

# Industry and Employment SEPP & Transport Corridor Advertising and Signage Guidelines Assessment

## 1 Industry and Employment SEPP Assessment

Industry and Employment SEPP Provision	Comment	Compliance
3.1. Aims, objectives etc.		
<p>(1) <i>This Policy aims:</i></p> <p>(a) <i>To ensure that signage (including advertising):</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under part 4 of the Act, and</i></p> <p>(c) <i>to provide time-limited consents for the display of certain advertisements, and</i></p> <p>(d) <i>to regulate the display of advertisements in transport corridors, and</i></p> <p>(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></p> <p>(2) <i>This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>(a) The proposal is assessed to be compatible with the visual character and desired amenity of Enmore Road, Newtown. The sign will be orientated towards a highly frequented road corridor within an urbanised mixed use environment. The sign will also exhibit a high quality design that will encourage an active street frontage and support Newtown's night-time economy.</p> <p>(b) The proposal will be assessed and regulated under Part 4 of the EP&amp;A Act and will be appropriately managed by the Minister's conditions of consent.</p> <p>(c) Duration of consent for the proposal will be controlled by Clause 3.12 of Industry and Employment SEPP and will be consistent with the Minister's conditions of consent.</p> <p>(d) The proposal does not present any significant road safety issues and is not expected to compromise road safety in its vicinity. The proposal is also regulated against the Signage Guidelines.</p> <p>(e) The proposal demonstrates public benefit by providing a revenue stream for the State Government and by providing important information to customers in special events and circumstances.</p>	Yes

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<b>3.2. Definitions</b>		
	<p>The proposal constitutes an advertisement to which Part 3.3 of the SEPP applies.</p> <p>Enmore Road is a classified road (No.167) under Part 5 of the <i>Roads Act 1993</i>.</p> <p>The proposal constitutes an advertisement on transport corridor land.</p>	Yes
<b>3.6. Granting of consent to signage</b>		
<p><i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</i></p> <p>(a) <i>that the signage is consistent with the objectives of this Policy as set out in clause 3.1(1)(a), and</i></p> <p>(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5</i></p>	<p>The SEE undertakes a detailed assessment demonstrating that the proposal is consistent with the objectives of Industry and Employment SEPP and the Assessment Criteria specified in Schedule 5.</p>	Yes
<b>3.7. Advertisements to which this Part applies</b>		
<p>(1) <i>This Part applies to all signage to which this Policy applies, other than the following:</i></p> <p>(a) <i>business identification signs,</i></p> <p>(b) <i>building identification signs,</i></p> <p>(c) <i>signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</i></p> <p>(d) <i>signage on vehicles.</i></p> <p>(2) <i>Despite subclause (1) (d), clause 27A applies to signage on a trailer (within the meaning of the Road Transport Act 2013).</i></p>	<p>The proposal constitutes an advertisement under the provisions of Part 3.</p>	Yes
<b>3.8. Prohibited advertisements</b>		
<p>(1) <i>Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:</i></p> <ul style="list-style-type: none"> <li><i>environmentally sensitive area</i></li> <li><i>heritage area (excluding railway stations)</i></li> <li><i>natural or other conservation area</i></li> <li><i>open space</i></li> </ul>	<p>The proposed sign is not located within any of the named areas, with the exceptions of heritage conservation area. Specifically, the subject site is within the 'Enmore Road and King Street' Heritage Conservation Area (HCA), and whilst this section of the Industry and Employment SEPP prohibits advertisements heritage areas, clause</p>	Yes

Industry and Employment SEPP Provision	Comment	Compliance
<ul style="list-style-type: none"> <li>• <i>waterway</i></li> <li>• <i>residential (but not including a mixed residential and business zone, or similar zones)</i></li> <li>• <i>scenic protection area</i></li> <li>• <i>national park</i></li> <li>• <i>nature reserve</i></li> </ul> <p>(2) <i>This clause does not apply to the following:</i></p> <p>(a) <i>the Mount Panorama Precinct,</i></p> <p>(b) <i>the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</i></p>	<p>3.14(1)(a) permits the advertisement as it is proposed on behalf of Sydney Trains. Notwithstanding, the proposed sign is expected to have a minimal and acceptable impact on the significance of this HCA as:</p> <ul style="list-style-type: none"> <li>• the proposal is consistent with the highly urbanised and commercial character of the area</li> <li>• signage is not uncommon</li> <li>• the sign is an appropriate scale for the site and surrounds</li> <li>• the sign will generate visual interest</li> <li>• it will not impact on the interpretation and understanding of the HCA</li> </ul> <p>Further heritage assessment is provided at Section 6.3 of the SEE and Appendix 7.</p> <p>It is also noted, whilst the proposed sign is not located within any of the other areas, it is in proximity to a small area of open space and a small number of residential properties. Notwithstanding, the proposal will not detract from the amenity or visual quality of these areas, as outlined below.</p> <p>It is noted, whilst there are no areas of open space in proximity to the site, there is a small public plaza on the eastern side of the Enmore railway bridge which the proposed sign may be partially visible from. Notwithstanding, impacts on this area are expected to be minimal given the orientation of the sign to the south-east towards the Enmore Road/King Street intersection. On this basis, only</p>	

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	<p>part of the side of the sign may be visible from this area.</p> <p><u>Open space</u> There is a small public plaza (Pride Square) on the eastern side of the Enmore railway bridge which the proposed sign may be partially visible from. Notwithstanding, impacts on this area are expected to be minimal given the orientation of the sign to the south-east and towards the road corridor. On this basis, only part of the side of the sign may be visible from this area. It is also noted, the amended application proposes the sign to be located 30m west of the previous proposed location. The sign will therefore will further distanced from Pride Square than previously.</p> <p><u>Residential</u> The sign is proposed to face east towards westbound traffic travelling on Enmore Road and King Street. This location and orientation ensures that visual impacts to low density residential development and shop top housing in proximity to the site are minimal. This location also ensures lighting impacts as a result of the digital sign are acceptable. The LIA at Appendix 5 found only one potential residential property subject to lighting impacts. The amended application therefore results in an improved outcome compared to previously proposed locations where there were more residential receivers due to the previous south-west orientation.</p> <p>Visual impacts on Pride Square and residential dwellings are further assessed in the VIA at Appendix 9.</p>	
3.10. Consent authority		

Industry and Employment SEPP Provision	Comment	Compliance
<p><i>For the purposes of this Policy, the consent authority is:</i></p> <ul style="list-style-type: none"> <li><i>(a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or</i></li> <li><i>(b) TfNSW in the case of an advertisement displayed on a vessel, or</i></li> <li><i>(c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor, or</i></li> <li><i>(d) the Minister for Planning in the case of an advertisement displayed by or on behalf of RMS on -</i> <ul style="list-style-type: none"> <li><i>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</i></li> <li><i>(ii) a bridge constructed by or on behalf of RMS on any road corridor, or</i></li> <li><i>(iii) land that is owned, occupied or managed by RMS, or</i></li> </ul> </li> <li><i>(e) the Minister for Planning in the case of an advertisement displayed 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.</i></li> </ul>	<p>In accordance with clause 3.10(c), the Minister for Planning is the consent authority for the proposal as the application is proposed on behalf of Sydney Trains and is within a railway corridor.</p>	<p>Yes</p>
<b>3.11. Matters for consideration</b>		
<p><i>(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—</i></p> <ul style="list-style-type: none"> <li><i>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i></li> <li><i>(b) has been assessed by the consent authority in accordance with the assessment criteria in</i></li> </ul>	<p>The proposal satisfies the objectives detailed in Clause 3.1(1) as outlined earlier in this table.</p> <p>The SEE provides an assessment against Chapter 3 and Schedule 5 of the Industry and Employment SEPP, as well as the Signage Guidelines. The SEE concludes that the proposal is consistent with this assessment criteria.</p>	<p>Yes</p>

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<p><i>Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i></p> <p>(c) <i>satisfies any other relevant requirements of this Chapter.</i></p> <p>(2) <i>If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—</i></p> <p>(a) <i>is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i></p> <p>(b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of—</i></p> <p>(i) <i>design, and</i></p> <p>(ii) <i>road safety, and</i></p> <p>(iii) <i>the public benefits to be provided in connection with the display of the advertisement, and</i></p> <p>(c) <i>satisfies any other relevant requirements of this Chapter.</i></p> <p>(3) <i>In addition, if section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.</i></p>	<p>Further, the proposal demonstrates acceptable design and road safety of which is detailed in the SEE, the Architectural Plans and the Signage Safety Assessment (Appendix 3 &amp; 4). Further, the proposal will result in an improved traffic outcome compared to previous iterations of the proposal as it will not be located with the Safe Stopping Distance (SSD) of the King Street Enmore Road intersection and will be 75m from the intersection stop line.</p> <p>As part of the application, the Applicant has committed to the provision of funding towards essential Sydney Trains services to the benefit of the local community. Further information is provided at Section 6.8 of the SEE.</p>	
<b>3.12. Duration of consents</b>		
<p>(1) <i>A consent granted under this Part ceases to be in force:</i></p> <p>(a) <i>on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</i></p>	<p>It is acknowledged that any consent granted for the application would expire 15 years after the date on which the consent becomes effective.</p>	<p>Yes</p>



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<p>(b) <i>if a lesser period is specified by the consent authority, on the expiration of the lesser period.</i></p> <p>(2) <i>The consent authority may specify a period of less than 15 years only if:</i></p> <p>(a) <i>before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</i></p> <p>(b) <i>the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument 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, or</i></p> <p>(c) <i>the specification of a lesser period is required by another provision of this Policy.</i></p>		
<b>3.14. Transport corridor land</b>		
<p>(1) <i>Despite section 3.8(1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases—</i></p> <p>(a) <i>the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,</i></p> <p>(b) <i>the display of an advertisement by or on behalf of TfNSW on—</i></p> <p>(i) <i>a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</i></p> <p>(ii) <i>a bridge constructed by or on behalf of TfNSW on any road corridor, or</i></p>	<p>(1) In accordance with sub-clause 3.14(1)(a), the proposal is permissible with development consent as the application is for the display of a digital advertisement sign on behalf of Sydney Trains on a rail corridor.</p> <p>(2) In accordance with sub-clause (2), the Minister may appoint a design review panel to provide advice concerning the design quality of the proposal.</p> <p>(3) In accordance with sub-clause (3), Council will be formally advised of the development application as part of DPE's assessment.</p> <p>(4) In accordance with sub-clause (4), an assessment</p>	<p>Yes</p>

Industry and Employment SEPP Provision	Comment	Compliance
<p>(iii) land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,</p> <p>(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.</p> <p>(2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.</p> <p>(3) The Minister must not grant consent to the display of an advertisement in such a case unless—</p> <p>(a) the advice of any design review panel appointed by the Minister has been considered by the Minister, and</p> <p>(b) the Minister is satisfied that the advertisement is consistent with the Guidelines.</p> <p>(4) This section does not apply to the display of an advertisement if the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines.</p>	<p>against the Industry and Employment SEPP and Signage Guidelines has been provided in the SEE and in this table.</p>	
<b>3.15. Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</b>		
<p>(1) This section applies to an advertisement—</p> <p>(a) that has a display area greater than 20 square metres, or</p> <p>(b) that is higher than 8 metres above the ground.</p> <p>(2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—</p>	<p>The proposal has an advertising display area less than 20m<sup>2</sup> (14.93m<sup>2</sup>). However, the sign will be located above 8m (at 8.15m) above the road corridor.</p> <p>Accordingly, an assessment that addresses Schedule 5 of the Industry and Employment SEPP has been provided in the SEE.</p>	<p>Yes</p>



Industry and Employment SEPP Provision	Comment	Compliance
<p>(a) <i>the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i></p> <p>(b) <i>the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</i></p>	It is understood DPE will provide a copy of the application to TfNSW before the exhibition period.	
<b>3.16. Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road</b>		
<p>(1) <i>This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.</i></p> <p>(2) <i>The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW.</i></p> <p>(3) <i>In deciding whether or not concurrence should be granted, TfNSW must take into consideration—</i></p> <p style="padding-left: 20px;">(a) <i>the impact of the display of the advertisement on traffic safety, and</i></p> <p style="padding-left: 20px;">(b) <i>the Guidelines.</i></p> <p>(4) <i>If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under section 3.15(2)(b) that it has granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.</i></p> <p>(5) <i>Nothing in this section affects section 3.14.</i></p> <p>(6) <i>This section does not apply when the Minister for Planning is the consent authority.</i></p>	The Minister is the consent authority for the application in accordance with clause 3.10(c) and, therefore, in accordance with clause 3.16(6) the Industry and Employment SEPP does not apply.	N/A
<b>3.17. Advertising display area greater than 45 square metres</b>		
<i>The consent authority must not grant consent to the display of an advertisement with an advertising display</i>	Clause 3.17 does not apply as the proposal has an advertising display area of 14.93m <sup>2</sup> .	N/A

Industry and Employment SEPP Provision	Comment	Compliance
<p>area greater than 45 square metres unless—</p> <p>(a) development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or</p> <p>(b) in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>		
<b>3.18. Location of certain names and logos</b>		
<p>(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.</p> <p>(2) If the advertising display area has no border or surrounds, any such name or logo is to be located:</p> <p>(a) within the advertisement, or</p> <p>(b) within a strip below the advertisement that extends for the full width of the advertisement.</p> <p>(3) The area of any such name or logo must not be greater than 0.25 square metres.</p> <p>(4) The area of any such strip is to be included in calculating the size of the advertising display area.</p>	<p>A compliant operator logo will be located below the advertising panel within the signage structure.</p>	Yes
<b>3.21. Freestanding advertisement</b>		
<p>(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.</p> <p>(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 3.13.</p>	<p>The proposed freestanding sign will not extend above the surrounding 2 to 3 storey buildings along Enmore Road and King Street as the top of the sign will sit at 8.15m above road level. The proposed sign will not extend above vegetation to the immediate north of the site. For these reasons, the proposed sign will not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.</p>	Yes

Table 1: Industry and Employment SEPP Assessment

## 2 Transport Corridor Advertising and Signage Guidelines Assessment

### 2.1 Section 1.5 - Land Use Compatibility Criteria – Transport Corridor Advertising

Land Use Compatibility Criteria	Response	Compliance
<p>i. <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.</i></p>	<p>The sign is proposed to be located on land zoned SP2 under the IWLEP 2022.</p> <p>Signage is permissible with consent in the SP2 zone under IWLEP 2022 as it is <i>ordinarily incidental or ancillary</i> to the railway corridor given it will generate revenue to maintain and improve Sydney Trains' infrastructure.</p> <p>The proposal is consistent with the SP2 zone objectives in the IWLEP 2022 as the advertising space will be available for emergency messaging from Sydney Trains and TfNSW for 5 minutes per hour. In addition, the proposal will function as public and community infrastructure as outlined at Section 6.8 of the SEE.</p>	Yes
<p>ii. <i>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:</i></p> <ul style="list-style-type: none"> <li>○ <i>environmentally sensitive area</i></li> <li>○ <i>heritage area (excluding railway stations)</i></li> <li>○ <i>natural or other conservation area</i></li> <li>○ <i>open space (excluding sponsorship advertising at sporting facilities in public recreation zones)</i></li> <li>○ <i>waterway</i></li> <li>○ <i>residential area (but not including a mixed residential and business zone, or similar zones)</i></li> <li>○ <i>scenic protection area</i></li> <li>○ <i>national park or nature reserve.</i></li> </ul>	<p>The proposed sign is not located in proximity to environmentally sensitive areas, natural or other conservations areas, waterways or rural landscapes.</p> <p>The proposed sign is located in proximity to a small area of open space, a small number of residential properties as well as a number of heritage areas and items. Notwithstanding, the proposal will not detract from the amenity or visual quality of these areas, as outlined below.</p> <p><u>Open space</u> It is noted, whilst there are no areas of open space in proximity to the site, there is a small public plaza (Pride Square) on the eastern side of the Enmore railway bridge which the proposed sign may be partially visible from. Notwithstanding, impacts on this area are expected to be minimal given the orientation of the sign to the south-east and towards the road corridor. On this basis, only part of the side of the sign may be visible from this area. It is also noted, the amended application</p>	Yes

Land Use Compatibility Criteria	Response	Compliance
	<p>proposes the sign to be located 30m west of the previous proposed location. The sign will therefore will further distanced from Pride Square than previously.</p> <p><u>Residential</u> The sign is proposed to face east towards westbound traffic travelling on Enmore Road and King Street. This location and orientation ensures that visual impacts to low density residential development and shop top housing in proximity to the site are minimal as outlined at Section <b>Error! Reference source not found..</b> This location also ensures lighting impacts as a result of the digital sign are acceptable. The LIA at Appendix 5 found only one potential residential property subject to lighting impacts. The amended application therefore results in an improved outcome compared to previously proposed locations where there were more residential receivers due to the previous south-west orientation.</p> <p><u>Heritage</u> The proposed sign is expected to have a minimal and acceptable impact on the significance of the State heritage item and local heritage items located nearby as well as the HCA it is located within. Importantly, the proposed sign (as amended) is located 30m west of previous proposed location. This amended location is further from a number of local heritage items as well as outside the curtilage of the Newtown Railway Station State heritage item. The sign will also no longer be attached to the railway bridge. The proposed sign appropriately responds to the heritage character of the area by incorporating a simple and contemporary design by Tzannes Architects that will not detract from the area. Heritage impacts are assessed at Section 6.3 and Appendix 7. It is also noted, clause 3.14(1)(a) of the Industry and Employment SEPP permits the proposal despite being</p>	

Land Use Compatibility Criteria	Response	Compliance
	<p>within a heritage areas as it is proposed on behalf of Sydney Trains.</p> <p>In summary, the proposal is not expected to adversely impact or detract from the special areas named in this section as well as the overall amenity of the area. The location and orientation of the sign (as amended) have also improved the proposal to ensure impacts are minimal and acceptable.</p>	
<p>iii. <i>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.</i></p>	<p>The proposed freestanding sign will not extend above the surrounding 2 to 3 storey buildings along Enmore Road and King Street as the top of the sign will sit at 8.15m above road level. The proposed sign will not extend above established vegetation to the immediate north of the site. For these reasons, the proposed sign will not protrude significantly above the skyline or to obscure or compromise significant scenic views or views that may add to the character of the area.</p>	Yes
<p>iv. <i>Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.</i></p>	<p>As identified throughout the SEE and in the HIS at Appendix 7, the sign is not expected to detract from the significance, amenity or visual quality of any heritage items and areas. In summary:</p> <ul style="list-style-type: none"> <li>the proposal is consistent with the highly urbanised and commercial character of the area</li> <li>signage is not uncommon in the area</li> <li>the sign is an appropriate scale for the site and surrounds</li> <li>the sign will generate visual interest</li> <li>it will not impact on the interpretation and understanding of heritage items and HCAs</li> </ul> <p>The proposed sign (as amended) will also result in improved heritage outcome when compared to previous iterations as:</p> <ul style="list-style-type: none"> <li>it has been relocated 30m further west outside the curtilage of a State heritage item</li> </ul>	Yes

Land Use Compatibility Criteria	Response	Compliance
	<ul style="list-style-type: none"> <li>it is no longer proposed to be attached to the railway bridge which forms part of a heritage item</li> <li>there will be reduced visibility of the sign from local heritage items</li> </ul>	
v. <i>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.</i>	<p>The sign is proposed to be a freestanding monopole sign. Notwithstanding, it will be contextually appropriate for the site given signage is not uncommon in the area, the area is highly urbanised and given mature vegetation is located directly north of the site. Importantly, the sign will not extend above this vegetation nor will it extend above the general surrounding 2 to 3 storey built form.</p> <p>The sign will also exhibit a high quality design that will encourage an active street frontage and support Newtown's night-time economy and provide visual interest to motorists along Enmore Road.</p>	Yes

Table 2: Land Use Compatibility Criteria – Industry and Employment SEPP Guidelines

## 2.2 Chapter 2: Design Issues

Criteria	Comment	Compliance
2.3 Macro-scale planning principles		
Design Assessment criteria	The design assessment criteria associated with Schedule 5 of the Industry and Employment SEPP is addressed in the SEE at Section 5.	Yes
2.3.2 Sign placement in transport corridors in urban areas		
<i>As a guideline, advertising in urban areas should be restricted to rail corridors, freeways, tollways or classified roads:</i>	The proposed sign is located in an established Sydney Trains corridor.	Yes
a. <i>within or adjacent to strategic transport corridors passing through enterprise zones, business development zones, commercial core zones, mixed use zones or industrial zones</i>	<p>The surrounding locality consists of a highly urbanised and busy area featuring commercial uses and shop-top housing.</p> <p>Land surrounding the proposed sign is primarily zoned E1 – Local Centre.</p>	
b. <i>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.</i>	The proposed sign is located in an established Sydney Trains corridor and will be visible to motorists travelling along Enmore Road and King Street.	Yes



Criteria	Comment	Compliance
	<p>The proposed sign is located within the King Street and Enmore Road (Commercial Precinct 37) as outlined in the MDCP 2011 (Section 9.37). This precinct is described as “largely commercial in nature” which “has traditionally been a civic, retail and entertainment hub and remains largely so today”.</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 an appropriate size and scale consistent with the highly urbanised built form and road environment.</p>	
<b>2.4 Sign clutter controls</b>		
a. <i>Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter.</i>	<p>As addressed within the SEE and Architectural Plans, the amended DA includes the removal of six poster style signs fixed to the King Street overbridge.</p> <p>The removal of these signs directly reduces visual clutter by simplifying and rationalising the number of signs within the area.</p> <p>In addition, section 2.4 of the Guidelines note:</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 amended DA, including the removal of six signs directly addresses these principles outlined in Section 2.4. The proposed sign will exhibit a high-quality design that will encourage an active street frontage, support Newtown’s night-time economy and provide visual interest.</p> <p>It is noted the amended sign location is located in proximity to an existing business identification sign (Oporto sign) to the west. Notwithstanding,</p>	Yes

Criteria	Comment	Compliance
	<p>the proposed sign is not considered to negatively contribute to adverse visual clutter impacts for the following reasons:</p> <ul style="list-style-type: none"> <li>the proposed sign will be single-sided and the Oporto sign is double sided, thereby the two signs will only be visible together from one direction (westbound traffic) for a short period of time</li> <li>the eastern side of the Oporto sign is largely screened by existing vegetation and therefore when viewed from this direction (westbound traffic) the sign is mostly obstructed from view (refer Appendix 9)</li> <li>this vegetation and fencing will also assist in separating the Oporto sign from the proposed sign</li> <li>the proposed sign is defined as an advertising sign, and the Oporto sign is a business identification sign, therefore these represent two different sign typologies, creating visual interest and diverse advertising</li> <li>importantly, the Oporto sign is not the sole business identification sign for the Oporto premises, and therefore the installation of the proposed sign would not detract from its identification or customer capacity</li> <li>motorists travelling west along Enmore Road are unable to turn into the Oporto car park until the second (most western) driveway which is approximately 45m past the proposed digital advertising sign, at this location, the Oporto premise and other business identification signs relating to the premise are completely visible to motorists.</li> </ul> <p>Furthermore, the amended DA is supported by a SSA (Appendix 4) which concludes the proposed sign will not result in road safety impacts.</p>	

Criteria	Comment	Compliance
	Therefore, the proposed sign will not be a distraction to drivers.	
	In light of the above, the proposal will not contribute to visual clutter.	
<i>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.</i>	On the basis of the above, the proposal will declutter and rationalise signage in the immediate area through the removal of a substantial amount of existing signage.	Yes
<i>c. In rural areas, and along freeways and tollways, no more than one advertising structure should be visible along a given sightline.</i>	N/A. The proposal is not located in a rural area or along a freeway or tollway.	N/A
<b>2.5 Site-specific and structural criteria</b>		
<b>2.5.1 General criteria</b>		
Advertising structures should meet the following site-specific criteria:	The sign represents a contemporary form of digital advertising signage which will exhibit a high-quality design outcome.	Yes
<i>a. The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.</i>	<p>The application (as amended) has been improved from previous application iterations, resulting in an overall high-quality design and minimal bulk and scale. Changes made over the application history include:</p> <ul style="list-style-type: none"> <li>significant reduction in signage depth to minimise potential visual</li> <li>removal of an internal maintenance access door and gantry to simplify the design of the structure</li> <li>raising height of the structure to ensure the structural bracing members behind the sign are not visible from the road or footpath to soften the visual impact of the structure</li> <li>reorientation of the sign to face east</li> </ul> <p>The relocation of the sign 30m further west than the previously proposed location also reflects:</p>	

Criteria	Comment	Compliance
	<ul style="list-style-type: none"> <li>a location outside the curtilage of the State heritage item</li> <li>a location that no longer requires the sign to be attached to the railway bridge</li> <li>reduced visibility of the sign from local heritage items</li> </ul>	
b. <i>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.</i>	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.	Yes
c. <i>The advertising structure should be in keeping with important features of the site, building or bridge structure.</i>	<p>The proposed advertising structure will not detract from any important featured of the site or bridge structure for the following reasons:</p> <ul style="list-style-type: none"> <li>it will be single-sided and oriented to face the road corridor</li> <li>the location of the sign has been strategically chosen so as not to block views from or to any architecturally designed built form or heritage listed buildings</li> <li>the sign has been architecturally designed by Tzannes Architects and will exhibit a simple design</li> <li>it will no longer be attached to the railway bridge (as previously proposed) and instead it will be secured to the ground via a concrete pile in a small, grassed area to the immediate north of the bridge</li> </ul>	Yes
d. <i>The placement of the advertising structure should not require the removal of significant trees or other native vegetation.</i>	No trees are required to be removed as part of the application. This is confirmed by an Arboricultural Impact Appraisal at Appendix 11.	Yes
e. <i>The advertisement proposal should incorporate landscaping that complements the advertising structure and is in keeping with the landscape and character of the transport corridor.</i> <ul style="list-style-type: none"> <li><i>The development of a landscape management plan may be required as a condition of consent.</i></li> </ul>	<p>No landscaping is proposed as part of this application.</p> <p>Notwithstanding, there are three existing mature trees located to the immediate north which will assist the proposed sign integrate into the site. This vegetation will provide an appropriate backing to the sign when viewed from the east/south. It will also separate the proposed sign from the business identification sign</p>	Yes

Criteria	Comment	Compliance
<ul style="list-style-type: none"> <li><i>Landscaping outlined within the plan should require minimal maintenance.</i></li> </ul>	<p>associated with the Oporto premise to the west. The sign will not extend above this existing vegetation.</p> <p>The Arboricultural Impact Appraisal confirms one tree will require “light tip pruning” to accommodate the proposed sign. This will be undertaken by employees/representatives of JCDecaux to protect the surrounding road and pedestrian environment.</p>	
<p><i>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.</i></p>	<p>JCDecaux will operate the content management system for the advertising signage. This management system ensures that unapproved content is not downloaded either by mistake or without appropriate authorisation.</p> <p>A compliant operator logo will also be located below the advertising panel within the main structure of the sign.</p>	Yes
<p><i>g. Illumination of advertisements must comply with the requirements in Section 3.3.3.</i></p>	<p>The LIA (Appendix 5 of SEE) determines that the proposed sign complies with Section 3.3.3. of the Signage Guidelines.</p> <p>The proposed sign (as amended) also results in an improved outcome from an illumination perspective. Importantly, only one residential property is expected to experience illumination from the proposed sign (as amended) due to the location and western orientation. In previous iterations of the proposal, more residential properties were expected to experience illumination as the sign was located and orientated to the east.</p>	Yes
<p><i>h. Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.</i></p>	<p>The LIA determined that the sign should not cause any reduction on visual amenity to nearby residential properties. It is noted, only one property is expected to experience illumination.</p> <p>There are no national parks or nature reserves in proximity to the proposal.</p>	Yes

Criteria	Comment	Compliance
<b>2.5.4 Freestanding advertisements criteria</b>		
<p><i>Freestanding advertisements must comply with the requirements of SEPP 64 Clause 23 and Clause 19 including:</i></p> <p>a. <i>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.</i></p>	<p>The proposed freestanding sign will not extend above the surrounding 2 to 3 storey buildings along Enmore Road and King Street as the top of the sign will sit at 8m above road level. The proposed sign will not extend above established vegetation to the immediate north of the site. For these reasons, the proposed sign will not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.</p> <p>Further assessment is provided within the VIA at Appendix 9.</p>	Yes
<p>b. <i>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.</i></p>	Not Applicable	N/A
<p>c. <i>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.</i></p>	<p>No landscaping is proposed as part of this application.</p> <p>Notwithstanding, there are three existing mature trees located to the immediate north which will assist the proposed sign integrate into the site. This vegetation will provide an appropriate backing to the sign when viewed from the east/south. It will also separate the proposed sign from the business identification sign associated with the Oporto premise to the west.</p> <p>The sign will not extend above this existing vegetation.</p> <p>The Arboricultural Impact Appraisal confirms one tree will require “light tip pruning” to accommodate the proposed sign. This will be undertaken by employees and representatives of JCDecaux to protect the surrounding road and pedestrian environment.</p>	Yes
<b>2.5.8 Digital Sign Criteria (applies to signs less than 20 sqm)</b>		



Criteria	Comment	Compliance
a. <i>Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below</i>	Static digital advertisements are proposed to appear on the screen for a 60 second dwell time before changing to a new static digital image.	Yes
b. <i>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.</i>	The sign content will be managed in order to comply with the requirements for message sequencing.	Yes
c. <i>The image must not be capable of being mistaken:</i> i. <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.</i> ii. <i>As text providing driving instructions to drivers.</i>	The sign content will be managed in order to ensure images are not capable of being mistaken for a traffic control device or as text providing driving instructions to drivers.	Yes
d. <i>Dwell times for image display must not be less than:</i> i. <i>10 seconds for areas where the speed limit is below 80km/h</i> ii. <i>25 seconds for areas where the speed limit is 80km/h and over</i>	A compliant dwell time of 60 seconds is proposed. The speed limit at the site is 40km/hr.	Yes
e. <i>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.</i>	The transition time between messages will be no longer than 0.1 seconds and the default image in the event of image failure will be a black screen.	Yes
f. <i>Luminance levels must comply with the requirements in Section 3 below.</i>	The luminance criteria is addressed in Section 6.2 of the SEE and at Appendix 5. The proposal is fully compliant with the luminance requirements.	Yes
g. <i>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.</i>	The sign content will be managed to ensure drivers are not distracted. Advertising material will comply with all requirements and will not contain flickering or flashing content.	Yes
h. <i>The amount of text and information supplied on a sign should be kept to a minimum</i>	The sign content will be managed to ensure text and information is kept to a minimum.	Yes

Criteria	Comment	Compliance
<i>(e.g. no more than a driver can read at a short glance).</i>		
i. <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.</i>	The SSA at Appendix 4 confirms the sign will not be visible from a school zone.	Yes
j. <i>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.</i>	<p>The SEE and Appendix 4 provide a comprehensive assessment of the proposal and considers impacts of the digital advertising sign on motorists travelling along Enmore Road.</p> <p>All relevant traffic directions have been assessed on their own merits.</p>	Yes
k. <i>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.</i>	This requirement is noted.	Yes

Table 3: Design Issues - Industry and Employment SEPP Guidelines