

Statement of Environmental Effects (Amended DA)




Digital Advertising Signage
Enmore Road, Newtown



Prepared for JCDecaux on behalf of Sydney Trains
Submitted to the Department of Planning and Environment

Amended January 2024



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Cover image: Photomontage of the proposed sign (Source: JCDecaux)

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Appendix 10	Structural Feasibility Statement
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Project Summary (amended)

Project Element	Summary of the project
Amended Proposal	<ul style="list-style-type: none"> removal of six existing static advertising signs installation of a new freestanding digital advertising sign with east facing panel
Advertising Display Area	<ul style="list-style-type: none"> 14.93m² (4.708m x 3.172m)
Visual Screen Size	<ul style="list-style-type: none"> 14.16m² (4.608m x 3.072m)
Site Description	<ul style="list-style-type: none"> Lot 3 DP 239081
Visual Impacts	<ul style="list-style-type: none"> a detailed Visual Impact Assessment (VIA) has been undertaken by Keylan Consulting (Appendix 9) the VIA confirms that the anticipated visual impacts will be of low to moderate significance and can be appropriately managed
Heritage Impacts	<ul style="list-style-type: none"> a detailed Heritage Impact Assessment (HIS) has been prepared by Weir Phillips Heritage (Appendix 7) the HIS confirms the sign is not located on a heritage item or within the curtilage of a State heritage item the HIS highlights that the sign is located in proximity to local and state heritage items and within a HCA the HIS concludes the proposed digital signage will have a minimal and acceptable impact on heritage items and HCAs as it is sufficiently separated and there is no impact on significant view corridors or heritage fabric
Lighting Impacts	<ul style="list-style-type: none"> a Lighting Impact Assessment (LIA) has been undertaken by Electrolight (Appendix 5) the LIA confirms the proposal will: <ul style="list-style-type: none"> comply with the relevant illumination criteria not result in unacceptable glare not unreasonably impact on the visual amenity of land uses
Road Safety Impacts	<ul style="list-style-type: none"> a Sign Safety Assessment (SSA) has been prepared by The Transport Planning Partnership (TTPP) (Appendix 4) the SSA confirms the proposed sign: <ul style="list-style-type: none"> will not obstruct and/or reduce visibility of any traffic control devices, signage, pedestrians, or cyclists will not give incorrect information on the road alignment will not be located within the safe stopping sight distance to traffic signals, pedestrian crossings, or any other decision/conflict points. will not compromise safety for road users in the vicinity will have a dwell time of 60 seconds as required by Transport for NSW (TfNSW)
Public Benefit	<ul style="list-style-type: none"> a Public Benefit Statement has been prepared by Sydney Trains the statement confirms the revenue generated by the proposal will support essential Sydney Trains services and that the proposed sign will be available for emergency messaging and messaging from Sydney Trains and TfNSW for 5 minutes per hr
Hours of Operation	<ul style="list-style-type: none"> 24 hours, 7 days a week
Cost of Works	<ul style="list-style-type: none"> \$435,050

Table 1: Project Summary

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by *Keylan Consulting Pty Ltd* (Keylan) for JCDecaux on behalf of *Sydney Trains* (the Applicant) to accompany an amended Development Application (DA) for the digital advertising signage on Enmore Road, Newtown, within the Inner West Local Government Area (LGA).

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application, as prescribed under Clause 3.10(c) of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP). Accordingly, this SEE has been prepared and is submitted to the Department of Planning and Environment (DPE) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Further, the application is a Crown Development Application pursuant to Part 4 Division 4.6 of the EP&A Act.

This SEE includes a detailed assessment of the operation of the proposed digital advertising signage against the requirements outlined in the *Transport Corridor Outdoor Advertising and Signage Guidelines, Assessing Development Applications under SEPP 64 (DP&E, 2017)* (Signage Guidelines).

The amended proposal comprises the construction of a digital advertising sign and removal of six existing static signs amounting to an area of 30m². The new digital advertising sign provides:

- an advertising display area of 14.93m² and visual screen size of 14.16m²
- the continued display of illuminated advertisements
- a 60 second dwell time for message changes
- a maximum night-time luminance of 200 cd/m²
- structural supports and access platforms

The application seeks consent to operate the sign for a period of 15 years. The cost of work for the development is \$435,050.

The SEE should be read in conjunction with the following supporting documents:

Supporting documentation	Appendices
Response to Agency Submissions	Appendix 1
SEPP & Signage Guidelines Assessment	Appendix 2
Architectural Plans	Appendix 3
Signage Safety Assessment	Appendix 4
Lighting Impact Assessment	Appendix 5
Public Benefit Statement	Appendix 6
Heritage Impact Assessment	Appendix 7
Survey Plan	Appendix 8
Visual Impact Assessment	Appendix 9
Structural Feasibility Statement	Appendix 10
Arboricultural Impact Appraisal	Appendix 11

Table 2: List of Appendices

2 Background

On 8 June 2022, DA22/7964 (original DA) was submitted with DPE seeking approval for **two single-sided digital advertising signs** (facing east and west) on Enmore Road. The proposed signs were located within the 'Newtown Railway Station group and Former Newtown Tramway Depot' state heritage item curtilage (Heritage Item ID 2015123).

On 9 September 2022, an amended application was submitted to DPE which reduced the application to a **single facing sign**. The remaining sign was proposed to face west towards eastbound traffic on Enmore Road.

On 9 May 2023, the application was revised to improve the overall design of the sign and minimise bulk and scale impacts in response to request for information (RFIs) received from DPE dated 1 November 2022 and 5 December 2022. The amendments to the proposal include:

- signage depth reduced by 57% from 1.05m to 450mm to minimise potential visual, heritage and adverse amenity impacts
- removal of an internal maintenance access door and gantry to simplify the design
- signage structure raised by 450mm in height to ensure the structural bracing previously attached to the bridge behind the sign not visible from the road or footpath, providing visual relief and softening the visual impact of the structure

On 22 June 2023, the Heritage Council NSW refused to grant terms of approval for the application. Subsequently, the Applicant advised DPE that an amended DA will be submitted to reduce impacts on the State heritage curtilage and provide an overall improved outcome. These changes form the subject application.

In summary, the proposed changes include:

- relocation of the sign 30m west outside the state heritage curtilage and no longer physically attached to the bridge structure (being an item of SHI significance)
- reorientation of the sign to face east towards westbound traffic
- removal of 6 existing static signs on the inside of the Enmore Road railway bridge
- increase to dwelling time from 15 seconds to 60 seconds

Further, the amended sign is now positioned in an unobtrusive setting, that is neither detracting from the streetscape or visually prominent. The amended location will ultimately reduce the perception of visual clutter as it will be observed as a background element rather than a stand-alone structure.

On 17 July 2023, an RFI from DPE was received acknowledging that a revised application will be submitted for further consideration. This letter requested that the amended application address the issues raised by Inner West Council, City of Sydney Council and Heritage NSW. A response to the issues raised by these agencies is provided at Appendix 1.

As part of the amended DA, TfNSW was also consulted on the amended location of the proposed sign. They provided support for the amended location and outlined there was no need for a pre-DA meeting.

Notwithstanding, a 60 second dwell was requested as outlined below:

...Noting the proposed sign's proximity to the signalised intersection of Enmore Road / King Street with a high level of pedestrian activity and adopting a safer system approach, a minimum dwell time of 60 seconds would be required in this instance, in addition to all other requirements contained within the Transport Corridor Outdoor Advertising and Signage Guidelines 2017. This longer dwell time is considered necessary to minimise potential distraction at this driver decision making point with a high level of pedestrian activity...

The above recommendation has been accepted and forms part of the amended application.

A summary of the signage locations proposed through the assessment process are shown at the Figure below.

Further details on the proposed works are provided in Section 4.

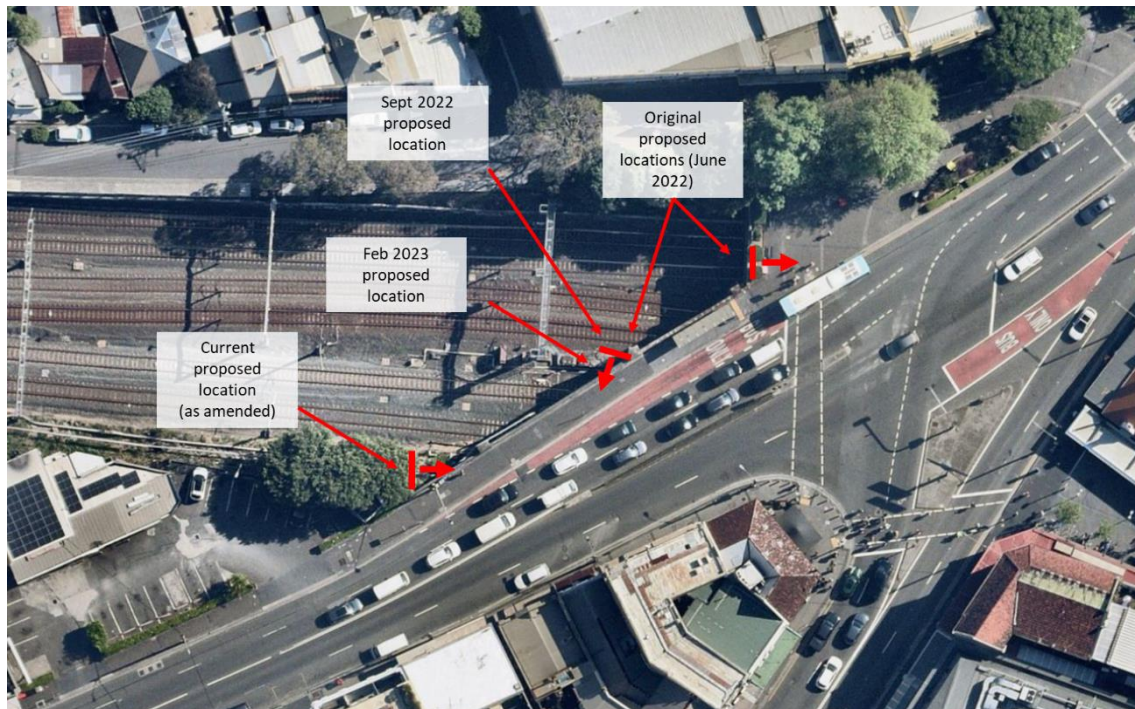


Figure 1: Summary of signage locations proposed since June 2022 (Base source: Near Maps)

2.1 Pre-Lodgement Meeting

Department of Planning and Environment

On 31 March 2022, a DA pre-lodgement meeting was convened with DPE to discuss key issues associated with the development application.

The meeting provided an opportunity for JCDecaux to introduce the site and proposal to facilitate a discussion on key issues that are considered as part of this DA. The application is prepared in accordance with the advice given at the pre-lodgement meeting with DPE.

Key issues discussed include:

- Road Safety – concurrence from Transport for NSW (TfNSW) is critical to approval. DPE advised that in-principal approval should be gained from TfNSW
- Amenity – the proposal should include mitigation measures to avoid residential impacts where proposals are in close proximity including reducing potential LUX levels and curfews
- Conversions – where signs are being upgraded from static to digital, opportunities to reduce the proposed size should be investigated to improve design and visual impact
- Visual Impact – avoid blocking other signs, such as businesses identification signs and provide evidence of reducing clutter and visual impact
- Heritage/National Parks – respect architecture of bridge and sensitive areas such as natural settings (e.g. National Parks)
- Public Benefit – identify public benefit under the Industry and Employment SEPP including consultation with the relevant Council

Transport for NSW

A pre-lodgement meeting was also convened with TfNSW to discuss traffic and road safety issues associated with the development application. During this meeting no significant issues were raised with the proposal from a traffic safety perspective.

Following the pre-lodgement meeting an independent peer review of the proposed sign was undertaken by TfNSW. This peer review did not raise any significant issues from a traffic safety perspective.

Road safety is addressed at Section 6.1.

Further consultation with TfNSW was undertaken as part of the amended DA (subject application). As discussed above, TfNSW recommended a 60 second dwell time.

3 The site and locality

3.1 Site Description

The proposed digital advertising sign is located to the north-west of the Enmore Road and King Street intersection in Newtown, within the Inner West local government area (LGA).

The subject site is approximately 5 kilometres (km) south-west of the Sydney Central Business District (CBD) and is 75 metres (m) west of the City of Sydney LGA. The rail lines located adjacent the site include the T1 North Shore and Western Line, the T2 Inner West & Leppington Line and the T3 Bankstown Line.

The site and surrounding area are subject to high volumes of foot traffic being within the Newtown centre and in proximity to the entrance of Newtown Station.

Signage is not uncommon in the area and includes a variety of business identification and advertising signage. Notably, there is a business identification sign located approximately 5m west of the site and advertising signage located approximately 30m east of the site on bus shelters.

The site in context to the surrounding area is shown in Figure 2.



Figure 2: Site context (Base source: Six Maps)

3.2 Existing Road Environment

Enmore Road is an established road corridor extending from King Street to Victoria Road. The road environment traveling west from King Street towards Enmore Road supports a dual carriageway, which splits at the intersections between King Street and Enmore Road. Traveling east from Enmore Road the road environment supports a dual carriageway which extends to include a bus lane at the intersection with King Street.

The site is located west of the signalised intersection at Enmore Road and King Street. The speed limit in all directions is 40km/hr, and both King Street and Enmore Road are classified roads.

There are pedestrian footpaths on both sides of the road and no parking is permitted during the clearway times. On-road cycling is permitted, however no formal cycling facilities are provided.

3.3 Surrounding Locality

The advertising sign will be located within an established Sydney Trains corridor and visible from Enmore Road and King Street. Built form surrounding the site and in proximity to the road corridor is generally 2 to 3 storeys and consists of includes:

- commercial uses to the south, east and west
- shop top housing on Enmore Road and King Street
- residential area approximately 50m north on Bedford Street
- a number of heritage items and HCAs
- Newtown train station approximately 80m to the south-east

Images of the site and surrounding locality are provided in the Figures below.



Figure 3: View looking north-west towards the indicative site location from Enmore Rd/King St intersection (Source: Keylan)



Figure 4: View looking north-east towards the indicative site location from Enmore Road (Source: Keylan)

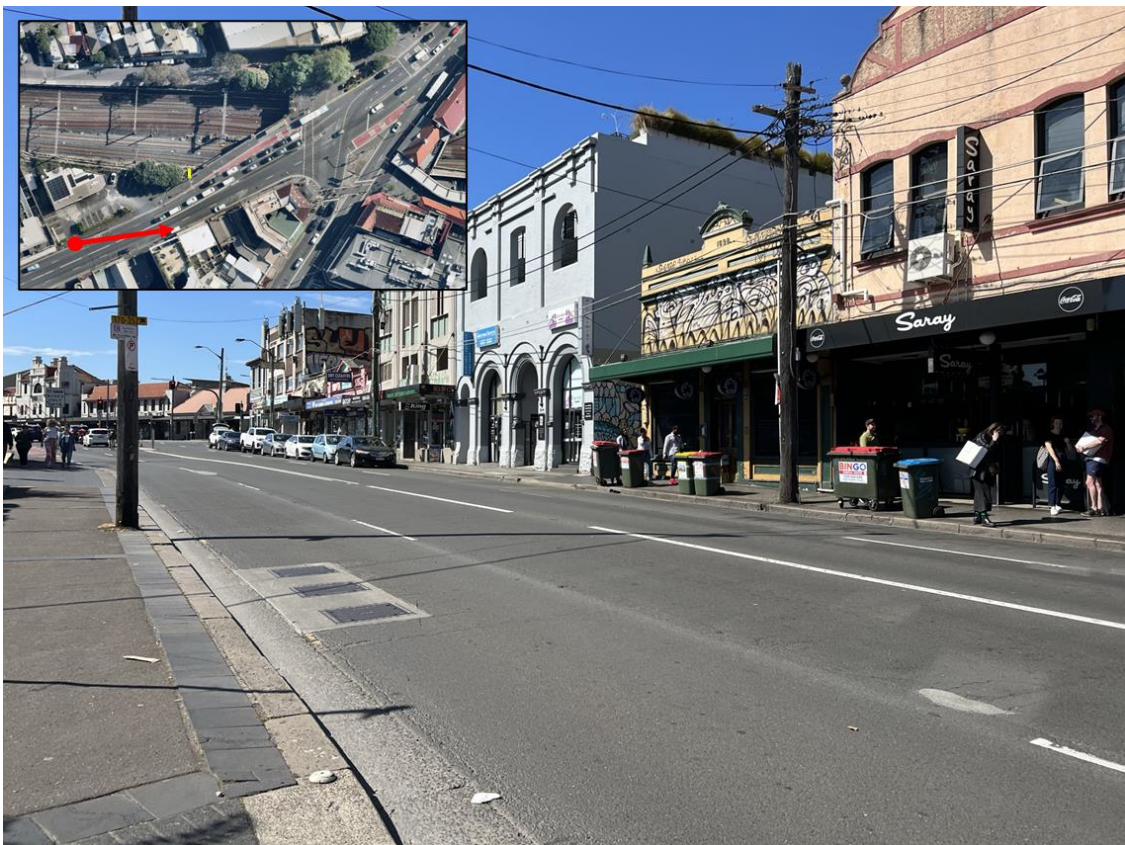


Figure 5: View looking east towards commercial/mixed use buildings along Enmore Road, opposite proposed signage (Source: Keylan)



Figure 6: View looking south-west towards the site from Enmore Road Railway Overbridge (Source: Keylan)



Figure 7: View looking north-east of commercial premises along King Street (Source: Keylan)



Figure 8: View looking south-west of commercial/mixed use premises along Enmore Road, opposite proposed sign (Source: Keylan)

4 The Amended Proposal

The proposal (as amended) involves the installation of a digital advertising sign with an east facing panel on Enmore Road, Newtown. The development is summarised in Table 3 below.

Development Aspect	Description
Development summary	<ul style="list-style-type: none"> installation of a new freestanding digital advertising sign with east facing panel removal of six existing static advertising signs
Signage location	<ul style="list-style-type: none"> Lot 3 DP 239081 the sign is proposed on the northern side of the intersection of Enmore Road and King Street the site is located within the railway corridor in a small fenced area, approximately 30m west of a bus stop on Enmore Road the sign is proposed to be orientated to face westbound traffic travelling along Enmore Road and King Street
Advertising display area	<ul style="list-style-type: none"> 14.93m² (4.708m x 3.172m)
Visual screen size	<ul style="list-style-type: none"> 14.16m² (4.608m x 3.072m)
Dwell time	<ul style="list-style-type: none"> 60 seconds
Signage exposure	<ul style="list-style-type: none"> visibility and readability of the proposed sign is from a distance of 130m from the westbound approach
Illumination	<ul style="list-style-type: none"> the digital signage is illuminated using LEDs installed within the front face
Consent time period	<ul style="list-style-type: none"> 15 years
Existing signage	<ul style="list-style-type: none"> signage is not uncommon in the area and includes a variety of business identification signage and advertising signage. signage in proximity to the site includes: <ul style="list-style-type: none"> a business identification sign approximately 5m west of the site advertising signage on a bus shelter approximately 30m south-east of the site an existing freestanding 'Welcome to County' sign 50m east of the site various awning signage associated with surrounding commercial premises wayfinding signage at the intersection of Enmore Road and King Street

Table 3: Development summary

In summary, the proposed changes to address issues raised by DPE, agency and council include:

- relocation of the sign 30m west outside the state heritage curtilage and no longer physically attached to the bridge structure (being an item of SHI significance)
- reorientation of the sign to face east towards westbound traffic
- removal of 6 existing static signs on the inside of the Enmore Road railway bridge
- increase to dwelling time from 15 seconds to 60 seconds (exceeding the 10 seconds required)

The proposed signage will also be available for display of emergency messaging by Sydney Trains and other NSW Government agencies such as NSW Police, NSW Health and TfNSW.

Architectural drawings for the sign and signage removal are shown in the Figures below and provided within the Architectural package at Appendix 3.

Indicative photomontages of the sign are provided at Figure 12 and Figure 13.

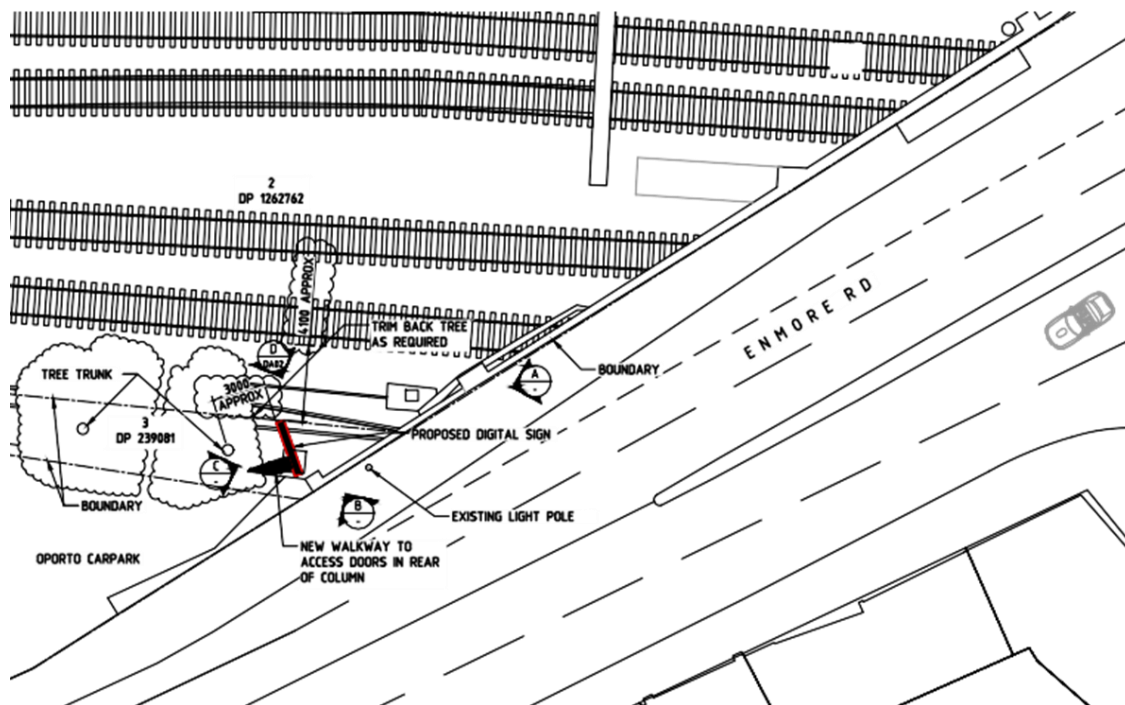


Figure 9: Site plan (Source: Dennis Blunt Consulting Engineers)

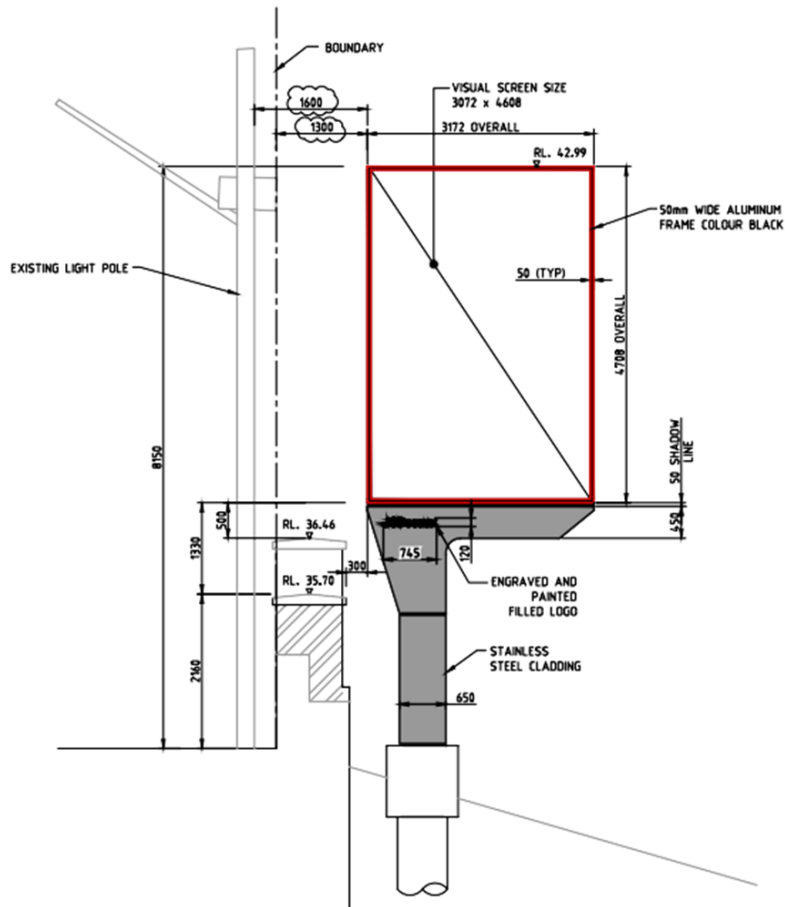


Figure 10: Elevation of proposed sign (Source: Dennis Blunt Consulting Engineers)

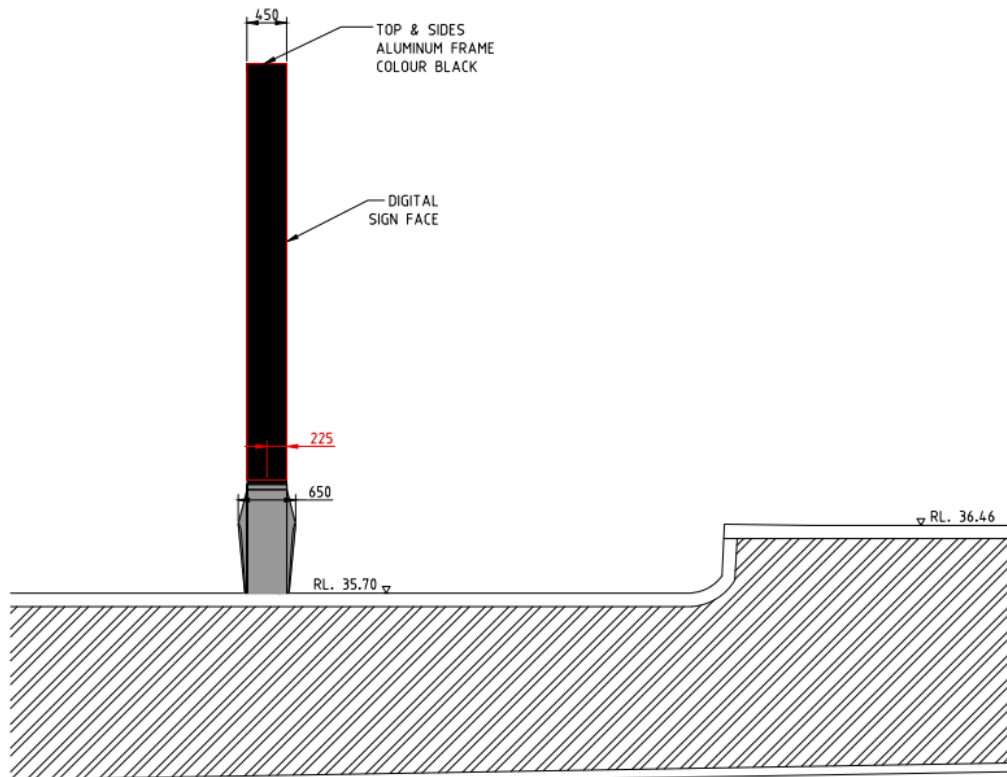


Figure 11: Elevation of proposed sign (Source: Dennis Blunt Consulting Engineers)



Figure 12: Indicative view from Enmore Road (Source: JCDecaux)



Figure 13: Indicative view from Enmore Road (Source: JCDecaux)

4.1 Digital LED Technology for Outdoor Advertising

Outdoor advertising requires changeable signs or images. Traditional outdoor advertising billboards require manual change of materials (paint, paper and vinyl) either pasted onto billboards or tensioned across support frames.

The introduction of digital technology has enabled new methods to change signage without regular manual change to the advertising signage.

A LED or digital screen will present a very high quality image by adopting a pixel pitch of 10mm in accordance with industry standards. A digital screen is comprised of a cluster of red, green, blue and amber diodes driven together to form a full colour pixel usually square in shape. These pixels are spaced evenly apart and are measured from centre to centre for absolute pixel resolution.

The proposed digital advertising sign will only display static content. The LED display will not scroll, flash or feature motion pictures or emit intermittent light. The advertising signage includes an operation management system to ensure that only static images are displayed.

4.2 Digital LED Screen Operation and Management

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.

The LED screen will display content in feed cycles that are sequentially rotated on a loop cycle. Static digital advertisements will appear on the screen for a 60 second dwell time for each sign before changing to a new static digital image. There will be a 0.1 second transition time between images, which appears instantaneous.

The proposed dwell time is consistent with the global and national operation of LED screens, variable messaging and scrolling technology as demonstrated below:

- the dwell time for electronic signage in the United States is typically 8 seconds
- scrolling technology is typically 7 to 8 seconds
- NSW TfNSW variable messaging signage works on a 3 second transition time for both information and emergency displays
- a dwell time of 10 seconds would typically be suitable for the proposed digital signage in a 40km/hr speed zone
- notwithstanding, it is requested by TfNSW to increase the dwell time from 15 to 60 seconds for the sign to minimise potential distraction given the high level of pedestrian activity, and the signage safety assessment

JCDecaux will implement content controls for the proposed signage, including:

- no tobacco products
- no overtly religious advertising
- no advertising that contains overt and sexually graphic images
- no pornography and illegal drugs.

Further, all advertising copy material will comply with the following:

- Australian Advertising Industry Code of Conduct
- The Outdoor Media Association (OMA) Code of Conduct.

4.3 Sign Access and Maintenance

The proposal involves the installation of a new sign on railway corridor land. The rear of the sign will be accessed by placing a new door in the Sydney Trains fence behind the sign with a new steel walkway added between the door and the signs column.

For maintenance, the digital screen in the front of the sign will be accessed by a cherry picker temporarily located on Enmore Road. The traffic lane closest to the sign will need be closed at night to enable the cherry picker to be used.

JCDecaux will be responsible for maintenance of the signage structures. Maintenance will generally be undertaken by employees of JCDecaux during the night to protect the surrounding road and pedestrian environment.

4.4 Hours of Operation

The proposed signage is for 24-hour operation.

4.5 Excavation and Footings

A Structural Feasibility Statement has been prepared by Dennis Bunt Consulting Engineers (Appendix 10).

The statement confirms a concrete pile and pile cap are proposed for the footing due to the sloping ground and the above ground cable trays for Sydney Trains located in the area. The pile cap will measure 1m² and will be 1m deep. The concrete pile will be 750mm in diameter and extend below the track level by approximately 5m.

The Structural Feasibility Statement recommends a Geotechnical Report and Services Search is undertaken prior to the installation of the sign; this can be accepted as a condition of consent.

Details regarding the structural integrity are provided at Section 6.5.

4.6 Sign Removal

A total of 6 existing static signs located on the inside of the Enmore railway bridge are proposed to be removed as part of this application.

These existing signs are located on Sydney Trains owned land and their removal will be undertaken by employees and representatives of JCDecaux.

4.7 Vegetation Management

There are three existing mature trees to north of the proposed signage site, shown at the Figure below.

An Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees and is included at Appendix 11. The Arboricultural Impact Appraisal and Method Statement includes an assessment of the significance of the three trees and concludes that no trees will need to be removed as part of the signage construction and operation.

Further, the assessment confirms the proposal will have no impact on these trees if the recommended tree protection measures are successfully implemented. These recommendations are addressed at Section 6.4 and Appendix 11.

It is noted, a small amount of pruning to one tree will be required to accommodate the proposed sign. This maintenance will be undertaken by employees/representatives of JCDecaux to protect the surrounding road and pedestrian environment.



Figure 14: Existing mature vegetation at the site (indicative site location shown in red) (Source: Keylan)

5 Statutory Planning Framework

5.1 Environmental Planning and Assessment Act 1979

Crown Development

As the Applicant, Sydney Trains, is a public authority, the subject application is a Crown Development Application pursuant to Part 4 Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Integrated Development

Under Section 4.44 of the EP&A, integrated development provisions under Division 4.8 of the EP&A Act do not apply to Crown Development Applications (other than development that requires a heritage approval). The development does not require heritage approval as it is not listed on the State Heritage Register and therefore the subject application is not considered Integrated Development.

Objects of the Act

The proposal is consistent with the objects of the EP&A Act as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment. Detailed assessment against the objects of the EP&A act is provided below.

Objective	Comment
(a) <i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The development promotes the social and economic welfare of the community by generating revenue to improve and maintain the Sydney Trains network and provide messages to the community during key periods on behalf of the NSW Government.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	This SEE provides information on the relevant economic, environmental and social impacts of the proposed development to enable the consent authority to undertake a thorough environmental assessment and assist in its decision-making on the application.
(c) <i>to promote the orderly and economic use and development of land,</i>	The development promotes the orderly and economic use of the land by providing new digital advertising sign within an established transport corridor that will provide public benefits including the generation of revenue to contribute to improving and maintaining the Sydney Trains network
(d) <i>to promote the delivery and maintenance of affordable housing,</i>	Affordable housing does not form part of this application.
(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants,</i>	The development will not impact on any threatened species or other species of native animals and plants, ecological communities and their habitats.

Objective	Comment
<i>ecological communities and their habitats,</i>	It is noted, three protected trees are located to the north of the site, however these will not be impacted if the precautionary measures are undertaken, as outlined at Appendix 11.
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>There are no significant historical or Aboriginal cultural heritage features at the site that will be impacted by the development.</p> <p>A further detailed Heritage Impact Statement has been prepared by Weir Phillips (Appendix 7). The HIS highlights that the sign is located in proximity to local and state heritage items and is located within a HCA. Despite this, the HIS confirms the proposed digital signage will have a minimal and acceptable impact on heritage significance of these items.</p> <p>Importantly, the amended application reflects a location that is outside the curtilage of the Newtown Railway Station State heritage item and further away from a number of other local heritage items.</p>
<i>(g) to promote good design and amenity of the built environment,</i>	<p>The design of the sign will exhibit good design and will not have an adverse impact on the amenity of the surrounding location. It will be designed by Tzannes Architect and include lighting measures to control luminance in response to the time of day and weather.</p> <p>The proposed sign will also be consistent with the site and locality given it is proposed within an established transport and commercial corridor, and that the surrounding built environment consists of a highly urbanised commercial locality that is vibrant and dynamic.</p> <p>Additionally, as noted, signage is also not uncommon in the area and the proposed advertisement will positively contribute to the liveliness and activation of the Newtown / Enmore Road precinct.</p>
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The development will be constructed and maintained in accordance with any conditions of approval issued by the consent authority and the relevant requirements that relate to health and safety, construction and maintenance.

Objective	Comment
(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	This SEE is submitted to DPE to enable an environmental assessment of the application. It is expected that the SEE will be referred by DPE to other State agencies and Council for further assessment.
(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	As part of DPE's assessment of the application, the SEE will be made publicly available and the community, Council and State agencies will be invited to provide comment via a submission on the proposal. Any submissions received will be addressed as part of a Response to Submissions Report.

Table 4: Assessment against Objectives of the EP&A Act

Matters for Consideration

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plans relevant to the development. The following detailed assessment of the proposal is provided, and which is based on the heads of consideration contained in Section 4.15 of the EP&A Act.

Relevant Provision	Comment
(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	The relevant environmental planning instruments are addressed at Section 5.
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	The relevant proposed environmental planning instruments are addressed at Section 5.
(iii) <i>any development control plan, and</i>	The Marrickville Development Control Plan 2011 (MDCP 2011) is addressed at Section 5.5.
(iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	No planning agreement or draft planning agreement has been entered into as part of this application.
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The application is consistent with the relevant matters of the EP&A Regulations.
(b) <i>the likely impacts of that development, including environmental impacts on</i>	The impacts of the proposal are addressed in Section 6.

Relevant Provision	Comment
<i>both the natural and built environments, and social and economic impacts in the locality,</i>	
(c) <i>the suitability of the site for the development,</i>	Site suitability is addressed at Section 6.7.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered and addressed by Keylan.
(e) <i>the public interest.</i>	Public interest is addressed at Section 6.8.

Table 5: Section 4.15(1) assessment

5.2 Heritage Act 1977

The *Heritage Act 1977* makes provisions to conserve the State's environmental heritage. It provides for the identification, registration and protection of items of State heritage significance and constitutes the Heritage Council of New South Wales.

As part of the amended DA, the sign will be relocated outside of the 'Newtown Railway Station group and Former Newtown Tramway Depot' State heritage item and will no longer be physically attached to the bridge structure (being an item of SHI significance).

On this basis, the proposed works do not require referral to Heritage NSW under S.60(1) of the *NSW Heritage Act 1977*.

Notwithstanding the above, the site is located in proximity this State heritage item as shown in the heritage map below (Figure 15). Heritage impacts are assessed in Section 6.3 of this report and in the HIS at Appendix 7 and confirm that the proposed works will not detract from the heritage significance of the item.

The amended signage location is now in an unobtrusive spot, outside of the heritage item. The signage will be visible, however, will be visible in conjunction with the numerous other elements that form part of the views and vistas towards the item along the King Street and Enmore Road streetscape, which is a busy commercial corridor already characterised by existing advertising signage.

As a result of these improvements, the amended proposal is unlikely to give rise to significant impacts on the nearby state heritage curtilage. On this basis, the proposed advertising sign is considered consistent with the provisions of the *Heritage Act 1977*.



Figure 15: Location of the proposed sign in proximity to the State Heritage curtilage (Base source: NSW Spatial viewer)

5.3 State Environmental Planning Policies

The proposal has been designed with regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable state environmental planning policies are:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The application of the above plans and policies is discussed in detail in the following sections of this SEE.

5.3.1 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

Chapter 3 of the *State Environmental Planning Policy (Industry and Employment)* (Industry and Employment SEPP) aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality. Chapter 3 applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage.

Regardless of permissibility under the *Inner West Local Environmental Plan 2022* (IWLEP 2022), the proposed sign is permissible with consent under Section 3.14 of Industry and Employment SEPP as it is on behalf of Sydney Trains and is within a railway corridor. Further, under Section 3.10(c) of Industry and Employment SEPP, the Minister is the consent authority for the application as it is for an advertisement displayed on behalf of Sydney Trains in a rail corridor.

A comprehensive assessment against the provisions of Industry and Employment SEPP that apply to the development is provided at Appendix 2.

Schedule 5 Assessment

Clause 3.6 of Industry and Employment SEPP requires the consent authority to assess the proposal against the criteria within Schedule 5 prior to granting consent to carrying out of any development on that land. An assessment of these matters is provided in the Table below:

Schedule 5	Comment	Compliance
1. Character of the Area		
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	<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 the 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> <p>It is also acknowledged that the area includes a number of heritage items and conservations areas that form an important part of the area’s character. To improve on heritage impacts, the proposed sign (as amended) has been relocated 30m further west of previous proposed location. This amended location is outside the curtilage of the Newtown Railway Station State heritage item and therefore reduces impacts on its fabric and significance. Impacts are also reduced as the sign will no longer be attached to the railway bridge. The proposed sign also</p>	Yes

Schedule 5	Comment	Compliance
	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.	
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The proposed sign is consistent with outdoor advertising in the area as it is a highly urbanised local centre with various types of signage. Importantly, the immediate locality includes a variety of signage including wayfinding signage, road related signage, business identification signage and advertising signage. It is noted, there is no digital advertising signage within the immediate vicinity of the site.	Yes
2. Special Areas		
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	<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 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>	Yes

Schedule 5	Comment	Compliance
	<p><u>Residential</u></p> <p>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 6.6 and Appendix 9. 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></p> <p>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 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</p>	

Schedule 5	Comment	Compliance
	under this section of Schedule 5 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.	
3. Views and vistas		
<i>Does the proposal obscure or compromise important views?</i>	The sign is proposed within a transport corridor, which is located on the western side of the railway tracks. There is also established vegetation to the immediate north of the site. For these reasons, the proposed structure is not expected to block or impact on any important views.	Yes
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	The proposed 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 approximately 5m above the railway overpass wall. The proposed sign will also be of a similar height to established vegetation to the immediate north of the site. For these reasons, the proposed sign will not dominate the skyline or reduce the quality of vistas.	Yes
<i>Does the proposal respect the viewing rights of other advertisers?</i>	<p>The proposed sign will not unreasonably impact the viewing rights of other advertisers in proximity to the site, in particular, the business identification sign associated with the Oporto fast food premise, which is located approximately 4m southwest of the site. The proposal will respect the viewing rights of this sign for the following reasons:</p> <ul style="list-style-type: none"> 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 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) this vegetation and fencing will also assist in separating the 	Yes

Schedule 5	Comment	Compliance
	<p>Oporto sign from the proposed sign</p> <ul style="list-style-type: none"> the proposed sign is an advertising sign and the Oporto sign is a business identification sign, therefore these represent two different sign typologies, creating visual interest and diversity 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 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 	
4. Streetscape, Setting or Landscape		
<p><i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i></p>	<p>The proposal involves the erection of a monopole sign with an advertising display area of 14.93m². The bulk, scale and height of the proposed sign is considered to be appropriate for the streetscape given it is a highly urbanised commercial locality which consists of 2 to 3 storey buildings, numerous existing signage and lighting. The top of the sign will extend approximately 8m above the road, and therefore will sit lower than surrounding buildings.</p> <p>Further, the sign is appropriate for its immediate setting as the top of the sign will sit only 5m above the railway overpass wall. The proposed sign will also not extend above established vegetation to the immediate north of the site.</p> <p>The advertisement is flat and mounted on a monopole. The proposal will not detract from the</p>	Yes

Schedule 5	Comment	Compliance
	existing road corridor as it will be located adjacent to the railway corridor and will not protrude into the road reserve. In addition, the proposed 60 second dwell time and lighting measures will ensure the proposed signage is appropriate for the busy road setting.	
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The proposal contributes to the visual interest along Enmore Road through the display of high-quality advertisement. The proposal is consistent with the current and future character of the area being a highly urbanised commercial locality on a busy transport corridor where signage and lighting is not uncommon. In this way, the proposal will also encourage an active street frontage and support Newtown's night-time economy.	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</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</p>	Yes

Schedule 5	Comment	Compliance
	business identification sign (Oporto sign) to the west. Notwithstanding, the proposed sign is not considered to negatively contribute to adverse visual clutter impacts for the reasons outlined in Appendix 2 and 9.	
<i>Does the proposal screen unsightliness?</i>	The sign is proposed to be located in a small, gated area to the immediate north of Enmore Road behind an existing fence adjacent to the railway tracks. This area is currently a small unused grass area and a sign in this location will not obstruct any important views or restrict operation of the railway tracks below.	Yes
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	While the proposal will be higher than a number of nearby structures such as the Oporto sign to the west and the Enmore Road Railway Bridge to the north. However, this is acceptable given the proposed signage is located in a highly urbanised commercial locality where signage is common, it and will not block views of the Oporto sign (refer Appendix 9) and the sign is proposed to the side of the railway bridge and not on it. Additionally, the proposal will not protrude above any surrounding buildings or tree canopies located immediately adjacent to the site as outlined earlier.	Yes
<i>Does the proposal require ongoing vegetation management?</i>	The Arboricultural Impact Appraisal and Method Statement at Appendix 11 confirms one tree will require pruning to allow for the proposed development. Maintenance of this vegetation will be undertaken by employees/representatives of JCDecaux to protect the surrounding road and pedestrian environment.	Yes
5. Site and Building		
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposed sign is an appropriate size and scale compatible with surrounding built form and vegetation. The proposed 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 extend approximately 8m above the	Yes

Schedule 5	Comment	Compliance
	<p>road, and therefore will sit lower than surrounding buildings.</p> <p>Further, the sign is appropriate for its immediate setting as the top of the sign will sit only 5m above the railway overpass wall. The proposed sign will also not extend above established vegetation to the immediate north of the site.</p> <p>In addition, the proposed sign (as amended) is no longer proposed to be attached to the railway overbridge 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. This amendment improves the compatibility of the proposed sign with the area, and in particular this State heritage item.</p>	
<i>Does the proposal respect important features of the site or building, or both?</i>	The proposal is located in proximity to a number of heritage items and is located within an HCA. As addressed within the HIA at Appendix 7, the proposal is expected to have an acceptable and minimal impact on the heritage values of these nearby heritage items and the HCA to which it is located. Importantly, the proposed sign (as amended) is now proposed to be located outside the curtilage of the Newtown Railway Station State heritage item and will no longer be attached to the railway overbridge which forms part of this item.	Yes
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The sign represents a contemporary form of digital advertising signage which will exhibit a high-quality design outcome. The sign will contribute to the visual interest of the area whilst ensuring minimal impacts on the surrounding development.	Yes
6. Associated Devices and Logos with Advertisements and Advertising structures		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	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.	Yes

Schedule 5	Comment	Compliance
	A compliant operator logo will also be located below the advertising panel within the main structure of the sign.	
7. Illumination		
<i>Would illumination result in unacceptable glare?</i>	<p>The Lighting Impact Assessment (LIA) submitted as part of this amended application confirms that the sign illumination may affect one residential property, however, will not result in unacceptable glare when operated at the recommended levels (refer Appendix 5).</p> <p>This is an improved outcome when compared to previously proposed locations/orientations. Importantly, there were a higher number of residential properties subject to illumination in the past as the sign was previously proposed with a south-west orientation.</p>	Yes
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	The LIA confirms that the sign will not affect the safety for pedestrians, vehicles or aircraft (refer Appendix 5).	Yes
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	The LIA confirms that the illumination of the sign will not impact on the amenity of nearby residences or any other form of accommodation when operated at the recommended levels (refer Appendix 5).	Yes
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	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.	Yes
<i>Is the illumination subject to a curfew?</i>	<p>The signage is proposed to operate 24 hours and is not subject to a curfew. However, the sign will be dimmed to maximum luminance of 200cd/m² during night time hours to reduce luminance on surrounding land uses.</p> <p>The proposal is consistent with the applicable night time illuminance limits established under AS 4282-2023</p>	Yes
8. Safety		
<i>Would the proposal reduce the safety for any public road?</i>	The proposal will not reduce the safety for any public road. The Signage Safety Assessment (SSA)	Yes

Schedule 5	Comment	Compliance
	<p>submitted as part of the application (refer Appendix 4) confirms:</p> <ul style="list-style-type: none"> The proposed digital sign will not obstruct and/or reduce visibility of any traffic control devices, signage, pedestrians, or cyclists. The proposed sign will not give incorrect information on the alignment of the road. The proposed digital sign will not be located within the safe stopping distance of the King Street/Enmore Road traffic signals. A 60 second dwell time is required as requested by TfNSW. The proposed digital sign will not compromise safety for road users in the vicinity. <p>In addition to the above, the amended application results in an improved traffic outcome when compared to previous revisions of the application. The subject application (as amended) is not located within the SSD of the King Street and Enmore Road intersection and is proposed at 75m from the stop line. In comparison, the original application (June 2022) proposed one sign 31m from the intersection stop line (north-east approach) and one 18m from the stop line (south-west approach). One of these (sign on the north-east approach) was located within the SSD of the intersection.</p> <p>It is also noted, the dwell time has been increased from 15 seconds to 60 seconds since the previous application. Note, this exceeds the requirement under the Signage Guidelines which is 10 seconds.</p> <p>Road safety is discussed in further detail at Section 6.1</p>	
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	The SSA confirms the proposal will not reduce the safety of any public road or reduce the safety of pedestrians or bicyclists. The proposed sign (as amended) will	Yes

Schedule 5	Comment	Compliance
	result in improved safety outcomes when compared to previous iterations of the proposal.	
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	The SSA confirms the sign will not result in safety impacts or obscure sightlines from any public areas.	Yes

Table 6: Schedule 5, Industry and Employment SEPP Consideration

5.3.2 Transport Corridor Advertising and Signage Guidelines 2017

The *Transport Corridor Outdoor Advertising and Signage Guidelines* (Signage Guidelines) set out a best practice approach for the planning and design of outdoor advertisements in transport corridors in NSW.

The Signage Guidelines have been established to compliment the provisions of Industry and Employment SEPP under the EP&A Act. The DA for any advertising sign that is in, or adjacent to a transport corridor are to demonstrate how the proposal addresses the Signage Guidelines. An assessment against the criteria within Signage Guidelines is provided at Appendix 2 and Section 6.

The assessment provided at Appendix 2 demonstrates the proposal is consistent with:

- the Land Use Compatibility Criteria for Transport Corridor Advertising
- the Digital Sign Criteria
- the Freestanding Signage Criteria
- Road Safety (refer Section 6.1)
- Luminance Levels for Digital Advertisements (refer Section 6.2)
- the Public Benefit Test (refer Section 6.8)

5.3.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) identifies the environmental assessment category into which different types of infrastructure and services development fall.

In addition, Chapter 2 identifies matters that are to be considered in the assessment of development that is adjacent to particular types of infrastructure, including development in and adjacent to road corridors.

An assessment against the relevant provisions of the Transport and Infrastructure SEPP is provided in the table below.

Section	Comment	Compliance
2.48 Determination of development applications—other development		
<p>1) <i>This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i></p> <p>a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></p> <p>b) <i>development carried out—</i></p> <p>i. <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></p> <p>ii. <i>immediately adjacent to an electricity substation, or</i></p> <p>iii. <i>within 5m of an exposed overhead electricity power line,</i></p> <p>c) <i>installation of a swimming pool any part of which is—</i></p> <p>i. <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i></p> <p>ii. <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i></p> <p>d) <i>development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i></p> <p>2) <i>Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <p>a) <i>give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i></p> <p>b) <i>take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	<p>The proposed sign is located within 5m (1.6m) of an exposed overhead power line that is connected to the top of a light pole on Enmore Road as detailed in the Architectural Plans (Appendix 3).</p> <p>On this basis and in accordance with Section 2.48, it is understood that DPE will notify the electricity supply company for the area and consider any comments received.</p>	Yes

Section	Comment	Compliance
<p>3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following—</p> <ul style="list-style-type: none"> a) internal alterations to a building, b) a change of use of an existing building, c) a change to the hours of operation specified in the development consent, d) a subdivision that does not involve construction work. 		
2.98 Development adjacent to rail corridors		
<p>1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—</p> <ul style="list-style-type: none"> a) is likely to have an adverse effect on rail safety, or b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or c) involves the use of a crane in air space above any rail corridor, or d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities. <p>2) Before determining a development application for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and b) take into consideration— <ul style="list-style-type: none"> i. any response to the notice that is received within 21 days after the notice is given, and ii. any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette <p>3) Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a</p>	<p>It is anticipated that the proposed sign is unlikely to result in adverse impacts on the safety and operation of the rail line as:</p> <ul style="list-style-type: none"> • the advertising structure will be orientated towards vehicular traffic travelling west on Enmore Road and the advertising material will not be visible to any oncoming trains • the Applicant is Sydney Trains and it will ensure no structure is approved that will impact the ongoing operation of the Sydney Trains rail network • the railway concerned is not used for electric trains • the proposal will not involve the use of a crane over the rail corridor, however it is noted a cherry picker will be used to maintain the sign from Enmore Road as outlined at Appendix 10. <p>Notwithstanding the above, the proposed sign is located within 5m (1.6m) of an exposed overhead power line that is connected to the top of a light pole on Enmore Road as detailed in</p>	Yes

Section	Comment	Compliance
<p><i>rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.</i></p> <p>4) <i>Land is adjacent to a rail corridor for the purpose of this section even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.</i></p>	<p>the Architectural Plans (Appendix 3). On this basis and in accordance with Section 2.98, it is understood that DPE will notify the application accordingly and consider any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette. It is noted that this application has been prepared with consideration for the 'Development near rail corridors and busy roads – interim guideline' as outlined by Planning Circular PS 21-018.</p>	
2.99 Excavation in, above, below or adjacent to rail corridors		
<p>1) <i>This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—</i></p> <p><i>a) within, below or above a rail corridor, or</i></p> <p><i>b) within 25m (measured horizontally) of a rail corridor, or</i></p> <p><i>c) within 25m (measured horizontally) of the ground directly below a rail corridor, or</i></p> <p><i>d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.</i></p> <p>2) <i>Before determining a development application for development to which this section applies, the consent authority must—</i></p> <p><i>a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</i></p> <p><i>b) take into consideration—</i></p> <p><i>i. any response to the notice that is received within 21 days after the notice is given, and</i></p> <p><i>ii. any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.</i></p> <p>3) <i>Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the</i></p>	<p>This section applies as the application involves penetration of ground to a depth of at least 2m within a rail corridor.</p> <p>A Structural Feasibility Statement has been prepared by Dennis Bunt Consulting Engineers (Appendix 10) which details the structural integrity of the proposed sign.</p> <p>A concrete pile with a 750mm diameter is proposed to be inserted to a depth of 5m below ground (railway tracks) to support the signage structure. A concrete pile and pile cap are proposed to be used due to the sloping ground and to minimise the impact of the proposed sign footing on the adjacent railway track. The pile cap will be 1m² and 1m deep.</p> <p>It is understood DPE will give written notice of the subject application to the rail authority within 7 days after the application is made. In addition,</p>	<p>Yes</p>

Section	Comment	Compliance
<p><i>concurrence of the rail authority for the rail corridor to which the development application relates.</i></p> <p>4) <i>In deciding whether to provide concurrence, the rail authority must take into account—</i></p> <p>a) <i>the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—</i></p> <p>i. <i>the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and</i></p> <p>ii. <i>the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and</i></p> <p>b) <i>what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</i></p> <p>5) <i>The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if—</i></p> <p>a) <i>the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or</i></p> <p>b) <i>in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.</i></p>	<p>it is understood DPE will consider any relevant guidelines. As outlined above, this application has been prepared with consideration for the 'Development near rail corridors and busy roads – interim guideline' as outlined by Planning Circular PS 21-018.</p> <p>The Structural Feasibility Statement (Appendix 10) demonstrates that the proposed sign will be secured safely to ensure no adverse impacts on the operation of nearby rail infrastructure and rail activity. It is also noted that the Applicant is Sydney Trains, and they will ensure no structure is proposed or approved that may impact the ongoing operation of the Sydney Trains rail network.</p>	
2.119 Development with a frontage to a classified road		
<p>1) <i>The objectives of this section are—</i></p> <p>a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p>b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p>2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p>	<p>This section applies as the proposed sign is located adjacent to Enmore Road which is a classified road (No. 167).</p> <p>The assessment contained in this SEE and the SSA (Appendix 4) confirms that the proposed signage will not adversely impact the effective and ongoing operation and function of Enmore Road. It concludes that the proposal is</p>	Yes

Section	Comment	Compliance
<p>a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p>b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p style="padding-left: 20px;">i. <i>the design of the vehicular access to the land, or</i></p> <p style="padding-left: 20px;">ii. <i>the emission of smoke or dust from the development, or</i></p> <p style="padding-left: 20px;">iii. <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p>c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road</i></p>	<p>acceptable based on the minimal crash rate within the vicinity of the subject site.</p> <p>Road safety is further discussed at Section 6.1.</p>	

Table 7: Transport and Infrastructure SEPP assessment

5.4 Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022* (IWLEP 2022) is the principal Environmental Planning Instrument applicable to the land.

5.4.1 Zoning

The proposed sign is located on land zoned SP2 Infrastructure Railway under the IWLEP 2022. Signage is permissible with consent in the SP2 zone under the IWLEP 2022 as it is *ordinarily incidental or ancillary* to the railway corridor given it will generate revenue to maintain and improve Sydney Trains' infrastructure.

The proposal is consistent with the objectives of the SP2 railway infrastructure zone as it will:

- provide significant public benefits - revenue generated by the proposed application will help fund essential Sydney Trains services to the benefit of the whole of NSW
- provide affordable and suitably located advertising space for road safety messages, contributing to the reduction in the number of deaths on NSW roads
- be compatible with the provision of infrastructure, including roads and railways
- be proposed on behalf of Sydney Trains and is a use that will be it is *ordinarily incidental or ancillary* to the railway corridor

Additionally, as the proposed sign is on behalf of Sydney Trains and is within a railway corridor, it is also permissible with consent under Clause 3.14 of the Industry and Employment SEPP.

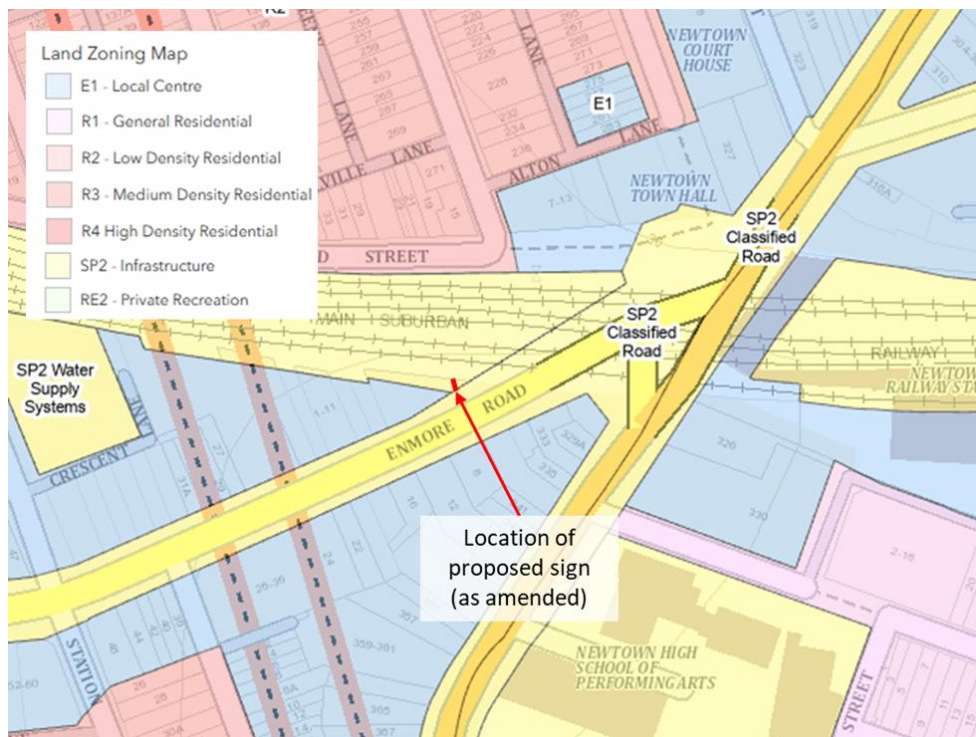


Figure 16: Land use zoning map (Source: IWLEP 2022)

5.4.2 Heritage

The site is located in proximity to local heritage items listed under the *Inner West Local Environmental Plan 2022* (IWLEP 2022) and the *Sydney Local Environmental Plan 2012* (SLEP 2012). The site is also located within an HCA listed under the IWLEP 2022. Items in proximity to the site under both LEPs are outlined and assessed below.

IWLEP 2022

- 'Newtown Town Hall including interiors', 1 Bedford Street (Item I137)
- 'Bedford Street retail group including interiors', 15, 27 and 37 Bedford Street & 167 Probert Street, Newtown (Item I138)
- 'The Hub Theatre Significance including interiors', 7-13 Bedford Street, Newtown (Item I390)
- 'King Street and Enmore Road Heritage Conservation Area' (HCA C73)

SLEP 2012

- 'Former Newtown Tram Depot group including interiors', No. 326A King Street, Newtown (Item I1012)
- 'Commercial building including interior', 1-15 Wilson Street, Newtown (Item I1037)
- 'Commercial building including interior', 304-314 King Street, Newtown (Item I1009)
- 'Bank Hotel including interior', 324 King Street, Newtown (Item I1010)
- 'King Street Heritage Conservation Area' (HCA C47)

The proposal satisfies the objectives of Clause 5.10 of the IWLEP 2022 for the following reasons outlined in the HIS at Appendix 7. In summary:

- the proposed digital signage will be located within a busy commercial corridor already characterised by existing advertising signage
- the proposal will be of minor scale (at 5m above the railway overpass wall) and will not be overly prominent so as to obstruct views to or from heritage items or within the HCA
- the proposal will overall have no impact on the ability of the public to understand and appreciate the historic and aesthetic significance of surrounding heritage items and HCAs
- the proposal appropriately responds to the heritage character of the area by incorporating a simple and contemporary design by Tzannes Architects
- the removal of existing signage on the inside of the railway overpass will have a positive impact on heritage in the area
- the application has been improved and the proposed sign (as amended) will now:
 - be located 30m further west of previous proposed location, outside the curtilage of the Newtown Railway Station State heritage item
 - no longer be attached to the railway bridge 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

In summary, the proposal will have a minimal and acceptable impact on the heritage significance of the surrounding heritage items, including the associated fabric, settings and views. Further heritage assessment is provided at Section 6.3.



Figure 17: Heritage items and HCAs in proximity to the site (Source: DPE Spatial viewer)

5.5 Marrickville Development Control Plan 2011

Council is in the process of consolidating the Inner West DCP. Therefore, the MDCP 2011 is the relevant DCP for this application.

The proposal is generally in compliance with the aims, objectives and key provisions of the MDCP 2011. In areas of non-compliance the proposal is well justified as detailed in this SEE.

A detailed assessment of the proposal against the relevant provisions of the MDCP 2011 is provided in the table below.

Provision	Comment	Complies
2.12 Signs and Advertising Structures		
2.12.1 Objectives		
<i>O1 To ensure all advertising achieves a high level of design quality and is compatible with the architectural design of the host building, the character of the streetscape and the size and juxtaposition of other signs in the immediate vicinity.</i>	<p>The proposed sign is an appropriate size and scale compatible with surrounding built form and vegetation.</p> <p>The proposed 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 extend approximately 8m above the</p>	Yes

Provision	Comment	Complies
	<p>road, and therefore will sit lower than surrounding buildings.</p> <p>Further, the sign is appropriate for its immediate setting as the top of the sign will sit only 5m above the railway overpass wall. The proposed sign will also not extend above established vegetation to the immediate north of the site.</p> <p>The proposed sign is consistent with the character of the area given it is a highly urbanised locality with a busy road corridor where signage and lighting are common.</p> <p>In particular, it is important to note the proposal is consistent with the existing business identification sign (Oporto sign) located to the immediate west of the site for the following reasons:</p> <ul style="list-style-type: none"> 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 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) this vegetation and fencing will also assist in separating the Oporto sign from the proposed sign the proposed sign is an advertising sign and the Oporto sign is a business identification sign, therefore these represent two different sign typologies, creating visual interest and diversity importantly, the Oporto sign is not the sole business identification sign for the Oporto premises, and therefore the installation of the proposed sign 	

Provision	Comment	Complies
	<p>would not detract from its identification or customer capacity</p> <ul style="list-style-type: none"> 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 	
<i>O2 To ensure signage does not dominate or detract from the architectural features of the building and from the white-way lighting found along some retail strips</i>	<p>The sign is not proposed to be attached to a building. Notwithstanding, the proposed sign will not detract from surrounding architecture or heritage buildings as:</p> <ul style="list-style-type: none"> the sign will be single-sided and orientated to face the road corridor the sign will exhibit a simple design that has been architecturally designed by Tzannes Architects the sign has been located so as though not to block views from or to any architecturally designed built form or heritage listed buildings the sign will no longer be attached to the railway overpass bridge and is instead it will be secured to the ground via a concrete pile in a small grassed area to the immediate north of the bridge 	Yes
<i>O3 To ensure advertising does not cause amenity loss or have a detrimental effect on the natural or built environment or the safety, appearance or efficiency of any public area.</i>	<p>The proposed sign is expected to be visible from the pedestrian footpaths on either side of Enmore Road. However, it is expected the proposed sign will only be viewed by pedestrians from these footpaths in passing and therefore will not be capable of impacting on amenity of public spaces.</p> <p>It is noted, whilst there are no public areas of open space in proximity to the site, there is a small public plaza (Pride Square) on the eastern side</p>	Yes

Provision	Comment	Complies
	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 road corridor. On this basis, only part of the side of the sign may be visible from this area.	
<i>O4 To ensure the location and design of signs are consistent with road safety principles.</i>	A SSA accompanies this application at Appendix 4 and is addressed in Section 6.1. The SSA confirms the proposed sign is consistent with the road safety principles.	Yes
<i>O5 To ensure the use of corporate logos, colour and illumination schemes in signage are compatible with the architecture of the host building and do not adversely impact upon the local streetscape.</i>	<p>The sign is not proposed to be attached to a building.</p> <p>Notwithstanding, the proposed sign will exhibit a simple design that has been architecturally designed by Tzannes Architects. Whilst the advertising panel is proposed to be digital and will display a variety of material that changes every 60 seconds, the main body of the signage structure is proposed to be grey and black in colour. A small corporate logo will be included below the advertising panel.</p> <p>For these reasons, and information provided against O2 above, the proposed sign will not adversely impact the local streetscape.</p>	Yes
<i>O8 To ensure advertising does not result in visual clutter or other visual impacts upon a locality</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</i></p>	Yes

Provision	Comment	Complies
	<p><i>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, the proposed sign is not considered to negatively contribute to adverse visual clutter impacts for the reasons outlined in Appendix 2 and 9.</p>	
2.12.2 General controls		
<i>C1 Prohibited advertisements</i>	The proposed sign is not listed as a prohibited advertisement under this section.	Yes
<i>C2 Signage must not extend into the corridor of string of pearl lights (also known as white -way lighting) and be closer than 700mm to the light fitting</i>	N/A	N/A
<i>C3 Signage location</i>	The proposed sign is not located in any of the locations listed under this section.	Yes
<i>C4 Signage colour</i>	Whilst the advertising panel is proposed to be digital and therefore will display a variety of material that changes every 60 seconds, the main body of the signage structure will be grey and black in colour. A small corporate logo will be included below the advertising panel.	
<i>C5 Corporate colours, logos and other graphics are only acceptable where they are restricted to an advertising sign.</i>	The proposal is for an advertising sign.	Yes
<i>C6 Animated signs</i>	N/A	N/A
2.12.4 Signage controls based on zoning and land uses		
2.12.4.4 SP1, SP2, RE1, RE2, E2 and W1 zones		
<i>C21 Advertising in SP1, SP2, RE1, RE2, E2 and W1 zones will only be permitted:</i>	The subject site is located in land zoned SP2.	Yes

Provision	Comment	Complies
<p>i. <i>Where the applicant shows a justifiable need;</i></p> <p>ii. <i>Where the amenity of the area will not be detrimentally affected; and</i></p> <p>iii. <i>After consideration of the general merits or otherwise of the application.</i></p>	<p>Clause 3.14 of Industry and Employment SEPP overrides the provisions of any other environmental planning instrument including the provisions under the MLEP 2011. Under clause 3.14(1)(a) of Industry and Employment SEPP, the display of an advertisement by or on behalf of Sydney Trains on a railway corridor is permissible with development consent. Notwithstanding, the proposed sign is justifiable as:</p> <ul style="list-style-type: none"> it is proposed on behalf of Sydney Trains to maximise land potential and generate revenue for the purpose of improving transport services it does not unreasonably impact on the amenity of the locality, in particular the heritage significance of surrounding items and HCAs 	
2.12.4.9 Signage on heritage items and heritage conservation areas		
<p>C36 Signage strategy in HCAs</p> <p>i. <i>Commercial/retail precincts</i></p> <p><i>Signs within commercial zones and established retail strips must comply with the signage controls for commercial areas stated earlier in this section of the DCP and any other controls prescribed under the relevant HCA.</i></p>	<p>The proposed sign complies with the controls for signage in commercial and retail precincts as outlined above.</p>	Yes
2.12.6 Advisory note		
<p><i>Corporations and franchisers should consult with Council before submitting a development application for signage. Standard modules may not be acceptable in particular business centres. In such instances it may be more appropriate to consider the design of a one-off design which reinforces the cultural and visual setting of the centre</i></p>	<p>Clause 3.14 of Industry and Employment SEPP overrides the provisions of any other environmental planning instrument including the provisions under the MLEP 2011. Under clause 3.14(1)(a) of Industry and Employment SEPP, the display of an advertisement by or on behalf of Sydney Trains on a railway corridor is permissible with development consent.</p>	Yes
8.2 Heritage Conservation Areas directions and controls		
8.2.4.5 Signage		

Provision	Comment	Complies
<p><i>C1 Signage must be located within bays created by facade articulation, and be compatible with the geometry and proportion of those bays.</i></p> <p><i>C2 Signage must not obscure important architectural features.</i></p> <p><i>C3 Signage must not be located above the cornice line of the parapet.</i></p> <p><i>C4 Neon style signage is not permitted.</i></p> <p><i>C5 Rooftop signage is not permitted.</i></p> <p><i>C6 Signage must not extend into the corridor of the white-way lights under awnings and be no closer than 700mm to the light fixture.</i></p> <p><i>C7 Projecting wall signs and illuminated signage above the awning is not permitted.</i></p> <p><i>C8 The number of signs on the building facade, excluding signs hanging from suspended awnings, is limited to one per lessee/owner.</i></p> <p><i>C9 Hanging or bracketed signs are limited to one below the awning per lessee/owner.</i></p> <p><i>C10 One sign is permitted on a side wall. This may be floodlit but not illuminated.</i></p> <p><i>C11 Where the building is face brick, a sign may not be painted directly onto the brickwork. A face plate of maximum thickness 5mm must be used.</i></p> <p><i>C12 Signage which is part of a unique work of art must contribute to the artistic qualities, creativity and vibrancy of the area.</i></p> <p><i>C13 Signage which is part of a unique work of art must not incorporate direct advertising and/or products or services sold. Ongoing maintenance of the sign is a condition of Council consent.</i></p> <p><i>C14 Colours used for signs must complement the Heritage Colour Scheme</i></p> <p><i>C15 Painted signs in a traditional form to awning fascia, below the</i></p>	<p>C1 – Not applicable. The sign is not proposed on a building.</p> <p>C2 – The proposed sign will not detract from surrounding architecture as:</p> <ul style="list-style-type: none"> the sign will be single-sided and orientated to face the road corridor the sign will exhibit a simple design that has been architecturally designed by Tzannes Architects the sign will not block views from or to any architecturally designed built form <p>C3 – Not applicable. The sign is not proposed on a building.</p> <p>C4 – Not applicable. A neon sign is not proposed.</p> <p>C5 – Not applicable. A rooftop sign is not proposed.</p> <p>C6 – Not applicable. An awning sign is not proposed.</p> <p>C7 – Not applicable. A projecting sign is not proposed.</p> <p>C8 – Not applicable. The sign is not proposed on a building.</p> <p>C9 – Not applicable. An awning sign is not proposed.</p> <p>C10 – Not applicable. A sign is not proposed on a side wall.</p> <p>C11 – Not applicable. A sign is not proposed on brickwork.</p> <p>C12 – Not applicable. The sign is not part of an artwork.</p> <p>C13 – Not applicable. The sign is not part of an artwork.</p> <p>C14 – Whilst the advertising panel is proposed to be digital and will display a variety of material that</p>	<p>Yes</p>

Provision	Comment	Complies
<i>cornice line of parapets, and to windows or door glazing (for example gold painted lettering on windows or door glazing) is encouraged</i>	<p>changes every 60 seconds, the main body of the signage structure will neutral and will not detract from surrounding heritage.</p> <p>C15 – Not applicable. The sign is not proposed to be painted.</p>	

Table 7: MDCP 2011 Assessment

6 Environmental Planning Assessment

6.1 Road safety

A Signage Safety Assessment (SSA) has been prepared by The Transport Planning Partnership (TTPP) (Appendix 4). The SSA 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.

6.1.1 Road environment

The existing road environment along Enmore Road is summarised in the Table below.

Existing Feature	Description
Road classification	<ul style="list-style-type: none"> Enmore Road is a Classified Road (Main Road 167).
Speed limit	<ul style="list-style-type: none"> A speed limit of 40km/hr applies at this location.
Nearby intersections and traffic control devices	<ul style="list-style-type: none"> The King Street/Enmore Road intersection is located to the immediate south-east. The sign will not be within the Safe Stopping Distance (SSD) of this intersection or any other traffic control device.
Road configuration and geometry	<ul style="list-style-type: none"> Enmore Road and King Street are four lane, two-way roads that provide a key east-west connections between the south-western suburbs and Sydney CBD.
Crash data	<ul style="list-style-type: none"> Between 1 January 2018 and 31 December 2022, there were only two crashes recorded within the visible distance of the proposed digital sign, both resulting in a moderate injury.
Pedestrian and cyclist infrastructure	<ul style="list-style-type: none"> Pedestrian infrastructure exists along the road corridor of Enmore Road and King Street. No formal cyclist infrastructure is in the road corridor.
Parking	<ul style="list-style-type: none"> Restricted parking is permitted on the southern side of Enmore Road.
Stopping sight distance (SSD)	<ul style="list-style-type: none"> The minimum SSD for a 40 km/h speed zone is 34m. The sign is not located within the SSD. A 60 second dwell time is proposed as per TfNSW advice.

Table 8: Existing road environment (Source: TTPP)

6.1.2 Signage exposure

The SSA estimates that the proposed sign will be visible and readable to south-west bound motorists from approximately 130m north-east of the sign. The lane configuration, signage exposure distances, and indicative views are shown in the Figures below.



Figure 18: Enmore Road Approach – Lane 1 (Source: TTPP)



Figure 19: Enmore Road approach – Lane 2 (Source: TTPP)

6.1.3 Road accident history

Historic crash data has been obtained from TfNSW and assessed for incidents along Enmore Road within the visible distances of the proposed signage location.

Crash history data has been assessed for the most recent five-year period for data collated and published by TfNSW. This period is between 1 January 2018 and 31 December 2022.

Based on site observations, the proposed digital sign would be visible from approximately up to 130m on the westbound approach. It was found that along this section of the road corridor, two crashes were recorded, with both resulting in a moderate injury. The location of the road accidents in proximity to the site is shown in Figure 20.

The TSA notes, that the existing speed limit on King Street on approach to the digital sign was reduced from 50km/h to 40km/h in 2022 to improve safety for motorists, cyclists and pedestrians.

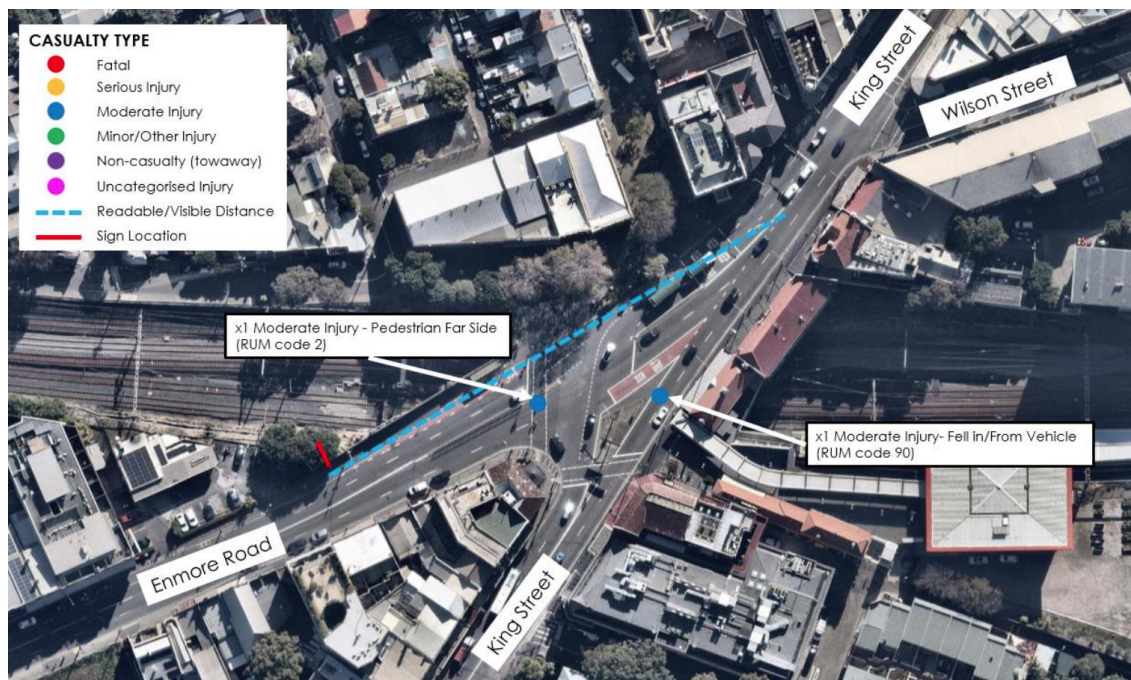


Figure 20: Historical crash data in proximity to the site (Source: TTPP)

6.1.4 Stopping sight distance

The minimum SSD for a 40km/h speed limit is 34m based on the Austroads guidelines. The proposed digital sign would be located 75m beyond the stop line and therefore, would not be located within the SSD of the King Street and Enmore Road intersection. As such, the proposed sign would not obstruct a motorist's view of any traffic signals, signage, and other traffic hazards when travelling on Enmore Road and ensure a safe stopping distance.

It is noted, the amended DA results in an improved traffic outcome when compared to previous revisions of the proposal. The original proposed location (June 2022) proposed one sign 31m from the intersection stop line (north-east approach) and one 18m from

the stop line (south-west approach). The sign on the north-east approach was within the SSD of the intersection. As outlined above, the subject application (as amended) is not located within the SSD of the King Street and Enmore Road intersection and is proposed at 75m from the stop line.

In light of the above, it is considered the subject application results in an improved outcome from a traffic safety perspective that is also more consistent with the Austroads guidelines.



Figure 21: SSD south-west approach to the proposed sign (Source: TTPP)

6.1.5 Road safety criteria – Signage Guidelines

The SSA assesses the proposal against the criteria for road safety in Section 3 of the Signage Guidelines. Responses provided in the SSA in respect to the sign location criteria (Section 3.2) and the sign design and operation criteria (Section 3.3) of the Signage Guidelines are outlined in the tables below.

Sign Location Criteria	Response provided by TTPP	Compliance
Road clearance		
a. The advertisement must not create a physical obstruction or hazard. For example:	The proposed digital sign would be installed on a free-standing monopole within the railway corridor on the north side of Enmore Road, Newtown. The digital sign would not protrude over the masonry wall, nor physically obstruct any vehicle, pedestrian and cyclist movement. The proposed digital sign would not protrude into the transport corridor and hence, lateral and vertical	✓
i. Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?		
ii. Does the sign protrude below a bridge or other structure so it could be hit by		

Sign Location Criteria	Response provided by TTPP	Compliance
<p>trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?</p> <p>iii. Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?</p>	<p>clearance will be maintained as per existing conditions.</p> <p>The concept design for the proposed digital sign and its positioning on the road bridge are contained in Appendix A (of the SSA).</p>	
<p>b. Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS approved crash barrier.</p>	<p>According to Austroads Guide to Road Design Part 6, the clear zone requirement for a 40km/h road is 5m. The proposed digital sign would be located outside the minimum clear zone requirement (i.e. 5m from the edge of the carriageway). Also, there is a masonry wall as part of the bridge structure that would separate the digital sign from the travel lanes on Enmore Road. Therefore, the sign is considered to be in an acceptable location.</p>	✓
<p>c. Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m in height (relative to the road level) are to comply with any applicable lateral clearances specified by Austroads Guide to Road Design (and RMS supplements) with respect to dynamic deflection and working width.</p>	<p>The proposed digital sign would be located outside the minimum clear zone requirement (i.e. 5m from the edge of the carriageway). Also, there is a masonry wall as part of the bridge structure that would separate the digital sign from the travel lanes on Enmore Road.</p>	✓
<p>d. All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.</p>	<p>As part of the detailed design phase, the digital sign would be designed in accordance with Australian Standards AS1170.1 and AS1170.2 to meet the requirements for wind loading, whilst having consideration for height of the sign boards when under maximum vertical deflection.</p>	✓
Line of sight		
<p>a. An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.</p>	<p>The proposed digital sign and its elements shall not protrude laterally into the transport corridor and thus, shall not obstruct a driver's view towards the road and other road users.</p>	✓

Sign Location Criteria	Response provided by TTPP	Compliance
b. <i>An advertisement must not obstruct a pedestrian or cyclist's view of the road.</i>	<i>The proposed digital sign and its elements shall not protrude laterally into the transport corridor and thus, shall not obstruct a pedestrian or cyclist's view of the road.</i>	✓
c. <i>The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.</i>	<i>The proposed digital sign would be installed on a free-standing monopole within the railway corridor on the north side of Enmore Road and elevated above road level. There is also a masonry wall as part of the bridge structure that would separate the digital sign from the travel lanes on Enmore Road so there would be clear definition between the proposed digital sign and the road which would not provide misleading information on the roadway alignment. A perspective of the designer's impression of the proposed sign is shown in Figure 2.5 (of the SSA).</i>	✓
d. <i>The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:</i> i. <i>The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/ or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.</i> ii. <i>The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road alignment, this should be checked for the</i>	<i>The proposed digital sign would be located within the motorist's peripheral view for drivers travelling in the south-west direction with visible distances of up to 130m on King Street. Motorists would not be required to turn their heads when glancing at the sign and would be able to see the road simultaneously when viewing the sign.</i> <i>The positioning and angle of the sign would not be expected to result in headlight reflection or glare for vehicles on approach to the sign.</i>	✓

Sign Location Criteria	Response provided by TTPP	Compliance
<i>distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.</i>		
Proximity to decision making points and conflict points		
<p>a. The sign should not be located:</p> <p>i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</p> <p>ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment</p> <p>iii. so that it is visible from the stem of a T-intersection.</p>	<p>As referenced in the Austroads Guide to Road Design, Part 3, sight distance refers to the distance required to enable a driver to react and stop before reaching a hazard. This distance is dependent on the operating (85th percentile) speed of the road, road gradient and other road characteristics.</p> <p>For the purpose of this assessment, an operating speed of 40 km/h has been used to calculate the safe stopping distance (SSD). A 40 km/h speed has been adopted based on the sign posted speed limit on King Street and Enmore Road (40 km/h High Pedestrian Activity Area) as well as the speed limit which motorists were observed to be driving during the site inspection. According to Austroads guide, the minimum safe stopping distance for a 40 km/h speed zone is 34 m.</p> <p>The proposed digital sign would be located 75m beyond the stop line. Therefore the digital sign would not be located within the SSD of the stop line at the King Street and Enmore Road intersection.</p> <p>Figure 3.1 (of the SSA) presents the location of the sign in relation to the sight distance of the King Street and Enmore Road signalised intersection.</p> <p>Motorists waiting at the stop line on the King Street south-west approach, at the King Street - Enmore Road intersection, would not be able to view the sign display as it would be obscured by a building, as shown in Figure 3.2 (of the SSA). The sign would only be</p>	✓

Sign Location Criteria	Response provided by TTPP	Compliance
	<i>visible after turning into Enmore Road.</i>	
<p>b. <i>The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</i></p> <ul style="list-style-type: none"> i. <i>of a road hazard</i> ii. <i>to an intersection</i> iii. <i>to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)</i> iv. <i>to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.</i> 	<p>A "critical time" is understood to refer to a point in time when a driver's decision is required implying that a road safety implication could occur if a driver was distracted at this time.</p> <p>The digital sign would be located on the north side of the bridge on Enmore Road within the railway corridor. As such, the digital sign would not obstruct a motorist's view of any traffic signals, signage, and other traffic hazards when travelling on Enmore Road in the south-west direction.</p>	✓
Sign spacing		
<p>a. <i>Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.</i></p>	<p>In built-up urban areas, it is impracticable to limit the spacing of signage to 150 m apart. Especially within Sydney Metropolitan, drivers can be exposed to many signs at any given time.</p> <p>Notwithstanding this, there are no other large format advertising signs placed within 150 m of the proposed digital sign. Several small advertising signs and billboards are located on the side of the bridge, as shown in Figure 3.3 (of the SSA).</p>	✓

Table 9: Sign location criteria – Section 3.2 of the Signage Guidelines (Source: TTPP)

Sign Design and Operation Criteria	Response provided by TTPP	Compliance
Advertising signage and traffic control devices		
<p>a. The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</p>	<p>On the King Street north-east approach, there are two advance direction signs located on the median island at King Street - Enmore Road intersection as shown in Figure 3.4 (of the SSA). Motorists travelling on King Street in the direction of the sign would be able to view the advance direction signage prior to the digital sign due to the slight curvature of the road.</p> <p>Existing traffic signals and regulatory signage are also visible on all lanes well before the proposed digital sign location. There are no backdrop issues for the signals against the digital sign at the stop line or on approach to the signals as shown in Figure 3.5 to Figure 3.8 (of the SSA).</p> <p>JCDecaux will ensure that the sign would not display colours and shapes which could be mistaken for a traffic signal.</p>	✓
<p>b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device.</p> <p>For example:</p> <ul style="list-style-type: none"> i. Could the advertisement be construed as giving instructions to traffic such as 'Stop', 'Halt' or 'Give Way'? ii. Does the advertisement imitate a prescribed traffic control device? iii. If the sign is in the vicinity of traffic lights, does the advertisement use red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal? 	<p>The sign will not display colours and shapes which could be mistaken for a traffic signal or traffic signs.</p> <p>The content of the proposed sign must be reviewed against Table 5 of the Guidelines to avoid any content that may be construed as imitating a traffic control device.</p>	✓
Dwell time and transition time – criteria for digital signs		
<p>a. Each advertisement must be displayed in a completely static manner, without any motion, for</p>	<p>Based on the NSW Guidelines, the minimum dwell time for content</p>	✓

Sign Design and Operation Criteria	Response provided by TTPP	Compliance
<i>the approved dwell time as per criterion (b) below.</i>	<i>displayed on the digital sign would be 10 seconds.</i>	
<p>b. <i>Dwell times for image display must not be less than:</i></p> <p>i. <i>10 seconds for areas where the speed limit is below 80km/h.</i></p> <p>ii. <i>25 seconds for areas where the speed limit is 80km/h and over</i></p>	<p>However, Transport for NSW have advised the following regarding the dwell time of the sign: “The proposed sign’s proximity to the signalised intersection of Enmore Road and King Street with a high level of pedestrian activity and adopting a safer system approach, a minimum dwell time of 60 seconds would be required in this instance, in addition to all other requirements contained within the Transport Corridor Outdoor Advertising and Signage Guidelines 2017. This longer dwell time is considered necessary to minimise potential distraction at this driver decision making point with a high level of pedestrian activity.”</p> <p>Therefore, the proposed dwell time for the sign is 60 seconds in accordance with Transport for NSW’s advice. The digital sign is proposed to contain text and images, which would be in a static manner without any motion for this dwell time. The transition between content would be almost instantaneous.</p>	✓
c. <i>Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.</i>	<i>Whilst King Street and Enmore Road are State-classified roads, the proposed digital sign would not be visible from within a school zone.</i>	✓
d. <i>Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.</i>	<i>The contents displayed on the proposed digital sign would be fixed with no animation or video style elements contained within the advertisements. The default image displayed on the digital sign would be a black screen as shown in Figure 2.5 (of the SSA).</i>	✓
Illumination and Reflectance		
a. <i>Luminance levels must comply with the requirements in Table 6 in Transport Corridor Outdoor Advertising and Signage Guidelines</i>	<i>Section 3.3.3 of the Guidelines details assessment criteria to ensure that illumination and reflectance qualities of signage do not cause a road safety hazard. It</i>	✓

Sign Design and Operation Criteria	Response provided by TTPP	Compliance
b. <i>The image displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.</i>	<i>is understood that these criteria would be addressed in a separate specialist report prepared by a qualified consultant.</i>	
Interaction and Sequencing		
a. <i>The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.</i>	<i>The proposed sign would not contain interactive technology or technology that enables opt-in direction communication with motorists. The digital sign would not be designed to make motorists anticipate information.</i>	✓
b. <i>Message sequencing designed to make a driver anticipated the next message is prohibited across images presented on a single sign and across a series of signs.</i>		

Table 10: Sign design and operation criteria – Section 3.3 of the Signage Guidelines (Source: TTPP)

6.1.6 Road safety summary

Road safety impacts have been comprehensively assessed as part of the application in accordance with the requirements of Industry and Employment SEPP and the road safety criteria set out in the Signage Guidelines.

The SSA determined the proposed sign would not compromise safety for road users in the vicinity. The SSA includes the following findings and conclusions:

- *A total of two crashes occurred over a five-year period between 1 January 2018 and 31 December 2022 within the visible distance to the proposed digital sign.*
- *The proposed digital sign would not obstruct and/or reduce visibility of any traffic control devices, signage, pedestrians, or cyclists.*
- *The proposed sign would not give incorrect information on the alignment of the road.*
- *The proposed digital sign would not be located within the SSD of the King Street/Enmore Road traffic signals.*
- *King Street and Enmore Road have a posted speed limit of 40 km/h. As such, a dwell time of 10 seconds for the digital sign is required in accordance with the Guidelines. However, TfNSW request a 60 second dwell time due to the sign's proximity with traffic signals.*
- *The proposed digital sign would not compromise safety for road users in the vicinity.*

In summary, based on the findings of the SSA, the road environment along Enmore Road is considered acceptable on road safety grounds to accommodate the proposed sign (as amended). The amended sign location also results in an improved traffic outcome compared to past iterations of the proposal given:

- the sign is no longer proposed within the SSD of an intersection
- the sign is now located further from an intersection stop line

- the dwell time has been increased from 15 seconds to 60 seconds, exceeding the 10 second requirement set by the Signage Guidelines

6.2 Illumination

The proposed sign will be illuminated using LEDs installed within the front face on a 24 hour, 7 days per week basis. 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.

A LIA has been prepared by Electrolight (Appendix 5). The LIA assessed the proposal against the illumination criteria under:

- Chapter 3 of the Industry and Employment SEPP
- the Signage Guidelines
- AS 4282-2023 Control of the Obtrusive Effects of Outdoor Lighting.

6.2.1 Illumination criteria – Signage Guidelines

Section 3.3.3 of the Signage Guidelines sets out the illumination criteria for digital signs. The LIA categorised the sign as within Zone 3 of the Signage Guidelines which is described as an area with generally medium off-street ambient lighting.

The luminance levels for digital advertisements that are within a Zone 3 environment, as outlined in the Signage Guidelines, are shown in the table below.

Lighting Condition	Max Permissible Luminance for Zone 3 (cd/sqm)	Complies
Full sun on face of signage	No limit	✓
Day time luminance (typical sunny day)	6000	✓
Morning and evening twilight and overcast weather	500	✓
Night time	200	✓

Table 11: Luminance levels for digital advertisements criteria – Signage Guidelines

The LIA confirms that if the sign meets the above maximum luminance, it shall not result in unacceptable glare, nor should it adversely impact the safety of pedestrians, residents or vehicular traffic. Additionally, the proposed signage shall not cause any unacceptable amenity impacts to nearby residences or accommodation.

6.2.2 AS 4282-2023 Control of the Obtrusive Effects of Outdoor Lighting

The Control of the Obtrusive Effects of Outdoor Lighting (AS 4282-2023) sets out limits for different obtrusive factors associated with the night-time operation of outdoor lighting systems. The LIA has undertaken an assessment of the sign during the 'post-curfew' period (11 pm to 6 am), which is considered the most obtrusive night-time period and generally when residents are trying to sleep.

The LIA has categorised the nearest residential properties as being within Environmental Zone A4 of AS 4282-2023. The maximum lighting limits for Environmental Zone A4 during the pre-curfew and post-curfew periods, as set out in AS 4282-2023, are shown in Table 12 below.

Environmental Zone	Maximum vertical illuminance (lux)		Complies
	Pre-curfew	Post-curfew	
A4	25	5	Yes

Table 12: Maximum lighting limit (post-curfew)

The maximum post-curfew luminance for dwellings located within Zone A4 is 5 lux. The LIA found only one residential property in the immediate proximity to the site that would experience potential illumination from the sign. The location of this dwelling is shown in Figure 22 below. The LIA found the luminance level at this dwelling would be 0.6 lux post-curfew which is substantially lower than the 5 lux maximum. Given this, the proposed digital signage complies with all relevant requirements of AS 4282-2023 Control of the Obtrusive Effects of Outdoor Lighting.



Figure 22: Location of assessed residential properties (Source: Electrolight)

It is also noted, the proposed sign (as amended) also results in an improved outcome from an illumination perspective. Importantly, in previous iterations of the proposal, more residential properties were expected to experience illumination as a result of the sign. This was due to the previous iterations being located further east as well as orientated to east. As outlined above, only one residential property is expected to experience illumination due to the amended location and western orientation.

6.2.3 Illumination summary

In summary, the LIA determines that the sign:

- *has been found to comply with all relevant requirements of AS 4282-2023 Control of the Obtrusive Effects of Outdoor Lighting and the Signage Guidelines*
- *should not result in unacceptable glare, nor should it adversely impact the safety of pedestrians, residents or vehicular traffic*
- *should not cause any reduction in visual amenity to nearby residences or accommodation*

The LIA recommends that the average luminance difference between successive images on the proposed sign not exceed 30% to ensure compliance with AS 4282-2023. In addition, the LIA recommends the dwell time to be 10 seconds or greater. It is noted a dwell time of 60 seconds is proposed as per comments received from TfNSW.

6.3 Heritage

As identified at Section 5.4.2 above, the site is located in the 'King Street and Enmore Road' HCA and is also in proximity to a number of heritage items. These heritage items are shown at Figure 23 below.



Figure 23: Heritage Locality Map (Base Source: Six Map)

An impact assessment on the HCAs and heritage items in close proximity to the site is provided at Appendix 7, however a summary is provided below.

6.3.1 State heritage item

'Newtown Railway Station group and Former Newtown Tramway Depot', Great Southern and Western Railway, Newtown

The proposed advertising sign will have a minimal and acceptable impact on this State item for the following reasons outlined in the HIS at Appendix 7:

- *The removal of the existing static signage on the King Street Overbridge will have a positive impact as it is intrusive in the setting of the item and degrades from the visual appearance of this component.*
- *There will be no impact on the fabric of this item. The proposed signage lies outside of the curtilage of this item and will not impact on the King Street Overbridge, which is the nearest element to the proposal.*
- *The proposed digital signage will be located within a busy commercial corridor and will come less than 5m above the street so that it is visible from Enmore Road and King Street without being overly prominent.*
- *Part 2 of the Marrickville DCP 2011 permits illuminated signage in this context provided it is a static image, as is proposed.*
- *The proposed digital signage will not require the removal of any vegetation, excluding minor pruning of the nearest trees as required. The existing vegetation will help to integrate the new signage into the streetscape.*
- *The proposed digital signage will provide for a more visually interesting element within the public domain without detracting from the character of the item or the surrounding streetscape. The images will continue to be static and not animated.*
- *The proposed digital signage enables the change-over of advertisements without requiring physical intervention.*
- *The proposed works will, overall, have a minimal and acceptable impact on the ability of the public to understand and appreciate the historic and aesthetic significance of the item.*

In addition, the proposed sign (as amended) results in an improved outcome for this State heritage item. This application proposes to relocate the sign 30m further west of the previous proposed location. This amended location is outside the curtilage of the State heritage item and therefore reduces impacts on its fabric and significance.

Impacts are also reduced as the sign will no longer be attached to the railway bridge, 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. Architectural Plans are provided at Appendix 3 and a Structural Feasibility Statement is provided at Appendix 10 which outline this.

6.3.2 Heritage conservation areas

'King Street and Enmore Road' Heritage Conservation Area

The proposed advertising sign will have an acceptable impact on this HCA for the following reasons outlined in the HIS at Appendix 7:

- *The proposed digital signage will be located within a busy commercial corridor already characterised by existing advertising signage.*
- *The proposed digital signage will come less than 5m above the street and will be visible within significant view corridors. This will have an acceptable impact because the signage is minor in scale so will not be overly prominent and will not block view of contributory buildings within the Conservation Area.*
- *The proposed digital signage will provide for a visually interesting element within the public domain without detracting from the character of the surrounding streetscape.*
- *The images will be static and not animated, as is consistent with the provisions provided by Part 2 of the DCP 2011.*

- *The proposed works will, overall, have no impact on the ability of the public to understand and appreciate the historic and aesthetic significance of the Conservation Area.*

The amended location is in an unobtrusive spot and will ensure the sign appears as a background element, rather than dominating or detracting from the streetscape. The proposed location is located on the verge of the HCA and its immediate surroundings, being a fenced, landscape area that is partially visible from the streetscape and broader HCA is considered the most suitable location for the amended sign.

In summary, the amended proposal is considered to have suitable and minimal impacts on the HCA.

'King Street' Heritage Conservation Area

The 'King Street' HCA is located in the City of Sydney LGA. It was found that the proposed advertising sign will have a minimal and acceptable impact on this HCA for the following reasons outlined in the HIS at Appendix 7:

- *There will be no impact on the fabric of any of the buildings that make up this Conservation Area. The proposed signage is sufficiently separated from the Conservation Area.*
- *There will be no impact on significant view corridors towards the Conservation Area. The proposed signage is located well outside these view corridors and is otherwise minor in scale. It will not be overly prominent, where viewed from the Conservation Area.*
- *The proposed signage will be visible from the Conservation Area. This will have a minimal and acceptable impact because it is consistent with the setting of the Conservation Area, as a busy commercial corridor already characterised by existing advertising signage.*
- *The proposed signage will provide high quality images which, where visible, create a visually interesting element within the public domain without detracting from the character of the Conservation Area or the surrounding streetscape.*
- *The images will be static and not animated as is consistent with the provisions provided by Part 2 of the Marrickville DCP 2011 and Part 3.16 of the Sydney DCP 2012.*
- *The proposed works will, overall, have no impact on the ability of the public to understand and appreciate the historic and aesthetic significance of the Conservation Area.*

As noted, the amended sign is now positioned in an unobtrusive setting, that is neither detracting from the streetscape or visually prominent. The amended location will ultimately reduce the perception of visual clutter as it will be observed as a background element to the side of the road rather than a standalone structure on the railway overbridge.

In summary, the proposed sign is considered to have minimal and acceptable impacts on the King Street HCA.

6.3.3 Local heritage items

Impacts on the following local heritage items have been assessed:

- 'Newtown Town Hall, including interiors', No. 1 Bedford Street, Newtown
- 'Bedford Street retail group, including interiors', No. 15, 27 and 37 Bedford Street and No. 167 Probert Street, Newtown
- 'The Hub Theatre, including interiors', Nos. 7-13 Bedford Street, Newtown
- 'Commercial building including interior', Nos. 1-15 Wilson Street, Newtown
- 'Commercial building including interior', Nos. 304-314 King Street, Newtown
- 'Bank Hotel including interior', No. 324 King Street, Newtown

It was found that the proposed advertising sign will have a minimal and acceptable impact on these local items for the following reasons outlined in the HIS at Appendix 7:

- *There will be no impact on the fabric of the items. The proposed signage is sufficiently separated from the items.*
- *There will be no impact on significant view corridors towards the items. The proposed signage is located well outside these view corridors and is otherwise minor in scale. It will not be overly prominent, where viewed from the items.*
- *The proposed signage will be visible from the items. This will have a minimal and acceptable impact because it is consistent with the setting of the items, as a busy commercial corridor already characterised by existing advertising signage.*
- *The proposed signage will provide high quality images which, where visible, create a visually interesting element within the public domain without detracting from the character of the items or the surrounding streetscape.*
- *The images will be static and not animated as is consistent with the provisions provided by Part 2 of the Marrickville DCP 2011 and Part 3.16 of the Sydney DCP 2012.*
- *The proposed works will, overall, have no impact on the ability of the public to understand and appreciate the historic and aesthetic significance of these items.*

Further to the above, the proposed sign (as amended) is now located further from these local heritage items as it is proposed 30m to the west. The sign will therefore be less visible to these items than previously proposed.

In summary, the proposed sign is considered to have minimal and acceptable impact on the local heritage items in proximity to the site.

6.3.4 Heritage Summary

In summary, the HIS determines that the sign:

- *Will have a minimal and acceptable impact on the Conservation Area and on heritage items/Conservation Areas within the vicinity as it is sufficiently separated from these for there to be no impact on significant view corridors or their fabric.*
- *The proposed sign is already consistent with the setting of the items and Conservation Area, within a busy commercial corridor characterised by existing signage.*
- *Where visible the proposed signage will provide for a visually interesting element that will not detract from the character of the items.*

- *The proposed works fulfill the aims and objectives of the Inner West LEP 2022 and the Marrickville DCP 2011.*

In addition, the proposed sign (as amended) will result in an improved outcome when compared to previous iterations of the proposal as:

- it has been relocated 30m further west outside the curtilage of the State heritage item
- it is no longer proposed to be attached to the railway bridge
- there will be reduced visibility of the sign from local heritage items located to the east

6.4 Vegetation Management

An Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees (Appendix 11) to review the three trees located immediately north of the site.

The Arborist Report found:

- *Three trees are located in proximity to the site which are legally protected under Inner West Council's Tree Preservation Order. These trees have existing structures, hardstand and footpaths near them.*
- *The proposed sign will encroach into the TPZ of two of these trees, however only by 2% and 1%. This encroachment is in accordance with AS4970-2009 recommendations and therefore, direct impacts are not expected.*
- *Some "light tip pruning" is required to one tree as a result of the proposed sign. Any pruning must be carried out by a qualified Arborists and in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.*

To mitigate impacts, the Arborist Report includes an arboricultural method statement (Section 4, Appendix 11), which sets out management and protection detail. The information in this statement will be implemented to ensure successful tree retention.

The Arborist Report concludes, that if the precautions to protect the retained trees outlined throughout Appendix 11 are implemented, the proposed sign will have no impact on the contribution of trees to local amenity and character.

6.5 Structural Integrity

A Structural Feasibility Statement has been prepared by Dennis Bunt Consulting Engineers (Appendix 10) to determine the structural integrity and extent of the proposed sign.

The proposed structure contains two integral elements, being the steel frame and the footing. Details of these elements are outlined below:

Steel frame

- *the proposed structure will consist of a fabricated steel column (600mm x 400mm x 20mm) and a rectangular box section welded to the top of the column to form an L shape*

- *a door will be located in the rear of the column to store equipment so the column will act as a C section for most of its height*
- *a welded steel frame will be bolted to the top of the horizontal box section*
- *the LED screen will be assembled in the contractor's factory and will be clamped to the welded frame*
- *the weight of the structure including the digital screen and the cladding is approximately 3.1 tonnes*
- *the sign is to be designed for a wind load for region A, terrain category 2.5 and a 50 year design life in accordance with AS1170.2*

Footings

- *a concrete pile and pile cap are proposed due to the sloping ground and the above ground cable trays for Sydney Trains being located in the area*
- *the pile cap will be 1m² in area and 1m deep*
- *the concrete pile will be 750mm in diameter and will extend below the track level by approximately 5m*

Based on the above, the Structural Feasibility Statement found the proposed sign to be structurally sound.

It is also noted, as the works are proposed to penetrate approximately 5m below the existing ground level, consideration against Section 2.99 of the Transport and Infrastructure SEPP has been provided in Section 5.3.3 of this report.

6.6 Visual Impacts

A detailed Visual Impact Assessment (VIA) prepared by Keylan Consulting is included at Appendix 9.

The VIA assesses the impact of the proposed digital advertising sign from a number of viewpoints and concludes that the proposal will not have any additional adverse visual impacts on the surrounding area.

The assessment of viewpoints concludes that visual impacts on sites in the immediate vicinity were minimal as:

- the sign will only be viewed at a point in time by pedestrians and patrons of public transport
- a sign will not detract from the heritage significance of surrounding heritage items
- the presence of vegetation along the road corridor will restrict views of the sign from surrounding areas
- an advertising sign will enhance the visual interest of Enmore Road through the presentation of high resolution static digital advertisements
- the sign is compatible with the area given it is a highly commercial precinct which supports an active street frontages
- the proposal will have a low visual impact on the residential receivers
- the sign will not impact the public domain or viewing rights of the 'Welcome to country' sign in Pride Square or the Oporto sign to the west

- the proposal will rationalise signage within the locality which will positively impact the area
- views of the sign from the west will have no impact as only the rear of the sign will be visible, allowing it to integrate with surrounding built form

Overall, the VIA concludes the proposal will result in an acceptable visual impacts and will provide for a signage structure that is compatible with the surrounding streetscape.

6.7 Site suitability

The site is a suitable location for the provision of digital advertising signage on the basis that:

- the proposal is compatible with the existing and desired future character of the area, noting that the advertising signage is proposed on a rail corridor adjacent to a highly urbanised local centre
- there will be minimal impact on the 'King Street and Enmore Road' HCA
- there will be minimal and acceptable impacts on surrounding heritage items and other HCAs, including the Newtown Railway State heritage item
- there will be minimal visual impacts on surrounding area given the orientation of the sign towards the road corridor and the nature of the locality with limited residential land uses
- the sign will also exhibit a high quality design that will encourage an active street frontage and support Newtown's night-time economy
- detailed investigations of the road network have determined that the development will not impact on the continued and safe operation of Enmore Road in its function as a classified road
- 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
- the development fully complies with the relevant statutory and policy provisions that govern outdoor advertising signage and LED technology in NSW
- the site is an effective location for outdoor advertising that will provide public benefits of which is discussed in Section 6.8 below
- the proposed site (as amended) is more suitable than previously proposed as it will result in:
 - reduced impacts on the Newtown Railway Station State heritage item given it is located outside the curtilage of this item and is no longer attached to the railway bridge
 - reduced visibility of the sign from local heritage items to the east
 - improved illumination on residential properties
 - improved location in terms of compatibility with surrounding built form context (refer figure below)
 - improved traffic outcomes for motorists as the sign will:
 - not be located within the SSD of an intersection
 - be located further from the intersection stop line
 - have a dwell time of 60 seconds (increased from 15 seconds)



Figure 24: Indicative photomontage showing location suitability (Source: JCDecaux)

6.8 Public benefit

In accordance with the Signage Guidelines, an application for digital advertising that is proposed by Sydney Trains is to demonstrate how the local community will benefit from the proposal, such as railway station upgrades, rail crossings or amenity improvements along rail corridors including landscaping, litter removal or vandalism and graffiti management.

A Public Benefit Statement prepared by Sydney Trains is included as part of the application (Appendix 6). The statement confirms that all of the revenue generated by the proposed advertising signage will help fund essential Sydney Trains services to the benefit of the local community, including:

- improvements and maintenance programs
- ensuring the continued provision of clean, frequent, and reliable services for customers
- supporting the next generation of transport solutions online
- provision of emergency messaging and announcements to the public such as during:
 - station emergency situations
 - any major disruption which is likely to cause delays to train running times
 - Sydney Trains and TfNSW promotions and events
 - threat-to-life alerts by NSW Government Emergency and Police Agencies

The proposed new digital advertising sign 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 in the future be available to Sydney Trains and other NSW Government agencies such as NSW Police, NSW Health and Transport for NSW.

Accordingly, the application addresses the public benefit test outlined in the Signage Guidelines through the provision of funding toward improvements to the Sydney Trains network and direct messaging to the community.

7 Conclusion

This SEE supports an amended DA for the installation of a new digital advertising sign on Enmore Road, Newtown within the Inner West LGA.

The sign will be visible to motorists travelling west along King Street and Enmore Road. The sign is proposed to comprise an advertising display area of approximately 14.93m².

The application also proposes to remove six existing static signs, located on the inside of the Enmore Road railway bridge. These signs amount to an overall area of 30m².

Following a detailed consideration of the proposal in its legislative and physical context, this SEE determines that the proposal:

- meets the objectives of Industry and Employment SEPP as it is compatible with the amenity and visual character of the surrounding area
- demonstrates compliance with the assessment criteria set in Schedule 5 of the Industry and Employment SEPP
- 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
- will result in minimal and acceptable impact on heritage items and conservations areas
- will exhibit a high quality design that will encourage an active street frontage, support Newtown's night-time economy and provide visual interest for motorists using Enmore Road and King Street
- will be in the public interest as the revenue that is generated by the advertising signage will be used by Sydney Trains to improve the network through projects such as railway station upgrades, rail crossings or amenity improvements along rail corridors including landscaping, litter removal or vandalism and graffiti management

The proposed sign (as amended) results in an improved outcome previously proposed for the following reasons:

- reduced impacts on the Newtown Railway Station State heritage item given the amended location is outside the curtilage of this item and the sign is no longer proposed to be attached to the railway bridge
- reduced visibility of the sign from local heritage items
- improved illumination on residential properties
- improved traffic outcomes for motorists as:
 - no longer proposed within the SSD
 - located further from the intersection stop line
 - increase in dwell time from 15 seconds to 60 seconds (note, 10 seconds is the requirement)

Considering the above, the digital advertising sign will not result in an adverse impact on the environment or on the safety of road users. On this basis, the proposal (as amended) warrants approval.