

Installation and Use of Digital Advertising Sign – Castlereagh Road, Penrith

Part 4 Development Application Assessment Report (DA 23-15505)

April 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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Installation and Use of Digital Advertising Sign – Castlereagh Road, Penrith (DA 23-15505) Assessment Report

Published: April 2024

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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 (proposed sign) on the railway overbridge across Castlereagh Road, Penrith. The application has been lodged by Sydney Trains.

The report includes:

- an explanation of why the project is a Crown Development Application and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the local council and other stakeholders have been considered
- 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, and provides a view on whether the impacts are on balance, acceptable
- 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.

Contents

Preface.....	i
1 Introduction.....	1
1.1 The proposal.....	1
1.2 Project location.....	1
1.3 Surrounding context	2
2 Project.....	3
2.1 Project overview	3
2.2 Construction.....	3
3 Statutory context.....	7
3.1 Permissibility and assessment pathway	7
3.2 Other approvals and authorisations.....	8
3.3 Mandatory matters for consideration	8
4 Engagement.....	11
4.1 Exhibition of the Development Application.....	11
4.2 Request for further information.....	12
5 Assessment.....	13
5.1 Design and suitability of the site	13
5.2 Traffic safety	14
5.3 Visual impact	17
5.4 Illumination	18
5.5 Other issues.....	20
6 Evaluation.....	23
7 Recommendation.....	25
8 Determination	26
Glossary.....	27
Appendices.....	28

Appendix A – List of referenced documents 28

Appendix B – Submissions and government agency advice..... 28

Appendix C – Statutory considerations..... 28

Appendix D – Recommended instrument of consent..... 85

1 Introduction

1.1 The proposal

Sydney Trains (the Applicant) proposes to construct and operate a digital advertising sign on the north side of an existing railway overbridge across Castlereagh Road at Penrith.

This report provides an assessment of the proposed development (DA 23/15505). The project description and mitigation measures provided in the Statement of Environmental Effects and supporting appendices are the subject of this report and will form part of the development consent if the project is approved.

An overview of the proposed development 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 sign would be located on the northern side of the existing railway overbridge across Castlereagh Road, a classified State Road (No. 630) (**Figure 1**). The rail overbridge forms part of the Main Western Railway line. The site is legally described as Lot 31 DP 1086586 and is located in the Penrith local government area (LGA). The proposed sign would be visible to motorists travelling south on Castlereagh Road.



Figure 1 | Site location – street view facing south towards the proposed sign (Source: Statement of Environmental Effects, 2023)

The nearest crossroad on approach to the proposed sign is Museum Drive (approximately 192 metres to the north). At this location, Castlereagh Road transitions from two to three lanes, with an additional left turn lane commencing 92 metres north of the proposed sign. An over-height truck barrier is located 95 metres north of the rail overbridge. A 60 km/h speed limit applies on the approach to the rail overbridge.

Castlereagh Road northbound transitions from three lanes to two lanes in the vicinity of the overbridge. A right-hand turning lane commences around 100 metres south of Museum Drive. A 60 km/h speed limit applies on this section of the road.

1.3 Surrounding context

Immediately to the east and west of the rail overbridge is the rail corridor for the Main Western Line. The land area to the north of the rail corridor comprises industrial and commercial sites (**Figure 2**), while the area on the southern side comprises recreational open space (tennis courts and park), commuter carparking for Penrith Station, and the Penrith City Council and Westfield buildings. Penrith Station is located around 660 metres east of the rail overbridge which will accommodate the sign. There is no residential development in close proximity to the location of the proposed sign.



Figure 2 | Local context map (Source: Nearmap, 2024)

2 Project

2.1 Project overview

The project seeks consent to install and operate a new digital advertising sign, mounted on the northern side of the existing railway overbridge across Castlereagh Road, Penrith.

The estimated cost of the works is \$767,800.

Details of the proposed sign are outlined in **Table 1** and shown in **Figure 3**, **Figure 4** and **Figure 5**.

Table 1 | Details of the proposed sign

Aspect	Description
Advertising display area	41.98 m ² (12.53 m x 3.35 m) + logo
Active digital display area	39.94 m ² (12.48 m x 3.20 m)
Total Height (including frame)	3.35 m
Clearance from ground level to the bottom of the sign	4.9 m
Signage display	Digital LED Screen
Display type	Static digital advertisements, remaining for 10 seconds. Transition time of 0.1 seconds between images, which appears instantaneous.
Dwell time	Minimum dwell time of 10 seconds.
Maximum illuminance limit during night-time period	350 cd/m ²
Hours of operation	Display of illuminated advertisements 24 hours a day, 7 days per week.

2.2 Construction

The proposed sign would be installed over a period of up to seven nights. Installation would require a rail possession (one night). Lane closures on Castlereagh Road would be two lanes at a time for the majority of the installation. However, full closure of Castlereagh Road would be required for part of one night to install the screen. Equipment used during the construction would include elevating work platforms, 60-ton mobile crane, 20-ton Franna crane and a semi-trailer for equipment delivery.

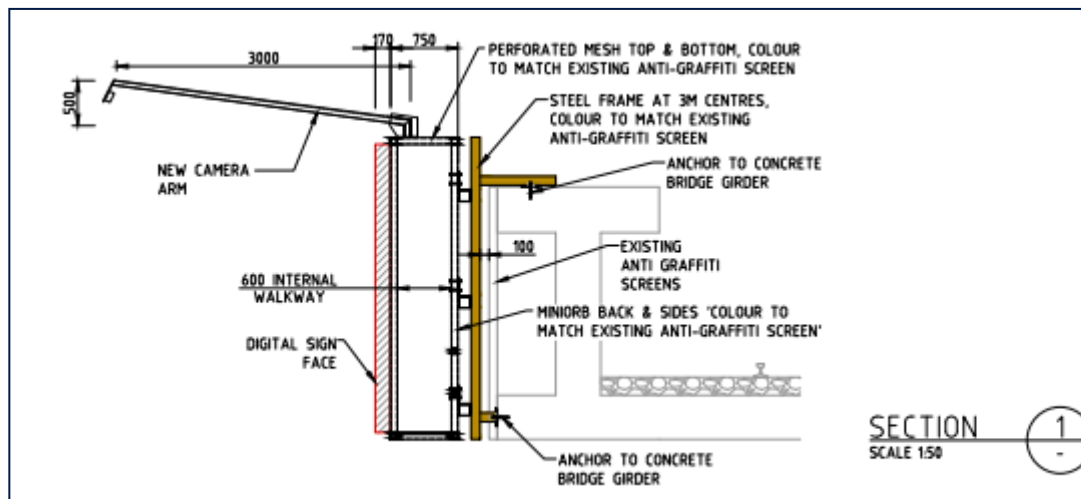


Figure 3 | Proposed signage dimensions (Source: Statement of Environmental Effects)

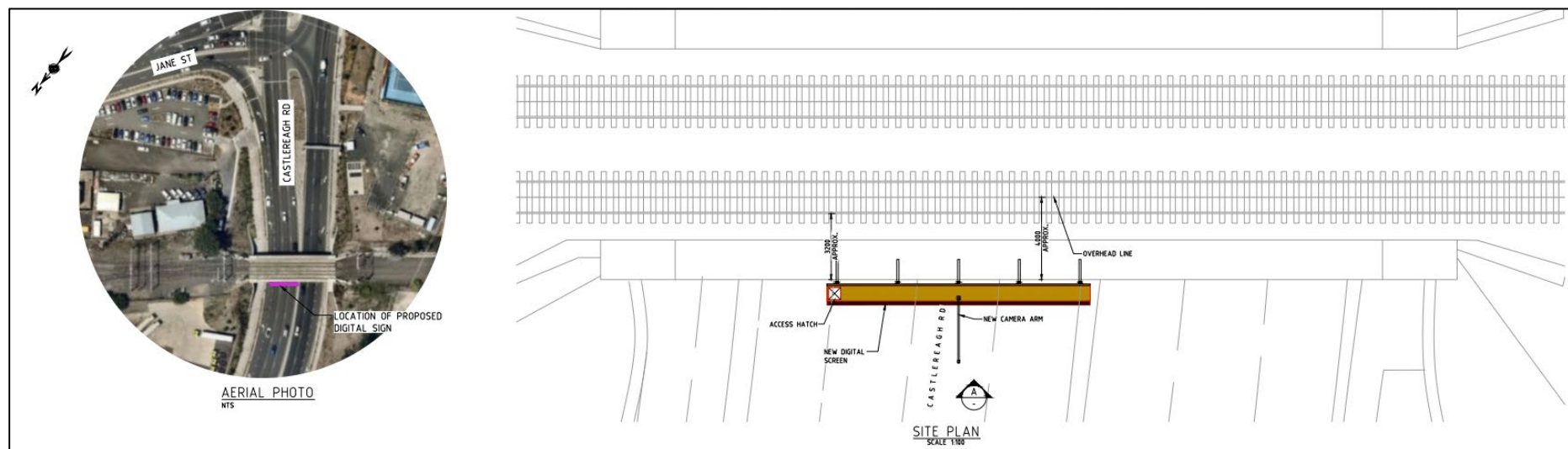


Figure 4 | Digital signage plan (Source: Statement of Environmental Effects, 2023)

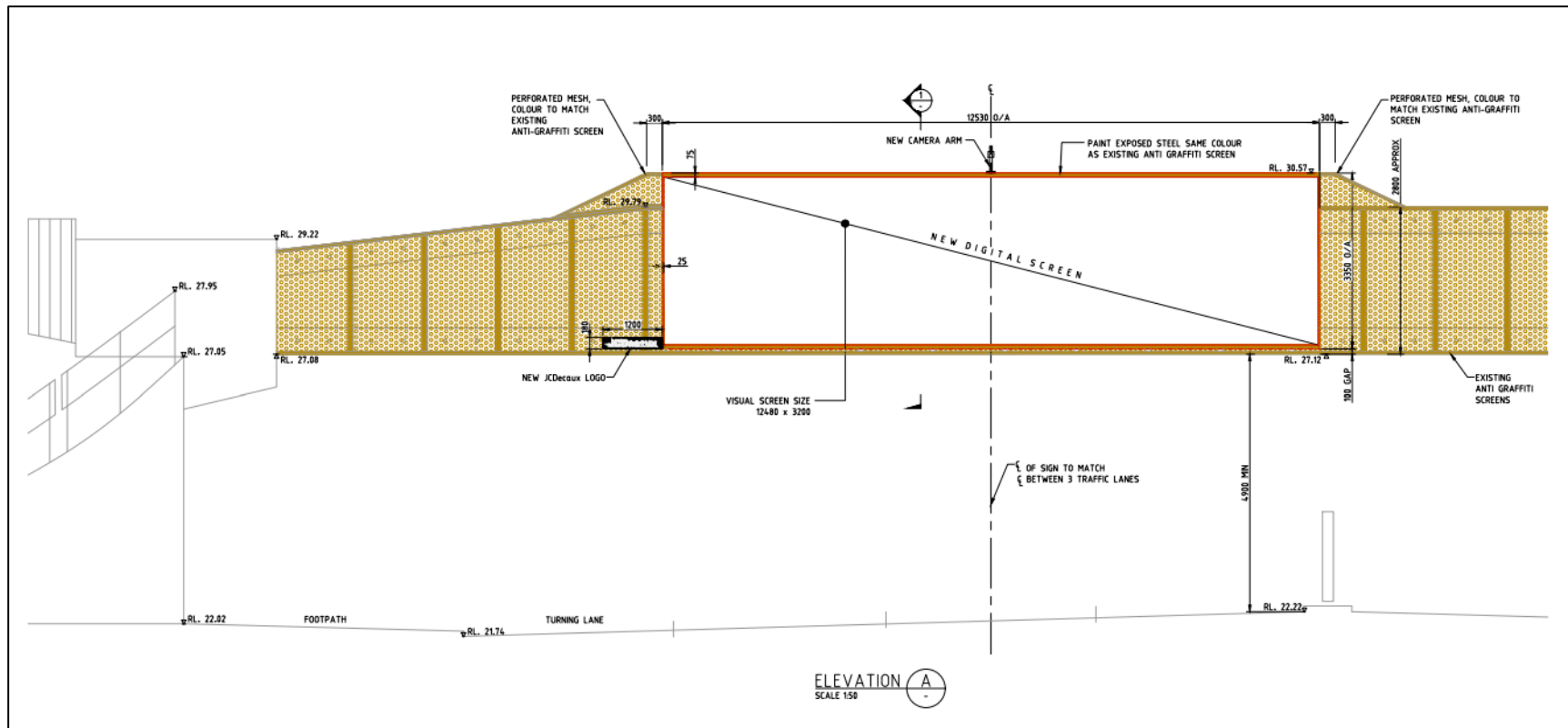


Figure 3 | Elevation of proposed sign (Source: Statement of Environmental Effects, 2023)

3 Statutory context

3.1 Permissibility and assessment pathway

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

Table 2 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	Part 4 Crown Development Application The application is a Crown DA under Division 4.6 of the EP&A Act as the applicant, Sydney Trains, is a public authority. Section 294(a) of the <i>Environmental Planning and Assessment Regulation</i> (EP&A Regulation) prescribes public authorities (other than a council) as the Crown. The application will be assessed under Part 4 of the EP&A Act.
Consent authority	Minister for Planning and Public Spaces (the Minister) (or their delegate) The Minister for Planning and Public Spaces (the Minister) 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).
Decision-maker	Director, Transport and Water Assessments In accordance with the Minister's delegation dated 9 March 2022, the Director, Transport and Water Assessments may determine the application as: <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.

Consideration	Description
Permissibility	<p>Permissible with consent</p> <p>The site is zoned SP2 Infrastructure under the <i>Penrith Local Environmental Plan 2010</i> (Penrith LEP).</p> <p>Section 3.14 of the Industry and Employment SEPP states that despite the provisions of any environmental planning instrument (EPI), the display of an advertisement by or on behalf of Sydney Trains on a railway corridor is permissible with development consent.</p> <p>As the project is for the display of an advertisement on behalf of Sydney Trains in a rail corridor, it 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, other integrated development approvals are not required to be obtained for Crown developments, other than development that requires a heritage approval. The proposed sign 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 it complies with section 23(3) of the EP&A Regulation. This 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) and it has given notice to the landowner (Transport Asset Holding Entity -TAHE). 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 considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Table 3**.

Table 3 | Matters for consideration under section 4.15 of the EP&A Act

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	<p>The relevant EPIs and development control plans are:</p> <ul style="list-style-type: none"> • Industry and Employment SEPP • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • Penrith LEP • <i>Penrith Development Control Plan 2014</i> <p>Detailed consideration of the provisions of the EPIs is provided in Appendix C.</p>
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) 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 for the development	Section 5 - Assessment
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 C**.

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

3.3.3 Biodiversity development assessment report

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

The proposed sign would be located on a railway overbridge and would not have a significant impact on threatened species or their habitats and therefore a BDAR was not required to be provided with the development application.

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 Environment Effects, the Department:

- publicly exhibited the development application and supporting documentation from 23 November 2023 until 6 December 2023 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from Transport for NSW (TfNSW) and Penrith City Council.

4.1.2 Summary of advice received from government agencies

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

- visibility of the proposed new digital advertising sign compared to the traffic signals and the luminance levels of the proposed sign
- the types of images to be displayed on the proposed sign
- requirements for compliance with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (the Guidelines)
- requirement for a Road Occupancy Licence.

4.1.3 Summary of council submissions

Penrith City Council did not object to the project and raised the following issues:

- the potential for visual distraction of southbound motorists and the increased risk of rear-end accidents given southbound traffic queues can extend past the railway underpass during peak times
- as Castlereagh Road is a State road, and the railway bridge is also State infrastructure, the proposal should be referred to Transport for NSW for consideration and to determine whether the potential traffic safety impacts are acceptable, and

- the proposal should be reviewed against the provisions of the Department of Planning and Environment's (now Department of Planning, Housing and Infrastructure) *Transport Corridor Outdoor Advertising and Signage Guidelines* dated November 2017.

A link to Council's submission is provided in **Appendix B**.

4.1.4 Summary of public submissions

The Department did not receive any public submissions during the public exhibition period of the development application.

4.2 Request for further information

The Department considered that the issues raised by TfNSW and Penrith City Council were addressed within the Statement of Environmental Effects and therefore a request for further information was not made to the Applicant.

5 Assessment

The Department has reviewed the Applicant's Statement of Environmental Effects and supporting information and considered the potential impacts of the proposed sign. The Department considers the key issues associated with the construction and operation of the proposed sign are:

- design and suitability of the site
- traffic safety
- visual impacts, 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 sign has been designed to integrate with the overall bridge structure and would not compromise the structure's visual quality

The proposed sign would extend beyond the upper structural boundary of the existing bridge parapet. The Applicant proposes to mount “winglets” on the upper sides of the sign which would attach to the bridge so that the sign does not appear to protrude above the bridge and is integrated within the bridge design. They would be made from the same perforated anti-graffiti mesh used on the bridge so that they are compatible with the form and appearance of the bridge (**Figure 6**).



Figure 4 | Proposed sign winglets (Source: Statement of Environmental Effects)

5.1.2 Site Suitability

The proposed location is suitable as the sign would not have a significant impact on the environment and adjacent land uses

The Department considers that the site is suitable for the development of a proposed sign as:

- there would not be adverse impacts upon significant European or Aboriginal cultural heritage items or heritage conservation zones
- construction and operation of the sign would not impact on any flora and fauna
- the sign would not impact on the continued and safe operation of Castlereagh Road in its function as a classified road
- the proposed sign would not obstruct a view line or any significant views,
- the sign would be located in an industrial area and would not be visible from residential areas
- the location of the sign would not impact on the existing or future character of land uses surrounding Castlereagh Road,
- the sign does not diminish the architecture of the bridge, and
- the location of signage within a road corridor on a rail overbridge is suitable for digital advertising and consistent with signage on other major roads.

5.2 Traffic safety

5.2.1 Accident risk

The proposed sign complies with relevant safety standards and there is a low risk of accidents occurring due to motorists being distracted by the sign

The proposed sign would be readable to southbound motorists from approximately 100 metres north of the sign. Penrith City Council raised concern that the proposed sign could distract southbound motorists resulting in an increased risk of rear-end accidents into traffic queued north of the rail overbridge. Council requested that the application be referred to TfNSW to determine whether the potential traffic safety impacts are acceptable.

The development application was supported by a Digital Signage Safety Assessment (DSSA) which assessed the safety aspects of the proposed digital sign. The DSSA assessed the requirements of the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017) (2017 Guidelines) and the Industry and Employment SEPP.

The DSSA states that in the five-year period 1 January 2016 to 31 December 2020, there were no accidents recorded by TfNSW within the safe sight distance (~100 metres) of the proposed sign in the southbound lanes of Castlereagh Road. Further, the risk of accidents due to driver distraction would be low as the sign meets the relevant locational, operational and design criteria requirements of the 2017 Guidelines.

The application and supporting documentation, including the DSSA, were referred to TfNSW for NSW by the Department. TfNSW did not object to the proposal and provided recommended conditions on luminance and image display to reduce the potential visual distraction of southbound motorists. These measures have been included in the recommended conditions of consent.

The Department has also recommended that the Applicant undertake an independent Road Safety Assessment (RSA) between 12-18 months after the sign is operational. The RSA must be carried out by a TfNSW accredited, road safety auditor. Any safety concerns identified by the auditor must be rectified.

5.2.2 Safe sight stopping distance

The proposed sign would be located outside of the safe sight stopping distance of the nearest signalised intersection, minimising the potential for a motorist's attention to be diverted away from the traffic signals

The 2017 Guidelines outline a range of sign location criteria, including safe sight distances from various decision-making points such as intersections, merge points and traffic control signals.

The DSSA indicates that the safe sight stopping distance on the approach to the signalised Castlereagh Road / Jane Street intersection is 59 metres. The slight horizontal and vertical curve of the road at this location would not have an impact on the safe sight stopping distance. The proposed sign would be located approximately 35 metres before the safe sight stopping distance of the intersection (**Figure 7**). In addition, the sign would not obstruct a driver's view of the intersection. As such, there is a low risk of drivers being distracted by the sign as they approach the signalised intersection, and the Department considers that the sign would not pose an increased road safety risk for motorists.

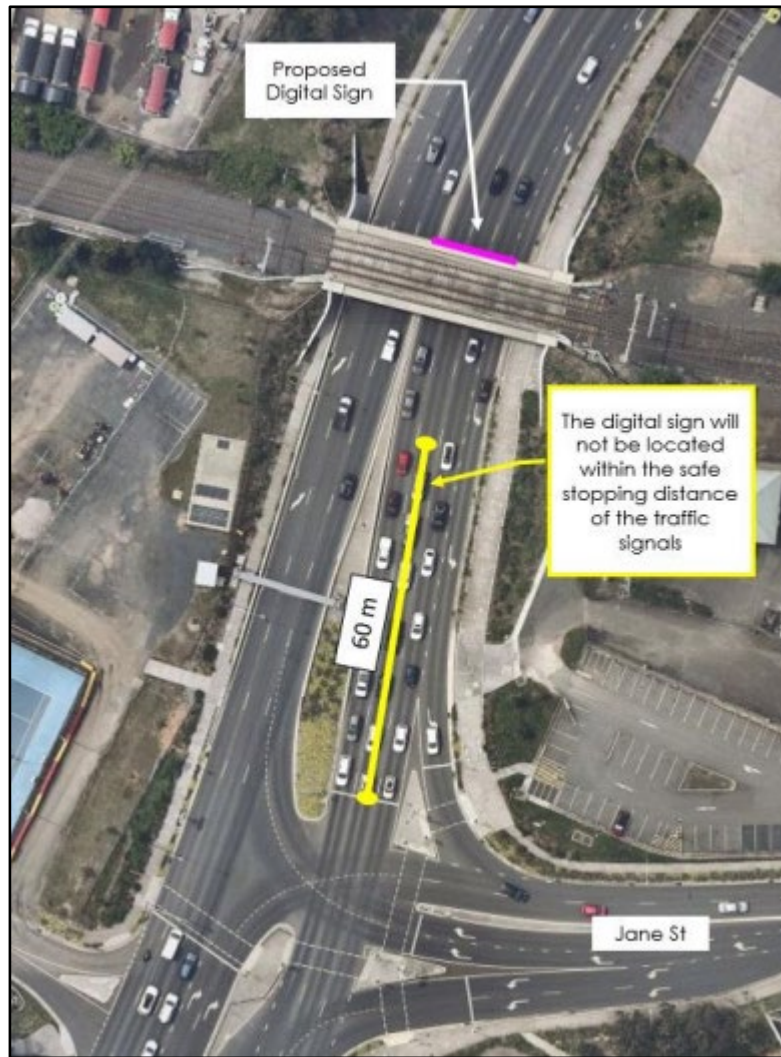


Figure 5 | Safe sight stopping distance for southbound traffic on Castlereagh Road (Source: Statement of Environmental Effects)

5.2.3 Dwell time

The amount of time that any one image would be displayed on the sign comply with the requirements of the 2017 Guidelines

The 2017 Guidelines recommend that the dwell time (duration of display) of a single digital advertisement on roads with a speed limit of less than 80 km/h should not be less than 10 seconds. This is to minimise driver distraction and the potential for signs to create a road safety hazard or increase road safety risk for road users. The Applicant has advised that the dwell time for advertisements would be 10 seconds.

There was a single incorrect reference to a 15 second dwell time in the Statement of Environmental Effects. However, the Applicant advised the Department of the error and provided corrected information advising of a 10 second dwell time.

The Department supports the 10 second dwell time and has reinforced this commitment in the recommended conditions of consent.

5.3 Visual impact

The proposed advertising sign would introduce a new visual element into the environment; however, the location is considered appropriate as no residential properties have views to the sign and there is a sufficient gap between the sign and the Bega factory product logos

The Applicant provided an assessment of the visual impacts of the sign within the SEE. The Department considers that the proposed sign would have a minor and acceptable visual impact on the surrounding area as it would be located within an established major road corridor and the surrounding area has low visual sensitivity due to the industrial nature of the visual catchment. Further, the proposed sign:

- would not result in any visual clutter
- would be oriented away from the nearby State-listed heritage items (Penrith Railway Station Group which is located approximately 600 metres away)
- would be integrated within the visual envelope of the bridge and would not obstruct a view line or any significant views, and
- would enhance the visual interest of the railway overbridge through the presentation of high resolution static digital advertisements.

A view of the bridge within the surrounding context is shown in **Figure 8**.



Figure 6 | Indicative view of the proposed sign in the local context (Source: Statement of Environmental Effects)

The Department acknowledges that there will be a slight increase in the apparent height and bulk of the existing rail overbridge to accommodate the proposed sign. However, the Department considers that the visual impact would not be significant as the bridge and sign would only be visible by motorists for seconds, by pedestrians and cyclists for a limited duration, and from a small number of industrial properties. There are no residential properties within the viewshed of the proposed sign.

The Department is satisfied that the signage is compatible with the desired amenity and visual character of the area. In addition, the Department is satisfied that the sign is acceptable in terms of design as it would be of high quality and finish.

There are existing advertising signs on the façade of the nearby Bega Dairy and Drinks Factory which is setback from Castlereagh Road (**Figure 9**). The signs are approximately 95 metres before the bridge and are on the peripheral of the viewshed along Castlereagh Road. As such, the installation of the proposed sign would not result in signage clutter.



Figure 7 | Logos on Bega Dairy Building (Source: Google Maps, 2024)

5.4 Illumination

The proposed sign will meet the relevant requirements for luminance and would not result in adverse illumination impacts on nearby industrial residents, motorists, pedestrians or cyclists

The proposed digital sign would be illuminated by LEDs and operated 24 hours per day. Brightness of the LEDs can be controlled to provide upper and lower limits, as well as set automatically via a local light sensor to adjust to ambient lighting conditions.

Illumination which is 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.

Requirements relevant to the illumination of advertising signs are set out in the 2017 Guidelines and Australian Standard AS 4282 *Control of the Obtrusive Effects of Outdoor Lighting*. Both the 2017 Guidelines and Australian Standard set out luminance levels for signs for various zones. These zones have been developed based on the typical existing lighting environment of various surrounds (e.g. commercial areas, suburban areas, rural areas).

The Applicant has undertaken a Lighting Impact Assessment. The assessment categorised the site as Environmental Zone A4 (high brightness e.g. commercial areas, town centres) under the 2019 Australian Standard that was in force at the time. The maximum nighttime luminance for this zone is 350 cd/m². The surrounds were assessed as Zone 3 (medium off-street ambient lighting e.g. small to medium shopping / commercial centres) under the 2017 Guidelines. The luminance levels for Zone 3 are set out in **Table 4**.

Table 4 | Luminance levels for digital advertisements

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS	
Lighting Condition	Max Permissible Luminance (cd/m ²)
Full sun on face of Signage	No Limit
Daytime luminance (typical sunny day)	6000
Morning and evening twilight and inclement weather	700
Nighttime	350

The proposed digital sign would comply with the requirements of the 2017 Guidelines and 2019 Australian Standard.

The Department considers the illumination impacts associated with the proposed sign to be acceptable on the basis that it is programmed to align with the maximum luminance stipulated in the 2017 Guidelines and Australian Standard. As such, conditions to this effect have been recommended, with the condition regarding the Australian Standard referencing the most current version (November 2023). The Department has also recommended that the average luminance difference between successive images must not exceed 20% to ensure compliance with the Australian Standard. It has also recommended that the brightness of the sign 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.

Implementation of the recommended conditions will ensure that luminance will not adversely impact the safety of pedestrians, cyclists or vehicular traffic or cause any unacceptable illumination

impacts to adjacent and nearby industrial residents. It will also ensure that the sign does result in unacceptable glare or dazzle drivers.

5.5 Other issues

The Department's consideration of other issues is summarised in **Table 5**.

Table 5 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Biodiversity	The proposed development would have no impact on any biodiversity values, as the proposed development site is devoid of any vegetation and does not involve the removal of any vegetation.	
Heritage	<p>The Penrith LEP 2010 heritage schedule lists the Penrith Railway Station Group (IDI88). The map of the item includes the whole of Lot 31 DP1086586 on which the railway bridge is located, even though the bridge is of recent construction. However, the Statement of Significance for the local heritage item does not identify the bridge structure as a component of the heritage fabric of the Penrith Railway Station Group.</p> <p>The Department considers that the proposed sign will not have an adverse impact upon the heritage values of the locally listed heritage item as the Penrith Railway Station Group is located some 600 metres away and the bridge structure is of recent construction. Also, views from the Group would not be impacted by the sign due to its distance.</p>	
Social	The proposed development would be unlikely to have any significant impact on the social environment of the surrounding area.	

Issue	Findings and conclusions	Recommended conditions
Economic	The proposed development would have a net positive impact though the re-investment of revenue received from leasing the space on the bridge into running the Sydney Trains network.	
Public Benefit / Public Interest	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. See Appendix C , Table C-6.	
Traffic generation	<p>The proposed development would not directly generate traffic during its operation.</p> <p>During the construction of the proposed development there would be some minor impacts to traffic movements, however these would not be significant and would be able to be managed through standard measures such as traffic management plans and Road Occupancy Licences.</p>	Requirement for traffic management plan and obtaining a Road Occupancy Licence from TfNSW for the duration of construction and any required maintenance that may require vehicles to be located on, or within, the Castlereagh Road corridor.
Structural stability of existing bridge	<p>The proposed advertising sign must not compromise the structural stability of the existing rail overbridge.</p> <p>The Applicant has had an engineer prepare the plans for the advertising structure. To ensure that the proposed sign does not impact on the stability of the bridge structure or pose a fall threat onto the road, it is proposed that a TfNSW bridge engineer approves the signage plans.</p>	A condition has been recommended requiring the Applicant to submit the structural plans and details of the fall arrest system to the TfNSW Delegated Design Authority.
Construction impacts	Should installation of the sign require access from Castlereagh Road, the Applicant will need to obtain a road occupancy licence. To minimise impacts on traffic and pedestrians, the licence is likely to limit works to the night time. Lane closures will be required for safety reasons resulting in impacts to traffic. These impacts can	The Department has recommended that the Applicant obtain a Road Occupancy Licence for any works which have the potential to affect traffic flows during construction This condition is consistent with

Issue	Findings and conclusions	Recommended conditions
	<p>be managed with standard traffic management practices.</p> <p>Construction activities undertaken via the rail bridge, will be undertaken during a rail possession to ensure worker safety and will be of a night.</p> <p>The Department considers that construction of a night time or weekend would not have a significant noise impact as there are no nearby residents and the adjacent industrial premises do not operate of a night or weekend.</p>	<p>the recommendation from TfNSW.</p> <p>The Department has also recommended the signage be constructed with the aim of achieving the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009)</p>

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, the Industry and Employment SEPP and other relevant environmental planning instruments. The Department's assessment has also considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Section 3** and **Appendix C**). It has also assessed the proposal against the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment. 2017).

The Department is satisfied that it is consistent with the objectives of the Industry and Employment SEPP and satisfies the relevant requirements of the SEPP.

The Department has also considered advice from government agencies (TfNSW) and the local council (**Section 4**). No public submissions were received during the exhibition period.

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.

The proposed development would introduce a new digital advertising sign into the environment. However, the Department considers that the degree of visual impact would be minor and is satisfied that the proposed sign is acceptable in terms of design and compatibility with the visual character of the area.

The Department has considered the potential for the sign 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 sign is appropriate to the type and scale of the sign which is proposed to be installed
- the proposed signage is appropriate to the surrounding environment
- the public benefit that would occur is appropriate to the project

- that appropriate conditions have been drafted to manage the construction and operation of the proposed development, and
- that the project 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 the installation and use of digital advertising Sign – Castlereagh Road, Penrith (DA 23-15505), subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix D**).

Recommended by:



Nick Hearfield

Senior Planner

Transport and Water Assessments

Recommended by:



Mary Garland

Team Leader

Transport and Water Assessments

8 Determination

The recommendation is **adopted**/~~not adopted~~ by:



Glenn Snow

Director

Transport and Water Assessments

Glossary

Abbreviation	Definition
Applicant	Sydney Trains
Council	Penrith City Council
DCP	Development Control Plan
Department	Department of Planning, Housing and Infrastructure
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
Transport and Infrastructure SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
2017 Guidelines	<i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017)

Appendices

Appendix A – List of referenced documents

Statement of Environmental Effects Digital Advertising Signage Castlereagh Road Penrith (Keylan, November 2023)

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

Agency advice, Transport for NSW, 11 December 2023

Council advice, Penrith City Council, 4 December 2023

Appendix B – Submissions and government agency advice

Council and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-signage-application-railway-bridge-over-castlereagh-road-penrith-da-2315505>

Appendix C – Statutory considerations

Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects listed in section 1.3 of the EP&A Act is provided in **Table C-1**.

Table C-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	The proposed development seeks to maximise the use of the site and provides social and economic benefits by generating revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. The proposed development would not impact on the State’s natural or other resources.

Object	Consideration
(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 development have been considered by the Department. The proposed development is not anticipated to have any adverse impacts on flora or fauna, including threatened species, populations and ecological communities, and their habitats. The proposed development is unlikely to have any significant impacts to the social or economic environment, but should return funds for investment into the Sydney Rail network.</p> <p>As such, the Department considers that the proposed development would not adversely impact on the biophysical or social environments, and that the principals of ecologically sustainable development have been appropriately considered.</p>
(c) to promote the orderly and economic use and development of land	<p>The proposed development involves the orderly use of an existing railway overbridge for the installation of a proposed digital advertising sign. The proposed development is located away from any possible sensitive uses and will not compromise the safe operation of surrounding infrastructure.</p>
(d) to promote the delivery and maintenance of affordable housing	<p>The proposed development does not directly contribute to delivery and maintenance of affordable housing.</p> <p>However, the potential income that is generated from leasing the digital signage and returned to the Sydney Trains operational budget is considered as an indirect contribution to the delivery of affordable housing through improvements that are able to be made to Sydney Trains operations.</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 development will not have any impact on threatened species, populations and ecological communities, and their habitats as the proposed development site is devoid of flora and fauna.</p>

Object	Consideration
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal would not have a significant impact on built or cultural heritage. Heritage impacts have been considered in Section 5.5.
(g) to promote good design and amenity of the built environment	The Department considers the proposal would not result in unacceptable built form impacts, as the proposed development is located on an existing rail overbridge and represents a relatively small increase in the height and bulk of the existing overbridge.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Not applicable as the proposed development is not for an occupied 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 Penrith City Council during the exhibition of the proposed development. This is addressed in Section 4.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the proposed development application and sought comment from members of the public, but no submissions were received.

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 C-2**. Matters for Consideration specific to Crown Developments (section 4.6 of the EP&A Act) are addressed in **Table C-3**.

Table C-2 | Section 4.15 Matters for Consideration

Matters for Consideration	Consideration
<p>(a) the provisions of —</p> <p>(i) any environmental planning instrument, and</p>	<ul style="list-style-type: none"> • The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided below.
<p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p>	<ul style="list-style-type: none"> • There are no applicable proposed instruments.
<p>(iii) any development control plan, and</p>	<ul style="list-style-type: none"> • The proposal generally meets the relevant/applicable objectives of the Penrith DCP as addressed in Table C-9.
<p>(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</p>	<ul style="list-style-type: none"> • The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
<p>(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,</p>	<ul style="list-style-type: none"> • 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.
<p>(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,</p>	<ul style="list-style-type: none"> • The Department has considered the likely impacts of the development in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
<p>(c) the suitability of the site for the development,</p>	<ul style="list-style-type: none"> • The development is permissible with consent as it is located on land zoned SP2 Infrastructure. The development does not adversely impact on surrounding uses and is a suitable development at

Matters for Consideration	Consideration
	that location. Detail on site suitability is addressed in Section 5.1.2.
(d) any submissions made in accordance with this Act or the regulations,	<ul style="list-style-type: none"> All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the development in Section 5. Submissions are in Appendix B of this report.
(e) the public interest.	<ul style="list-style-type: none"> The Department considers the proposal to be in the public interest (refer to Section 5.5).

Table C-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-owned corporation: 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 D).</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>On 29 February 2024 the Department forwarded the recommended conditions to the Applicant. After some negotiation and discussion, on 8 April 2024, the Applicant consented to the recommended conditions subject to minor amendments to conditions.</p>

Matter	Consideration
	The Department raised no concerns with the proposed amendments to the conditions, and the amended condition has formed part of the recommended conditions (Appendix D).

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.

Environmental Planning Instruments (EPIs)

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

- *State Environmental Planning Policy (Industry & Employment) 2021* (Industry and Employment SEPP) – **Tables C-4 and C-5**
- *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (Department of Planning and Environment, 2017) (2017 Guidelines) – **Table C-6**
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) – **Table C-7**
- *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008) – **Table C-8**
- *Penrith Local Environmental Plan 2010* (Penrith LEP) – page 77
- *Penrith Development Control Plan 2014* (Penrith DCP) – **Table C-9**

Table C-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	The Department is satisfied that the proposed development is compatible with the surrounding development and visual character of the area, and provides an effective communication means. It is also satisfied that the proposed sign is of a high-quality finish and consistent with the surrounds and is therefore consistent with the objectives of the SEPP.	Yes
	(b) to regulate signage (but not content) under Part 4 of the Act, and	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 the signage in transport corridors. If approved, the conditions of approval would regulate the signage structure and display.	Yes
	(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.	Yes

Section	Requirements	Comments	Compliance
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 objectives of s.3.1 (1)(a) are addressed above.	Yes
	(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	See relevant assessment in Table C-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 attached to a rail overbridge and located within a railway corridor. The Applicant is Sydney Trains. Therefore, 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 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 — (a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and	The proposed development has been assessed against the objectives of the Chapter (3.1(1)(a) (above). The Department considers that the proposed development is consistent with the objectives.	Yes

Section	Requirements	Comments	Compliance
	<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 C-5.</p> <p>The proposed development has been assessed as generally consistent with the Schedule 5 criteria. The Department considers that where there are non-compliances these are of a minor nature and is satisfied that they are acceptable.</p>	Yes
	(c) satisfies any other relevant requirements of this Chapter.	The proposed development has been assessed against other relevant criteria of the Chapter in this table.	Yes
	In addition, if Section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.	The applicant has indicated that a Public Benefit will occur, through the re-investment of funds that are obtained from the proposed development, into the public transport system. See Table C-6 .	Partial
3.12 Duration of consents	(1) A consent granted under this Part ceases to be in force —	The proposed consent is for a 15-year period.	Yes

Section	Requirements	Comments	Compliance
	(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		
	(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.	Not Applicable.	N/A
3.14 Transport corridor land	<p>(1) Despite section 3.8(1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases —</p> <p>(a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,</p>	The proposed development is development on behalf of Sydney Trains, and therefor overrides any in prohibitions section 3.8(1) or any other EPI.	Yes
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	<p>(2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless —</p> <p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p>	<p>The Applicant has provided an impact statement that addresses the requirements of Schedule 5.</p> <p>This has been assessed by the Department in Table C-5.</p> <p>The proposed development has been assessed as generally consistent with the Schedule 5 criteria. The Department considers that where there are non-compliances these are of a minor nature and is satisfied that they are acceptable.</p>	Yes

Section	Requirements	Comments	Compliance
	(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.	The proposed development has been exhibited, and TfNSW was provided with the Development Application prior to the exhibition commencing.	Yes
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 the owner of the proposed digital advertising sign would be displayed adjacent to the digital screen and is included within the definition of the advertising display area which has been calculated at 0.216 m ² .	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.	Not Applicable.	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 0.22 m ² .	Yes
	(4) The area of any such strip is to be included in calculating the size of the advertising display area.	The size of the logo has been included in the calculation of the advertising display area of 0.216 m ² .	Yes

Section	Requirements	Comments	Compliance
3.22 Advertisements on bridges	(1) A person may, with the consent of the consent authority, display an advertisement on a bridge.	The proposed development is located on a bridge and seeks consents to display advertising on a bridge.	Yes
	(2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.	An assessment of the proposed development against the requirements of the 2017 Guidelines is provided in Table C-6 .	Yes

Table C-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 sign is compatible with the existing and desired future character of the area.	Yes.
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>There is no theme for outdoor advertising in the area. The proposed sign is consistent in appearance and function with other advertising structures located on bridges across the broader TfNSW road and rail network.</p> <p>The only advertising within the immediate area is the advertising on the walls of the Bega Dairy factory. Although located relatively close to the proposed sign, the Bega</p>	Yes

Section	Requirement	Comments	Compliance
		factory signage is in a different alignment to the proposed sign.	
2. Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	There are no sensitive areas of visual, heritage, scenic or other quality adjacent to the sign.	Yes
3. Views and vistas	Does the proposal obscure or compromise important views?	The proposed sign would not obscure or compromise any important views.	Yes
	Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign would not dominate the skyline or reduce the quality of any vistas. There would be a minor increase in the height and bulk of the appearance of the northern side of the rail overbridge. The Department considers this an acceptable minor increase.	Yes
	Does the proposal respect the viewing rights of other advertisers?	There are no other advertisers in the immediate area whose viewing rights may be impacted.	Yes
4. Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed sign would result in a minor increase in the height and bulk of the appearance of the northern side of the rail overbridge. The Department is satisfied that this an acceptable minor increase (refer Sections 5.1.1 and 5.3).	Yes

Section	Requirement	Comments	Compliance
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign would be a new item in the streetscape and will add a relatively minor element to the immediate environment. The proposed sign would not be out of character for the type of area where the sign is proposed to be located (refer Section 5.3).	Yes
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No rationalisation of or reduction of existing advertising is proposed as part of the proposed development as the Applicant does not have any other signs in this location., and there is no general commercial advertising in the immediately adjacent to the rail bridge.	N/A.
	Does the proposal screen unsightliness?	The proposed sign will form a component of the side of an existing rail overbridge. It is not in a position to screen unsightliness.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<p>The proposed sign is well integrated into the existing rail overbridge and would result in a minor increase in the apparent height of the northern side of the rail overbridge. The proposed development would not protrude above buildings, trees or other structures in the area.</p> <p>The Department considers that the minor protrusion above the existing rail overbridge would be relatively minor and is acceptable.</p>	Yes

Section	Requirement	Comments	Compliance
	Does the proposal require ongoing vegetation management?	No.	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 sign would result in a small addition to an existing rail overbridge and would be a minor increase in the height and bulk of the appearance of the northern side of the rail overbridge.</p> <p>The Department is satisfied that the proposed sign is compatible with the site characteristics.</p>	Yes
	Does the proposal respect important features of the site or building, or both?	The proposed sign fits into the broader design of the existing rail overbridge, with a minor increase in the height and bulk of the appearance of the northern side of the rail overbridge.	Yes
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed sign has been well designed to complement the existing character of the broader site and the rail overbridge.	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?	<p>A monitoring camera arm is proposed to extend 3 metres from the top of the proposed digital screen and small anti-graffiti screens consistent with the existing screens on the rail overbridge are proposed to be installed.</p> <p>A logo sign is proposed to be installed adjacent to the lower left corner of the digital screen.</p>	Yes

Section	Requirement	Comments	Compliance
		The logo does not appear as an integral part of the sign. However, the Department is satisfied that given the particular design of the rail overbridge and the attached anti-graffiti screens, the logo is appropriately sited.	
7. Illumination	Would illumination result in unacceptable glare?	<p>No. The proposed sign has internal digital lighting which would be responsive to the environmental conditions and be able to be reduced at night and in the evening periods.</p> <p>The Department notes that the proposed development has been designed to comply with <i>AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting</i>. However, this standard has recently been updated.</p> <p>The Department has recommended a condition requiring compliance with the latest 2023 standard.</p>	Yes
	Would illumination affect safety for pedestrians, vehicles or aircraft?	<p>The proposed sign has been designed to comply with the standards of <i>AS 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

Section	Requirement	Comments	Compliance
	Would illumination detract from the amenity of any residence or other form of accommodation?	There are no residences or accommodation within the immediate surrounding area on the northern side of the rail overbridge.	Yes
	Can the intensity of the illumination be adjusted, if necessary?	The illumination levels of the proposed sign would be able to respond to environmental conditions and would be able to be adjusted if required, including varying illumination levels throughout the day.	Yes
	Is the illumination subject to a curfew?	No curfew is proposed.	Yes
8. Safety	Would the proposal reduce the safety for any public road?	The Applicant has identified that the proposed sign has been designed in accordance with the requirements of the Industry and Employment SEPP and generally in accordance with the 2017 Guidelines and that the proposed development would not impact on public road safety.	Yes
	Would the proposal reduce the safety for pedestrians or bicyclists?	There are no specific safety issues for pedestrians or cyclist.	Yes
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed sign would be located on an existing rail overbridge above a road and would not obscure sightlines to or from public areas.	Yes

Table C-6 | Assessment against the *Transport Corridor Outdoor Advertising and Signage Guidelines*

Clause	Considerations	Comments	Compliance
TABLE 1: LAND USE COMPATIBILITY CRITERIA – TRANSPORT CORRIDOR ADVERTISING (i)	<p>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.</p>	<p>The proposed sign would not be inconsistent with the land use objectives of the surrounding area (commercial and industrial uses and zoned as “E4 General Industrial” in the Penrith LEP.</p>	Yes
(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 	<p>The proposed sign would not be located so that it would be visible from, or likely to significantly impact on the amenity of the listed areas.</p>	Yes

Clause	Considerations	Comments	Compliance
	- national park or nature reserve.		
(iii)	Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.	The proposed sign would not dominate or protrude significantly above the skyline or obscure or compromise any scenic or other views that add to the character of the area	Yes
(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.	<p>The proposed sign would be within the curtilage of a local heritage item listed in the Penrith LEP (Penrith Railway Station Group). However, the railway bridge is not of significance. Further details on heritage impacts are provided in Table 5.</p> <p>The Department considers that the proposed development would not impact on the heritage values of the Station Group.</p>	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.	<p>The proposed sign would be located on an existing rail overbridge and would result in a minor increase in the height and bulk of the northern side of the rail overbridge.</p> <p>The Department views the proposed increase as minor and acceptable.</p>	Yes

Clause	Considerations	Comments	Compliance
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 sign would be appropriately located in a transport corridor zone and, within the viewing area, would be surrounded by a general industrial zone.	Yes
(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 sign would be appropriately located in a transport corridor zone.	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 development would be located within an appropriate zoning and not be visible from any sensitive locations. The Department considers that the proposed development would be appropriately located.	Yes
2.5.1 General criteria (a)	Advertising structures should meet the following site-specific criteria:	The proposed development has been designed to integrate into the existing rail overbridge, adopting the existing design of the anti-graffiti screens as sign surrounds.	Yes

Clause	Considerations	Comments	Compliance
	The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The Department considers that the design of the proposed sign has been well considered and executed.	
(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 sign would be compatible with the scale of the existing rail overbridge. There would be a minor increase in the apparent height and bulk of the northern side of the rail overbridge, however the Department considers this acceptable.	Yes
(c)	The advertising structure should be in keeping with important features of the site, building or bridge structure.	The design of the proposed sign reflects the overall existing design style of the rail overbridge.	Yes
(d)	The placement of the advertising structure should not require the removal of significant trees or other native vegetation.	No trees or vegetation are required to be removed for the proposed development.	Yes
(e)	<p>The advertisement proposal should incorporate landscaping that complements the advertising structure and is in keeping with the landscape and character of the transport corridor.</p> <ul style="list-style-type: none"> - The development of a landscape management plan may be required as a condition of consent. 	The proposed development does not require any landscaping to be undertaken.	N/A

Clause	Considerations	Comments	Compliance
	<ul style="list-style-type: none"> - 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 design of the proposed sign generally incorporates ancillary components of the facility into the overall design.</p> <p>The proposed logo is located adjacent to the proposed sign at the lower left side of the digital screen.</p> <p>The Department considers that the proposed logo has been appropriately located.</p>	Yes
(g)	Illumination of advertisements must comply with the requirements in Section 3.3.3.	The proposed sign complies with the requirements of Section 3.3.3. Refer below.	Yes
(h)	Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposed development will not have light spillage to residential properties or national parks and nature reserves.	Yes
2.5.5 Bridge signage criteria	Advertisements on bridges must be consistent with the requirements of SEPP 64 Clause 24 (now section 3.22 of the Industry and Employment SEPP) and:	Assessment against section 3.22 of the Industry and Employment SEPP is provided in Table C-4 .	Yes
(a)	The architecture of the bridge must not be diminished.	The proposed development would integrate into the existing design of the rail overbridge and would not diminish the overall bridge design.	Yes

Clause	Considerations	Comments	Compliance
(b)	The advertisement must not extend laterally outside the structural boundaries of the bridge.	<p>The proposed sign would be mounted on the outside face of the existing rail overbridge. Although the sign would protrude above the bridge, winglets have been incorporated to integrate the sign within the bridge structure (refer Section 5.1.1). The sign would not obscure any views or have any safety or amenity impacts, which are the main factors underpinning this requirement.</p> <p>The proposed development would be required to be approved by TfNSW engineers prior to construction commencing (see (g) below).</p> <p>The Department considers that this minor non-compliance is acceptable given the design integrates into the rail overbridge structure and would need to be approved TfNSW engineers.</p>	Partial
(c)	The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached, unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8 metres.	The proposed development does not extend below the soffit of the rail overbridge.	Yes
(g)	Any advertising sign proposed for development on a bridge over a classified road requires that construction drawings be submitted for review and approval by RMS (now TfNSW) bridge engineers prior to construction to ensure all road safety requirements are met.	The proposed conditions of consent require TfNSW bridge engineers to review and approve the construction drawings and for there to be no outstanding objections or issues prior to construction commencing.	Yes

Clause	Considerations	Comments	Compliance
(h)	Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over high vehicle.	The proposed conditions of consent require a fall arrest system (sign and sign support structure to bridge) to be installed to prevent the sign from detaching if impacted by an over height vehicle.	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 images on the proposed sign would be static and without moving images. The Department has recommended a condition requiring compliance with this requirement.	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 Applicant has advised that message sequencing will be arranged to comply with this requirement. The Department has recommended a condition requiring compliance with this requirement.	Yes
(c)	The image must not be capable of being mistaken: (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 (ii) as text providing driving instructions to drivers.	The recommended conditions of consent require compliance with this standard.	Yes.

Clause	Considerations	Comments	Compliance
(d)	Dwell times for image display must not be less than: (i) 10 seconds for areas where the speed limit is below 80 km/h (ii) 25 seconds for areas where the speed limit is 80km/h and over.	A minimum dwell time of 10 seconds is proposed. The Department has confirmed this dwell time in the recommended conditions of consent.	
(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 Applicant has advised that the transition time between messages will be no longer than 0.1 seconds and the default image in the event of image failure will be a black screen. The Department has reinforced this guideline requirement in the recommended conditions of consent.	Yes
(f)	Luminance levels must comply with the requirements in Section 3 below.	The proposed sign complies with the requirements. The Department notes that the illumination standard has recently been updated and has recommended a condition requiring compliance with the updated standard.	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 has advised that the proposed sign would be managed to ensure drivers are not unreasonably distracted. The recommended conditions of consent include that the sign must not unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	Yes

Clause	Considerations	Comments	Compliance
(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).	<p>The Applicant has advised that the displayed signage content would be managed to ensure text and information is kept to a minimum.</p> <p>The Department has recommended a condition requiring compliance with the guideline requirement.</p>	Yes
(i)	Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	<p>The Applicant has advised that the signage content will be managed in order to ensure text and information is kept to a minimum.</p> <p>The sign is not withing 250 metres of a classified road AND visible from a school zone.</p>	Yes
(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.	<p>The Applicant has provided a Statement of Environment Effects that outlines the potential impacts of the proposed development.</p> <p>This Assessment Report satisfies the requirement to assess the sign on a case-by-case basis.</p> <p>.</p>	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	The Department has a recommended a condition requiring compliance with this guideline requirement.	Yes

Clause	Considerations	Comments	Compliance
	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.		
(l)	Sign spacing should limit drivers' view to a single sign at any given time with a distance of no less than 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	<p>There are no other commercial advertising signs visible within 150 metres of the proposed development.</p> <p>There are logos and advertisements for Bega Dairy products on the walls of the Bega Dairy factory. However, these are orientated differently to the proposed sign and to the peripheral of a driver's view.</p>	Yes
(m)	<p>Signs greater than or equal to 20 m² must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <p>(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</p>	<p>The proposed sign was referred to TfNSW (formerly RMS). TfNSW advised that the proposed development be assessed against the 2017 Guidelines.</p> <p>The proposed sign would be 5 metres above the road surface and is not located within the clear zone (as defined in the 2017 Guidelines), however the distance above the traffic lane is only 5 metres. .</p> <p>The Department considers that this is acceptable as the proposed sign would not be below the lowest part of the rail overbridge.</p>	Partial

Clause	Considerations	Comments	Compliance
	clearance under the overpass or supporting structure at the corresponding location.		
(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 recommended conditions include a requirement for an electronic log to be kept.	Yes
(o)	A road safety check which focuses on the effects of the placement and operation of all signs over 20 m ² must be carried out 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.	The recommended conditions require the applicant to undertake a road safety check in accordance with this guideline requirement.	Yes

Clause	Considerations	Comments	Compliance
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.	Not applicable. No residential properties are located within the viewshed of the proposed development.	N/A
2.5.11	Video and animated electronic signs containing animated or video/movie style advertising, or 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.	The recommended conditions of consent prohibit the display of video and animated electronic signs, consistent with 2.5.11 of the 2017 Guidelines.	Yes
3 Advertisements and Road Safety 3.1 Road safety objectives TABLE 4: ROAD SAFETY ASSESSMENT CRITERIA –	Would the proposal reduce the safety for any public road?	The proposed sign is not expected to reduce road safety (refer Section 5.2).	Yes

Clause	Considerations	Comments	Compliance
SCHEDULE 1 SEPP 64 1			
2	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed sign is not expected to have any impacts on the safety of pedestrians or bicyclists.	Yes
3	Would the proposal reduce the safety for pedestrians by obscuring sightlines from public areas?	The proposed sign would be located on an existing rail overbridge, that is not accessible to the public, and would not obscure sightlines from public locations.	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>	The proposed sign would not have any impact on the pedestrian or cyclist movements, present any additional risk for tall vehicles or protrude in a manner that would allow it to potentially be hit by a tall or wide vehicle.	Yes

Clause	Considerations	Comments	Compliance
(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 Guide to Road Design (and RMS supplements) or behind an RMS-approved crash barrier.	The sign is located outside of the clear zone.	Yes
(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.	The proposed sign is not located within the clear zone.	N/A
(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 development is located over a classified road and a condition has been recommended to ensure that the proposed developments meets the required standards.	Yes
Additional road clearance criteria for digital signs:	Digital signs greater or equal to 20 m ² must ensure the following clearances: (a) 2.5 m from lowest point of the sign above the road surface if located outside the clear zone	The proposed development is located on an existing rail overbridge outside of the clear zone. The lowest point of the proposed development would be located above the lowest point of the overbridge.	Yes

Clause	Considerations	Comments	Compliance
	<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> <p>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.</p>		
3.2.2 Line of sight (a)	An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.	The proposed sign would not obstruct a drivers view of the road ahead.	Yes
(b)	An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed development would not obstruct a pedestrian or cyclists 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.	<p>The Applicant has provided a photomontage of the proposed sign.</p> <p>The photomontage suggests that the proposed sign would not give incorrect information relating to the road alignment.</p>	Yes

Clause	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> <p>(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.</p> <p>(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 the design speed.</p>	<p>The proposed sign would be located on an existing rail overbridge across Castlereagh Road and would be unlikely to distract a road user into turning their head away from the road alignment or reflect headlights at oncoming traffic.</p>	Yes
3.2.3 Proximity to decision making points and conflict points	<p>The sign should not be located:</p> <p>(i) less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</p>	<p>A Signage Safety Assessment was undertaken and indicates that the sign will be outside of the safe sight stopping distance and safe sight distance.</p> <p>The Department considers that the proposed sign location would not impact on road safety.</p>	Yes

Clause	Considerations	Comments	Compliance
(a)	<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>		
(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>(ii) to an 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 6-9m) or higher.</p>	<p>A Signage Safety Assessment was undertaken and indicates that the sign will not obstruct a driver's view of any of the items listed in Section 3.2.3(b) of the 2017 Guidelines.</p> <p>.</p>	Yes
3.2.4 Sign spacing	<p>The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.</p>	<p>The proposed sign would be located on an existing rail overbridge. There are existing advertisements/logos on the walls of the Bega Dairy and Drinks facility to the northeast of the proposed development.</p> <p>However, while the factory signs would be in the peripheral view of a driver and in combination with the proposed sign</p>	Yes

Clause	Considerations	Comments	Compliance
		<p>do not amount to visual clutter. This is due to the very limited viewshed where they are both visible in one “sight picture”.</p> <p>As such, there would not be an increased road safety risk due to the proposed sign.</p>	
	<p>Additional criteria for digital signs:</p> <p>(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 will be assessed by RMS as part of their concurrence role.</p>	<p>The proposed sign would be located approximately 100 metres from advertising and logos on the Bega Dairy and Drinks factory walls.</p> <p>However, these are along the western side of the road and angled directly to the east. It is unlikely that these would present a distraction to drivers due to the distance of the factory from the public road and orientation of the signs.</p> <p>The Department considers that the proposed sign would not be adding to driver distraction, or clutter of the visual environment, and that the proposed development is in a suitable location and that this non-conformance is acceptable.</p>	Partial
<p>3.3</p> <p>Sign design and operation criteria</p> <p>3.3.1</p>	<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.</p> <p>Therefore, the following criteria apply to all advertising signage:</p>	<p>The Signage Safety Assessment concluded that the proposed sign would not distract drivers, or obstruct or reduce the visibility and effectiveness of the items listed in 3.3 of the 2017 Guidelines.</p> <p>The Applicant has proposed a dwell time for advertisements of 10 seconds to reduce the opportunity for drivers to be</p>	Yes

Clause	Considerations	Comments	Compliance
Advertising signage and traffic control devices (a)	(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.	distracted by any advertising images. This has been confirmed in the recommended conditions of consent. The proposed sign is located above the lowest point of the existing rail overbridge and would not impact on the visibility or effectiveness of traffic signs or signals on the southern side of the rail overbridge.	
(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> <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>The Signage Safety Assessment concluded that the proposed sign would be located in a suitable location. The Department concurs with this conclusion (refer Section 5.1.2). The sign would not interfere with sight stopping distances. Nor could it be construed as giving instructions. In addition, the signage would not imitate a prescribed traffic control device.</p> <p>The Applicant has advised that it will control the digital content to ensure that advertisements would not be mistaken for a traffic signal. This has been reinforced in the conditions of consent.</p>	Yes
Additional criteria for	The image must not be capable of being mistaken:	The Applicant has advised that they would control the type of advertisements shown on the digital screen to ensure that advertisements would not in any way represent a risk to	Yes

Clause	Considerations	Comments	Compliance
digital signs and moving signs: (a)	(i) for a rail or traffic sign or signal because it has, e.g. red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal (ii) as text providing driving instructions to drivers.	traffic safety. The Department has included restrictions on the digital display in the recommended conditions to address this guideline requirement.	
(b)	The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).	The Applicant has advised that the amount of text and information in all advertisements would be kept to a minimum and this has been reinforced in the recommended conditions of consent.	Yes
3.3.2 Dwell time and transition time Dwell time criteria for digital signs: (a)	Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The proposed sign would be for static images only and the consent includes 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.	The Applicant's Signage Safety Assessment indicates that the proposed development will adopt a 10 second dwell time.	Yes

Clause	Considerations	Comments	Compliance
	(ii) 25 seconds for areas where the speed limit is 80km/h and over.	The Department considers that this is appropriate and has recommended a dwell time of 10 seconds as a condition of consent.	
(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.	Not applicable as the sign is not visible from a school zone.	N/A
(d)	Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	The proposed development is for static images only – the proposal does not include moving images.	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 Applicant's SEE indicates that the transition time would be no longer than 0.1 seconds. The Department considers that this is appropriate, and an condition has been recommended 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.	The proposed development has been assessed as being within Zone 2 and the Applicant's Lighting Impact Assessment identifies that the proposed development would be compliant with the Zone 2 requirements below. The Department notes that AS4282 has recently been updated from 2019 to 2023 and the Department has recommended a condition to require compliance with the updated standard.	Yes

Clause	Considerations	Comments		Compliance
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
Night time		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 sign 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 sign does not propose to utilise technology that allows interaction with in-vehicle devices. The Department has recommended a condition to ensure compliance with this requirement.		Yes

Clause	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.	<p>The proposed sign does not include any function that would encourage drivers to anticipate advertisements across this, or other, signs.</p> <p>The Department has recommended a condition to ensure compliance with this requirement.</p>	Yes
3.5.1 Road safety review of signs over 20 sqm	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.	Yes

Clause	Considerations	Comments	Compliance
3.6 Road safety guidelines for sign content	<p>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.</p> <p>It is recommended that advertisers follow RMS advisory guidelines with respect to sign content of advertisements to be displayed along road corridors.</p>	The Department has recommended a condition requiring the Applicant to consider the advisory guidelines and the content of advertisements that may be displayed on the proposed sign.	Yes
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</p>	<p>The proposed sign 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”, and “(c) the advertisement is to be displayed on a bridge”.</p> <p>The Applicant has provided a “Public Benefit Statement” as Appendix 5 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.</p>	Yes

Clause	Considerations	Comments	Compliance
	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.		
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, 	<p>The level of the proposed public benefit has not been negotiated or agreed upon between the consent authority and the Applicant.</p> <p>The Applicant's Public Benefit Statement makes a series of general statements that do not make specific commitments for the Public Benefit in the local community, but rather the general public train network -</p> <p><i>"The installation of this sign at Penrith will continue to provide a valuable revenue stream to Sydney Trains which will continued to be used to support a number of improvements and maintenance programs in accordance with the public benefit test provisions identified in Industry and Employment SEPP and the Guidelines".</i></p> <p>The statement indicates that the proposed sign will be capable of providing public benefit through availability to be used for an emergency message and community messages such as information relating to disruptions to train services.</p>	Partial

Clause	Considerations	Comments	Compliance
	tourism in the locality, community information, or emergency messages.	<p>The description of the intended expenditure lacks detail; however the Departments considers that the general intent of the expenditure is.</p> <p>The Department has recommended requirements for the display of event messages, community information, road safety messages and transport information in the consent. It has also recommended that the sign be available for use, at not cost, to allow emergency messaging.</p>	
4.2.1 RMS and TfNSW, Sydney Trains and NSW Trains advertising	As proponents of outdoor advertising, RMS and TfNSW, Sydney Trains and NSW Trains must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The Applicant has outlined that the revenue from the proposed development will be directed towards general improvements and maintenance as discussed in the item above.	Partial
	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>The Applicant is required to record and publish in their Annual Report the total amount of outdoor advertising received each year.</p> <p>The Annual Report is also required to outline investments that have been made, listing the specific works for which monies received from outdoor advertising has been spent.</p> <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>	Condition recommended to address non-compliance to date

Clause	Considerations	Comments	Compliance
		<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>	
	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.	Partial
	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 C-7 | 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 sign would be located directly adjacent to a rail corridor on the outside surface of an existing rail overbridge.</p> <p>The proposed sign is unlikely to have an adverse effect on rail safety.</p> <p>The proposed sign does involve the placement on a metal finish on a structure and the adjacent corridor is utilised by electric trains.</p> <p>The construction of the proposed development would involve the use of a crane and be located within 5 metres of the overhead electricity line.</p> <p>The Department has drafted a condition that requires referral of the plans to TfNSW's Delegated Design Authorities for their consideration.</p>	Yes
	<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>The proposed sign was referred to TfNSW who is the relevant rail authority for the purposes of the SEPP.</p> <p>Recommended conditions of consent were received from TfNSW, 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 C-8.</p>	Yes

Section	Criteria	Comments	Compliance
	<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>		
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</p>	<p>The proposed sign would be located on a rail overbridge across Castlereagh Road – a classified road.</p> <p>The proposed development would not be accessible from alternative non-classified roads.</p> <p>However, apart from the construction period when construction vehicles may be required to be on the classified road, the proposed development would not be expected to affect the safety of road users or be affected by road users.</p>	Yes

Section	Criteria	Comments	Compliance
	ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.		

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

Clause	Consideration	Compliance
5.1 Essential early requirements	<p>The proposed sign has been designed in consultation with TfNSW and has included safe design practises and surveying to inform the design.</p> <p>The Applicant is proposing to build on their own asset (the existing rail overbridge) and the Applicant is expected to have addressed any internal TfNSW design reviews.</p> <p>A condition has been recommended requiring review of the plans by a TfNSW Delegated Design Authority.</p>	Yes
5.2 Electrolysis	<p>The proposed sign is located on an existing TfNSW rail overbridge.</p> <p>A condition has been recommended to ensure that the TfNSW electrolysis requirements are included in the detailed design of the proposed signage.</p>	Yes
5.3 Cranes	<p>The proposed sign is located on the edge of an existing rail overbridge and within very close proximity to the existing rail corridor.</p> <p>Conditions of consent are recommended to ensure that the signage will comply with the interim guideline, including ensuring appropriate approval is in place for the operation of cranes.</p>	

Clause	Consideration	Compliance
5.4 Safe access for maintenance	<p>The proposed design of the sign would include a hatch into the sign.</p> <p>A condition has been recommended requiring the provision of appropriate safe access to the sign and that it meets TfNSW/Sydney Trains operational requirements.</p>	Yes
5.5 Stormwater Management	<p>The proposed sign would not alter or increase the stormwater flow at the site.</p>	Yes
5.6 Vandalism	<p>It is not expected that the proposed sign would increase the opportunity for vandalism.</p> <p>A condition has been recommended requiring that appropriate anti-vandalism requirements are undertaken in accordance with TfNSW/Sydney Trains operational requirements.</p>	Yes
5.7 Graffiti	<p>The proposed sign has been designed to include the existing anti-graffiti screens that are used in the existing rail overbridge.</p> <p>It is not expected that the proposed sign would increase the opportunity for graffiti.</p> <p>A condition has been recommended which requires the Applicant to remove any graffiti.</p>	Yes
5.8 Lighting, external finishes and design	<p>The proposed development would face onto a classified road and this has been considered within the design, including compliance with AS 4282-1997 <i>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 sign would be located on the outer edge of an existing rail overbridge and 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 requirements, or any future update to those requirements.</p>	Yes

Clause	Consideration	Compliance
5.10 Derailment protection of structures	<p>The proposed sign would be located on the outer edge of an existing rail overbridge and would have to comply with any requirements relating to derailment.</p> <p>The Department has recommended conditions requiring the sign be designed and constructed in compliance with any relevant Australian Standard and with any TfNSW/Sydney Trains design, construction or operational requirements. Proof of agreement from TfNSW/Sydney Trains must be provided to the Department.</p>	Yes
5.11 Electrocuting – overhead wiring	<p>The proposed sign is located close to existing train overhead power supply lines.</p> <p>The Department has recommended conditions requiring the sign be designed and constructed in compliance with any relevant Australian Standard and with any TfNSW/Sydney Trains design, construction or operational requirements. Proof of agreement from TfNSW/Sydney Trains must be provided to the Department.</p>	Yes
5.13 Track closures, power outages and corridor access	<p>The proposed sign would likely require a track closure (rail possession) to be able to be installed.</p> <p>The Department has recommended conditions requiring the sign be designed and constructed in compliance with any relevant Australian Standard and with any TfNSW/Sydney Trains design, construction or operational requirements. Proof of agreement from TfNSW/Sydney Trains must be provided to the Department.</p>	Yes

Penrith LEP

The proposed development is located on land that is zoned as SP2 Infrastructure – Railway under the Penrith LEP. The objectives of the SP2 Infrastructure – Railway zoning are:

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

Permissible uses (with consent) in the SP2 Infrastructure – Railway zoning are:

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Aquaculture; Environmental protection works; Flood mitigation works; Roads

The purpose shown on the Land Zoning Map is “Railway” and the proposed development is both ordinarily incidental to, and ancillary to, the primary railway purpose.

Regardless, Section 3.14 of the Industry and Employment SEPP provides that the display of an advertisement by Sydney Trains in a rail corridor is permissible with development consent.

Section 5.10 of the Penrith LEP requires that consent is required for work on heritage items and that a consent authority considers the potential impacts to heritage from any development. Heritage has been addressed in Section 5.5 of the Assessment Report. The Department has concluded that the proposed development would not impact heritage.

Penrith DCP

The proposed development is located on land that, consequent to Section 4.15(3)(c) of the EP&A Act, the consent authority must consider the requirements of the Penrith DCP. The relevant sections of the Penrith DCP are considered in **Table C-9**.

Table C-9 | Penrith Development Control Plan (relevant sections)

Clause	Criteria	Comments	Compliance
C. Controls 1) General	a) Signs are to be designed and located to: i) relate to the use of the building; ii) be visually interesting and exhibit a high level of design quality; iii) be constructed of high quality, durable materials; iv) be wholly contained within the property; v) have only a minimal projection from the building; vi) be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours, and ensure that architectural features of the building are not obscured; vii) have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline; and viii) be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme.	<p>The proposed development is an advertising sign and is not located on a building, although it is wholly located within the relevant property lot.</p> <p>The design of the proposed development has been undertaken in such a way that the design is sympathetic to, and reflective of, the overall design of the existing railway overbridge with only minimal projections from the bridge structure.</p> <p>However, its function is to advertise numerous different products or events etc that are unrelated to the land on which the proposed development is located.</p> <p>The proposed development does not comply with all of the requirements. However, the Department considers this as acceptable in this location.</p>	Partial

Clause	Criteria	Comments	Compliance
	b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products; e.g. soft drinks, brewers, photographic film, etc) are not permitted.	<p>The proposed development is a commercial advertising sign and the nature of the sign is such that it will be promoting products and services that are not related to the site where the proposed development would be located.</p> <p>The Department has considered this requirement and considers that the location of the proposed development is suitable for a commercial advertising structure. If approved, the proposed development would be non-compliant with this requirement, however the Department has considered that within the broader environment this is a suitable development and that a non-compliance of this requirement can be supported</p>	No.
	c) Signs painted or applied on the roof are prohibited;	Not applicable.	N/A
	d) Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.	<p>The proposed development may have colours and graphics that are not compatible with the existing bridge design.</p> <p>The Department cannot regulate the advertising on the proposed sign.</p> <p>The Department considers this non-compliance to be acceptable in this location.</p>	Partial

Clause	Criteria	Comments	Compliance
	e) Flat standing signs are only permissible where the main building is set back 3 metres or more from the street alignment.	Not Applicable.	N/A
	f) In considering applications for new signs, Council must have regard to the number of existing signs on the site and in its vicinity; whether that signage is consistent with the provisions of this section; and whether the cumulative impact gives rise to visual clutter.	<p>The proposed development is located in an area where there are no other independent advertisements.</p> <p>To the north-east of the proposed development is the Bega Dairy factory which has Bega product logos and advertisements painted on the side of the factory facing on to Castlereagh Road.</p> <p>Due to the road alignment and 'framing' effect of the over-height vehicle gantry, there is a perception of a change in the viewing environment between the Bega logos/advertisements and the proposed digital sign on the rail overbridge.</p> <p>The Department considers that the location of the proposed sign is suitable, and that the addition of the proposed sign in this location would not result in visual clutter.</p>	Yes
	g) Signs must not involve damage, removal or pruning to trees or other vegetation and must not result in pruning or removal for visibility purposes.	Not Applicable.	N/A

Clause	Criteria	Comments	Compliance
	h) The dominant design of any sign must relate to business identification rather than product advertising.	Not applicable.	N/A
2) Signs and Road Safety	<p>Signs are regarded as prejudicial to the safety of the travelling public and are therefore prohibited if they:</p> <ul style="list-style-type: none"> i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians; ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users; iii) Give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs; iv) Include variable messages or intensity of lighting sufficient to impair drivers' vision or distract drivers' attention; or v) Are located in places where drivers' require greater concentration, such as at major intersections or merging and diverging lanes. 	<p>The proposed development has been assessed from a safety perspective and the Applicant's assessment has found that there would not be any major road safety issues resulting from the installation of the proposed digital sign.</p> <p>The proposed development would not obscure or reduce sightlines and the Applicant has committed to ensuring that displayed advertisements do not in any way mimic traffic signals or show images that could be construed as a direction to road users.</p>	Yes

<p>3) Inappropriate Signs</p>	<p>a) Council will not support an application for an advertisement of a form, type or size described below (see Figure C9.1 for example illustrations):</p> <ul style="list-style-type: none"> i) Roof signs; ii) Sky signs controlled from the land; iii) Signs painted on or applied on the roof; iv) Flashing signs; v) Signs made of canvas, calico or the like (other than a temporary sign); vi) Signs displayed on an awning blind or external window blind; vii) Hoardings (excluding those required during construction); viii) Billboards; ix) Bulletin boards; x) Signs in the nature of posters attached directly onto walls, roof surfaces or any street furniture; xi) Signs mounted on parked or stationary motor vehicles, trailers (both registered and unregistered) where the principal purpose of the vehicle or trailer is not for the transportation of goods or people but is parked in a location and position as an advertising medium; 	<p>Items (a)(i) to (a)(xiii) and (a)xv to (a)(xvii) are Not Applicable.</p> <p>Item (a)(xiv) requires that the advertising is only associated with business that is conducted on the land.</p> <p>The proposed development is a commercial advertising sign and the Department is not in a position to be able to regulate the types of advertisements that are shown on the proposed digital advertising screen. The Department accepts that advertisements will vary and not be related to the land where the proposed digital sign is located. This is consistent with other signage of this nature within rail and road corridors.</p>	<p>Yes</p>
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Clause	Criteria	Comments	Compliance
	<p>xii) A-frame or sandwich board signs (except where specific controls have been prepared and adopted by Council);</p> <p>xiii) Pole or pylon signs, except for industrial, business park, service station or shopping centre uses which are permitted one pole or pylon signs with the maximum height not in excess of 7.0m;</p> <p>xiv) Signs that are located on land which advertises businesses that are not being conducted on that land;</p> <p>xv) Vertical or horizontal projecting signs;</p> <p>xvi) Fin signs; and</p> <p>xvii) Above awning signs.</p>		
9.2. Signs in the Vicinity of Heritage Items	<p>1) Applicants intending to erect a sign should consult Penrith LEP 2010 (Schedule 5 Environmental Heritage) to determine whether or not the property is an heritage item, or in a heritage conservation area, or in the vicinity of a heritage item ('In the vicinity' is defined in Appendix F1 – Definitions of this Plan). If the proposed signage is on or in the vicinity of a heritage item, or in a heritage conservation area, the impact must be dressed in the application. In some cases, Council may require a Heritage Impact Statement (see the Culture and Heritage Section of this Plan).</p>	<p>The proposed advertising sign is located on a local heritage item, being located within the curtilage of the “Penrith Railway Station group” (#188).</p> <p>This is addressed in Section 5.5 of this report.</p>	Yes

Clause	Criteria	Comments	Compliance
	2) A sign, generally, should not be fixed to a heritage item unless the building had traditionally displayed an advertisement.	<p>The proposed advertising sign would be located on a local heritage item, being within the curtilage of the “Penrith Railway Station group” (#188).</p> <p>The station itself is located ~600 metres to the east of the proposed sign location on the rail overbridge, and the rail overbridge is not addressed within the listing criteria for item.</p> <p>The Department considers that the physical separation from the station buildings provides a level of surety that the proposed digital sign would not impact on the heritage significance of the station listing (refer Section 5.5).</p>	Yes
	3) Any sign shall be appropriately designed and located to ensure that the architectural details of the building and/or the heritage character of the site are not obscured or diminished.	<p>The proposed advertising sign would be installed on a rail overbridge which is 600 metres to the west of Penrith Station.</p> <p>The Department considers that the physical distance from the station buildings (the key part of the heritage listing criteria) to the site of the proposed digital sign on the rail overbridge provides sufficient separation to reduce any impacts to the heritage significance of the station listing (refer Section 5.5).</p>	Yes

Appendix D – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-signage-application-railway-bridge-over-castlereagh-road-penrith-da-2315505>