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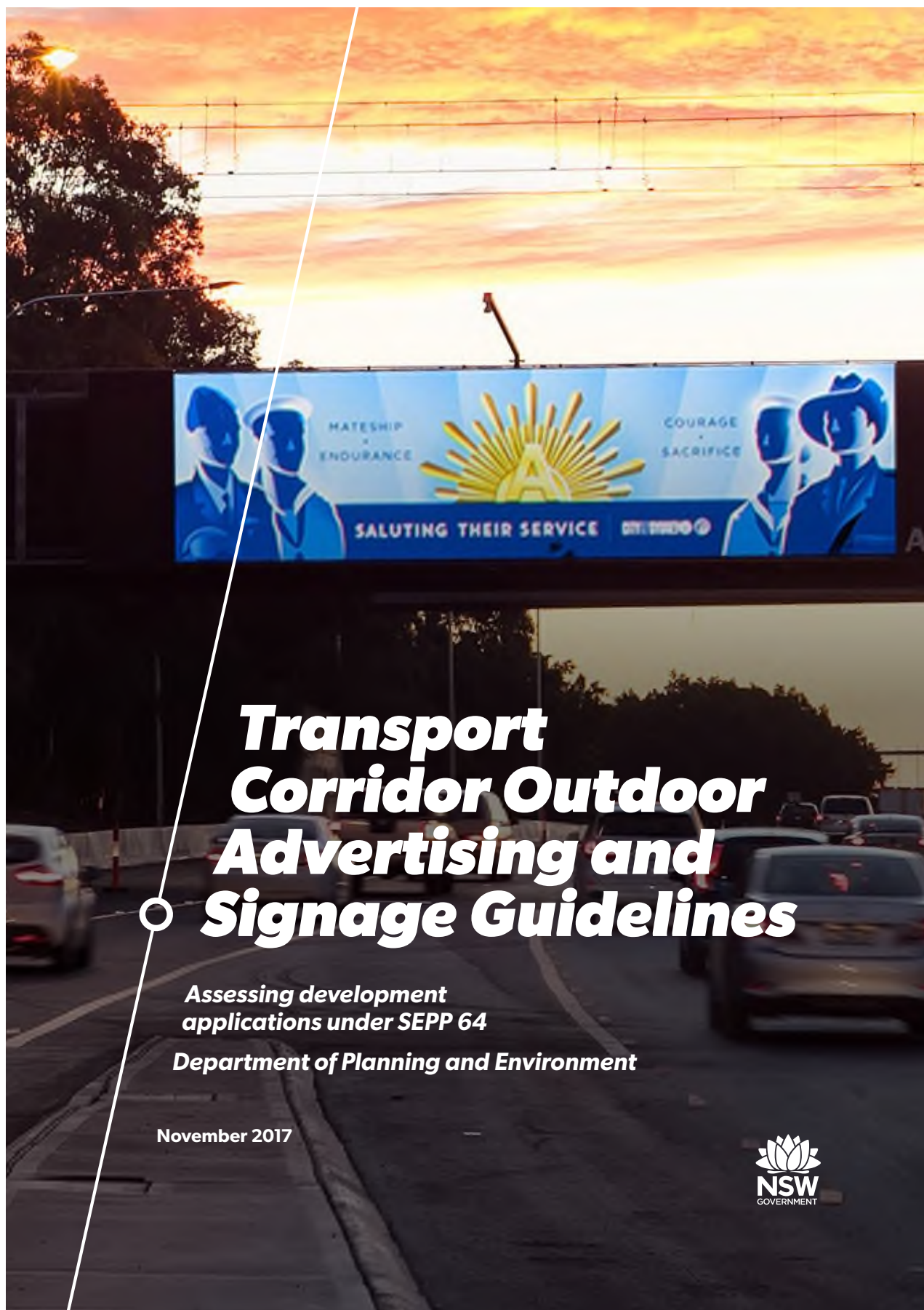
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Planning and Environment Notices



Transport Corridor Outdoor Advertising and Signage Guidelines

*Assessing development
applications under SEPP 64*

Department of Planning and Environment

November 2017



**Transport Corridor Outdoor Advertising and Signage Guidelines
Assessing Development Applications Under SEPP 64**

November 2017

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1. *Introduction*

The *Transport Corridor Outdoor Advertising and Signage Guidelines* (Guidelines) outline best practice for the planning and design of outdoor advertisements in transport corridors, such as along or adjacent to classified roads, freeways, tollways, transitways and railway corridors, or on bridges or road and rail overpasses.

The Guidelines complement the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) under the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

SEPP 64 sets out certain rules in relation to outdoor advertising and signage including:

- a. advertising which is prohibited in certain locations
- b. advertising which requires consent under Part 4 of the Act and lodgement of a Development Application (DA)
- c. advertising which is exempt development.

Note: There are also additional types of advertising that are exempt development in other environmental planning instruments (EPIs) (e.g. real estate signs).

This document outlines detailed information in relation to SEPP 64 advertising within transport corridors, including design criteria and road safety considerations.

In the event of any inconsistency between SEPP 64 and this document, SEPP 64 prevails to the extent of the inconsistency.

Summary of information in the Guidelines

Section 1 outlines the main provisions of SEPP 64 and how they relate to these Guidelines.

Section 2 outlines:

- a. general assessment criteria for all advertisement proposals under SEPP 64
- b. specific design criteria for advertising structures within transport corridors.

Section 3 outlines Roads and Maritime Services' (RMS) road safety guidelines in relation to all signage within road corridors.

Section 4 outlines public benefit test requirements for advertisements within transport corridors.

Section 5 outlines the various roles of RMS in approving or giving concurrence to certain types of advertising structures.

1.1 Outdoor advertising and signage

Outdoor advertising and signage covered by these Guidelines relates to the promotion of a product, service, event or any other activity for a charity or business that would derive a benefit from the display of the advertising. It may be composed of various forms which includes the following characteristics.

Format:

- a. **printed signs** – advertising signs with messages that incorporate words, symbols or pictorial displays that are printed on paper or alternative materials such as computer-generated woven polyester panels or ‘skins’. The messages may be illuminated through external power sources.
- b. **moving signs** – these allow the presentation of two or more static messages that are rotated mechanically (i.e. by a motor) through a pre-determined sequence at regular intervals, while the supporting structure remains stationary. There are motionless periods in between the presentation of different messages and the number of messages that can be displayed is restricted. This type of advertising format includes:
 - **trivision** – messages are printed onto a series of adjacent vertical prisms (usually three-sided) which when aligned display a single advertising image. The prisms are rotated in unison, typically every 4 to 10 seconds to show one of three messages.
 - **multi-advertising scrolling** – these devices have multiple advertisements printed onto a looped canvas or connected to form a single scroll. These are often smaller signs installed

at street level or incorporated into public transport infrastructure such as bus stops. They are also often illuminated or backlit.

- c. **digital signs** – these devices use digital technology to display bright, high quality electronic images. A central feature of these devices is the use of Light Emitting Diode (LED) technology allowing luminance to be controlled and adjusted automatically. They can utilise:
 - **static electronic displays** – these display static images only, which are presented successively at set intervals. They do not contain or imply motion such as vertical or horizontal scrolling, fade, dissolve or animation within the message itself; and do not have any movement of any part of the advertising structure or surrounds. These signs are also known as Electronic Static Displays (ESDs).

Display dwell times, transition times and luminance can all be controlled and changed electronically. Digital signs can be installed on a range of permanent and portable structures similar to those for printed formats.

Variable message signs (VMS) that are used for advertising purposes and which display static text messages or static graphics are included in this definition. VMS can be used in permanent or portable structures. VMS that are erected by RMS or a local council for road safety or traffic management purposes are excluded.

VMS are increasingly being utilised for advertising purposes in a broader range of environments including commercial, community and schools. Reference to digital signs in the remainder of the Guidelines includes ESDs, VMSs or both, as the context permits or requires.

- **non-static (dynamic) electronic displays** – these display animations, videos, flashing, and have active display changes. These signs can be either permanent or portable, including any signs which contain any portion of video and/or animated content. Those that face the road reserve and are visible to road users are prohibited.

Size

While there are accepted industry standards for common forms of advertising formats the following size parameters reflect the principal consent and regulatory responsibilities for advertising that are within 250m of, and visible from, a classified road. The relevant local council is the consent authority except for cases outlined in Section 1.3.3:

- a. **signs less than 20sq metres** – local councils assess and regulate these DAs using Development Control Plans (DCPs), and the provisions in these Guidelines.\
- b. **signs greater than or equal to 20sq metres; or higher than 8 metres above the ground** – consent authorities must obtain concurrence from RMS prior to issuing consent. The referral process for DAs requiring concurrence is outlined in Section 5 of these Guidelines.

Following receipt of the application, RMS will grant or decline its concurrence within 21 days. If RMS has not informed the consent authority within 21 days, concurrence is assumed.

Mode

Mode is defined as:

- a. **fixed displays** – including structures mounted on the ground or affixed to buildings, bridge, street furniture and bus shelters, as well as displays mounted on any registered vehicle that is parked e.g. a trailer
- b. **mobile displays** – any advertisements that are displayed on moving vehicles, including a vehicle that is stationary but not parked.

1.2 Common types of outdoor advertising

a. Freestanding and wall advertisements

Freestanding advertisements are mainly displayed on structures mounted on the ground by supports (e.g. pole, gantry, frame) while wall advertisements are generally fixed to a wall by a frame structure. Billboards and posters are the most commonly used format and includes a range of sizes:

- **spectacular (18.99m x4.5m)** – frame, gantry or pole mounted
- **supersite (12.33m x 3.35m)** – most common large format sign and often sold in ‘packs’
- **super6 (6m x3m)** – commonly known as poster sites and seen in local areas attached to buildings, pole or frame mounted.

- super8 (8.3m x 2.2m) – same proportion as supersites to enable consistency of content for advertisers
- billboard – 24 sheet poster (6m x 3m) – tend to be located mainly on building walls in commercial and industrial areas, along roads and in railway corridors
- small format – 6 sheet poster (3m x 1.5m) – mounted mainly on walls and often located in suburban areas
- landmark – dimensions are unique to each site and are not a specific size
- portrait – large format signs are not specific in size – large format portrait signs are often attached to the side of multistorey buildings
- portrait 50s (3m x 4.5m) – have a magazine cover look.

b. Roof or sky advertisements

Roof or sky advertisements are advertisements that are displayed on, or erected on or above the parapet or eaves of a building. They may be freestanding structures or wall advertisements, and range from billboard size up to spectacular size (over 50 square metres). In addition to the requirements for freestanding and wall advertisements, special rules under SEPP 64 apply if the advertisements are considered to be roof or sky advertisements.

c. Building wrap and hoarding advertisements

Building wraps are materials such as vinyl mesh used to cover or wrap buildings or land that may be under construction, renovation or demolition. Hoardings are a type of building wrap generally made of wood that are often placed as temporary walls around construction sites. Building wrap advertisements use the wrap material (e.g. mesh or wood) as the mounting surface for the advertisements. Under SEPP 64, these types of advertisements are not considered to be wall advertisements and special rules apply to their use.

d. Special promotional advertisements

A special promotional advertisement is an advertisement for an activity or event of a civic or community nature (e.g. public exhibitions and festivals, sports or charity events etc). Events may be advertised on different media including walls, building wraps or bridges, and may vary in size from small posters to spectacular size.

As with building wraps, specific rules apply to special promotional advertisements, including limits on how long the advertisements can be displayed for as well as controls on advertising signage content.

e. Advertisements on bridges

Advertising structures may be permitted on railway, road and pedestrian bridges or overpass structures where they meet the criteria outlined in these Guidelines. Special rules apply to the type of advertisements allowed on bridges and overpasses to ensure that the architectural qualities of the bridge and safety along the transport corridor are not compromised. RMS requires that signs developed above roads, or upgraded since 2011, include a 'fall arrest' system from the sign to the bridge/overpass, to prevent the sign structure falling on traffic should it be impacted by high vehicles.

f. Advertisements on bus shelters or street furniture

Bus shelter poster displays are often positioned as an integral part of a freestanding covered structure at a bus stop. Often the poster displays are internally illuminated.

Street furniture displays commonly are 1.8m x 1.2m, or 1.5m x 1m in size and are often backlit. They are generally located within urban centres, entertainment areas and railway platforms.

g. Advertisements within navigable waters

Under SEPP 64, advertising is prohibited within navigable waters (waters capable of navigation and open to, or used by the public, for navigation) unless it is ancillary to the dominant purpose of the vessel.

h. Projection on to buildings

This involves the projection of both still and video images directly on to buildings. It is usually used for special events such as the Vivid Festival and New Years Eve celebrations. However, there is increasing interest in using this technique more broadly in advertising because of the reduced infrastructure and installation costs.

Projections must comply with the relevant digital sign criteria.

ii. provides effective communication in suitable locations

iii. is of high quality design and finish

b. regulate signage (but not content) under Part 4 of the Act

c. provide time-limited consents for the display of certain advertisements

d. regulate the display of advertisements in transport corridors

e. ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

SEPP 64 applies to all advertising signage that can be seen from a public place or public reserve except signage that is exempt development. As a general rule, the consent authority must not grant development consent for an advertising structure that the authority does not consider is compatible with the desired amenity and visual character of the area, addresses public safety considerations, provides acceptable communication in suitable locations and is of a high quality design and finish. The consent authority also must be satisfied that all the relevant requirements of SEPP 64 are met.

1.3 Provisions of SEPP 64

The aims of SEPP 64 are to:

- a.** ensure that signage (including advertising):
 - i. is compatible with the desired amenity and visual character of an area

1.3.1 Prohibited development

The display of advertisements other than business or building identification signs is prohibited under SEPP 64 in the following land use zones or descriptions (with the exception of the Mount Panorama Precinct):

- environmental zones E1 – E4
- environmentally sensitive areas
- heritage items (except railway stations)
- heritage conservation areas

- recreation zones – RE1 and RE2 (except sponsorship advertising at sporting facilities)
- residential (but not a mixed residential and business zone, or similar zones)
- Scenic protection areas
- waterways W1 – W3.

Advertisements on parked trailers can be issued with a fine

Clause 27A of SEPP 64 prohibits any advertisement on trailers parked on a road, or road-related area (as defined in in the *Road Transport Act 2013*) and requires development consent for the display of signage on a trailer where displayed on private land that is visible from a road or road-related area.

The penalty does not apply to parked trailers if:

- the advertisement is ancillary to the dominant purpose of the trailer, for example, a trailer used for a gardening or delivery service
- the trailer is erected by RMS for road safety or traffic management purposes.

1.3.2 Sponsorship advertising in open space zones

Under SEPP 64, the display of an advertisement is prohibited on land zoned ‘open space’ unless the signage is exempt development, a business identification sign, a building identification sign or signage on a vehicle. This prohibition does not apply, however, to sponsorship advertising at public sporting facilities in public recreation zones.

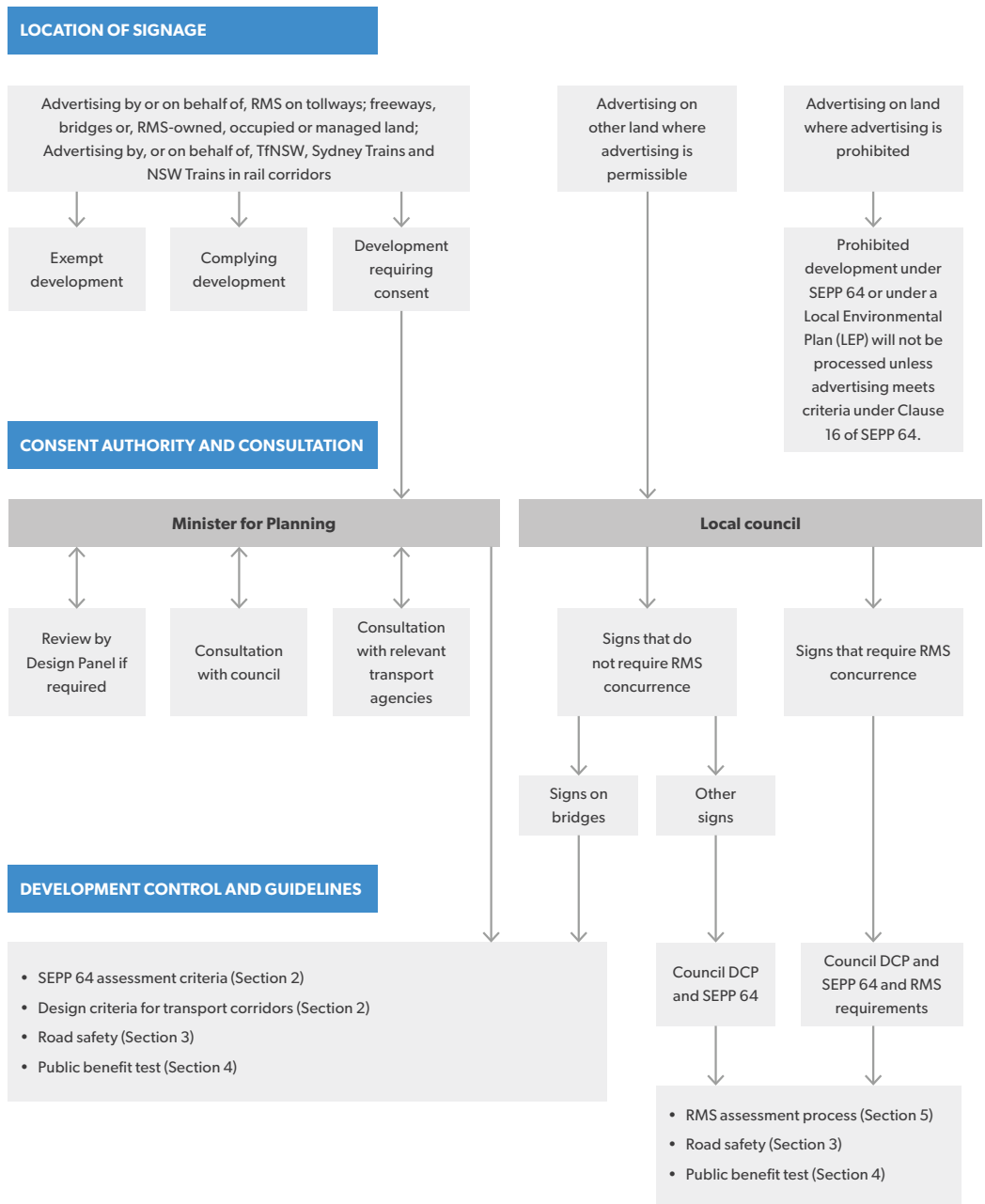
Sponsorship advertising is an advertisement that provides information about the sponsors of the teams or organisations using the public sporting facility or about the products of those sponsors.

The permissibility and development controls for such sponsorship advertising are generally outlined under the relevant EPI (LEP or DCP). The council may decide whether or not such advertising is prohibited or permissible and whether or not consent is required for the signage. If consent is required, a DA must be submitted to the council for the signage.

For Local Government Areas (LGAs) where there are no development controls in place (e.g. in an LEP or DCP) for sponsorship advertising, the following interim guidelines are provided to regulate sponsorship advertising in public recreation zones:

- Advertisements must be consistent with all relevant provisions of SEPP 64 including those relating to roof, wall and free-standing advertisements.
- Sponsorship advertising requires consent, unless it is identified as exempt development under a relevant EPI.
- Third party advertising (other than the sponsor’s advertisement) is not permitted on a sponsorship advertising structure. Signage content is restricted to information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.
- Signage must be viewed primarily from the sporting facility and should not face outward from the facility.

FIGURE 1: OUTDOOR ADVERTISING AND SIGNAGE APPLICATIONS UNDER SEPP 64



**1.3.3 Part 4 Development Applications:
Consent required**

Consent is required to display advertising signage unless the signage is exempt development under an EPI such as a relevant LEP or SEPP.

The relevant local council is the consent authority except in the following cases:

- a. RMS in the case of an advertisement displayed on a vessel
- b. the Minister for Planning in the case of an application to display an advertisement on railway corridor land made by or on behalf of TNSW, Sydney Trains and NSW Trains
- c. the Minister for Planning in the case of an application to display an advertisement made by, or on behalf, of RMS:
 - on a freeway or tollway, or associated road use land adjacent to such a road
 - on bridges constructed by, or on behalf of, RMS in any road corridor
 - on RMS owned, occupied or managed land
- d. the Minister for Planning in the case of an application to display an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel or associated road use land adjacent to the road.

Figure 1 illustrates the relationship between the location of advertising signage, the consent authority and the process for assessing SEPP 64 DAs. As shown in the diagram, most proposed advertisements in transport corridors are assessed in accordance with these Guidelines. In particular,

advertisements on bridges and tollways, as well as advertisements by TNSW, Sydney Trains and NSW Trains and RMS in railway corridors and along freeways must be consistent with the design, road safety and public benefit requirements of the Guidelines.

1.4 Matters for consideration in determining a SEPP 64 Development Application

In deciding whether to grant consent to a DA under SEPP 64 the consent authority must address:

- the aims and objectives of SEPP 64 listed above in Section 1.3
- the general assessment criteria of Schedule 1 of SEPP 64 contained in Section 2
- the specific design criteria set out in Section 2
- the road safety assessment criteria set out in Section 3
- the public benefit test requirements for certain proposals set out in Section 4
- any RMS assessment or concurrence provisions set out in Section 5
- all other relevant requirements of SEPP 64 and these Guidelines.

If the Minister for Planning is the consent authority, all relevant design and road safety matters in these Guidelines must be addressed, in addition to public benefit testing, objectives and requirements of SEPP 64.

1.4.1 Duration of consents

Consent for a SEPP 64 advertisement is limited to a maximum of 15 years. This is to be specified in the conditions of consent. The consent authority may specify a lesser period if:

- a. before the commencement of SEPP 64, the consent authority had adopted a policy of granting consents in relation to DAs to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy
- b. the area in which the advertisement is to be displayed is undergoing change in accordance with an EPI that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change
- c. the specification of a lesser period is required by another provision of SEPP 64.

Note: For roof or sky advertisements the duration of consent is a maximum of 10 years. For building wrap advertisements, the period of display is limited to a maximum of 12 months. For special promotional advertisements, the period of display is limited to a maximum of 3 months in any 12 month period.

1.4.2 Exempt development

Under SEPP 64 the following development on transport corridor land is exempt development when carried out by, or on behalf of, RMS or TNSW, Sydney Trains and NSW Trains:

- a. display of an advertisement in an underground railway station or railway tunnel
- b. display of an advertisement at a railway station or bus station if the advertisement is visible primarily from within the railway corridor or bus station
- c. removal of existing signage
- d. modifications to existing signage to meet occupational health and safety requirements and that do not increase the advertising display area of the signage.

Note: Modifications for OH&S compliance may include removal and replacement of signs in the same format, as well as minor modification to existing signs. In both cases, the surface area of the advertising display area must not be increased.

Under SEPP 64, the display of a poster depicting electoral matter is also exempt development, if such a poster is:

- a. no larger than 8,000 square centimetres
- b. displayed by, or on behalf of, a candidate at the election or the party (if any) of any such candidate
- c. displayed in accordance with any requirements of the Act under which the election is held
- d. displayed only during the period from five weeks immediately preceding the day on which the election is held, up to the election day and then up to one week immediately following the election day.

Note: The above provision applies to election posters relating only to elections in NSW held under the *Commonwealth Electoral Act 1918* of the *Commonwealth, the Parliamentary Electorates and Elections Act 1912* and the *Local Government Act 1993*.

1.5 Permissible development in transport corridors

Under Clause 16 of SEPP 64, the display of an advertisement on transport corridor land is permissible with development consent in the following cases:

- a. the display of an advertisement by, or on behalf of, TNSW, Sydney Trains and NSW Trains on a railway corridor
- b. the display of an advertisement by, or on behalf of, RMS on:
 - i. a road that is a transitway, freeway or tollway (under the *Roads Act 1993*) or associated road use land that is adjacent to such a road
 - ii. a bridge constructed by, or on behalf of, RMS on any road corridor
 - iii. land that is owned, occupied or managed by RMS
- c. the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.

The Minister may not accept a DA if the Minister determines that the display of the advertisement is not compatible with surrounding land use, taking into consideration the relevant provisions of these Guidelines (**Table 1**, pg. 14).

The land use compatibility criteria in **Table 1** will assist in determining whether proposed advertisements are incompatible with surrounding land use.

1.6 Development applications in transport corridors

1.6.1 RMS, TNSW, Sydney Trains and NSW Trains and Tollway proposals

SEPP 64 DAs for the following advertising proposals are to be lodged with the Department of Planning and Environment to be determined by the Minister for Planning:

- a. advertisements by, or on behalf of, TNSW, Sydney Trains and NSW Trains in railway corridors
- b. advertisements by, or on behalf of, RMS on
 - transitways, freeways or tollways (or associated road use land adjacent to such a road)
 - bridges constructed by, or on behalf of, RMS on any road corridor
 - land that is owned, occupied or managed by RMS
- c. advertisements displayed along tollways including the Sydney Harbour Tunnel, the Eastern Distributor, M2 Motorway, M5 Motorway, M7 Motorway, Cross City Tunnel or the Lane Cove Tunnel.

Please contact the Department of Planning and Environment to obtain a DA form or visit the website: www.planning.nsw.gov.au.

The DA must be referred to the relevant local council for comment, and the Minister for Planning must consider any comments received within 28 days from the council when making a determination.

For applications to display advertisements along tollways, the Minister for Planning must also consult with RMS and consider any comments received within 28 days from RMS when making a determination.

The Minister may also appoint a design review panel to provide advice concerning the design quality of any proposed advertisements along transport corridors.

The panel may include representatives from the local community, the outdoor advertising industry and independent consultants with expertise in urban design or road safety.

1.6.2 Other SEPP 64 DAs

For other advertising proposals, consent is required from local councils. Please contact the relevant local council to find out how to lodge a DA.

Public benefits may need to be provided in connection with some DAs (see Section 4 for details).

Where an advertising structure is within 250 m of, and visible from, a classified road and is greater than 20 square metres or higher than 8m above the ground, the local council must obtain concurrence from RMS prior to issuing consent. The referral process for DAs requiring concurrence is outlined in Section 5.

1.6.3 Modification applications

Under the EP&A Act, it may be possible to modify an existing consent in certain circumstances, depending on the nature of the proposal.

Generally speaking, modifications are appropriate when the modifications proposed result in development that is substantially the same as development approved under the original consent.

In instances where it is proposed to convert an existing static sign to a digital sign, applicants should discuss their particular proposal with the relevant consent authority to investigate the appropriate assessment pathway. The consent authority will be responsible for assessing the application, including whether it is appropriate to modify the existing consent, or deciding if a new DA is required.

The consent authority's consideration will include matters such as whether the new digital sign presents different physical, safety or aesthetic features when compared to the static sign.

Applications to modify existing consents will need to address the digital signage criteria in Section 2.5.8 and Section 3 of the Guidelines.

TABLE 1: LAND USE COMPATIBILITY CRITERIA – TRANSPORT CORRIDOR ADVERTISING

- i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.
- ii. Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:
 - environmentally sensitive area
 - heritage area (excluding railway stations)
 - natural or other conservation area
 - open space (excluding sponsorship advertising at sporting facilities in public recreation zones)
 - waterway
 - residential area (but not including a mixed residential and business zone, or similar zones)
 - scenic protection area
 - national park or nature reserve.
- iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.
- iv. Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.
- v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.

1.6.4 Information to include with SEPP 64 DAs

When submitting a SEPP 64 DA, the following information and requirements must be provided:

- completed DA Form from council or Department of Planning and Environment
- Statement of Environmental Effects (SEE) detailing the proposal and its impacts
- DA fee and, if applicable, concurrence fee
- Land owner’s consent.

The SEE should provide the consent authority with adequate detailed information to assess the DA, including:

Summary statement – An overview of the outdoor advertising proposal.

Details of proposed sign location – LGA; zone in the relevant LEP; permissibility and planning controls related to the specific site; location of existing buildings, structures and vegetation in proximity to the sign; surrounding land use including any trends in changing land uses.

Description of the proposed sign – Information on the size of the sign, whether it is static, illuminated or non-illuminated, a variable message sign, contains moving parts or other details including:

- **site details** – Plans showing: site location; setbacks from affected boundaries; proximity to easements, powerlines or mains; proposed modifications to existing structures, buildings or vegetation. (Detailed drawings and surveys, with elevations showing height above ground level, will be required before obtaining a construction certificate).
- **colour photographs and photo-montages** – Panoramic photographs of the proposed site are required, including when viewed from ground level within a visual catchment of 1km of the site and all critical viewpoints. Photographs should show any traffic control devices located within 100m of approaches to the proposed site, and any traffic control devices that would be visible **beyond** the proposed site. Accurate perspective photo-montages of the proposed sign, at human eye level from the driver’s perspective, taken from critical viewing points in advance of the sign in each approach direction are required. Where view corridors or vistas are impacted by the proposed sign a photo-montage should be included clearly demonstrating the sign’s impact.
- **Proposed management and maintenance regime** – Including regime for ongoing access to the sign to change the display, graffiti management and landscape management. Where landscaping is proposed, a landscape management plan should include plant species selection including finished height relative to the sign; any proposed lopping or removal of existing trees; ongoing vegetation maintenance and any other landscaping components.

Assessment of the advertising proposal in ,or adjacent to, a transport corridor – When the Minister for Planning is the consent authority.

The SEE must outline how the proposal meets the following:

- any relevant provisions in SEPP 64
- general land-use compatibility (Section 1.5)
- design criteria for transport corridors including an assessment of the context of advertising within the site identifying the character, quality and features of an area (Section 2)
- road safety considerations (Section 3)
- the public benefit test for advertising in (Section 4).

Assessment of other advertising proposals in or adjacent to a transport corridor – When the local council is the consent authority.

The SEE must outline how the proposal meets the following:

- any relevant provisions in SEPP 64
- any relevant DCP that has been prepared in accordance with SEPP 64
- road safety considerations in (Section 3)
- a public benefit test, if it is a proposal for an advertisement on a bridge or along a tollway.

Where an advertising structure is within 250m of, and visible from, a classified road, and is greater than 20sqm, or higher than 8m above the ground, the local council must obtain concurrence from RMS prior to issuing consent. The referral process for DAs requiring concurrence is outlined in Section 5.

Justification of the proposal – The SEE must provide a justification for the advertisement in the proposed location, taking into account the assessment criteria in Schedule 1 of the SEPP and any mitigation or management measures to minimise potential impacts of the proposed advertisement. When the Minister for Planning is the consent authority or for signs on bridges, the justification of the proposal should also consider public benefits.



2. *Design issues*

This section of the Guidelines provides information in relation to design and assessment criteria for DAs for outdoor advertising in transport corridors.

2.1 General assessment criteria under SEPP 64

SEPP 64 sets out matters for consideration that must be addressed before a consent authority can approve any DA under SEPP 64. These matters include criteria in Schedule 1 of SEPP 64, and listed in Table 2 of these Guidelines.

2.2 Specific design criteria for transport corridors

The design of a sign and where it is placed affects the character of the environment. Advertising that is well designed, appropriate in scale and suitably located can add interest, character and vitality to the built environment. Poorly designed or placed advertisements, or too many signs in one location, can degrade streetscapes and rural environments, and detract from heritage buildings. The desired character of an area is a key criterion for the assessment of the appropriateness of an advertising sign.

This section of the Guidelines expands on the design criteria in Schedule 1 of SEPP 64 (Table 2) as they relate to advertising in transport corridors. Section 3 expands upon assessment criteria related to road safety issues while Section 4 expands on the public benefit test criteria.

There are three levels of design assessment criteria for advertising in transport corridors:

- macro-scale planning principles
- sign clutter controls
- site-specific and structural criteria.

Who should apply these design criteria?

These Guidelines apply to all outdoor advertising and signage in transport corridors, except signage that is exempt development.

Under SEPP 64, any DA to be approved by the Minister for Planning, or any proposal to display an advertisement on a bridge, must be consistent with the relevant design criteria in this section of the Guidelines, as well as the road safety criteria (Section 3) and public benefit test criteria (Section 4).

Where an advertising structure is within 250m of, and visible from, a classified road and is greater than 20sqm or higher than 8m above the ground, the local council must obtain concurrence from RMS prior to issuing consent. The referral process for DAs requiring concurrence is outlined in Section 5.

All other advertisements requiring consent from councils must still demonstrate consistency with the design requirements of the Guidelines and the relevant DCP for the local area.

2.3 Macro-scale planning principles

Macro-scale planning principles take into consideration the regional or district context. Transport corridors by their very nature have a clearly defined regional purpose. However, they may traverse all types of land uses zones with varying planning objectives and distinct local and scenic qualities. The installation of advertisements within these corridors must be strategically planned so that their placement is not unsympathetic to the character and land uses of the area.

Consideration must be given to the nature and quality of the landscape, streetscape or corridor including immediate views, vistas, adjacent infrastructure and buildings as well as whether surrounding land use is compatible with the type (e.g. its form, scale etc.) of advertising being proposed.

TABLE 2: DESIGN ASSESSMENT CRITERIA – SCHEDULE 1 SEPP 64

(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?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

(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?

(3) Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

(4) Streetscape, setting or landscape

- Is the scale, proportion and form appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

TABLE 2: DESIGN ASSESSMENT CRITERIA – SCHEDULE 1 SEPP 64

(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?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building?

(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?

(7) Illumination

- 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?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

(8) Road safety

- Does the proposal meet criteria relating to road safety under Sections 2 and 3?

Note: Safety criteria under Schedule 1 – SEPP 64 are listed in Table 3.

2.3.1 Sign placement in non-urban areas

Proposals to display advertisements within a rural or non-urban zone must be consistent with the general assessment criteria in Table 2 as well as any relevant requirements of SEPP 64, including Clause 15.

Where council is the consent authority, any proposed sign in a non-urban area must:

- a. be consistent with a DCP (prepared by the council following an advertising design analysis for the relevant area or precinct in consultation with representatives of local businesses and the advertising industry, and in consultation with RMS if within 250m of a classified road)

b. if no such DCP is in place, relate to the land on which the advertisement is to be displayed, or to premises situated on that land or adjacent land, and specify one or more of the following particulars:

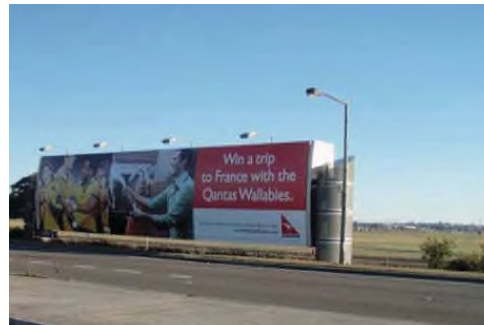
- the purpose for which the land or premises is or are used
- the identification of a person residing or carrying on an occupation or business on the land or premises
- a description of an occupation or business referred to above
- particulars of the goods or services dealt with, or provided on, the land or premises
- a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

Where the Minister is the consent authority, any proposed sign in a non-urban area must:

- a. not be inconsistent with local planning objectives
- b. only be considered in the following locations:
 - within 5km of a freeway exit
 - within 5km of a town or urban centre or within a greater distance (from a town) if nominated in the council's LEP, DCP or a relevant council policy or strategy
 - along enterprise corridors or within or adjacent to an industrial zone leading into a town or regional centre.



IF IN A RURAL AREA, SIGNS MAY BE ACCEPTABLE NEAR FREEWAY EXITS TO TOWNSHIPS



SIGNS SHOULD NOT BE PLACED IN LOCATIONS THAT BLOCK SCENIC VIEWS



SIGNS IN RURAL AREAS SHOULD NOT BE TOO PROMINENT OR DETRACT FROM RURAL VIEWS

2.3.2 Sign placement in transport corridors in urban areas

Advertising structures within urban areas must be consistent with the general assessment criteria in Table 2 as well as any relevant requirements of SEPP 64. In particular, consideration must be given to the compatibility of the advertising proposal with the character of the urban area. As a guideline, advertising in urban areas should be restricted to rail corridors, freeways, tollways or classified roads:

- a. within or adjacent to strategic transport corridors passing through enterprise zones, business development zones, commercial core zones, mixed use zones or industrial zones
- b. within or adjacent to strategic transport corridors passing through entertainment districts or other urban locations identified by the local council in a relevant strategy as being appropriate for such advertising.

Consideration must be given to the compatibility of advertising development with surrounding land uses and whether such advertising will impact on sensitive locations. For instance, placement of advertising along transport corridors should not result in increased visibility of signage in adjacent or surrounding residential areas.



IN KEEPING WITH THE ENTERPRISE CORRIDOR OR INDUSTRIAL ZONE; WHOLLY WITHIN BUILDING STRUCTURE



IN KEEPING WITH THE ENTERPRISE CORRIDOR AREA; WHOLLY WITHIN BUILDING STRUCTURE

2.4 Sign clutter controls

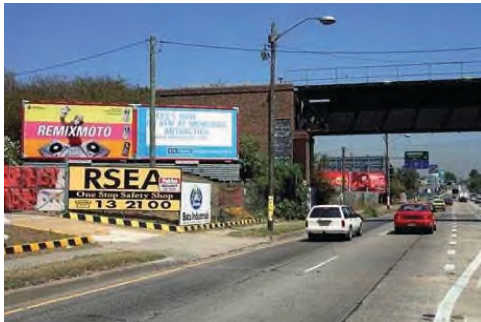
Advertising structures should not be placed in a location that will result in visual clutter. Clutter can be a distraction to drivers, particularly where other signage such as directional or road safety signs are located. Clutter can make a streetscape or landscape visually unattractive. The viewing rights of adjacent advertisers must also be considered when placing advertisements near existing signage.

What constitute, 'clutter', will differ depending on the location. For instance, in urban enterprise corridors and within entertainment districts, it is not uncommon to have multiple signs visible along a given sightline. When strategically placed, these signs can contribute to the urban fabric and promote city life in key areas. Clutter in this context may result however if there are too many signs or multiple messages placed on a single advertising site or location.

Multiple advertisement signs in rural or natural areas or along freeways or tollways adversely impacts on visual amenity and road safety. The overall number of signs placed along a transport corridor should be minimised preferably with only one advertising sign visible in a given view.

In assessing advertising proposals, the consent authority is to have regard to clutter:

- a. Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter.
- b. Where there is advertising clutter, consideration should be given to reducing the overall number of individual advertisements on a site. Replacement of many small signs with a larger single sign is encouraged if the overall advertising display area is not increased.
- c. In rural areas, and along freeways and tollways, no more than one advertising structure should be visible along a given sightline.



❌ TOO MANY BILLBOARDS ON A SINGLE SITE. OPTION TO CONSOLIDATE SIGNS INTO SINGLE SUPERSITE



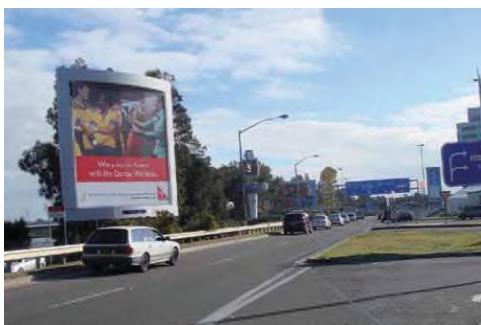
❌ IN RURAL AREAS NO MORE THAN ONE ADVERTISING STRUCTURE SHOULD BE VISIBLE



❌ CLUTTER – TOO MANY SIGNS IN A VISIBLE SEQUENCE ALONG A ROAD.



❌ EXAMPLE OF ADVERTISING CLUTTER SEEN OVERSEAS



❌ CLUTTER – TOO MANY SIGNS IN A VISIBLE SEQUENCE ALONG A ROAD

2.5 Site-specific and structural criteria

The broad macro-scale criteria and clutter controls outlined in Sections 2.3 and 2.4 dictate where advertising may or may not be appropriate at the local and regional scale. The site-specific and structural criteria below guide the design and location of advertisement on specific sites in order to reduce unintended impacts from the signage.

In all circumstances, design innovation and excellence is to be encouraged. Advertising structures, as well as their placement within the landscape context, can contribute positively or adversely to the visual amenity of the area.

The general criteria, as well as site specific criteria related to the particular type of site, should be considered so that the sign will positively contribute to the qualities of associated buildings, bridges and other structures. Factors to consider include form (shape and size) of signs, lighting, as well as structural and placement considerations.

2.5.1 General criteria

Advertising structures should meet the following site-specific criteria:


- a. The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.
- b. The advertising structure should be compatible with the scale, proportion and other characteristics of the site, building or structure on which the proposed signage is to be located.
- c. The advertising structure should be in keeping with important features of the site, building or bridge structure.
- d. The placement of the advertising structure should not require the removal of significant trees or other native vegetation.
- e. The advertisement proposal should incorporate landscaping that complements the advertising structure and is in keeping with the landscape and character of the transport corridor.
 - The development of a landscape management plan may be required as a condition of consent.
 - Landscaping outlined within the plan should require minimal maintenance.
- 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.
- g. Illumination of advertisements must comply with the requirements in Section 3.3.3.
- h. Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.

2.5.2 Wall advertisements criteria

- a. When the consent authority is the local council, consent must not be granted for a wall advertisement unless the following criteria are met:
 - The proposal meets all relevant criteria of Clause 22 in SEPP 64.
 - For a wall advertisement greater than 45sqm, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct (SEPP 64 Clause 19).

- b. When the consent authority is the Minister for Planning, consent must not be granted for a wall advertisement unless the following criteria are met:
 - Only one wall advertisement may be displayed per building elevation.
 - The architectural design quality of the building must not be diminished.
 - The advertising structure must be contained completely within the solid boundaries of the building walls (the sign must not be wider or higher than the building itself).
 - The advertising structure must not extend outward more than 300mm from the building wall unless occupational health and safety standards require greater protrusion.
 - The advertisement must not extend over or block windows or other openings in the building.
 - The advertisement must not be placed on heritage buildings or other heritage items, excluding railway stations.



 INTEGRATION WITH BUILDINGS; WITHIN THE BOUNDARIES OF THE BUILDING

Note: Proposals for advertising in transport corridors near railway buildings or other structures of heritage value must address Sydney Trains, and NSW Trains’ heritage requirements and be prepared in accordance with Sydney Trains, and NSW Trains’ heritage guidelines and plans.

2.5.3 Roof or sky advertisements

Roof or sky advertisements must comply with the requirements of SEPP 64 Clause 21 including:

- a. The consent authority must be satisfied that:
 - i. the advertisement replaces one or more existing roof or sky advertisements and that the advertisement improves the visual amenity of the locality in which it is displayed
 - ii. that the advertisement improves the finish and appearance of the building and the streetscape.
- b. The advertisement must be:
 - i. no higher than the highest point of any part of the building that is above the building parapet (including that part of the building (if any) that houses any plant but excluding flag poles, aerials, masts and the like)
 - ii. no wider than any such part.
- c. A DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct and the display of the advertisement must be consistent with the DCP.

Consent for a roof or sky advertisement is limited to a maximum of 10 years.



APPROVAL DEPENDENT ON SPECIFIC LOCATION DETAILS, SITE HERITAGE VALUES AND WHETHER IT IS IN KEEPING WITH LOCAL DEVELOPMENT CONTROL RULES



NOT LIKELY TO BE APPROVED UNLESS REPLACING AN EXISTING SIGN – DOMINATES SKYLINE; NOT IN KEEPING WITH DESIGN OR HERITAGE VALUES OF THE BUILDING

2.5.4 Freestanding advertisements criteria

Freestanding advertisements must comply with the requirements of SEPP 64 Clause 23 and Clause 19 including:

- a. The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.
- b. For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.
- c. Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.



✓ DOES NOT EXTEND ABOVE THE SKYLINE;
SURROUNDING VEGETATION REDUCES
UNINTENDED VISUAL IMPACTS



✗ SIGN DOMINATES
SKYLINE

2.5.5 Bridge signage criteria

Advertisements on bridges must be consistent with the requirements of SEPP 64 Clause 24 and:

- a. The architecture of the bridge must not be diminished.

Note: Consideration should be given to whether the advertising structure is compatible with the form and scale of the bridge, and sympathetic to the bridge style and design. Consideration should be given to whether the advertisement significantly detracts from the principle structural qualities of the bridge or any important decorative inclusions.

It is preferable that the sign be directly integrated into the structural design of the bridge. The sign should not compromise the architectural and visual quality of the bridge structure.

- b. The advertisement must not extend laterally outside the structural boundaries of the bridge.

Note: The structural boundaries of the bridge include the solid part of the structure, road deck, handrail and safety guard fencing, but do not include additional devices attached to the structure such as lighting and power poles.

- c. The advertisement must not extend below the soffit of the superstructure of the bridge to which it is attached, unless the vertical clearance to the base of the advertisement from the roadway is at least 5.8m.

- d. On a road or pedestrian bridge, the advertisement must:

- i. not protrude above the top of the structural boundaries of the bridge
- ii. not block significant views for pedestrians or other bridge users (e.g. cyclists)
- iii. not create a tunnel effect, impede passive surveillance, or in any other way reduce safety for drivers, pedestrians or other bridge users.

Note: Signs that extend above bridge handrail height (approximately 1m above the walking surface level) have the potential to block views, create a tunnel effect or impede passive surveillance by blocking clear sightlines to and from the bridge. These viewing and safety impacts may be avoided by:

- ensuring that signs are below handrail height
- for signs more than 1m above the walking surface level, ensuring that signs are:
 - not longer than half the length of the bridge
 - not longer than 14m (which ever length is shorter)
- only having a sign on one side of the bridge.



✓ DOES NOT DETRACT FROM ARCHITECTURAL ELEMENTS OF BRIDGE; DOES NOT BLOCK VIEWS; ADVERTISING FORM COMPATIBLE WITH BRIDGE FORM



✗ PROTRUDES ABOVE THE TOP OF THE ROAD BRIDGE; NOT IN KEEPING WITH BRIDGE ARCHITECTURE



✓ MEETS CRITERIA FOR RAIL BRIDGES; IN KEEPING WITH BRIDGE ARCHITECTURE



✓ ADVERTISEMENT WITHIN STRUCTURAL BOUNDARIES OF RAIL BRIDGE

- e. Paragraphs (a) to (d) above do not apply to the continuation of the display of any existing advertising on bridges approved prior to the gazettal of *State Environmental Planning Policy No 64 (Advertising and Signage) (Amendment No 2)* in 2007 for only one additional period under SEPP 64 Clause 14 if there is no increase in the advertising display area of the signage.
- f. A DCP to display an advertisement on a bridge must be accompanied by a statement demonstrating how the advertisement will contribute to a public benefit. Section 4 outlines the public benefit test requirements.

- g. Any advertising sign proposed for development on a bridge over a classified road requires that construction drawings be submitted for review and approval by RMS bridge engineers prior to construction to ensure all road safety requirements are met.
- h. Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over high vehicle.



 EXAMPLE OF HOARDINGS WITHIN A PUBLIC SPACE UNDER CONSTRUCTION

2.5.6 Building wraps and hoardings criteria

During construction, building wrap advertisements must be consistent with the requirements of SEPP 64 Clause 26 including:

- a. A person may, with the consent of the consent authority, display a building wrap advertisement on land zoned for business, commercial or industrial purposes.
- b. The display of any building wrap advertisement is limited in time to a maximum of 12 months.
- c. A building wrap advertisement may cover the entire facade or hoarding of a building or site if it is consistent with the requirements of SEPP 64.
- d. Proposals for building wrap advertisements will be assessed on their merits, with consideration of the:
 - i. quality of the design and finish of the proposed building wrap advertisement
 - ii. nature of the surrounding area, including the visual character and desired amenity
 - iii. compatibility between the building wrap design and the finish and visual character as well as the desired amenity of the area.



 EXAMPLE OF OUTDOOR HOARDINGS AROUND A BUILDING CONSTRUCTION SITE.

2.5.7 Special promotional advertisements

Special promotional advertisements must comply with the following requirements of SEPP 64 Clause 25:

- a. A person may, with the consent of the consent authority, display a special promotional advertisement on land zoned for business, commercial or industrial purposes.
- b. The consent authority may grant consent only if:
 - i. a DCP applies to the land on which the special promotional advertisement is to be displayed, that has been made having regard to a public art policy of the consent authority, and the display of the advertisement is consistent with the DCP, and
 - ii. the display of the advertisement is limited in time to a total of 3 months in any 12-month period
 - iii. any product image or corporate branding does not occupy more than 5% of the advertising display area and accords with the public art policy of the consent authority.
- c. A special promotional advertisement may cover the entire facade or hoarding of a building or site, if it meets the above criteria.

2.5.8 Digital signs

In addition to meeting the relevant SEPP 64 assessment criteria, design, road safety and any public benefit test requirements under the Guidelines, the consent authority must be satisfied that the digital sign meets the following criteria.

Note: Some of these criteria may assist consent authorities in drafting conditions of consent. The application of these criteria is also outlined further in Section 3 in relation to road safety.

Table 3: Digital Sign Criteria

Criteria	Applies to signs less than 20sqm	Applies to signs greater than or equal to 20sqm
a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	✓	✓
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.	✓	✓
c. The image must not be capable of being mistaken: <ul style="list-style-type: none"> i. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device ii. as text providing driving instructions to drivers. 	✓	✓
d. Dwell times for image display must not be less than: <ul style="list-style-type: none"> i. 10 seconds for areas where the speed limit is below 80 km/h ii. 25 seconds for areas where the speed limit is 80km/h and over. 	✓	✓
e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	✓	✓

Criteria	Applies to signs less than 20sqm	Applies to signs greater than or equal to 20sqm
f. Luminance levels must comply with the requirements in Section 3 below.	✓	✓
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.	✓	✓
h. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).	✓	✓
i. Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	✓	✓
j. Each sign proposal 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.	✓	✓
k. At any time, including where the speed limit in the area 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 using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.	✓	✓
l. 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.		✓

Criteria	Applies to signs less than 20sqm	Applies to signs greater than or equal to 20sqm
<p>m. Signs greater than or equal to 20sqm must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <ul style="list-style-type: none"> i. 2.5m from lowest point of the sign above the road surface if located outside the clear zone ii. 5.5m from lowest point of the sign above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed. <p>If attached to road infrastructure (such as an overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.</p>		✓
<p>n. An electronic log of a sign’s operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign’s activity in case of a complaint.</p>		✓
<p>o. A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS, the report is to be provided to the Department of Planning and Environment as well.</p>		✓

2.5.9

2.5.10 Residential amenity

Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above.

2.5.11 Video and animated electronic signs

Video and animated electronic signs containing animated or video/movie style advertising, or messages including; live television, satellite, internet or similar broadcast; either permanent or portable; that face the road reserve and are visible to drivers are prohibited.



3. *Advertisements and road safety*

3.1 Road safety objectives

Advertising displays within the visual catchments of roads are designed to attract the attention of road users. A reduction in driver attention away from the road, however, has the potential to create a road safety risk. The aim is to ensure that the design, location and operation of advertising signage do not create a road safety hazard or increase road safety risk for road users.

The purpose of this section is to outline the road safety assessment criteria which must be applied in the design and assessment of all advertising and signage proposals on or visible from transport corridors.

Schedule 1 of SEPP 64 (Table 4 below) outlines safety considerations that must be addressed for any advertisement proposal under SEPP 64. Advertisements have the potential to create a safety hazard if designed and placed contrary to *Austrroads Guide to Road Design* (and RMS supplements) as well as the principles and rules outlined below.

TABLE 4: ROAD SAFETY ASSESSMENT CRITERIA – SCHEDULE 1 SEPP 64

1. Would the proposal reduce the safety for any public road?
2. Would the proposal reduce the safety for pedestrians or bicyclists?
3. Would the proposal reduce the safety for pedestrians by obscuring sightlines from public areas?

3.2 Sign location criteria

3.2.1 Road clearance

Ensuring advertising signage is located an appropriate distance from the road minimises the risk of collision between an errant vehicle and a sign.

The following road clearance criteria apply to all advertising signage:

- a. The advertisement must not create a physical obstruction or hazard. For example:
 - i. Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?
 - ii. Does the sign protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?
 - iii. Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?
- 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 *Austrroads Guide to Road Design* (and RMS supplements) or behind an RMS-approved crash barrier.
- c. Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m in height (relative to the road level) are to comply with any applicable lateral clearances specified by *Austrroads Guide to Road Design* (and RMS supplements) with respect to dynamic deflection and working width.

Note: *Clear zone* means the total roadside border area, starting at the edge of the travelled way, available for safe use by errant vehicles and the display of traffic control signs. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope and/or a clear run-out area. The minimum clear zone width is dependent upon the speed environment and roadside geometry.

- 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.

Note: Where advertising structures hang over the road, the minimum vertical clearance should be the same as other structures in that road environment. Generally, the sign should have a vertical clearance equal or greater than the overpass, tunnel portal or pedestrian bridge. However, in cases where these structures exceed the minimum vertical clearance specified for the particular type of road, the sign may protrude below the bridge or other structure.

If the minimum vertical clearance for other surrounding structures is not known then a minimum vertical clearance of 5.8m is to be used for the sign structure. However, on high performance motorways, the minimum clearance may be more than 5.8m.

See also Section 2.5.5 Bridge signage criteria for minimum road clearance criteria.

Additional road clearance criteria for digital signs:

Digital signs greater or equal to 20sqm must ensure the following clearances:

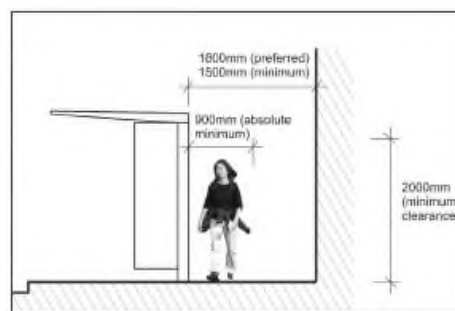
- a. 2.5m from lowest point of the sign above the road surface if located outside the clear zone
- b. 5.5m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed.

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

Additional road clearance criteria for footpath/nature strip signs:

To ensure adequate clearance for pedestrian and wheel chair access, the sign must be positioned so that an absolute minimum envelope of 900mm x 2000mm of unobstructed clear path of travel is maintained for the entire length of the advertising structure (see figure below).

Note: There may be additional access requirements for bus shelters under the Commonwealth Government’s Disability Standards for Accessible Public Transport 2002 (DSAPT).



MINIMUM UNOBSTRUCTED CLEAR PATH OF TRAVEL ON FOOTPATHS AND NATURE STRIPS.

3.2.2 Line of sight

To maximise visibility of the road and minimise the time a driver's attention is directed away from the road, the following criteria apply to all advertising signage:

- a. An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.
- b. An advertisement must not obstruct a pedestrian or cyclist's view of the road.
- c. The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.
- d. The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:
 - i. The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.
 - ii. The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road

alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.

3.2.3 Proximity to decision making points and conflict points

It is important that drivers are not distracted near decision making points or conflict points to allow concentration to be focused on the driving task where the driver's attention requirements are greater.

Decision making points include areas in which merging, diverging, turning and weaving traffic manoeuvres take place. Conflict points are locations such as intersections or pedestrian crossings where crash risk is greater.

To minimise distraction near decision making points and conflict points, and ensure there is sufficient distance for a driver to recognise, react and, if required, stop safely before reaching one of these points, the following criteria apply to all advertising signage:

- a. The sign should not be located:
 - 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.

- b. The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:
 - i. of a road hazard
 - ii. to an intersection
 - iii. to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)
 - iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.

Note: The minimum sight distance requirements for the design speed of the road must be met for road hazards (stopping sight distance), emergency vehicle access points and driveways (approach sight distance) and intersections (safe intersection sight distance). Refer to *Austroads Guide to Road Design* (and RMS supplements) for minimum stopping sight distances, minimum approach and safe intersection sight distances.

Design speed means a nominal speed fixed to determine the geometric features of a road. In the context of sight distances, the design speed is taken as the higher of the posted speed limits or the 85th percentile speed.

3.2.4 Sign spacing

A highly cluttered visual field makes it difficult to locate and prioritise driving-critical information, e.g. regulatory and advisory signs and traffic control devices.

The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.

Additional criteria for digital signs:

- a. Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.

Further advice is also available from RMS in relation to sign posting in certain locations such as hospitals, regional shopping centres and tourist areas.

3.3 Sign design and operation criteria

3.3.1 Advertising signage and traffic control devices

Signs that display information that is contrary to, or competing with, prescribed traffic control devices or make locating prescribed traffic control devices difficult, have the potential to distract and confuse motorists. Therefore, the following criteria apply to all advertising signage:

- 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.
- b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device. For example:
 - i. Could the advertisement be construed as giving instructions to traffic such as 'Stop', 'Halt' or 'Give Way'?

- ii. Does the advertisement imitate a prescribed traffic control device?
- iii. If the sign is in the vicinity of traffic lights, does the advertisement use red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal?



— SIGNS WILL BE ASSESSED AGAINST SAFETY CRITERIA TO ENSURE THAT THEY DO NOT OBSCURE OR OTHERWISE ALTER THE EFFECTIVENESS OF ANY ADJACENT TRAFFIC CONTROL DEVICE

Additional criteria for digital signs and moving signs:

- a. The image must not be capable of being mistaken:
 - i. for a rail or traffic sign or signal because it has, e.g. red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal
 - ii. as text providing driving instructions to drivers.
- b. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).

3.3.2 Dwell time and transition time

Signs which change advertising content are more likely to distract a driver than signs with content that is static. In locations where digital and moving signs are assessed to be appropriate, the minimum dwell time and maximum transition time set out in the criteria must be applied. Longer dwell times may be necessary in more complex locations.

Dwell time criteria for digital signs:

- a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.
- b. Dwell times for image display must not be less than:
 - i. 10 seconds for areas where the speed limit is below 80km/h.
 - ii. 25 seconds for areas where the speed limit is 80km/h and over.
- c. Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.
- d. Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.
- e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.

Dwell time criteria for moving signs:

- a. The image must be completely static from its first appearance to the commencement of a change to another display.
- b. Dwell times for image display are to be a minimum of 10 seconds which includes 3 seconds to scroll.

3.3.3 Illumination and reflectance

An illuminated sign refers to any sign illuminated by an artificial source. Signs that are brighter than the luminance criteria outlined below (Tables 5 and 6) may have the potential to dazzle or distract drivers. This issue can be exacerbated in areas where a high level of concentration is required (e.g. busy intersections and pedestrian crossings) and in remote areas where the level of ambient light is minimal.

Illumination and reflectance criteria for non-digital signs:

The following criteria apply to non-digital illuminated signs, including conventional billboards illuminated by fluorescent and/or incandescent bulbs whether internally illuminated or lit from the exterior:

- a. Advertisements must comply with the luminance requirements in Table 5 below.
- 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.
- 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.
- 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.

TABLE 5: MAXIMUM ALLOWABLE DAYTIME LUMINANCE OF ILLUMINATED ADVERTISEMENTS (NOT DIGITAL SIGNS)

illuminated Area (sqm)	Zone 1	Zone 2 (cd/sqm)	Zone 3 (cd/sqm)	Zone 4 (cd/sqm)	Zone 5
up to 0.5	no limit	2900	2000	1000	no limit
0.5 to 2.0		2300	1600	800	
2.0 to 5.0		2000	1200	600	
5.0 to 10.0		1500	1000	600	
over 10.0		1200	800	400	

Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter.

Zone 1 covers areas with generally very high off-street ambient lighting, e.g. display centres similar to Kings Cross, central city locations.

Zone 2 covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights.

Zone 3 covers areas with generally medium off-street ambient lighting e.g. small to medium shopping/commercial centres.

Zone 4 covers areas with generally low levels of off-street ambient lighting e.g. most rural areas, or areas that have residential properties nearby.

Zone 5 covers areas within underground railway stations and areas fully contained within station buildings which are visible only from within the rail corridor.

Illumination criteria for digital signs:

- a. Luminance levels must comply with the requirements in Table 6 below.
- b. The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.

Zone 1 covers areas with generally very high off-street ambient lighting, e.g. display centres similar to Kings Cross in Sydney, and Central Business District locations. This would normally be expected to include land zoned B8 Metropolitan Centre and may include land zoned B3 Commercial Core or B4 Mixed Use, but does not exclude other land use zones.

Zone 2 covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights. This could be expected to include land zoned B3 Commercial Core or B4 Mixed Use, but does not exclude other land use zones.

Zone 3 covers areas with generally medium off-street ambient lighting e.g. small to medium shopping/commercial centres. This would normally be expected to include land zoned B1 Neighbourhood Centre and B2 Local Centre, but does not exclude other land use zones.

Zone 4 covers areas with generally low levels of off-street ambient lighting e.g. most rural areas, or areas that have residential properties nearby. This would normally be expected to include most RU Rural land use zones apart from the RU5 Village zone, but does not exclude other land use zones.

Note: A consent authority may determine a site is in a more sensitive zone if there's sensitive land uses (i.e. residential nearby) that may be affected.

TABLE 6: LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS

Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter (cd/sqm). Levels differ as digital signs will appear brighter when light levels in the area are low. Unless provided below, luminance levels should otherwise comply with the recommended values of AS4282 Control of the Obtrusive Effects of Outdoor Lighting.

Lighting condition	Zone 1 (cd/sqm)	Zones 2 and 3 (cd/sqm)	Zone 4 (cd/sqm)
Full sun on face of signage	No limit	No limit	No limit
Daytime luminance		6000	6000
Morning and evening twilight and inclement weather	700	700	500
Nighttime	350	350	200

3.3.4 Interaction and sequencing

- a. The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.
- 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.

Note: Where applicable, these safety assessment criteria must be applied where signs are proposed along ,or adjacent to, operational rail corridors in consideration of the potential impact on train drivers carrying out their duties.

3.4 Road safety review of new or modified signs

RMS may review the crash history of any new or modified advertising signs after a three-year period to determine whether the sign has had an adverse effect on road safety. If RMS is of the opinion that a sign is a traffic hazard, RMS may direct the owner or occupier of the land on which the sign is situated or the person who erected the sign to screen, modify or remove the sign, regardless of whether or not the sign is the subject of a development consent under the Act or a consent under the *Roads Act 1993*.

Note: Traffic hazard is defined under the *Roads Act 1993* to mean a structure or thing that is likely:

- a. to obscure or limit the view of the driver of a motor vehicle on a public road
- b. to be mistaken for a traffic control device
- c. to cause inconvenience or danger in the use of a public roadr
- d. to be otherwise hazardous to traffic.

3.5 Road safety review of digital signs

At any time, including where the speed limit in the area of the sign is changed, if a detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.

An electronic log of a digital sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint.

3.5.1 Road safety review of signs over 20sqm

A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the sign's installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS the report is to be provided to the Department of Planning and Environment as well.

Note: applicants should keep in mind that under section 104 of the *Roads Act 1993* RMS has the power to direct the owner or occupier of land on which any work or structure is situated, or the person by whom any work or structure was carried out or erected, to screen, modify or remove the work or structure if, in the opinion of RMS, the work or structure is a traffic hazard.

3.6 Road safety guidelines for sign content

SEPP 64 does not regulate the content of advertisements and signs, and does not require consent for a change in content. It is recommended that advertisers follow RMS advisory guidelines with respect to sign content of advertisements to be displayed along road corridors.



4. *Public benefit test for advertisement proposals*

This section outlines how proposals for certain outdoor advertisements along railway corridors, classified roads and on bridges must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.

4.1 What is the public benefit test?

The public benefit test is an assessment of how the local community will benefit as a result of the display of the advertisement, and must be applied to an advertising proposal if:

- a. the display of the advertisement is by or on behalf of RMS or TfNSW, Sydney Trains and NSW Trains
- b. the advertisement is to be displayed along a tollway
- c. the advertisement is to be displayed on a bridge
- d. the advertisement requires RMS concurrence under SEPP 64.

The proponent must outline in the SEE accompanying the DA what arrangements they will make to provide an appropriate public benefit (see Section 1.6.4).

The consent authority (either the Minister for Planning or the council) will determine whether the applicant has sufficiently demonstrated that the proposed advertisement will contribute an appropriate public benefit. Public benefits, along with other matters identified in the SEPP (Clause 13), must be considered by a consent authority before approval can be given for the advertising development.

4.2 What is an appropriate public benefit?

The level of public benefit for a given SEPP 64 advertisement is to be negotiated and agreed upon between the consent authority and the applicant. The public benefit can be provided as a monetary contribution or as an 'in-kind' contribution. Both monetary and in-kind contributions must be linked to improvements in local community services and facilities including benefits such as:

- improved traffic safety (road, rail, bicycle and pedestrian)
- improved public transport services
- improved public amenity within, or adjacent to, the transport corridor
- support school safety infrastructure and programs
- other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages.

4.2.1 RMS and TfNSW, Sydney Trains and NSW Trains advertising

As proponents of outdoor advertising, RMS and TfNSW, Sydney Trains and NSW Trains must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.

RMS and TfNSW, Sydney Trains and NSW Trains must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

RMS should give priority to works in areas where the advertising signage is to be positioned. Improvements to traffic safety for drivers, pedestrians and cyclists should be the focus of the expenditure of advertising revenue. This may include works such as installation of safety infrastructure in school zones, provision of cycle ways, provision of pedestrian refuge areas, or installation of pedestrian bridges to improve safety and traffic flow.

For TfNSW, Sydney Trains and NSW Trains, railway station upgrades (e.g. providing wheelchair access) and rail crossings (e.g. installation of lights or gates) or other rail safety measures may be considered priority works. Amenity improvements along rail corridors including landscaping, litter removal, or vandalism and graffiti management may also be considered appropriate public benefits.

RMS and TfNSW, Sydney Trains and NSW Trains must consult with the relevant councils to identify and prioritise the public benefit works to be delivered through the program on a regional or subregional basis.

4.2.2 Advertising along tollways

Under SEPP 64, proponents of advertising along tollways are required to provide for public benefits in association with any approved advertising signage. Tollways include the Sydney Harbour Tunnel, the Eastern Distributor, the M2, M4, M5, M7, Cross City Tunnel and Lane Cove Tunnel.

The tollway operator must enter into satisfactory arrangements with RMS to meet the public benefit requirements. The requirements may include payment of an annual or upfront fee negotiated with RMS.

RMS is responsible for the collection, distribution and expenditure of public benefit monies from tollway operators. Public benefit monies received by RMS must be recorded in their financial accounts and Annual Reports as set out in Section 4.2.1

RMS must consult with the relevant council to identify and prioritise activities to be included in the public benefit works program to be delivered through the program.

4.2.3 Advertising approved by councils

In instances where a local council is the consent authority, public benefit contributions may also be required as part of the approval to display an outdoor advertisement. This includes advertising on bridge structures and advertising that requires RMS concurrence (see Section 5.2).

The applicant should liaise with the council prior to lodging a DA to determine what public benefit requirements are likely to be required.

Fees and council revenue

In addition to the standard development application fees, the applicant may be required to provide an upfront fee or an annual fee (payable to the council) for the duration of consent of the advertisement (generally 15 years). In this instance, no other additional fee is to be charged against the development under the *Local Government Act 1993*.

The council may not require the proponent to pay a fee if it is satisfied that adequate public benefits will otherwise be provided for (see below under the heading 'In-kind contributions').

Council is responsible for the collection, distribution and expenditure of the revenue from the fees. The monies are to fund a public benefit works program developed in partnership with RMS or TfNSW in relation to public transport matters. Both council and RMS or TfNSW will identify and prioritise projects in the LGA that require investment in transport safety, public transport or amenity improvements that are in addition to the core activities and services provided by the council.

When the council is the advertising proponent, an annual fee need not be paid. However, as with RMS and TfNSW, Sydney Trains and NSW Trains, the council must set aside revenue raised from outdoor advertising to fund a public benefit works program. The council must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. This includes fees collected from proponents as well as revenue raised directly from advertising signage where council is the proponent. The Annual Reports must also report on the amount of outdoor advertising revenue invested by the council in transport safety, amenity improvements or other public works, including a list of specific projects.

Improvements to traffic safety for drivers, pedestrians and cyclists are a priority for expenditure of advertising revenue. This may include works such as installation of flashing lights or other safety infrastructure in school zones, provision of cycle ways, provision of pedestrian refuges or installation of pedestrian bridges to improve safety and traffic flow.

In-kind contributions

In some instances, the proponent may negotiate with council to provide in-kind contributions rather than a fee. In-kind contributions may include on-ground works to improve local amenity such as pedestrian bridges, pedestrian refuges, landscaping, graffiti management, safety lighting or other works provided as part of the installation of the advertising structure.

Other types of in-kind contributions may also be negotiated with councils including the use from time to time of the advertising structure for promotion of community programs, events, public safety programs or other appropriate public purposes.

Advertising on pedestrian bridges are a special case and may not require any additional provision of public benefit (financial or in-kind). Public benefits associated with the bridge advertisement are usually linked to the cost of the bridge construction and its ongoing maintenance, particularly if the bridge is available for general public use and the bridge design and placement is considered suitable by both RMS and council.

Dispute resolution

If the council and the applicant cannot agree to an appropriate upfront or annual fee or in-kind contribution for the provision of public benefits, the matter should be referred by either party to the Secretary. The party who refers the application to the Secretary must notify the other party in writing that the application has been referred.

Following such a referral, the council must provide the Secretary with a copy of the DA, details of the proposed determination of the DA and details of the dispute in relation to public benefits associated with the proposed advertisement.

The Secretary may convene a meeting between the council and the applicant for the purpose of negotiating, as far as possible, an appropriate public benefit as an annual fee or in-kind contribution.

If agreement is reached between the consent authority and the applicant the Secretary must prepare a report of the agreement. If agreement is not reached, the Secretary may determine an appropriate fee or in-kind contribution on behalf of the parties and prepare a report of the agreement.

In either case, the Secretary must give a copy of the report to the consent authority and the applicant. After receiving the Secretary's report, the consent authority must proceed with the assessment and determination of the application and incorporate the Secretary's report recommendations into any conditions of consent relating to the provision of public benefits under SEPP 64.



5. *RMS assessment of advertisement proposals*

RMS has several responsibilities for the control and management of advertisements:

- as the roads authority for freeways and as regulator of classified roads generally under the *Roads Act 1993*
- as the owner of land on which tollways and freeways are located (Refer sections 52 and 52A respectively of the *Roads Act 1993*)
- in accordance with the administration of the provisions of the *Roads Act 1993*
- in accordance with RMS' functions relating to traffic management and safety under section 52A of the *Transport Administration Act 1988*.

In a DA for consent for an advertising structure, the applicant must demonstrate that the proposed sign will not result in a road hazard or create traffic safety problems and will not detract from the existing or intended environmental quality or character of the road corridor. The following guidelines issued by RMS should also be considered:

- Beyond the Pavement: RMS Urban and Regional Design Practice Notes, 1999 (and any subsequent revisions)
- RMS Bridge Aesthetics Design Guidelines (as updated)
- *Austroroads Guide to Road Design* (and RMS supplements).

5.1 Role of RMS under the *Roads Act 1993*

RMS may have an approval role or a concurrence role under section 138 of the *Roads Act 1993*. An approval under section 138 of the *Roads Act* is required from RMS as the appropriate road authority for the erection of any advertising structure in, on or over a freeway. For other roads, where the local council is the appropriate road authority, RMS may need to concur with the council's approval under section 138.

If the applicant for the advertising proposal is a public authority and the application is for the erection of an advertising structure in, on or over a classified road, RMS must consult with the public authority before deciding whether or not to grant concurrence. If however, the applicant is TNSW, Sydney Trains and NSW Trains, and the Minister for Planning is the consent authority, consultation only on safety issues is required.

If the advertising applicant is RMS and the relevant roads authority is the local council, the council must consult with RMS before deciding whether or not to grant consent.

Whether or not the erection and display of an advertisement has been approved under the EP&A Act or the *Roads Act 1993*, RMS may direct:

- the owner or occupier of land on which the advertisement is situated or
- the person who erected the advertisement

to screen, modify or remove the advertisement if, in the opinion of RMS, the advertisement is a traffic hazard.

5.2 RMS concurrence

Under Clauses 17 and 18 of SEPP 64, local councils must seek RMS concurrence for DAs for advertising structures that are within 250m of a classified road if:

- a. the display area of the sign is:
 - i. greater than 20sqm
 - ii. higher than 8m above the ground
- b. any part of the sign is visible from a classified road.

This provision does not apply to signage that is exempt development under a relevant EPI or where the Minister for Planning is the consent authority or approval authority under the EP&A Act.

Classified roads are defined in the *Roads Act 1993* as main roads, highways, freeways, controlled access roads, secondary roads, tourist roads, tollways, transitways and State works. To determine if a particular road is a 'classified road', the applicant should consult with the local council or RMS.

In a DA for consent for an advertising structure, the applicant must demonstrate that the proposed sign will not result in a road hazard or create traffic safety problems and will not detract from the existing or intended environmental quality or character of the road corridor.

If the road is a classified road, RMS should be consulted to determine if a corridor plan of management or corridor urban design strategy or equivalent exists for the particular road corridor. Such a plan or strategy (or their equivalent) should be taken into consideration when developing the proposal. In addition, the following guidelines issued by RMS should also be considered:

- Beyond the Pavement: RMS Urban and Regional Design Practice Notes, 1999 (and any subsequent revisions)
- RMS Bridge Aesthetics Design Guidelines (as updated)
- *Austrroads Guide to Road Design* (and RMS supplements).

The DA should be lodged with council. The council must forward the DA to RMS to provide concurrence along with a \$250 concurrence fee (payable to RMS).

In deciding whether or not concurrence should be granted under SEPP 64, RMS will take into consideration relevant factors including:

- the impact of the display of the advertisement on road safety (Section 3)
- any other relevant provisions of these Guidelines or other relevant RMS guidelines such as Beyond the Pavement or RMS road or bridge design guidelines.


Once RMS has considered the development application, it will give written notice to the consent authority of its decision whether to concur. It will be assumed that RMS has given its concurrence if RMS has not advised the consent authority of its decision within 21 days after it receives the DA.

RMS may request additional information if the detail provided in the DA is not adequate. The 21-day concurrence period will be suspended until the applicant has provided sufficient information for RMS to assess the DA.

5.3 RMS Consultation for LEPs and DCPs

Under SEPP 64 it is also a requirement that RMS be consulted in the preparation of the following policies and controls:

- LEPs for signage or advertising to which SEPP 64 applies and where the signage or advertisement is within 250m of classified roads (SEPP 64, Clause 31)
- DCPs for advertising in rural or non-urban zones on land within 250m of a classified road (SEPP 64, Clause 15(2)).



6. *Terms and acronyms*

Advertising and signage expressions used in these Guidelines have the same meaning as the definitions in SEPP 64.

The following references, terms and acronyms are used in these Guidelines.

AS 1170.1 – Australian Standard: Structural Design Actions: Permanent, Imposed & other Actions.

AS 1170.2 – Australian Standard: Structural Design Actions: Wind Actions.

AS/NZS 1906.1:2007 – Retroreflective Materials & Devices for Road Traffic Control Purposes.

associated road use land in relation to a road, means:

- a. land on which road infrastructure associated with the road is located
- b. land that is owned, occupied or managed by the roads authority for the road and that is used for road purposes or associated purposes (such as administration, workshop and maintenance facilities, bus interchanges and roadside landscaping).

classified road means any of the following: a main road, a highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a transitway or a State work.

DCP – Development Control Plan

dwelt time – means the amount of time an image is displayed.

enterprise corridor means an area with generally low amenity along a busy road (>40,000 vehicles per day) in existing built up areas in the Greater Metropolitan Region.

EPI – Environmental Planning Instrument

Guidelines means this publication titled *Transport Corridor Outdoor Advertising and Signage Guidelines* approved by the Minister for the purposes of SEPP 64, as amended from time-to-time and published by the Department of Planning and Environment.

heritage item means a building, work, tree, archaeological site, Aboriginal object or place (which may or may not be situated on or within land that is a heritage conservation area) described as a heritage item in another EPI.

LEP – Local Environmental Plan

railway corridor means the following land:

- a. on which railway track and associated railway infrastructure is located (including stations and platforms)
- b. that is adjacent to land referred to in paragraph (a) and that is owned, occupied or managed by Sydney Trains and NSW Trains, and used for railway purposes or associated purposes (such as administration, workshop and maintenance facilities and bus interchanges)
- c. zoned for railway (including railway corridor) purposes under an environmental planning instrument
- d. identified as a railway corridor in an approval of a project by the Minister for Planning under Part 3A of the Act.

RMS – Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

Road and road related area – have the same meaning as in the *Road Transport Act 2013*.

road corridor means the following land:

- a. land comprising a classified road or a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, and associated road use land that is adjacent to such a road
- b. land zoned for road purposes under an environmental planning instrument,
- c. land identified as a road corridor in an approval of a project by the Minister for Planning under Part 3A of the Act.

SEPP 64 – *State Environmental Planning Policy No. 64 – Advertising and Signage*, including the amendment to the Policy as of the date of gazettal of *State Environmental Planning Policy No. 64 (Advertising and Signage) (Amendment No. 3)*.

Sydney Trains and NSW Trains – Rail Corporation New South Wales constituted under the *Transport Administration Act 1988*.

the EP&A Act – *Environmental Planning and Assessment Act 1979*

the Minister – the NSW Minister for Planning (unless otherwise stated)

the Secretary – the Secretary of the NSW Department of Planning and Environmen

TfNSW – Transport for NSW constituted under the *Transport Administration Act 1988*.

trailer has the same meaning as in the *Road Transport Act 2013*.

transport corridor land means the following land:

- a. land comprising a railway corridor
- b. land comprising a road corridor
- c. land zoned industrial under an EPI and owned, occupied or managed by RMS or Sydney Trains and NSW Trains.

transition time means the amount of time taken to change from one image to another.



Further information:

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