

2 February 2024

Mary Garland  
Team Leader, Transport and Water Assessments  
NSW Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2150

Dear Mary,

**Response to Submissions**  
**Digital Advertising Signage – Sydney Park Road, Erskineville (DA23/14504)**

This letter has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of Sydney Trains (the Applicant) to address the Department of Planning and Environment's (DPE) request for a Response to Submissions (RtS) dated 5 December 2023 in relation to Development Application (DA23/14504).

We note that the application received submissions from City of Sydney Council and Inner West Council, as well as 162 public submissions. A response to the issues raised by agencies is provided at **Attachment A** while a response to the issues raised in the public submissions is provided at **Attachment B**.

This RtS reinforces the findings made within the SEE, that the proposed digital advertising sign:

- will not unreasonably impact the amenity of nearby areas, in keeping with the provisions of the Industry and Employment SEPP (SEPP) and Guidelines
- meets traffic safety requirements of the SEPP and Guidelines
- will not result in unacceptable lighting and visual impacts on nearby residential receivers, including 241-245 Sydney Park Road
- is consistent in scale with its immediate setting on a busy corridor with existing advertising signage
- demonstrates public benefit in accordance with the SEPP and Guidelines

Additionally, in response to the submissions received, a curfew will be implemented from 11pm – 6am. The proposed sign will be turned off during these hours, therefore, no adverse impacts on adjoining residents will occur, particularly during the nighttime.

We trust that the RtS provides sufficient information required for DPE to finalise its assessment and approve the application.

Please do not hesitate to contact Lauren Donohoe via email at [lauren@keylan.com.au](mailto:lauren@keylan.com.au) should you wish to discuss any aspect of this project.

Yours sincerely

*Michael Woodland*

Michael Woodland BTP MPA  
Director

Attachments:

Attachment A: Response to the submissions received from City of Sydney Council and Inner West Council

Attachment B: Response to the submissions received from the public

Attachment C: Amended Architectural Plans

Attachment D: Construction methodology statement

## Attachment A


### Response to Submissions received from Council

Ref.	Agency and issues raised	Response
<b>A</b>	<b>City of Sydney Council</b>	
A1	<b>Encroachment</b> <ul style="list-style-type: none"> <li><i>The proposed signage structure's camera arm encroaches Council land. Owner's consent from the City has not been obtained to lodge the application. Consent cannot be granted to the application in its current form.</i></li> </ul>	<p>Revised Architectural Plans (Attachment C) have been provided. The amended plans reflect a reduced camera arm length, to ensure this does not encroach onto Council land and remains solely within the transport corridor.</p>
A2	<b>Design Excellence</b> <ul style="list-style-type: none"> <li><i>In accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012 (SLEP 2012), development consent must not be granted to development unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</i></li> <li><i>The proposed digital third-party advertising signage and monopole does not demonstrate design excellence when having regard to the specific matters for consideration outlined in Clause 6.21C(2) of the SLEP 2012. Specifically, this proposal:</i> <ul style="list-style-type: none"> <li><i>does not demonstrate a high standard of architectural design, materials and detailing appropriate to the location;</i></li> <li><i>does not provide a form and appearance that will improve the quality and amenity of the public domain;</i></li> <li><i>adversely impacts on view corridors;</i></li> <li><i>is of an inappropriate scale in this location; and</i></li> <li><i>does not demonstrate excellence with integration of landscape design.</i></li> </ul> </li> </ul>	<p>The proposed advertising structure is considered to exhibit design excellence and is consistent with Clause 6.21C as the sign:</p> <ul style="list-style-type: none"> <li>comprises a high standard of design, with quality materials</li> <li>represents a contemporary form of creative signage ensuring a high-quality design outcome</li> <li>is appropriately located, within an established urban area where signage is not uncommon, comprising a busy transport corridor</li> <li>will not detrimentally impact on view corridors as it will not protrude above any significant view lines</li> <li>is compatible with the existing and desired future character of the area, noting that the advertising sign is proposed on a rail corridor</li> <li>will have no impact on any significant European or Aboriginal cultural heritage items or heritage conservation zones</li> <li>will not impact on the continued and safe operation of Sydney Park Road in its function as a classified road</li> <li>will not result in unacceptable glare or adversely lead to an unacceptable impact on the visual amenity of surrounding residences or heritage items</li> <li>promotes ecologically sustainable development by being powered by 100% renewable electricity</li> <li>is not located in proximity to an identified special character area</li> </ul>


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		<ul style="list-style-type: none"> <li>achieves an appropriate interface at ground level, between the public domain, as the sign is located behind the railway fence, and not impacting on the existing footpath</li> </ul>
A3	<p><b>Public Benefit</b></p> <ul style="list-style-type: none"> <li><i>The consent authority should not be satisfied, as required by Subsection 3.11(2)(b) of SEPP (Industry and Employment) 2021 (the SEPP), that the proposed advertisement is acceptable in terms of “(iii) the public benefits to be provided in connection with the display of the advertisement.”</i></li> <li><i>The public benefit statement submitted with the application relies on public benefits to Sydney Trains on page 2, in addition to the projected revenue stream generated through the display of advertising. This includes the use of the proposed signage to display Sydney Trains information in various circumstances.</i></li> <li><i>However, given the proposed signage is oriented towards Sydney Park Road and Sydney Park it cannot be considered that the claimed public benefit to Sydney Trains users would be realised. The proposed messaging would have no benefit to the function or safety or the rail network. Whilst it is appreciated that the revenue generated will be invested back into the public transport network, this is an existing core responsibility of Sydney Trains. The City considers that the public benefit requirement therefore has not been adequately achieved.</i></li> <li><i>Additionally, new third-party signs and advertisements are generally not permitted in the City in accordance with Provision 3.16.7.1(1) of Sydney Development Control Plan 2012 (SDCP 2012). Section 3.16.7.2 of SDCP 2012 outlines that new advertising signs and third-party advertisements are generally only appropriate when converting an existing billboard sign to a digital billboard.</i></li> <li><i>When this occurs, Provision 9 specifies that the sign must provide a public benefit, being 10% of the advertising time being made available to the City to display public information, community messages or promotion of Council events and initiatives. Alternatively, this provision also allows for other public benefits in lieu of advertising time.</i></li> <li><i>Provision 3.16.7.2(9) of the DCP is to be applied through the consideration of the SEPP and is entitled to significant weight. The City</i></li> </ul>	<p>Direct public benefits have been outlined in the SEE and the accompanying Public Benefit Statement.</p> <p>Section 4 of the Signage Guidelines outlines how certain outdoor advertisements must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community. In relation to Sydney Trains advertising, the Guidelines outline an appropriate public benefit as follows:</p> <p><i>4.2.1 RMS and TfNSW, Sydney Trains and NSW Trains advertising</i>  <i>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.</i></p> <p>As outlined in the Public Benefit Statement, the installation of this sign will provide a valuable revenue stream to Sydney Trains which will continue to be used to support a number of improvements and maintenance programs in accordance with the public benefit test provisions identified in Industry and Employment SEPP and the Guidelines.</p> <p>Regardless of Provision 3.16 of the Sydney Development Control Plan 2012 (SDCP 2012) the proposed sign is permissible with consent under both clause 3.14 of the Industry and Employment SEPP as it is on behalf of Sydney Trains and is within a railway corridor and clause 2.3 of the Sydney Local Environmental Plan 2012 (SLEP 2012).</p> <p>In response to Provision 3.16.7.2(9) of the SDCP 2012, there will be an opportunity for the City of Sydney to use the signage to display <i>public</i></p>

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	<p><i>considers that compliance with both Section 3.11(2)(b)(iii) of the SEPP and Provision 3.16.7.2(9) of the DCP should be demonstrated concurrently. This has not been considered in the current proposal.</i></p> <ul style="list-style-type: none"> <li><i>Should the application be considered for approval, the City requests that 6 mins per hour be made available to the City, free of charge, to display public information, community messages or promote Council events and initiatives in the City of Sydney area.</i></li> </ul>	<p><i>information, community messages or promotion of Council events and initiative.</i></p> <p>It is noted that a detailed assessment against the provisions of 3.16, including 3.16.7, of the SDCP 2012 is provided within the SEE. This assessment concludes that the proposal meets the objectives and provisions of the DCP.</p>
A4	<p><b>SEPP (Industry and Employment) 2021 Assessment Criteria</b></p> <ul style="list-style-type: none"> <li><i>Having regard to the assessment criteria in Schedule 5 to SEPP as required by Subsection 3.11(1)(b), the proposed signage is not considered to be acceptable in terms of its impact for the following reasons:</i> <ul style="list-style-type: none"> <li><i>Regarding criteria 2 Special areas, the proposed signage is located opposite Sydney Park. The construction of a large free-standing structure, solely for advertising, does not positively contribute to the landscape setting of the park or the locally heritage-listed Sydney Park brick kilns.</i></li> <li><i>Regarding criteria 3 Views and vistas, the proposed signage would compete with and detracts from the viewing rights enjoyed by the existing static wall sign located along the southern elevation of 672 King Street, Erskineville which backdrops the proposed signage. The proposed signage results in visual clutter in this location.</i></li> <li><i>Regarding criteria 4 Streetscape, setting and landscape, the proposed signage would project above the skyline when viewed along from the east along Sydney Park Road and detracts from views to the open sky. The scale of the proposed signage is overbearing and does not positively contribute to the streetscape or the amenity of the public domain for pedestrians.</i></li> <li><i>Regarding criteria 7 Illumination, the proposed signage is located directly adjacent to the seven-storey residential flat building at 241-245 Sydney Park Road which has living areas and balconies facing the proposed signage. The dynamic light spillage is likely to unreasonably impact the amenity of these apartments.</i></li> <li><i>Regarding criteria 8 Safety, the proposed signage would be backdropped by the existing static wall signage identified above,</i></li> </ul> </li> </ul>	<p>An assessment against the criteria within Schedule 5 is provided within the SEE. A response to the issues raised relating to the assessment criteria in Schedule 5 of the SEPP is detailed below:</p> <p><b>Criteria 2</b> It is acknowledged the sign is in proximity to local heritage items and Sydney Park. However, the proposed sign is generally not anticipated to be visible from these items and the park due to the orientation of the sign (away from these items), busy nature of the road corridor and presence of existing mature trees which screen the periphery of Sydney Park and Sydney Park Road.</p> <p><b>Criteria 3</b> It is noted there is an existing static advertising sign located approximately 50m north-west of the proposed sign. The viewing rights of this advertisement will not be impacted as the advertisements are oriented towards two separate road corridors. Furthermore, the proposed sign will be contextually appropriate for the site given signage is not uncommon in the area as a highly urbanised locality.</p> <p><b>Criteria 4</b> The proposed sign does not project above the skyline from any viewpoint. The proposed sign is considered compatible with the surrounding locality as it will provide a high-quality advertising structure that is an appropriate size and scale consistent with the highly urbanised built form and road environment.</p>



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	<p><i>causing visual clutter, and could distract drivers travelling westbound along Sydney Park Road. The Signage Safety Assessment submitted with the application inaccurately states that the existing static wall sign would not be visible concurrently. The Transport Corridor Outdoor Advertising and Signage Guidelines states that "sign spacing should limit a drivers' view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor". This would not be achieved. The proposed signage would reduce the safety of the road, which is considered to be an unacceptable impact.</i></p>	<p>The sign when viewed from the east along Sydney Park Road, does not protrude above any nearby structures, in fact appears much smaller when compared to nearby buildings and the background; as demonstrated in the figure below:</p>  <p>Figure 1: Proposed view from Sydney Park Road</p> <p><b>Criteria 7</b> The Lighting Impact Assessment provided concludes the sign will achieve compliance with the maximum illumination criteria as set out in the Australian Standards.</p> <p>The brightness of the LEDs shall be controlled to provide upper and lower thresholds (as required) and will include a light sensor to automatically adjust the brightness of the display area to adjust to ambient lighting conditions. It is noted that the maximum luminance limit</p>

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		<p>during the nighttime period will not exceed the recommended maximum permissible luminance level set out in the Signage Guidelines. In complying with these standards, the proposed signage will not unreasonably impact the visual amenity of nearby residences or accommodation.</p> <p>Criteria 8 It is concluded that the proposed sign will be contextually appropriate for the site given signage is not uncommon in the area, noting the area is highly urbanised. This is consistent with Section 2.4 of the Signage Guidelines, which notes:</p> <p><i>...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...</i></p> <p>The proposed sign will contribute to the vibrancy and dynamic nature of this precinct by providing a high-quality advertising structure that is consistent with the highly urbanised built form and road environment.</p> <p>Furthermore, the signage safety assessment submitted concludes the proposed sign would not compromise safety for road users in the vicinity.</p> <p>As noted above, the existing sign and proposed sign are not located or orientated within the same corridor. Although these signs are located less than 150m apart, the signs are oriented towards different vehicular and pedestrian traffic. The existing static sign is primarily aimed at motorists travelling northbound on King Street. Motorists travelling eastbound on Sydney Park Road would not be able to clearly view this sign as it is obstructed by the residential apartment building on the northern side of the road. As illustrated in the below figure, the proposed digital advertising sign is generally not visible when travelling</p>

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		<p>northbound on King Street as it is blocked by existing structures within Sydney Park.</p> <p>Therefore, the proposed sign will not adversely impact view lines to the existing static sign.</p>  <p>Figure 2: View from Princes Highway, toward King Street</p> <p><b>Traffic Safety</b> The application is supported by an independent traffic safety assessment which concludes the proposal meets the relevant standards and requirements. Importantly, we note that TfNSW have reviewed the proposal and have issued General Terms of Approval.</p> <p>Our assessment in the original application and above concludes that the proposed sign meets the assessment criteria contained in Schedule 5 of the SEPP, including traffic safety.</p>



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A5	<b>Tree Protection</b> <ul style="list-style-type: none"> <li>An arborist report has not been submitted with the application to allow an assessment of the potential impact to the street trees along Sydney Park Road located within proximity to the proposed construction site. Should the application be approved, tree protection measures should be implemented during construction to protect all street trees.</li> </ul>	<p>A Construction/Installation Methodology statement has been prepared by Hanlon Industries (Attachment D) The statement confirms the construction works will be conducted from the east of the sign, located at a further distance from the trees.</p> <p>Furthermore, the proposed sign is located approximately 3.5m from trees on the northern side of Sydney Park Road.</p> <p>Notwithstanding, tree protection measures will be implemented throughout the construction and installation phase. This can be accepted as a condition of consent.</p> <p>As there is no tree removal, pruning or ongoing management required to the nearby street trees, an Arborist Report is not considered necessary.</p>
A6	<b>Energy Consumption</b> <ul style="list-style-type: none"> <li>Provision 3.16.4 (6) of SDCP 2012 states: “Where the consent authority is of the opinion that an illuminated sign or advertisement is expected to generate high levels of energy use based on size, hours of operation or illumination source, the signage is to be powered by:               <ul style="list-style-type: none"> <li>(a) onsite renewable energy of a capacity to provide the energy required to illuminate the sign; or</li> <li>(b) the purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.” The SEE states that ‘the sign will be powered by the nearest outside supply.’ This does not adequately address the above SDCP 2012 requirement and is inconsistent with ESD principles.</li> </ul> </li> </ul>	<p>JCDecaux in Australia powers all sites with 100% renewable electricity.</p> <p>Renewable electricity is purchased through JCDecaux’s retailer under the 100% Greenpower program as run by the NSW Department of Climate Change, Energy, the Environment and Water, who act as the Program Manager on behalf of the National Greenpower Steering Group.</p> <p>More information on Greenpower can be found at the link below:  <a href="https://www.greenpower.gov.au/">https://www.greenpower.gov.au/</a></p>
B	<b>Inner West Council</b>	
B1	<b>Visual impacts</b> <ul style="list-style-type: none"> <li>The Statement of Environmental Effects (SEE) states on page 52 that the proposed sign “will not have any additional visual impacts than those currently present”. It is considered that the sign will have adverse visual impacts for the following reasons –</li> </ul>	<p>The Visual Impact Assessment and SEE conclude the sign will not have any additional visual impacts for the following reasons:</p> <ul style="list-style-type: none"> <li>The sign represents a high-quality design, with quality materials and detailing. The general design of the signage is governed by the structural limitations and standard display size and proportions. The</li> </ul>

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	<ul style="list-style-type: none"> <li>○ <i>The sign fails to achieve a high level of design quality and is not compatible with the character of the streetscape, the desired future character of the locality and the size of the sign is in juxtaposition with other signs in the immediate vicinity.</i></li> <li>○ <i>The sign is of a scale, proportion and form that is inappropriate for the streetscape and its broader setting, as it will dominate and detract from the heritage items in the vicinity of the site.</i></li> <li>○ <i>The sign will cause amenity loss and will have a detrimental impact on the appearance of a public area.</i></li> <li>○ <i>The sign's illumination would result in unacceptable glare that is not subject to a curfew and would result in a loss of amenity to surrounding residential properties.</i></li> <li>○ <i>The location and design of the sign is not consistent with road safety principles, as it would reduce the safety of King Street and Sydney Park Road, including the safety for pedestrians and bicyclists.</i></li> <li>○ <i>Insufficient detail has been provided to carry out an assessment of the proposal as no elevation plans have been submitted and as such no adequate contextual analysis has been given.</i></li> <li>○ <i>The 24-hour LED illumination of signage that is 16.25sqm in area is not compatible with the nearby Heritage Conservation Areas (HCA's) and adversely impacts upon the local streetscape and the amenity of surrounding residential areas. There are no other digital signs of a similar size in the vicinity of the proposed sign.</i></li> </ul>	<p>overall design seeks to integrate both the structural and technological constraints into a good quality design, minimising the bulk. The sign represents a contemporary form of signage that is considered and creative ensuring a high quality design outcome. Furthermore, the sign is appropriately located, within an established urban area where signage is not uncommon. The location and size of the sign together ensure the proposal will sit comfortably within its setting and the wider locality.</p> <ul style="list-style-type: none"> <li>• The proposed sign will not have an adverse impact upon the significance of heritage items and conservation areas in the vicinity. The sign will only be partially visible from these items, in addition to a number of infill development of a much larger scale. Therefore, the value, context and fabric of the items will not be impacted by the sign. A Heritage Impact Statement, prepared by Louise Thom Heritage, was submitted with the application. This report concludes that the proposed sign will not have an adverse impact upon the heritage significance of heritage items or heritage conservation areas in the vicinity.</li> <li>• In regard to the amenity impacts, it is considered that the proposal is compatible with the character of the area as it is located within a railway and next to Sydney Park Road which is a highly frequently road corridor. The visual catchment outlined in the Visual Impact Assessment is mostly limited to the Sydney Park Road corridor as the sign will be orientated to the east/ south-east to present to vehicles travelling west. This view corridor is not considered to comprise any important views that would be obscured by the proposed sign.</li> <li>• In response to the submissions received, a curfew will be implemented from 11pm – 6am. The proposed sign will be turned off during these hours, therefore, no adverse impacts on adjoining residents will occur.</li> <li>• Additionally, the brightness of the LEDs shall be controlled to provide upper and lower thresholds (as required) and will include a light sensor to automatically adjust the brightness of the display area to adjust to ambient lighting conditions.</li> </ul>

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		<ul style="list-style-type: none"> <li>Road safety impacts have been comprehensively assessed as part of the application in accordance with the requirements of the Industry and Employment SEPP and the road safety criteria set out in the Signage Guidelines. The Signage Safety Assessment submitted concludes the proposed sign would not compromise safety for road users in the vicinity. We note that TfNSW have also reviewed the proposal and have issued their General Terms of Approval.</li> <li>Elevation plans, photomontages and a detailed visual analysis have been submitted. These documents and plans provide adequate contextual analysis, which concludes the proposed sign will have limited visual impacts on the surrounding locality, in particular, on sensitive receivers.</li> <li>The proposed sign will not adversely impact nearby items of heritage significance, as concluded within the HIS. The proposed sign is oriented away from these items, thereby reducing the potential impact.</li> </ul>
B2	<p><b>Light spillage</b></p> <ul style="list-style-type: none"> <li><i>The proposed sign is to be illuminated 24 hours a day, seven days a week. The VIA states that a maximum luminance of 120 cd/m2 during the night-time period will be applied. However, no further details have been submitted to provide an understanding of the sign's luminance during this period.</i></li> <li><i>Nonetheless, Council does not object on this basis. Council seeks the imposition of the following condition or similar being imposed, should the Department of Planning and Environment (DPE) be of a mind to approve the proposed sign:</i></li> <li><i>"Signage lighting must comply with the following requirements:</i> <ol style="list-style-type: none"> <li><i>The operation of the digital sign must comply with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (refer to Section 2.5.8, Table 3 and Section 3.3) and relevant Australian Standards, as amended from time to time.</i></li> <li><i>The proposed luminance levels shall be in accordance with the Transport Corridor Outdoor Advertising and Signage</i></li> </ol> </li> </ul>	<p>As noted, the proposed luminance is compliant with the <i>Transport Corridor Outdoor Advertising and Signage Guidelines and relevant Australian Standards</i>.</p> <p>Thereby, the Applicant is willing to accept the recommended conditions of consent.</p>

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	<p><i>Guidelines 2017 and relevant Australian Standards. In addition, the images displayed on the sign must not contain/use:</i></p> <ul style="list-style-type: none"> <li>○ <i>Flashing or flickering lights or content;</i></li> <li>○ <i>Animated displays, moving parts or simulated movement;</i></li> <li>○ <i>Complex displays that hold a driver's attention beyond "glance appreciation";</i></li> <li>○ <i>Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt';</i></li> <li>○ <i>A method of illumination that distracts or dazzles;</i></li> <li>○ <i>Dominant use of colours red or green"</i></li> </ul>	
B3	<p><b>Impact on the Heritage Conservation Area and Heritage Items</b></p> <ul style="list-style-type: none"> <li>• <i>The subject site is located in close proximity to the following HCA's and heritage items identified under Schedule 5 of Inner West Local Environmental Plan 2022 (IWLEP 2022):</i> <ul style="list-style-type: none"> <li>○ <i>King Street and Enmore Road (C73);</i></li> <li>○ <i>Goodsell Estate (C85);</i></li> <li>○ <i>St Peters Railway Station group, including interiors (I1733);</i></li> <li>○ <i>Sydney Park Hotel, including interiors (I1329).</i></li> </ul> </li> <li>• <i>There are also heritage conservation areas and heritage items in close proximity to the subject site identified in the Sydney Local Environmental Plan 2012.</i></li> <li>• <i>The Heritage Impact Statement (HIS) lodged in support of the application advised that the proposed sign would not have an adverse impact on upon the heritage significance of the heritage conservation areas and heritage items in the vicinity of the proposed sign.</i></li> <li>• <i>Council disagrees with this advice, and objects to the proposed sign on the following bases:</i> <ul style="list-style-type: none"> <li>○ <i>The height and bulk of the proposed sign will be visible from the State heritage listed 'St Peters Railway Station group', and locally listed 'Sydney Park Hotel' and "King Street' and Enmore Road Conservation Area'. The sign will have a visual impact on the</i></li> </ul> </li> </ul>	<p>As noted, the Heritage Impact Statement submitted with the DA concludes the proposed sign will have no adverse heritage impacts. The digital advertising sign will be located in a mixed urban environment characterised by high rise contemporary apartment buildings, industrial and railway heritage.</p> <p>Importantly, the historic significance of the nearby items and conservation area, together with its aesthetic value will be retained.</p> <p>It is also noted, there is presence of business and third-party advertising signage within the area. As such, the proposed signage is not considered out of context and will be in keeping with the urban character of the area.</p> <p>For the reasons outlined above, it is concluded that the proposed size and scale of the sign is acceptable and does not warrant conditions to reduce the size.</p>

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	<p><i>vicinity of the above items and HCA. It is recommended that the sign dimensions and height be considerably reduced to mitigate the impact of the sign on the heritage items and HCA's in the vicinity.</i></p> <ul style="list-style-type: none"> <li>○ <i>The sign fails to achieve a high level of design quality, is not compatible with its surroundings and obscures sightlines to prominent and important heritage items.</i></li> <li>○ <i>The proposal will define the character of the streetscape and result in a poor outcome</i></li> <li>○ <i>The size of the sign is excessive</i></li> <li>○ <i>The sign will result in visual clutter having regard to the large prominent sign already located on the side facade of 672 King Street, multiple signs on the rail bridge along King Street and the bus stop in the immediate vicinity of the proposed sign on Sydney Park Road. The saturation of signage within the radius of the proposed monopole sign is excessive and unwarranted.</i></li> <li>○ <i>The proposal will not ensure that advertising does not result in visual clutter or other visual impacts upon the locality.</i></li> <li>● <i>Should DPE be of a mind to approve the proposed sign, Council seeks the imposition of a condition reducing the sign dimensions and height to reduce the impact of the sign on the nearby heritage items and heritage conservation areas in the vicinity of the subject site.</i></li> </ul>	
B4	<p><b>Lack of public benefit</b></p> <ul style="list-style-type: none"> <li>● <i>One of the aims/objectives of the Industry and Employment SEPP and a matter for consideration is how the public benefits from the proposal, with the aim being:</i> <ul style="list-style-type: none"> <li>e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors</i></li> </ul> </li> <li>● <i>The Applicant has advised that the public benefit derived from the proposal is as follows:</i> <ul style="list-style-type: none"> <li>“...all revenue generated by the proposed advertising sign will help fund essential Sydney Trains services to the benefit of the local community, including: <ul style="list-style-type: none"> <li>○ <i>Improvements and maintenance programs</i></li> </ul> </li> </ul> </li> </ul>	<p>As addressed in Section A3, direct public benefits have been outlined in the SEE and the accompanying Public Benefit Statement.</p> <p>Section 4 of the Signage Guidelines outlines how certain outdoor advertisements must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community. In relation to Sydney Trains advertising, the Guidelines outline an appropriate public benefit as follows:</p> <p><i>4.2.1 RMS and TfNSW, Sydney Trains and NSW Trains advertising</i>  <i>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.</i></p>



Ref.	Agency and issues raised	Response
	<ul style="list-style-type: none"> <li>o <i>ensuring the continued provision of clean, frequent, and reliable services for customers</i></li> <li>o <i>supporting the next generation of transport solutions online</i></li> <li>o <i>provision of emergency messaging and announcements to the public such as during:</i> <ul style="list-style-type: none"> <li>- <i>station emergency situations</i></li> <li>- <i>any major disruption which is likely to cause delays to train running times</i></li> <li>- <i>Sydney Trains and TfNSW promotions and events</i></li> <li>- <i>Threat-to-life alerts by NSW Government Emergency and Police Agencies</i></li> </ul> </li> </ul> <p><i>The proposed new digital advertising signage will be capable of providing public benefit through availability to be used for an emergency or community message (e.g. display of information relating to major disruption to the operation of the surrounding road network which is likely to cause delays to traffic or emergency information). The emergency messaging system may be available to Sydney Trains and other NSW Government agencies such as NSW Police, NSW Health and Transport for NSW. Further, Sydney Trains and Transport for NSW will also be able to display messages on the digital screens for up to 5 minutes per hour for customer and event promotions at no cost."</i></p> <ul style="list-style-type: none"> <li>• <i>It is considered that any revenue stream could assist with all of the above perceived benefits and there is no direct public benefit to how this sign will benefit the local area.</i></li> <li>• <i>Conversely, the proposed sign is not considered to provide any planning public benefit as a result of not satisfying several State and Local planning objectives.</i></li> <li>• <i>The SEE nor the Statement of Public Benefit do not provide any analysis to support a position that this proposal against any other potential proposals, signage or otherwise, are a means to achieve their objective. It is considered that to conclude that this is a means to provide a public benefit in the manner proposed that analysis of other proposals (signage or otherwise) would need to be assessed.</i></li> </ul>	<p><i>Amenity improvements along rail corridors including landscaping, litter removal, or vandalism and graffiti management may also be considered appropriate public benefits.</i></p> <p>As outlined in the Public Benefit Statement, the installation of this sign will provide a valuable revenue stream to Sydney Trains which will continued to be used to support a number of improvements and maintenance programs in accordance with the public benefit test provisions identified in the Industry and Employment SEPP and the Guidelines.</p> <p>In addition, Sydney Trains will record the total amount of revenue received in its Annual Reports. The Annual Reports will also outline how the revenue has been applied to provide public benefits. The Applicant is willing to accept this as a condition of consent.</p> <p>Given the above, the proposed sign and associated public benefit are considered consistent with the Signage Guidelines and will continue to be used to support a number of improvements and maintenance programs.</p>

Ref.	Agency and issues raised	Response
	<ul style="list-style-type: none"> <li><i>The SEE also claims that 'all' revenue generated by the sign will help fund essential Sydney Trains services.</i></li> <li><i>The SEE does not provide any framework and/or mechanism to support this claim, in terms of auditing the revenue received. This would appear to be a fundamental requirement in terms of ensuring probity to the revenue received and the public benefit claim The SEE also does not provide any information to the amount of time given to 'emergency messaging and announcements' to support part of the public benefit claim. The lack of information in relation to this, provides a low level of certainty in that this could form part of any perceived public benefit.</i></li> <li><i>It is considered that the SEE has not demonstrated the public benefit of the sign. It is therefore considered that there is no confidence in the overall claim and as a result the position that there will be a public benefit cannot be reasonably concluded.</i></li> <li><i>It is considered that Sydney Trains considers alternatives to acquiring the revenue that is required and also a proposal which does not result in such a detrimental impact to a local area</i></li> </ul>	

## Attachment B

### Response to public submissions

A total of 163 public submissions were received on the application. An overview of the submissions received is provided below:

**Supporting:** 2

**Objecting:** 159

**Comments:** 1

The public submissions are agglomerated by key themes and addressed in the table below.

Ref.	Issues raised	Response
1	<p><i>Lighting Impacts</i></p> <ul style="list-style-type: none"> <li><i>Residents</i></li> <li><i>Wildlife</i></li> </ul>	<p>The proposed advertising signage does not exceed the illumination levels governed by the Industry and Employment SEPP, the Signage Guidelines and the Australian Standards (AS4282-2023).</p> <p>It is also important to note that under no circumstances will any flashing, flickering or moving images be portrayed on the advertisement. The sign will remain as static, illuminated images only with instantaneous transitions (0.1 seconds) between the advertisements.</p> <p>During daylight hours the illumination level will not be noticeable, and the sign will appear as a static board, like other advertising boards within the LGA.</p> <p>The Lighting Impact Assessment (LIA) accompanying the SEE has undertaken an assessment of the sign during the 'post-curfew' period (11pm to 6am), which is considered the most obtrusive nighttime period and generally when residents are trying to sleep.</p> <p>Lighting impacts on the five nearest residential dwellings with potential views to the sign are assessed and the LIA concluded the sign demonstrates an acceptable level of compliance with the maximum nighttime illumination criteria specified.</p> <p>Furthermore, the brightness of the LEDs will be controlled to provide upper and lower thresholds as required, as well as automatically via a local light sensor to adjust to ambient lighting conditions. For example, the LEDs will be dimmed during darker hours, typically during the night or overcast days.</p>

Ref.	Issues raised	Response
		<p>In complying with this criteria, it is determined that the sign will not result in unacceptable glare or adversely impact the safety of pedestrians, residents or vehicular traffic and will not unreasonably impact the visual amenity of nearby residences.</p> <p>With regard to wildlife, the sign is located within a highly urbanised environment with numerous light sources including street, traffic and vehicular lights. Furthermore, the site or surrounding area is not identified as land containing high biodiversity value on the Biodiversity Values Maps. Given the signs urban setting, it is considered there will be limited potential impacts on wildlife.</p>
2	<p><i>Visual/Amenity Impacts and Signage Clutter</i></p> <ul style="list-style-type: none"> <li><i>residents</i></li> <li><i>Size of signage</i></li> <li><i>Impacts on footpath</i></li> <li><i>View impacts on Sydney Park (to and from)</i></li> </ul>	<p>A detailed analysis of the proposal and visual impacts on the surrounding locality was undertaken and submitted as part of the DA. The VIA found that:</p> <ul style="list-style-type: none"> <li>the surrounding area has a medium to high visual sensitivity due to heritage items, public open space and residential development located within the visual catchment</li> <li>notwithstanding the above, the views to the proposed sign from sensitive receivers will be obstructed by existing structures and street trees</li> <li>views to the proposed sign from some sensitive receivers are limited due to the visual display screen being oriented in the opposite direction</li> <li>the installed digital advertising sign will enhance the visual interest of Sydney Park Road for motorists and pedestrians travelling westbound through the presentation of high resolution static digital advertisements</li> <li>the signage is consistent with the character of the surrounding area</li> <li>the additional signage does not constitute of visual clutter</li> <li>the signs do not impact the viewing rights of others</li> <li>the proposed sign will be visible to a high number of pedestrians and motorists reflective of its location along a transport corridor</li> <li>the proposal does not impact upon any scenic views and will not protrude above the dominant skyline.</li> </ul> <p>Following consideration of the above, the proposal is considered to result in acceptable visual impacts</p>
3	<p><i>Traffic Safety</i></p> <ul style="list-style-type: none"> <li><i>Proximity to traffic lights and intersection</i></li> <li><i>Driver distraction</i></li> </ul>	<p>A Signage Safety Assessment (SSA) accompanying the DA considers the signage exposure and road accident history and has been prepared having considered the requirements for road safety set out in the Signage Guidelines.</p>

Ref.	Issues raised	Response
		<p>The Austroads <i>Guide to Road Design</i> refers to the distance required to enable a driver to react and stop before reaching a hazard, known as the Safe Stopping Distance. According to Austroads, the minimum safe stopping sight distance for a 40km/h speed zone with a minimum reaction time of two seconds is 36m.</p> <p>The proposed sign would not be located within the safe stopping distance of the traffic signals and pedestrian crossing at the Sydney Park Road - King Street intersection and is therefore consistent with the Signage Guidelines and is not anticipated to have adverse impacts on road safety.</p> <p>Furthermore, the proposed sign would be located within the rail corridor which is a suitable distance away from the roadway, pathways and crossings, and as such, would not obstruct a motorists' view of the road and other road users. The digital sign would be located at the slight right-hand bend where a driver travelling westbound would not be required to turn their head away from the road in order to view the digital sign.</p> <p>In light of the above, it is concluded that the proposed sign is acceptable from a road safety perspective.</p>
4	<i>Impact on property value</i>	Noted. Impacts on property value is not a relevant matter for planning consideration.
5	<i>Site Suitability</i> <ul style="list-style-type: none"> <li><i>Proximity to Sydney Park</i></li> <li><i>Character of area</i></li> <li><i>Proximity to railway corridor – climbing, vandalism opportunities</i></li> <li><i>Future character/vision of area</i></li> </ul>	<p>The site is a suitable location for the provision of digital advertising signage on the basis that:</p> <ul style="list-style-type: none"> <li>the proposal is compatible with the existing and desired future character of the area, noting that the advertising sign is proposed on a rail corridor</li> <li>there will be no impact on any significant European or Aboriginal cultural heritage items or heritage conservation zones</li> <li>there will be minimal visual impacts on sensitive land uses as the sign is oriented and screened to ensure there are no tangible impacts</li> <li>detailed investigations of the road network have determined that the development will not impact on the continued and safe operation of Sydney Park Road in its function as a classified road</li> <li>the illumination of the sign will not result in unacceptable glare or adversely lead to an unacceptable impact on the visual amenity of surrounding residences or heritage items</li> <li>the development fully complies with the relevant statutory and policy provisions that govern outdoor advertising signage and LED technology in NSW</li> <li>further to the above, the site is an effective location for outdoor advertising that will generate revenue to the benefit of the local community</li> </ul>



Ref.	Issues raised	Response
		In regard to the potential for vandalism, a web camera will be installed for the purposes of monitoring the advertisement screen. The cameras will be fixed to the top of the advertising structure. This remote monitoring capability enables JCDecaux's maintenance team to repair faults or respond to acts of vandalism in a timely manner and provides evidence to their clients about the campaign display.
6	<i>Operational impacts</i> <ul style="list-style-type: none"> <li>• <i>Electricity use</i></li> <li>• <i>Greenhouse gas emissions</i></li> <li>• <i>Camera/monitoring</i></li> </ul>	<p>As noted above, JCDecaux in Australia powers all sites with 100% renewable electricity. Renewable electricity is purchased through JCDecaux's retailer under the 100% Greenpower program as run by the NSW Department of Climate Change, Energy, the Environment and Water, who act as the Program Manager on behalf of the National Greenpower Steering Group.</p> <p>The camera and ongoing monitoring are strictly directed to JCDecaux's Large Format digital visual display area and provide a live feed through a secure network managed by JCDecaux. The cameras do not monitor or record public movement rather, solely observe the visual screen display area to:</p> <ul style="list-style-type: none"> <li>• Ensure the correct scheduled content is displaying</li> <li>• Identify any screen outage or tile malfunctions</li> <li>• Observe acts of vandalism to the screen</li> </ul> <p>This remote monitoring capability enables the maintenance team to repair faults or respond to acts of vandalism in a timely manner and provides evidence to clients about their campaign display.</p>
7	<i>Heritage Impacts</i> <ul style="list-style-type: none"> <li>• <i>Chimneys</i></li> <li>• <i>brickwork chimneys and block views to former St Peters Theatre at 672 King St</i></li> </ul>	<p>A detailed assessment against the impact of the proposed works on the Sydney Park – former brickworks site and 672 King Street are provided in the Heritage Impact Statement (HIS) submitted with the DA.</p> <p><b>Former Bedford Brickworks site</b>  <i>The former Bedford brickworks site is dominated by the chimneys and kilns which are highly visible from some distance. The scale of these ensures that they remain dominant in the urban landscape.</i></p> <p><i>Views along the Princes Highway travelling north are dominated by the former brickworks. The proposed sign is not highly visible from this direction until the intersection with Sydney Park Road. The scale of the built environment diminishes the scale of the sign, although its digital screen will make it more visible.</i></p>

Ref.	Issues raised	Response
		<p><b>Former St Peter's Theatre façade</b></p> <p><i>The façade is the remains of the former St Peters Theatre. The ornate façade faces west and addresses King Street. The rest of the theatre building is no longer extant. There is no visual connection between the sign and the façade facing King Street. The proposed sign would not be visible from King Street in front of the façade.</i></p> <p><i>A large addition has been constructed behind the façade and this building has an advertising sign along the length of on its side wall facing the railway line. This existing sign is highly visible from the Princes Highway as well as from the location of the proposed digital sign.</i></p> <p>The HIS concludes the digital advertising sign will be located in a mixed urban environment characterised by tall contemporary apartment buildings, industrial and railway heritage. Nearby heritage conservation areas have self-contained linear Victorian Streetscapes. Significant values of individual heritage items within the conservation areas are contained within the historic streetscape. Views to the sign from the conservation areas, the hotel and former theatre will be to the back of the sign which will be far enough away to not make an impact.</p> <p>The proposed digital sign will be in keeping with the character of its context. No fabric of significance will be impacted by the sign.</p>
9	<p><i>Construction impacts</i></p> <ul style="list-style-type: none"> <li><i>on footpath/residents</i></li> </ul>	<p>The Construction Methodology Statement prepared by Hanlon Industries (Attachment D), confirms all works will be conducted from the road corridor, during the nighttime. Traffic and pedestrian management will be in place when installing the sign.</p>
10	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li><i>non-compliance with SEPP Guidelines</i></li> <li><i>lack of assessment from Chimneys</i></li> </ul>	<p>The proposal demonstrates compliance with the criteria set out in the Signage Guidelines in regard to land use compatibility, digital signage, road safety and illumination requirements and the public benefit test.</p> <p>A detailed assessment of the potential impacts on the nearby Former Bedford Brickworks group, including chimneys, kilns and grounds has been provided within the HIS, submitted with the DA. The HIS concludes that although the sign may be visible from some aspects, the group remain dominant in the urban landscape and ultimately the sign will not adversely detract from the historic or aesthetic significance.</p> <p>In consideration of the above, it is concluded that the digital advertising sign will not have an adverse impact on the heritage listed chimneys and therefore warrants approval</p>