

Continued Use of Advertising Signage, Corner of Princes Highway and Wilson Parade, Heathcote

Part 4 Development Application Assessment Report (DA 23/11559)

June 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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1 Introduction

1.1 The project

Transport for NSW (the Applicant) has sought approval to continue using two existing illuminated static signs on an existing advertising structure, near the corner of Princes Highway and Wilson Parade at Heathcote for 15 years. No excavation or construction works are proposed.

An overview of the proposed development is provided in Section 2.

1.2 Project location

The subject site is located near the corner of Princes Highway and Wilson Parade (approximately 120 metres south of the intersection junction) at Heathcote (Figure 1). The site is legally described as Lot 1 DP549778 and is located in the Sutherland Shire local government area (LGA).

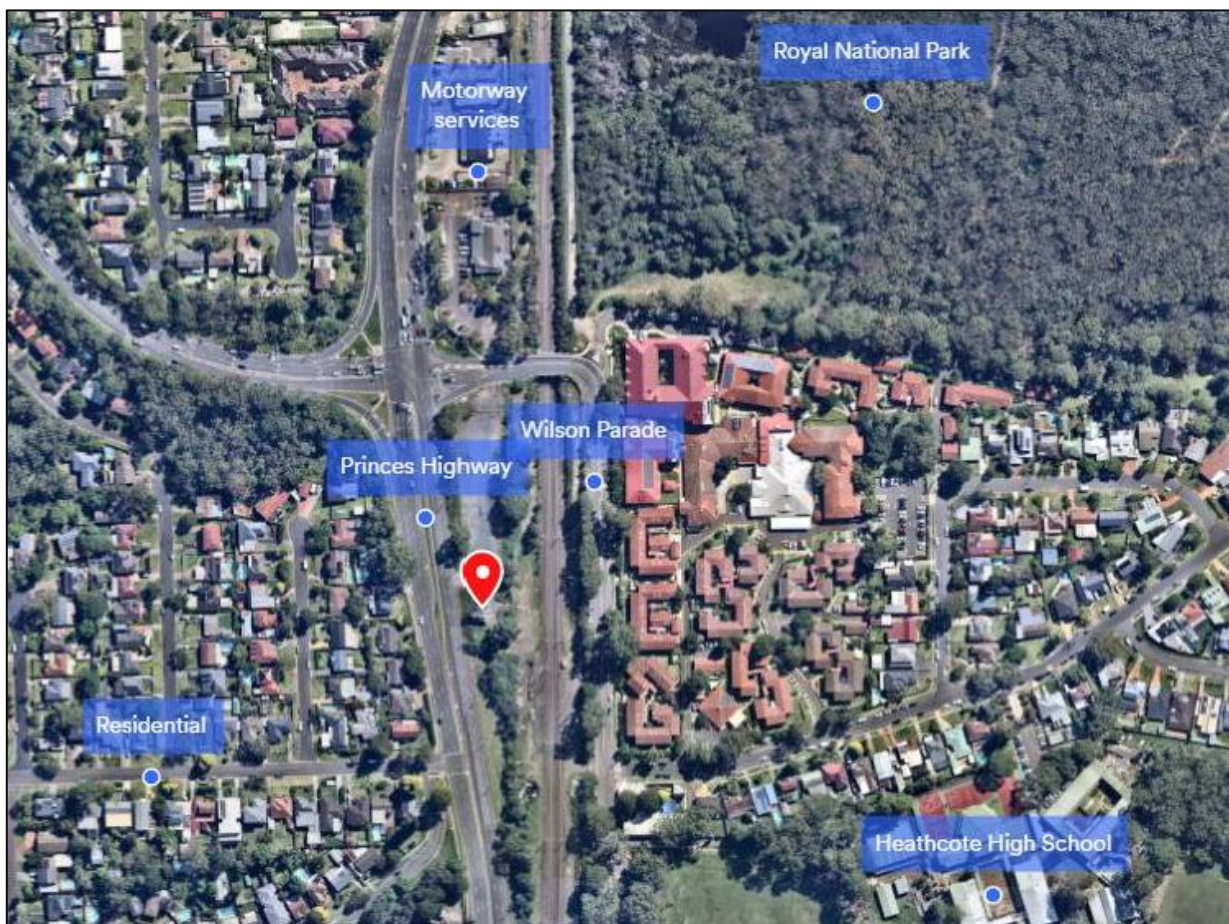


Figure 1 | Local context map (Source: SEE. 2024).



Figure 2 | Advertising structure facing southbound on Princes Highway (Source: SEE, 2024).



Figure 3 | Advertising structure facing northbound on Princes Highway (Source: SEE, 2024).

The existing advertising structure supports two advertising display areas that face the southern and northern directions of the Princes Highway (Figure 2 and Figure 3). The advertising structure is freestanding with one large metal pole (monopole) in its centre that holds the two existing advertising display areas. The existing advertising display areas are 12.66 metres wide and 3.35

metres high. The advertising content is static and is externally illuminated by three downward-facing lights that extend from the top of each of the two advertising display areas.

1.3 Application background

On 3 July 2008, the then Minister for Planning granted development consent for the construction and operation of a double-sided, externally illuminated freestanding advertising structure 8.5 metres high (DA 7-1-2008) (original application). The original application was approved to contain two supersite advertising display areas 12.66 metres wide and 3.35 metres high (42.41 square metres).

On 11 November 2009, the Department determined an application to modify the development consent (DA 7-1-2008 MOD 1) to remove condition D1, which required the use of biodegradable PVC material (Bioflex or similar where possible) to be installed on all future advertising skins (signage).

1.3.1 Duration of development consent (DA 7-1-2008)

Condition A4 of DA 7-1-2008 stipulates that the development consent is issued for a limited period of 15 years.

1.4 Surrounding Context

The site is directly bounded by the Princes Highway six metres to the west, the Illawarra railway line to the east and an unused open storage area to the north. The Princes Highway in this location provides three lanes of vehicle traffic in each direction. The posted speed limit is 70km/h on approach to the sign in each direction.

The surrounding area is predominantly residential, with the site located approximately 35 metres east of the closest residential receivers on the western side of the Princes Highway (**Figure 1**). Heathcote High School, St. Vincent's Aged Care, and further residential dwellings are located to the east, with the Illawarra railway line in between. Residential dwellings are predominantly one or two-storey detached properties. Royal National Park is located east of the site and Heathcote National Park is located to the west.

2 Development

2.1 Development overview

Key aspects of the development are provided in detail in Chapter 4 of the SEE and are outlined in Table 1. The proposed signs are shown in Figure 2 and Figure 3.

Table 1 | Key aspects of the project

Aspect	Description
Development summary	<ul style="list-style-type: none">• continue operation of two existing illuminated static advertising display areas near the corner of Princes Highway and Wilson Parade at Heathcote
Advertising structure location	<ul style="list-style-type: none">• Lot 1 DP549778• located near the corner of Princes Highway and Wilson Parade at Heathcote (approximately 120m south of the intersection junction)• advertising display areas are oriented to face northbound and southbound traffic on Princes Highway
Advertising display area (per sign)	<ul style="list-style-type: none">• 42.41 square metres (12.66 metres x 3.35 metres)
Height	<ul style="list-style-type: none">• Approximately 8.5 metres above the ground (to the top of the advertising structure)
Advertising type	<ul style="list-style-type: none">• Static (non-digital)• Externally illuminated with three overheard lights on each sign (120-watt LEDs illuminated from dusk until dawn)
Consent period	<ul style="list-style-type: none">• 15 years

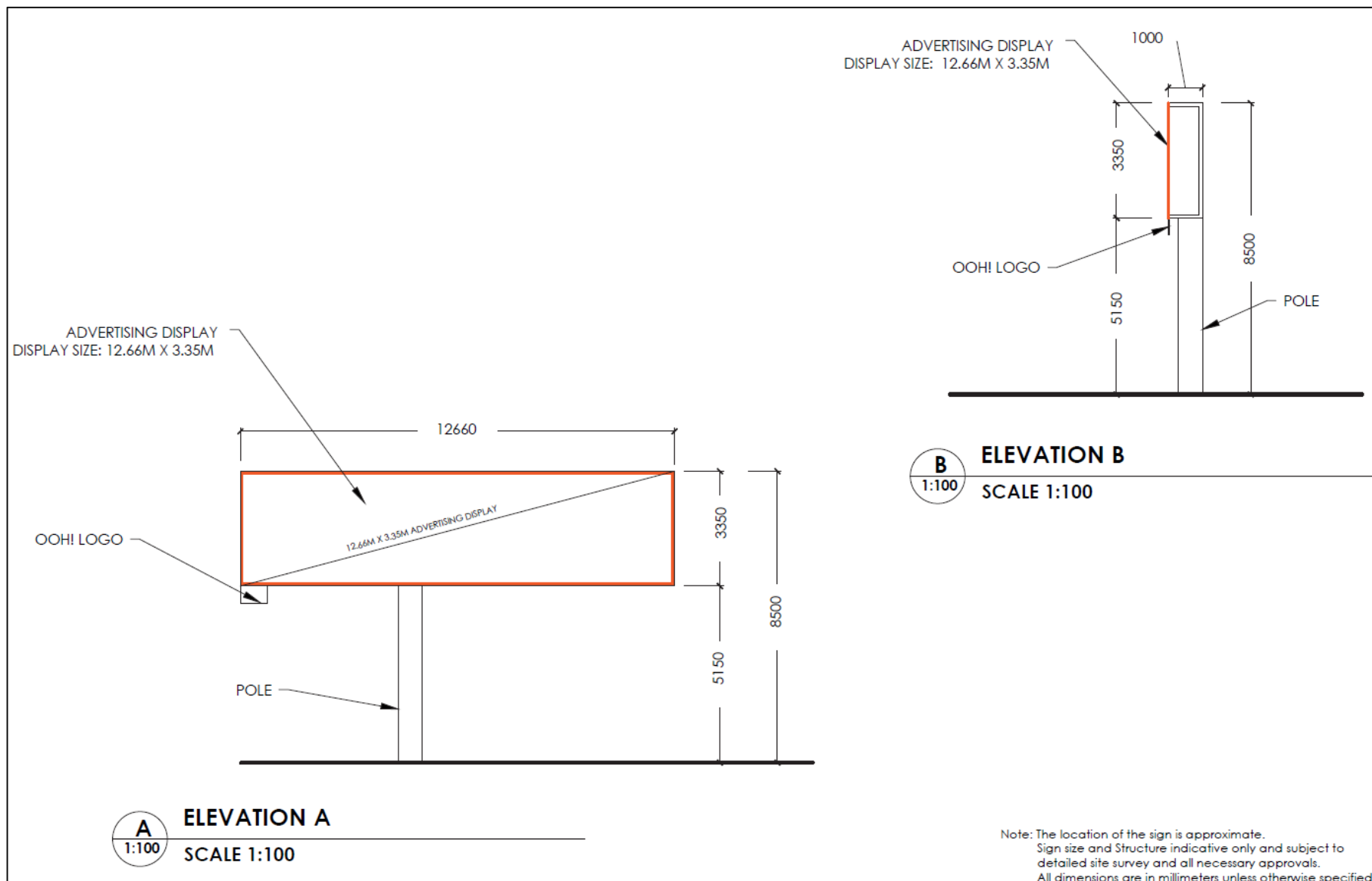


Figure 4 | Proposed elevations (Source SEE, 2024).

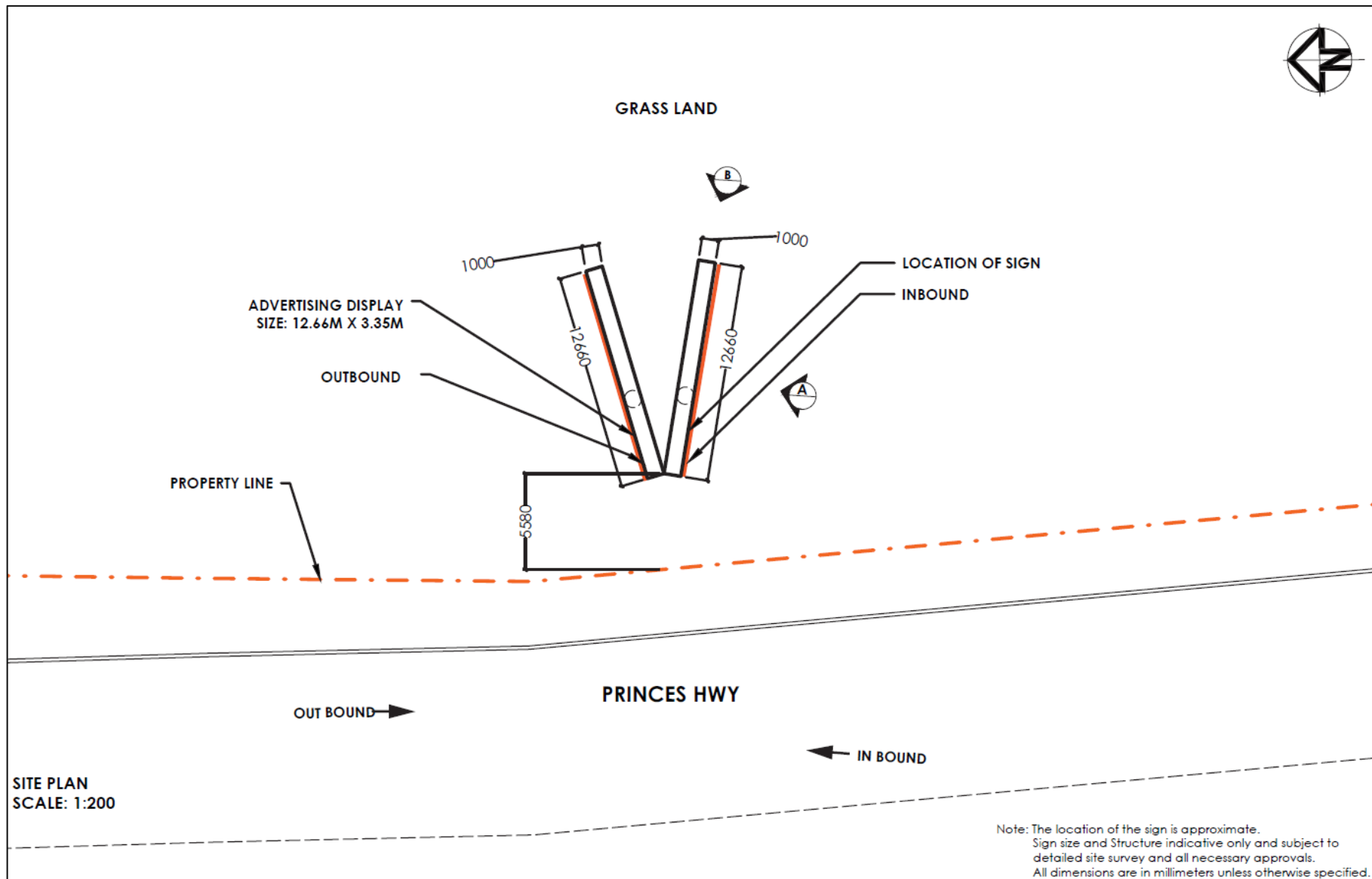


Figure 5 | Proposed site plan (Source SEE, 2024).

3 Statutory context

3.1 Permissibility and assessment pathway

Details of the planning pathway under which consent is sought and the permissibility of the development are provided in Table 2 below.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The application is a Crown DA pursuant to part 15 section 294 of the EP&A Regulation and division 4.6 of the EP&A Act as the Applicant, TfNSW, is a public authority. The application will be assessed under part 4 of the EP&A Act.
Consent authority	The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application, as prescribed under section 3.10(d)(iii) of State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).
Decision-maker	<p>In accordance with the Minister's delegation dated 9 March 2022, the Director, Transport and Water Assessments may determine the application as:</p> <ul style="list-style-type: none"> the application has not been made by a person who has disclosed a reportable political donation; there are less than 15 public submissions in the nature of objections; and the council has not made a submission by way of objection.
Permissibility	<p>The site is zoned E3 Productivity Support under the Sutherland Shire Local Environmental Plan 2015 (Sutherland LEP). The development is characterised as an 'advertising structure', which is prohibited in the E3 zone.</p> <p>However, under division 4.11, section 4.65 'existing use' of the EP&A Act, the advertising structure can be characterised as an existing use. The existing advertising structure was approved before the Sutherland Shire LEP came into force, which had the effect of prohibiting advertising structures in E3 zones. Further, continuance of an existing use is permitted under section 4.66 of the EP&A Act, in the case where there are no modifications, alterations, expansions or works proposed to an existing development.</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 signage by or on behalf of TfNSW and within 250 metres of a classified road corridor is permissible with development consent.</p> <p>As the development is for the continued use of an advertising structure to display signage on behalf of TfNSW within 250 m of a classified road, it is permissible with consent.</p>

3.2 Mandatory matters for consideration

3.2.1 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 shown in Table 3 below.

Table 3 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	<p>The relevant EPIs and guidelines that apply to the project are:</p> <ul style="list-style-type: none">• State Environmental Planning Policy (Industry and Employment) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• Transport Corridor Outdoor Advertising Signage Guidelines 2017 (the Guidelines)• Sutherland Shire Local Environmental Plan 2015• Sutherland Shire Development Control Plan 2015 <p>Detailed consideration of the provisions of the EPIs is provided in Appendix B. The Department is satisfied that the development generally complies with the relevant provisions of the EPIs.</p>
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)	Appendix B
Likely impacts	Section 5 - Assessment
Suitability of the site	Section 5 - Assessment
Public submissions	Section 4 - Engagement and Section 5 - Assessment
Public interest	Section 4 - Engagement, Section 5 - Assessment and Section 5 0 - Evaluation

3.2.2 Objects of the EP&A Act

In determining the application, the consent authority must consider whether the project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in Appendix B.

As a result of the analyses in Appendix B, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

3.2.3 Biodiversity development assessment report

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

The proposed development is an existing signage structure in a cleared area. No excavation or construction works are proposed. The Applicant advised the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats. Therefore, a BDAR is not required.

4 Engagement

4.1 Exhibition of the Development Application

4.1.1 Public exhibition of the SEE

After accepting the development application and SEE, the Department:

- publicly exhibited the application from Friday 15 March 2024 until Thursday 28 March 2024 inclusive 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 Sutherland Shire council.

4.1.2 Summary of advice received from government agencies

The Greater Sydney Division of TfNSW recommended the following requirements:

- compliance with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*
- restrictions on the types of images contained/used on any sign, e.g. must not contain flashing or flickering lights or content
- a Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre for any work that may impact traffic flows on the State road network during work.

4.1.3 Summary of submissions

The Department received zero submissions during the exhibition of the SEE.

4.1.4 Feedback

Sutherland Shire council reviewed the development application and responded noting that it had no comment. This response was received after the public exhibition period closed and is therefore considered feedback.

5 Assessment

The Department considers the key issues associated with the development are:

- design and suitability of the site
- residential amenity
- structural feasibility.

Each of these matters is addressed separately below. Other issues have been considered and assessed in Table 4.

5.1 Design and suitability of the site

The Applicant seeks to continue the operation of two existing illuminated static advertising display areas on an existing advertising structure, near the corner of Princes Highway and Wilson Parade at Heathcote. The advertising structure is a double-sided “V” shaped front-lit supersite monopole, with an approximate advertising area of 42.41 square metres on each sign.

The Department considers the design and location of the existing advertising structure to be suitable for the following reasons:

- the existing advertising structure has been in place for 15 years. No construction work is proposed as part of the development application
- it complies with the design criteria of the Industry and Employment SEPP, the Guidelines and AS/NZS 4282:2023 – *Control of the Obtrusive Effects of Outdoor Lighting* (see **Appendix B**)
- the existing advertising display area and advertising structure fit the character of the locality (being an urban and developed transport corridor), with the Princes Highway and Illawarra railway line nearby. The advertising structure is on land owned by TfNSW, within 250 metres of a classified road and is consistent with static signage on other major roads.

The Department is satisfied the design and location of the site remains suitable and continued use (and addition of lighting baffles) would not result in additional amenity impacts.

5.2 Residential amenity

The Applicant assessed the visual impacts on nearby residences, including illumination at night. Potential visual impacts are considered in Section 5.2.1 and potential illumination impacts in Section 5.2.2.

5.2.1 Visual impact

The Visual Impact Assessment (VIA) showed views of the advertising structure from ten viewpoints along the western side of Princes Highway shown in Figure 6. The VIA concluded that the visual impact of the advertising structure is:

- negligible to minor at viewpoints 1, 2 and 10
- minor at viewpoints 3, 8 and 9
- minor to moderate at viewpoints 4, 5 and 7
- moderate at viewpoint 6.

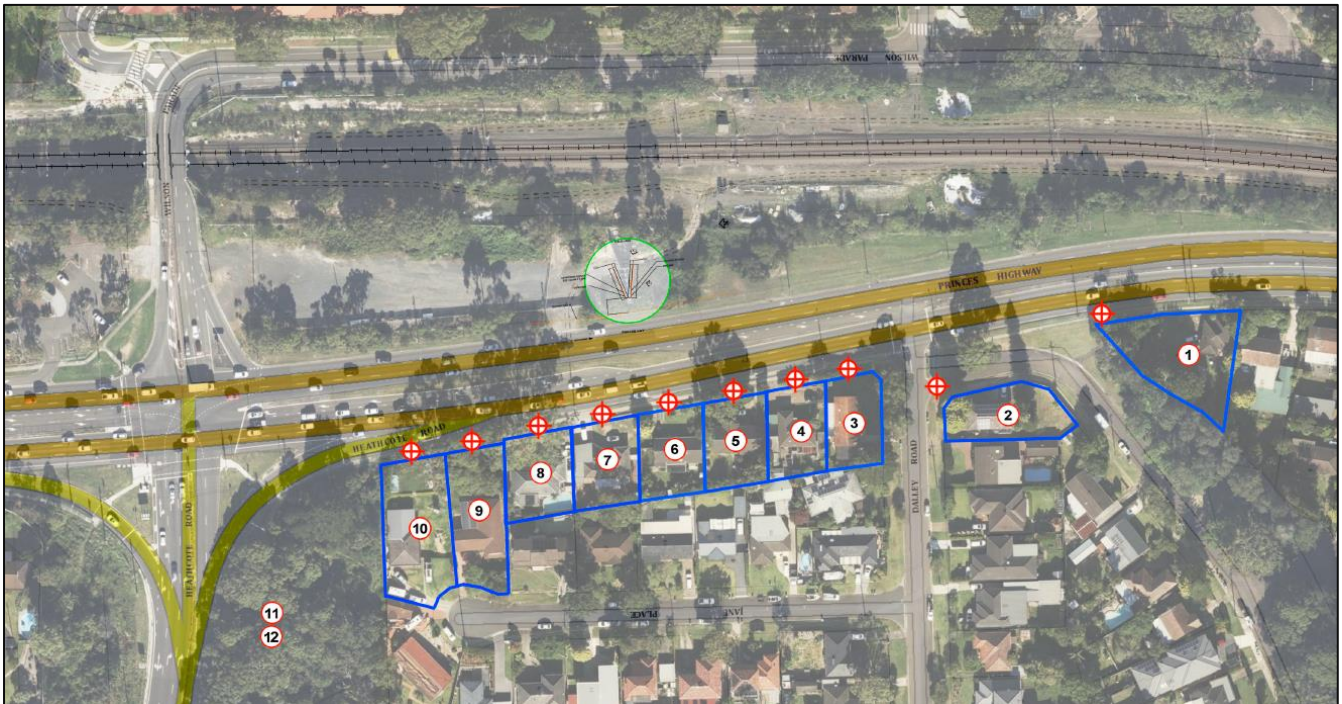


Figure 6 | Neighbouring property viewpoint locations for visual impact assessment (Source: VIA, 2024)

Elements such as existing mature vegetation and street lighting limit views from most residences to the advertising structure. However, the front boundaries of residences at viewpoints 6 and 7 are clear of vegetation and have a direct view of the highway and advertising structure beyond. In particular, viewpoint 6 has a clear line of sight to the signs and advertising structure (Figure 7), which will not change.

Residences to the east have low visibility of the advertising structure due to landscape screening between the advertising structure and the Illawarra railway line, and between the Illawarra railway line and Wilson Parade.



Figure 7 | View towards the sign from viewpoint 6 (Source: VIA, 2024)

The Visual impact of the signs and advertising structure are acceptable as:

- the view would remain unchanged from the existing situation for a small number of residences on the western side of Princes Highway, but front yard landscaping screens the view for most
- vegetation in the road and rail corridor obscures views of the advertising structure from the eastern side of Princes Highway and Illawarra railway line
- the advertising structure does not obscure or compromise important views and does not protrude above the vegetation
- the advertising structure is consistent with the visual requirements of the Industry and Employment SEPP and the Guidelines (**Appendix B**).

5.2.2 Illumination

Each advertising display area is illuminated by three 120W LED floodlights bracket-mounted at 1.4 metres above and 2.5 metres out from the signage. The floodlights operate all night (7 days per week) and are switched off during the day. The lighting is not dimmable.

The Lighting Impact Assessment (LIA) recommends fitting floodlights with baffles to mitigate impacts of upward waste light and to meet the requirements of *Australian Standard 4282:2023*

Control of the Obtrusive Effects of Outdoor Lighting. The Department proposes a condition to this effect.

The Guidelines specify a maximum luminance night time level for non-digital signage with an area over 10 sqm of 100 cd/sqm¹ during night-time in areas with generally low levels of off-street ambient lighting, including areas with nearby residential properties (Zone 4). The LIA commits to not exceed the maximum luminance of 100 cd/sqm on the sign during night-time. The sign is therefore consistent with relevant luminance requirements of the Guidelines and *Australian Standard 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*.

The Department accepts that illumination of the signs can meet luminance criteria and therefore would not result in unacceptable glare or detract from the amenity of nearby residences.

5.3 Structural feasibility

The SEE was accompanied by a Structural Assessment Report (JMP Consulting Engineers Pty Ltd, dated 1 March 2024). It concluded that the existing advertising display areas and advertising structure meet current construction standards and that the structural integrity is sound². The Structural Assessment Report recommended that surface corrosion be wire brush cleaned and treated at the next scheduled maintenance, and that the advertising structure be re-inspected every three years.

To ensure the longevity of the structural integrity of the advertising structure, advertising and display areas, the Department recommends conditions relating to structural integrity, maintenance, and compliance with relevant Australian standards, including the preparation of a Maintenance Plan. The Maintenance Plan would outline measures to treat surface corrosion, provide a schedule of structural inspections and audits, and include a checklist of the items to be maintained and the frequency of maintenance.

¹ taken to be 25% of the maximum daytime limit of 400 cd/sqm as per Table 5 of the Guidelines

² the design is in accordance with relevant structural requirements of the BCA (2022, Volume 1), provisions of the National Construction Code (NCC), AS/NZS 1170.2:2021 *Structural Design Actions – Part 2: Wind Actions*, and AS 4100:2020 – *Steel Structures*.

5.4 Other issues

The Department's consideration of other issues is summarised in Table 4 below.

Table 4 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Road and cyclist safety	<p>The Applicant prepared Traffic Safety Assessments (TSA) for the southbound and northbound approaches to the advertising structure. These assessed driver sightlines, nearby crash data and consistency with the Industry and Employment SEPP and the Guidelines.</p> <p>There have been six reported crashes (four occurring at the Heathcote Road/Wilson Parade intersection and not in clear view of the sign) in the southbound direction, and one northbound (53 metres before the sign) between 2017-2021. It was concluded that there is not an unusually high or inherently high crash risk on the approach to the advertising structure.</p> <p>Overall, the Department accepts that the signs and advertising structure do not appear to pose a risk to road and pedestrian/cyclist safety as they:</p> <ul style="list-style-type: none">• do not physically obstruct or interfere with the view of, or restrict sight distances to any intersections, traffic control devices, vehicles, pedestrians or cyclists• there are no off-road pedestrian or cycle paths on the eastern side of the Princes Highway (same side as the signage), therefore risks to pedestrians and cyclists are relatively low.• would display static images only• would not increase safety risk during night-time illumination of the signage as there is no material change in how drivers glance at a lit sign at night vs. an unlit sign during the day, when considering other stimuli in their visual field	<p>The Department recommends conditions of consent that seek to ensure illumination and images displayed on the sign minimise glare and do not distract drivers. For example, illumination must not distract or dazzle drivers, or contain flashing or flickering lights or content.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> is consistent with the Industry and Employment SEPP, Transport for NSW Advertising Sign Safety Assessment Matrix and the Guidelines. 	
Public benefit	<p>The Public Benefit Statement provided with the development application advised that revenue generated from advertising on the signs would be re-invested into road infrastructure maintenance, network management, road user compliance activities and road safety programs across NSW.</p> <p>The PBS noted that signs provide affordable advertising space for road safety messages in prime locations, and that advertising campaigns have played an important role in addressing road safety problems across NSW.</p> <p>The Department has considered the PBS and is satisfied the proposed development would result in sufficient public benefits, as it would contribute to infrastructure maintenance, network management and road safety programs across NSW. This is broadly consistent with the Guidelines.</p>	<p>The Department recommends a condition requiring the advertising structure be made available for one four-week period each year for the display of road safety messages.</p> <p>The Department also recommends a condition for TfNSW to record and report how the revenue generated from signs has been applied to provide a public benefit in its annual reports.</p>
Biodiversity	<p>The SEE identified a small area of shrubs and trees to the south of the advertising structure, containing <i>Banksia spinulosa</i> (Hairpin Banksia), <i>Acacia fimbriata</i> (Fringed Wattle), and <i>Casuarina glauca</i> (Swamp She-Oak). These species are not listed in Schedule 1 or Schedule 2 of the <i>Biodiversity Conservation Act 2016</i> (BC Act). Therefore parts (a), (b) and (c) of the ‘test of significance’ do not apply.</p> <p>As the development is unlikely to have a significant impact on biodiversity values, a Biodiversity Development Assessment Report (BDAR) is not required.</p> <p>Regular pruning of shrubs and trees (including weeding) is proposed to maintain clearance for utility services, provide a clear view of the signs</p>	<p>The Department recommends the preparation of a Maintenance Plan, which amongst other matters, requires the management of vegetation beneath and immediately surrounding the advertising structure.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>and improve the safety, structure and health of trees and shrubs.</p> <p>The Department is satisfied that the proposed development would not have adverse impacts on biodiversity values, as no vegetation removal is required beyond routine maintenance activities (e.g. pruning).</p>	

6 Evaluation

The Department has assessed the development application and supporting information against the relevant matters for consideration under Part 4 of the EP&A Act, including the Industry and Employment SEPP, and other relevant environmental planning instruments. The Department's assessment concludes the proposed development is acceptable as:

- it is permissible with development consent on transport corridor land under the Industry and Employment SEPP and is consistent with the objectives of the SEPP and the Transport Corridor Outdoor Advertising Signage Guidelines 2017 (the Guidelines).
- it would not change the character of the area and is consistent with the existing urban and transport corridor character of the locality
- its luminance levels are consistent with the Guidelines and Australian Standards for outdoor lighting to protect the nearby residential amenity and driver safety, particularly at night
- the visual impacts on surrounding residential properties are unchanged
- it complies with the relevant current road safety standards and requirements
- it will not significantly affect threatened species or ecological communities, or their habitats
- it will provide public benefit as revenue generated will contribute to funding to support road infrastructure maintenance, network management, road user compliance activities and road safety programs across NSW.

The Department's assessment concludes that the impacts of the proposed development are acceptable, and it is in the public interest. The Department recommends the application be approved, subject to the recommended conditions (**Appendix C**).

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 approve the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 23/11559, subject to the conditions in the attached development consent.
- **signs** the attached development consent.

Recommended by:



Nathan Heath
Senior Planning Officer
Transport and Water Assessments

Recommended by:



Lisa Mitchell
Team Leader
Transport and Water Assessments

8 Determination

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



Glenn Snow

Director

Transport and Water Assessments

Glossary

Abbreviation	Definition
Advertisement	Has the same meaning as signage and includes any advertising structure for the advertisement
Advertising display area³	The area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures
Advertising structure	a structure or vessel that is principally designed for, or that is used for, the display of an advertisement
Council	Sutherland Shire Council
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Industry and Employment SEPP	State environmental planning policy (Industry and Employment) 2021
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
Signage	All signs, notices, devices, representations and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally used for the display of signage
TfNSW	Transport for NSW

³ Has the same meaning as the definitions in Part 3.2 of the State Environmental Planning Policy (Employment and Industry) 2021

Appendices

Appendix A – List of referenced documents

The following supporting documents and additional information to this assessment report can be found on the NSW Planning Portal as follows:

- Statement of Environmental Effects and supporting technical reports
- agency advice and council submission

<https://www.planningportal.nsw.gov.au/daex/under-consideration/continued-use-existing-advertising-signage-princes-highway-heathcote-da-2311559>

Appendix B – Statutory considerations

In line with the requirements of section 4.15 of the EP&A Act, the Department's assessment has included detailed consideration of the relevant statutory requirements. These include:

- the objects of the EP&A Act (section 1.3)
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations
- the matters for consideration under division 4.6 of the EP&A Act.

The Department has considered each of these matters which are summarised in Table 5, Table 6, and Table 7 below.

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table 5 below.

Table 5 | 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 development seeks to maximise the use of the site and would not adversely impact on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The development is not inconsistent with any relevant economic, environmental and social considerations.
(c) to promote the orderly and economic use and development of land,	The development involves the orderly and economic use of land through the utilisation of land between a major road and rail corridor.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The development would not have adverse effects on threatened or other species of native animals and plants, ecological communities and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development does not have a significant impact on built or cultural heritage.

Object	Consideration
(g) to promote good design and amenity of the built environment,	The development would not result in unacceptable built form impacts.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The development is not for an occupiable building.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The development application was referred to relevant government agencies and council during the exhibition period for comment. The Department has given due consideration to advice received.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the development application as outlined in Section 4 .

Matters for consideration under section 4.15 of EP&A Act

Table 6 | Matters for consideration under section 4.15 of EP&A Act

Object	Consideration
(a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development application further below in Appendix B .
(i) any environmental planning instrument, and	
(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 approached), and	The Department has considered the relevant environmental planning instruments in its assessment of the development application. Details of the assessment are provided in Appendix B .
(iii) any development control plan, and	The project is consistent with the relevant / applicable objectives of the Sutherland Shire Development Control Plan 2015 (Table 12).
(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a	The Applicant has not entered into a planning agreement under section 7.4 of the EP&A Act.

Object	Consideration
<p>developer has offered to enter into under section 7.4, and</p>	
<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>	<p>The development application has been assessed in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.</p>
<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>	<p>The likely impacts of the development have been considered in Section 5. Residual environmental impacts can be appropriately managed or mitigated through the recommended conditions of consent.</p>
<p>(c) suitability of the site for the development,</p>	<p>The site is zoned E3 Productivity Support under the Sutherland Shire Local Environmental Plan 2015 (SSLEP). The development is characterised as an ‘advertising structure’, which is prohibited in the E3 zone.</p> <p>The existing advertising structure was approved before the SSLEP came into force, which prohibits advertising structures in E3 zones. However, under division 4.11, section 4.65 ‘Existing uses’ of the EP&A Act, the advertising structure on the site is an existing use. Further, section 4.66 of the EP&A Act provides for continuance of an existing use, in the case where there are no modifications, alterations, expansions or works proposed to an existing development.</p> <p>Regardless, section 3.14 of 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 TfNSW and within 250 metres of a classified road corridor is permissible with development consent.</p> <p>As the development application is for the display of an advertisement on behalf of TfNSW within 250m of a classified road, the signage is permissible with consent.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>No submissions were received during exhibition of the development application.</p>

Object	Consideration
(e) the public interest.	The Department considers the development to be in the public interest (refer to Section 5).

Matters for consideration under division 4.6 of EP&A Act

Table 7 | Matters for consideration under division 4.6 of EP&A Act

Object	Consideration
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Section 4.32 Definitions

<p>(1) In this Division –</p> <p>Crown development application means a development application made by or on behalf of the Crown.</p>	<p>Section 1.4 in the Act prescribes:</p> <p>public authority means –</p> <p>(a) <i>a public or local authority constituted by or under an Act, or</i></p> <p>(b) <i>a Public Service agency, or</i></p> <p>(c) <i>a statutory body representing the Crown, or</i></p> <p>(d) <i>a Public Service senior executive within the meaning of the Government Sector Employment Act 2013, or</i></p> <p>(e) <i>a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or</i></p> <p>(f) <i>a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or</i></p> <p>(g) <i>a person prescribed by the regulations for the purposes of this definition.</i></p> <p>The Applicant is considered to constitute a public authority, and the application is considered to be a Crown Development Application.</p>
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Section 4.33 Determination of Crown development applications

<p>(1) A consent authority (other than the Minister) must not –</p> <p>(a) refuse its consent to a Crown development application, except with the approval of the Minister, or</p> <p>(b) impose a condition on its consent to a Crown development application, except with the approval of the Applicant or the Minister.</p>	<p>The Minister is the consent authority.</p>
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Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to ESD principles. The precautionary and inter-generational equity principles have been implemented throughout the decision-making process and assessment of the project's environmental impacts are detailed in Section 5.

EP&A Regulation

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification and fees have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following were considered as part of the assessment of the development application:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017
- Sutherland Shire Local Environmental Plan 2015 (SSLEP)
- Sutherland Shire Development Control Plan 2015 (SSDCP).

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP applies to signage that can be displayed with or without development consent and is visible from a public place or public reserve. The proposed static signage has been assessed against the requirements of the Industry and Employment SEPP in **Table 8** and the specific assessment criteria of schedule 5 of the Industry and Employment SEPP in

Table 9.

Table 8 | Industry and Employment SEPP Compliance Assessment

Object	Criteria	Comments	Consistent with
Part 3.2 Signage Generally			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this policy	The signage is compatible with the desired amenity and visual character of the area, provides effective communication and is of high quality finish, and is therefore consistent with the objectives of the Industry and Employment SEPP	Yes
	The signage is to satisfy the assessment criteria in Schedule 5	See relevant assessment in Table 9	Yes
Part 3.3 Advertisements			
3.10 Consent authority	The consent authority is the Minister for Planning in the case of an advertisement displayed by or on behalf of TfNSW on land that is owned, occupied or managed by TfNSW	The development application is for continued use of signage displayed by or on behalf of TfNSW on TfNSW owned land, therefore the Minister for Planning and Public Spaces is the consent authority	Yes
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this policy ii. assessed in accordance with the assessment criteria in schedule 5 and the Guidelines iii. satisfies any other relevant requirements of this policy 	<p>The objectives are considered above</p> <p>The development application has been assessed in accordance with the assessment criteria in Schedule 5 in Table 9 and the Guidelines in Table 10</p> <p>All other relevant requirements are addressed in this table</p>	Yes

Object	Criteria	Comments	Consistent with
	Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement	The development application has demonstrated it will provide for public benefit (refer to Section 5)	Yes
3.12 Duration of consents	A consent granted under this part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 4 (20) of the EP&A Act	The Department recommends a condition of consent to limit the consent to a maximum period of 15 years from the date of consent.	Yes
3.14 Transport corridor land	The display of an advertisement by or on behalf of TfNSW on land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road	The development application is for signage on land owned by TfNSW and within 250 metres of a classified road and is therefore permissible with consent	Yes
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> i. the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council have been considered by the Minister, and ii. the advice of any design review panel has been considered by the Minister, and iii. the Minister is satisfied that the advertisement is consistent with the Guidelines 	<p>Sutherland Shire Council was notified of the development application and provided no comment (refer to Section 4)</p> <p>There was no design review panel for this development application</p> <p>An assessment of the development application against the Guidelines is provided in Table 10</p>	Yes

Object	Criteria	Comments	Consistent with
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above the ground	<p>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 project is acceptable in terms of its impacts, and</p> <p>(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.</p>	<p>The signs have a display area greater than 20 square metres and are higher than 8 metres above the ground.</p> <p>The Applicant provided a SEE which addresses the assessment criteria in schedule 5. The Department is satisfied that the impacts of the application are acceptable.</p> <p>While section 3.16 does not apply, the Department provided a copy of the development application to TfNSW during the exhibition period.</p> <p>The application was exhibited in accordance with schedule 1 of the EP&A Act (Section 4)</p>	Yes
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW	This section does not apply when the Minister is the consent authority, regardless comment was sought from TfNSW and considered in the Department's assessment	N/A
3.17 Advertising display area greater than 45 square metres	<p>The consent authority must not grant consent to the display of an advertisement with an advertising display area of greater than 45 square metres unless:</p> <p>i. a development control plan is in force that has been prepared on the</p>	The proposed signage has an advertising display area of 42.41 square metres and therefore this section doesn't apply	N/A

Object	Criteria	Comments	Consistent with
	<p>basis of an advertising design analysis for the relevant area or precinct, or</p> <p>ii. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>		
3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <p>i. appear only within the advertising display area</p> <p>ii. not be greater than 0.25 square metres</p> <p>iii. be included in calculating the size of an advertising display area</p>	<p>The advertising structure contains a small company logo (0.25 square metres in size) in the bottom corner of both the southbound and northbound facing signs</p>	<p>The existing logo extends beyond the advertising display area, however it is consistent with size requirements and does not affect safety or structural integrity of the advertising structure.</p>
3.21 Freestanding advertisements	<p>The consent authority may grant consent only if the consent authority is satisfied that the advertisement does not protrude above the dominant skyline</p>	<p>The signage does not protrude above the dominant skyline</p>	<p>Yes</p>

Table 9 | Industry and Employment SEPP Schedule 5 Compliance Table

Assessment Criteria	Consideration and Comments	Complies
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 signs and advertising structure are compatible with the adjacent road corridor.	Yes.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signs and advertising structure is consistent with the design and scale of other static externally illuminated signs located along major roads in the locality.	Yes.
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 spaces areas, waterways, rural landscapes or residential areas?	<p>The signs and advertising structure are not located within, nor detract from, any environmentally sensitive, heritage, natural or other conservation areas, open spaces, waterways or rural landscapes.</p> <p>The signs and advertising structure would not impact adjacent conservation areas of Heathcote National Park and Royal National Park, given:</p> <ul style="list-style-type: none"> the proximity of each from the signage the signage is an existing use, and no amendments or alterations are proposed in its current form, the signage does not detract from the visual amenity or visual quality of these areas. <p>The signs and advertising structure are located near a residential zone, however, is not considered to significantly detract from the amenity or visual quality of residences (Section 5.2).</p>	Yes.
3 Views and vistas		
Does the proposal obscure or compromise important views?	The signs and advertising structure do not obscure or compromise important views.	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	The signs and advertising structure do not dominate the skyline or reduce the quality of vistas.	Yes.

Assessment Criteria	Consideration and Comments Comments	Complies
Does the proposal respect the viewing rights of other advertisers?	The signs and advertising structure do not impact the viewing rights of other advertisers.	Yes.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signs and advertising structure are appropriate for the streetscape, setting and landscape.	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The Applicant considers the signs and advertising structure contribute to the visual interest of the streetscape by creating a positive visual amenity on the Princes Highway.	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs and advertising structure do not contribute to additional visual clutter.	Yes.
Does the proposal screen unsightliness?	The signs and advertising structure are located adjacent to the Princes Highway to the west, and the Illawarra rail line to the east, and acts as a positive enhancement to the visual landscape. Further, there is an unused area of land to the north of the site and the signage enhances the visual amenity of the vacant area.	Yes.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs and advertising structure do not protrude above buildings, structures or tree canopies in the area or locality.	Yes.
Does the proposal require ongoing vegetation management?	Ongoing vegetation management (e.g. pruning of trees and shrubs) is required to ensure consistent visibility of the signage, increase public safety and reduce overgrown vegetation.	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?	The scale of the signs and advertising structure is appropriate for the context of the site and supports the character of the area.	Yes.
Does the proposal respect important features of the site or building, or both?	The signs and advertising structure are below the tree canopy and do not obscure site to any important features.	Yes.

Assessment Criteria	Consideration and Comments Comments	Complies
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	There are no other buildings or structures on the site and the advertising structure is a standalone structure.	Yes.
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The advertising structure includes an existing access ladder, safety platform, and small company logo (0.25m ²) to the bottom of each sign. The signs are lit by 3 overhead downward facing lights on each sign.	Yes.
7 Illumination		
Would illumination result in unacceptable glare?	The signs and advertising structure would not result in unacceptable glare. The Department has recommended a condition of consent requiring all signage floodlights to be fitted with baffles, in accordance with <i>AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Yes.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signs and advertising structure would not adversely affect safety for pedestrians, vehicles or aircraft. The Department has recommended a condition of consent requiring all signage floodlights to be fitted with baffles, in accordance with <i>AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Yes.
Would illumination detract from the amenity of any residence or other form of accommodation?	The signage illumination would not detract from the amenity of any residence or other form of accommodation.	Yes.
Can the intensity of the illumination be adjusted, if necessary?	The Applicant advised the existing lighting is not dimmable, however, the luminance is significantly lower than the allowable maximum limit and is approaching the minimum acceptable luminance for visibility. The Applicant considered dimming is therefore not required.	N/A.
Is the illumination subject to a curfew?	The signage illumination is not subject to a curfew.	N/A.
8 Safety		

Assessment Criteria	Consideration and Comments Comments	Complies
Would the proposal reduce the safety for any public road?	The signs and advertising structure would not reduce safety for any public road.	Yes.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signs and advertising structure would not reduce safety for pedestrians or bicyclists.	Yes.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs and advertising structure would not obscure sightlines from public areas.	Yes.

Transport Corridor Outdoor Advertising and Signage Guidelines

The Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines) outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of the Industry and Employment SEPP by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The development application has been assessed against the Guidelines in Table 10.

Table 10 | Assessment against the Guidelines

Assessment Criteria	Comments	Complies
Land use compatibility criteria – Table 1		
(i) The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	Although advertising signage is prohibited in the E3 Productivity Support zone, the signage is permissible under section 3.14 of the Industry and Employment SEPP. The Applicant considers the development is consistent with the land use objectives for the E3 zone in the SSLEP 2015.	Yes.
(ii) Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National Park or nature reserve. 	The signs and advertising structure are unlikely to create adverse amenity impacts on any environmentally sensitive area, heritage area, natural/other conservation area, open space, waterway, scenic protection area, national park or nature reserve. The signs and advertising structure would be visible from the Princes Highway and is in a transport corridor. An assessment of potential impacts to surrounding residential receivers is provided in Section 5.	Yes.

Assessment Criteria	Comments	Complies
(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 signs and advertising structure do not dominate or protrude above the skyline. There are no significant scenic views along the Princes Highway that are compromised.	Yes.
(iv) Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The signs and advertising structure do not diminish heritage values of items or areas of local, regional or state significance.	Yes.
(v) Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	The signs and advertising structure are located adjacent to the Princes Highway to the west, and the Illawarra rail line to the east, and act as a positive enhancement to the visual landscape. Further, there is an unused area of land to the north of the site and the signage enhances the visual amenity of the vacant area.	Yes.

2.5 Site specific and structural criteria

2.5.1 General criteria

(a) The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The development is of a contemporary standard that is suitable for the transport corridor.	Yes.
(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 development is compatible with adjacent road infrastructure.	Yes.
(c) The advertising signage should be in keeping with important features of the site, building or bridge structure.	The signs and advertising structure are in keeping with the surrounding road corridor character.	Yes.

Assessment Criteria	Comments	Complies
(d) The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The development application does not incorporate landscaping, beyond pruning of existing shrubs and small trees to the south of the advertising structure during operation. No trees or vegetation are proposed to be removed as part of the development application.	Yes.
(e) The advertisement proposal should incorporate landscaping that complements the advertising signage and is keeping with the landscape and character of the transport corridor.	The development application does not incorporate landscaping and the advertising structure would continue to be in character with the road corridor.	Yes.
(f) Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage structure on which it is to be displayed.	The advertising structure consists of an existing access ladder, safety platform, and small company logo (0.25m ²) to the bottom of each sign. Each of the two signs are lit by 3 overhead downward facing lights.	Yes.
(g) Illumination of advertisements must comply with the requirement in Section 3.3.3 of the Guidelines.	The illumination would not result in unacceptable light spill (Section 5.2.2). The Department has recommended a condition of consent requiring all floodlights must meet luminance criteria for non-digital signs set out in Table 5 of the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017).	Yes.
(h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The development would not result in unacceptable light spillage to nearby residential properties, national parks or nature reserves (Section 5.2.2).	Yes.

2.5.4 Freestanding advertisements criteria

(a) The advertising structure must not protrude above the dominant skyline.	The signs and advertising structure is below the surrounding tree canopy and does not protrude above the dominant skyline.	Yes
(b) Freestanding advertisement greater than 45m ² that requires consent from local council.	Council is not the consent authority for the subject development.	N/A.
(c) Where the sign is in a transport corridor a landscape management plan may be required.	The development application does not include or require any new planting. No landscape management plan is proposed.	N/A.

Assessment Criteria	Comments	Complies
Road safety assessment criteria		
3.2.1 Road clearance		
(a) The advertisement must not create a physical obstruction or hazard.	The signs or advertising structure do not overhang the roadway and would not result in any physical obstruction or hazard.	Yes.
(b) Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone. Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.	The development is not located within a clear zone.	N/A.
(c) All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The sign or advertising structure do not overhang the roadway or footpath.	N/A.
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 signs and advertising structure do not obstruct views of the road.	Yes.
(b) A advertisement must not obstruct a pedestrian or cyclist's view of the road.	The signs and advertising structure do not obstruct views 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.	The signs and advertising structure do not give incorrect information on the alignment of the road.	Yes.

Assessment Criteria	Comments	Complies
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The signs and advertising structure is unlikely to distract a driver away from the road environment for an extended length of time.	Yes.
3.2.3 Proximity to decision making points and conflict points		
(a) The sign should not be located: <ul style="list-style-type: none"> i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves 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 iii. so that it is visible from the stem of a T-intersection. 	The development would comply with the road safety requirements (refer to Section 5).	Yes.
(b) The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view: <ul style="list-style-type: none"> i. of a road hazard ii. to an intersection iii. to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs) iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher. 	The placement of the signage is unlikely to distract drivers at critical times (refer to Section 5).	Yes.
3.3.1 Advertising signage and traffic control devices		
(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.	The signs and advertising structure would not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	Yes.

Assessment Criteria	Comments	Complies
(b) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.	The signs and advertising structure would not interfere with stopping sight distance for the road's design speed and would not interfere with the effectiveness of existing traffic control devices.	Yes
3.3 Illumination and reflectance		
Illumination and reflectance criteria for non-digital signs		
(a) Advertisements must comply with the luminance requirements in Table 5 below	This is recommended as a condition of consent.	Yes.
(b) For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.	The external illumination of the signage would not cause unacceptable glare or adverse impacts on the safety of pedestrians, residents or vehicular traffic.	Yes.
(c) The light sources for illuminated signs must focus solely on the sign and: i be shielded so that glare does not extend beyond the sign ii with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb	The external illumination of the signage would not cause unacceptable glare. The Department has recommended a condition of consent that requires all signage floodlights to be fitted with baffles, to limit upward light viewable by aircraft.	Yes.
(d) The level of reflectance of an advertisement, and its content, is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian Standard AS/NZS 1906.1:2007. Flashing illuminated advertisements will not be approved.	The Department has recommended a condition of consent requiring the visible light reflectivity from materials used on the signage structure (including the advertising skins) to not exceed 20 percent, and be designed to minimise glare. No flashing illuminated advertisements are proposed.	Yes.

Assessment Criteria	Comments	Complies
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 signage does not incorporate technology that would interact with in-vehicle electronic devices or mobile devices.	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.	No message sequencing is proposed.	Yes.
Public benefit		
As proponents of outdoor advertising, TfNSW must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The Department has recommended a condition of consent requiring the advertising structure be made available for the display of road safety messages.	Yes.
TfNSW 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.	This is recommended as a condition of consent.	Yes.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.119(2) of the Transport and Infrastructure SEPP requires the consent authority to be satisfied that development with a frontage to a classified road would not adversely affect the safety, efficiency and ongoing operation of the road. The existing static sign is similar to other non-

digital signs which are typically found in or adjacent to road corridors, and the project would not compromise the operation and function of the road. An assessment of compliance with section 2.119(2) of the Transport and Infrastructure SEPP is provided in Table 11.

Table 11 | Compliance with section 2.119(2) of Transport and Infrastructure SEPP

Section	Comment	Complies
Section 2.119(2)		
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Vehicular access to the site is required by the Applicant on a monthly basis to change advertising skins. Inspections are also undertaken by engineers infrequently. During these periods, installers and engineers park directly below the advertising structure, which is a safe distance from the road and traffic.	Yes.
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of – i the design of the vehicular access to the land, or ii the emission of smoke or dust from the development, or iii the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	The safety, efficiency and ongoing operation of the Princes Highway would not be adversely affected by the development. No new vehicular access is proposed as the advertising structure is adjacent to the Prince Highway and is accessible via an existing access. Smoke or dust is unlikely to be emitted from the development. The volume of vehicles using the classified road would not be impacted by the development.	Yes.
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicles emissions within the site of the development arising from the adjacent classified road.	The development is not sensitive to traffic noise or vehicle emissions and is unlikely to create any further noise emissions.	Yes.

Sutherland Shire Local Environmental Plan 2015

The site is zoned E3 Productivity Support under the SSLEP 2015. Advertising signage is prohibited in the E3 zone. Notwithstanding, the signage is permissible under section 3.14 of the Industry and Employment SEPP as discussed in Section 3.1.

The Applicant considers the signage is consistent with the objectives of the E3 zone as it is compatible with the adjacent road infrastructure and will not distract drivers using the Princes Highway. The development application proposes a use that is compatible and consistent with the surrounding industrial zones and buildings, and would not have an adverse impact on the surrounding area. Further, the development is an existing structure that is unlikely to have a negative impact on road infrastructure or the safety of the road.

Sutherland Shire Development Control Plan 2015

Chapter 35 of the SSDCP 2015 outline's Council's desired objectives and measures for the installation of signage. The signage is consistent with the relevant signage objectives of the SSDCP 2015 (refer to Table 12).

Table 12 | Assessment of compliance with SSDCP 2015 signage objectives.

DCP signage objective	Comment	Complies
6.1 Objectives		
(a) to ensure that signage is compatible with the desired amenity and visual character of an area.	The signs and advertising structure are consistent with the existing road corridor character and reflective of the design and scale of outdoor advertising structures along highways and roadsides.	Yes.
(b) to ensure that signage provides effective communication in suitable locations.	The Applicant considered the signage provides effective communication in a suitable location. The Department agrees.	Yes.
(c) to ensure that signage is of high quality design and finish.	The Applicant considered the signage is of high quality design and finish. The Department agrees.	Yes.
(d) integrates with the design of the building and is in keeping with the scale and character of the surrounding development.	Not applicable.	N/A.
(e) to ensure that signage does not dominate or clutter the streetscape.	The Applicant considered the signs and advertising structure is in keeping with the scale and character of surrounding development and road network. The Department agrees.	Yes.
(f) To ensure that signage, where it is located on community facilities, primarily promotes the sporting use rather than the sponsor.	Not applicable.	N/A.

DCP signage objective	Comment	Complies
(g) to ensure that signage does not reduce the safety of any road, pedestrian pathway or waterway.	The signs and advertising structure are unlikely to reduce the safety of any road, or pedestrian path. The signage is not located near a waterway.	Yes.
6.3 Controls for freestanding pole signs		
1. Freestanding pole signs are a type of business identification sign and must relate to the use of the adjacent premises.	Not applicable as the signage is not a type of business identification signage.	N/A.
2. A freestanding pole sign is to be designed to comply with the following controls: (a) Signs shall not exceed the height of surrounding building and/or tree canopy or 8 metres, whichever is lesser. (b) The sign must not protrude above the dominant skyline including any buildings, structures or tree canopies when viewed from ground level within a visual catchment of 1 kilometre. (c) The sign shall have scale similar to any adjacent built development. (d) The sign, if located within the front setback of a development, shall not compromise landscaping, parking and visibility requirements. (e) Significant trees and other native vegetation shall not be removed to accommodate signage.	<p>The advertising structure is 8.5 metres high and exceeds the 8 metre height limit. The advertising structure does not exceed the height of the surrounding tree canopy.</p> <p>The signs and advertising structure are visible from the Princes Highway and would not obscure or compromise any important views. The signs and advertising structure are minimally visible outside of the Princes Highway corridor within a 1 km catchment. Where minimally visible, the signs and advertising structure are mostly obstructed by vegetation and do not protrude above the dominant skyline.</p> <p>The development application does not propose to remove vegetation, except for pruning during maintenance activities.</p>	Considered acceptable.
3. Applications for freestanding signs should include a landscape plan of the site. The proposal should incorporate landscaping that complements the sign and the locality and requires minimal maintenance.	The development application does not propose any additional landscaping beyond maintenance (e.g. pruning) of existing shrubs and small trees to the south of the advertising structure. No landscape plan is required.	Yes.
4. The sign shall not obstruct or impede pedestrian and vehicular traffic. The positioning of the sign shall have regard to adjacent signage on adjoining properties.	The signage does not obstruct or impede pedestrian or vehicular traffic.	Yes.

DCP signage objective	Comment	Complies
5. The sign must not obstruct the drivers' view of the road, distract the driver or obstruct a pedestrian or cyclists view of the road.	The signs and advertising structure do not obstruct the drivers' view of the road, distract the driver or obstruct a pedestrian or cyclists view of the road.	Yes.
6.4 Controls for illuminated signs		
1. Illumination of signs must not result in acceptable glare or reduce safety for pedestrians, vehicles or aircraft.	The proposed illumination would not result in unacceptable glare or reduce safety for pedestrians, vehicles or aircraft. The Department has recommended a condition requiring baffles be installed on all floodlights, in accordance with <i>AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Yes.
2. Illumination of signs must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposed illumination would not cause significant light spillage into nearby residential properties, national parks or nature reserves (see Section 5.2.2).	Yes.
3. Depending on its location and its relationship to residential properties, Council may require that illumination be controlled by automatic timeclocks extinguishing illumination.	Council is not the consent authority, therefore this requirement is not applicable.	N/A.
4. The lighting intensity of a sign must be capable of modification or control after installation.	The Applicant proposes to install baffles on all existing floodlights to mitigate lighting impacts. This has been included as a condition of consent.	Yes.
5. Illumination of a sign (except for floodlit signs) must not be external to the sign i.e. surrounding a sign.	The signage includes floodlights, therefore this requirement is not applicable.	N/A.
6. Electric wiring to illuminated signs must be concealed.	This has been included as a condition of consent.	Yes.
7. Illuminated signs must not use complex displays, moving signs, flashing lights or the like that hold drivers' attention beyond 'glance appreciation.	This has been included as a condition of consent.	Yes.

Appendix C – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/daex/under-consideration/continued-use-existing-advertising-signage-princes-highway-heathcote-da-2311559>