



Digital advertising signs – Adjacent to Homebush Bay Drive Overpass, Rhodes

Development Application Assessment (DA 10648)

March 2022



Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Digital advertising signs – Adjacent to Homebush Bay Drive Overpass, Rhodes

Subtitle: Development Application Assessment (DA 10648)

Cover image: View of proposal from Homebush Bay Drive (northern side): Eastern elevation – viewed by westbound traffic (Source: Applicant’s Visual Impact Assessment)

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Glossary

Abbreviation	Definition
Applicant	Sydney Trains
Application	DA 10648
CBDCP	Canada Bay Development Control Plan
CBLEP 2013	Canada Bay Local Environmental Plan 2013
Consent	Development consent
Council	City of Canada Bay Council
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRtS	Further Response to Submissions
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
GSRP	Greater Sydney Region Plan
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
LEP	Local Environmental Plan
LGA	Local Government Area
LIA	Lighting Impact Assessment
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RtS	Response to Submissions
SREP-26	Sydney Regional Environmental Plan No.26 – City West
SEE	Statement of Environment Effects
SEPP	State Environmental Planning Policy
SSA	Signage Safety Assessment
TfNSW	Transport for NSW

Executive Summary

Introduction

This report provides an assessment of a Development Application (DA) seeking consent for the installation of a double-sided digital advertising monopole sign, to the north-west of the Homebush Bay Drive Overpass, Rhodes, within the T9 Northern Line rail corridor (DA 10648).

The Applicant is Sydney Trains and the site is located within the City of Canada Bay local government area. The Minister for Planning is the consent authority for the application.

Engagement

The Department publicly exhibited the DA for 45 days from 16 December 2020 to 29 January 2021. The Department received submissions making comments from Council and Transport for NSW (TfNSW). No public submissions were received within the exhibition period.

Council raised concern about compliance with State Environmental Planning Policy (Industry and Employment) 2021 (previously State Environmental Planning Policy 64 – Advertising and Signage) and the Transport Corridor Outdoor Advertising and Signage Guidelines (the Guidelines), obscuring existing signage, height, and traffic safety issues.

TfNSW recommended conditions of consent, including compliance with the Guidelines and associated safety requirements. TfNSW also requested that any obstruction of traffic signals or compromising of decision-making points along Homebush Bay Drive needed to be addressed.

In response to the issues raised, the Applicant provided further consideration of Industry and Employment SEPP and additional assessment of visual impacts.

Following review of the RtS, TfNSW did not raise any further issues. While Council did not raise any further issues about road safety impacts, Council reiterated its comments about obscuring existing signage and the sign dominating the skyline.

A submission by IKEA Pty Limited was received after receipt of the RtS objecting to the proposal. The submission raised concern about the proposed sign obstructing one of its building identification signs, compliance with Industry and Employment SEPP, visual clutter and safety impacts. In response, the Applicant increased the height of the sign to minimise obstruction of the IKEA sign and submitted updated visual, lighting and safety information to support the revised proposal.

Assessment

The Department has assessed the proposal against the requirements of Industry and Employment SEPP and the Guidelines and has considered the issues raised in submissions. The Department considers the revised proposal is acceptable as it:

- meets the relevant statutory requirements and is consistent with Industry and Employment SEPP and the Guidelines
- would not result in any adverse visual or amenity impacts to residential properties near the site on Harrison Avenue (approximately 55 m south-east of the site) as the location is largely screened by an acoustic wall and vegetation

- would not unreasonably obscure existing signage, and would be consistent with the dominant skyline in the nearby vicinity
- would operate at luminance levels consistent with the Guidelines and Australian Standards
- would not result in negative impacts on road safety, subject to conditions including a road safety check
- 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 and supporting the ongoing maintenance of the railway network within the Canada Bay LGA through revenue from the proposed signs.

Conclusion

The Department's assessment concludes the proposed development is appropriate as it would not result in any unacceptable amenity, visual or road safety impacts and is consistent with the requirements of Industry and Employment SEPP. The Department therefore recommends 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 10648) 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 of a double-sided digital advertising monopole sign, to the north-west of the Homebush Bay Drive Overpass, Rhodes, within the T9 Northern Line rail corridor (the proposal).

1.2 The site

The proposal would be located adjacent to the north-western edge of the Homebush Bay Drive Overpass, Rhodes, within the T9 Northern Line rail corridor (Lot 63 in DP 908653). The site is owned by Sydney Trains and located in the Canada Bay Local Government Area.

The monopole would be located in a 3 m wide grass-covered area at the crest of the rail cutting, which also contains several small trees, patches of asphalt and rail ballast, and a communications service pit.

One side of the sign would be visible to motorists travelling eastbound, and one to motorists travelling westbound on Homebush Bay Drive. There are currently no digital advertising structures in this section of the road corridor.

Homebush Bay Drive is a classified State road which generally runs in an east-west direction in the vicinity of the site, having a speed limit of 70 km/hr. It is a dual carriageway with three lanes of traffic in both directions and a pedestrian footpath on either side. There are exits to the Rhodes Shopping Centre on the western side of the site travelling in both directions. The road forms part of Route A3, a major route linking the northern and southern parts of the orbital road network. The site is shown in **Figures 1 to 5**.



Figure 1 | Site context (Base source: Nearmap)



Figure 2 | Proposed location – viewed by westbound traffic (Source: Google Maps 2021)



Figure 3 | Proposed location – viewed by eastbound traffic (Source: Google Maps 2021)

1.3 Site surroundings

The site is located in a setting of mixed uses, including (**Figure 1**):

- the railway corridor (**Figure 5**), and commercial, business and retail uses to the north, including Rhodes Corporate Park
- the railway corridor, Homebush Bay Drive overpass, the Concord West and Liberty Grove residential areas to the south
- Homebush Bay Drive and the Concord West residential area to the east
- Homebush Bay Drive and business uses to the west, including Rhodes Waterside Shopping Centre and Ikea.

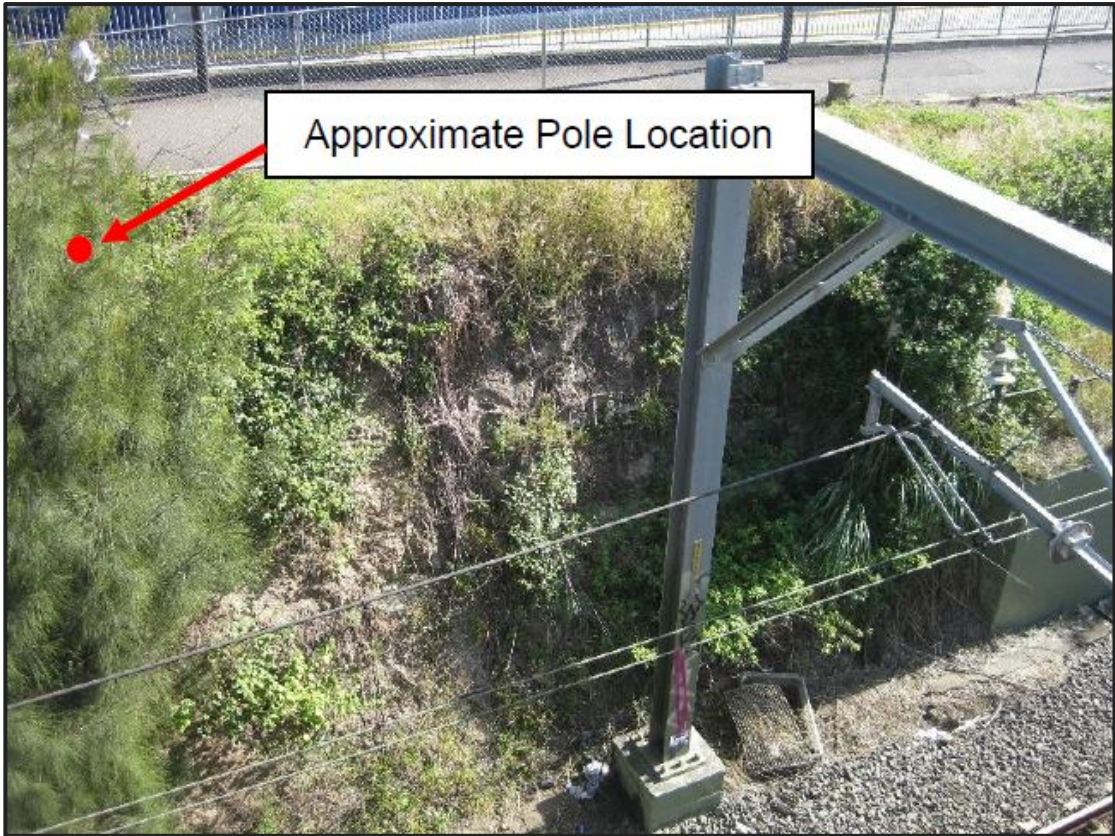


Figure 4 | Proposed sign location (Source: Applicant's Geotechnical Report)



Figure 5 | Railway corridor to the north of the site (Source: Applicant's Geotechnical Report)

2 Project

The DA seeks consent for the installation of a double-sided digital advertising monopole sign, to the north-west of the Homebush Bay Drive Overpass, Rhodes, within the T9 Northern Line rail corridor. The main components of the proposal are outlined in **Table 1** (details refer to both signs unless otherwise specified) and shown in **Figure 6** and **Figure 7**.

Table 1 | Main components of the proposal

Aspect	Description
Location	<ul style="list-style-type: none"> Double-sided digital advertising monopole sign, to the north-west of the Homebush Bay Drive Overpass, Rhodes, within the T9 Northern Line rail corridor (1 x sign facing eastbound and 1 x sign facing westbound Homebush Bay Drive).
Signage structure dimensions	<ul style="list-style-type: none"> The signage structure would measure 12.58 m wide x 3.95 m high, mounted on a 14 m high (from the footing to the underside of the sign) monopole 80 cm in diameter, supported by a reinforced concrete pad footing approximately 4 m deep.
Advertising display area	<ul style="list-style-type: none"> The signage structure includes a 12.48 m wide x 3.2 m high advertising display board (39.936 m²).
Road clearance from ground level to sign	<ul style="list-style-type: none"> 6 m
Signage display	<ul style="list-style-type: none"> Static illuminated digital LED screen
Illumination	<ul style="list-style-type: none"> Average luminance during night-time period: <ul style="list-style-type: none"> Sign 1: 350 cd/m² Sign 2: 282 cd/m²
Dwell time	<ul style="list-style-type: none"> 15 seconds 0.1 second transition time between images (appears instantaneous).
Hours of operation	<ul style="list-style-type: none"> 24-hours-a-day, 7-days-per-week
Employment	<ul style="list-style-type: none"> 10 construction and 0 operational jobs.
Cost of work	<ul style="list-style-type: none"> \$1,208,479.80.

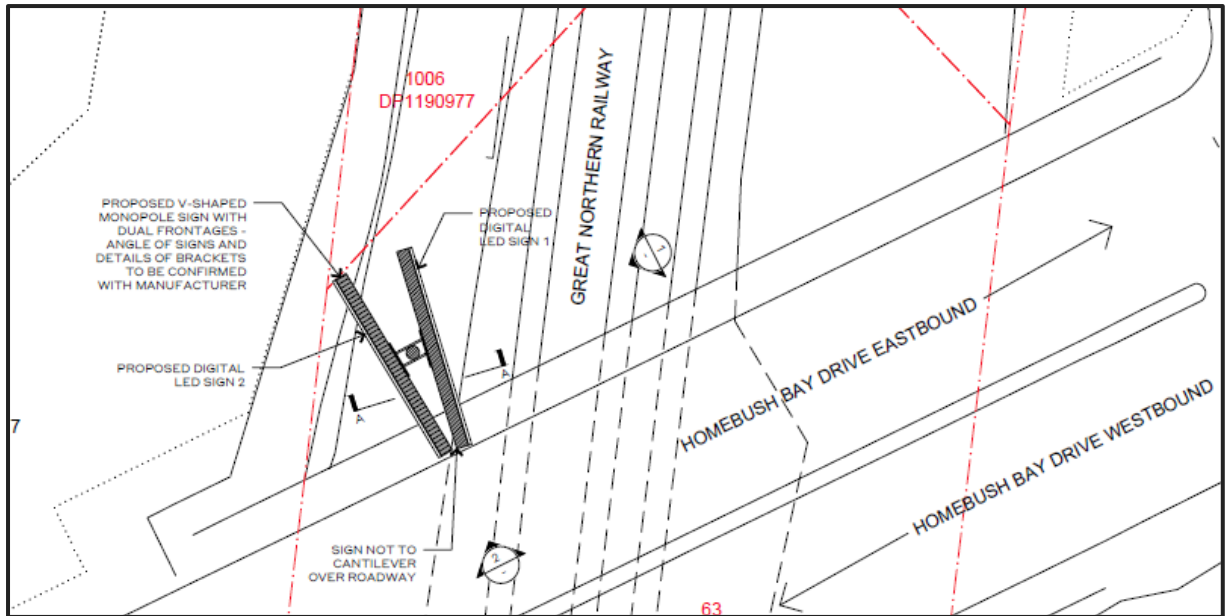


Figure 6 | Proposed plan view (Source: Applicant's FRtS)

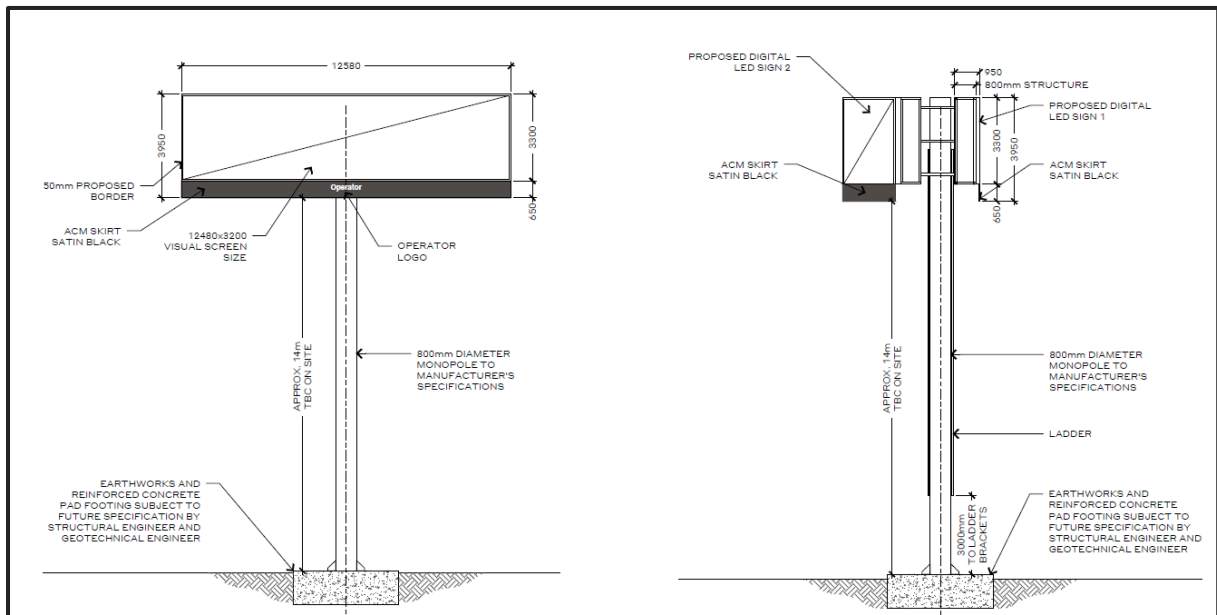


Figure 7 | Typical front elevation and section (Source: Applicant's FRtS)

3 Statutory Context

3.1 Consent authority

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.

Therefore, the Minister for Planning is the consent authority for the application in accordance with clause 12(c) of State Environmental Planning Policy (Industry and Employment) 2021 (previously State Environmental Planning Policy No 64 – Advertising and Signage).

The application can be determined by the Director, Key Sites Assessments under delegation as:

- the relevant Council 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 Canada Bay Local Environment Plan 2013 (CBLEP 2013). Signage is a prohibited use in the SP2 zone under CBLEP 2013. However, clause 16(1) of Industry and Employment SEPP 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. The application is therefore permissible with consent.

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 2000 (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 6** and **Appendix C**.

4 Engagement

4.1 Department's engagement

In accordance with Schedule 1 of clause 9 of the EP&A Act, the EP&A Regulation and clauses 16, 17 and 18 of Industry and Employment SEPP, the Department publicly exhibited the application on its website for 45 days from 16 December 2020 until 29 January 2021.

The Department notified adjoining landholders, businesses, Council and relevant government agencies in writing.

4.2 Summary of submissions

The Department received submissions making comments from Council and Transport for NSW (TfNSW). No public submissions were received during the statutory public exhibition period. A link to submissions is provided in **Appendix A**.

4.3 Key issues – Government agencies

TfNSW recommended conditions of consent, including requirements for:

- compliance with the Transport Corridor Advertising and Signage Guidelines and associated safety requirements
- a minimum 2 m clearance to provide access for maintenance to the overpass bridge
- any obstruction of traffic signals and obscuring or compromising of decision-making points along Homebush Bay Drive to be addressed.

4.4 Key issues – Council

City of Canada Bay Council (Council) did not object to the proposal but raised concerns regarding compliance with Industry and Employment SEPP and the Guidelines, including:

- visual and amenity impacts, in relation to obscuring existing IKEA signage and the proposed height being above surrounding built forms (the Rhodes Shopping Centre)
- traffic safety concerns regarding confusion of advertising with the nearby traffic lights and left-hand exit from Homebush Bay Drive travelling westbound.

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 29 April 2021, the Applicant submitted an RtS (**Appendix A**) addressing the matters raised in the submissions. The Applicant also provided amended drawings clarifying the height of the monopole and clearance to the roadway, a Preliminary Contamination Assessment, an amended Lighting Impact Assessment, further consideration of Industry and Employment SEPP and SEPP (Infrastructure), and additional Visual Impact Assessment.

The Department referred the application to Council and TfNSW. Council reiterated its comments regarding the proposal obscuring IKEA signage, and also stated that the consideration in Schedule 1 of Industry and Employment SEPP as to whether the proposal protrudes above buildings, structures or tree canopies in the area or locality is a matter that the consent authority would need to be satisfied with.

TfNSW recommended conditions of consent, including requirements for compliance with the Transport Corridor Advertising and Signage Guidelines and associated safety requirements.

4.6 Further Response to submissions

A submission from IKEA Pty Limited (dated 9 September 2021) objecting to the proposal was received after the statutory public exhibition period and after the lodgement of the RtS raising the following issues:

- disrespects viewing rights of other advertisers
- contributes to visual clutter
- comprises wayfinding and early driver notification of the IKEA, Rhodes store, including associated road safety implications
- does not demonstrate design excellence.

The Department subsequently requested the Applicant provide a response to the issues raised in IKEA's submission.

On 25 October 2021, the Applicant provided a Further Response to Submissions (FRtS) addressing these issues. The FRtS considered alternative design amendments to the sign to minimise the extent of obstruction to IKEA signage.

The FRtS determined the most effective alternative was increasing the signage height by 1 m, resulting in a maximum height of approximately 17.95 m (14 m from the footing to the underside of the sign). Addendums to the supporting documentation were also provided to reflect the amendments to the design of the signage.

In response to the FRtS, the Department received further correspondence from IKEA reiterating its previous objection and raising the following additional issues:

- visual clutter
- permissibility vs merit
- concurrence of TfNSW is conditional
- adequacy of road safety assessment
- inconsistent with other assessments.

The Department has considered the relevant matters in **Section 5** and **Appendix C**.

5 Assessment

5.1 Key assessment issues

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

- visual impact
- road safety
- illumination
- public benefit.

Each of these matters are addressed separately below.

5.2 Visual impact

The proposal seeks approval for the installation of a double-sided illuminated digital advertising monopole to the north-west of the Homebush Bay Drive Overpass at Rhodes. The signs have an overall display area of 39.9 m² each.

The site is located within the T9 Northern Line rail corridor, with the footing for the monopole located between the tops of an existing 4 m high rail cutting and 3m high retaining wall on the rail corridor boundary. As originally submitted, the sign was proposed to have a height of approximately 13 m from the footing to the underside of the sign and a maximum height of approximately 16.95 m, with the underside of the sign elevated approximately 5 m above Homebush Drive roadway.

As discussed in **Section 4.4**, the Council raised concerns in relation to obscuring existing signage and the proposed height above surrounding built forms (the Rhodes Shopping Centre). IKEA Pty Limited also raised concerns about the proposal obstructing its existing signage and the addition of visual clutter to the area (**Section 4.6**).

In response, the Applicant provided a FRtS addressing the issues outlined in IKEA's submission and considered alternative design amendments to minimise the extent of obstruction to IKEA signage. The Applicant submitted a revised proposal which increased the height of the sign by 1 m to minimise obstruction of the IKEA sign without dominating the skyline.

The Department notes the revised proposal would increase the height of the sign to approximately 14 m from the footing to the underside of the sign, resulting in a maximum height of approximately 17.95 m, with the underside of the sign elevated approximately 6 m above Homebush Drive roadway. **Figure 8** provides a comparison of the initial signage design and the revised proposal.

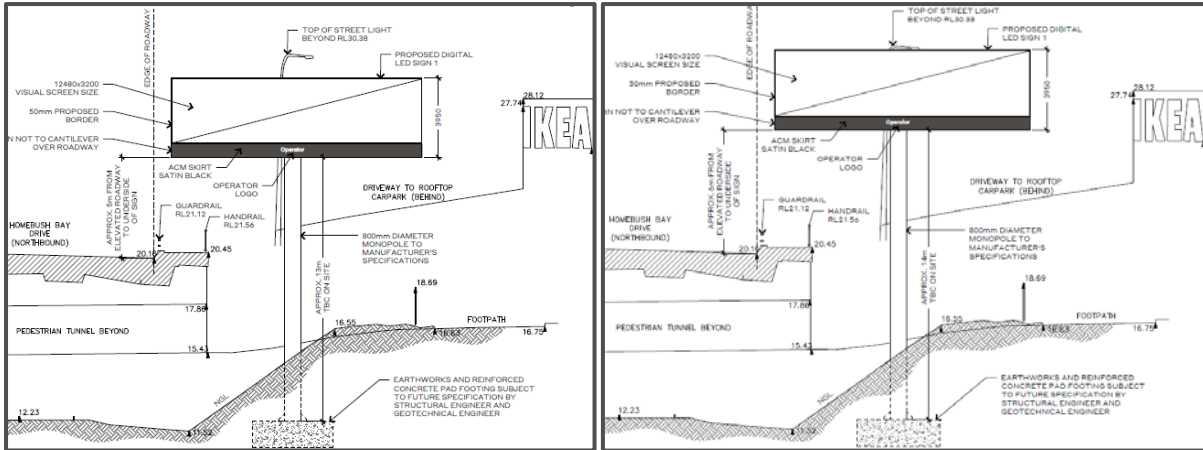


Figure 8 | Proposed sign: as originally submitted (left) and proposed (right) (Source: Applicant)

Following the design changes as part of the FRtS, the Applicant provided updated photomontages as an addendum to the Visual Impact Assessment (VIA) submitted with the initial application. The VIA considered the potential visual impacts of the signage on views from Homebush Bay Drive and residential properties on Harrison Avenue. The locations considered as part of the VIA are shown in **Figure 9**.



Figure 9 | Key viewpoints identified in VIA (Source: VIA)

The visual assessment concluded the signs would be consistent with the existing prevailing visual character of the viewshed and would not obscure or compromise important views. A comparison of the visual impacts to the IKEA sign resulting from the initial signage design and the revised proposal are provided in **Figure 10 to Figure 15**.

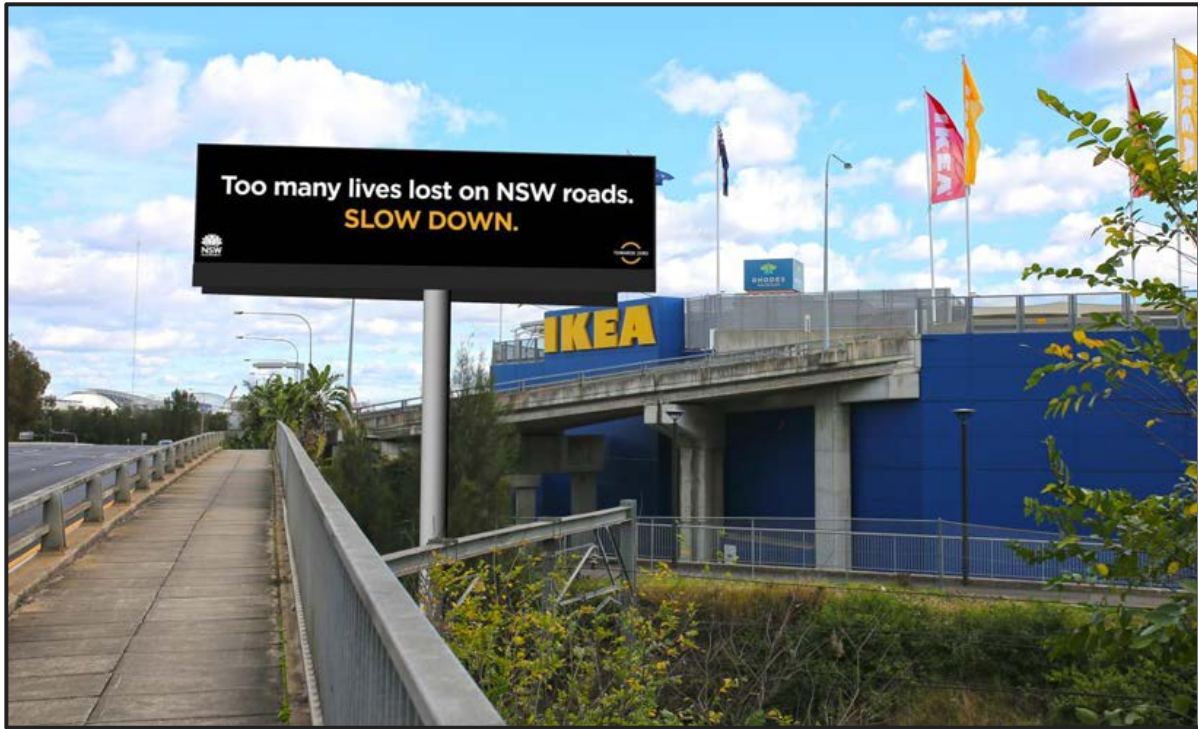


Figure 10 | Original Viewpoint 1 – Homebush Bay Drive (northern side): Eastern elevation – viewed by westbound traffic (Source: Applicant VIA)

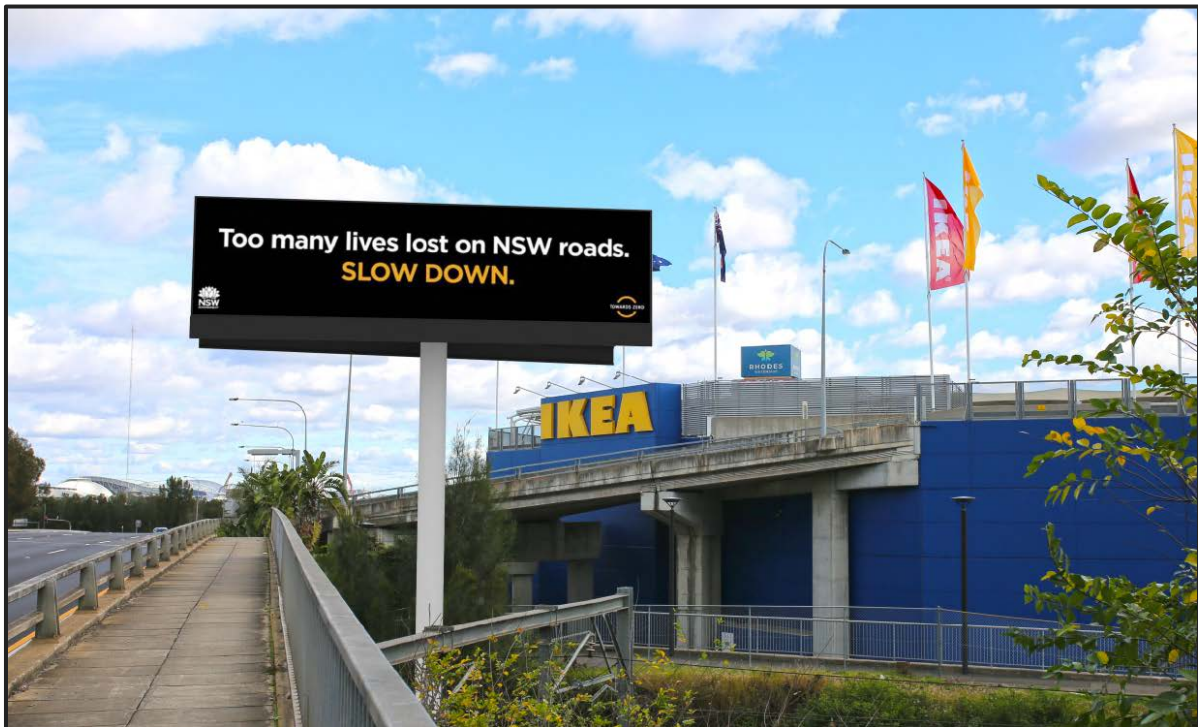


Figure 11 | Amended Viewpoint 1 – Homebush Bay Drive (northern side): Eastern elevation – viewed by westbound traffic (Source: Applicant FRtS)

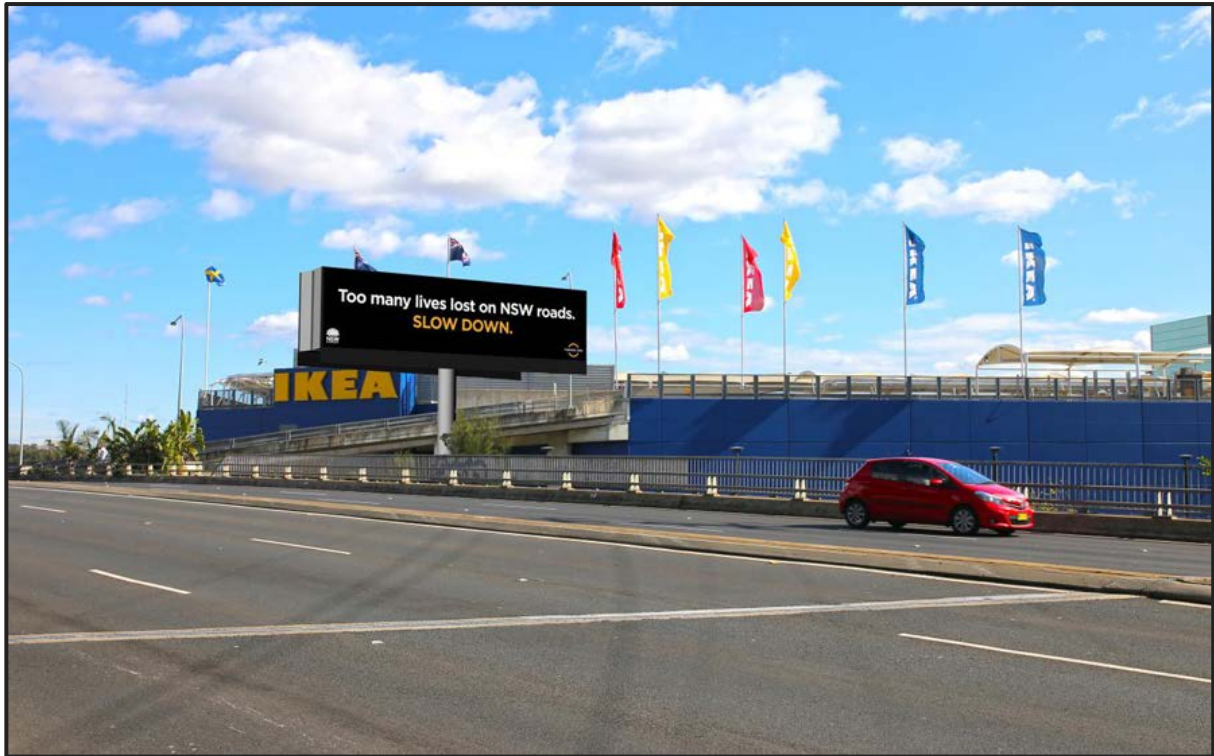


Figure 12 | Original Viewpoint 2 – Homebush Bay Drive (northern side): Eastern elevation – viewed by westbound traffic (Source: Applicant VIA)

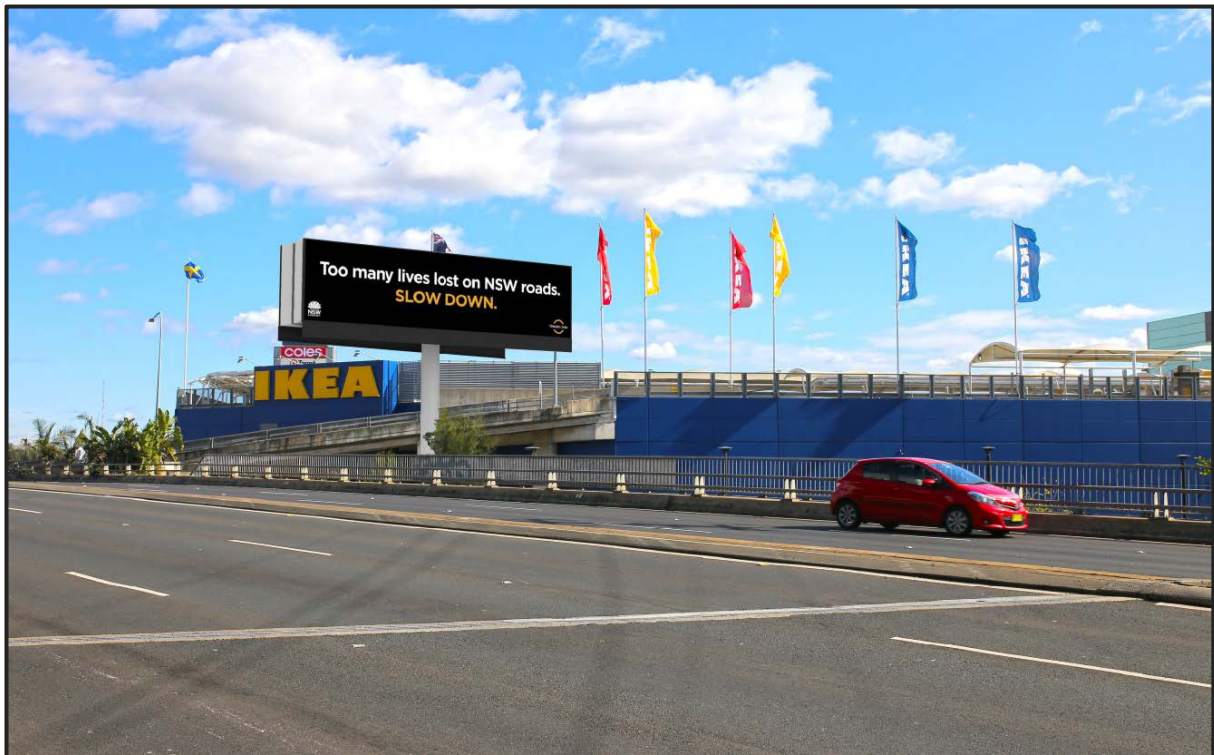


Figure 13 | Amended Viewpoint 2 – Homebush Bay Drive (northern side): Eastern elevation – viewed by westbound traffic (Source: Applicant FRtS)



Figure 14 | Original Viewpoint 3 – Harrison Avenue looking north-west, showing sign in dashed outline (Source: Applicant VIA)



Figure 15 | Amended Viewpoint 3 – Harrison Avenue looking north-west, showing sign in dashed outline (Source: Applicant FRtS)

The original proposal resulted in the IKEA sign being partially obstructed for vehicles travelling in Lane 1 heading westbound for a period of 60 m (from 110 m to 50 m), equating to 3 seconds for a vehicle travelling the speed limit of 70 km/h. The revised height of the proposal allows the IKEA sign to be visible along the entire length of the 110 m to 50m distance viewing corridor.

The Department notes the IKEA building includes various forms of signage, including two business identification signs, an advertising sign and nine flagpoles with 'IKEA' banner flags, which protrude above the maximum height of the IKEA building and the proposed sign. These banner flags remain visible to varying extents along the 60 m viewing corridor. In consideration of the increase in height and the various forms of IKEA signage, the proposal is not considered to adversely impact wayfinding or early driver notification. The Department further notes the IKEA building is painted in its distinctive corporate blue colour.

While the increase in height of the revised design results in the proposed sign protruding above the roof of the IKEA building, it would remain lower than the IKEA flagpoles. Additionally, the revised design would be lower in height than the six to seven storey buildings directly opposite the railway (approximately 60m northeast of the site), further along Homebush Bay Drive in the Rhodes Corporate Park. A summary of the land uses surrounding the site is provided in **Table 2**.

Table 2 | Surrounding land uses

Direction	Land use	Built form
North-east	Business Park	6-10 storey commercial offices
North-west	IKEA Rhodes	Large format retail
South-east	Residential	Low density
South-west	Bradley Reserve	N/A
South	road	Homebush Bay Drive

The Department has reviewed the revised design of the proposal as outlined in the FRtS and the submissions from Council, TfNSW and IKEA and consider the visual impacts associated with the revised proposal are acceptable as:

- it would not result in adverse visual clutter given there is only one other business identification sign located within the immediate area
- the signage is consistent with the character of the immediately surrounding area, which includes a railway line adjacent to the site and business and commercial uses north-east and north-west of the site
- it would not unreasonably obscure the nearby IKEA building sign
- the existing IKEA building has a significant bulk and scale, is painted in its distinctive corporate blue branding and contains numerous sign types (business, flag and advertising billboard) all of which ensure the premises' remains readily identifiable by members of the public
- it meets the criteria under Schedule 5 of Industry and Employment SEPP as it would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas (**Appendix C**)
- it is not located above the dominant skyline as it is lower in height than the six to seven storey buildings directly opposite the railway (approximately 60m northeast of the site), further along Homebush Bay Drive in the Rhodes Corporate Park

- it has a relatively small viewshed, with views mainly confined to Homebush Bay Drive and the immediately surrounding areas, therefore limiting impacts
- views of the signage from residences in Harrison Avenue would be largely screened by an acoustic wall and vegetation (**Figure 11**)
- the proposal would not result in any visual impacts on heritage items.

The Department therefore concludes the proposed signage would not result in any adverse visual impacts to surrounding receivers.

5.3 Road safety

The Applicant provided a Signage Safety Assessment (SSA) that assessed the proposal against the Guidelines, Industry and Employment SEPP and Austroads Guide to Road Design. The SSA concluded the proposal is located in a low risk area and would not compromise safety for road users. However, as the proposed sign is located 50 m prior to traffic signals on Homebush Bay Drive, the SSA recommended an increase in the minimum dwell time to 15 seconds from the minimum 10 seconds nominated by the Guidelines for an area having a speed limit below 80km/h.

TfNSW recommended conditions, including requirements for a minimum 2 m clearance to the overpass bridge for maintenance access, and any obstruction of traffic signals and obscuring or compromising of decision-making points along Homebush Bay Drive to be addressed.

Council originally raised concerns regarding confusion between advertising with the nearby traffic lights and left-hand exit from Homebush Bay Drive travelling westbound.

In response, the Applicant advised the proposed sign would be subject to an increase in the minimum dwell time from the minimum 10 seconds to 15 seconds and would be required to operate in accordance with the Guidelines. Following its review of the RtS, TfNSW did not raise any concerns about clearances or obstruction of traffic signals, and Council did not reiterate its previous concerns regarding traffic safety.

As part of the FRtS, the Applicant provided an Addendum Traffic Assessment, which confirmed there would be no additional road safety issues resulting from the 1 m increase in height of the proposal.

The Department notes the revised proposal would result in a 6 m clearance between the underside of the sign and Homebush Drive roadway, which would achieve the minimum clearance requirement nominated by TfNSW.

Based on the conclusions of the SSA, the Addendum Traffic Assessment and given TfNSW raise no further concerns, the Department is satisfied the proposal would not result in any significant road safety impacts.

The Department has also recommended a suite of conditions to ensure the sign complies with the requirements of Industry and Employment SEPP and the Guidelines, including that the signage does not contain or use any method of illumination that distracts or dazzles drivers. The Department has also recommended a condition requiring a road safety check after 12 months and that any identified safety concerns are rectified by the Applicant.

Subject to the recommended conditions, the Department is satisfied the proposal complies with the Guidelines and concludes it would not have a negative impact on road safety.

5.4 Illumination

The proposed digital signage would be illuminated with LEDs and operated 24-hours-a-day, 7-days-per-week but would be dimmed during the night-time period. The Applicant prepared a Lighting Impact Assessment (LIA) to assess the proposal against the relevant luminance criteria. Under the Guidelines, the LIA categorised the site as 'Zone 3'. This zone is assigned to areas of generally medium levels of off-street ambient lighting.

The LIA concluded the proposed signage would comply with the Industry and Employment SEPP (previously SEPP 64), Guidelines and Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

No submissions raised concerns about illumination.

As part of the FRtS the Applicant provided an Addendum LIA to consider the impact of the increase in height. This determined there to be a reduction in the impact of obtrusive light; however, considered the magnitude of the change to be negligible.

The Department has reviewed the LIA and the Addendum LIA, and consider the illumination impacts associated with the proposal to be acceptable as:

- it would comply with the maximum luminance stipulated in the Guidelines and the lux limit in the Australian Standards, which require the signs to be dimmed at night
- it would be located in an existing urbanised setting that is subject to illumination from commercial and retail uses
- the signs are predominantly shielded to the closest residential properties by vegetation and a noise wall, which would assist in obstructing light spill.

The Department has recommended a condition of consent to restrict the luminance of the signage to the levels specified in the LIA, to ensure any potential lighting impacts on neighbouring properties are appropriately minimised.

The Department therefore concludes the proposal has demonstrated compliance with the Guidelines and relevant Australian Standards and would not result in any adverse illumination impacts to residents in proximity to the site.

5.5 Public benefit

The Guidelines require proposals for certain outdoor advertisements on classified roads 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 a Public Benefit Statement that identifies the following public benefits for the local community:

- the signs would display road and rail safety and emergency messages, and display Sydney Trains and TfNSW customer promotions and events for up to 5 minutes per hour
- advertising revenue would be used to fund upgrades to essential public infrastructure and other rail programs, including upgrades to the network, rail fleet, stations and maintenance depots.

In response to the Department’s request for further information regarding public benefits, 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

No submissions raised concerns about public benefits.

Following the applicants RtS, the Department considers the proposal to provide 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 Department recommends a condition be included that requires TfNSW to record how revenue from the proposed signs has provided a public benefit (including within the Canada Bay LGA) within its Annual Reports.

The signage would also provide community messaging and help address road safety problems through the display of road safety messages. The Department also recommends a condition requiring the signs to display road safety messages for a minimum of five per cent of all advertising time.

Subject to the recommended conditions, 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, consistent with the Guidelines, and generate funding for the improvement of the rail network.

5.6 Other issues

The Department’s consideration of other issues is provided at **Table 3**.

Table 3 | Summary of other issues raised

Issue	Findings	Recommendations
Structural feasibility	<ul style="list-style-type: none"> • The footing for the monopole supporting the signs would be located between the tops of an existing 4 m high rail cutting and 3m high retaining wall on the rail corridor boundary. • The Applicant submitted a Structural Feasibility Statement (SFS) to assess the structural adequacy of the proposal. The SFS concludes the proposal is appropriate for the site and would be structurally sound. • A geotechnical engineer also reviewed the subsurface geotechnical conditions at the proposed monopole location and concluded the geotechnical conditions are suitable subject to further testing during the detailed design phase. • No concerns were raised in submissions. • The Department considers the proposal would be structurally sound, subject to further structural details to be submitted prior to the commencement of construction. • The Department concludes that subject to the recommended condition, the proposal would be structurally sound. 	<p>The Department recommends the following condition:</p> <ul style="list-style-type: none"> • prior to the commencement of construction, the Applicant shall submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with the BCA.
Geotechnical impacts	<ul style="list-style-type: none"> • The Applicant submitted a Preliminary Geotechnical Assessment (PGA) to assess the subsurface geotechnical conditions at the proposed monopole location. • The PGA concluded the site’s existing geotechnical conditions can support the proposal, subject to further testing during the detailed design phase. • No concerns were raised in submissions. 	<p>The Department recommends the following condition:</p> <ul style="list-style-type: none"> • a detailed Geotechnical Assessment is to be prepared and

	<ul style="list-style-type: none"> • The Department considers the proposal would not impact on the stability of the rail cutting and retaining wall, as the pole would be supported – either by bored piles below the level of the base of the rail cutting and retaining wall (approximately 4 m deep), or alternatively by a reinforced concrete pad footing. • The Department recommends a condition requiring a further geotechnical investigation to be completed as part of the detailed design, to include borehole drilling, review of construction drawings, and stability analysis of the existing rock, retaining wall and rail cutting to identify any instability. • Subject to the recommended condition, the Department concludes the geotechnical conditions are suitable to support the proposal. 	<p>provided to the Certifier prior to the commencement of construction.</p>
<p>Contamination</p>	<ul style="list-style-type: none"> • The site is within an existing rail corridor and is industrial in its character. The site has been an embankment within the rail corridor since at least 1930. • The Applicant prepared a Preliminary Site Investigation Report (PSIR) to assess potential contamination impacts. • The PSIR found that the spoil generated from the proposal could potentially be contaminated, with the associated risks relating to historical fill, general maintenance including herbicide use and the former paint factory located adjacent to the site. • However, the PSIR concluded the site could be made suitable for the proposed use, subject to excavated spoil being tested ex-situ, with fill to be separated from the deeper natural soils and bedrock (to prevent cross contamination and/or dilution). Alternatively, the PSIR advised sampling and testing of fill could be undertaken prior to commencement of piling, with the resulting waste classification applied to all spoil. • The Department considers the site can be made suitable for the proposed sign because: <ul style="list-style-type: none"> ○ no change of use of the rail corridor is proposed ○ disturbance to the site is likely to be limited to the pile excavations ○ recommended conditions can manage any potential impacts, including in relation to contamination, groundwater and unexpected finds. • The Department recommends conditions requiring: <ul style="list-style-type: none"> ○ potential contamination impacts and unexpected finds to be considered as part of a Construction Management Plan, incorporating the findings of the PSIR ○ removal of any other hazardous materials must be undertaken by a suitably licensed contractor ○ works to cease if new contamination information comes to light during construction. • Subject to the recommended conditions, the Department considers the site would be suitable for the proposal. 	<p>The Department recommends the following conditions:</p> <ul style="list-style-type: none"> • a Construction Environmental Management Plan is prepared prior to the commencement of works and includes consideration of potential contamination impacts and unexpected finds, incorporating the findings of the PSIR • removal of any other hazardous materials must be undertaken by a suitably licensed contractor • works to cease if new contamination information comes to light during construction.
<p>Archaeological heritage (Historical and Aboriginal)</p>	<ul style="list-style-type: none"> • The monopole to support the proposed signage would require excavation up to 4 m to ensure it is structurally sound. • No concerns were raised in submissions. • The Department considers the archaeological and Aboriginal heritage potential of the site is low, given the position of the site in an existing rail corridor between a rail cutting and a highly developed urban area, and that the total excavation area is relatively minor. • The Department recommends conditions to ensure any potential impacts are appropriately managed. • Subject to the recommended conditions, the Department concludes archaeological impacts would be negligible. 	<p>The Department recommends the following conditions:</p> <ul style="list-style-type: none"> • any unexpected finds to be reported immediately and works to cease.

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:

- meets the relevant statutory requirements and satisfactorily complies with Industry and Employment SEPP
- would not result in any adverse visual impacts to residential properties on Harrison Avenue (approximately 55 m south-east of the site) as the location is largely screened by an acoustic wall and vegetation
- would not unreasonably obscure existing signage, and would be consistent with the dominant skyline in the nearby vicinity
- would operate at luminance levels consistent with the Guidelines and Australian Standards
- would not result in negative impacts on road safety, subject to conditions including a road safety check
- would provide a public benefit to the local community.

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:

- **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 10648, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (**Appendix D**).

Recommended by:



Lucinda Craig
Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

 17/3/2022

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of referenced documents

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10648

Appendix B – Community Views for Draft Notice of Decision

The Department notes that Ikea’s submissions were received after the statutory public exhibition period.

Issue	Consideration
<p>Road safety (Council and public issue)</p> <ul style="list-style-type: none"> • traffic safety concerns regarding the nearby traffic lights and exits • wayfinding and early driver notification of the IKEA, Rhodes store 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes Transport for NSW and Council did not raise concerns in relation to the Response to Submissions. • The proposal would not reduce the line of sight of the road for drivers, pedestrian, or cyclists, or interfere with pedestrian or cyclist crossings or directional/information signage • Due to the design amendments made as part of the FRtS, the IKEA business identification sign will remain visible by vehicles travelling in Lane 1 for the length of the viewing corridor, which is considered to have been adequately resolved this matter. • These matters are further discussed in Section 6 of the Department’s assessment report. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • a minimum 15 second dwell time • signage does not contain or use any method of illumination that distracts or dazzles drivers • a road safety check be undertaken after 12 months and that any identified safety concerns are rectified by the Applicant.
<p>Visual and amenity impacts (Council and public issue)</p> <ul style="list-style-type: none"> • existing signage is obscured • disrespects View Rights of other Advertisers • location above the surrounding built forms • wayfinding 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The original proposal resulted in the partial obstruction of the IKEA business identification sign (not the advertising sign on the southern side of the building) for vehicles travelling in Lane 1 heading westbound for a period of 60 m. • As part of the FRtS the height of the sign was increased by 1 m to mitigate any obstruction to the IKEA sign, which enables the IKEA sign to be visible by vehicles travelling in Lane 1 for the length of this viewing corridor. As such, this matter is considered to have been adequately resolved. • The Department notes the signage meets the criteria under Schedule 5 of Industry and Employment SEPP as the signs would not obscure or compromise important views and would not dominate the skyline or reduce the quality of vistas. • The proposal is not located above the dominant skyline as it is lower in height than the buildings further along Homebush Bay Drive in the Rhodes Corporate Park (which are six to seven storeys high). • These matters are further discussed in Section 6 of the Department’s assessment report. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • No conditions are recommended.
<p>Contributes to visual clutter (Public issue)</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal is not considered to result in significant visual clutter as there is minimal other advertising in the immediate viewing corridor, the nearest being the IKEA’s advertising sign on the southern side of the building Rhodes Waterfront Shopping Centre. • The proposed monopole structure would introduce a different form of signage to the existing billboard and business identification signs and the proposed sign is not considered to result in visual clutter as the there is only one other business identification sign within the immediate vicinity. • This matter is further discussed in Section 6 of the Department’s assessment report. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • No conditions are recommended.

Does not demonstrate design excellence (Public issue)

Assessment

- While design excellence is not a mandatory matter for consideration for consent, the Guidelines outline best practice for the planning and design of outdoor advertisements in transport corridors and complements the provisions of the Industry and Employment SEPP under the EP&A Act.
- General criteria sub-provision (a) of Section 2.5.1 of the Guidelines advises advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.
- The proposal is considered to be of a contemporary design standard that is suitable for the road and rail corridor.
- Further assessment of the proposal against the Guidelines is provided in

Recommended Conditions/Response

- No conditions are recommended.

Other issues (permissibility, merit, concurrence, inconsistency with assessments)

Assessment

- These matters are considered in **Section 5** and **Appendix C**.
- The Department notes that all development applications are assessed on a merit basis.

Recommended Conditions/Response

- No conditions are recommended.

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 proposal has included detailed consideration of 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 and has provided a summary 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 proposed signage would not adversely impact on natural or other resources.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is consistent with ESD principles (see below). The impacts of the proposal can be appropriately mitigated or conditioned (Section 6 and Appendix D).
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 Section 6 .
(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 proposed development would not adversely impact on any heritage items.
(g) to promote good design and amenity of the built environment,	The signage is consistent with the relevant signage design and illumination requirements (Section 6).
(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 (Section 5).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 5 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) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed in Section 4 and Appendix C .
(a)(ii) any proposed instrument	Consideration of proposed instruments is provided below.
(a)(iii) any development control plan	The proposal is generally consistency with the Canada Bay Development Control Plan (CBDPC) (Table 6).
(a)(iiia) 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 (Section 6 and Appendix D).
(c) the suitability of the site for the development	The site is suitable for the development (Section 6).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (Sections 5, 6 and Appendix B)
(e) the public interest	The Department considers the proposal to be in the public interest (Section 6).

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:

- State Environmental Planning Policy (Industry and Employment) 2021 (previously State Environmental Planning Policy No 64 – Advertising and Signage)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land (as of 1 March 2022 known as State Environmental Planning Policy (Resilience and Hazards) 2021)
- Canada Bay Local Environment Plan 2013
- Canada Bay Development Control Plan.

State Environmental Planning Policy (Industry and Employment) 2021 (previously State Environmental Planning Policy No 64 – Advertising and Signage)

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 Department has assessed the proposed signage against the relevant requirements of Industry and Employment SEPP in **Table 3** and the specific assessment criteria of Schedule 5 of Industry and Employment SEPP in **Table 4**.

Table 3 | Industry and Employment SEPP Compliance Assessment

Clause	Criteria	Comments	Compliance
Part 3.2 Signage generally			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The proposal is consistent with the objectives of Industry and Employment SEPP, including being compatible with the desired amenity and visual character of the area, and providing effective communication and public benefit.	Yes
	The signage is to satisfy the assessment criteria in Schedule 1.	See Table 4 .	Yes
Part 3.3 Advertisements			
3.10 Consent authority	The consent authority is the Minister for Planning and Public Spaces in the case of an advertisement displayed by or on behalf of Sydney Trains.	The Minister for Planning is the consent authority as the proposal is located within a Sydney Trains rail corridor.	Yes
3.11 Matters for consideration	The advertisement or advertising structure is to be: <ul style="list-style-type: none"> i. consistent with the objectives of this Policy ii. assessed in accordance with the assessment criteria in Schedule 1 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	The objectives are considered above. The proposal has been assessed in accordance with the assessment criteria in Schedule 1 in Table 4 and the Guidelines in Table 5 . All other relevant requirements are addressed in this table.	Yes
	Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement.	The proposal has adequately demonstrated it will provide public benefit (Section 6).	Yes
3.12 Duration of consents	A consent granted under this Part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act.	The Department recommends a condition of consent to limit the approval for a maximum period of 15 years from the date of consent.	Yes
3.14 Transport corridor land	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. The Minister must not grant consent to the display of an advertisement unless: <ul style="list-style-type: none"> i. the relevant local council has been notified of the development application in writing and any comments received have been considered 	The proposal is located within a Sydney Trains rail corridor and is therefore permissible with development consent. Council was notified in writing and the Department has considered the concerns raised in Section 6 . There was no design review panel for this application.	Yes

	<ul style="list-style-type: none"> ii. the advice of any design review panel has been considered iii. the advertisement is consistent with the Guidelines. 	An assessment of the proposal against the Guidelines is provided in Table 5 .	
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	<p>The Minister must not grant consent for an advertisement with a display area greater than 20 m² or higher than 8 m above the ground unless:</p> <ul style="list-style-type: none"> i. the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and ii. the application has been advertised in accordance with section 79A of the Act, and iii. the consent authority gave a copy of the application to RMS at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies. 	<p>The proposal has an area greater than 20 m² and is higher than 8 m above ground.</p> <p>The Applicant's SEE addresses the assessment criteria in Schedule 1. The Department is satisfied that the proposal has acceptable impacts (Section 6).</p> <p>The application has been advertised in accordance with Schedule 1 of the Act (Section 5).</p> <p>Clause 18 of Industry and Employment SEPP does not apply as the Minister for Planning is the consent authority.</p>	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 appear only within the advertising display area.</p> <p>If the advertising display area has no border or surrounds, any such name or logo is to be located—</p> <ul style="list-style-type: none"> i. within the advertisement, or ii. within a strip below the advertisement that extends for the full width of the advertisement. <p>The area of any such name or logo must not be greater than 0.25 square metres</p>	<p>The logo of the advertisement operator is located within a strip below the advertisement.</p> <p>The Department recommends a condition requiring adherence to the 0.25 m² requirement.</p>	Yes. Condition recommended to ensure logo is limited to 0.25 m ²
3.21 Freestanding Advertisements	<p>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 km.</p>	<p>The proposed structure is not considered to protrude above the dominant skyline within the 1km catchment, as it would not project above the IKEA flagpoles, tree canopy on the southern side of Homebush Bay Drive or the 6-7 storey buildings in the nearby Rhodes Corporate Park (Section 6).</p>	Yes

Table 4 | Industry and Employment SEPP Schedule 5 Compliance Assessment

Assessment Criteria	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 character of the road and railway corridors and surrounding mixed use environment (Section 6).	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with other signs associated with other major metropolitan roads.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal would not detract from the amenity or visual quality of any of these areas.	Yes
3 Views and vistas		
Does the proposal: <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	<p>The original proposal resulted in the partial obstruction of the IKEA business identification sign for vehicles travelling in Lane 1 heading westbound for a period of 60 m. As part of the FRtS the height of the sign was increased by 1 m to mitigate any obstruction to the IKEA sign.</p> <p>Therefore, the impact would not be significant as the IKEA building would remain readily identifiable impact (Section 6).</p> <p>While the increase in height of the revised design results in the proposed sign protruding above the roof of the IKEA building, as mentioned above it would remain lower than the IKEA flagpoles. Additionally, the proposal would not compromise any important views or dominate the skyline, given there are 6-7 storey buildings in the nearby Rhodes Corporate Park (Section 6).</p>	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale complies with Industry and Employment SEPP and the proposal is appropriate for the streetscape and transport corridor setting of the Homebush Bay Drive overpass.	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.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Although the proposal is situated adjacent to the Rhodes IKEA building, it would not result in significant visual clutter as there is no other advertising in the immediate vicinity (Section 6).	Yes
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal would protrude above the Rhodes Shopping Centre's IKEA building. However, this is considered acceptable as the proposed structure would not project above other elements in the area, including the IKEA flagpoles, tree canopy on the southern side of Homebush Bay Drive and the 6-7 storey buildings in the nearby Rhodes Corporate Park (Section 6).	Yes
Does the proposal require ongoing vegetation management?	Any potential ongoing vegetation management would be minimal and would be expected to be undertaken by Sydney Trains as part of its ongoing maintenance of the rail corridor, and would therefore not require a formal management plan.	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 is compatible with the scale, proportion and other characteristics of the Homebush Bay Drive and railway corridors.	Yes
Does the proposal respect important features of the site or building, or both?	The proposal would be compatible with the site and surrounds.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is innovative in creating the capacity to display road safety advertising in this 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, and the signage would display road safety advertising messages.	Yes
7 Illumination		
<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation. 	The proposal would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence (Section 6).	Yes
<ul style="list-style-type: none"> • Can the intensity of the illumination be adjusted? • Is the illumination subject to a curfew? 	The illumination complies with the Guidelines and therefore no adjustments to the intensity of the illumination is required, and it is not subject to a curfew.	Yes
8 Safety		
<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> • any public road? • pedestrian or bicyclists? • pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines (Section 6).	Yes

Transport Corridor Outdoor Advertising and Signage Guidelines (the Guidelines)

The Guidelines outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of Industry and Employment SEPP 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**.

Table 5 | Assessment of the Guidelines design criteria

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria		
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 CBLEP 2013 as it will provide for infrastructure and related uses, and would not detract from the provision of infrastructure.	Yes
Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National park or nature reserve. 	The proposal would not detract from the amenity or visual quality of any of these areas.	Yes
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 (Section 6).	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 would not result in any heritage impacts.	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 Homebush Bay Drive overpass and the road and rail transport corridors.	Yes
2.5 Site-Specific and Structural Criteria		
2.5.1 General Criteria		
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
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 (Section 6).	Yes
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

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
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 and would be consistent with the character of the transport corridor.	Yes
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, and the signage would display road safety advertising messages.	Yes
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	Yes
Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.		
2.5.5 Freestanding Advertisements Criteria		
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 1 km. Note: this impact should be measured from the vehicle approach location and any other critical viewpoints.	The advertising structure would not protrude above the dominant skyline and would have acceptable visual impacts (Section 6).	Yes
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.	The Department does not consider a landscape management plan is required as the proposal is located in a highly urban environment with minimal vegetation.	Yes
Digital Sign Criteria		
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 15 seconds, which exceeds the criterion below.	Yes
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
The image must not be capable of being mistaken: <ul style="list-style-type: none"> for a prescribed traffic control device as text providing driving instructions to drivers. 	The proposed digital signage would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions.	Yes
Dwell times for image display are: <ul style="list-style-type: none"> 10 seconds for areas where the speed limit is below 80km/h; and 25 seconds for areas where the speed limit is 80km/h and over. 	Although the speed limit is 70 km/h, a 15 second dwell time is proposed to mitigate any potential road safety impacts (Section 6).	Yes
The transition time between messages must be no longer than 0.1 second.	The proposed transition time between messages is 0.1 second.	Yes
Luminance levels comply with the following requirements:		Yes

Lighting Conditions	Maximum Zone 3 Luminance Levels	Proposed Luminance Levels
Full sun on face of signage	Maximum Output cd/m ²	Maximum Output cd/m ²
Day-time luminance	6000 cd/m ²	6000 cd/m ²
Morning and evening twilight and Inclement Weather	700 cd/m ²	700 cd/m ²
Nighttime (Sign 1)	350 cd/m ²	350 cd/m ²
Nighttime (Sign 2)	350 cd/m ²	282 cd/m ²

The proposal would operate in accordance with the proposed luminance levels of Zone 3 (**Section 6**) and would operate according to the luminance criteria.

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 images would not dazzle or distract drivers. The Department recommends a condition of consent to ensure that the signage complies with requirements to not contain flickering or flashing content.	Yes
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.	The advertisements would primarily display images, with information/text kept to a minimum. The Department recommends a condition of consent to ensure this matter is complied with.	Yes
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.	Yes
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 (Section 6).	Yes
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
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 visible within 150 m of the proposal.	Yes
Signs greater than 20 m ² must obtain RMS concurrence and must ensure the following minimum vertical clearances: <ul style="list-style-type: none"> 2.5 m from lowest point of the sign above the road surface if located outside the clear zone. 5.5 m from lowest point of the site 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. 	TfNSW provided concurrence, subject to recommended conditions of consent. The vertical clearance between the road surface and the lowest point of the proposed signage would be 5 m. The proposal is not located within the clear zone.	Yes

An electronic log of a sign's 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 signs activity in case of complaint.	The Department recommends a condition of consent to ensure this matter is complied with.	Yes
A road safety check which focuses on the effects of the placement and operation of all signs over 20 m ² must be carried out after 12-month period of operation but within 18 months of the sign's installation.	The Department recommends a condition of consent to ensure this matter is complied with.	Yes
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 edge of the signage is located approximately 0.8 m behind an existing traffic barrier on the Homebush Bay west approach and the signage supports are located within the rail corridor away from any public roadways.	Yes
c. Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.	The 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
Digital signs greater than 20 m ² must ensure a minimum clearance of 2.5 m from the lowest point of the sign above the road surface, if located outside the clear zone.	The proposed signs have a minimum clearance of 6 m from the lowest point of the sign.	Yes
3.2.2 Line of Sight		
An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings. An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The signage would be located adjacent to the road corridor and would not obstruct visibility to any vehicles on the roadway. The proposal would not obstruct visibility for pedestrians or cyclists on the footpath.	Yes
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
The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposal is located directly adjacent to the road corridor and would not require drivers to direct their attention away from the road.	Yes
3.2.3 Proximity to decision making points and conflict points		
The sign should not be located:	The westbound facing sign is located within the stopping sight distance of the intersection with the car park of	No – see Section 6.

<ul style="list-style-type: none"> i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment iii. so that it is visible from the stem of a T-intersection. 	<p>the Rhodes Corporate Park, however for the entire approach the signage would not obstruct the visibility of the traffic signals as it is positioned to the side of the road.</p> <p>The Department has assessed impacts on road safety in Section 6.</p>	
<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> <ul style="list-style-type: none"> i. of a road hazard ii. to an intersection iii. to a traffic control device iv. to an emergency vehicle access point of driveways wider than 6 – 9 m or higher. 	<p>Given that the visible distance to the digital signage is 150 m on the east approach and 195-260 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. The Department has assessed impacts on road safety in Section 6.</p>	Yes
<p>3.2.4 Sign spacing</p>		
<p>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>	Yes
<p>3.3.1 Advertising signage and traffic control devices</p>		
<p>a. The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</p>	<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>	Yes
<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 westbound facing sign is located within the stopping sight distance of the intersection of Homebush Bay Drive with the car park of the Rhodes Corporate Park, however for the entire approach the signage would not obstruct the visibility of the traffic signals as it is positioned to the side of the roadway.</p> <p>The Department has assessed road safety in Section 6.</p>	Yes
<p>c. The image must not be capable of being mistaken for traffic signals or driving instructions.</p>	<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 Industry and Employment SEPP. Therefore, the Department recommends a condition of consent to ensure the sign content is not mistaken for traffic signals or driving instructions.</p>	Yes

d. Digital signs must not contain animated or video/movie style advertising or messages, including live television, satellite, Internet or similar broadcasts.	The Department recommends a condition of consent to ensure the sign does not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.	Yes
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3.3.3 Illumination and reflectance

a. Advertisements must comply with the luminance requirements in Table 5.	The sign would operate in accordance with the proposed luminance levels of Zone 3 (Section 6) and would operate according to the luminance criteria.	Yes
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b. For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.	The proposal would not cast shadows on areas that were previously lit or have a special lighting requirement.	Yes
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c. The light sources for illuminated signs must focus solely on the sign and: i. be shielded so that glare does not extend beyond the sign ii. with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb.	The proposal would not result in unacceptable glare for traffic approaching the signs.	Yes
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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 proposal complies with the luminance levels stipulated in the Guidelines and the Australian Standards. The proposal does not involve flashing illuminated advertisements.	Yes
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3.3.4 Interaction and sequencing

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
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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
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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 (Section 6).	Yes
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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 other public works, listing specific works to which the funds have been or are to be applied.	The Department recommends a condition of consent to address this matter.	Yes
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State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

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 85 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, who advised that being the applicant they did not have any comments.

Clause 86 of the ISEPP relates to excavation in, above, below or adjacent to rail corridors 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, who advised that being the applicant they did not have any comments. The Department has recommended conditions of consent to manage any potential impacts on the safety of the rail corridor.

Clause 101 of the ISEPP 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 Department also referred the application for TfNSW who recommended conditions of consent. The proposed signage would be adjacent to Homebush Bay Drive overpass. The existing signage is similar in nature to other signs which are typically found in road corridors, and would not adversely impact on road safety (**Section 6**). In consideration of the above, the proposal would not compromise the operation and function of the road, subject to the recommended conditions of TfNSW.

State Environmental Planning Policy No. 55 - Remediation of Land (as of 1 March 2022 known as State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP))

Resilience and Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of a development application. Resilience and Hazards SEPP requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

The Applicant's Preliminary Site Investigation Report (PSIR) found that the spoil generated from the proposal could potentially be contaminated, with the associated risks relating to historical fill, general maintenance including herbicide use and the former paint factory located adjacent to the site. The PSIR concluded that the site can be made suitable for the proposed use.

The Department considers the site can be made suitable for the proposed use because:

- disturbance to the site is likely to be limited to the pile excavations
- excavated spoil can be tested ex-situ, with fill to be separated from the deeper natural soils and bedrock (to prevent cross contamination and/or dilution). Alternatively, sampling and testing of fill could be undertaken prior to commencement of piling, with the resulting waste classification applied to all spoil
- recommended conditions can manage any potential impacts, including in relation to groundwater monitoring, and unexpected finds

In summary, contact with fill is only expected during the limited amount of piling and excavation required for foundations. The assessment confirms the site is suitable for the proposed development in its contaminated state without the need for remediation. Excavated fill would be required to be handled and disposed of accordingly.

Council did not raise any concerns regarding contamination. The Department is satisfied the site is suitable with regard to the provisions of Resilience and Hazards SEPP for the proposed development, subject to standard conditions.

Canada Bay Local Environmental Plan 2013 (CBLEP 213)

The site is zoned SP2 Infrastructure under CBLEP 2013. Signage is a prohibited use in the SP2 zone under CBLEP 2013. However, clause 16(1) of Industry and Employment SEPP 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.

Canada Bay Development Control Plan (CBDCP)

Part H of CBDCP outlines Council's objectives and controls for the installation of signage. The proposed signage is consistent with these desired objectives (refer to **Table 6**).

Table 6 | Assessment of compliance with CBDCP signage provisions

Objectives	Comments	Consistency
H2 General Objectives and Standards applicable to all development		
<p>C1. One pole sign is permitted per site where buildings are remote from the street alignment, and must have a:</p> <ul style="list-style-type: none"> • maximum height of 8 m and • maximum advertising area of 4.65 m² • height of at least 2.6 m above ground level and not project more than 1.2 m beyond the street alignment 	<p>The proposal has a maximum height of approximately 14 m and an advertising area of approximately 39.3 m² and is therefore inconsistent with this recommendation, however the Department notes it complies with the maximum advertising area permitted under Industry and Employment SEPP.</p>	<p>No, however consistent with Industry and Employment SEPP provisions.</p>
<p>C2. The following signs and advertising structures are not considered to be appropriate:</p> <ul style="list-style-type: none"> • Signs erected or attached to the sides of buildings where such side is adjacent to residences or residential flat buildings • Signs or advertisements other than those relating to the occupier of the building • Flashing, moving, or video signs • More than one projecting wall sign, flush wall sign or painted wall sign per building, or any sign which is not exclusively for business or building identification purposes • Signs located on an awning or signs attached above the awning • Any sign or sign board exhibited on Council's footpath • Signs attached above the roof • Permanent inflatable signs • Flag pole signs 	<p>The proposal has an advertising area of approximately 39.3 m² and is therefore inconsistent with this recommendation, however the Department notes it complies with the maximum advertising area permitted under Industry and Employment SEPP.</p>	<p>No, however consistent with Industry and Employment SEPP provisions.</p>

- Signs of more than 20 m² in area or 8m in height

H3 Sign Proliferation and Dominance

C1. Signs, other than those relating to the occupier of the building are not permitted.	The proposal is for an advertising sign in a transport corridor, which is permitted under Industry and Employment SEPP.	No, however consistent with Industry and Employment SEPP provisions.
C3. The number of advertisements displayed on any site should be minimised in order to avoid visual clutter and duplication of message.	Although the proposal is situated adjacent to the Rhodes IKEA building, it would not result in significant visual clutter as there is no other advertising in the immediate vicinity (Section 6). The proposal would not result in duplication of message.	Yes
C4. Signs should be designed to provide clear property and business identification without dominating the site or the streetscape.	The proposal is for an advertising sign in a transport corridor, which is permitted under Industry and Employment SEPP.	No, however consistent with Industry and Employment SEPP provisions.

H4 Sign Dimensions

C2. The supporting structure of free-standing advertisements should be of dimensions which provide good visual balance to the structure in addition to the necessary structural supports.	The proposed monopole has dimensions that provide good visual balance. The proposal would be structurally adequate, subject to the Department's recommended conditions.	Yes
C3. Supporting structures should not dominate the sign, the building or streetscape.	The supporting structure would not dominate the sign or streetscape.	Yes

H5 Integration

C2. Free-standing advertisements should not rely upon the removal of trees or lopping of branches in order to be visible.	The proposal does not require the removal of trees or lopping of branches.	Yes
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H8 Architectural Amenity and Residential Character

C1. The scale of advertising signs should be compatible with the buildings they are on, nearby buildings, street widths and other existing signs.	The scale of the proposal is compatible with the street width, and nearby buildings and signs.	Yes
C3. Where commercial areas adjoin residential areas, signs should not be permitted on walls facing adjoining dwellings.	The proposal would not be placed on a wall facing an adjoining dwelling.	Yes

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 6**.

Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) have been complied with.

Appendix D – Recommended Instrument of Consent

The recommended conditions of consent can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10648