



## Digital advertising sign – Railway overpass above the M2 Motorway, Epping

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Development Application Assessment (DA 10649)

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*Cover image: Eastern elevation photomontage (Source: Applicant)*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Sydney Trains
<b>Consent</b>	Development Consent
<b>Council</b>	Hornsby Shire Council
<b>DA</b>	Development Application
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>Dwell time</b>	the amount of time an advertising image is displayed, before transitioning to another
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>Guidelines</b>	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
<b>LGA</b>	Local Government Area
<b>HLEP</b>	Hornsby Local Environmental Plan 2013
<b>Minister</b>	Minister for Planning and Public Spaces
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>RtS</b>	Response to Submissions
<b>Planning Secretary</b>	Secretary of the Department of Planning, Housing and Infrastructure
<b>SEPP</b>	State Environmental Planning Policy
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>SEE</b>	Statement of Environment Effects
<b>SEPP IE</b>	State Environmental Planning Policy (Industry and Employment) 2021
<b>TfNSW</b>	Transport for NSW

# Executive Summary

Sydney Trains (the Applicant) seeks development consent for the installation and operation of one new digital advertising sign and associated works on the eastern elevation of the railway overpass above the M2 Motorway, Epping (DA 10649).

The original application sought consent for a second sign on the western elevation of the overpass, however, this has since been deleted from the application.

## Engagement

The Department of Planning, Housing and Infrastructure publicly exhibited the DA for 45 days from 16 December 2020 to 29 January 2021. In response to the public exhibition, the Department received three submissions which comprised one submission from Hornsby Shire Council and one submission from City of Parramatta Council making comments and one submission from TfNSW objecting to the proposal. No public submissions were received.

Hornsby Shire Council noted that the proposed signage would not have a visual impact outside of the M2 corridor and any potential impact on the Beecroft-Cheltenham Heritage Conservation Area has been addressed.

While the subject site is within the Hornsby Shire Council LGA, City of Parramatta Council raised compliance issues with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines), in relation to proximity to conflict points. City of Parramatta also raised issues relating to visual impacts from the western sign and alternative signage locations.

TfNSW objected to the proposal and raised issues in relation to consent from The Hills Motorway Limited (THML), road safety concerns, lighting impacts and requested additional information.

Through the course of assessment, the Applicant provided additional information, including further traffic and lighting assessments. The western sign was also deleted from the application due to potential traffic safety impacts.

Following review of the RtS, TfNSW did not raise any further issues and provided comments and recommended conditions for the proposal.

The Department also commissioned an independent road safety audit and peer review of the road safety documents. The audit found that the eastern sign did not pose an adverse risk from a road safety perspective.

## Assessment

The Department has assessed the proposal against the requirements of State Environmental Planning Policy (Industry and Employment) 2021 (SEPP IE) and the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) and has considered the issues raised in submissions.

The Department considers the proposal acceptable (as modified) as:

- it meets the relevant statutory requirements and complies with SEPP IE
- an independent traffic safety expert found the proposed sign would not result in any significant traffic safety impacts
- the proposed sign is compatible with the bridge and would not result in any significant visual or other impacts to surrounding receivers as it will be screened by existing acoustic walls and surrounding vegetation
- it would not result in any adverse heritage impacts as it as it would not physically or visually effect the Beecroft-Cheltenham Heritage Conservation Area
- the illumination and luminance levels would comply with the relevant Australian Standards and Guidelines
- it would provide for measurable public benefit to the local community by displaying road safety messages for a minimum of five per cent of all advertising time
- TfNSW has issued conditions to ensure the safe installation, maintenance, and operation of the proposed sign
- recommended conditions would manage lighting and road safety, in accordance with the Guidelines.

## Conclusion

The Department's assessment concludes the proposal is appropriate as it would not result in any unacceptable amenity, visual, heritage or road safety impacts and is consistent with the requirements of SEPP IE and the Guidelines.

The Department considers the application is in the public interest and recommends that the application be approved, subject to conditions.

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# 1 Introduction

## 1.1 Background

This report provides an assessment of a Development Application (DA 10649) lodged by Sydney Trains (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent for the installation and operation of one new digital advertising sign on the eastern elevation of the railway overpass above the M2 Motorway, Epping (the proposal).

The sign would be used primarily for third-party advertising and would include emergency information from Transport for NSW or any other relevant authority. The site is located within Hornsby Shire Council, adjacent to the boundary with the City of Parramatta local government area. The Minister for Planning and Public Spaces is the consent authority for the application.

## 1.2 The site

The proposed sign would be located on the eastern elevation of the railway overpass above the M2 Motorway, Epping (the site). The site is shown in **Figure 1** and Figure 2.

The railway overpass comprises two rail bridges which form part of the T9 Northern Line. The eastern rail bridge is approximately 35 m in length and contains two railway tracks. The western rail bridge is approximately 38 m in length and contains one railway track and three tunnel clearance signs on its western elevation.

The M2 Motorway is located below the railway overpass and is classified road which travels in a general east-west alignment between Lane Cove and Winston Hills. The M2 Motorway is a dual carriageway with three lanes of traffic in both directions and has a speed limit of 100 km/hr. The site is located near the Beecroft Road interchange which contains entry and exit ramps onto and from the M2 Motorway. The M2 cycleway is located in both directions on the breakdown lanes of the M2 Motorway.

The site is surrounded by acoustic walls and mature tree planting on either side of the M2 Motorway.





**Figure 1** | Location of proposed sign shown in blue (Source: Nearmap 2023)



**Figure 2** | Eastern elevation of the railway overpass – viewed by westbound traffic (Source: Google Maps 2023)



### 1.3 Site surroundings

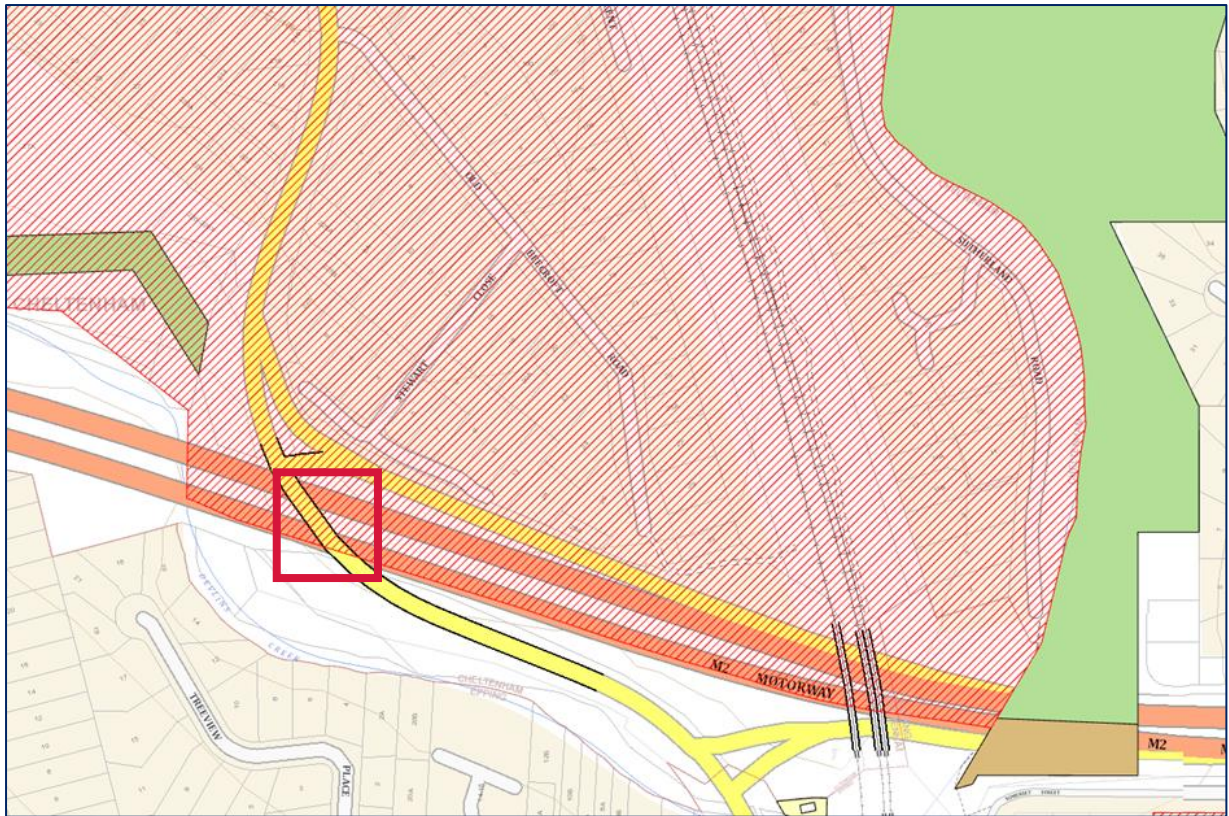
The land uses in the immediate vicinity of the site are shown in **Figure 3** and include:

- low density residential zones to the north of the site
- low to high density residential zones to the south of the site
- Epping Oval located approximately 400 m east of the site
- Lane Cove National Park located approximately 170 m north-east of the site
- Lyne Road Reserve located approximately 380 m north-west of the site
- Beecroft Road Reserve located approximately 170 m south-west of the site.

The site is also located within the Beecroft-Cheltenham Heritage Conservation Area which is listed on the Hornsby Local Environmental Plan (LEP) 2013 and has local heritage significance (**Figure 4**).



**Figure 3** | Surrounding land uses – site outlined in red (Source: ePlanning Spatial Viewer 2023)



**Figure 4 |** Site within the Beecroft-Cheltenham Heritage Conservation Area (Base source: Spatial viewer)

## 2 Project

The DA seeks consent for the installation and operation of one digital advertising sign on the eastern elevation of the railway overpass above the M2 Motorway, Epping. The proposal also involves signage supporting structures including, framework, wiring, electrical and communications.

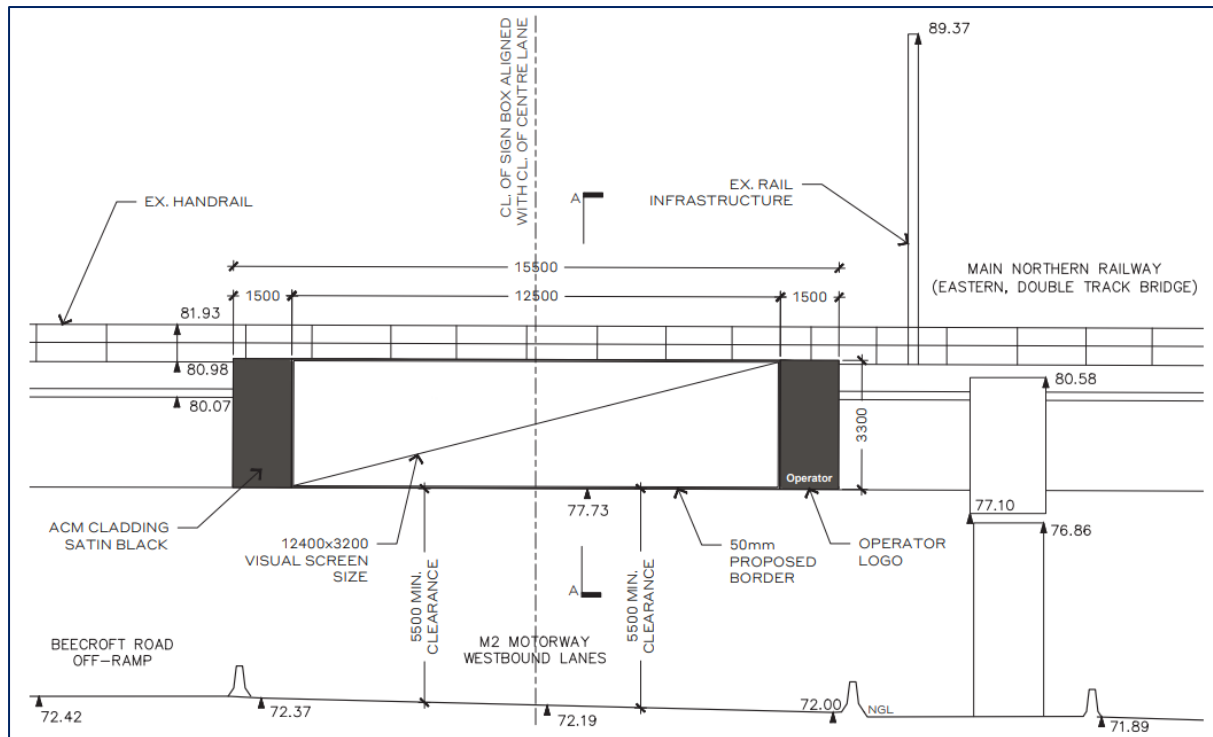
The main components of the proposal as revised by additional information are outlined in **Table 1** and shown in **Figure 5** and Figure 6.

The original proposal involved the installation and operation of two digital advertising signs on the eastern and western elevations of the railway overpass. The Applicant subsequently advised that the sign on the western elevation would no longer form part of the DA and that consent for this sign would be sought at a later date.

**Table 1** | Details of the proposed signage

Aspect	Description
<b>Signage structure dimensions</b>	<ul style="list-style-type: none"><li>15.5 m wide by 3.3 m high with an area of 51.15 m<sup>2</sup></li></ul>
<b>Advertising display area</b>	<ul style="list-style-type: none"><li>12.5 m wide by 3.3m high with an area of 41.25 m<sup>2</sup></li></ul>
<b>Backing</b>	<ul style="list-style-type: none"><li>The sign will be mounted in a cabinet with a depth of 950 mm</li></ul>
<b>Road clearance from ground level to sign</b>	<ul style="list-style-type: none"><li>The sign will be aligned with the underside of the overpass bridge, maintaining the same minimum 5.3 m clearance height to the road beneath</li></ul>
<b>Signage display</b>	<ul style="list-style-type: none"><li>Static illuminated digital LED screen displaying third-party advertising (95% of time) and road safety advertising (5% of time)</li></ul>
<b>Decorative metal cladding</b>	<ul style="list-style-type: none"><li>ACM sating black cladding to a length of 1.5m either side of the advertising area</li></ul>
<b>Illumination</b>	<ul style="list-style-type: none"><li>6,000 cd/m<sup>2</sup> to 102 cd/m<sup>2</sup>, subject to lighting conditions</li></ul>
<b>Dwell time</b>	<ul style="list-style-type: none"><li>25 seconds (0.1 second transition time)</li></ul>
<b>Hours of operation</b>	<ul style="list-style-type: none"><li>24 hours a day, 7 days per week</li></ul>





**Figure 5 |** Proposed sign – eastern elevation (Source: Applicant)



**Figure 6 |** Photomontage of proposed sign – eastern elevation (Source: Applicant)

## 3 Statutory Context

### 3.1 Consent authority

The Minister for Planning and Public Spaces is the consent authority under clause 3.10(e) of SEPP IE as the development application relates to advertisement displayed on transport corridor land and associated adjacent land, which includes the M2 Motorway and the subject rail overpass.

The DA has been submitted on behalf of Sydney Trains and relates to an advertisement displayed by or on behalf of Sydney Trains on a railway corridor.

In accordance with the Minister's delegation, the Director, Key Sites Assessments may determine this application as:

- the relevant Council (Hornsby) has not made an objection
- there are 15 or less public submissions in nature of objection
- a political disclosure statement has not been made.

### 3.2 Permissibility

The site is zoned SP2 Infrastructure under the Hornsby LEP 2013 and Parramatta LEP 2023. Signage is a prohibited use in the SP2 zone under the Hornsby LEP 2013 and Parramatta LEP 2023.

However, SEPP IE further permits that notwithstanding any other environmental planning instrument (EPI), the Minister may grant consent to an application for the display of an advertisement on transport corridor land and associated adjacent land which includes the M2 Motorway under clause 3.14(1)(c) of the SEPP IE. The application is therefore permissible with consent.

Compliance with both Council LEPs and the SEPP IE are further discussed in **Section 5** and **Appendix C**.

### 3.3 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant environmental planning instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix C**.



## 4 Engagement

### 4.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act and the Department's Community Participation Plan, the Department publicly exhibited the application for 45 days from 16 December 2020 until 29 January 2021. The application was exhibited on the Department's website.

The Department notified adjoining landholders, Hornsby Shire Council, City of Parramatta Council, TfNSW and Sydney Trains in writing.

The Department has considered the comments raised in the submissions received in the assessment of the application (**Section 5** and **Appendix B**).

### 4.2 Summary of submissions

The Department received three submissions in relation to the proposal, comprising:

- one submission from TfNSW objecting to the proposal
- one submission from Hornsby Shire Council making comments
- one submission from City of Parramatta Council making comments.

No submissions were received from members of the public.

### 4.3 Key issues – Government Agencies

TfNSW initially objected to the proposal and provided the following comments:

- the signage has the potential to distract motorists exiting the M2 Motorway near the Beecroft Road interchange and the tunnel
- potential crashes outside the tunnel going westbound would have an immediate impact back through the tunnel
- the cumulative lighting impact of the proposed signage with the surrounding lighting has not been assessed
- TfNSW requested the following information should the application proceed:
  - structural documentation
  - construction traffic management plan
  - pre and post dilapidation reports
  - crane loading assessment
  - inspection and maintenance plan
  - lighting impact assessment including an assessment of cumulative impacts

#### 4.4 Key issues – Council

Hornsby Shire Council did not object to the proposal and noted that the proposed signage would not have a visual impact outside of the M2 corridor and the potential impact on the Beecroft-Cheltenham Heritage Conservation Area has been addressed.

City of Parramatta Council provided comments regarding road safety on both the eastern and western facing signs. The western sign was later withdrawn from the application and Council's comments regarding the eastern facing sign are summarised below:

- the proposed signage is located in close proximity to conflicts points including an on ramp, cyclist crossing point and interchange sequence sign increasing risk
- the proposed signage is located in close proximity to the existing interchange sequence sign and may distract motorists at a critical time.
- the proposed signage does not satisfy the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines) as it is located less than the safe sight distance from an exit ramp and a cyclist crossing.

#### 4.5 Response to submissions

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 22 April 2021, the Applicant provided an RtS (**Appendix A**) addressing the matters raised in the submissions. The Applicant also provided additional traffic responses and lighting assessment.

The Department referred the RtS to TfNSW and Parramatta City Council. TfNSW did not raise any additional concerns and requested that the proposal is in accordance with SEPP IE and the Guidelines.

Parramatta City Council reiterated its key issues relating to the proposal. In particular, Parramatta City Council argued that the proposal does not comply with the Guidelines in relation to the safe sight distance and increasing driver distraction.

In response, the Applicant provided additional traffic response and confirmed that the proposal complies with the Guidelines. The western sign was additionally deleted from the application. TfNSW provided its concurrence for the development on 15 March 2022, along with conditions.

On 14 July 2023, the Department commissioned an independent traffic safety audit and peer review to assess the potential traffic safety impacts associated with the proposal. The audit confirmed that the eastern sign would have no impacts on traffic safety.

The Department has considered the issues raised in submissions in its assessment of the proposal (**Section 5**).

## 5 Assessment

The Department has considered the proposal, the issues raised in submissions, and the Applicant's response in its assessment of the application. The Department considers the key issues associated with the proposal are:

- design and suitability of the site
- visual impact
- road safety
- illumination
- public benefit.

Each of these matters are addressed separately below.

### 5.1 Design and suitability of the site

The proposal seeks approval for one new digital advertising sign with an overall display area of 41.25m<sup>2</sup>. The Department notes the proposed signage would be installed on a rail overpass where there is no current digital advertising signage. Nonetheless, advertising signs of this nature are common along the M2 motorway with 16 signs currently in operation, nine of which are the newer digital signs and seven of which are illuminated lightboxes.

The Department considers the design and location of the existing signs acceptable as:

- the proposed signage satisfactorily complies with the design criteria of the SEPP IE, the Guidelines and AS4282 (1997 Control of obtrusive effects of outdoor lighting) (**Section 5 and Appendix C**)
- the proposed sign is compatible with the bridge and would not result in any significant visual or other impacts to surrounding receivers (**Section 5.2**)
- the location within a roadway corridor is suitable for advertising and would not adversely impact the existing or future character of the surrounding land uses
- the sign is consistent with signage on other bridges along the M2 motorway
- the sign is suitable from a road safety perspective (**Section 5.3**).

The Department's assessment therefore concludes the design of the proposed signage and the use of the site for signage is acceptable and would not result in adverse amenity impacts to surrounding receivers.

## 5.2 Visual impact

The Applicant provided a Visual Impact Assessment (VIA) which assessed the visual impacts of the proposed signage. The VIA notes that the visibility of the site outside of the M2 Motorway is low due to the surrounding noise wall. The VIA assessed the visual impacts of the proposed signs from two locations which are shown in **Figure** . The VIA concluded that the proposed signs would have a low impact from both locations.

TfNSW requested that the visual impact of relocating the existing tunnel clearance signage is assessed, however it is noted this related to the western elevation sign which has since been deleted. Hornsby Shire Council and Parramatta Council raised no visual impact concerns about the sign on the eastern elevation.

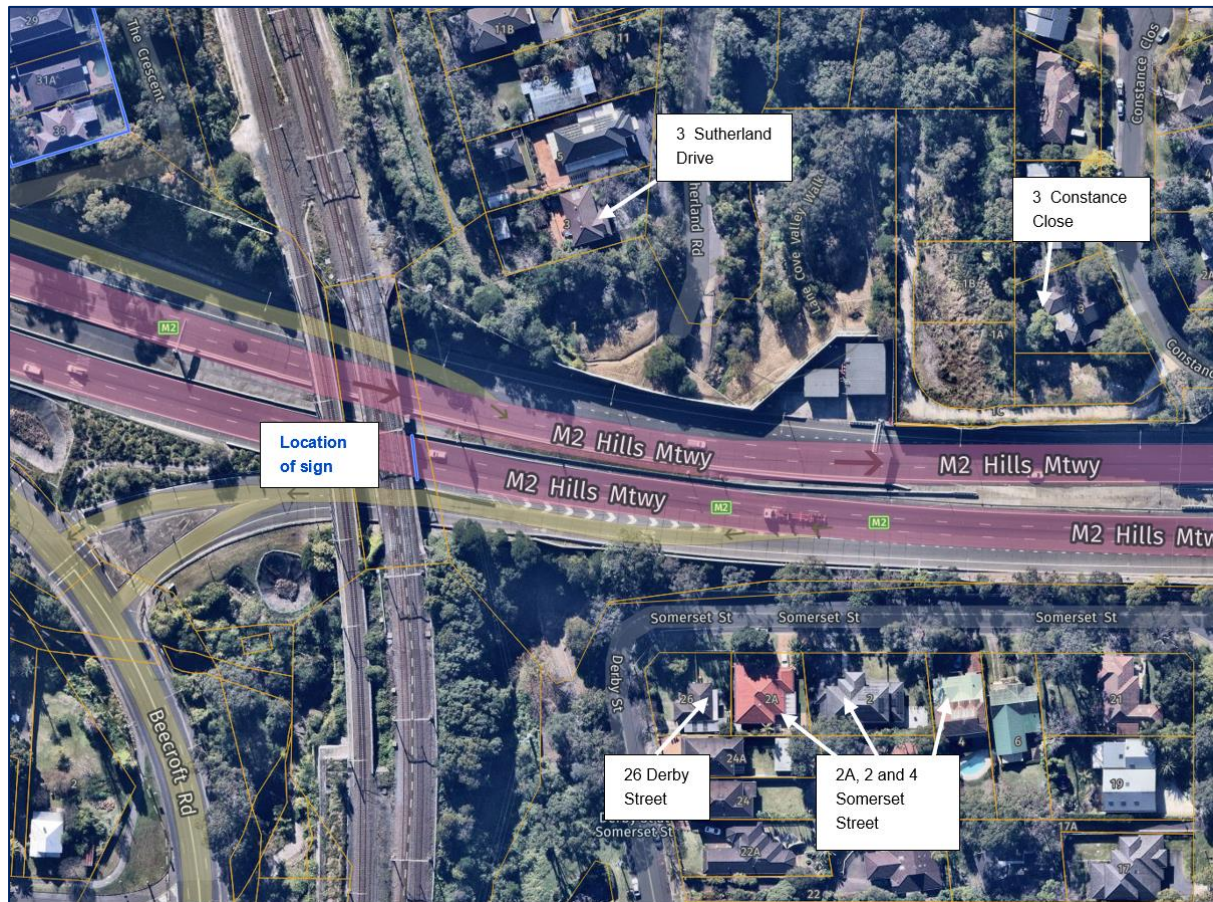


**Figure 7 |** Photomontage of proposed eastern elevation sign – note the mature vegetation screening the road reserve (Source: Applicant)

The Department notes that the eastern sign would be significantly obscured from the residential developments located along Somerset Street to the south and Sutherland Drive and Constance Close to the north. This is chiefly due to the elevational differences and the acoustic walls and dense mature vegetation running along the boundary of the M2.

The Department notes the submission by Parramatta City Council clarifies that the eastern sign is not visible from the local road network servicing the surrounding suburbs. The Department further notes that no public submissions were received regarding visual impacts.





**Figure 8 | Nearest sensitive receivers (Base Source: Nearmaps)**

The Department has carefully considered the potential visual impacts associated with the proposal and is satisfied they are acceptable as:

- the proposal has low visibility outside of the M2 Motorway and would have a negligible impact on surrounding residential receivers
- the noise wall and vegetation alongside the M2 Motorway will obscure views of the proposed signage from surrounding receivers
- the proposed sign does not extend outside the structural boundaries of the bridge
- the proposal would not result in any adverse illumination impacts to residents in proximity to the site (**Section 5.4**)
- it is not located above the dominant skyline as it is lower in height than the bridge structure
- the proposed signage meets the criteria under Schedule 1 of SEPP IE as the sign would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas. A full assessment of the existing signage under SEPP IE is included at Appendix C.

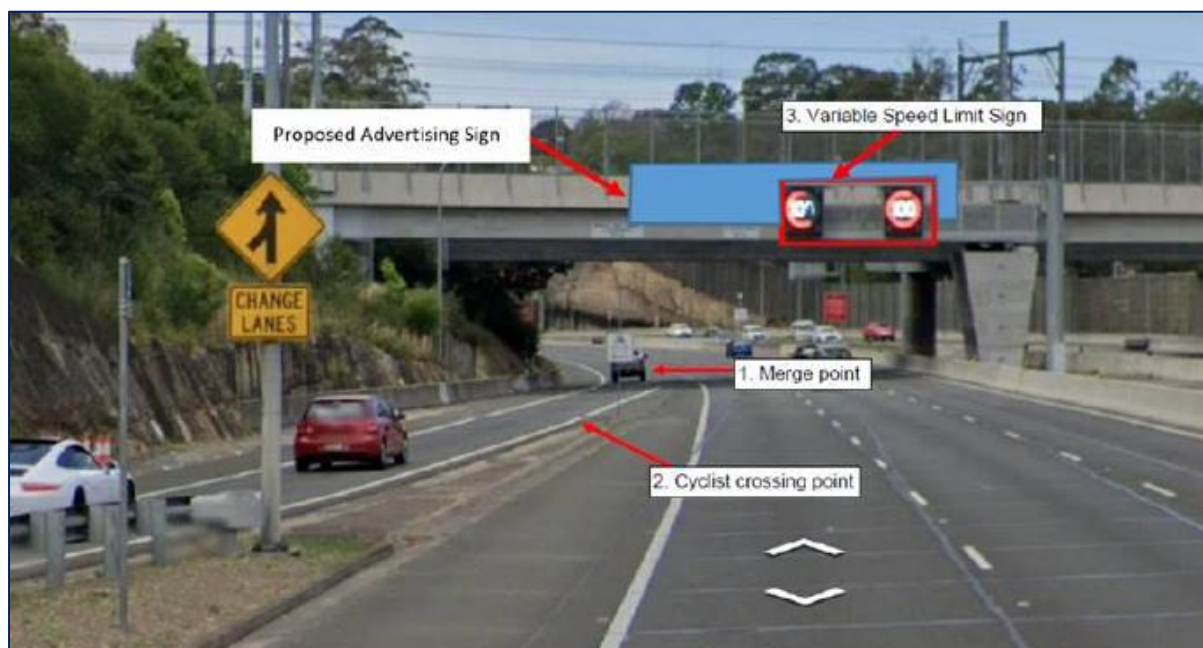
The Department's assessment therefore concludes the proposal would not result in any adverse visual impacts to the surrounding receivers.



### 5.3 Road safety

The Applicant provided a Digital Signage Safety Assessment (DSSA) that assessed the proposal against the Guidelines, SEPP IE and Austroads Guide to Road Design. The DSSA assessed the signage exposure distance, sight stopping distance and road accident history in proximity to the site.

TfNSW and Parramatta City Council both raised concerns particularly with the proposed western sign (**Figure 9**) as it would potentially cause driver distraction being near an on-ramp merge point, a cyclist crossing point, variable speed signs and tunnel clearance signs. However, the Applicant removed this sign from the DA.



**Figure 9** | Previously proposed western sign highlighting conflict points (Source: Applicant's RTS)

Following the withdrawal of the western sign, TfNSW advised that the eastern sign could comply with the relevant road safety criteria, provided its concurrence and required that a road safety check be undertaken after a 12-month period by an independent road safety auditor. The Department notes while TfNSW advised it granted its concurrence, the proposal is not integrated development as Sydney Trains is the Applicant and the motorway is not a public road under the Roads Act 1993.

The City of Parramatta also raised traffic safety concerns with the eastern sign due to its proximity to an exit ramp, a cyclist crossing point and interchange sequence sign.

The distances and locations of the potential conflict points are as follows and illustrated in **Figures 10 & 11**:

- the diverge point for the M2 exit ramp is located approximately 120m east of the sign
- the cyclist crossing point within the westbound exit ramp is located approximately 20m east of the sign
- an interchange Sequence Sign located approximately 14m east of the sign
- an additional decision point along the exit ramp with left lane to Epping and right lane to Beecroft is located 35 m after the proposed sign location



**Figure 10** | Eastern sign highlighting conflict points (Base Source: Applicant's DSSA)



**Figure 11** | Aerial overview of conflict points (Base Source: Nearmaps)

Given the concerns raised by Parramatta Council and the proximity of the sign to the potential conflict point, including the exit ramp, the Department commissioned an independent traffic audit by Turnbull Engineering to review the sign's suitability from a traffic safety perspective. The audit involved a full road safety assessment, including day and night site visits. The audit included an additional peer review of the road safety assessment and documents provided by the applicant during the assessment and the concerns raised by Parramatta City Council and TfNSW.

The audit found that there were no noted road safety risks associated with the eastern sign concluding that:

- the proposed digital sign would not negatively impact on the safety at the cyclist crossing point as the road geometry facilitates sufficient sight distance for oncoming traffic to identify cyclists
- compliant digital signage would not distract driver safety due to luminance
- the signage would not interfere with the interchange sequence signage and driver wayfinding as the decision point and signage for the off ramp is positioned sufficiently away from the digital sign.

Additionally, Turnbull engineering agreed with the Applicant's traffic engineers on the following points:

- the proposed sign would not obstruct/ reduce visibility of any traffic control devices or give incorrect information about the road alignment
- the signage complies with the safe sight distance guideline with ample distance for motorists to safely change lanes and exit after noticing the digital sign
- the additional guidance sign for the exit, prior to the tunnel, would provide advance information to motorists looking to exit
- motorists approaching the exit would see a bicycle warning sign located on the south side of the off ramp giving them advance warning about cyclists before the approach to the crossing
- cyclists have adequate sight lines between the crossing point and oncoming traffic to judge when it is safe to cross the travel lane.

The audit also found that the previously proposed western sign would have had unacceptable impacts to road safety as the sign would have been facing traffic within the on-ramp merge zone which could have led to drivers failing to choose a suitable gap. It was further found that the sign would have caused confusion with the variable speed limit signs within direct line of site and would have had the potential to distract drivers from hazards around the cyclist crossing point.

The Department accepts the findings of the independent traffic audit and is satisfied that the proposed sign would not result in any significant traffic safety risks. Notwithstanding, the Department recommends a suite of conditions to ensure the sign complies with the requirements of SEPP IE and the Guidelines and would not result in any adverse traffic safety impacts. The conditions include:

- the requirement for the road safety audit
- the requirement for a luminance audit
- maintaining an electronic log of the sign's activities
- regulations around signage content to prevent distraction and ensure Guidelines compliance
- restrictions on dwell time and transition time
- permitted luminance levels

## 5.4 Illumination

The Guidelines categorise sign locations and set luminance levels based on land use and ambient lighting levels from Zone 1 (highly lit areas) down to Zone 4 (low lit residential areas). Australian Standard (AS) 4282 'Control of the Obtrusive Effects of Outdoor Lighting' also sets maximum luminance levels for different environmental zones from Zone A4 (high district brightness) down to A0 (naturally dark areas).

The proposed digital signage would be illuminated with LEDs and operated 24-hours-a-day, 7-days-per-week. The Applicant prepared a Light Impact Assessment (LIA) to assess the proposal against the relevant luminance criteria. The LIA confirmed the proposed signage would comply with the relevant Guidelines and Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

The Applicant's Lighting Impact Assessment identifies the site as being A3 (medium district brightness in suburban towns and cities) under AS 4282, and Zone 3 (medium level off-street ambient lighting) under the Guidelines. The maximum luminance level set under AS 4282 applies only to the night-time and is 250 cd/m<sup>2</sup>. The AS does not nominate a day-time luminance level, and instead reference is made to the Guidelines which specifies no maximum applies when the sun is projecting straight onto the face of the sign, a maximum of 6,000 cd/m<sup>2</sup> in other daytime conditions, 700 cd/m<sup>2</sup> during morning or evenings or incremental weather, and 350 cd/m<sup>2</sup> at night.

TfNSW requested that the cumulative lighting impact of the proposed signage with the surrounding lighting is assessed. In response the Applicant noted that any additional lighting generated by the proposal would be minor as it complies with the relevant standards and is located within the M2 Motorway which is well lit during night-time hours.

The Department has reviewed the LIA and additional lighting assessment and consider the illumination impacts associated with the proposal are acceptable as:

- the proposed digital signage luminance levels would comply with both the AS and Guidelines
- the potential light during night-time operations has been modelled which confirm that the proposed sign complies with the maximum limit of 2 lux at all nearby residential receivers under AS 4282.

The Department also recommends a condition be imposed requiring:

- the maximum luminance levels be set for different lighting conditions (full sun, day, twilight, and evening) the sign be audited (within 6 months of the commencement of operation of the development, or as otherwise directed by the Planning Secretary) to confirm compliance with the conditions of consent.

## 5.5 Public benefit

The Guidelines require proposals for certain outdoor advertisements on classified roads and on bridges to meet a public benefit test to ensure that the advertising would result in a positive gain or benefit for the local community.

The Applicant has provided Public Benefit Statement that identifies the following public benefits for the local community:



- the income generated from advertising would be used to improve Sydney Train services, including upgrading essential public infrastructure and other rail programs
- the digital signage would be used by Sydney Trains, TfNSW and emergency services to display instantaneous safety or public awareness messages.

The Department requested that the Applicant provide additional information to demonstrate how the in-kind contributions are linked to improvements in community services and facilities.

The Applicant provided additional information that identifies the following revised proposed public benefits:

- future roll-out of 'gap buffers' within CBD stations
- funding of the Transport Access Program, which will improve station accessibility by providing lifts, canopy covers, upgraded footpaths and improved wayfinding.

The Department considers the proposal provides clear and tangible benefits to the local community through revenue to fund upgrades to essential public infrastructure and other rail programs and improvements to station accessibility. The signs would also provide community messaging and help address road safety problems through the display of road safety messages.

The Department recommends a condition requiring the signs to display road safety messages for a minimum of five per cent of all advertising time.

The Department therefore concludes the proposal would result in sufficient public benefits as it would play an important role in helping to address road safety problems, is consistent with the Guidelines, and would generate funding for the improvement of the rail network.

## 5.6 Other issues

The Department's consideration of other issues is provided in **Table 2**.

**Table 2 | Summary of other issues**

Issue	Findings	Recommendations
Heritage	<ul style="list-style-type: none"> <li>• The proposal is located within the Beecroft-Cheltenham Heritage Conservation Area which is listed on the Hornsby Local LEP 2013 and has local heritage significance.</li> <li>• The Applicant provided a Heritage Impact Statement (HIS) which concluded that the proposal would not physically or visually impact any heritage items that contribute to the heritage character of the heritage conservation area.</li> <li>• Hornsby Shire Council noted that the potential impact on the heritage conservation area has been addressed in the HIS.</li> <li>• The Department concludes that the proposal would not have any significant heritage impacts as it would not physically or visually impact any heritage items and is located within a highly developed road corridor.</li> </ul>	<ul style="list-style-type: none"> <li>• No additional conditions are recommended</li> </ul>



## 6 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act, including the relevant EPIs. The Department's assessment concludes that the proposal is appropriate as it:

- the proposal meets the relevant statutory requirements under SEPP IE
- the proposal will not adversely impact the safety or operation of the road network and TfNSW has issued conditions
- the proposed sign is compatible with the bridge and would not result in any significant visual or other impacts to surrounding receivers as it will be screened by existing acoustic walls and surrounding vegetation
- the significance and curtilage of surrounding heritage items will remain unaffected
- the operation of the sign will comply with the relevant Australian Standards and Guidelines
- the sign will deliver appropriate public benefits for local community services and facilities
- conditions are imposed regulating the use of the sign, including road safety, dwell times, illumination and advertising signage content

The Department concludes the impacts of the proposal are acceptable and that it is in the public interest. The Department recommends the application be approved, subject to conditions (**Appendix D**).

## 7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- accepts and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- agrees with the key reasons for approval listed in the notice of decision
- grants consent for the application in respect of DA 10649, subject to the conditions in the attached development consent
- signs the attached development consent and recommended conditions of consent.

**Recommended by:**



**Janith De Silva**  
Planning Officer  
Key Sites Assessments

**Recommended by:**



**Cameron Sargent**  
Team leader  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted** by:



**Anthony Witherdin**

Director

Key Sites Assessments

# Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows.

1. [Statement of Environmental Effects](#)
2. [Submissions](#)
3. [Response to Submissions](#)
4. [Additional Submissions](#)
5. [Additional Response to Submissions](#)

## Appendix B – Community Views for Draft Notice of Decision

**Table 1 | Community Views**

Issue	Consideration
<p><i>Heritage (Hornsby Shire Council)</i></p> <ul style="list-style-type: none"> <li>Noted that the potential impact on the Beecroft-Cheltenham heritage conservation area has been addressed in the documentation</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considers the impacts to heritage to be acceptable given that the sign is not readily visible from the heritage conservation area as it is located within the road cutting and screened from surrounding vegetation.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No additional conditions are required.</li> </ul>
<p><i>Urban design (Parramatta Council)</i></p> <ul style="list-style-type: none"> <li>The proposed signs cannot be viewed from the local road network due to the extent of noise walls along the M2. The western sign sits above the bridge deck, interrupting the elevation and skyline of the bridge. The dimensions of the western sign should be reduced.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department notes that the sign causes little visual impacts to the surrounding residences given its location within the road cutting.</li> <li>The Department notes that the western sign has been deleted from the application.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Standard conditions are recommended to ensure compliance with illumination, dwell times and advertising signage content.</li> </ul>
<p><i>Traffic Safety (Parramatta Council)</i></p> <ul style="list-style-type: none"> <li>Council raised concerns regarding traffic safety with both signs. Concerns were raised the proximity to decision making points including the cyclist crossing and the exit ramp. Concerns were additionally raised regarding the proximity to the interchange sequence sign and the potential to cause information overload for a driver.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department notes that the western sign has been deleted from the application.</li> <li>The Department commissioned an independent traffic audit which found the eastern sign to be suitable for approval from a traffic safety perspective.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>The Department has imposed conditions to ensure the sign complies with the criteria set out by Australian Standards and Transport Corridor Outdoor Advertising and Signage Guidelines, including road safety, dwell times, illumination, and advertising signage content.</li> <li>A standard road safety check will be commissioned 12 months after the installation of the sign to clarify and rectify any impacts to the sign.</li> </ul>



## Appendix C – Environmental Planning Instruments

In line with the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Department's assessment of the project has provided a detailed consideration to a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment of the project and has provided a summary of this assessment in **Tables 1** and **2** below.

**Table 1 | Consideration of the objects of the EP&A Act**

Objects of section 1.3 of the EP&A Act	Department's response
(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 would not adversely impact on natural or other resources. The sign's operation would not adversely impact the social or economic welfare of the community.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,	The proposal is consistent with ESD principles (see below). The impacts of the proposal can be appropriately mitigated or conditioned ( <b>Section 5</b> and <b>Appendix D</b> ).
(c) to promote the orderly and economic use and development of land,	The proposal represents the orderly and economic use of the road and railway corridor. The merits of the proposal are considered in <b>Section 5</b> .
(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 proposed development would not adversely impact on the natural environment.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal is located with the Beecroft-Cheltenham Heritage Conservation Area. The proposal would not physically or visually impact any heritage items that contribute to the heritage character of the heritage conservation area. An assessment of heritage impacts is provided in <b>Section 5.6</b> .
(g) to promote good design and amenity of the built environment,	The signage is consistent with the relevant signage design and illumination requirements ( <b>Section 5</b> ).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposal would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Minister is the consent authority for this application. The Department has consulted with Council and relevant government agencies ( <b>Section 4</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<b>Section 4</b> sets out the details of the Department's public exhibition of the DA.

**Table 2 |** Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) consideration	Matters for	The Department's assessment
(a)(i) any environmental planning instrument		The proposal complies with the relevant legislation as addressed in <b>Section 3</b> and <b>Appendix C</b> .
(a)(ii) any proposed instrument		Consideration of proposed instruments is provided below.
(a)(iii) any development control plan		The proposal is generally consistent with the Hornsby Development Control Plan 2013 (HDCP 2013) ( <b>Table 6</b> ).
(a)(iia) any planning agreement		Not applicable.
(a)(iv) the regulations		The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees.
(a)(v) any coastal zone management plan		Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,		The Department has assessed the likely impacts of the development and considers they are acceptable and/or have been appropriately managed by recommended conditions ( <b>Section 5</b> and <b>Appendix D</b> ).
(c) the suitability of the site for the development		The site is suitable for the development ( <b>Section 5</b> ).
(d) any submissions		Consideration has been given to the submissions received during the exhibition period ( <b>Sections 4, 5</b> and <b>Appendix B</b> )
(e) the public interest		The Department considers the proposal to be in the public interest ( <b>Section 5</b> ).

## Environmental Planning Instruments

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

- Roads Act 1993
- State Environmental Planning Policy (Industry and Employment) 2021 (SEPP IE)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI)
- Hornsby Local Environment Plan 2013 (Hornsby LEP 2013)
- Parramatta Local Environment Plan 2011 (Parramatta LEP 2011)
- Hornsby Development Control Plan 2013 (Hornsby DCP 2013)
- Parramatta Development Control Plan 2011 (Parramatta DCP 2011).

## Roads Act 1993

The proposed development is not integrated development in the meaning of Division 4.8 of the EP&A Act as Sydney Trains is the Applicant.

Section 138 of the Roads Act also requires that a person must not carry out work on or over a public road without the concurrence of TfNSW (RMS). Under Section 52 of the Roads Act, the M2 Motorway

is declared to be a Tollway and as such is not a public road for the purposes of the Roads Act or EP&A Act. However, comment from TfNSW was sought to better understand impacts to traffic safety and the roads network. Accordingly, comments from TfNSW (RMS) (including recommended conditions) have been received for this application and included in the consent. (**Section 4** and **Section 5**).

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

SEPP IE applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed advertising signage has been assessed against the relevant requirements of SEPP IE in **Table 3** and the specific assessment criteria of Schedule 5 of SEPP IE in **Table 4**.

**Table 3 | SEPP IE Compliance Assessment**

Clause	Criteria	Comments	Compliance
<b>Part 3.2 Signage generally</b>			
3.6 Granting of consent to signage	<p>The signage is to be consistent with the objectives of this Chapter as set out in section 3.1(1)(a):</p> <ul style="list-style-type: none"> <li>(i) is compatible with the desired amenity and visual character of an area, and</li> <li>(ii) provides effective communication in suitable locations, and</li> <li>(iii) is of high-quality design and finish, and</li> </ul>	<p>The sign will not adversely impact the amenity of the surrounding area, and views of the sign are limited to within the road corridor and adjacent two-storey residences. The proposed sign sits within the existing overpass structure and does not protrude above the dominant skyline.</p>	Yes
	The signage is to satisfy the assessment criteria in Schedule 5	See <b>Table 4</b> .	Yes
<b>Part 3.3 Advertisements</b>			
3.8 Prohibited development	The display of an advertisement is prohibited on certain land.	None of the zones or descriptions identified in the SEPP apply to this site.	Yes
3.9 Requirement for consent	A person must not display an advertisement except with the consent of the consent authority, unless otherwise provided in the SEPP.	The proposed advertising sign requires consent.	Yes
3.10 Consent authority	For the purposes of this Chapter, the consent authority is... 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	The DA seeks consent for an advertisement displayed on transport corridor land, which includes the M2 Motorway.	Yes

3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> <li>• consistent with the objectives of this Chapter</li> <li>• assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines</li> <li>• the consent authority is satisfied that the proposal is acceptable in terms of: <ul style="list-style-type: none"> <li>○ design</li> <li>○ road safety, and</li> <li>○ the public benefits to be provided in connection with the display of the advertisement.</li> </ul> </li> <li>• satisfies any other relevant requirement of this Chapter</li> </ul>	<ul style="list-style-type: none"> <li>• The objectives of Chapter 3 of the SEPP are addressed previously in this table.</li> <li>• Schedule 5 is addressed in <b>Table 4</b>.</li> <li>• The Department is satisfied the proposal is acceptable in terms of design, road safety, and public benefits (see <b>Section 5</b>).</li> <li>• Other relevant requirements of Chapter 3 of the SEPP are addressed in this table.</li> </ul>	Yes
	<p>Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement.</p>	<p>The proposal has adequately demonstrated it will provide public benefit (<b>Section 5</b>).</p>	Yes
3.12 Duration of consents	<p>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 83 of the Act.</p>	<p>The Department recommends a condition of consent to limit the approval for a maximum period of 15 years from the date of consent.</p>	Yes
3.14 Transport corridor land	<p>The display of an advertisement on transport corridor land is permissible with development consent when the display of an advertisement is on behalf of Sydney Trains.</p> <p>The Minister must not grant consent to the display of an advertisement unless:</p> <ol style="list-style-type: none"> <li>i. the relevant local council has been notified of the development application in writing and any comments received have been considered</li> <li>ii. the advice of any design review panel has been considered</li> <li>iii. the advertisement is consistent with the Guidelines.</li> </ol>	<p>The proposal is located within a Sydney Trains rail corridor and is therefore permissible with development consent.</p> <ul style="list-style-type: none"> <li>• Council was notified in writing and the Department has considered the concerns raised in <b>Section 5</b>.</li> <li>• There was no design review panel for this application.</li> <li>• An assessment of the proposal against the Guidelines is provided in <b>Table 5</b>.</li> </ul>	Yes
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	<p>Assessment is required against the criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts.</p>	<p>The proposal has an area greater than 20 m<sup>2</sup>.</p> <p>The Applicant's SEE addresses the assessment criteria in Schedule 1. The Department is satisfied that the proposal has acceptable impacts (<b>Section 5</b>).</p> <p>The application has been advertised in accordance with Schedule 1 of the Act (<b>Section 4</b>). The Department referred the application to TfNSW and RMS.</p>	Yes

3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	For an advertisement with a display area greater than 20 square meters the concurrence of TfNSW is required, but does not apply when the Minister is the consent authority.	This provision does not apply as the Minister is the consent authority.	Yes
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> <ul style="list-style-type: none"> <li>appear only within the advertising display area</li> <li>not be greater than 0.25 square metres</li> </ul> <p>be included in calculating the size of the advertising display area.</p>	<p>The logo of the advertisement operator is located outside the advertising display area on the bottom right corner.</p> <p>The Department recommends a condition requiring adherence to the 0.25 m<sup>2</sup> requirement.</p>	Yes. Condition recommended to ensure logo is limited to 0.25 m <sup>2</sup>
3.19 Roof or sky advertisements	<p>The consent authority is satisfied the advertisement replaces one or more existing advertisement or improves the finish and appearance of the building and streetscape.</p> <p>The advertisement is no higher than the highest point of the building that is above the building parapet and is no wider.</p>	<p>While clause 3.22 best applies to the development, the overpass is a 'structure' and therefore a 'building' for the purposes of the EP&amp;A Act.</p> <p>The sign would be mounted on the elevation of the overpass and is not considered to be erected above a parapet, or to be wider than the overpass.</p>	Yes
3.22 Advertisements on bridges	The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.	The proposal has been assessed against the Guidelines in <b>Table 5</b> .	Yes

**Table 4 | SEPP IE Schedule 5 Compliance Assessment**

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
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 character of the road and railway corridor ( <b>Section 5</b> ) and is compatible with existing signs along the M2 motorway.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	While there is no theme for outdoor advertising in the area, the proposed sign is consistent with other advertising signs proposed for the M2 Motorway corridor.	Yes
<b>2 Special areas</b>		



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?	<p>The site is not located within an environmental sensitive, natural or conservation area, open space area, or waterway or rural landscapes.</p> <p>While the sign is in proximity of some heritage items, it will not physically impact or be readily visible from these items and therefore does not detract from their setting or significance</p>	Yes
<b>3 Views and vistas</b>		
<p>Does the proposal:</p> <ul style="list-style-type: none"> <li>• obscure or compromise important views?</li> <li>• dominate the skyline and reduce the quality of vistas?</li> <li>• respect the viewing rights of other advertisers?</li> </ul>	The proposal would not obscure or compromise important views. The proposal is located within the bridge structure and therefore would not dominate the skyline and reduce the quality of vistas. The proposal would not disturb the viewing rights of other advertisers in the vicinity ( <b>Section 5.3</b> ).	Yes
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion, and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal is appropriate for a railway corridor that crosses over the M2 Motorway.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal would contribute to the visual interest of the setting by providing advertising and road safety messages. The proposed sign is largely screened from the surrounding area and therefore will not detract from the setting or landscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The site does not contain any existing advertising.	N/A
Does the proposal screen unsightliness?	The proposed sign will be mounted on the elevation of the existing overpass and does not screen unsightliness. A satin black cladding is provided along the surrounds the sign, improving the material finish of the bridge.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above the bridge structure and will not be visible from the local road network. The mature tree canopy along the road corridor should sufficiently screen the sign.	Yes
Does the proposal require ongoing vegetation management?	The proposal does not require any ongoing vegetation management.	N/A
<b>5 Site and building</b>		
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 proposed sign is limited to the elevation of the existing overpass and has been designed to fit within the scale and proportions of this overpass. It is also consistent in design and scale as the existing signs along the M2 Motorway.	Yes
Does the proposal respect important features of the site or building, or both?	The existing overpass does not have any significant or distinct architectural features to be addressed in the design of the sign.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed sign is not intended to be innovative, but rather to effectively communicate without adversely impact the safety of the road network or amenity of the surrounding area.	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 proposal contains lighting and logos as an integral part of the signage structure. The sign would be mounted and installed with necessary access, wiring, electrical, and communication infrastructure required to operate the sign.	Yes
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## 7 Illumination

<ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> <li>Would illumination affect safety for pedestrians, vehicles, or aircraft?</li> <li>Would illumination detract from the amenity of any residence or other form of accommodation.</li> </ul>	The proposal would not result in unacceptable glare, affect safety for pedestrians, vehicles, or aircraft, or detract from the amenity of any residence ( <b>Section 5</b> ). The sign would comply with the Guidelines and Australian Standards with respect to illumination.	Yes
<ul style="list-style-type: none"> <li>Can the intensity of the illumination be adjusted?</li> <li>Is the illumination subject to a curfew?</li> </ul>	It is recommended that signage illumination levels be adjustable to enable illumination to vary between lighting conditions.	Yes

## 8 Safety

<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> <li>any public road?</li> <li>pedestrian or bicyclists?</li> <li>pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines ( <b>Section 5</b> ).	Yes
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## Transport Corridor Outdoor Advertising and Signage Guidelines

The Guidelines outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of SEPP IE by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in **Table 5** below.

**Table 5 | Assessment of the Guidelines design criteria**

Assessment Criteria	Comments	Compliance
<b>Land use compatibility criteria</b>		
Outdoor advertising should not be inconsistent with the LEP land use objectives for the area.	The proposal is consistent with the objectives of the SP2 Zone under the Hornsby LEP 201 as it will provide for infrastructure and related uses and would not detract from the provision of infrastructure.	Yes
<p>Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts:</p> <ul style="list-style-type: none"> <li>Environmentally sensitive area</li> <li>Heritage area</li> <li>Natural or other conservation area</li> <li>Open space</li> <li>Waterway</li> <li>Residential</li> <li>Scenic protection area</li> <li>National park or nature reserve.</li> </ul>	<p>The proposal would not create adverse amenity impacts on any environmentally sensitive area, natural/other conservation areas, open space area, waterway, scenic protection area, national park, or nature reserve.</p> <p>The proposed signage is located in a transport corridor and an assessment of potential impacts to surrounding</p>	Yes

	residences and the Beecroft-Cheltenham Heritage Conservation Area are considered in <b>Section 5</b> .	
Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant views or views that add to the character of the area.	The advertising structure would not dominate or protrude significantly above the skyline and would have acceptable visual impacts ( <b>Section 5</b> ).	Yes
Advertising structures should not be located to diminish the heritage values of items or areas of local, regional, or state heritage significance.	The proposal is located within the Beecroft-Cheltenham Heritage Conservation Area. The proposal would not physically or visually impact any heritage items that contribute to the heritage character of the heritage conservation area. An assessment of heritage impacts is provided in <b>Section 5</b> .	Yes
Advertising structures should be placed within the context of other built structures in preference to non-built areas. Signage should be used to enhance the visual landscape.	The existing signs are consistent within the context of the road and rail transport corridors.	Yes
<b>2.5 Site-Specific and Structural Criteria</b>		
<b>2.5.1 General Criteria</b>		
(a) The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposal is of a contemporary design standard that is suitable for the road and rail 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 to be located.	The proposal is compatible with the scale, proportion and other characteristics of the road and rail corridors ( <b>Section 5</b> ).	Yes
(c) The advertising signage should be in keeping with important features of the site, building or bridge structure.	The proposal would be compatible with the site and transport corridor.	Yes
(d) The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal does not require the removal of any vegetation.	Yes
(e) The advertisement proposal should incorporate landscaping that complements the advertising signage and is in keeping with the landscape and character of the transport corridor.	The proposal will not incorporate landscaping given that it is mounted on a rail overpass with no width for plantings.	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 proposal contains lighting and logos as an integral part of the signage, the supports and servicing for the sign is integrated into the sign's internal structure.	Yes
(g) Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	The illumination of the advertising signage does not result in unacceptable light spill ( <b>Section 5</b> ).	Yes
(h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks, or nature reserves.		
<b>2.5.5 Bridge signage criteria</b>		
(a) The architecture of the bridge must not be diminished.	The proposed signage will be fully incorporated into the structure of the	Yes

	bridge and will not diminish the architecture of the bridge.	
(b) The advertisement must not extend laterally outside the structural boundaries of the bridge.	The proposed signage does not extend laterally, below or above the structural boundaries of the bridge.	Yes
(c) The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8m.	The proposed signage does not extend below the soffit of the bridge.	Yes
(f) A development application must include a statement demonstrating how the advertisement will contribute to a public benefit.	The Applicant has provided a statement of public benefit. This is addressed in <b>Section 5</b> of this report.	Yes
(g) Any advertising sign proposed for development on a bridge over a classified road requires the construction drawings to be submitted for review and approval by TfNSW bridge engineers, prior to construction, to ensure all road safety requirements are met.	To be addressed as a condition of consent.	Yes
(h) Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over-high vehicle.	As a condition of consent, details of the 'fall arrest' system are to be provided prior to the issue of any Construction Certificate.	Yes

### 2.5.8 Digital Sign Criteria

(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	The proposal is for the display of static digital advertisements with a dwell time of 25 seconds, which exceeds the criterion below.	Yes
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	The proposed signs are not seeking consent for message sequencing.	Yes
(c) The image must not be capable of being mistaken: <ul style="list-style-type: none"> <li>i. for a prescribed traffic control</li> <li>ii. device as text providing instructions to drivers</li> </ul>	The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions.	Yes
(d) Dwell times for image display are: <ul style="list-style-type: none"> <li>i. 10 seconds for areas where the speed limit is below 80 km/h; and</li> <li>ii. 25 seconds for areas where the speed limit is 80 km/h and over.</li> </ul>	A 25 second dwell time is proposed as the speed limit of at this location is 100 km/h.	Yes
(e) The transition time between messages must be no longer than 0.1 second.	The proposed transition time between messages is 0.1 second.	Yes
(f) Luminance levels must comply with the requirements in Section 3 below.	The proposed digital signage would operate in accordance with the proposed luminance levels, lying within the maximum Zone 3 luminance levels for digital signs contained in the Guidelines ( <b>Section 5</b> ) and would operate according to the luminance criteria.	Yes
(g) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers	The images would not dazzle or distract drivers.	Yes

	without limitation to their colouring or contain flickering or flashing content.	The Department recommends a condition of consent to ensure that the signage complies with requirements to not contain flickering or flashing content.	
(h)	The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size.	<p>The advertisements would primarily display images, with information/text kept to a minimum.</p> <p>The Department recommends a condition of consent to ensure this matter is complied with.</p>	Yes
(i)	Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	The sign is not visible from a school zone.	N/A
(j)	Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	The Department has undertaken a detailed assessment of the design and location of the proposal and considers it is acceptable ( <b>Section 5</b> ).	Yes
(k)	At any time, including where the speed limit in the areas of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign.	TfNSW may reassess the signs if road safety circumstances change and increase the dwell time or remove the signs, as appropriate. The Minister's approval would be required for any reduction in dwell time.	Yes
(l)	Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	There are no other digital signs or static billboards within 150 m of the proposal.	Yes
(m)	<p>Signs greater than or equal to 20 m<sup>2</sup> must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <ol style="list-style-type: none"> <li>2.5m from lowest point of the sign above the road surface if located outside the clear zone</li> <li>5.5m from lowest point of the sign above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed.</li> </ol> <p>If attached to road infrastructure (such as a viaduct), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the viaduct or supporting structure at the corresponding location.</p>	<p>TfNSW provided recommended conditions of consent.</p> <p>The vertical clearance between the road surface and the lowest point of the proposed signage would be 5.5 m. The proposal is not located within the clear zone.</p> <p>The proposed signage including the tunnel clearance signs would not be located lower than the minimum vertical clearance of the bridge which is 5 m.</p>	Yes
(n)	An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint.	The Department recommends a condition of consent to ensure this matter is complied with.	Yes
(o)	A road safety check which focuses on the effects of the placement and operation of all signs over 20 m <sup>2</sup> must be carried out after 12 month period of	The Department recommends a condition of consent to ensure this matter is complied with.	Yes



operation but within 18 months of the sign's installation.

#### Road Safety Assessment Criteria – 3.2.1 Road clearance

(a) The advertisement must not create a physical obstruction or hazard.	The proposal 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 in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS-approved crash barrier.	The proposed sign would utilise the existing railway overpass as a support structure. Therefore, the sign does not require sign supports within the clear zone and no roadside hazards are introduced.	Yes
(c) Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m 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 proposal is located outside the clear zone.	N/A
(d) All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The Department recommends a condition to ensure the proposal complies with AS 1170.1 and AS 1170.2.	Yes

Additional road clearance criteria for digital signs: Digital signs greater or equal to 20sqm must ensure the following clearances:

- (a) 2.5m from lowest point of the sign above the road surface if located outside the clear zone
- (b) 5.5m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed.

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

The proposed signs have a minimum clearance of 5.5 m from the lowest point of the sign.

Yes

#### 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 signage would be located above the road corridor and would not obstruct driver's view of the road.	Yes
(b) An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The signage would be located above the road corridor and would not obstruct cyclist's view of the road.	Yes
(c) The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.	The proposal would not give incorrect information on the road alignment.	Yes
(d) The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed sign is located front-on and will not require the drivers to direct their attention away from the road.	Yes

#### 3.2.3 Proximity to decision making points and conflict points

(a) The sign should not be located:	The Department has assessed impacts on road safety in <b>Section 5</b> .	Yes – see <b>Section 5</b> .
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<ul style="list-style-type: none"> <li>i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</li> <li>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</li> <li>iii. so that it is visible from the stem of a T-intersection.</li> </ul>		
<p>(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:</p> <ul style="list-style-type: none"> <li>i. of a road hazard</li> <li>ii. to an intersection</li> <li>iii. to a traffic control device</li> <li>iv. to an emergency vehicle access point of driveways wider than 6 – 9 m or higher.</li> </ul>	<p>Given that the visible distance to the digital signage is 310-400 m on the west approach, there is sufficient time for motorists to view the signage without it causing distraction or shifting focus away from the traffic signals.</p> <p>The Department has assessed impacts on road safety in <b>Section 5</b>.</p>	<p>Yes</p>

### 3.2.4 Sign spacing

<p>(a) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.</p>	<p>Drivers views would be limited to a single road corridor sign and there would not be any further digital or static billboard signs within 150 m.</p>	<p>Yes</p>
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### 3.3.1 Advertising signage and traffic control devices

<p>(a) The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</p>	<p>The proposal 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.</p>	<p>Yes</p>
<p>(b) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.</p>	<p>The signage on the eastern elevation is located within the safe sight distance of the merge point. Given the long exposure time to the sign while on the entry ramp and the location of the merge point under the bridge, it is not expected to affect road safety.</p> <p>The Department has assessed impacts on road safety in <b>Section 5</b>.</p>	<p>Yes</p>
<p>Additional criteria for digital signs and moving signs:</p> <ul style="list-style-type: none"> <li>(a) The image must not be capable of being mistaken for traffic signals or driving instructions.</li> <li>(b) The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).</li> </ul>	<p>The application does not provide specific detail for sign content. Due to the nature of the digital signage display, the advertising content of the signs will change. Furthermore, consent is not required for a change in the content of signage in accordance with ISEPP. Therefore, the Department recommends a condition of consent to ensure the sign content is not mistaken for traffic signals or driving instructions.</p> <p>The advertisements would primarily display images, with information/text kept to a minimum.</p>	<p>Yes</p>

The Department recommends a condition of consent to ensure this matter is complied with.

### 3.3.2 Dwell time and transition time

(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The signage will display static imagery only, with a 25 second dwell time.	Yes
(b) Dwell times for image display must not be less than: <ul style="list-style-type: none"> <li>i. 10 seconds for areas where the speed limit is below 80km/h.</li> <li>ii. 25 seconds for areas where the speed limit is 80km/h and over.</li> </ul>	A 25 second dwell time is proposed as the speed limit of this particular section of the M2 Motorway is 100 km/h.	Yes
(c) Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	The signage is not visible from a school zone.	N/A
(d) Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet, or similar broadcasts.	The signage will display static imagery only.	Yes
(e) The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	The proposed transition time between messages is 0.1 second.	Yes

### 3.3.3 Illumination and reflectance

(a) Luminance levels must comply with the requirements in Table 6 below.	The proposed sign would operate in accordance with the proposed luminance levels of Zone 3 ( <b>Section 5</b> ) and would operate according to the luminance criteria.	Yes
(b) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The proposed signage will not contain flickering or flashing content.	Yes

### 3.3.4 Interaction and sequencing

(a) The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	The proposal does not incorporate technology that will 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, the Applicant must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The proposal has adequately demonstrated public benefit ( <b>Section 5</b> ).	Yes
Sydney 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	The Department recommends a condition of consent to address this matter.	Yes

other public works, listing specific works to which the funds have been or are to be applied.

### State Environmental Planning Policy (Infrastructure) 2021

The ISEPP 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 development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 2.98 of the ISEPP relates to development adjacent to a rail corridor and requires the consent authority to refer the application to Sydney Trains and consider any response received. The Department referred the proposal to Sydney Trains and did not receive any comments.

Clause 2.119 of the Infrastructure SEPP requires the consent authority to be satisfied that new development with a frontage to a classified road would not compromise the operation and function of the road. The proposed signage would be affixed to the existing railway overpass over the M2 Motorway and would not reduce the existing clearance between the road surface and the lowest point of the bridge. The proposed advertising signage is similar in nature to other signs which are typically found in transport corridors. In consideration of the above, the proposal would not compromise the operation and function of the road.

The proposal was also referred to TfNSW and their comments are summarised in **Section 4** of this report.

Recommended conditions of consent include those proposed by TfNSW.

### Hornsby Local Environmental Plan 2013

The site is zoned SP2 Infrastructure under Hornsby LEP 2013. Signage is a prohibited use in the SP2 zone under the Hornsby LEP 2013. However, clause 3.14 of SEPP IE states that, despite the provisions of any EPI or clause 10 (1) of the SEPP, the display of an advertisement by or on behalf of Sydney Trains on a railway corridor is permissible with development consent.

Further, the proposal is consistent with the objectives of the SP2 Zone as it will provide for infrastructure and related uses and would not detract from the provision of infrastructure.

### Hornsby Development Control Plan 2013

Section 1C.2.11 of the Hornsby Development Control (DCP) 2013 outlines Council's desired outcomes and measures for the installation of signage. The proposed signage is consistent with the relevant desired objectives of the Hornsby DCP 2013, as considered in **Table 6** below.

**Table 6 | Assessment of the Guidelines design criteria**

Criteria	Departments Consideration	Compliance
<b>1C.2.11 Signage</b>		
(a) Signs should be designed and located to: <ul style="list-style-type: none"><li>relate to the use of the premises,</li></ul>	The proposal is considered consistent with this clause as it:	Yes

<ul style="list-style-type: none"> <li>• be consistent with best practice guidelines</li> <li>• be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture</li> <li>• be limited in number to avoid cluttering, distraction, and unnecessary repetition</li> <li>• not cover mechanical ventilation inlets or outlets</li> <li>• not comprise a roof sign</li> <li>• not compromise road or pedestrian safety</li> <li>• be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall, and</li> <li>• be at least 600mm from a kerb or roadway edge where the sign is over a public road.</li> </ul>	<ul style="list-style-type: none"> <li>• would be consistent with the Guidelines</li> <li>• would be integrated within the architecture of the railway overpass</li> <li>• would not result in visual clutter, distraction, or repetition</li> <li>• would not compromise the road safety.</li> </ul>	
<p>(b) In addition to the above, illumination of signage should:</p> <ul style="list-style-type: none"> <li>• be integrated with the design of the sign</li> <li>• not cause light spillage into nearby residential properties</li> <li>• not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation'</li> <li>• be fitted with an automatic timing device, controlling the illumination hours.</li> </ul>	<p>The illumination of the signage would be integrated in the design.</p> <p>The signage would comply with the maximum luminance stipulated in the Guidelines and lux limit in the Australian Standards, which require the signs to be dimmed at night.</p>	<p>Yes</p>
<p>(c) In residential zones, signage should not be illuminated.</p>	<p>The proposal is not located within a residential zone</p>	<p>N/A</p>
<p>(d) All commercial advertising should comply with SEPP No.64-Advertising and Signage.</p>	<p>An assessment against SEPP IE (previously SEPP 64) is provided in <b>Table 3</b> and <b>4</b> above.</p>	<p>Yes</p>
<p><b>9.3.1 Heritage Conservation Areas – General Design Provisions</b></p>		
<p>(a) Development should respect the significant characteristics of the Heritage Conservation Area, as detailed in the applicable Character Statement in this Part.</p>	<p>The proposal is located within the Beecroft-Cheltenham Heritage Conservation Area. The proposal would not physically or visually impact any heritage items that contribute to the heritage character of the heritage conservation area. An assessment of heritage impacts is provided in <b>Section 5</b>.</p>	<p>Yes</p>



## Other Policies

### 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 DA's environmental impacts are detailed in **Section 5**.

### Environmental Planning and Assessment Regulation 2021 (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.

## **Appendix D – Recommended Instrument of Consent**

The recommended conditions of consent can be found on the Department's website [here](#).