reinforced in the recommended conditions of consent.

The Department has formed the opinion:

- the location for the proposed signage is appropriate for the type and scale of sign proposed to be installed
- the public benefit that would occur is appropriate
- that appropriate conditions have been recommended to manage the construction and operation of the proposed signage, and
- the proposed development should be approved subject to conditions.

7 Recommendation

It is recommended that the **Director, Transport and Water Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Digital Advertising Signage, Pacific Highway Hornsby (DA 23/15294), subject to the conditions in the attached development consent, and
- **signs** the attached development consent (**Appendix G**).

Recommended by:



Daniel Gorgioski

A/Team Leader

Transport and Water Assessments

8 Determination

The recommendation is **adopted** by:



Glenn Snow

Director

Transport and Water Assessments

Glossary

Abbreviation	Definition
Applicant	Sydney Trains
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
Council	Hornsby Shire Council
DCP	Development Control Plan
Department	Department of Planning, Housing and Infrastructure
DSSA	Digital Signage Safety Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPI	Environmental planning instrument
Industry and Employment SEPP	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>
LGA	Local government area
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Planning Secretary of the Department of Planning Housing and Infrastructure
SEPP	State environmental planning policy
TAHE	Transport Asset Holding Entity
TfNSW	Transport for NSW

Abbreviation	Definition
Transport and Infrastructure SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
2017 Guidelines	<i>Transport Corridor Outdoor Advertising and Signage Guidelines (Department of Planning and Environment, 2017)</i>

Appendices

Appendix A – Summary of key amendments to the project

Since lodgement, one aspect of the project has been amended in response to public submissions and Departmental concerns on the illumination impacts of the proposed signage and this is detailed in **Table A-1**.

Table A-1 | Key amendments

Aspect	Original project in EIS	Amended project
Signage Operation	Proposed signage would operate 24 hours a day, 7 days a week.	Proposed signage would operate from 6:00 am to 11:00 pm, 7 days a week.

Appendix B – List of referenced documents

Agency advice, Transport for NSW, 2023

Bates, L., Alexander, M., Van Felius, M., Seccombe, J. and Bures, E., 2021. *What is known about distracted driving?*

DC Traffic Engineering, 2024. *Proposed advertising sign on north-western corner of Pacific Highway/ Government Road intersection, Hornsby Peer review of Safety Assessment Report*

Department of Environment and Climate Change, 2009. *Interim Construction Noise Guideline.*

Department of Planning, 2008. *Development Near Rail Corridors and Busy Roads – Interim Guideline.*

Department of Planning and Environment, 2017. *Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (2017 Guidelines).*

Hornsby Local Environmental Plan 2013.

Hornsby Development Control Plan 2013.

Keylan, 2023. *Statement of Environmental Effects Digital Advertising Signage Pacific Highway, Hornsby.*

Kelyan, 2024. Response to Request for Information #1 (9/2/24), #2 (16/4/24) and 3# (3/5/24), (DA23/15294) Digital Advertising Sign – Pacific Highway, Hornsby.

Transport for NSW, 2020. *Guideline for Landscape Character and Visual Impact Assessment, Environmental Impact Assessment Practice Note EIA-N04.*

Wachtel, J. 2020. *Compendium of a Decade's Worth of Research Studies on Distraction from Digital Billboards (Commercial Electronic Variable Message Signs [CEVNMS]), Summary and Critique,* California State Department of Transportation Legal Division.

Appendix C – Submissions and government agency advice

All submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-signage-and-monopole-pacific-highway-hornsby-da-2315294>

Appendix D – Response to submissions

The Applicant's response to submissions and requests for information can be found at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-signage-and-monopole-pacific-highway-hornsby-da-2315294>

Appendix E - Community views

The key issues raised by the community in the two public submissions and how they have been considered are addressed in **Table E-1**.

Table E-1 | Key issues raised and how they have been considered

Issue	Consideration
<p>Illumination</p> <ul style="list-style-type: none"> • Light spill of a night-time onto nearby residences impacting on amenity and sleep 	<p>The Applicant indicated that it would curfew the sign between 11:00 pm and 6:00 am to reduce illumination impacts in response to community submissions. The Department supports this approach as it's consistent with the relevant Australian Standards for night-time curfews.</p> <p>Recommended conditions/response</p> <p>The Department has recommended the following conditions:</p> <ul style="list-style-type: none"> • that the curfew be imposed from 11:00 pm to 6:00 am, 7 days a week. • the signage be programmed to align with the maximum nighttime (on dark) luminance level of 250 cd/m², and • a luminance strength audit is undertaken within six months of the proposed signage being operational.
<p>Visual amenity impacts</p> <ul style="list-style-type: none"> • Disruption of views from residences 	<p>The proposed signage will be visible from residences at 135-157 and 208-226 Pacific Highway. The visual impact will be more prominent of an evening and nighttime when it is dark as the sign will contrast the vegetative backdrop.</p> <p>Recommended conditions/response</p> <p>The proposed signage will be replacing an existing static advertising sign and will not significantly alter the visual quality of the landscape which is dominated by road and rail infrastructure, Westfield and high-density residential development.</p> <p>Commercial signage is common in the locality with a number of retail logos prominently displayed on the nearby Westfield complex. There is also advertising signage on the nearby rail overbridge. As such, the proposal would not be introducing an uncommon element into the commercial district.</p> <p>Visual impacts would be addressed through the imposition of conditions on hours of operation, the display features of advertisements (including no flashing or flickering images), and illumination levels.</p>

Issue	Consideration
<p>Road safety</p> <ul style="list-style-type: none"> • Potential for driver distraction resulting in an increased risk of accidents 	<p>The Department engaged an accredited traffic safety auditor, DC Engineering, to review the Applicant's Digital Sign Safety Assessment and provide advice on road safety concerns.</p> <p>The Applicant undertook a traffic survey (volume and speed) in response to the issues raised in the review and by the Department. The results of the survey were used to reassess the safe stopping sight distance. The revised assessment indicated that the proposed signage would only be three metres within the safe stopping sight distance and outside of a driver's line of sight due to its placement and orientation.</p> <p>Recommended conditions/response</p> <p>The signage is unlikely to increase safety risks to pedestrians and cyclists. However, based on the close proximity of two schools, the Department has taken a precautionary approach and recommended restrictions on the operation of the sign during school zone hours to minimise the potential for driver distraction.</p> <ul style="list-style-type: none"> • A Road Safety Assessment is to be undertaken between 12-18 months after the proposed signage is operational. If any safety matters are identified, rectification works must be undertaken and no advertisements can be displayed until the works are complete. • The proposed signage must be switched to a fixed display during school zone operating hours.

Appendix F – Statutory considerations

F1 Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects in section 1.3 of the EP&A Act are provided in **Table F-1**.

Table F-1 | Objects of the EP&A Act and how they have been considered

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,	<p>The proposal would provide 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 proposed signage would not unreasonably impact on the State's natural or 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 potential environmental impacts of the proposed signage have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.</p> <p>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. To ensure the proposal has no significant impact on native tree species, an arboriculturist would be present on site during the construction works and tree protection works would be implemented (refer Table 6). As such, the Department considers that the development would not adversely impact on the environment.</p> <p>The sign would be powered using 100% renewable electricity. Renewable electricity is purchased through JCDecaux's retailer under the 100% GreenPower program where available. Where it is not available, JCDecaux purchase Large Generator Certificates (LGC's) or Renewable Energy Certificate (RECs) to equal the power usage for affected sites</p>

Object	Consideration
	<p>and retire those certificates. This process is approved by the RE100 global corporate renewable energy initiative.</p> <p>The Department considers that the proposed signage is consistent with any relevant environmental considerations.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposed development involves the economic use of land through the utilisation of land within an established railway corridor that is narrow and constrained and will be leased to generate revenue. Sydney Trains allocates this revenue to improving public transport infrastructure.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The proposed development does not involve any aspects of affordable housing.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The potential environmental impacts of the proposed development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. The Applicant has undertaken a test to determine whether the proposed development is likely to significantly affect threatened species or ecological communities, or their habitats in accordance with section 7.3 of the BC Act. The test concluded that there would be no significant impact. On this basis, the Department considers that the development would not have adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The Department considers that the proposed development would not have significant impact on built or cultural heritage as there are no items of heritage significance on or adjacent to the proposed development.</p>

Object	Consideration
(g) to promote good design and amenity of the built environment,	The Department considers the proposed development would not result in unacceptable built form impacts, as the proposed signage would be located within an existing Sydney Trains rail corridor. In addition, the proposed sign has been architecturally designed.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development 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 advice from TfNSW and comments from Hornsby Shire Council during the exhibition of the development application. Council did not provide a submission on the proposal. TfNSW's advice is detailed in Section 4 and addressed in Section 5.2 .
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The development application was exhibited on the Department's State DA Portal from 22 November to 5 December 2023. Written notification of the exhibition was provided to adjacent and nearby landowners, TfNSW and Hornsby Shire Council. The two public submissions received have been assessed in the Applicant's response to submissions report. They have also been considered by the Department as part of its assessment of the proposed development.

F2 Sections 4.15 and 4.6 of the EP&A Act - Matters for Consideration

In determining a development application, a consent authority is to take into consideration the matters specified in section 4.15 of the EP&A Act where they are of relevance to the development which is the subject of the development application. A summary of the Department's consideration of the section 4.15 Matters for Consideration are provided in **Table F-2**. Matters for Consideration specific to Crown Developments (section 4.6 of the EP&A Act) are addressed in **Table F-3**.

Table F-2 | Matters for Consideration under Division 4.15 of the EP&A Act

Matter	Consideration
(a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided in Tables F-4, F-5 and F-6 and Section F4 .
(i) any environmental planning instrument, and	
(ii) any proposed instrument	There are no applicable proposed instruments.
(iii) any development control plan, and	The proposal generally meets the relevant/ applicable objectives of the Hornsby Shire Council Development Control Plan 2013 as addressed in Table F-9 .
(iiia) 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 proposed signage in detail in Section Error! Reference source not found. of this report. The Department considers that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent and management measures proposed by the Applicant.
(c) the suitability of the site for the development,	The development is permissible with consent as it is located on land within a railway corridor and that is zoned MU1 Mixed Use.

Matter	Consideration
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section Error! Reference source not found. of this report and given due consideration as part of the assessment of the development in Section Error! Reference source not found. of this report. A link to the submissions can be found at Appendix C .
(e) the public interest.	The Department considers that, on balance, the proposal is in the public interest as the revenue raised from leasing the site will be invested into the public transport network (refer Table 6).

Table F-3 | 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.	The Applicant is a State government agency. The Applicant is considered to constitute a public authority, and the application is considered to be a Crown Development Application.
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	<p>The Minister is the consent authority.</p> <p>The Department recommends the application be approved, subject to the recommended conditions (Appendix G).</p>
(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.	<p>The Minister is the consent authority.</p> <p>The Department forwarded the recommended conditions to the Applicant on 6 June 2024. Whilst the applicant does not support the proposed school zone restriction, it did agree to the conditions on 18 July 2024.</p>

Matter	Consideration

F3 EP&A Regulation

Subject to any other references to compliance with the EP&A Regulation cited in this Assessment Report, the requirements for fees (Part 13) have been complied with and the NSW Planning Portal (Part 15) have been complied with.

F4 Environmental Planning Instruments (EPIs), Development Control Plan and Guidelines

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 and Employment) 2021* (Industry and Employment SEPP) (**Tables F-4 and F-5**)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) (**Table F-6**)
- *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (2017 Guidelines) (**Table F-7**)
- *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008) (**Table F-8**)
- *Hornsby Local Environmental Plan 2013* (Hornsby LEP)
- *Hornsby Development Control Plan 2013* (Hornsby DCP) (**Table F-9**).

State Environmental Planning Policy (Industry and Employment) 2021

The Industry and Employment SEPP applies to all signage that can be displayed with or without development consent, and is visible from any public place or public reserve. The Department has taken into consideration the requirements of the SEPP and its assessment against these is provided in **Table F-4**. The Department's assessment of the proposed signage, in accordance with Schedule 5 of the SEPP, is provided in **Table F-5**.

Table F-4 | Industry and Employment SEPP Compliance Assessment

Section	Requirements	Comments	Compliance
3.1 Aims, objectives etc	(a) to ensure that signage (including advertising) – (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and	<p>The Department considers the proposed signage is compatible with the desired amenity and visual character of the area. The site is located within the Eastern Precinct of the Hornsby Town Centre which has a focus on mixed-use, retail and commercial purposes as per the Hornsby Development Control Plan 2013.</p> <p>The Department considers that the proposed location would provide effective communication in a suitable location.</p> <p>The Department considers that the proposed sign is of high-quality design and finish (refer Section 5.1.1).</p>	Yes
	(b) to regulate signage (but not content) under Part 4 of the Act, and	The Department considers that the application of the requirements relates to the regulation of the signage.	Yes
	(c) to provide time-limited consents for the display of certain advertisements, and	If a consent is made, the consent will be valid for 15 years.	Yes
	(d) to regulate the display of advertisements in transport corridors, and	The application of the requirements relates to the regulation of signage in transport corridors. If approved, the conditions of approval would regulate the signage structure and display.	Yes

Section	Requirements	Comments	Compliance
	(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.	The Development Application is accompanied by a Public Benefit Statement that advises that funds obtained from the proposed development will be invested into the public transport system, and sign operation time would be provided for community public messages. (refer Table 6). As such, the proposed sign is consistent with this objective.	Yes
3.6 Granting of consent to signage	A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied — (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and	The Department considers that the objectives of s.3.1 (1)(a) have been addressed above.	Yes
	(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	See Table F-5 .	Yes
3.10 Consent authority	For the purposes of this Chapter, the consent authority is — (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	The proposed development is for a sign and monopole located within railway corridor land. The Applicant is Sydney Trains. As such, the Minister for Planning and Public Spaces is the consent authority.	Yes
3.11 Matters for consideration	(2) If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case, the consent	The proposed development has been assessed against the objectives of the Chapter as set out in s.3.1(1)(a), above. As	Yes

Section	Requirements	Comments	Compliance
	<p>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 –</p> <p>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p>	<p>noted above, the Department is satisfied that it is consistent with the objectives.</p>	
	<p>(b) 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</p> <p>(i) design, and</p> <p>(ii) road safety, and</p> <p>(iii) the public benefits to be provided in connection with the display of the advertisement, and</p>	<p>The proposed development is assessed against the criteria in Schedule 5 in Table F-5.</p> <p>The proposed development has been assessed as generally consistent with the Schedule 5 criteria. The Department notes that the proposed signage would be located 3 metres within the safe sight stopping distance of 48 metres (45 metres from the signalised intersection). However, the proposed signage would not be visible to drivers at 45 metres from the intersection (refer Section 5.2.1). The Department considers this non-compliance would not significantly increase risks to road safety and is acceptable.</p>	Yes
	<p>(c) satisfies any other relevant requirements of this Chapter.</p>	<p>The proposed development has been assessed against other relevant criteria of the Chapter in this table.</p>	Yes
	<p>In addition, if Section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless</p>	<p>The Applicant has indicated that a Public Benefit will occur, through the re-investment of funds that are</p>	Yes

Section	Requirements	Comments	Compliance
	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.	obtained from the proposed development, into the public transport system (refer Table 6). The Department has recommended conditions to ensure appropriate display times of proposed public benefit for community messaging, transport information and emergency messaging so that the proposed sign delivers public benefit.	
3.12 Duration of consents	(1) A consent granted under this Part ceases to be in force — (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	The proposed consent is for a 15-year period.	Yes
	(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.	A lesser period is not provided for in the consent.	N/A
3.14 Transport corridor land	(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 — (a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,	The Applicant is Sydney Trains and the proposed signage would be in a railway corridor. As such any prohibitions in section 3.8(1) or any other EPI so not apply.	Yes

Section	Requirements	Comments	Compliance
3.18 Location of certain names and logos	(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.	The logo of an advertising operator would be located within the advertising display area.	Yes
	(2) If the advertising display area has no border or surrounds, any such name or logo is to be located — (a) within the advertisement, or	Not Applicable.	N/A
	(b) within a strip below the advertisement that extends for the full width of the advertisement.	The logo would be located within a metal strip below the advertisement.	N/A
	(3) The area of any such name or logo must not be greater than 0.25 square metres.	The size of the proposed logo is 0.08 m ² .	Yes
	(4) The area of any such strip is to be included in calculating the size of the advertising display area.	The area of the strip has been included in the size of the advertising display area, 16.51 m ² .	Yes
3.21 Freestanding advertisement	(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does 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.	The proposed signage would be a freestanding advertisement on a monopole structure. The Department considers that the proposed signage would not protrude beyond the surrounding vegetation, buildings and thus, it would not dominate the skyline.	Yes

Table F-5 | Assessment against the requirements of Schedule 5 of the Industry and Employment SEPP

Section	Requirement	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 Department is satisfied that the proposed signage is compatible with the existing and desired future character of the area (see Section 5.1.2).	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>There is no particular theme for outdoor signage in the locality. Instead, there is a wide variation in the type of signage that is displayed.</p> <p>The Hornsby DCP indicates that signage must be compatible with the character for the locality, complement the scale size and architecture of the area and not compromise pedestrian, cyclist or motorist safety. The East Precinct of the Hornsby Town Centre is characterised by a mixed-use character with a focus on retail and commercial businesses. The Westfield building which is located diagonally behind the sign is covered in numerous retail logos / signage.</p> <p>In addition, banner signage is located along the pedestrian guard rail on both sides of the railway overpass.</p> <p>The addition of digital signage within this area is not inconsistent with the character of the area.</p>	Yes
2. Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage	The proposed signage would not detract from environmentally sensitive areas, heritage areas, natural or other conservation areas, open spaces areas, waterways or	Partial

Section	Requirement	Comments	Compliance
	areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	rural landscapes. However, the Department considers that illumination from the proposed signage would detract from the visual amenity of nearby residents of a night-time. As such, the Department has recommended conditions of consent regarding illumination of the sign, including a curfew from 11:00 pm to 6:00 am.	
3. Views and vistas	Does the proposal obscure or compromise important views?	The proposed signage would not obscure or compromise any important views.	Yes
	Does the proposal dominate the skyline and reduce the quality of vistas?	The Department considers the proposed signage would not dominate the skyline or reduce the quality of vistas.	Yes
	Does the proposal respect the viewing rights of other advertisers?	The Department considers that the proposed signage would respect the viewing rights of other advertisers as it does not obscure any of their signage.	Yes
4. Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The Department is of the opinion that the proposed signage would be appropriate for the streetscape which is highly urbanised and comprises road infrastructure bordered by high density commercial and residential development.	Yes
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The Department considers that the advertising signage would contribute to the visual interest of the streetscape and is compatible with the streetscape.	Yes

Section	Requirement	Comments	Compliance
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not reduce clutter and would replace an existing advertising billboard and decrease the visual advertising area by 65%.	No
	Does the proposal screen unsightliness?	The proposed signage is not being installed to screen unsightliness.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage would not protrude above buildings, structures or tree canopies in the area or the locality.	Yes
	Does the proposal require ongoing vegetation management?	The proposed sign would be located in a landscaped area which requires maintenance due to the proliferation of weeds. The proposal would require ongoing vegetation management of the landscaping for the proposed consent period of 15-years. The Department has included a condition requiring regular maintenance of the site.	Yes
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?	<p>The proposed signage would be located within a railway corridor, replacing an existing static billboard sign. It would reduce the advertising area of the signage by 65% when compared to the current signage.</p> <p>The site is landscaped with shrubs / grasses and there is an Ausgrid electrical kiosk on the site.</p>	Yes

Section	Requirement	Comments	Compliance
		The Department is satisfied that the proposed signage would be compatible with the scale, proportion and other characteristics of the site.	
	Does the proposal respect important features of the site or building, or both?	<p>There are no important features on the site. However, the site is adjacent to land mapped as high-biodiversity value. The proposed development will have no direct impact on the high-biodiversity value vegetation as tree pruning/cutting has not been proposed.</p> <p>A certified Arborist would be required to be on site during construction works to ensure that there is no damage to tree roots within the structural root zones of any trees.</p>	Yes
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is architecturally designed and is consistent with the site.	Yes
6. Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The logo has been designed as an integral part of the signage structure and would be located below the advertisement within a strip which forms part of the mounting pole for the sign.	Yes
7. Illumination	Would illumination result in unacceptable glare?	Illumination would not result in unacceptable glare. The proposed sign has internal digital lighting which would be responsive to the environmental conditions and be able to be	Yes

Section	Requirement	Comments	Compliance
		<p>adjusted in accordance with ambient light conditions and different light levels during the day. This includes reducing the light intensity at night and in the evening periods.</p> <p>The Department notes that the proposed development has been designed to comply with <i>AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting</i>. However, this standard has recently been updated. The Department has recommended a condition requiring compliance with the latest 2023 standard.</p>	
	Would illumination affect safety for pedestrians, vehicles or aircraft?	<p>The proposed sign has been designed to comply with the standards of <i>AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting</i>. The Department has recommended a condition requiring compliance with the latest 2023 standard.</p> <p>Given the proposed variable illumination levels of the proposed development, the Department does not consider that there would be a safety risk for pedestrians, vehicles or aircraft.</p>	Yes
	Would illumination detract from the amenity of any residence or other form of accommodation?	<p>There is the potential for the proposed signage to impact residents at 135-137 Pacific Highway and 208-226 Pacific Highway who have direct visual access to the sign, especially when it is dark.</p>	Yes

Section	Requirement	Comments	Compliance
		<p>Illumination elements would be controlled through the use of baffles. However, illumination may detract from the amenity of nearby residents unless the proposed sign is turned off at night.</p> <p>In response to submissions, the Applicant has committed to implementing a curfew from 11:00 pm to 6:00 am. The Department supports this approach as it aims to address community concerns, reduce nighttime amenity impacts (sleep disturbance) from illumination, and is consistent with the relevant Australian Standards regarding night time curfew periods. A condition of consent has been recommended to enforce this night-time curfew.</p>	
	Can the intensity of the illumination be adjusted, if necessary?	The proposed signage would be capable of automatically adjusting luminance using a light sensor to adjust luminance to ambient conditions.	Yes
	Is the illumination subject to a curfew?	<p>In response to submissions, the Applicant has proposed to turn the digital sign off between 11:00 pm and 6:00 am.</p> <p>The Department considers this is acceptable as it is consistent with the relevant Australian Standards and responses to community concerns. The Department has reinforced this commitment as a recommended condition.</p>	Yes

Section	Requirement	Comments	Compliance
8. Safety	Would the proposal reduce the safety for any public road?	<p>The updated Signage Safety Assessment indicates that the proposed sign would be acceptable from a road safety perspective. The proposed signage would be located three metres within the safe sight stopping distance of 48 metres (45 metres from the signalised intersection). However, the proposed digital sign would not be visible to the driver at 45 metres from the signalised intersection (refer Section 5.2.1 and Figure 15).</p> <p>The proposal is within an area in close proximity to two schools and it is likely this section of the Pacific Highway experiences school-related traffic flows during school drop-off and pick-up times. As such, the Department has recommended that the sign be changed to a static, fixed display during school zone operating hours during school zone operation to reduce the risk of driver distraction.</p> <p>As such, the Department considers that the proposed signage is unlikely to reduce road safety along this section of the Pacific Highway.</p>	Yes
	Would the proposal reduce the safety for pedestrians or bicyclists?	There are no specific safety issues for pedestrians or cyclists (refer Section 5.2.3).	Yes
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The Department considers that the proposal would not obscure sightlines from public areas.	Yes

Table F-6 | Assessment against *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Section	Criteria	Comments	Compliance
2.98 Development adjacent to rail corridors	<p>(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development –</p> <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>The proposed signage is not located in close proximity to the rail tracks and as such would not have an adverse impact on rail safety.</p> <p>The proposed development would include a metal finish on the advertising structure. However, it is not expected to impact on any trains as it is not located in close proximity to the rail tracks.</p> <p>Further, the Applicant would ensure the proposed development would have nil impact to the operations of Sydney Trains rail network.</p> <p>The construction of the proposed signage would involve the use of a crane but would not be located within five metres of an exposed overhead powerline.</p> <p>The Department has recommended a condition requiring the Applicant to submit details of the sign, and structural drawings prepared and signed by a suitably qualified practicing Structural Engineer, to Sydney Trains' (or TfNSW, as relevant) Delegated Design Authority for review. It has also recommended that consultation be undertaken with the responsible officers in TfNSW and Sydney Trains to ensure that the proposed sign complies</p>	Yes

Section	Criteria	Comments	Compliance
		with any TfNSW and/or Sydney Trains relevant technical, construction and operational requirements.	
	<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>The appropriate rail authority for the purposes of the SEPP is TfNSW. The proposed signage was referred to TfNSW for advice. TfNSW recommended conditions of consent however none related to the rail corridor.</p> <p>An assessment against the relevant aspects of the <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> is provided in Table F-8.</p> <p>TfNSW also recommended that the design and operation of the proposed sign be in accordance with the 2017 Guidelines. The Department's assessment against the 2017 Guidelines is presented in Table F-7.</p>	Yes
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 –</p> <p>(a) within, below or above a rail corridor, or</p> <p>(b) within 25m (measured horizontally) of a rail corridor, or</p>	<p>The proposed development is within the rail corridor. Proposed works include boring a 750 millimetre diameter pile eight metres deep into land that forms part of the rail corridor. As such, this section applies.</p>	Yes

Section	Criteria	Comments	Compliance
	<p>(c) within 25m (measured horizontally) of the ground directly below a rail corridor, or</p> <p>(d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.</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 issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	<p>As noted under item 2.98, written notice was given to TfNSW who is the relevant rail authority under the SEPP.</p> <p>TfNSW recommended conditions of consent however none related to the rail corridor.</p> <p>The relevant guideline is the 2017 Guidelines. The Department's assessment of the proposed development against the 2017 Guidelines is provided in Table F-7.</p>	Yes
	<p>(3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.</p>	<p>The relevant rail authority is TfNSW. TfNSW was notified but has not provided concurrence. Under section 2.99(5)(b), a consent authority may grant consent without the concurrence of the rail authority if 21 days have passed since the consent authority gave notice under subsection 2(a) and the rail authority has not granted or refused to grant concurrence.</p>	Yes

Section	Criteria	Comments	Compliance
2.119 Development with frontage to 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>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of –</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(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.</p>	<p>The proposed signage would have a frontage to a classified road, Pacific Highway (No. 10). Vehicular access would only be required during construction and this would be from the highway under a road occupancy licence.</p> <p>The proposed development would be accessible from Government Road. The proposed development would not adversely affect the safety, efficiency and ongoing operation of the highway as there is no proposed vehicular access to the land, operation of the sign will not create smoke or dust, operation of the sign will not generate and require vehicles to frequently access the site, and the development is not sensitive to traffic noise or vehicle emissions.</p>	Yes

Section	Criteria	Comments	Compliance
2.121 Excavation in or immediately adjacent to corridors	<p>(1) This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2) –</p> <p>(v) the Pacific Highway.</p>	<p>The proposed development would penetrate the ground to a depth of eight metres and would be situated along the Pacific Highway.</p>	Yes
	<p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must –</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, 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, and</p> <p>(iii) any implications of the ground penetration for the structural integrity of the road or project, and</p> <p>(iv) any cost implications for the road or project of the ground penetration.</p>	<p>The proposed signage was referred to TfNSW who recommended:</p> <ul style="list-style-type: none"> the proposed signage be in accordance with the 2017 Guidelines requirements relating to the display of images a dwell time of 10 seconds for each advertisement an independent road safety assessment once the sign has been operational for 12 months but no longer than 18 months after commencement of operation, and a road occupancy licence be obtained for works that may affect the Pacific Highway. <p>The Department has included TfNSW's requirements in the recommended instrument of consent.</p>	Yes

Section	Criteria	Comments	Compliance
		<p>The Department has considered the 2017 Guidelines (refer Table F-7) and the guideline <i>Development Near Rail Corridors and Busy Roads</i> (Table F-8).</p> <p>The monopole for the sign would be located four metres from the highway. Based on this distance, it is unlikely that foundation excavations for the sign would impact on the structural integrity of the highway.</p>	

Guidelines

Table F-7 | Assessment against the *Transport Corridor Outdoor Advertising and Signage Guidelines*

Section	Considerations	Comments	Compliance
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TABLE 1: LAND USE COMPATIBILITY CRITERIA – TRANSPORT CORRIDOR ADVERTISING

(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 proposed signage is consistent with the majority of the objectives of the MU1 Mixed Use zone under the Hornsby LEP 2013, noting that advertisements are permitted with consent within the zone. The Department considers the proposal would be inconsistent with the objective: “To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional	Partial
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Section	Considerations	Comments	Compliance
		streets and public spaces.”, noting that this is not a function of signage.	
(ii)	<p>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:</p> <ul style="list-style-type: none"> • environmentally sensitive area • heritage area (excluding railway stations) • natural or other conservation area • open space (excluding sponsorship advertising at sporting facilities in public recreation zones) • waterway • residential area (but not including a mixed residential and business zone, or similar zones) • scenic protection area • national park or nature reserve. 	<p>The site of the proposed signage adjoins an area classified as high-biodiversity value. It will not significantly impact on the amenity of the high-biodiversity land as is not publicly accessible. A Test of Significance was conducted in accordance with section 7.3 of the BC Act which determined that the proposed signage would not significantly affect threatened species or ecological communities, or their habitats.</p> <p>As previously noted, the proposed signage would be located opposite residential apartment complexes. However, the proposed development site is in a mixed commercial zone.</p> <p>There are no other environmentally sensitive or natural or conservation areas, heritage areas, open space, waterways, scenic protection areas or national parks or nature reserves adjacent or in close proximity to the proposed development site.</p>	Yes
(iii)	Advertising structures should not be located so as to dominate or protrude significantly above the skyline	The proposed signage would not dominate the skyline or obscure significant scenic views.	Yes

Section	Considerations	Comments	Compliance
	or to obscure or compromise significant scenic views or views that add to the character of the area.		
(iv)	Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.	There are no heritage items of significance adjoining the site. As such, the proposed signage would not diminish the heritage values of items or areas nearby of local, state and/or regional significance.	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 signage would replace an existing static advertising sign in an area dominated by commercial development and residential apartment blocks. It is considered that it is within the context of other built structures.	Yes

2.3.2 Sign placement in transport corridors in urban areas

(a)	Advertising in urban areas should be restricted to rail corridors, freeways, tollways or classified roads: within or adjacent to strategic transport corridors passing through enterprise zones, business development zones, commercial core zones, mixed use zones or industrial zones.	The proposed signage would be appropriately located as it is within a railway corridor zone adjacent to a commercial core zone (Hornsby town centre) which is zoned for mixed use.	Yes
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Section	Considerations	Comments	Compliance
(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.	The proposed signage would be appropriately located within a transport corridor. Signage is a permitted use under the local zoning.	Yes
	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.	The proposed signage will replace an existing sign and from that perspective would not result in increased visibility of signage from the surrounding residential premises. However, the proposed signage would be more prominent of a nighttime and evening, when compared to the existing static sign, from some apartments located at 208-226 Pacific Highway and 135-137 Pacific Highway. This is because it will be a digital sign and cast light outwards. As discussed in Section 5.4 , the Applicant has proposed a curfew 11:00 pm to 6:00 am to reduce the impact of the sign on visual amenity. The Department considers this curfew acceptable.	Partial

2.5.1 General criteria

(a)	Advertising structures should meet the following site-specific criteria:	The proposed signage has been architecturally designed. However, it is noted that it does not show innovation in its relationship to the site as the site is small and constrained due to the presence of utility services on or adjacent to the site (electricity and gas). The Department	Partial
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Section	Considerations	Comments	Compliance
	The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	considers that the design is suitable for the East Precinct of the Hornsby Town Centre which comprises an array of architectural styles.	
(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 is to be located.	The proposed site currently includes an existing static advertising sign and scattered, low vegetation. The proposed signage is considered compatible with the site as it would not protrude above the existing background vegetation which is dominated by trees and frames the site.	Yes
(c)	The advertising structure should be in keeping with important features of the site, building or bridge structure.	There are no important features on the site. The only built features are an existing static advertising sign which will be replaced by the proposed signage, and electrical kiosk and fence.	Yes
(d)	The placement of the advertising structure should not require the removal of significant trees or other native vegetation.	The proposed signage would not require the removal of significant trees or other native vegetation. A small, grassed area would be disturbed to install the sign. The Department considers this appropriate.	Yes
(e)	The advertisement proposal should incorporate landscaping that complements the advertising structure and is in keeping with the landscape and character of the transport corridor.	The proposed signage would not plant any additional vegetation and would only consider the vegetation maintenance and management of grasses on site.	Yes

Section	Considerations	Comments	Compliance
	<ul style="list-style-type: none"> The development of a landscape management plan may be required as a condition of consent. Landscaping outlined within the plan should require minimal maintenance. 		
(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.	<p>The Department considers the proposed signage adequately incorporates ancillary components of the facility into the overall design.</p> <p>The logo has been designed as an integral part of the proposed signage and would be located under the digital screen on the monopole.</p>	Yes
(g)	Illumination of advertisements must comply with the requirements in Section 3.3.3.	The Department is satisfied that the advertisement illumination parameters would comply with the requirements of Section 3.3.3 (refer Section 5.4 of this assessment report and item 3.3.3 of this table).	Yes
(h)	Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	<p>The proposed signage would be adjacent to residential properties. There are no national parks or nature reserves near the proposed sign.</p> <p>The Applicant submitted a lighting impact assessment for the proposed development. The proposed signage will include baffles which mitigate upward waste light, resulting in an Upward Light Ratio (ULR) (i.e. upward light</p>	Yes

Section	Considerations	Comments	Compliance
		<p>spill) of less than 50%. The Department considers this to be an acceptable mitigation of upward light spill.</p> <p>In response to submissions, the Applicant proposed a curfew of 11:00 pm to 6:00 am. The Department considers that this would ensure that illumination does not impact the amenity of nearby residences, or result in sleep disturbance, of a nighttime.</p>	
2.5.4 Freestanding advertising criteria			
	Freestanding advertisements must comply with the requirements of SEPP 64 Clause 23 and Clause 19 including:	<p>The Department is satisfied that the proposed signage meets the requirements of Clause 23 of the former SEPP 64 (now section 3.21 of the Industry and Employment SEPP). Clause 19 of the former SEPP 64 does not apply as the advertising display area of the proposed signage is less than 45 m².</p> <p>The Department's assessment against section 3.21 of the Industry and Employment SEPP (former clause 23 of SEPP 64) is provided in Table F-4.</p>	Yes
(a)	The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note:	The proposed signage would not protrude above the dominant skyline or nearby buildings, infrastructure or tree canopies within a catchment of one kilometre.	Yes

Section	Considerations	Comments	Compliance
	This impact should be measured from the vehicle approach location and any other critical viewpoints.		
(b)	For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.	The proposed signage would be less than 45 m².	N/A
(c)	Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. 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.	Vegetation management would be minimal on site and would consist of maintaining species on site and ensuring that bare patches are not encroached on by invasive species. JC Decaux would manage the maintenance of the signage and surrounding vegetation for the duration of the consent period of 15-years. The Department has included a condition recommending onsite vegetation be addressed as part of the site maintenance plan.	Yes

2.5.8 Table 3: Digital Sign Criteria

(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 proposed signage would have advertisements containing static text(s) and image(s) for 15 seconds per advertisement.	Yes
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Section	Considerations	Comments	Compliance
(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 Department has recommended a condition prohibiting any message sequencing that would make road users anticipate the next message.	Yes
(c)	<p>The image must not be capable of being mistaken:</p> <p>(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</p> <p>(ii) as text providing driving instructions to drivers.</p>	The Department has recommended conditions which prohibit the display of images being mistaken as a prescribed traffic control device or as text providing instruction to drivers.	Yes
(d)	<p>Dwell times for image display must not be less than:</p> <p>(i) 10 seconds for areas where the speed limit is below 80 km/h</p> <p>(ii) 25 seconds for areas where the speed limit is 80km/h and over.</p>	The Pacific Highway has a speed limit of 60 km/h. The proposed signage would have a dwell time of 15 seconds per static advertisement. This dwell time is greater than the recommended value. The Department considers this appropriate given the road environment.	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 advertisements would be 0.1 seconds.	Yes

Section	Considerations	Comments	Compliance
(f)	Luminance levels must comply with the requirements in Section 3 below.	The Department considers that the proposed luminance levels comply with the requirements. See item 3.3.3 below for the Departments assessment.	Yes
(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.	The Applicant's assessment indicates that the images would not unreasonably dazzle or distract drivers. The Department has recommended a condition requiring that the proposed signage does not unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	Yes
(h)	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 recommended a condition requiring that the amount of text and information supplied on the signage at a given time should be kept to a minimum.	Yes
(i)	Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	There is a school zone on the Pacific Highway which extends to number 105. There is the potential for glimpses of the sign from this location. Data provided in the updated traffic safety assessment indicates that the highest weekday morning peak hour flows on the Pacific Highway are between 8:00 am and 9:00 am. This is the school drop off time for the nearby schools of Barker College and Hornsby Girls High School. PM peaks occur between 3:00 pm and 5:00 pm, which encompasses school pick up times. Thus, the Department has recommended a condition requiring that the signage	Yes

Section	Considerations	Comments	Compliance
		must be switched to a fixed display during school zone hours.	
(j)	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.	The Department considers that the proposed signage has been assessed on its merits. The Department raised concerns with regard to illumination impacts on nearby residential tenancies and has recommended conditions of consent regarding illumination and a curfew to manage these concerns.	Yes
(k)	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 (now TfNSW) 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 between RMS and the sign owner and operator.	The Department has recommended a condition requiring that a road safety audit be undertaken 12-18 months once the sign is operational.	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.	Business signage associated with the Westfield can be seen within the readable distance of the proposed sign, in addition to advertising banner signage along the bridge overpass.	No

Section	Considerations	Comments	Compliance
(m)	<p>Signs greater than or equal to 20 m² must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <p>(a) (i) 2.5 m from lowest point of the sign above the road surface if located outside the clear zone</p> <p>(ii) 5.5 m from lowest point of the sign above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed.</p> <p>If attached to road infrastructure (such as an overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.</p>	The proposed signage would be less than 20 m ² .	N/A
(n)	An electronic log of a sign's operational 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 a complaint.	The Department has recommended a condition requiring the Applicant to keep an electronic log of the proposed signage's operational activity for the duration of the development consent and be made available to the consent authority and/or TfNSW to allow a review of the sign's activity in case of a complaint.	Yes
(o)	A road safety check which focuses on the effects of the placement and operation of all signs over 20 m ²	The Department has recommended a condition requiring the Applicant undertake a road safety audit in	Yes

Section	Considerations	Comments	Compliance
	must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS, the report is to be provided to the Department of Planning and Environment (now Department of Planning Housing and Infrastructure) as well.	accordance with this guideline requirement (refer Section 5.2.1).	
2.5.10	Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above.	The Department is satisfied with the proposed dwell times. The most impacted identified receivers would be located at 135-137 and 208-226 Pacific Highway. The Applicant has proposed a curfew from 11:00 pm to 6:00 am to limit impacts on residential amenity, in particular sleep disturbance (refer Section 5.4). The Department has reinforced this commitment as a recommended condition of consent.	Yes
2.5.11	Video and animated electronic signs containing animated or video/movie style advertising, or	The Department has recommended a condition of consent prohibiting the display of video and animated	Yes

Section	Considerations	Comments	Compliance
	messages including; live television, satellite, internet or similar broadcast; either permanent or portable; that face the road reserve and are visible to drivers are prohibited.	electronic advertisements, consistent with 2.5.11 of the 2017 Guidelines.	

3 Advertisements and Road Safety

3.1 Road safety objectives

TABLE 4: ROAD SAFETY ASSESSMENT CRITERIA – SCHEDULE 1 SEPP 64 1	Would the proposal reduce the safety for any public road?	<p>The Department considers that the proposed signage would be unlikely to decrease safety on the surrounding public roads (see Section 5.2). However, the relationship between distraction and roadside digital advertising is inconclusive.</p> <p>The deferment from the guidelines with regards to the stopping sight distance has been justified by the Applicant and is accepted by the Department as the sign would not be visible within 45 metres of the signalised intersection (refer Section 5.2.1).</p>	Yes
2	Would the proposal reduce the safety for pedestrians or bicyclists?	The Department considers that the proposed signage would be unlikely to reduce the safety for pedestrians or bicyclists.	Yes

Section	Considerations	Comments	Compliance
3	Would the proposal reduce the safety for pedestrians by obscuring sightlines from public areas?	The proposed signage would be located in a vegetated area within a railway corridor and would not obscure sightlines from public areas.	Yes

3.2.1 Road clearance

(a)	<p>The advertisement must not create a physical obstruction or hazard. For example:</p> <p>(i) Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?</p> <p>(ii) Does the sign protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?</p> <p>(iii) Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?</p>	<p>(i) The proposed signage would be set back by one metre from the footpath on the western side of Pacific Highway and four metres from the footpath on Government Road. As such, the proposed signage would not obstruct or inhibit pedestrian or bicycle riders.</p> <p>(ii) The proposed signage does not protrude below a bridge or other structure on the road.</p> <p>(iii) The proposed signage would be located approximately four metres from the traffic lanes on Pacific Highway and eight metres from the traffic lanes on Government Road. It would not protrude laterally into the transport corridor.</p>	Yes
(b)	Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone in an acceptable location in accordance with Austroads	The proposed signage would be supported by a steel monopole within a vegetated area of a railway corridor. There is kerb and guttering as well as a retaining wall to act as crash barrier and divert offroad vehicles.	Yes

Section	Considerations	Comments	Compliance
	Guide to Road Design (and RMS supplements) or behind an RMS-approved crash barrier.	The current Austroads Guide to Road Design Part 6 does not include specific clear zone requirements.	
(c)	Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8 m in height (relative to the road level) are to comply with any applicable lateral clearances specified by Austroads Guide to Road Design (and RMS supplements) with respect to dynamic deflection and working width.	As noted above, the current Austroads Guide to Road Design does not include specific clear zone requirements. Existing features such as the retaining wall on site would assist in the redirection and deflection of any wayward vehicles.	Yes
(d)	All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The proposed signage will not hang over any roads or footpaths.	N/A
Additional road clearance criteria for digital signs:	<p>Digital signs greater or equal to 20 m² must ensure the following clearances:</p> <p>(a) 2.5 m from lowest point of the sign above the road surface if located outside the clear zone</p> <p>(b) 5.5 m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed.</p>	The proposed signage would be less than 20 m ² .	N/A

Section	Considerations	Comments	Compliance
	If attached to road infrastructure (such as an overpass), the digital sign must be positioned so that no portion of the sign is lower than the minimum vertical clearance under the overpass or supporting structure.		

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 Department considers that the proposed signage would not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.	Yes
(b)	An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed advertisement would not obstruct a pedestrian or cyclist's view of the road.	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. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.	The selected position for the proposed signage would not give incorrect information on the alignment of the road.	Yes

Section	Considerations	Comments	Compliance
(d)	<p>The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:</p> <ul style="list-style-type: none"> (i) The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view. (ii) The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at design speed. 	<p>(i) The Department considers that the proposed signage would be located in the lateral view of road users and would not cause drivers to turn their head, away from the road environment while travelling along the Pacific Highway.</p> <p>Motorists exiting Government Road onto Pacific Highway would have the monopole in their left peripheral view when checking to pull out onto the Pacific Highway. However, the advertisements on the sign would be above their direct line of sight and therefore unlikely to distract a driver.</p> <p>(ii) The proposed signage would be positioned on an angle so that headlight reflections would not be reflected in the driver's line of sight.</p>	Yes
3.2.3 Proximity to decision making points and conflict points			
(a)	The sign should not be located:	(i) The proposed sign would be located within the safe sight distance of the signalised intersection of Pacific	Partial

Section	Considerations	Comments	Compliance
	<p>(i) less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</p> <p>(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</p> <p>(iii) so that it is visible from the stem of a T-intersection.</p>	<p>Highway / Edgeworth David Avenue. The accepted safe sight distance for the nearby intersection was found to be 48 metres based on an operating speed of 50 km/h. However, the Department recognises that the signage would not be visible to motorists within 45 metres of the intersection which is where the proposed signage would be located. Based on this, the Department considers this deferent from the 2017 Guidelines acceptable (refer Section 5.2.1).</p> <p>(ii) Although there is no marked pedestrian crossing spanning across Government Road/Pacific Highway, there is an uncontrolled pedestrian crossing and associated pedestrian refuge island directly south of the proposed sign in this position. Along the pedestrian sidewalk in this area there is fencing to protect and guide pedestrians as well as "<LOOK>" painted on the edge of the footpath and refuge island for pedestrians (see Figure 17). The proposed signage would be beyond the unmarked pedestrian crossing and not within the safe stopping distance of the crossing. In addition, motorists turning left into Government Road from the Pacific Highway would have clear visibility on approach and towards pedestrians crossing Government Road due to the straight alignment of the highway and low angle of the left turn lane on approach.</p>	

Section	Considerations	Comments	Compliance
		<p>(iii) The proposed digital signage would be partially visible from Government Road which forms a T-intersection with the Pacific Highway, Hornsby. As the proposed signage would be located at a 90-degree angle from a stopped vehicle, the Applicant's updated traffic safety assessment indicates that it would only be observable by looking left through the side window and is not considered a safety risk.</p> <p>The Department recognises that drivers would be focussing on looking right towards the oncoming traffic from the Pacific Highway but would look to the left through the front windscreen to check that it is safe to pull out onto the highway. The proposed signage would not be in the direct line of sight and so the Department accepts the conclusion in the updated traffic safety assessment that the proposed signage would not pose an increased safety risk to pedestrians compared to the existing situation where the existing static advertising sign is lower and as such, more visible to drivers.</p>	
(b)	<p>The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</p> <p>(i) of a road hazard</p>	<p>(i) The Department recognises that the proposed signage could potentially distract some drivers from road hazards at the time of critical decision making. However, there is inconclusive evidence to support the relationship between distraction and roadside advertising.</p>	Partial

Section	Considerations	Comments	Compliance
	<p>(ii) intersection</p> <p>(iii) to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)</p> <p>(iv) to an emergency vehicle access point or Type 2 driveways (wider than) or higher.</p>	<p>(ii) Although the proposed signage would be located three metres within the stopping sight distance of the nearby signalised intersection, it would not be within a driver's line of sight at this distance. The Department has formed the opinion that this is acceptable and would not pose a significant safety risk (refer Section 5.2.1).</p> <p>(iii) See Departments comment above, (ii).</p> <p>(iv) There are no nearby emergency vehicle access points or Type 2 driveways.</p>	

3.2.4 Sign spacing

	The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.	The Department considers that the proposed signage would not cause further visual clutter within the catchment as it would be replacing an existing static advertising sign. The proposed site is within a commercial area which is characterised by numerous business and advertising signs, including banner signage on the bridge overpass. On this basis, the Department considers that the sign is acceptable.	Yes
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 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones	There is multiple static advertising signage within 150 metres of the proposed signage. This includes advertisements on the railway bridge overpass, logos on the Westfield building and road signage. TfNSW has	No

Section	Considerations	Comments	Compliance
	will be assessed by RMS as part of their concurrence role.	assessed the proposal and has not objected to the proposed signage.	
3.3 Sign design and operation criteria			
3.3.1 Advertising signage and traffic control devices			
(a)	<p>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. Therefore, the following criteria apply to all advertising signage:</p> <p>(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.</p>	The Department considers that the proposed signage would be in the lateral view of the road-user and within the same visual catchment as the overhead directional signage. The proposed signage would not obstruct visibility of the overhead directional signage as it is behind the directional signage. It would not reduce the visibility of the traffic signals at the intersection between Pacific Highway and David Edgeworth Avenue or obscure information about the road alignment. The Department has recommended conditions prohibiting the use of certain shapes and colours on the advertisements so that they do not interfere with the effectiveness of the traffic signals.	Partial
(b)	<p>The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device. For example:</p>	The updated Signage Safety Assessment concluded that the proposed signage is located in a suitable location. The sign would be located within the stopping sight distance of the signalised intersection (48 metres) however, it would not be visible to road users within 45 metres of the intersection. The Department considers	Yes

Section	Considerations	Comments	Compliance
	<p>(i) Could the advertisement be construed as giving instructions to traffic such as 'Stop', 'Halt' or 'Give Way'?</p> <p>(ii) Does the advertisement imitate a prescribed traffic control device?</p> <p>(iii) If the sign is in the vicinity of traffic lights, does the advertisement use 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?</p>	<p>that the signage would not be construed as giving instructions. In addition, the signage would not imitate a prescribed traffic control device.</p> <p>The Applicant has advised that digital content would be managed to ensure that advertisements would not be mistaken for a traffic signal. This has been reinforced in the recommended conditions of consent.</p>	
<p>Additional criteria for digital signs and moving signs:</p> <p>(a)</p>	<p>The image must not be capable of being mistaken:</p> <p>(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</p> <p>(ii) as text providing driving instructions to drivers.</p>	<p>The Applicant has advised that it would control the type of advertisements shown on the digital screen to ensure that advertisements would not in any way represent a risk to traffic safety. The Department has included restrictions on the digital display in the recommended conditions to address this guideline requirement.</p>	Yes
(b)	<p>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).</p>	<p>The Department has recommended a condition restricting the amount of text and information displayed on the advertising signage.</p>	Yes

3.3.2 Dwell time and transition time

Dwell time criteria for digital signs:

Section	Considerations	Comments	Compliance
(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 proposed signage would be for static images only. The Department has recommended a condition requiring advertisements to be displayed in a completely static manner.	Yes
(b)	Dwell times for image display must not be less than: (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.	The Pacific Highway has a speed limit of 60 km/h and the proposed signage would have a dwell time of 15 seconds per static advertisement. The Department considers this appropriate given the road environment.	Yes
(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.	There are two nearby school zones along this section of the Pacific Highway with one extending to 105 Pacific Highway. The Department considers the sign will be visible from the school zone. Further, data provided in the revised traffic safety assessment identified that the highest weekday AM and PM peaks were within school-zone operating hours and encompassed pick-up and drop-off times. Therefore, the Department has recommended a condition requiring the signage be switched to a fixed display during school zone hours.	Yes
(d)	Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	The proposed signage would be for static digital advertisements. The Department has recommended a condition prohibiting the display of animated or	Yes

Section	Considerations	Comments	Compliance
		video/movie style advertising and messages, including live television, satellite, internet or similar broadcasts.	
(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 transition time between messages would be 0.1 seconds and the Department has recommended a condition of consent to this effect.	Yes

3.3.3 Illumination and reflectance – Illumination criteria for digital signs

(a)	Luminance levels must comply with the requirements in table below.	<p>The proposed signage has been assessed as being within Zone 3 and the Applicant's Lighting Impact Assessment identifies that the proposed development would be compliant with the Zone 3 requirements.</p> <p>The Department notes that the AS/NZS 4282 has recently been updated from 2019 to 2023. The Department has recommended a condition requiring compliance with the updated standard.</p>	Yes
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Lighting condition	Zone 1 (cd/sqm)	Zones 2 and 3 (cd/sqm)	Zone 4 (cd/sqm)
Full sun on face of signage	No limit	No limit	No limit
Daytime luminance	No limit	6000	6000
Morning and evening twilight and inclement weather	700	700	500

Section	Considerations	Comments		Compliance
Nighttime		350	350	200
(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.	The proposed signage would only include static images with no flickering or flashing content and should not dazzle drivers. The recommended conditions include a requirement that the images must not contain and or use a method of illumination that distracts or dazzles or flashing or flickering lights or content.		Yes

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 signage does not propose to utilise technology that allows interaction with in-vehicle devices. This has been reinforced in the recommended conditions of consent.	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 does not include any function that would encourage drivers to anticipate advertisements across this, or other, signs. The Department has recommended a condition to ensure compliance with this requirement.	Yes

Section	Considerations	Comments	Compliance
3.5.1 Road safety review of signs over 20sqm	A road safety check which focuses on the effects of the placement and operation of all signs over 20 sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the sign's installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS the report is to be provided to the Department of Planning and Environment (now Department of Planning Housing and Infrastructure) as well.	The Department has recommended a condition requiring the Applicant to undertake a road safety assessment between 12-18 months after the sign is operational (refer Section 5.2.1).	Yes
3.6 Road safety guidelines for sign content	SEPP 64 (superseded by the Industry and Employment SEPP) does not regulate the content of advertisements and signs, and does not require consent for a change in content. It is recommended that advertisers follow RMS advisory guidelines with respect to sign content of advertisements to be displayed along road corridors.	The Department has recommended a condition requiring the Applicant to consider the advisory guidelines (2017 Guidelines) with respect to the content of advertisements that may be displayed on the proposed sign.	Yes

Section	Considerations	Comments	Compliance
4.1 Public Benefit Test	<p>The public benefit test is an assessment of how the local community will benefit as a result of the display of the advertisement, and must be applied to an advertising proposal if:</p> <p>(a) the display of the advertisement is by or on behalf of RMS or TfNSW, Sydney Trains and NSW Trains</p> <p>(b) the advertisement is to be displayed along a tollway</p> <p>(c) the advertisement is to be displayed on a bridge</p> <p>(d) the advertisement requires RMS concurrence under SEPP 64.</p> <p>The proponent must outline in the SEE accompanying the DA what arrangements they will make to provide an appropriate public benefit (see Section 1.6.4).</p> <p>The consent authority (either the Minister for Planning or the council) will determine whether the applicant has sufficiently demonstrated that the proposed advertisement will contribute an appropriate public benefit. Public benefits, along with other matters identified in the SEPP (Clause 13), must be considered by a consent authority before approval can be given for the advertising development.</p>	<p>The proposed signage is development to which a Public Benefit Test is required, specifically related to “(a) the display of the advertisement is by or on behalf of RMS or TfNSW, Sydney Trains and NSW Trains”.</p> <p>The Applicant has provided a “Public Benefit Statement” as Appendix 6 of the Statement of Environmental Effects.</p> <p>The consent authority (the Minister, or their delegate) must be satisfied that the Applicant has sufficiently demonstrated that there will be a public benefit and considered the benefit before approval can potentially be given for a proposed development.</p> <p>The Department considers that the Applicant’s Public Benefit Test is sufficient to meet the intention of the Guideline requirement (refer Table 6).</p>	Yes

Section	Considerations	Comments	Compliance
4.2 What is an appropriate public benefit?	<p>The level of public benefit for a given SEPP 64 advertisement is to be negotiated and agreed upon between the consent authority and the applicant.</p> <p>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 including benefits such as:</p> <ul style="list-style-type: none"> • improved traffic safety (road, rail, bicycle and pedestrian) • improved public transport services • improved public amenity within, or adjacent to, the transport corridor • support school safety infrastructure and programs • other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages. 	<p>The level of the proposed public benefit has been negotiated and agreed upon between the Department and the Applicant. The outcomes of the negotiations are reflected in the recommended conditions of consent which require the Applicant to ensure that time is made available (at no cost) for the display of community information, road safety messages and transport information. The proposed signage is also to be available for use, at no cost, to allow emergency messaging (refer Table 6).</p> <p>The Applicant has advised that the revenue derived from leasing of the site will be used to fund improvements in the train network.</p>	Yes
4.2.1 RMS and TfNSW, Sydney Trains and NSW	As proponents of outdoor advertising, RMS and TfNSW, Sydney Trains and NSW Trains must	The Applicant has outlined that the revenue from the proposed development would be directed towards	Yes

Section	Considerations	Comments	Compliance
Trains advertising	demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	general improvements and maintenance as discussed in the item above.	
	RMS and TfNSW, Sydney Trains and NSW 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.	<p>A review of the Sydney Trains Annual Report (Volume 1 and 2) 2022-23 does not specifically record the total amount of outdoor advertising received.</p> <p>Further, the 2022-23 Annual Report does not appear to list specific works to which the funds received from outdoor advertising have been or are to be applied.</p> <p>The Department has recommended a condition requiring the Applicant to record the total amount of outdoor advertising revenue received and report on how it has been spent, consistent with the 2017 Guideline requirements.</p>	Yes
	For TfNSW, Sydney Trains and NSW Trains, railway station upgrades (e.g. providing wheelchair access) and rail crossings (e.g. installation of lights or gates) or other rail safety measures may be considered priority works. Amenity improvements along rail corridors including landscaping, litter removal, or vandalism and graffiti management may also be considered appropriate public benefits.	The Department's assessment of the public benefit is addressed above under item 4.2 and in Table 6 of this report.	Partial

Section	Considerations	Comments	Compliance
	RMS and TfNSW, Sydney Trains and NSW 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>The Public Benefit Statement does not provide evidence that consultation has occurred.</p> <p>The Department considers that the overall benefit to the community in improvements and maintenance programmes outlined is required and as such has recommended a condition requiring reporting of how the revenue raised links to public benefit.</p>	No

Table F-8 | Assessment against the relevant requirements of the *Development near rail corridors and busy roads – interim guideline*

Section	Consideration	Compliance
5.1 Essential early requirements	<p>The Applicant has advised that it has consulted TfNSW on the location and type of proposed signage and it has included safe design practices and surveying to inform the design.</p> <p>A condition has been recommended requiring details of the sign, and structural drawings prepared and signed by a suitably qualified practicing Structural Engineer, be submitted to Sydney Trains' (or TfNSW, as relevant) Delegated Design Authority for review prior to construction.</p>	Yes
5.2 Electrolysis	<p>The proposed signage would be located on a land associated with the existing rail corridor.</p> <p>As noted above under item 5.1, a condition has been recommended requiring details of the sign be submitted to Sydney Trains for review. During this review stage, Sydney Trains would check that that any requirements for electrolysis are adhered to.</p>	Yes
5.3 Cranes	<p>The proposed signage would be located on land associated with the railway corridor. A crane will be required for construction. However, use of the crane will not be within the vicinity of the trains – it will be positioned well above the tracks and overhead wiring on the highway.</p> <p>Use of a crane will require the approval of the rail authority.</p>	Yes
5.4 Safe access for maintenance	<p>The proposed signage would be accessible from the existing footpath along the western side of the Pacific Highway and the footpath on the eastern side of Government Road. The signage would include a lockable door at the bottom of the structure which would be accessed for maintenance. Any and all maintenance would be conducted at nighttime by JC Decaux personnel.</p>	Yes
5.5 Stormwater Management	<p>The proposed signage would not alter or increase the stormwater flow at the site.</p>	Yes

Section	Consideration	Compliance
5.6 Vandalism	<p>It is not expected that the proposed signage would increase the opportunity for vandalism.</p> <p>Conditions have been recommended requiring regular inspection for graffiti and the removal of all graffiti.</p>	Yes
5.7 Graffiti	<p>It is not expected that the proposed signage would increase the opportunity for graffiti.</p> <p>As noted under item 5.6 above, conditions addressing graffiti have been recommended.</p>	Yes
5.8 Lighting, external finishes and design	<p>The proposed signage would face onto a classified road and this has been considered within the design, including compliance with <i>AS/NZS 4282:2019: Control of Obtrusive Effects of Outdoor Lighting</i>. This standard has recently been updated and a condition has been recommended requiring compliance with the new 2023 standard.</p>	Yes
5.9 Structures in the rail corridor	<p>The proposed signage would be located on within the railway corridor. The proposed site is located well above the railway line. Despite this, the Applicant would have to comply with the relevant standards for construction within/adjacent to a rail corridor.</p> <p>The recommended conditions of consent require the Applicant to comply with any TfNSW/Sydney Trains operational and technical requirements.</p>	Yes
5.10 Derailment protection of structures	<p>The proposed signage would be located well above the railway line and would not be affected by any derailment.</p>	N/A
5.11 Electrocution – overhead wiring	<p>The proposed signage would not be located in an area with overhead wiring in close proximity.</p>	Yes

Section	Consideration	Compliance
5.12 Underground electrical services	<p>There are underground electrical services on the site.</p> <p>Operation of the proposed signage would require the installation of a AusGrid low voltage network pillar, meter panel, padmount transformer, distribution padmount substation low voltage switchboard (DSMSB) and a proposed distribution board. As such, trenching would be required to connect the underground conduit to the connection pillar to the sign using a low voltage cable.</p> <p>The Department has recommended a condition requiring the Applicant to comply with the requirements of the relevant utility providers regarding the connection to, relocation and/or adjustment of any utility services affected by the construction of the development.</p>	Yes
5.13 Track closures, power outages and corridor access	<p>The proposed development would not require any track closures or power outages. The development footprint would be accessed via Pacific Highway and Government Road.</p>	Yes

Hornsby Local Environmental Plan 2013

The proposed signage would be located on land that is zoned as MU1 Mixed Use under the Hornsby LEP 2013. The objectives of the MU1 Mixed Use zoning are:

- to encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities
- to ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces
- to minimise conflict between land uses within this zone and land uses within adjoining zones, and
- to encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

Permissible uses (with consent) in the MU1 Mixed Use zoning are:

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Water reticulation systems; Any other development not specified in item 2 or 4.

The objectives for mixed use are not directly related to signage which is permissible on the subject site.

Hornsby Development Control Plan 2013

The relevant sections of the Hornsby DCP are considered in **Table F-9** below.

Table F-9 | Hornsby Development Control Plan (relevant sections)

Section	Criteria	Comments	Compliance
1C.2.11 Desired Outcomes	a. Signage compatible with the character of the locality.	The proposed signage would be compatible with the character of the locality as the sign is located within the East Precinct of the Hornsby Town Centre. The East Precinct of the Hornsby Town Centre has a commercial and mixed-use focus and has numerous logos and advertising signs in the area. The proposed signage would be consistent with this use and would promote commerciality.	Yes
	b. Signage that complements the scale, size and architecture of the building or structure on which it is displayed.	The proposed signage would be a freestanding sign supported by a steel monopole structure and will not be displayed on a building or structure.	Yes
	c. Signage that does not compromise pedestrian, cyclist or motorist safety.	The Department considers that the proposed signage would be unlikely to compromise pedestrian, cyclist or motorist safety (refer Section 5.1 and Table F-7).	Yes

<p>Prescriptive Measures</p> <p>General</p>	<p>a. Signs should be designed and located to:</p> <ul style="list-style-type: none"> i. relate to the use of the premises, ii. be consistent with the best practice guidelines, iii. be integrated with the architecture of the supporting building, not obscure significant architecture features and maintain the dominance of the architecture, iv. be limited in number to avoid cluttering, distraction and unnecessary repetition, v. not cover mechanical ventilation inlets or outlets, vi. not comprise a roof sign, vii. not compromise road or pedestrian safety, viii. be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall, and ix. be at least 600 mm from a kerb or roadway edge where the sign is over a public road. 	<p>The proposed signage would be installed in place of the existing static advertising sign. It is acknowledged that its function is to advertise numerous different products that are unrelated to the land on which the proposed development is located. However, signage is permitted within the railway corridor.</p> <p>The Department has assessed the proposed signage against relevant best practice guidelines in Tables F-7 and F-8.</p> <p>The proposed signage would not dominate nearby architecture nor would it obscure any significant architecture features. Further, it would not cover any mechanical ventilation inlets or outlets nor is it a roof sign.</p> <p>The development footprint would be located within the stopping sight distance of the nearby signalised intersection. The Department has considered this in its assessment on road safety in Section 5.2.1 and pedestrian safety in Section 5.2.3 of this report and is of the opinion that the proposed signage is unlikely to significantly increase the risk to road or pedestrian safety.</p> <p>The proposed signage would not overhang the footpath and would be located approximately 3.5 metres above the adjacent footpath.</p>	<p>Partial</p>
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Section	Criteria	Comments	Compliance
	<p>b. In addition to the above, illumination of signage should:</p> <ul style="list-style-type: none"> i. be integrated with the design of the sign, ii. not cause light spillage into nearby residential properties, iii. not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation', and iv. be fitted with an automatic timing device, controlling the illumination hours. 	<p>The Department considers that the illumination would be integrated with the design of the sign, including the addition of light baffles in order to control and mitigate lighting impacts to the surrounds. Initially, the Applicant proposed that the proposed signage operate 24-hours a day, 7-days a week. However, in response to submissions, this was amended to include a curfew from 11:00 pm to 6:00 am each day and would have an automatic timing device which would control the illumination hours and brightness. The Department supports this amendment as it would mitigate illuminance impacts on nearby residencies and is consistent with the relevant Australian Standards. To reinforce this curfew period, a condition of condition and been recommended.</p> <p>The Department has recommended a condition prohibiting the use of complex displays, moving signs, flashing lights or anything that would be likely to hold the driver's attention beyond 'glance appreciation'.</p>	Yes
	c. In residential zones, signage should not be illuminated.	The proposed development is for a mixed-use zone.	N/A

Section	Criteria	Comments	Compliance
	d. All commercial advertising should comply with the <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP).	The Department acknowledges that the proposed signage does not comply with all of the requirements of the Industry and Employment SEPP. However, it complies with the majority and where it does not comply, the Department considers that it would not have any significant social, safety or environmental impacts (refer Tables F-4 and F-5).	No
1C.1 Natural Environment IC.1.1 Biodiversity	a. Development should seek to: <ul style="list-style-type: none"> i. avoid potential adverse impact on biodiversity, ii. if that impact cannot be avoided, minimise that impact, or iii. if that impact cannot be minimised, to mitigate the impact. 	The Applicant's Test of Significance report and Arboricultural Impact Appraisal and Method Statement confirm that there would be negligible impacts to biodiversity within the site boundary and surrounds.	Yes
	b. A flora and fauna assessment is required on development that may impact on: <ul style="list-style-type: none"> i. land mapped as Biodiversity on the HELP Terrestrial Biodiversity Map, or ii. native vegetation which is habitat for species listed in Schedule 1, 1A or 2 of the <i>Threatened Species Conservation Act 1995</i>. 	A Test of Significance was undertaken by écologique and ESEA on behalf of the Applicant which confirmed that there would be negligible impacts to threatened species within the site boundary and surrounds. In addition, construction and operation of the proposed signage would not have a significant impact on threatened species or ecological communities or their habitat.	Yes

Section	Criteria	Comments	Compliance
	c. Development should avoid the fragmentation of existing native vegetation	Construction and operation of the proposed signage will not require the removal of any vegetation and so it would not cause any fragmentation of the existing native vegetation.	Yes
	<p>d. Development should seek to retain unique environmental features of the site including:</p> <ul style="list-style-type: none"> i. rock outcrops ii. wetlands and the like, iii. watercourses, drainage lines and riparian land, iv. groups of significant trees and vegetation, and v. mature hollow trees and other fauna habitat features on the site. 	<p>The proposed development footprint is contained to an area that has already been disturbed by the installation and maintenance of the current static signage and utility services.</p> <p>The proposed signage would not cause any additional impacts to environmental features within the footprint or surrounds.</p>	Yes

Section	Criteria	Comments	Compliance								
	<p>e. Development should incorporate and maintain a buffer zone to significant flora and fauna. Development should not include buildings, structures and earthworks within the required buffered zone prescribe in Table 1C.1.1(a).</p> <table><tr><th>Significant Vegetation Type</th><th>Minimum Buffer Zone (metres)</th></tr><tr><td>Endangered ecological communities and regionally significant bushland (as mapped in the HELP Terrestrial Biodiversity Map)</td><td>20m</td></tr><tr><td>Wetland or saltmarsh plant communities</td><td>20m</td></tr><tr><td>Populations of threatened flora species, habitat for threatened species, locally significant, bushland, groups of remnant indigenous trees.</td><td>10m</td></tr></table>	Significant Vegetation Type	Minimum Buffer Zone (metres)	Endangered ecological communities and regionally significant bushland (as mapped in the HELP Terrestrial Biodiversity Map)	20m	Wetland or saltmarsh plant communities	20m	Populations of threatened flora species, habitat for threatened species, locally significant, bushland, groups of remnant indigenous trees.	10m	<p>Boundary fencing on-site protects the surrounding areas of native vegetation. There is the potential for the structural root zones of trees outside of the site boundary to be impacted by the installation of the digital signage. These species consist of, a mature Grey Ironbark (<i>Eucalyptus paniculata</i>), juvenile Rough-barked Apple (<i>Angophora floribunda</i>) and a mature Sydney Blue Gum (<i>Eucalyptus saligna</i>). If tree protection measures are utilised as per the Arboricultural Impact Appraisal and Method Statement, no adverse impacts would be expected.</p> <p>The Department has recommended a condition that all construction and ground disturbance works be carried out under the supervision of a qualified practicing arborist to ensure no damage to trees or structural root zones occur as a result of the works. It has also recommended that all trees within, and immediately adjacent to, the site boundaries must be protected at all times during construction.</p>	Partial
Significant Vegetation Type	Minimum Buffer Zone (metres)										
Endangered ecological communities and regionally significant bushland (as mapped in the HELP Terrestrial Biodiversity Map)	20m										
Wetland or saltmarsh plant communities	20m										
Populations of threatened flora species, habitat for threatened species, locally significant, bushland, groups of remnant indigenous trees.	10m										

Section	Criteria	Comments	Compliance
	f. Notwithstanding with buffers presented in Table 1C.1.1(c) above, certain native vegetation that is habitat for species listed in the Threatened Species Conservation Act may require larger buffer zones in order to avoid potential adverse impacts on biodiversity.	<p>There are no records of listed threatened species listed within the within the site boundary or close proximity. The closest threatened species (listed as Vulnerable) is located more than 250 metres away from site.</p> <p>The Department considers that larger buffer zones are not required for these threatened species.</p>	Yes
Roadside Vegetation	i. Native vegetation along roadsides should be retained where possible as it provides fauna habitat, links bushland areas, and maintains the scenic qualities of the area.	<p>The Applicant has advised that vegetation on the site will not be removed. Tree pruning may be required. The Department has recommended a condition that if pruning works are required during construction, a suitability qualified and practicing Arborist is required to prepare a Pruning Specification Plan prior to the pruning works being carried out and the Plan must be implemented.</p>	Yes
	j. Accessway crossings and utilities should be located and designed to minimise impacts on roadside vegetation.	<p>As per the Arboricultural Impact Appraisal and Method Statement and the Test of Significance, no removal of amenity trees is proposed. Further, maintenance on site would consist of management of weeds to ensure that weed species do not spread or proliferate on site.</p> <p>The Department has recommended a condition requiring that the site maintenance plan address the management of vegetation (e.g. pruning) and weeds. On this basis, the Department considers that the proposed signage would have minimal impact on roadside vegetation.</p>	Yes

Section	Criteria	Comments	Compliance
4.5.1 Desired Future Character Desired Outcome	a. Development that contributes to the desired future character of the area.	The proposed signage is located within the East Precinct within the Hornsby Town Centre. The proposed signage would be compatible with the mixed-use and commercial character of the area.	Yes
Prescriptive Measures – East Precinct	a. Development applications should demonstrate compatibility with the statements of desired character for the East Precinct.	The proposed signage would be consistent with the East Precinct as the area has a strong retail and commercial focus.	Yes
4.5.4 Scale within Hornsby LGA Desired Outcome	a. Development with a height, scale and intensity compatible with the role and function of the centre under the commercial centres hierarchy.	This outcome relates to development of buildings, not signage.	N/A
4.5.5 Setbacks Desired Outcome	a. Well articulated building forms with a pedestrian-friendly scale that encourages commercial activity and provides for landscaping, open space and separation between buildings.	This outcome relates to an occupied building and not signage.	N/A

Section	Criteria	Comments	Compliance
Prescriptive Measures – East Precinct	h. The setbacks of all buildings and structures to the boundaries of the site are prescribed in Table 4.5.4(b) for the East Precinct: Pacific Highway (south of rail line) – 4 m.	<p>The proposed signage would be set back approximately one metre from the southern lot boundary. In order to lengthen the setback to four metres, pruning and/or removal of existing native vegetation would be required.</p> <p>The Department considers this deferment appropriate given that the development would be replacing an existing static sign and avoids impacts to native vegetation.</p>	No
4.5.12 Public Domain and Traffic Management Works Desired Outcome	i. A public domain that encourages vitality around and within development precincts.	The Department considers that the proposed signage would be consistent with the commercial and mixed-use focus of the East Precinct with the Hornsby Town Centre.	Yes
Prescriptive Measures	a. Development of the public domain should make each precinct an attractive place that encourages development and provides amenity for workers, residents and visitors.	The proposed signage is not concerned with developing the public domain to encourage further development.	N/A

Section	Criteria	Comments	Compliance
4.5.13 Design Details Desired Outcome	a. Development that contributes positively to the streetscape and the creation of a vibrant active precinct.	The proposed signage would not contribute positively to streetscape but is in keeping with the nature of the town precinct.	No
	d. Where a property is likely to be isolated by a proposed development and it cannot be demonstrated that the site can be developed to its full potential, applicants should provide documentary evidence that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.	The proposed signage would not isolate any properties.	N/A

Appendix G – Instrument of consent

The instrument of consent can be viewed at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-signage-and-monopole-pacific-highway-hornsby-da-2315294>

Appendix H – Additional information

The Department's requests for information and Applicant's responses and specialist traffic review can be found at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-signage-and-monopole-pacific-highway-hornsby-da-2315294>.