

11 February 2016

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Dear Tess

Outdoor Media Association Draft Transport Corridor Outdoor Advertising and Signage Guidelines

We have been asked to consider appropriate approval pathways for existing signage that is modified from static to digital based. In addition to the s96 modification application approval pathway under the *Environmental Planning and Assessment Act 1979*, we considered also alternative pathways for low impact conversions of signage from static to digital, as detailed below.

In recent years, there has been an expansion of the Exempt and Complying Development regime in NSW. The implementation of those changes recognises that some types of low impact development, if they meet defined criteria, should travel along an approval pathway that is more efficient both from a timing, resource and cost perspective. The conversion of a static sign to a digital sign is a type of development that is suited to the Complying Development Certificate (CDC) particularly because:

- (a) the nature of the development principally remains the same and only the method of delivery is altered as a result of technological advancements; and
- (b) numeric compliance criteria can be specified (as is demonstrated on pages 22 and 23 of the *Draft Transport Corridor Outdoor Advertising and Signage Guidelines*) (**Draft Guidelines**) to control the development.

The benefit of adopting a CDC regime for signage conversions is that it:

- (c) would negate the need for a full merits assessment to be made in respect of a Part 4 development consent or modification application. The Department of Planning and Environment (**DPE**) may consider it appropriate only for low impact types of conversions to fall within the CDC regime;
- (d) could require full compliance with the luminance, safety and dwell time parameters that have now been incorporated into the Draft Guidelines (see for example the numerical compliance requirements on page 22 and 23 of the Draft Guidelines). Having regard to the level of detail included in the Draft Guidelines

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**Draft Transport Corridor Outdoor Advertising and Signage
Guidelines**



and the public consultation conducted to ensure their acceptability, the Draft Guidelines could equally be adapted to the CDC regime to facilitate the introduction of efficiencies into the planning approval system for advertising. Numerical standards and criteria, as outlined in Section 2.5.8 Digital Signs, could be incorporated as “development standards” for the issue of a CDC for a conversion. Such types of development standards are common under the CDC regime for other types of complying development, for example, a certain flood height compliance for commercial buildings. Also, it is not uncommon under the CDC regime to require engineer sign off on certain matters and if there was any concern that a certifier would be unable to properly assess compliance with for example, illuminance standards, a certificate from an appropriate expert could be required to be provided as part of the issue of a CDC;

- (e) would reduce administrative burdens on consent authorities in undertaking a full merits assessment of a simple signage conversion.

Yours faithfully

Corrs Chambers Westgarth

Christine Covington
Partner

A handwritten signature in blue ink, appearing to read 'Julia Bridge', with a long horizontal flourish extending to the right.

Julia Bridge
Senior Associate