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Glossary

Abbreviation	Definition
Applicant	Sydney Trains
Consent	Development Consent
Council	Ku-ring-gai Council
Consent	Development Consent
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
EPI	Environmental Planning Instrument
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GSRP	Greater Sydney Region Plan
KLEP 2015	Ku-ring-gai Local Environmental Plan 2015
LEP	Local Environmental Plan
LGA	Local Government Area
LIA	Lighting Impact Assessment
Minister	Minister for Planning and Public Spaces
RMS (Land Use)	NSW Roads and Maritime Services (Land Use Assessment North West Precinct) within Transport for New South Wales
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning, Industry and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SEPP 64	State Environmental Planning Policy No. 64 – Advertising and Signage
Site	Mona Vale Road and Ryde Road, Pymble
SSA	Signage Safety Assessment
the Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
VIA	Visual Impact Assessment



Executive Summary

Sydney Trains (the Applicant) seeks development consent for the installation of one digital advertising sign on the eastern elevation of the Mona Vale Road/Ryde Road overpass in Pymble (DA 10664).

Engagement

The Department of Planning, Industry and Environment (Department) publicly exhibited the development application (DA) from 16 February 2021 to 1 March 2021 (14 days) and sought advice from Ku-ring-gai Council (Council) and TfNSW (RMS).

Council commented on the Applicant's assessment, the design of the proposed signage, light pollution, road safety, public benefit and compliance with the Transport Corridor Outdoor Advertising and Signage Guidelines (the Guidelines) and the Ku-ring-gai Local Environmental Plan (KLEP 2015).

The Department received no public submissions.

Assessment

The Department has assessed the proposal against the requirements of SEPP 64 and considered the issues raised in the submissions. The Department considers the DA is acceptable as it:

- would not result in any significant visual impacts to surrounding properties as the proposed signs would be partially screened by existing vegetation along the road corridor
- would not result in any significant amenity impacts as the illumination levels would be set in accordance with the maximum levels outlined in the Guidelines
- would not detract from the architecture of the bridge as the signs would be only slightly protruding above the bridge (380mm), consistent with the existing western elevation signage and considered to be a negligible impact
- would not result in any adverse pedestrian or road safety impacts as the proposal complies with the Guidelines and the Department has recommended a suite of conditions to appropriately mitigate and manage safety impacts
- is permissible development in an existing road corridor.

Conclusion

The Department's assessment concludes the proposed development is appropriate as it would not result in any unacceptable amenity, visual or safety impacts and it complies with the requirements of SEPP 64. It is therefore recommended that the application be approved, subject to conditions.



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1. Introduction

1.1 Background

This report provides an assessment of a Development Application (DA 10664) 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 construction of one digital advertising sign on the eastern elevation of the Mona Vale Road/Ryde Road overpass in Pymble, in the Ku-ring-gai local government area (LGA).

1.2 The site

The proposed sign would be located on the eastern elevation of the Mona Vale Road/Ryde Road overpass and would be visible to westbound motorists using Mona Vale Road/Ryde Road (**Figure 1**).

Mona Vale Road is a classified State Road (162) which provides the approach before transitioning into Ryde Road and comprises of two lanes of traffic in each direction travelling north-east/south-west, as well as including the entrance and exit lanes to and from Pacific Highway. The legal speed limit is 70km/hr on approach to the Mona Vale Road overpass in both directions. The off-ramp exit to Pacific Highway is one lane and then expands into two lanes once it approaches the intersection, while the on ramp from Pacific Highway begins with two lanes and then merges into one on Ryde Road.

The railway overpass travels in a north-west/south-east direction and services the T1 North Shore & Western Line. The eastern elevation has no existing advertising display boards, however the western elevation has two existing static advertisement display boards managed by APN.

The site is legally defined as Lot 28 in DP 712122 and comprises the existing railway overpass in Pymble, owned by the Transport Asset Holding Entity (TAHE).



Figure 1 | Local context map (Source: Applicant)

The site is located in Pymble in an area characterised by mixed uses, predominantly zoned as B4 Mixed Use, B7 Business Park and R4 High Density Residential. To the north, the site is surrounded by R4 High Density Residential uses along Mandalay Place, as well as a local heritage item approximately 100m from the site (a dwelling house located at 6 Mona Vale Road (1574)). These residential land uses, and heritage item are screened by existing vegetation and acoustic fencing. To the east, the site is surrounded by Mona Vale Road and an empty parcel of land which is zoned R4 High Density Residential. To the south, the site is surrounded by a miniature golf course, known as City Golf Gordon, several commercial buildings within a B4 Mixed Use Zone and Gordon Railway Station. To the west, the site is surrounded by the Pacific Highway, B7 Business Park area which includes a variety of commercial and retail uses and a local heritage item known as the former 3M building (1593). The site is shown in **Figure 2** and **Figure 3**.



Figure 2 | View of the sign location from the Ryde Road and Carlotta Avenue intersection looking south
(Source: Applicant)



Figure 3 | View of the existing western signs from the Pacific Highway looking north (Source: Applicant)



2. Project

2.1 Description of proposal

The DA (10664) seeks consent for the installation of a digital advertising sign proposed at the eastern elevation of the existing railway overpass bridge across Mona Vale Road in Pymble. The application, as revised by the Response to Submissions (RtS), seeks one digital advertising sign on the eastern elevation of the existing overpass. The proposed design and operation specifications of the signage is outlined in **Table 1**. The proposed signage details are shown at **Figure 4** and **Figure 5**.

Table 1 | Details of the proposed signage

Aspect	Eastern Elevation Sign
Advertising display area	51.15 m ² (15.5 m x 3.3 m)
Active digital display area	39.68 m ² (12.4 m x 3.2 m)
Total Height (including the frame)	3.3 m
Road clearance from ground level to the sign	5.1 m
Signage display	Digital LED Screen
Dwell time	10 seconds
Maximum illuminance limit during night-time	114 cd/m ² (pre-curfew) 66 cd/m ² (curfew)

The proposed digital signage would be programmed to operate 24-hours-a-day, 7-days-per-week. The advertisements displayed would be static in their content but designed to automatically change every 10 seconds (0.1 second transition time). The estimated cost of the works is \$544,170.

The Department notes the application does not seek to amend the existing road clearance height of the Mona Vale Road overpass.

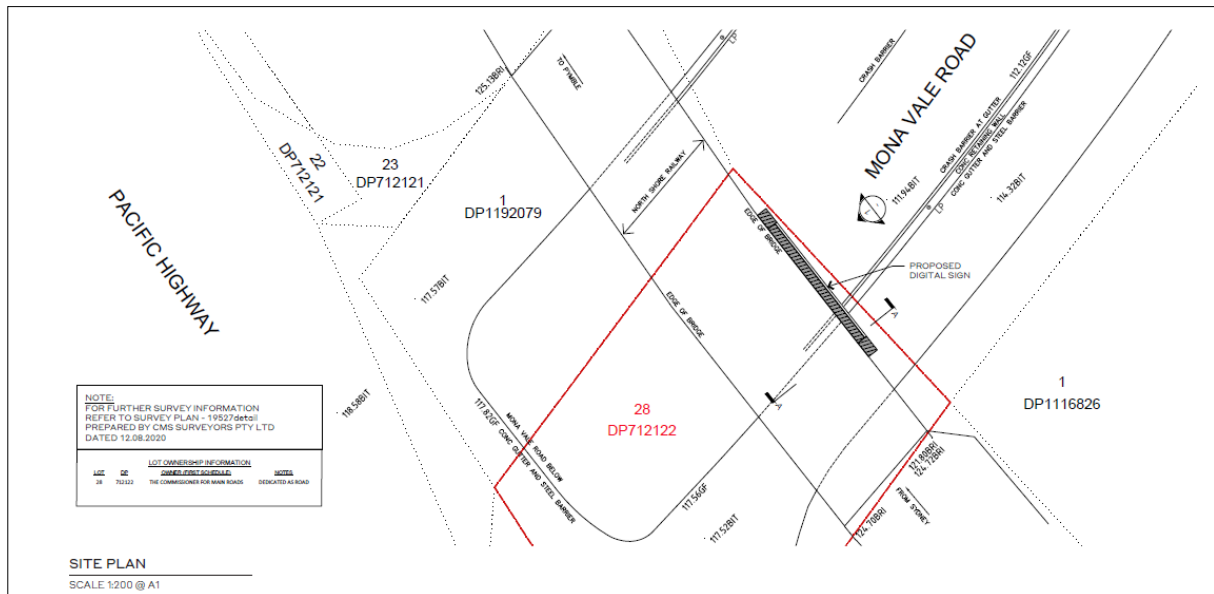


Figure 4 | The proposed digital advertising signage is shown by the black box (Source: Applicant)

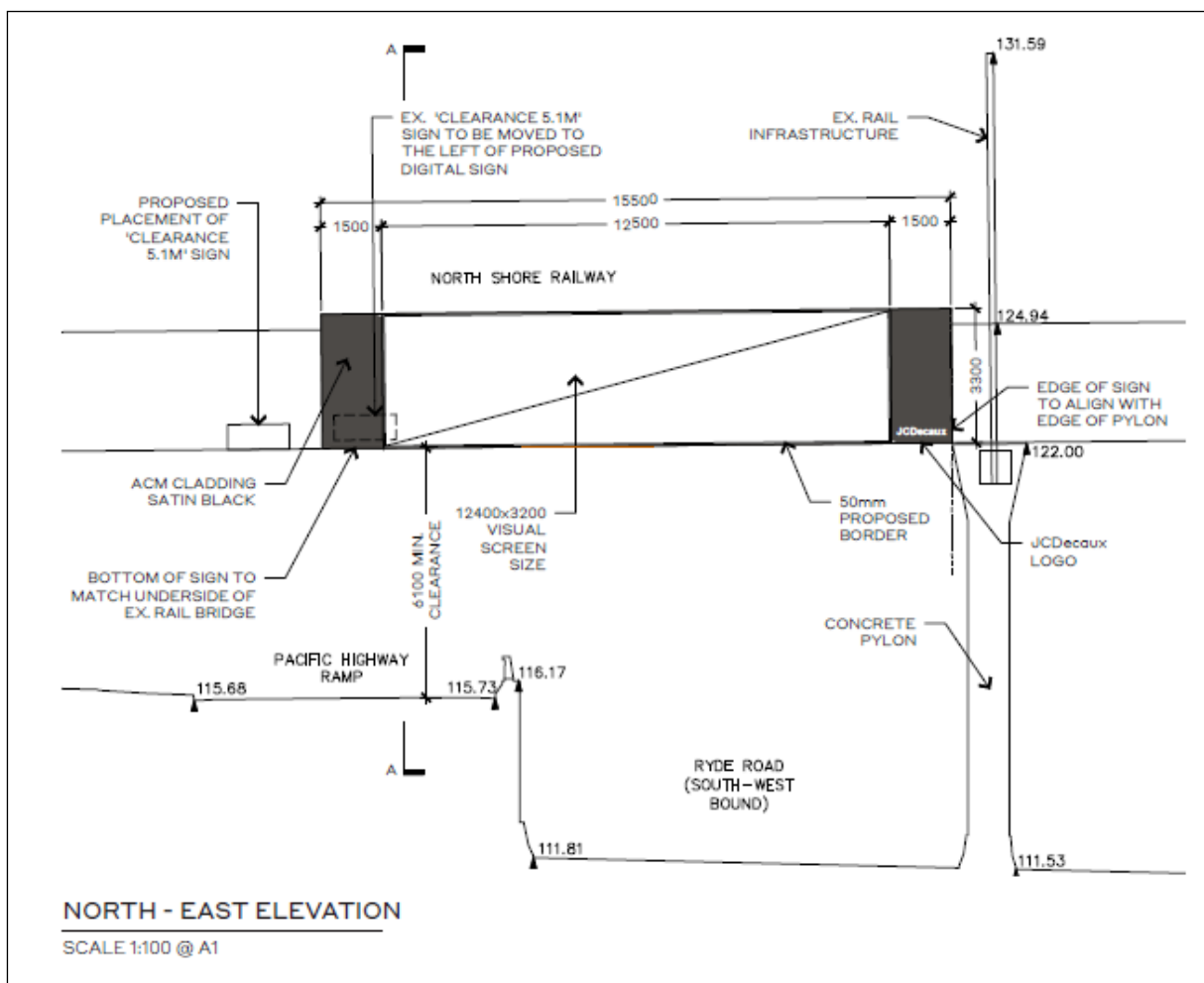


Figure 5 | An elevation of the proposed eastern elevation sign (Source: Applicant)



3. Statutory Context

3.1 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application in accordance with clause 12(c) of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64). The DA has been submitted by Sydney Trains and relates to an advertisement displayed by or on behalf of Sydney Trains on a road corridor.

In accordance with the Minister’s delegation of 26 April 2021, the Director, Regional Assessments, may determine this application as:

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

3.2 Permissibility

The Mona Vale Road overpass is located in the Ku-ring-gai LGA. The site is zoned SP2 Infrastructure under the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). Signage is permissible with consent under the KLEP 2015 as it is considered ancillary to the existing railway corridor.

Additionally, clause 16(1) of SEPP 64 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, 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).

3.3.1 Section 4.15(1) Matters for consideration

The matters for consideration under section 4.15 of the EP&A Act have been addressed in **Table 2**.

Table 2 | Section 4.15 matters for consideration

Section 4.15 Evaluation	Consideration
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed in Section 4.3.2 and Appendix C .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	The proposal complies with the Ku-ring-gai Development Control Plan 2015 as addressed in Appendix C .
(a)(iii) 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 (refer to Section 4.3.5).
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	The Department has assessed the likely impacts of the development and concludes they are acceptable and can be addressed by the recommended conditions (refer to Section 5 and Appendix D).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (refer to Section 4 , Section 5 and Appendix B).
(e) the public interest	The Department considers the proposal to be in the public interest (refer to Section 5).

3.3.2 Environmental Planning Instruments

The relevant environmental planning controls and guidelines that apply to the proposal include:

- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)

The Department is satisfied the DA is consistent with the relevant requirements of the EPIs, development control plans and guidelines, as detailed in **Appendix C** of this report.

3.3.3 Objects of the EP&A Act

The Department considers the proposal is satisfactory in regard to the objects of the EP&A Act.

3.3.4 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 development application's environmental impacts are detailed in **Section 5** of this report.

3.3.5 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.



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 and 17 of SEPP 64, the Department publicly exhibited the application for 14 days from 16 February 2021 until 1 March 2021. The application was exhibited on the Department's website, and the Department notified adjoining landholders, Ku-ring-gai Council and TfNSW (RMS) in writing.

4.2 Summary of submissions

The Department received two submissions in relation to the DA, comprising:

- a submission from Council providing comments on the proposal
- a submission from TfNSW providing comments
- no public submission objecting to the DA.

4.3 Key Issues – Government Agencies

TfNSW did not object to the proposed signage, subject to the proposal complying with the Transport Corridor Advertising and Signage Guidelines (Guidelines) and SEPP 64. The matters raised by TfNSW have been considered and addressed in **Section 5**.

4.4 Key Issues – Council/Community

4.4.1 Council Submission

Council did not object to the proposal, however it advised the Department to consider the following:

- consideration of permissibility within SP2 Infrastructure zone and reliance on SEPP 64 Clause 16
- compliance with SEPP 64 and the Guidelines
- the proposed signage protruding above the top of the existing bridge
- future use of the adjacent vacant lot zoned as R4 High Density Residential
- impacts on road safety.

4.4.2 Community Submissions

No submissions were received from the public.

4.5 Response to Submissions

On 22 March 2021, the Applicant submitted an RtS (**Appendix A**) addressing the matters raised in the submissions. The key themes identified by Council and addressed in the RtS are permissibility, security, road safety and future implications on potential development at 1-7 Carlotta Road.



5. Assessment

5.1 Key assessment Issues

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

- design and suitability of the site
- visual impact
- illumination
- road safety
- public benefit
- impacts on 1-7 Carlotta Avenue
- permissibility

Each of these matters is addressed below.

5.2 Assessment

Design and suitability of the site

The proposal seeks approval for one digital advertising sign on the eastern elevation of the bridge, with an approximate area of 39.68 m². The Department notes the proposed signage would be installed in a location where there is no current digital advertising signage on the proposed eastern elevation, with the western elevation inclusive of two static advertisement display boards.

The Department considers the design and location of the proposed signage to be suitable for the following reasons:

- the proposed signs satisfactorily comply with the design criteria of SEPP 64, the Guidelines and AS4282 (1997 Control of obtrusive effects of outdoor lighting). Refer to **Section 4** and **Appendix C**.
- the proposed signage would only extend beyond the existing physical boundaries of the Mona Vale Road overpass by 380mm, consistent with the existing static signage on the western elevation, and therefore would not diminish or detract from the architectural integrity of the structure and is considered to have a negligible impact
- the proposed signs would not adversely impact on the existing or future character of land uses surrounding Mona Vale Road as the proposed signs would be effectively screened by the exiting vegetation and road corridor
- the location of the signage within a roadway corridor is suitable for digital advertising and consistent with signage on other bridges on major roads.

The Department is therefore satisfied the design and location of the site is suitable and would not result in adverse amenity impacts to surrounding residents.

Visual Impact

The Applicant provided a Visual Impact Assessment (VIA) to consider the potential visual impacts of the signage on the surrounding area. The VIA concluded the signs would only be visible from a relatively small area of the public domain, mainly confined to the Mona Vale Road corridor and immediate adjoining areas.

Three viewpoints were assessed as part of the VIA to provide an indication of sensitivity, magnitude and significance of the visual impact of the proposal. The assessed viewpoints include:

- Mona Vale Road
- Mandalay Place
- Kirby Park

The locations considered in the VIA are shown in **Figure 6**. The potential visual impacts to these viewpoints are shown in **Figure 7** to **Figure 9**.



Figure 6 | The locations considered in the VIA (Source: Applicant)



Figure 7 | View from Viewpoint 1 (Mona Vale Road) (Source: Applicant)



Figure 8 | View from Viewpoint 2 (Mandalay Place) (Source: Applicant)



Figure 9 | View from Viewpoint 3 (Kirby Park) (Source: Applicant)

The Department has reviewed the VIA and considers the proposed sign is acceptable as:

- from all viewpoints, the proposal is considered to represent a minor to moderate change over a restricted area
- the proposed signage is consistent with the character of the existing static signage on the western elevation
- while the sign would be visible from some residences on Mandalay Place, these views are minor and would be obscured by the existing vegetation and topography of the area
- the sign will not extend outside the physical boundaries of the Mona Vale Road overpass
- the sign would not obscure or compromise important views, would not dominate the skyline or reduce the quality of vistas of any environmentally sensitive areas, heritage areas or open space (a full assessment of the signage under SEPP 64 is included at **Appendix C**).

The Department therefore concludes the visual impacts of the proposal on surrounding residential properties would be negligible.

Illumination

Council raised concern about illumination impacts on surrounding residential receivers, particularly at night.

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. An Evaluation of Lighting Impact Report (LIR) was provided with the SEE to assess the proposal against the relevant luminance criteria. The LIR confirmed the proposed signage would comply with the SEPP 64 Guidelines and Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

Under the Guidelines, the LIR categorised the site as ‘Zone 3’. This zone is assigned to areas of generally low levels of off-street ambient lighting. In this zone, the Guidelines stipulate a maximum night time luminance level of digital signage of 350 cd/sqm, a maximum day time luminance level of 6,000 cd/sqm and a maximum morning/evening luminance level of 700 cd/sqm. The proposed signage is therefore compliant with the Guidelines, as per the dimming levels in **Table 3**. The Department has recommended a condition of consent to restrict the luminance of the signage to these levels to ensure any potential lighting impacts on neighbouring properties is appropriately minimised.

Table 3 | Luminance Levels

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	No limit
Day time	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	700 cd/m ²
Night time	114 cd/m ² (pre-curfew) 66 cd/m ² (curfew)

The Evaluation of Lighting Impact Report also assessed the proposal against Australian Standard 4282. Under the standard, a value of less than 10 lux in daytime and 2 lux in night-time is deemed to not affect the visual amenity of local residents. To comply with the threshold increments, 4.3 lux during non-curfew periods and 2 lux during curfew periods is proposed. Therefore, the signage complies with the Australian Standard.

The Department has reviewed the Evaluation of Lighting Impact Report and consider the illumination impacts associated with the proposed signage to be acceptable on the basis the signage would be programmed in accordance with the maximum luminance stipulated in the Guidelines, and the lux limit in the Australian Standards can be automatically dimmed to ensure luminance levels remain compliant.

The Department also notes that most of the adjoining properties are shielded by mature vegetation. This effectively obstructs the light spill of the signage.

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

Road safety

Council raised concern the proposal would potentially result in road safety impacts.

The Applicant provided a Road Safety Assessment (RSA) that assessed the proposal against the Guidelines, SEPP 64 and Austroads Guide to Road Design. The RSA assessed the signage exposure distance, sight stopping distance and road accident history in proximity to the site. The RSA concluded the road environment along Mona Vale Road presents a low risk environment for the proposed signage.

The Department notes the RSA and considers the proposed signage is acceptable in regard to road safety as the proposed signage:

- is not located near any pedestrian or cyclist crossings or school zones
- would not reduce existing driver sightlines
- would display static images only
- would comply with the dwell times outlined in the Guidelines
- is positioned within the building envelope of the bridge and would therefore not obstruct any vehicle
- would not affect road safety at the off-ramp merge and exit points.

The Department notes that the proposed signage is located within the safe stopping distance of the signals at the Pacific Highway. The Applicant utilised an automatic tube counter (ATC) to capture the 85th percentile travel speed of vehicles travelling along the off-ramp for a period of a week. The 85th percentile speed of 49.9 km/h was captured and used to calculate a safe stopping distance of 45m in accordance with Austroads guidelines. The signage is proposed to be located 35m north of the stop line at the traffic signals, however the signage would become out of view 10m prior, 45m from the stop line as shown in Figures 10 and 11. The Department is satisfied that the proposed signage would not be completely visible or distract or dazzle drivers within the safe stopping distance of the traffic signals of the Pacific Highway off-ramp.



Figure 10 | View from 45m (Off-Ramp Exit) (Source: Applicant)

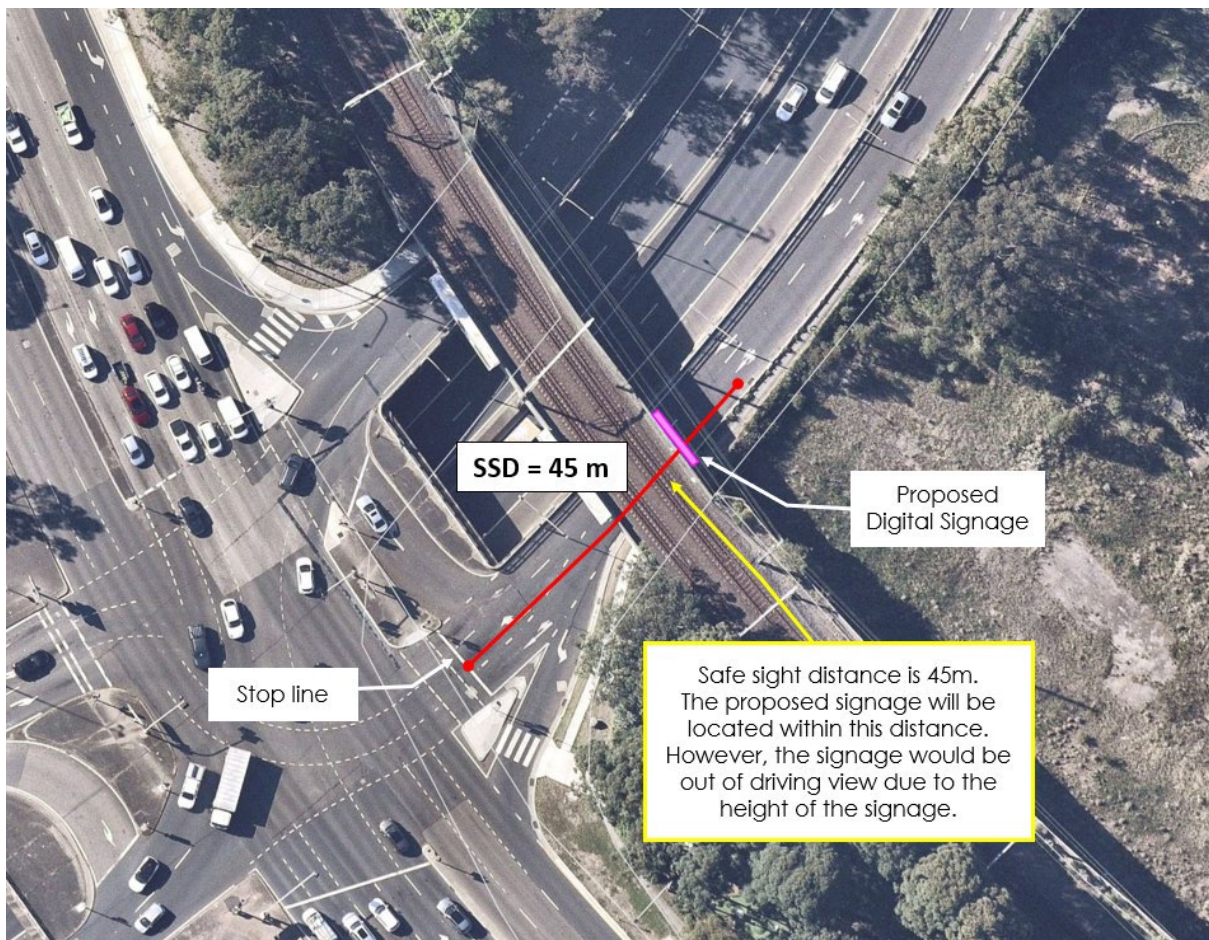


Figure 11 | Safe Stopping Sight Distance (Off-Ramp Exit) (Source: Applicant)

The Department also referred the proposal to TfNSW for comment and TfNSW provided comment requesting the proposal comply with SEPP 64 and the Guidelines.

The Department has recommended conditions of consent to ensure the signage does not contain or use any method of illumination that distracts or dazzles drivers. This would ensure the sign complies with the requirements of SEPP 64 and the Guidelines and would not result in any adverse traffic safety impacts.

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

Public benefit

Council raised concerns over the potential for an increase in vandalism as a result of the proposed signage as it could draw more attention to the eastern elevation of the bridge.

The Applicant has proposed a rapid removal strategy could be implemented to manage any potential acts of vandalism on the site. The Department is satisfied that this strategy will address the concerns and recommends this be conditioned within the conditions of consent.

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

The Applicant has provided a Public Benefit Statement which identifies the proposed signs would generate revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs.

Further, the digital advertising will provide benefit to Sydney Trains, TfNSW and emergency services, with instantaneous safety or public awareness messages able to be displayed. These messages could include; station emergency situations, major disruptions to train running times, Sydney Trains and TfNSW promotions and events or threat-to-life alerts by NSW Government Emergency and Police Agencies.

The Department is satisfied the proposal would result in sufficient public benefits as it would contribute to the maintenance and management of the rail network and play an important role in helping to address road safety issues, consistent with the Guidelines.

Impact to 1-7 Carlotta Avenue

Council raised concerns regarding the potential impacts of the proposed signage of the currently undeveloped land at 1-7 Carlotta Avenue, proposing a curfew period for the night-time illumination of the sign. The proposed sign is approximately 8m from the vacant site which is zoned as R4 High Density Residential and allows for a building height of 17.5m.

The Applicant noted that the site has been vacant since the carrying out of DA0154/12 which was submitted in May 2012 for the demolition of the existing structures on site. The site is 1.6ha in size and there is currently no DA submitted for redevelopment of the land. The closest point of the site (8m) is occupied by mature vegetation and a drop in topography and is not in the direct line of sight as the signage is proposed to face the roadway rather than the vacant lot. The Department does not view the imposition of a curfew practical, noting that the signage is proposed to be dimmed during night hours of operation, consistent with SEPP 64 and the guidelines.

Permissibility

Council raised concerns of the permissibility of the proposed signage, and if the permissibility is solely reliant on the application of Clause 16 of SEPP 64. The Department notes that Clause 16(1) of SEPP 64 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, is permissible with development consent. The Department is therefore satisfied that the application is therefore permissible with consent.



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 SEPP 64 and other relevant environmental planning instruments. The Department's assessment concludes that the proposed development is appropriate as it:

- meets the relevant statutory requirements and is consistent with SEPP 64
- would not result in any significant visual impacts to surrounding properties
- would operate during the night-time hours at a brightness permitted in the Guidelines and the Australian Standards
- would not detract from the architecture of the bridge
- has demonstrated the sign complies with the relevant road safety standards and requirements.

The Department concludes the impacts of the development are acceptable and the proposal 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, Regional Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of DA 10664, subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:

Tahlia Sexton
Planning Officer
Regional Assessments

Recommended by:

Teresa Gizzi
Team Leader
Regional Assessments



8. *Determination*

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

Keiran Thomas

Director

Regional Assessments



Appendices

Appendix A – List of Documents

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

1. Statement of Environmental Effects

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10664

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10664

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10664

Appendix B – Community Views

The Department received no submissions from members of the public.

Appendix C – 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 No. 64 – Advertising Structures and Signage (SEPP 64)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)
- Ku-ring-gai Development Control Plan 2015 (KDCP 2015)

State Environmental Planning Policy No 64 – Advertising and Signage

SEPP 64 applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed digital signage has been assessed against the requirements of SEPP 64 in **Table 4** and the specific assessment criteria of Schedule 1 of SEPP 64 in **Table 5**.

Table 4 | SEPP 64 Compliance Assessment

Clause	Criteria	Comments	Compliance
Part 2 Signage generally			
8 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The proposed development is compatible with the desired amenity and visual character of the area, provides effective communication and is high quality finish and is therefore consistent with the objectives of SEPP 64.	Yes
	The signage is to satisfy the assessment criteria in Schedule 1.	See relevant assessment in Table 5 .	Yes
Part 3 Advertisements			
12 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 RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	The proposal is for a sign located on a bridge within a railway corridor on behalf of Sydney Trains, therefore the Minister for Planning and Public Spaces is the consent authority.	Yes

13 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this Policy ii. assessed in accordance with the assessment criteria in Schedule 1 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	<p>The objectives are considered above.</p> <p>The proposal has been assessed in accordance with the assessment criteria in Schedule 1 in Table 5 and the Guidelines in Table 6.</p> <p>All other relevant requirements are addressed in this table.</p>	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 for public benefit (refer to Section 5 of this report).	Yes
14 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 operation.	Yes
16 Transport corridor land	The display of an advertisement on transport corridor land is permissible with development consent when on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	The proposal is for a sign located on a bridge within a railway corridor on behalf of Sydney Trains and therefore is considered permissible with consent.	Yes
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> i. the relevant local council has been notified of the development 	<p>Ku-ring-gai Council were notified in writing and did not object to the proposal (refer to Section 5 of this report).</p> <p>There was no design review panel for this application.</p>	Yes

	<p>application in writing and any comments received by the Minister from the local council have been considered by the Minister, and</p> <p>ii. the advice of any design review panel has been considered by the Minister, and</p> <p>iii. the Minister is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>An assessment of the proposal against the Guidelines is provided in Table 5.</p>	
<p>17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</p>	<p>For an advertisement with a display area greater than 20 square metres:</p> <p>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</p> <p>ii. the application has been advertised in accordance with section 79A of the Act, and</p> <p>iii. the consent authority gave a copy of the application to RMS at the same time as the</p>	<p>The proposed signage has an area greater than 20 square metres.</p> <p>The Applicant's SEE addresses the assessment criteria in Schedule 1. The Department is satisfied that the proposal is acceptable in terms of its impacts as detailed in Section 5 of this report.</p> <p>The application has been advertised in accordance with Schedule 1 of the Act as detailed in Section 5 of this report.</p> <p>The Department provided a copy of the application to TfNSW during the exhibition period.</p>	<p>Yes</p>

	<p>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>		
<p>19 Advertising display area greater than 45 square metres</p>	<p>The consent authority must not grant consent to the display of an advertisement with an advertising display area of greater than 45 square metres unless:</p> <ul style="list-style-type: none"> i. a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or ii. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines. 	<p>The proposed signage has an advertising display area of 51.15 m². Therefore, this clause does apply.</p> <p>The proposal is to display an advertisement on transport corridor land and the Department is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>Yes</p>
<p>20 Location of certain names and logos</p>	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p>	<p>Logos will be included in the detailed design to be addressed by a future contractor. The Department has recommended conditions to ensure this is done in accordance with the</p>	<p>Yes</p>

	<ul style="list-style-type: none"> i. appear only within the advertising display area ii. not be greater than 0.25 square metres iii. be included in calculating the size of the advertising display area. 	requirements in SEPP 64 and the Guidelines.	
24 Advertisements on bridges	The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.	The proposal is consistent with the Guidelines as detailed in Table 6.	Yes

Table 5 | SEPP 64 Schedule 1 Compliance Table

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 proposed sign is to be mounted to the Mona Vale Road overpass. The proposed sign is compatible with the character of the road corridor, with existing signage on the western elevation.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is consistent with other digital signs associated with other major roads in the locality.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed sign is not located within, nor detracts from, any environmental sensitive, natural, conservation, open space, waterway or rural landscapes.</p> <p>The proposed sign is located adjacent to a residential area. However, the sign is acceptable as they are effectively screened by existing vegetation and have low visual impacts, as discussed in Section 5.</p>	Yes
3 Views and vistas		

<p>Does the proposal:</p> <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 proposed sign is affixed to the Mona Vale Road overpass and contained mostly within the envelope of the existing bridge. As the sign only projects 380mm above the bridge, (compared to the existing signage protruding 500mm on the western elevation) the proposal does not compromise any important views, the skyline or interfere with other advertisers.</p>	<p>Yes</p>
4 Streetscape, setting or landscape		
<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	<p>The installation of digital signage is appropriate for the streetscape and transport corridor setting of the Mona Vale Road overpass.</p>	<p>Yes</p>
<p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p>	<p>The signage will contribute to the visual interest of the setting by incorporating digital advertising on the Mona Vale Road overpass.</p>	<p>Yes</p>
<p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p>	<p>Currently static advertising exists on the western elevation of the Mona Vale Road overpass but there is no existing signage on the eastern elevation of the overpass (subject site).</p>	<p>No</p>
<p>Does the proposal screen unsightliness?</p>	<p>The proposal does not screen unsightliness.</p>	<p>Yes</p>
<p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The proposed sign only projects 380mm above the bridge, (compared to the existing signage protruding 500mm on the western elevation), which is considered to be a negligible impact.</p>	<p>Yes</p>
<p>Does the proposal require ongoing vegetation management?</p>	<p>The proposed sign does not require any ongoing vegetation management.</p>	<p>Yes</p>
5 Site and building		
<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p>	<p>The scale of the proposal is considered to be appropriate for the context of the site and will support the mixed-use character of the area.</p>	<p>Yes</p>
<p>Does the proposal respect important features of the site or building, or both?</p>	<p>The proposed signage is appropriately integrated with the architecture of the Mona Vale Road overpass.</p>	<p>Yes</p>

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 digital 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?	Logos and safety devices will be included in the detailed design to be addressed by a future contractor. The Department has recommended conditions to ensure this is done in accordance with the requirements in SEPP 64 and the Guidelines.	Yes
7 Illumination		
Would illumination: result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation.	The proposed illumination complies with the Guidelines and would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residents (refer to Section 5 of this report).	Yes
Can the intensity of the illumination be adjusted? Is the illumination subject to a curfew?	The illumination complies with the Guidelines and the intensity of the illumination can be adjusted.	Yes
8 Safety		
Would the proposal reduce safety for: pedestrians, particularly children, by obscuring sightlines from public areas? for any public road?	The proposal would not adversely impact on road safety for pedestrians or vehicles or obscure sightlines (refer to Section 5 of this report).	Yes

Transport Corridor Outdoor Advertising and Signage Guidelines

The *Transport Corridor Outdoor Advertising and Signage Guidelines* outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of SEPP 64 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 6**.

Table 6 | 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 KLEP 2015 in that it will contribute to the display of advertising which will generate revenue used to maintain and enhance existing and future Sydney Trains assets and services which form a key part of the transport network in Sydney.	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. 	<p>The proposed digital sign would not create adverse amenity impacts on any environmentally significant area, natural/other conservation areas, open space area, waterway, scenic protection area, national park or nature reserve.</p> <p>The proposed signage will not be visible from the local heritage item (No.1574) located at 6 Mona Vale Road on the eastern side of the overpass as it is screened by vegetation and acoustic fencing, and therefore the proposal will not cause any adverse impacts to the amenity of the area.</p> <p>The sign is located in a transport corridor and an assessment of potential impacts to surrounding residences are considered in Section 5.</p>	Yes

Assessment Criteria	Comments	Compliance
Advertising signage 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 proposed sign only projects 380mm above the bridge, (compared to the existing signage protruding 500mm on the western elevation), which is considered to be a negligible impact.	Yes
Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The site is not a heritage item nor is it located in close vicinity of any heritage item. The proposed signage will not be visible from the local heritage item (No.I574) located at 6 Mona Vale Road.	Yes
Advertising signage 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 proposed sign is consistent within the context of the Mona Vale Road and the road transport corridor.	Yes
Site-Specific and Structural Criteria		
General Criteria		
(a) The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed sign is of a contemporary standard that is suitable for the road corridor.	Yes
(b) The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.	The proposed sign is considered to be compatible with the scale of the bridge on which the proposed signage will be located.	Yes
(c) The advertising signage should be in keeping with important features of the site, building or bridge structure.	The proposal does not detract from any important features of the site or bridge.	Yes
(d) The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal does not require the removal of any vegetation.	Yes

Assessment Criteria	Comments	Compliance
(e) The advertisement proposal should incorporate landscaping that complements the advertising signage and is in keeping with the landscape and character of the transport corridor.	The proposed sign will not incorporate landscaping and will continue to be in character of the transport corridor.	Yes
(f) Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	Logos and safety devices will be included in the detailed design to be addressed by a future contractor. The Department has recommended conditions to ensure this is done in accordance with the requirements in SEPP 64 and the Guidelines.	Yes
(g) Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	The illumination of the advertising signage does not result in unacceptable light spill (refer to Section 5 of this report).	Yes
(h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposal does not result in unacceptable light spillage to nearby residential properties, national parks or nature reserves (refer to Section 5 of this report).	Yes
Bridge Criteria		
Architecture of the bridge must not be diminished.	The proposed sign will be incorporated into the structure of the bridge and will not diminish the architecture of the bridge.	Yes
<p>The advertisement must not</p> <ul style="list-style-type: none"> extend laterally outside the structural boundaries of the bridge extend below the base of the bridge structure unless it is contained wholly into a pylon or abutment or meet RMS's minimum road clearance protrude above the top of the structural boundaries of the bridge 	<p>The proposed sign does not extend laterally or below the structural boundaries of the bridge.</p> <p>The proposed sign only projects 380mm above the bridge, (compared to the existing signage protruding 500mm on the western elevation), which is considered to be a negligible impact.</p>	Yes

Assessment Criteria	Comments	Compliance
<ul style="list-style-type: none"> block significant views for pedestrians or other bridge users. create a tunnel effect, impede passive surveillance or in any other way reduce safety for drivers or pedestrians or other bridge users. 	<p>The proposed sign will not block significant views for pedestrians or other bridge users.</p> <p>The proposed sign will not reduce passive surveillance or reduce safety for drivers, pedestrians or bridge users.</p>	
A development application must include a statement demonstrating how the advertisement will contribute to a public benefit.	The Applicant has provided a statement of public benefit. This is addressed in Section 5 of this report.	Yes
Any advertising sign proposed for development on a bridge over a classified road requires the construction drawings to be submitted for review and approval by RMS bridge engineers, prior to construction, to ensure all road safety requirements are met.	The application has included construction drawings which will be submitted to the satisfaction of the RMS bridge engineers as a condition of consent.	Yes
Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over-high vehicle.	<p>The proposed sign includes a fall arrest system to prevent the sign falling to the carriageway if struck by an overheight vehicle.</p> <p>As a condition of consent, details of the 'fall arrest' system are to be provided prior to the issue of any Construction Certificate.</p>	Yes
Digital sign criteria		
(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	The proposal is for the display of static digital advertisements with a dwell time of 10 seconds in accordance with criterion (d) below.	Yes
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	The proposed development is not seeking consent for message sequencing.	Yes

Assessment Criteria		Comments	Compliance
(c)	The image must not be capable of being mistaken: (i) For a prescribed traffic control (ii) 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
(d)	Dwell times for image display are: i. 10 seconds for areas where the speed limit is below 80km/h; and ii. 25 seconds for areas where the speed limit is 80km/h and over.	A 10 second dwell time is proposed as the speed limit at the site is below 80 km/h.	Yes
(e)	The transition time between messages must be no longer than 0.1 second.	The proposed transition time between messages is 0.1 second.	Yes
(f)	Luminance levels 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		350 cd/m ²	114 cd/m ² (pre-curfew) 66 cd/m ² (curfew)
The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 3 (refer to Section 5 of this report) and would comply with the luminance criteria.			
(g)	The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The images would not dazzle or distract drivers. A condition of consent is included to ensure that the images comply with requirements to not contain flickering or flashing content.	Yes

Assessment Criteria	Comments	Compliance
(h) The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size.	<p>The advertisements would primarily display images with information/text kept to a minimum.</p> <p>A condition of consent will be included to ensure that text and information is kept to a minimum.</p>	Yes
(i) Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	A condition of consent is not required as the sign is not visible from a school zone.	Yes
(j) Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	The Department has undertaken detailed assessment of the design and location of the proposal (refer to Section 5 of this report).	Yes
(k) At any time, including where the speed limit in the areas of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign.	RMS may reassess the sign if road safety circumstances change and increase the dwell time or remove the sign, as appropriate. The Minister's approval would be required for any reduction in dwell time.	Yes
(l) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	Besides the existing static advertisement on the western elevation, there is not another sign within 150 m of the proposed signage. As these static signs are on the western elevation, they will not be visible from the eastern elevation.	Yes
(m) Signs greater than 20 m ² must obtain RMS concurrence and must ensure the following minimum vertical clearances:	Although not required as the Minister is the consent authority, RMS (now TfNSW) has reviewed the application and raised no concerns.	Yes

Assessment Criteria	Comments	Compliance
<p>i. 2.5 m from lowest point of the sign above the road surface if located outside the clear zone.</p> <p>ii. 5.5 m from lowest point of the 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.</p>	<p>The vertical clearance between the road surface and the lowest point of the proposed signage will be 5.1 m. The proposed signage would not result in any change to the vertical clearance between the underside of the signage structure and the road surface.</p> <p>The proposed signage will not protrude below the bridge structures.</p>	
<p>(n) 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.</p>	<p>This matter will be included as a condition of consent.</p>	<p>Yes</p>
<p>(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20 m² must be carried out after 12 month period of operation but within 18 months of the sign's installation.</p>	<p>A condition of consent will require a road safety check would be carried out after the first 12 months of operation (but within 18 months of the signage installation).</p>	<p>Yes</p>
<p>Road Safety Assessment Criteria – 3.2.1 Road clearance</p>		
<p>The advertisement must not create a physical obstruction or hazard.</p>	<p>The proposed sign is to be affixed to the existing Mona Vale Road overpass and would not result in any physical obstruction or hazard.</p>	<p>Yes</p>
<p>b. Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone. Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.</p>	<p>The proposed sign will utilise the existing Mona Vale Road overpass as a support structure. Therefore, the sign does not require sign supports within the clear zone and no roadside hazards are introduced.</p>	<p>N/A</p>

Assessment Criteria	Comments	Compliance
d. All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The proposed sign is located on a bridge and a condition has been included requiring the proposal to comply with AS 1170.1 and AS 1170.2.	Yes
Digital signs greater than 20 m ² must ensure a minimum clearance of 5.5 m from the lowest point of the sign.	The proposed signage has a minimum clearance of 5.1 m from the lowest point of the sign. The sign does not protrude beneath the existing bridge structure and is therefore considered acceptable, as the overpass itself has a clearance of less than 5.1m.	No, but acceptable
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 proposed digital signage will not obstruct views beyond that of the existing bridge.	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 will not give incorrect information on the alignment of the road.	Yes
The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed sign is located front-on and will not require the drivers to direct their attention away from the road.	Yes
<p>The sign should not be located:</p> <ul style="list-style-type: none"> i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment iii. so that it is visible from the stem of a T-intersection. 	The proposed signage would comply with the road safety requirements (refer to Section 5 of this report).	Yes

Assessment Criteria	Comments	Compliance
The placement of a sign should not distract a driver at a critical time.	The placement of the sign will not distract drivers at critical times (refer to Section 5 of this report).	Yes

3.3.1 Advertising signage and traffic control devices

a. The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	The proposal will not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	Yes
b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.	The proposal will not interfere with stopping sight distance for the road's design speed and would not interfere with the effectiveness of the existing traffic control devices.	Yes
c. The image must not be capable of being mistaken for traffic signals or driving instructions.	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 SEPP 64. Therefore, a condition of consent will be applied to ensure the sign content is not mistaken for traffic signals or driving instructions.	Yes
d. Digital signs must not contain animated or video/movie style advertising or messages, including live television, satellite, Internet or similar broadcasts.	A condition of consent will be applied to ensure the sign does not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.	Yes

3.3.4 Interaction and sequencing

The advertisement must not incorporate technology which interacts with in-vehicle	The proposed sign does not incorporate technology that will interact with in-	Yes
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Assessment Criteria	Comments	Compliance
electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	vehicle electronic devices or mobile devices.	
Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	No message sequencing is proposed.	Yes
Public Benefit		
As proponents of outdoor advertising, RMS must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The proposal has adequately demonstrated the public benefit (refer to Section 5 of this report).	Yes
RMS must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.	This is recommended to be included as a condition of consent.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (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 101 of the Infrastructure SEPP requires the consent authority to be satisfied that new development with a frontage to a classified road would not compromise the operation and function of the road. The proposed digital signage would be affixed to the existing Mona Vale Road overpass. The proposed digital signage is similar in nature to other digital signs which are typically found in road corridors. In consideration of the above, the proposal would not compromise the operation and function of the road.

Ku-ring-gai Local Environmental Plan 2015

The site is zoned SP2 Infrastructure under the KLEP 2015. Signage is permissible with consent under the KLEP 2015 as it is considered ancillary to the existing railway corridor.

Additionally, clause 16(1) of SEPP 64 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, is permissible with development consent.

Ku-ring-gai Development Control Plan 2020

Section 12 of the KDCP 2020 outlines Council's desired objectives and measures for the installation of signage. The proposed signs are consistent with the relevant desired objectives of the KDCP 2020 (refer to **Table 7**).

Table 7 | Assessment of compliance with KDCP 2020 signage objectives

DCP Signage Objective	Comments	Compliance
Signage General		
Where located on a building, signage is to be integrated with the architecture and/or structure of the host building. Building façade detail, ventilated inlets or outlets and projecting features of the building are to remain unobscured by signage.	The proposed signage is not located on a building, however, has taken into consideration the existing railway overpass bridge and the size and scale of the sign has been designed accordingly.	Yes
Signage and advertising are to be constructed of non-combustible, graffiti resistant and easily cleaned materials.	The proposed signage will be constructed with non-combustible and easily cleaned materials.	Yes

DCP Signage Objective	Comments	Compliance
<p>The following signs is not permitted:</p> <p>i) flashing signs, moving signs, balloon signs. Inflatable signs or the like, or any bunting, flag signs or those made of canvas, calico, textile or the like</p> <p>ii) signs advertising a third party, activity or trade other than that associated with the building to which the sign is attached</p> <p>.....</p> <p>viii) internally and externally illuminated signs, other than those permitted under 12.7 of this Part</p>	<p>The proposed signage is illuminated, however the image display will be static with a dwell time of 10 seconds.</p> <p>The signs will include advertising content from third parties; however, it will be publicly beneficial as it will also include important information from NSW Government agencies regarding emergency or unplanned situations, major road disturbances, and more.</p>	Yes
Advertising Structures		
Advertising structures of a portable nature such as sandwich boards, A-frames or the like are not permitted.	The proposed signage will not be portable.	Yes
Illumination of Signs		
Illuminated signs may be considered subject to specific controls such as the inclusion of automatic timing devices, to turn lights on/off at times designated by the Council;	The proposed signage does not include an illumination curfew with the signage to be illuminated 24 hours a day, 7 days a week.	Yes
Illumination is to be concealed within, or integral to, the sign through use of neon or an internally lit box, or by sensitively designed external spot-lighting;	The illumination will be concealed within the advertising sign.	Yes
Illuminated signs are to use LED diode technology or a lighting source of equivalent or higher efficiency	The proposed illuminated sign will used LED technology.	Yes

DCP Signage Objective	Comments	Compliance
Illumination is not to be hazardous or a nuisance to pedestrians or vehicular traffic and not to produce any light spill;	The proposal is located within a mixed-use urban area and therefore the illumination will not result in hazardous or nuisance to the vehicular traffic or pedestrians.	Yes
Cabling to signs are to be concealed.	The proposed signage will conceal any associated cabling and electrical work.	Yes
Consideration is to be given to avoid the use of illuminated red, green and amber colours in proximity to signalised intersections, to avoid the likelihood of motorist misinterpretation.	The advertising content will avoid the use of illuminated red, green and amber colours in order to reduce the potential impacts to vehicles.	Yes
Maintenance		
A sign is not to be altered in any way (except for removal) after approval, unless permission in writing for such alteration is obtained beforehand from Council.	It is noted that the Minister for Planning and Public Spaces is the consent authority of this application. Any alterations to the proposed signage would be subject to a modification or further approval by the Minister.	Yes
All signs are to be maintained to the satisfaction of Council at all times.	This is recommended to be included as a condition of consent.	Yes

Appendix D – Recommended Instrument of Consent