

Continued use of existing static sign – M4 Motorway/Brabham Drive, Eastern Creek –

Part 4 Development Application (DA 24/18203)

February 2025





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.

Published by NSW Department of Planning, Housing, and Infrastructure
dphi.nsw.gov.au

Continued use of existing static sign – M4 Motorway/Brabham Drive,
Eastern Creek – (DA 24/18203) Assessment Report

Published: February 2025

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Cover photo: View of sign from the M4 Motorway looking east (Statement of Environmental Effects, [2024](#))

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 to extend the use of an existing static advertising sign on the northern side of the M4 Motorway near Brabham Drive, Eastern Creek. The development site is located within the Blacktown City Council Local Government Area.

The application has been lodged by Transport for NSW (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979*. The report includes:

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

The Department considers the proposal is in the public interest and concludes that it should be approved subject to conditions.

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1. Introduction

1.1 The proposal

Transport for NSW (TfNSW) (the Applicant) has sought approval to continue the use of an existing static advertising sign (referred to herein as the existing sign) on the M4 Motorway, Eastern Creek, for another 15 years. The development site is located within the Blacktown City Council Local Government Area (LGA). No construction is proposed by the Applicant.

An overview of the proposal is provided in Section 2.

1.2 Proposal location

The existing sign is located on the northern side of the M4 Motorway, Eastern Creek, around 87 metres west of the Brabham Drive underpass and is oriented towards eastbound traffic (Figure 1). The existing sign is located behind a road safety barrier and is bound by vacant, vegetated land to the north, east and west. To the immediate south is the eastbound carriageway of the M4 Motorway. There is no pedestrian or cycle access available on either side of the M4 Motorway in this location.



Figure 1 | Existing static sign as seen from eastbound direction (Source: SEE, 2024)

The M4 Motorway is a State classified road (no. 6004) and comprises three eastbound and three westbound lanes in the vicinity of the proposal.

1.3 Proposal background

On 10 December 2009, the then Executive Director, Major DA Assessments (under the delegation of the Minister for Planning) granted approval to DA 079-07-2009 (original application) for the construction of a static advertising sign on the northern side of the M4 Motorway, Eastern Creek. It also included the approval of a static advertising sign on the western elevation of the Prospect Highway overbridge.

The development consent lapsed on 10 December 2024. The current development application seeks to continue the operation of the existing sign at Eastern Creek for a period of 15 years. It does not include the continued use of the static advertising sign at Prospect.

1.4 Surrounding context

The surrounding area is predominantly industrial land (see Figure 2), with the M4 travelling in an east-west alignment, and consists of:

- warehouse and distribution centres located to the north of the site,
- mature vegetation to the east and west along both sides of the M4 motorway,
- hotel accommodation to the south-east of the site on the southern side of the M4, and
- Sydney Motorsport Park and additional industrial uses, including warehouse and industrial retail outlets, further to the south

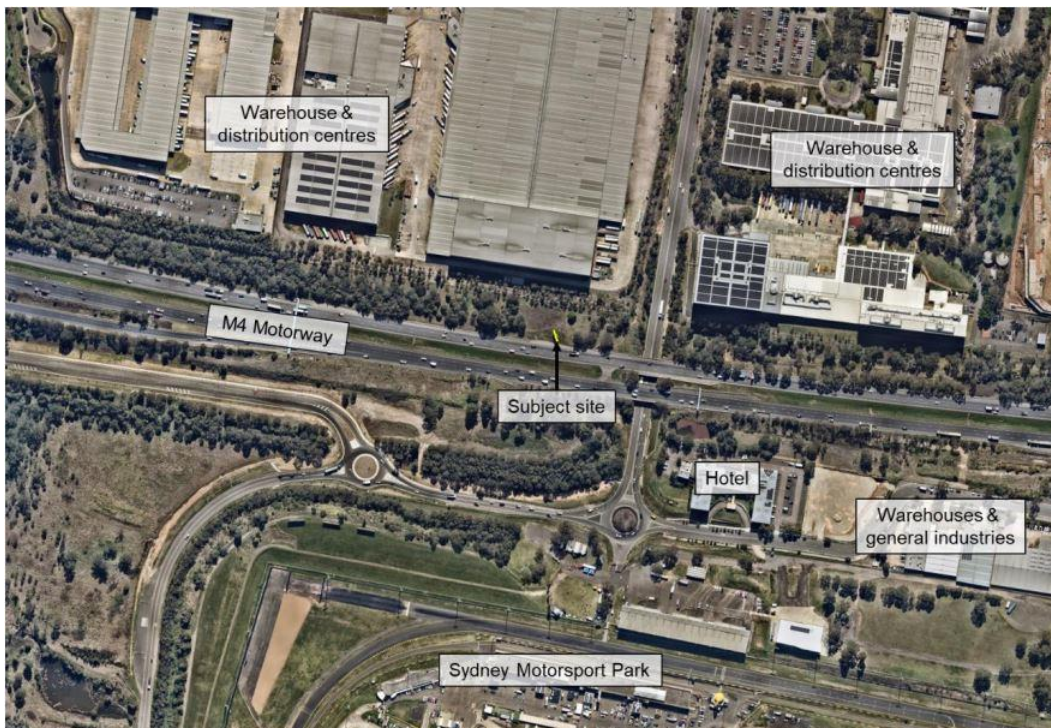


Figure 2 | Site context (Source: SEE, 2024)

There are no residential receivers immediately surrounding the existing sign. The nearest residences are located approximately two kilometres to the north-west and north-east of the site.

The immediate site context is undergoing transformation with several State significant development (SSD) applications recently approved for an industrial business hub (SSD-9667) and warehousing (SSD-6794472, SSD-49584708, SSD-49400209 and SSD-34991713) (see Figure 3).



Figure 3 | Location of approved SSD applications

2 Proposed development

2.1 Proposal overview

The key aspects of the proposal are provided in detail in the Statement of Environmental Effects (SEE) and outlined in Table 1 below. The existing sign for which approval of continued use is sought is shown in Figure 1. The site plan is shown in Figure 4. Site elevations of the existing sign are shown in Figure 5, Figure 6 and Figure 7.

Table 1 | Key aspects of the proposal

Aspect	Description
Summary	The proposal seeks to continue the operation of the existing sign for a further 15-year period. No physical works are proposed to the signage structure.
Advertising display area	44.92 m ² (12.66 m x 3.50 m + 0.61 m ² logo)
Signage location	The existing sign is located on the northern side of the M4 Motorway Eastern Creek, west of Brabham Drive, oriented towards eastbound traffic.
Clearance from ground level to top of the sign	Approximately 8.5 m from ground level,
Signage exposure	The existing sign is legible from 110 metres on the eastbound approach for all three lanes on the M4 Motorway.
Type of signage	<p>The existing sign is a static display and would continue to be so.</p> <p>The existing sign comprises a monopole and advertising display which is front lit. No physical changes to the structure is proposed.</p>
Consent period	15 years.

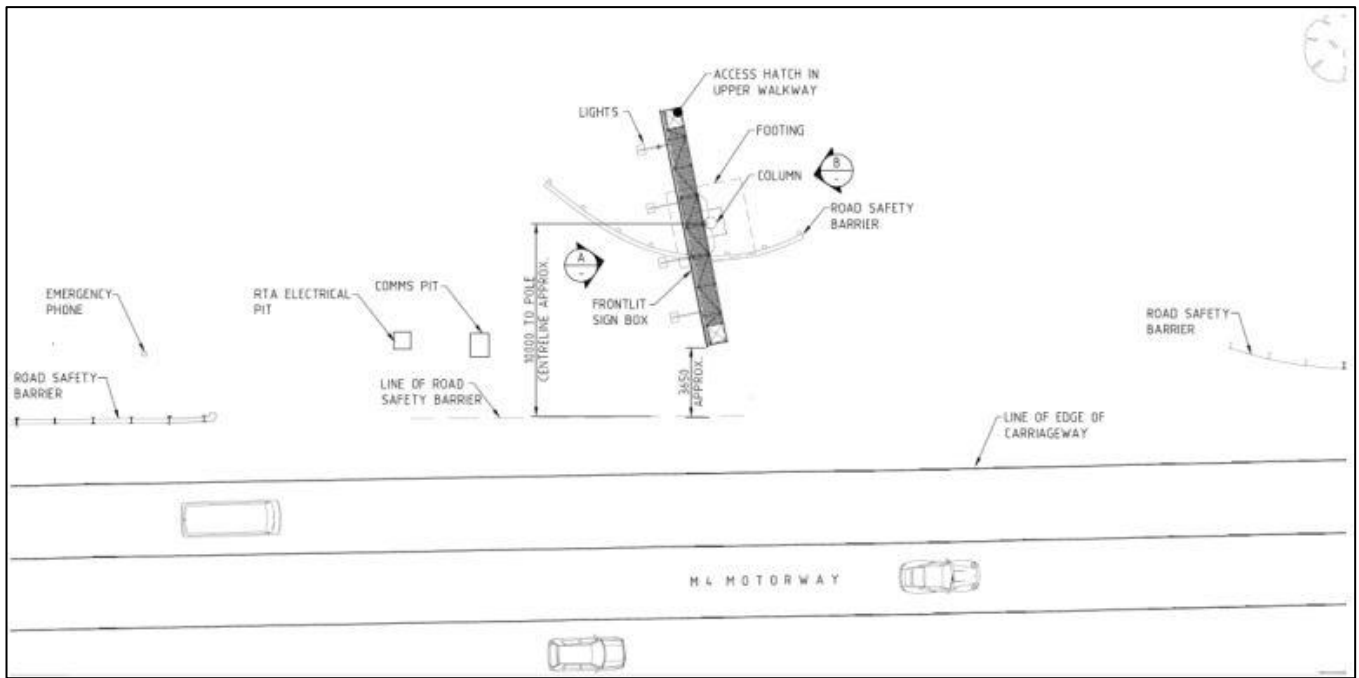


Figure 4 | Site plan (Source: Architectural Plans, Dennis Bunt Consulting Engineers, 23/10/24)

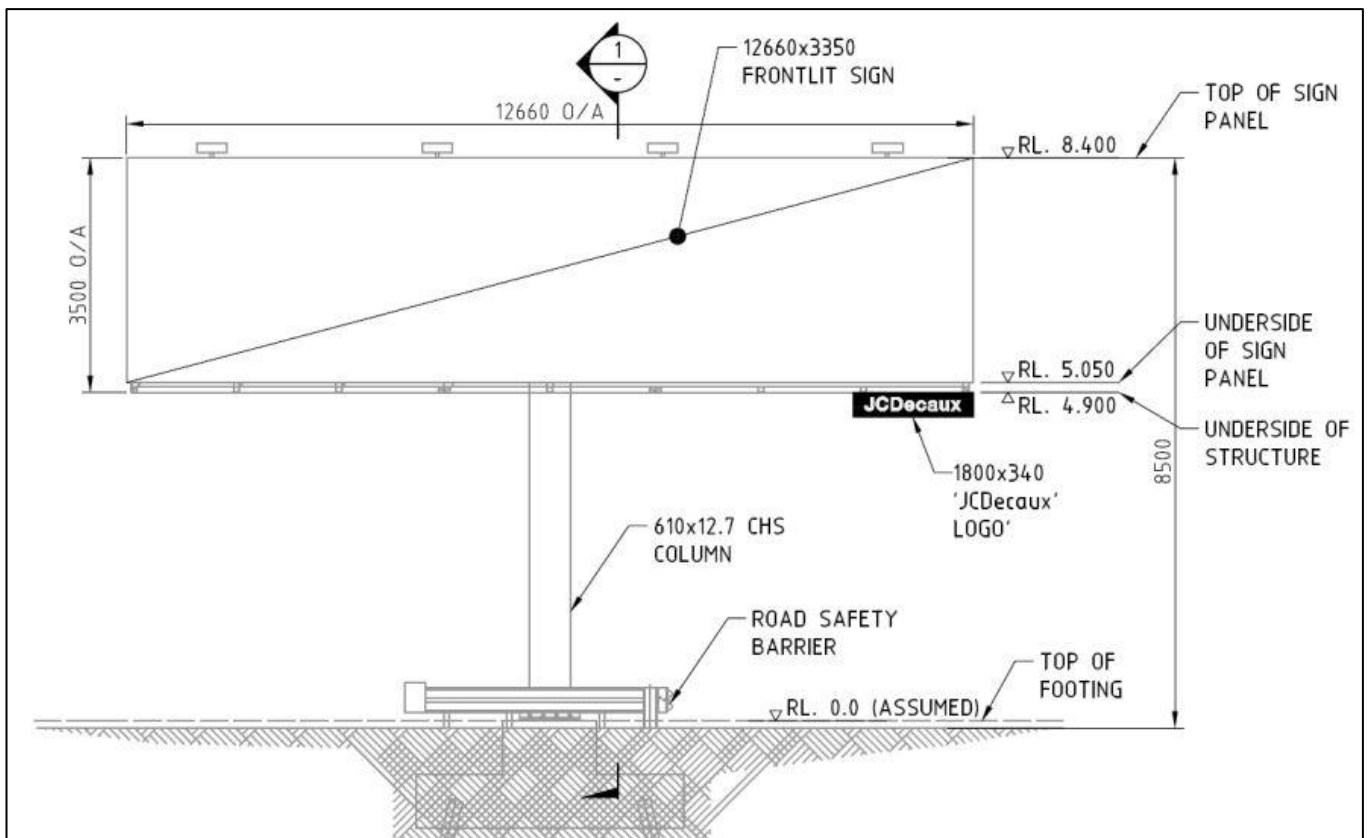


Figure 5 | Elevation A (front) of sign (Source: Architectural Plans, Dennis Bunt Consulting Engineers, 23/10/24)

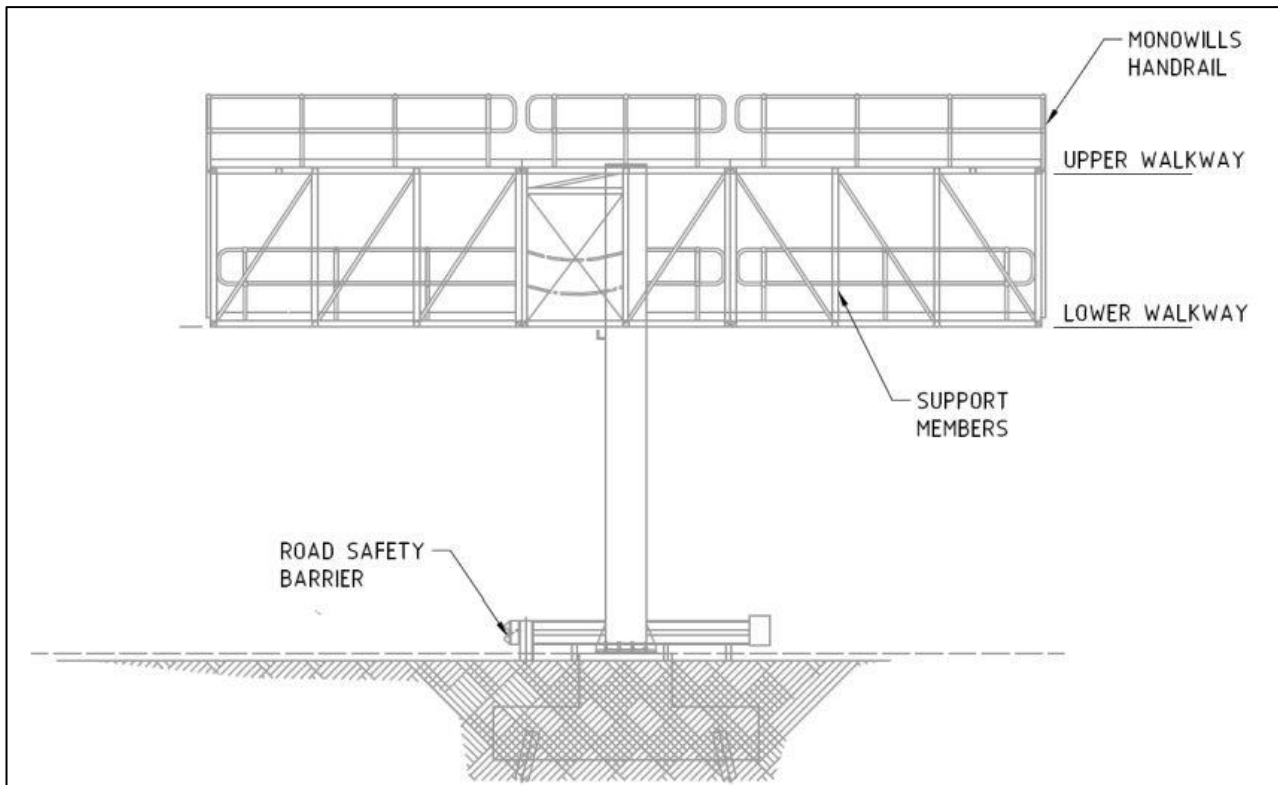


Figure 6 | Elevation B (back) of sign (Source: Architectural Plans, Dennis Bunt Consulting Engineers, 23/10/24)

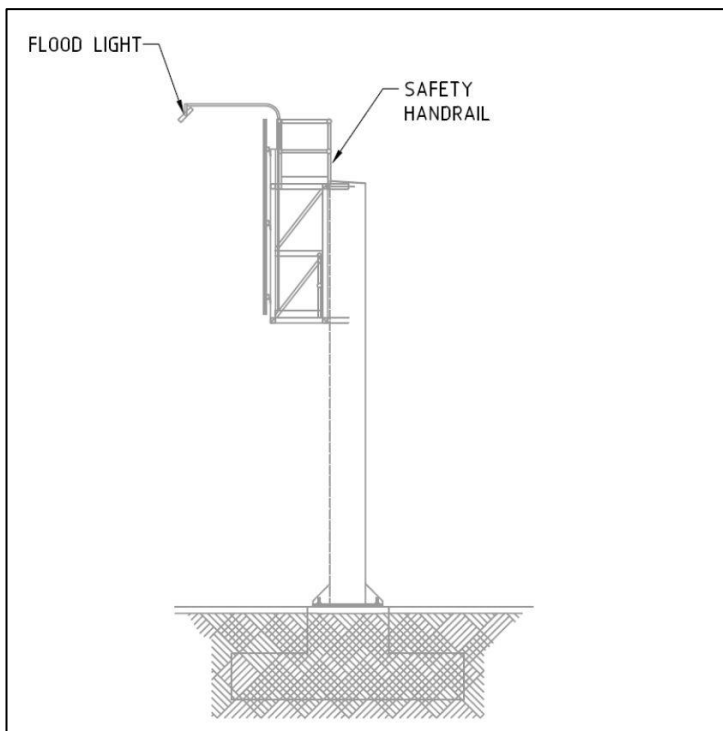


Figure 7 | Elevation C (side) of sign (Source: Architectural Plans, Dennis Bunt Consulting Engineers, 23/10/24)

3 Statutory context

3.1 Permissibility and assessment pathway

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

Table 2 | Permissibility and assessment pathway

Consideration	Description
Permissibility	<p>This proposal is permissible with consent</p> <p>The signage is permissible with consent under section 3.14(1)(b)(ii) of <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (the Industry and Employment SEPP) as the advertisement is displayed on behalf of TfNSW on a road that is a freeway or tollway.</p> <p>The site is zoned SP2 Infrastructure (for the purpose of roads) under the <i>Blacktown Local Environmental Plan</i> (Blacktown LEP). Signage is permissible with consent in the SP2 zone.</p>
Consent authority	<p>Minister for Planning and Public Spaces (the Minister)</p> <p>The Minister for Planning and Public Spaces (the Minister) is the consent authority in case of an advertisement displayed by or on behalf of TfNSW on land adjacent to a road that is a freeway or tollway, (section 3.10(d)(i) of <i>State Environmental Planning Policy (Industry and Employment, 2021</i> (Industry and Employment SEPP)).</p>
Assessment pathway	<p>Development assessment and consent under Part 4 of the EP&A Act</p> <p>Section 3.1(1)(b) of the Industry and Employment SEPP regulates signage (but not content) under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> (the EP&A Act).</p> <p>The application is a Crown development application under Division 4.6, section 4.32(2)(a) of the EP&A Act because it is an application made by the Crown. Section 294(a) of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) prescribes public authorities (other than a council) as the Crown for the purposes of section 4.32(2)(a) of the EP&A Act. The Applicant (TfNSW) is a public authority.</p> <p>The application will therefore be assessed under Part 4 of the EP&A Act.</p>

Consideration	Description
Decision-maker	<p>Director, Transport and Water Assessments</p> <p>In accordance with the Minister’s delegation dated 9 March 2022, the Director, Transport and Water Assessments may determine the application if:</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 objection, and • the council has not made a submission by way of objection. <p>The proposal meets the terms of this delegation. As such, the Director, Transport and Water Assessments is the delegated authority to determine the development application.</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 provided in Table 3.

Table 3 | Matters for Consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	<p>The relevant environmental planning instruments (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> (Transport and Infrastructure SEPP) • <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017) (2017 Guidelines) • <i>Blacktown Local Environmental Plan 2015</i> (Blacktown LEP) • <i>Blacktown Development Control Plan 2015</i> (Blacktown DCP)

Matter for consideration	Department's assessment
	Detailed consideration of the provisions of the EPIs is provided in Appendix C . The Department is satisfied that the proposal generally complies with the relevant provisions of the EPIs and DCP.
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	Section 5 – Assessment
Suitability of the site	Section 1.3 - Proposal background, Section 3 - Statutory Context and Section 5 - Assessment
Public submissions	Section 4 - Engagement
Public interest	Section 4 - Engagement Section 5 – Assessment, and Section 6 - Evaluation

3.2.2 Objects of the EP&A Act and ecologically sustainable development

In determining the development application, the consent authority must consider whether the proposal is consistent with the relevant objects of the EP&A Act. These are set out in section 1.3 of the EP&A Act and include the principles of ecologically sustainable development (ESD).

Consideration of the objects and ESD is provided in **Appendix C**.

As a result of the analyses in **Appendix C**, the Department is satisfied that the proposal is consistent with the objects of the EP&A Act and the principles of ESD.

3.2.3 Biodiversity development assessment report

Section 7.7 of the *Biodiversity Conservation Act 2016* 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 proposal is for the continued use of an existing sign within a cleared area adjacent to the shoulder of the M4 Motorway. No vegetation would be cleared, and no construction works are required.

The Applicant has undertaken a test to determine whether the proposal is likely to significantly affect threatened species or ecological communities, or their habitats. The test has been undertaken in accordance with section 7.3 of the *Biodiversity Conservation Act 2016*. The test determined that the proposal would not have a significant impact on threatened species. Therefore, a BDAR was not required to be submitted 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 SEE, the Department:

- publicly exhibited the proposal, including the SEE, from 15 January 2025 until 28 January 2025 (14 days) on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition, and
- notified and invited comment from Blacktown City Council.

The Department received no public submissions on the proposal during the public exhibition period.

4.1.2 Summary of advice received from government agencies

TfNSW was consulted prior to the exhibition of the development application and advised that a referral or concurrence was not necessary as:

- no civil works or structures are proposed and so concurrence from TfNSW under section 138 of the *Roads Act 1993* is not required
- as TfNSW is the Applicant, Integrated Development under section 138 of the *Roads Act 1993* does not apply, and
- as the Minister of Planning and Public Spaces is the Consent Authority TfNSW concurrence under 3.16 of the State Environmental Planning Policy (Industry and Employment) 2021 is not required.

4.1.3 Summary of advice received from council

Blacktown City Council advised that it had no comments on the development application (**Appendix B**).

4.2 Response to submissions

As there were no public submissions and Blacktown City Council did not raise any comments in its submission, the Applicant was not requested to prepare a response to submissions.

5 Assessment

The Department has reviewed the Applicant's SEE and supporting information and considered the potential impacts of the proposal. Based on this, the Department considers the key issues associated with the proposal are:

- design and suitability of the site
- road safety, and
- structural feasibility.

These issues are addressed in Sections 5.1 to 5.3. Other issues are addressed in Section 5.4.

5.1 Design and suitability of the site

The proposed location and design are suitable as continued use of the existing sign would not have a significant impact on the local character.

The Applicant seeks to continue operation of the existing sign for an additional 15 years. The existing sign has an approximate advertising display area of 44.92 m² and is oriented towards vehicles travelling east on the M4 Motorway.

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

- the existing structure has been in place for 15 years and no further physical works are proposed as part of the development application
- the existing sign complies with the design criteria of the Industry and Employment SEPP, the 2017 Guidelines and AS/NZS 4282:2023 – *Control of the Obtrusive Effects of Outdoor Lighting*
- the existing advertising display area and structure fit the existing and future character of the locality being primarily industrial uses, warehousing and road infrastructure, and
- the location of the sign within a roadway corridor is suitable for advertising and consistent with advertising signage along the M4 Motorway and on other major roads.

The Department is satisfied the design and location of the site remains suitable and continued use of the existing sign would not result in additional amenity impacts.

5.2 Road safety

Continued use of the existing sign is unlikely to increase the risk of traffic incidents.

The Applicant provided a Signage Safety Assessment that assessed the proposal against the *Austroads Guide to Road Design Part 3* (2016) and *Part 4A* (2023) (the *Austroads Guide*), the 2017 *Guidelines* and the *Industry and Employment SEPP*. The Signage Safety Assessment considered the signage exposure distance, safe stopping sight distance and road accident history in proximity to the site.

The *Austroads Guide* specifies that the minimum safe stopping sight distance for a 100 km/h speed zone on a major highway is 207 metres. The existing sign is not located within the safe stopping distance of any decision making or conflict point. The nearest downstream exit ramp is one kilometre east of the existing sign.

The existing sign does not obstruct a motorists view of any traffic signals, signage (directional, regulatory or advisory) or other traffic hazards. In addition, there are no intersections, merge lanes or emergency vehicle access points near the existing sign. There are also no other large format advertising signs facing traffic in the eastbound direction within 150 metres.

There is a variable message sign 200 metres downstream of the existing sign but this is not obscured by it. There is a default speed limit sign and a guidance sign located 140 metres and 70 metres, respectively, upstream of the existing sign. However, the existing sign is elevated above these signs and so there is no backdrop issue for the speed limit and guidance signs.

Crash history data for the period between 1 January 2019 to 31 December 2023 within the legible and visible distance of the existing sign indicated no crashes within the legible distance (110 metres) and five within the visible distance (up to 400 metres).

On this basis, the Signage Safety Assessment concluded that the continued use of the existing sign would not compromise safety for road users in the vicinity.

The Department accepts these findings as:

- the existing sign does not physically obstruct or interfere with the view of, or restrict sight distances to any intersections, traffic control devices, vehicles, pedestrians, or cyclists
- the existing sign would display static images only, and
- the existing sign is consistent with the requirements of the *Industry and Employment SEPP*, *Transport for NSW Advertising Sign Safety Assessment Matrix*, and the 2017 *Guidelines*.

5.3 Structural feasibility

The existing sign meets current Australian standards for steel structures and would be maintained to ensure structural integrity.

The SEE was accompanied by a Structural Feasibility and Safety Report which concluded the structural integrity of the signage structure is sound. Further, the steel pole structure, 3D steel frame, sign panel and access walkways are all galvanised and in ‘as new’ condition. The Structural Feasibility Statement recommended the structure and sign box be reinspected around four years from the time of the last inspection (i.e. in September 2028).

To ensure that the structure remains safe, the Department has recommended conditions relating to maintenance and compliance with the Australian standard. This includes the preparation of a Maintenance Plan that outlines measures to treat any corrosion that may arise and a schedule of structural inspections and audits.

5.4 Other issues

The Department’s consideration of other issues is summarised in Table 3.

Table 3 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Visual Amenity	<p>The SEE addressed the visual impacts of the existing sign on the surrounding area. The proposal does not involve any physical changes to the existing sign.</p> <p>The visual impact of the existing sign is considered to be acceptable as:</p> <ul style="list-style-type: none">the existing sign will not extend outside the corridor of the M4 Motorwaythere are no residents with direct visual access to the sign (the nearest residences are located two kilometres to the north-west and north-east of the site)the sign will not be visible from inside the adjacent industrial buildings to the north due to its orientation, the buildings have south-facing openings and there is a dense	No recommended conditions

Issue	Findings and conclusions	Recommended conditions
	<p>vegetation buffer between the sign and the buildings,</p> <ul style="list-style-type: none"> the advertising display area is not visible from Sydney Motorsport park due to its orientation, and screening provided by vegetation on the southern side of the motorway, and the advertising structure is consistent with the visual requirements of the Industry and Employment SEPP and the 2017 Guidelines. 	
Illumination and Glare	<p>The Applicant's Lighting Impact Assessment indicated that the proposal would comply with the relevant requirements of AS/NZS 4282:2023- <i>Control of the Obtrusive Effects of Outdoor Lighting</i>, the 2017 Guidelines and the Industry and Employment SEPP in respect to lighting requirements.</p> <p>The existing sign is, and would continue to be, externally illuminated by four LED floodlights mounted on bracket arms located 0.2 metres above and 2.1 metres out from the sign face. The lights operate during the nighttime period (7 days per week) and are switched off during the daytime period. The lighting is dimmable.</p> <p>The Department accepts that illumination of the existing static sign can meet luminance criteria, provided the lighting is aimed at a recommended angle, and therefore would not result in an unacceptable glare.</p>	<p>The Department has recommended a condition requiring that signage lighting complies with the requirements of AS 4282:2023 and the 2017 Guidelines.</p> <p>It has also recommended that the lighting be aimed towards the signage face at 15 degrees below the horizontal in order to meet the luminance requirements in the Australian standard.</p>
Public Benefit	<p>The Public Benefit Statement provided with the SEE advised that revenue generated from advertising would be re-invested into road infrastructure maintenance, network management, road user compliance activities and road safety programs across the whole of NSW.</p>	<p>The Department has recommended a condition requiring the advertising structure to be made available for a minimum total of 28 days</p>

Issue	Findings and conclusions	Recommended conditions
	<p>The Public Benefit Statement noted that the existing sign provides affordable advertising space for road safety messages in a prime location, and that advertising campaigns have played an important role in helping to address key road safety problems across NSW.</p> <p>The Department is satisfied the continued use of the existing sign 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 2017 Guidelines.</p>	<p>each calendar year for the display of road safety messages.</p> <p>The Department has also recommended that the Applicant record and report in its annual reports how the revenue generated from the existing sign has been applied to provide a public benefit.</p>
Size of Logo	<p>The architectural plans show the existing logo box located on the right-hand bottom side of the existing sign. The logo box has dimensions of 1.8 m x 0.34 m (0.612 m²).</p> <p>Section 3.18 of the Industry and Employment SEPP specifies the area and location of names and logos on an advertisement. The requirements in relation to logos include:</p> <ul style="list-style-type: none"> the area of the logo must not be greater than 0.25 m² (section.3.18(3)). <p>The current logo exceeds the prescribed area requirement.</p>	<p>The Department has recommended a condition requiring the logo size to be compliant with the requirements of section 3.18 of the Industry and Employment SEPP.</p>
Heritage	<p>There are no significant historical or Aboriginal cultural heritage features at or within the vicinity of the site that will be impacted by the proposal.</p>	<p>No recommended conditions.</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, the Industry and Employment SEPP, and other relevant environmental planning instruments. The Department's assessment concludes the proposal 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 Industry and Employment SEPP and the 2017 Guidelines
- it would not change the character of the local area and is consistent with the existing industrial and transport corridor character of the locality
- its luminance levels will be consistent with the 2017 Guidelines and Australian Standards for outdoor lighting to protect amenity and driver safety
- it will not significantly affect threatened species or ecological communities, or their habitats, and
- it will provide a 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 proposal are acceptable, and it is in the public interest. The Department recommends that the development application be approved, subject to the recommended conditions of consent (**Appendix D**).

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 24/18203 subject to the conditions in the attached development consent, and
- signs the attached development consent (**Appendix D**).

Recommended by:



Aaron Tan
Planning Officer
Transport and Water Assessments

Recommended by:



Mary Garland
Team Leader
Transport and Water Assessments

8 Determination

The recommendation is adopted by:



Glenn Snow

Director

Transport and Water Assessments

Glossary

Abbreviation	Definition
Applicant	Transport for NSW (TfNSW)
Advertising display area	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 advertising structure.
AS/NZS 4282:2023	Australian and New Zealand Standard AS/NZS 4282:2023 – <i>Control of the Obtrusive effects of Outdoor Lighting</i>
BDAR	Biodiversity Development Assessment Report
Blacktown DCP	<i>Blacktown Development Control Plan 2023</i>
Blacktown LEP	<i>Blacktown Local Environmental Plan 2015</i>
Council	Blacktown 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
ESD	Ecologically sustainable development
Industry and Employment SEPP	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>
LEP	Local environmental plan
LGA	Local government area

Abbreviation	Definition
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEE	Statement of Environmental Effects
SEPP	State environmental planning policy
Transport and Infrastructure SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
TfNSW	Transport for NSW
2017 Guideline	<i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017)

Appendices

Appendix A – List of referenced documents

The following supporting documents and additional information to this assessment can be found as follows:

Austrroads, 2021. *Guide to Road Design Part 3*.

- <https://austrroads.gov.au/publications/road-design/agrd03>

Austrroads, 2021. *Guide to Road Design Part 4A*

- <https://austrroads.gov.au/publications/road-design/agrd04a>

Blacktown Local Environmental Plan 2015.

- <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2015-0239>

Blacktown Development Control Plan.

- <https://www.blacktown.nsw.gov.au/Plan-build/Stage-2-plans-and-guidelines/Blacktown-planning-controls/Blacktown-Development-Control-Plan-2015>

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

- <https://www.planning.nsw.gov.au/sites/default/files/2023-03/development-near-rail-corridors-and-busy-roads-interim-guideline.pdf>

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

- <https://www.planning.nsw.gov.au/sites/default/files/2023-03/transport-corridor-outdoor-advertising-and-signage-guidelines.pdf>

Keylan, 2024. *Statement of Environmental Effects – Advertising Signage Land adjacent to M4 Motorway near the Brabham Drive underpass, Eastern Creek*.

- <https://www.planningportal.nsw.gov.au/daex/under-consideration/continued-use-existing-static-signage-m4-motorwaybrabham-drive-eastern-creek-da2418203>

Standards Australia, 2019. *AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting*.

Appendix B – Submissions and council advice

No submissions were received from the community and there was no government agency advice. Blacktown City Council's advised that it had no comments.

From: Judith Portelli
Sent: Thursday, January 16, 2025 11:42 AM
To: Aaron Tan
Cc: Nadeem Shaikh
Subject: FW: Exhibition Notice - Existing static signage on M4 Motorway/Brabham Drive

Hi Bryce,
Thanks for your email, we have checked your request with our traffic section and we have no comments to offer
Regards
JUDY



Judith Portelli
Manager Development Assessment

Appendix C – Statutory considerations

The Department's assessment has included detailed consideration of the relevant statutory requirements. These include:

- the objects of the Act listed in section 1.3 of the EP&A Act,
- the matters listed under section 4.15(1) of the EP&A Act,
- Division 4.6 of the EP&A Act
- relevant EPIs and DCP, and
- applicable government guidelines.

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 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 proposal seeks to maximise the use of the site and provides social and economic benefits by generating revenue which the Applicant allocates to funding to support road infrastructure maintenance, network management, road user compliance activities and road safety programs across the whole of NSW. The proposal would not unreasonably 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	<p>The potential environmental impacts of the proposal have been considered by the Department in Section 5 of this report.</p> <p>The proposal is not anticipated to have adverse impacts on flora or fauna, including threatened species, populations and ecological communities, and their habitats.</p> <p>The proposal is unlikely to have significant impacts to the social or economic environment but should return funds for investment into TfNSW's road network.</p>

Object	Consideration
	As such, the Department considers the proposal would not adversely impact the biophysical or social environments, and that the principals of ESD have been appropriately considered.
(c) to promote the orderly and economic use and development of land	The proposal promotes the orderly and economic use of the land by continuing the operation of the existing sign. This would enable continued public benefits including the generation of revenue that contributes to improving and maintaining the TfNSW road network.
(d) to promote the delivery and maintenance of affordable housing	Not applicable as affordable housing does not form part of this application.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal would not impact on threatened species 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)	There are no significant historical or Aboriginal cultural heritage features at the site that will be impacted by the proposal.
(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 development application seeks to continue the use of an existing sign.
(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 proposal 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 Blacktown City Council during the exhibition of the development application. Council advised that it had no comments (see Appendix B).

Object	Consideration
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department exhibited the development application on the NSW Planning Portal between 15/1/2025 and 28/1/2025. Written notification of the exhibition was provided to adjacent and nearby landowners. No public submissions were received.

Sections 4.15 and Division 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 Matters for Consideration (found in section 4.15 of the EP&A Act) are provided in Table C- 2

The Matters for Consideration specific to Crown developments (Division 4.6 of the EP&A Act) are provided in Table C- 3.

Table C- 2 | Matters for consideration under section 4.15 of the EP&A Act

Matters for Consideration	Consideration
(a) the provisions of — (i) any environmental planning instrument, and	<ul style="list-style-type: none"> The Department has considered the relevant environmental planning instruments in its assessment of the proposal. Details of the assessment are provided below.
(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	<ul style="list-style-type: none"> There are no applicable proposed environmental planning instruments.
(iii) any development control plan, and	<ul style="list-style-type: none"> Blacktown City Council's DCP does not specifically address advertising signage.

Matters for Consideration	Consideration
(iia) 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	<ul style="list-style-type: none"> The Applicant has not entered into a planning agreement under section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	<ul style="list-style-type: none"> The Department has assessed the proposal in accordance with all relevant matters prescribed by the Regulations, the findings of which are contained in this report.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<ul style="list-style-type: none"> The Department has considered the likely impacts of the proposal in Section 5 of this report. The Department concludes that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) the suitability of the site for the development,	<ul style="list-style-type: none"> The existing sign is on a motorway corridor and oriented towards eastbound traffic. The proposal does not adversely impact on surrounding uses and is considered to be a suitable development at that location (refer Section 5.1 of this report).
(d) any submissions made in accordance with this Act or the regulations,	<ul style="list-style-type: none"> No submissions were received from the community and Blacktown City Council advised that it had no comments (see Appendix B).
(e) the public interest.	<ul style="list-style-type: none"> The Department considers the proposal to be in the public interest (refer to Section 5.4 of this report).

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 and landowner is 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	The Department recommends the development application be approved, subject to the recommended conditions (Appendix D).
(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.	<p>The Minister is the consent authority.</p> <p>The Department forwarded the recommended conditions to the Applicant on 6 February 2025.</p> <p>A minor amendment was issued on 14 February 2025 at the request of TfNSW. This was accepted on 17 February 2025.</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 the NSW Planning Portal (Part 15) have been complied with (refer to Chapter 3 of this report).

Environmental Planning Instruments (EPIs) and Development Control Plans (DCPs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs and development control plan (DCP) were considered:

State Environmental Planning Policy (Industry & Employment) 2021 (Industry and Employment SEPP) - Chapter 3 of the Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposal has been assessed against the requirements of the Industry and Employment SEPP in **Table C- 4** and the specific assessment criteria of Schedule 5 of the SEPP in

- Table C- 5.

- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) - Table C- 6
- *Blacktown Local Environment Plan 2015* – the sign is located on land zoned SP2 Infrastructure under the Blacktown LEP. Signage is permissible with consent.
- *Blacktown Development Control Plan 2015* – the DCP does not specify any provisions for large format advertising signs on road corridors or adjacent to industrial areas.

Relevant Guidelines

The following relevant guidelines have also been considered:

- *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (2017 Guidelines) - Table C- 7, and
- *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008) - Table C- 8.

Table C- 4 | Industry and Employment SEPP compliance assessment

Section	Criteria	Comments	Compliance
3.1 Aims, objectives etc	(1)(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 considers the proposal is compatible with the surrounding development and visual character of the area and provides an effective communication means. The proposal is consistent with the surrounds and is therefore considered to be consistent with the objectives of the SEPP.	Yes
	(1)(b) to regulate signage (but not content) under Part 4 of the Act, and	The development application relates to the continued use of an existing sign.	Yes
	(1)(c) to provide time-limited consents for the display of certain advertisements, and	If a consent is granted, the consent will be valid for 15 years.	Yes
	(1)(d) to regulate the display of advertisements in transport corridors, and	The application of the requirements relates to the regulation of signage in transport corridors. If approved, the conditions of consent would regulate the signage structure and display.	Yes
	(1)(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 advertising would be invested to support road infrastructure maintenance, network management,	Yes

Section	Criteria	Comments	Compliance
		road use compliance activities and road safety programs across the whole of NSW.	
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 section 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
3.8 Prohibited advertisements	(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions: <ul style="list-style-type: none"> • environmentally sensitive area • heritage area (excluding railway stations) • natural or other conservation area • open space • waterway 	The existing sign is not within any of the prescribed zones. Signage on land zoned SP2 Infrastructure is permitted with consent, therefore the proposal is not a prohibited advertisement.	Yes

Section	Criteria	Comments	Compliance
	<ul style="list-style-type: none"> residential (but not including a mixed residential and business zone, or similar zones) scenic protection area national park nature reserve 		
	<p>(2) This section does not apply to the following:</p> <p>(a) the Mount Panorama Precinct,</p> <p>(b) the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</p>	Noted, these requirements are not applicable.	N/A
3.10 Consent authority	<p>For the purposes of this Chapter, the consent authority is —</p> <p>(d) the Minister for Planning in the case of an advertisement displayed by or on behalf of RMS on -</p> <p>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</p>	In accordance with section 3.10(d)(i), the Minister is the consent authority as the proposal is by TfNSW on land adjacent to road that is a tollway.	Yes

Section	Criteria	Comments	Compliance
	<p>(ii) a bridge constructed by or on behalf of RMS on any road corridor, or</p> <p>(iii) land that is owned, occupied or managed by TfNSW, or</p> <p>(e) the Minister for Planning in the case of an advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</p>		
3.11 Matters for consideration	<p>(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 —</p> <p>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p>	<p>The proposal has been assessed against the aims and objectives of this Chapter (see section 3.1(1)(a) above).</p> <p>The Department considers that the proposal is consistent with the aims and objectives of the Industry and Transport SEPP.</p>	Yes
	<p>2(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>The proposal is assessed against the criteria in Table C- 5.</p>	Yes

Section	Criteria	Comments	Compliance
	(i) design, and (ii) road safety, and (iii) the public benefits to be provided in connection with the display of the advertisement, and	The proposal has been assessed as generally consistent with the Schedule 5 criteria.	
	(c) satisfies any other relevant requirements of this Chapter.	The proposal has been assessed against other relevant criteria of the Chapter in this table.	Yes
	3. In addition, if Section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.	As part of the application, the Applicant has committed to the provision of funding towards improvements in the road and transport network to the benefit of the local community.	Yes
3.12 Duration of consents	(1) A consent granted under this Part ceases to be in force — (a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or	The proposal seeks consent for a 15-year period.	Yes
	(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.	Not Applicable. The proposal seeks consent for a 15-year period.	N/A

Section	Criteria	Comments	Compliance
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>(b) the display of an advertisement by or on behalf of TfNSW on:</p> <p>(i) a road that is a freeway or tollway (under the <i>Roads Act 1993</i>) or associated road use land that is adjacent to such a road, or</p> <p>(ii) a bridge constructed by or on behalf of TfNSW on any road corridor, or</p> <p>(iii) land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,</p>	The proposal is permissible with development consent as the application is on behalf of TfNSW and is located on an associated road use land that is adjacent to a road that is a freeway or tollway (under the Roads Act 1993) (M4 Motorway).	Yes
	(2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.	No design review panel was appointed because the application is for the continued use of an existing sign.	N/A
3.15 Advertisements with display area	(2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—	The existing sign has a display area greater than 20 square metres. The Applicant has provided an impact statement that addresses the requirements of	Yes

Section	Criteria	Comments	Compliance
greater than 20 square metres or higher than 8 metres above ground	(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>Schedule 5. This has been assessed by the Department in</p> <p>Table C- 5 Assessment against the requirements of Schedule 5 of the Industry and Employment SEPP</p> <p>The proposal has been assessed as generally consistent with the Schedule 5 criteria.</p> <p>The Department is satisfied that the impacts of the proposal are acceptable.</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.	Section 3.16 does not apply as this section does not apply when the Minister for Planning and Public Spaces is the consent authority.	N/A
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	(1) This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.	This section does not apply when the Minister for Planning and Public Spaces is the consent authority.	N/A
	(2) 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 for Planning and Public Spaces is the consent authority.	N/A
	(3) In deciding whether or not concurrence should be granted, TfNSW must take into consideration —	This section does not apply when the Minister for Planning and Public Spaces is the consent authority.	N/A

Section	Criteria	Comments	Compliance
	(a) the impact of the display of the advertisement on traffic safety, and (b) the Guidelines.		
	(4) If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under section 3.15(2)(b) that it has granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.	This section does not apply when the Minister for Planning and Public Spaces is the consent authority.	N/A
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 is within the advertising display area as this area is defined to include the surrounds of the advertising structure and the logo is attached to the sign frame.	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 (b) within a strip below the advertisement that extends for the full width of the advertisement.	This requirement is not applicable as the advertising display area has a surround.	N/A
	(3) The area of any such name or logo must not be greater than 0.25 square metres.	The logo has an area of 0.61 square metres. The Department has recommended a condition requiring compliance with the relevant requirements of the Industry and Employment SEPP.	No

Section	Criteria	Comments	Compliance
	(4) The area of any such strip is to be included in calculating the size of the advertising display area.	Not applicable as the sign does not have a strip below the advertisement.	N/A
3.21 Freestanding advertisements	(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.	The existing sign does not protrude above the dominant skyline when viewed from ground level within a visual catchment of 1 kilometre.	Yes
	(2) This section does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under section 3.13.	Not applicable as the advertisement is not on land within a rural or non-urban zone.	N/A

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

Clause	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 proposal is compatible with the existing and desired future character of the area as it is located on a busy motorway corridor adjacent to an industrial area.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no theme for outdoor advertising in the area. The sign is consistent in appearance and function with other	Yes

Clause	Requirement	Comments	Compliance
		advertising structures located along the motorway corridor and across the broader TfNSW road network.	
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?	The proposal does not detract from the amenity or visual quality of any prescribed special areas.	Yes
3 Views and vistas	Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise any important views as it is located on a motorway corridor.	Yes
	Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not dominate the skyline or reduce the quality of vistas as it is located on a motorway corridor.	Yes
	Does the proposal respect the viewing rights of other advertisers?	There are no other advertisements in close proximity to the existing sign.	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 existing sign remains appropriate for the setting as it is located on a motorway corridor with an industrial backdrop. The area is not of scenic value.	Yes
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The Department considers that the proposal would not contribute to the visual interest of the streetscape, setting or landscape but is compatible with the existing setting.	Partly

Clause	Requirement	Comments	Compliance
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal seeks to continue the use of an existing sign. No additional works or signs are proposed as part of this proposal. The proposal would neither reduce nor increase visual clutter. The Department considers this to be acceptable as the existing static sign does not unacceptably cause visual clutter.	Yes
	Does the proposal screen unsightliness?	The proposal is not aimed at screening unsightliness.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposal does not protrude above buildings, structures or tree canopies.	Yes
	Does the proposal require ongoing vegetation management?	No vegetation management is required.	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 proposal would not change the existing characteristics of the site, as the proposal seeks to continue the use of an existing sign.	Yes
	Does the proposal respect important features of the site or building, or both?	There are no important features on the site.	Yes
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is for the continued use of an existing sign. No new works are proposed.	N/A

Clause	Requirement	Comments	Compliance
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 existing access stairs and upper and lower walkways on the rear of the signage structure have been designed as an integral part of the structure.	Yes
7 Illumination	Would illumination result in unacceptable glare?	The proposal would not result in unacceptable glare. The Lighting Impact Assessment indicates that proposal would comply with the requirements of AS/NZS 4282:2023.	Yes
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposal complies with AS/NZS 4282:2023 and as such illumination is unlikely to affect safety for pedestrians, vehicles or aircraft.	Yes
	Would illumination detract from the amenity of any residence or other form of accommodation?	There are no residences in close proximity to the existing sign. There is a hotel on the southern side of the M4 Motorway, around 250 metres east of the existing sign's location. The front of the sign is not visible from the hotel.	Yes
	Can the intensity of the illumination be adjusted, if necessary?	The existing signage lighting is dimmable.	Yes
	Is the illumination subject to a curfew?	No curfew is proposed.	N/A

Clause	Requirement	Comments	Compliance
8 Safety	Would the proposal reduce the safety for any public road?	The Department has assessed road safety risks in Section 0 of the report and considers the proposal would not reduce road safety.	Yes
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal would not reduce the safety for pedestrians or cyclists.	Yes
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The existing sign does not obscure sightlines from public areas due to its location on the motorway corridor.	Yes

Table C- 6 | State Environmental Planning Policy (Transport and Infrastructure) 2021

Section	Considerations	Comments	Compliance
2.119 Development with a frontage to a classified road			
(1)	<p>The objectives of this section are—</p> <p>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p> <p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p>	<p>The proposal comprises development with frontage to the M4 Motorway which is a State classified road (no. 6004). It will not compromise the effective and ongoing operation of the motorway.</p> <p>The proposal will not result in additional impacts on development adjacent to the sign.</p>	Yes

Section	Considerations	Comments	Compliance
(2)	<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that –</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of –</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the</p>	<p>A Signage Safety Assessment has been prepared as part of the application.</p> <p>The Signage Safety Assessment considers the ongoing operation and function of the motorway in context to the proposal and concludes that it would be acceptable from a road safety perspective.</p> <p>Road safety is further discussed in Section 5.2.</p>	Yes

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

Clause	Considerations	Comments	Compliance
TABLE 1: LAND USE COMPATIBILITY CRITERIA – TRANSPORT CORRIDOR ADVERTISING			
(i)	The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The proposal is located on land zoned SP2 Infrastructure under the Blacktown LEP and is consistent with the objectives of the zoning.	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 - national park or nature reserve. 	The existing sign is not on land which is likely to significantly impact the amenity of the mentioned areas.	Yes

Clause	Considerations	Comments	Compliance
(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 existing sign does not dominate or protrude above the skyline, nor does it obscure any significant views.	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.	There are no heritage items immediately adjacent to the existing sign.	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 proposal seeks the continued use of an existing sign in a motorway corridor. The sign was not constructed to enhance the visual landscape and there are no structures which require screening.	Yes

2.3.2: Sign placement in transport corridors in urban areas

(a)	Advertising in urban areas should be restricted to rail corridors, freeways, tollways or classified roads: within or adjacent to strategic transport corridors passing through enterprise zones, business	The proposal is appropriately located on a transport (motorway) corridor zone, adjacent to an area of comprising light industrial development.	Yes
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Clause	Considerations	Comments	Compliance
	development zones, commercial core zones, mixed use zones or industrial zones,		
(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 proposal is 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.	<p>The proposal is compatible with the motorway / industrial setting.</p> <p>As no new signs are proposed, there will not be an increase in visibility of signage at nearby residences.</p>	Yes

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 sign is existing.	N/A
(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 structure is considered compatible with the characteristics of the motorway corridor which includes directional and guidance signage.	Yes

Clause	Considerations	Comments	Compliance
(c)	The advertising structure should be in keeping with important features of the site, building or bridge structure.	The design of the existing sign is unchanged. The Department considers that it does not have an adverse impact on the amenity of the surrounding area.	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.	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. - Landscaping outlined within the plan should require minimal maintenance. 	The proposal does not require any landscaping to be undertaken as it is located on a cleared parcel of land.	N/A
(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.	The safety devices, platforms and logos have been designed as an integral part of the existing sign.	Yes
(g)	Illumination of advertisements must comply with the requirements in Section 3.3.3.	The illumination of the existing sign complies with the requirements of Section 3.3.3.	Yes

Clause	Considerations	Comments	Compliance
(h)	Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	Illumination of the advertisement board would not result in light spillage into nearby residential properties, national parks or nature reserves as it is not located near any of these.	Yes
2.5.4: Freestanding advertisements criteria			
(a)	The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.	The proposal does not protrude above the dominant skyline when viewed from within a visual catchment of 1 kilometre.	Yes
(c)	Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.	The proposal is for an existing sign within a clearing. There is backdrop of vegetation. The Department considers that a landscape management plan is not required.	N/A

Clause	Considerations	Comments	Compliance
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3 Advertisements and Road Safety

3.1 Road safety objectives

TABLE 4: ROAD SAFETY ASSESSMENT CRITERIA – SCHEDULE 1 SEPP 64 1	Would the proposal reduce the safety for any public road?	The Department considers that the proposal will not reduce safety on the motorway as the existing sign has been in place for 15 years and the road safety assessment indicates that operation of the sign does not present a road safety risk.	Yes
2	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal is not expected to have any impacts on the safety of pedestrians or cyclists.	Yes
3	Would the proposal reduce the safety for pedestrians by obscuring sightlines from public areas?	The proposal is located in a motorway corridor and would not obscure sightlines to or from public areas.	Yes

3.2.1: Road clearance

(a)	The advertisement must not create a physical obstruction or hazard. For example:	The proposal does not physically obstruct any vehicle, pedestrian and cyclist movements as it is located beyond the	Yes
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Clause	Considerations	Comments	Compliance
	<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>	road shoulder. It does not protrude laterally into the lanes or shoulder of the motorway.	
(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 existing sign is located beyond the motorway shoulder behind a RMS approved W-beam crash barrier.	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.	<p>The existing sign is beyond the clear zone. It is behind an RMS-approved W-beam crash barrier. It does not protrude into the transport corridor and therefore would not be hit by trucks and wide vehicles. The outermost edge of the sign is approximately 10 metres from the edge of the carriageway.</p> <p>The lateral clearance with respect to dynamic deflection and working width has been previously approved by TfNSW.</p>	N/A

Clause	Considerations	Comments	Compliance
(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 proposal does not hang over a road or footpath. The Applicant has provided a structural feasibility statement which addresses the wind loading requirements. The existing sign complies with the requirements.	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 existing sign is offset from the carriageway and does not obstruct a driver's view of the road.	Yes
(b)	An advertisement must not obstruct a pedestrian or cyclist's view of the road.	Cyclists are prohibited from travelling on the motorway and there are no pedestrian paths along the motorway in the vicinity of the sign.	Yes
(c)	The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.	The existing sign is offset from the carriageway in a manner that does not have the potential to give incorrect information about the road alignment.	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 existing sign is positioned within a driver's line of sight and therefore drivers are not required to turn their head to view the sign.</p> <p>The height and distance of the existing sign away from the carriageway is unlikely to cause headlight glare or reflection.</p>	Yes

3.2.3: Proximity to decision making points and conflict points

(a)	The sign should not be located:	The minimum safe stopping sight distance is 207 metres for motorways with an operating speed of 100 km/h. The existing sign is not located within the safe stopping distance of any decision-making conflict point.	Yes
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Clause	Considerations	Comments	Compliance
	<p>(i) less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</p> <p>(ii) less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment</p> <p>(iii) so that it is visible from the stem of a T-intersection.</p>	<p>There are no pedestrian or cycling crossings or facilities on the motorway in the vicinity of the existing sign.</p> <p>The sign is not 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 6-9 m) or higher.</p>	<p>The existing sign does not obstruct a motorist's view of any traffic signals, signage, and other traffic hazards when travelling on the M4 Motorway in the eastbound direction.</p> <p>There is no road hazard, intersection or emergency vehicle access point near the sign.</p>	Yes

Clause	Considerations	Comments	Compliance
3.2.4: Sign spacing			
	The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.	<p>There are no other large format static or digital signs within 150 metres of the existing sign facing traffic in the eastbound direction.</p> <p>The proposal would not cause any further visual clutter as the sign is already in existence.</p>	Yes
(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.	There are no other large format static or digital signs within 150 metres of the existing sign facing traffic in the eastbound direction.	Yes

3.3: Sign design and operation criteria

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.	<p>There is a variable message sign (VMS) located approximately 200 metres downstream of the existing sign. The existing sign is offset from the carriageway while the VMS is elevated above the carriageway and so there are no backdrop issues for the VMS.</p> <p>There is a default speed limit sign and a guidance sign located 140 metres and 70 metres upstream of the existing</p>	Yes
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Clause	Considerations	Comments	Compliance
		sign, respectively. However, the proposal is elevated above these.	
(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 Department considers that the proposal is located in a suitable location (refer Section 5.1).</p> <p>The Department has recommended conditions which restrict the colours, patterns and text on the advertisements to ensure that they do not give directions or could be mistaken as a traffic signal or prescribed traffic control device.</p>	Yes, subject to conditions
3.3.3 Illumination and reflectance Illumination and reflectance criteria for non-digital signs:			
(a)	Advertisements must comply with the luminance requirements in Table 5 of the guideline	The lighting assessment indicates the proposal would comply with the luminance requirements.	Yes

Clause	Considerations	Comments	Compliance
(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	There are no areas with special lighting requirements.	N/A
(c)	<p>The light sources for illuminated signs must focus solely on the sign and:</p> <ul style="list-style-type: none"> 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 lighting assessment indicates the proposal complies with the requirements and to ensure continued compliance, the lighting must be aimed towards the signage face at 15 degrees below the horizontal. The Department has included this as a requirement in the recommended conditions.	Yes, subject to conditions
(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 lighting assessment indicates the proposal would comply with this requirement.	Yes

Clause	Considerations	Comments	Compliance
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 existing sign is a static sign and would not contain interactive technology or technology that enables opt-in direction communication with motorists.	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 proposal is a static sign and does not include message sequencing.	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	The development application is for the continued use of an existing sign. A road safety assessment was provided as part of the development application and indicates no safety concerns. As such, a road safety check is not considered necessary.	Yes

Clause	Considerations	Comments	Compliance
	provided to the Department of Planning and Environment (now Department of Planning Housing and Infrastructure) as well.		
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>	Noted.	Noted
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 Applicant has provided a Public Benefit Statement as Appendix 5 of the SEE.</p> <p>The Department considers that the Applicant's Public Benefit Test is sufficient to meet the intention of the guideline requirement.</p> <p>The Department has recommended a condition which requires the sign be made available for at least 28 days in every calendar year for the display of road safety messages.</p>	Yes, subject to conditions

Clause	Considerations	Comments	Compliance
	<p>The proponent must outline in the SEE accompanying the DA what arrangements they will make to provide an appropriate public benefit (see Section 1.6.4).</p> <p>The consent authority (either the Minister for Planning or the council) will determine whether the applicant has sufficiently demonstrated that the proposed advertisement will contribute an appropriate public benefit. Public benefits, along with other matters identified in the SEPP (Clause 13), must be considered by a consent authority before approval can be given for the advertising development.</p>		
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 	<p>The Applicant has advised that revenue generated from advertising would be allocated to contribute to funding to support road infrastructure maintenance, network management, road user compliance activities and road safety programs across the whole of NSW.</p> <p>The Department has recommended a condition which requires the Applicant to ensure time is made available (at no cost) for the display of road safety messages.</p>	Yes, subject to conditions

Clause	Considerations	Comments	Compliance
	<ul style="list-style-type: none"> - improved public amenity within, or adjacent to, the transport corridor - support school safety infrastructure and programs <p>other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages.</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 advised that revenue generated from advertising would be allocated to contribute to funding to support road infrastructure maintenance, network management, road user compliance activities and road safety programs across the whole of NSW.	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.	The Department has recommended this requirement as a condition of consent.	Yes, subject to conditions

Clause	Considerations	Comments	Compliance
	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.	Noted.	Noted
	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.	Noted.	Noted

Table C- 8 | Development near rail corridors and busy roads – interim guideline

Clause	Considerations	Compliance
5.1 Essential early requirements	<p>The proposal was designed in consultation with TfNSW and has included safe design practices and surveying to inform the design.</p> <p>The Applicant is expected to have addressed any internal TfNSW design reviews.</p>	Yes

Clause	Considerations	Compliance
5.2 Electrolysis	The Department has recommended a condition requiring the proposal to meet the relevant requirements of any applicable Australian Standards and the requirements of TfNSW.	Yes, subject to conditions
5.3 Cranes	The proposal would not require the use of cranes.	N/A
5.4 Safe access for maintenance	The existing sign can be accessed by a temporary ladder and gate. There are two walkways in the steel frame behind the advertising panel to access the advertising skin. A condition has been recommend requiring the preparation of a maintenance plan, including an environmental and safety risk assessment.	Yes, subject to conditions
5.5 Stormwater Management	The proposal would not alter or increase the stormwater flow of the site.	Yes
5.6 Vandalism	It is not expected that the proposal would increase the opportunity for vandalism.	Yes
5.7 Graffiti	The proposal is not expected to increase the opportunity for graffiti. A condition has been recommended requiring the owner/manager of the site to remove all graffiti from the advertising structures. The recommended Maintenance Plan requires the Applicant to address the removal of graffiti, including timeframes for removal.	Yes, subject to condition
5.8 Lighting, external finishes and design	The proposal complies with the illumination requirements of AS/NZS 4282:2023.	Yes
5.9 – 5.15	Not applicable as the proposal is not near a rail corridor.	N/A

Appendix D – Recommended instrument of consent

The instrument of consent can be viewed at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/continued-use-existing-static-signage-m4-motorwaybrabham-drive-eastern-creek-da2418203>