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21 September 2023

Anthony Witherdin
Director, Key Sites Assessments
Department of Planning and Environment
12 Darcy Street, Parramatta NSW 2150

Attention: Meg D'Souza (Planning Officer, Key Sites Assessment)

Dear Meg,

RE: RFI RESPONSE | DIGITAL ADVERTISING SIGN | WESTERN DISTRIBUTOR | DA23/4398

Urbis has prepared this submission on behalf of Sydney Trains (**the Applicant**) in relation to DA23/4398 (**the DA**) which seeks consent for the replacement and relocation of an approved third-party digital advertising signage structure (**the proposal**) on the Western Distributor (A4) (**the site**). This submission responds to matters raised in the Department of Planning and Environment (**DPE**) request for additional information (**RFI**) (issued on 17 June 2023), the agency submission from City of Sydney Council (**the City**), and public submissions received throughout the public exhibition period.

On 17 August 2023, the applicant submitted a documentation package to Heritage NSW to respond to a request for additional information (dated 21 July 2023) in relation to excavation impacts, construction methodology (site protection), structural adequacy, and vegetation management.

This submission is supported by the following technical reports and documentation:


- Addendum Visual Impact Assessment Letter prepared by Urbis (at **Appendix A**);
- Design Statement prepared by Tzannes (at **Appendix B**);
- Addendum Lighting Impact Assessment prepared by Electrolight (at **Appendix C**);
- Planting Statement prepared by Fytogreen (**Appendix D**);
- Landscaping Statement prepared by Common Grounds (at **Appendix E**);
- Heritage Response prepared by Weir Phillips (at **Appendix F**);
- Geotechnical Statement prepared by BHM Geotechnical Pty Ltd (at **Appendix G**); and
- Construction Methodology Statement prepared by Hanlon Industries (at **Appendix H**).

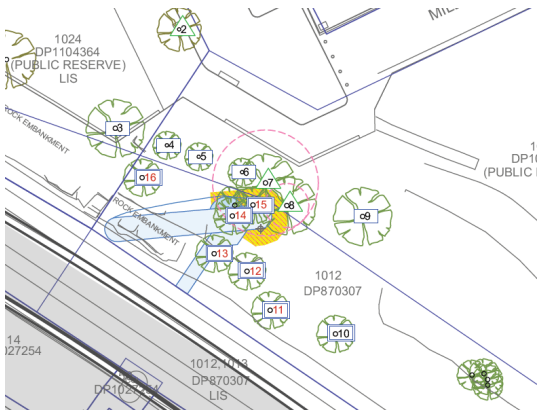
Note. The applicant has commissioned an arborist (Naturally Trees) to undertake a supplementary Arboricultural Impact Assessment (**AIA**) to assess the proposal. This AIA is in preparation and will be submitted to DPE in due course. This RFI response provides the preliminary findings from the AIA.

1. RESPONSE TO DPE RFI

Table 1 provides a response to the matters raised by DPE in the RFI letter dated 17 June 2023.

Table 1 Response to RFI

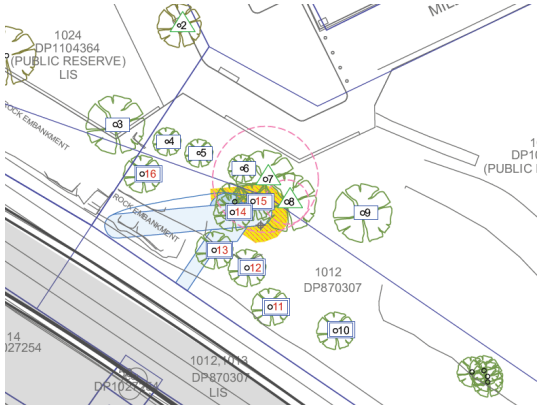
DPE Comment	Applicant Response
<p>Assessment Criteria – Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021</p> <p>The Statement of Environmental Effects assesses the proposal against the requirements of Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021. Following a review of the assessment provided in Section 5.3, clarification is required on the following matter:</p> <p>There are inconsistencies in the information provided regarding visual impacts. In particular, Section 3 – Views and Vistas notes that the vegetation on the northern and eastern side of the site ensures the structure can only be partially viewed from the residential development located east of the site. However, Section 4 – Streetscape, setting or landscape notes that the proposed structure will protrude above tree canopies located within the site and above the Western Distributor. Please clarify if the sign will protrude above tree canopies and if it can be viewed from residents to the east of the site.</p>	<p>The below photomontage contained in the Design Statement (at Appendix B) demonstrates that the sign does not protrude above existing tree canopies.</p>  <p>As assessed in the Addendum Visual Impact Assessment (VIA) Letter prepared by Urbis (Appendix A), visual change from the properties to the east and south is considered to be low and limited.</p>
<p>Visual Impacts</p> <p>Please address the following matters:</p> <p>To ensure consistency, for all photomontages:</p> <ul style="list-style-type: none"> Provide an assessment of visual impacts with consideration of trees to be removed. 	<p>The Arborist Report (prepared by Matthew Reed) originally submitted with the DA assessed the extent of trees previously understood on the site. Since the time of the original DA lodgement, this Arborist Report has been superseded. Accordingly, trees marked for potential removal in the Arborist Report (Matthew Reed) should be disregarded.</p> <p>The applicant has commissioned a separate arborist (Naturally Trees) to undertake an Arboricultural Impact Assessment (AIA). This AIA is in preparation and will be submitted to DPE in due course.</p>

DPE Comment	Applicant Response
	<p>Naturally Trees have assessed the construction methodology and have confirmed that Trees # 13, 14, and 15 will require removal. The location of the three trees proposed are removal are identified below.</p> <p>Note. The below plan is taken from the previous Arborist Report and only Tree # 13, 14, and 15 should be considered for removal.</p>  <p>Naturally Trees have assessed that these three trees are of low significance and located within the railway corridor. The trees are identified as 'exempt species' under the City of Sydney Council guidelines and may be pruned or removed at any time by the tree-owner (i.e. the applicant) without approval.</p> <p>As assessed in the Addendum VIA Letter (Appendix A), from a visual impact perspective, the change as a result of the removal of these trees will largely indistinguishable for users of the Western Distributor, and from adjoining streets and close view locations within the public domain. Visually, a consistent band of vegetation will remain, and which will provide screening of the proposal in close view locations including from Bulwara Road and Miller Lane. Aside from the 'pole structure', visibility to the sign will be limited, and removal of the trees will not generate any further significant viewing opportunities or visual prominence.</p>

DPE Comment	Applicant Response
<p>Provide an assessment of visual impacts to private domain views for receivers (immediately surrounding the proposed structure) at both ground and upper levels.</p>	<p>The assessment of private domain views included in the Addendum VIA Letter (Appendix A) is based on the likely view access of dwellings in surrounding residential flat buildings. For the majority of view places analysed, this is from mid and upper-level dwellings given the high level of intervening vegetation and built form such as the fly over associated with the Western Distributor. In those instances where the proposal is visible from the ground floor (for example from 3-27 Griffin Road), views have been assessed. Additional views requested by DPE are addressed in Section 3.4 of the Addendum VIA Letter (Appendix A).</p>
<p>Ensure the scale of the structure is consistent in the photomontages provided. Inconsistencies were noted in figures 26 and 40 of the VIA, compared to other photomontages provided (also refer to Figures 1-3 above).</p>	<p>The scale of the proposal in the figures in the Addendum VIA Letter is consistent. The focal length used is 35mm and consistent with all public domain photos included in the VIA and used for the preparation of photomontages. In Figure 40, the proposal's exoskeleton is shown as a white outline, to indicate its partial potential visibility within its immediate vegetated setting. The proposal in Figure 26 is shown at the correct height and scale, from a highly oblique angle, and as a red dotted outline with translucent red fill. The red colour is used to different its visibility, as it will be wholly obscured in this view. That is, no parts of the proposal will be visible due to dense intervening vegetation. In this regard 'red' indicates no visibility, and the white exoskeleton outline indicates partial potential visibility or heavily filtered views to parts of the pole and potentially the rear of the sign structure.</p> <p>Further the viewing distance, relative level, and angle of view, may cause the proposal to appear to be different in scale. These differences do not reflect inconsistency of scale, but the rather the varied visual effects of the proposal on the existing visual environment, when viewed from a representative sample of public domain view locations.</p>

DPE Comment	Applicant Response
<p>Provide an assessment of views to and from 17 Jones Street, 63-79 Miller Street, 46-48 Pyrmont Bridge Road, 55 Pyrmont Bridge Road, 134-150 Bulwara Road and 152-164 Bulwara Road.</p>	<p>The Addendum VIA Letter (Appendix A) concludes:</p> <ul style="list-style-type: none"> • The locations requested by DPE are within the vicinity of both the private and public domain view locations assessed as part of the original VIA (submitted with the DA). Based on a review of aerial imagery, street view locations and a review of previously prepared photomontages and CGIs relative to the additional locations, an opinion is formed that the proposal will generate a level of visual effects similar to or less than those previously identified and analysed in the VIA. • Notwithstanding that three of the six additional view locations appear to be from commercial tenancies, the Addendum VIA Letter (Appendix B) provides additional, evidence-based analysis of potential visibility from all requested locations. Urbis research and analysis confirms that there is limited visual access to both the proposal, and views characterised by features of high scenic quality from all locations. • Based on analysis of road / building alignment, location and distance, access to views, and locations in dwellings / tenancies where views are available, in addition to view composition, quantum of change, and level of visual effects, the Addendum VIA Letter assesses that potential view impacts from additional dwellings are minor (conservatively) to negligible (most probable). • Following the guidance provided in Tenacity, Urbis considers that there is no utility in both undertaking further analysis of the identified locations, or in the preparation of CGIs or photomontages. Given the limited potential visibility of the proposal from the above locations, and the likely negligible view impacts, it is Urbis' opinion that additional visual aids would not

DPE Comment	Applicant Response
	<p>provide meaningful additional information to alter the conclusions from those provided in the VIA.</p> <ul style="list-style-type: none"> Additional visual aids would make no material difference to the existing analysis, reporting, or conclusion as to likely public or private domain view impacts of the proposal.
<p>Landscaping</p> <ul style="list-style-type: none"> Confirm the timeframe for the vegetation to cover the planter boxes on the façade of the structure. Please note that a timeframe of more than 12 months will trigger the requirement for an additional assessment of visual impacts without the vegetation (from all equivalent perspectives). As mentioned above, clarify the anticipated timeframe for the vegetation to fully cover the planter boxes in the façade. Clarify the process around the implementation and maintenance of the planter boxes. 	<p>The Planting Statement prepared by Fytogreen (Appendix D) provides the following response:</p> <ul style="list-style-type: none"> Plants will be pre-grown to a minimum of 1.8m high at install. The ideal low maintenance species would be <i>Trachelopernum jasmynoides</i> or <i>Aphanopetalum resinosum</i> (native option) as they will self-twine. Based on the planter interval spacing, the facade would be 60% covered within 3 months of install and >90% covered within 12 months. As such, the proposal would not trigger the requirement for an additional assessment of visual impacts without the vegetation. Neither plant species will impact the sandstone in terms of habit or growth. Drainage systems will be designed to conserve water and direct any run-off to stormwater outlets. In terms of maintenance of planter boxes: <ul style="list-style-type: none"> For pre-construction, planter boxes, irrigation, drainage and mesh could be fitted offsite for installation. Planting would occur once into position whilst the fitout of the connecting services was completed. Mesh will need to be a webmesh type with an aperture of 200-300mm, so that the majority of maintenance can be conducted from inside the structure via the platforms. There will need to be a provision at the top of structure for occasional external maintenance, such as belay points fixed to enable rope access.

DPE Comment	Applicant Response
	<ul style="list-style-type: none"> The irrigation will be controlled by a Galcon GSI and flow meter allowing live flow data and alarms enabling remote monitoring and control. Irrigation will be adjusted for seasonal conditions and can be linked to a rain sensor.
<p>Arboricultural Assessment</p> <p>As mentioned above, provide the final version of the Preliminary Arboricultural Assessment that identifies the trees earmarked for removal. Additionally, outline the potential impacts of the proposal (including construction works) to Council trees and trees at Paradise Reserve, and how these potential impacts will be rectified.</p>	<p>The Arborists Report prepared by Matthew Reed and submitted at the time of DA lodgement assessed the extent of trees previously understood. The applicant has now commissioned a separate arborist (Naturally Tree) to undertake a supplementary Arboricultural Impact Assessment (AIA) to assess the proposal. This AIA is in preparation and will be issued to DPE in due course. This RFI response provides the preliminary findings from the AIA. Accordingly, trees marked as removal in the original Arborist Report (prepared by Matthew Reed) should be disregarded.</p> <p>Naturally Trees have assessed the construction methodology and confirmed that Tree # 13, 14, and 15 will require removal. The plan below shows the location of these trees. Note. The below plan is taken from the previous Arborist Report and only Tree # 13, 14, and 15 should be considered for removal.</p>  <p>Naturally Trees have assessed that these three trees are of low significance and located within the railway corridor. The trees are identified as 'exempt species' under City of Sydney Council guidelines and may be pruned or removed at any time without approval.</p>

DPE Comment	Applicant Response
	<p>As assessed in the Addendum VIA Letter (Appendix A), visual change as a result of the removal of these trees will be largely indistinguishable to users of the Western Distributor and from adjoining streets and close view locations from within the public domain.</p> <p>The proposal does not impact the trees within the Paradise Reserve. Despite the removal of three trees, a consistent band of vegetation will remain and provide screening of the proposal in close view locations including Bulwara Road and Miller Lane.</p>
<p>Heritage</p> <p>Additional information is required to determine impacts to the Pyrmont and Glebe Railway Tunnels State Heritage Item. In particular:</p> <p>Outline the construction methodology for the proposed structure.</p> <p>Clarify if the if the works will result in a physical impact to the curtilage of the heritage item.</p>	<p>This submission is accompanied by a Heritage Statement prepared by Weir Phillips (at Appendix F). This was included in the submission package issued to DPE and Heritage NSW on 17 August 2023.</p> <p>The Heritage Statement concludes that the proposal will not have detrimental impacts to heritage curtilage:</p> <ul style="list-style-type: none"> • The Geotechnical Report confirms that works with minimal impact to the sandstone embankment can be achieved through procedures including hold points to ensure the safety and stability of the ground surface during geotechnical drilling and investigative works. It is anticipated that with appropriate management of construction and installation, there will be little to no disturbance of the sandstone embankment. • The Construction Methodology Statement provides detailed procedures which are designed to mitigate any impact on the sandstone embankment, including measures for the initial investigation and preparation of the site, as well as for its ongoing protection during installation of the signage and post-construction site clean-up. • The signage will use pre-grown planters and units. The plants will be watered using an irrigation system with any run-off directed to stormwater outlets, so as not to impact on the sandstone embankment.

DPE Comment	Applicant Response
	<ul style="list-style-type: none"> Proposed plant species are of a low maintenance native species which will have no impact on the sandstone embankment.
<p>Geotechnical</p> <p>Provide a preliminary geotechnical report prepared by a suitably qualified expert which identifies the ground conditions, the proposed depth and extent of excavation, makes recommendations for undertaking excavation and construction and, if applicable, makes recommendations for the supporting structure of the proposed signage.</p>	<p>The Geotechnical Statement prepared by BHM Geotechnical Pty Ltd (Appendix G) assesses impacts of core drilling required to install the signage structure to the sandstone cutting. It acknowledges that the construction of the structure is geotechnically complex. However, by implementation of appropriate management, there will be no damage or disruption, visual or otherwise, to the sandstone embankment.</p> <p>Appropriate procedures will be implemented to ensure ground safety and stability during geotechnical drilling and investigative works. At the completion of geotechnical investigations, BHM will be able to provide detailed recommendations on the stability of the structure, both on a temporary basis (during construction) and a permanent basis.</p> <p>The Statement concludes that the implementation of established procedures and diligent adherence to safety protocols will enable safe construction of the proposed signage structure. Further, when implemented and managed appropriately and with professional engineering oversight, it is anticipated that there will be minimal to no disturbance, whether visual or otherwise, to the sandstone embankment.</p>
<p>Amended Plans and Documentation</p> <p>Provide amended plans that illustrate the depth and extent of anticipated excavation.</p>	<p>The diameter of the concrete plinth is 2.8 metres which will extend 0.5 metres into the bedrock (Sandstone) as a 2.8m x 2.8m square base. Core drilling and excavation details are also provided in the Construction Methodology Statement (Appendix H).</p>
<p>Illumination</p> <p>Address the public submissions raising concerns during exhibition regarding illumination and visual and amenity impacts on nearby residences.</p>	<p>The digital sign has the following brightness levels:</p> <ul style="list-style-type: none"> Full direct sun on panel - 6000 cd/m² (maximum) Day time - 6000 cd/m² (maximum) Overcast Weather - 600 cd/m² (maximum)

DPE Comment	Applicant Response
	<ul style="list-style-type: none"> ▪ Twilight - 600 cd/m2 (maximum) ▪ Night time - 200 cd/m2 (maximum) <p>The Addendum Lighting Impact Assessment prepared by Electrolight (at Appendix C) concludes:</p> <ul style="list-style-type: none"> ▪ The proposed brightness levels are compliant with all relevant guidelines and standards. ▪ AS4282 provides limits for different obtrusive factors associated with dark hours (night time) operation of outdoor lighting systems, when spill light may disrupt amenity of nearby residents. ▪ As the signage is proposed to operate all night, it is assessed against the more stringent post-curfew limit. If the light spill emitted onto nearby residential habitable windows is less than the post-curfew limit in the Standard, the amenity of the residential dwellings is deemed to not be detrimentally impacted. Surrounding dwellings are assessed as being in an A3 Environmental area under AS4282, defined as a “suburban” area with a medium level of district brightness. The post curfew illuminance limit on nearby habitable windows is therefore limited to 2 lux. ▪ The signage orientation is such that it is directed towards the Western Distributor and away from residential properties. The closest residential properties (representing the worst-case potential lighting impact) are located along Bulwara Road. ▪ Calculations show that the maximum illuminance to these residential properties is 0.2 lux, which is 10% of the maximum allowable of 2 lux. As the potential light spill is well within the maximum limit (and close to zero), the signage will not cause unacceptable amenity impacts to nearby dwellings. This very low level of spill light means that any changes in content of the signage (what the objector’s describe as “flashing” or “rotating”),



DPE Comment	Applicant Response
	would not, in the author's expert view, cause unacceptable amenity impacts to residents.

2. RESPONSE TO CITY OF SYDNEY SUBMISSION

Table 2 below provides a response to matters raised by the submission of City of Sydney Council.

Table 2 Response to Council's Submission

Submission Comment	Applicant Response
Relocation of Approved Sign	
<p>The proposal is described in the SEE as the relocation of an approved third-party digital advertising sign further south along the Western Distributor (DA 10665).</p> <p>We again disagree that the new design and location of the advertising sign is a superior outcome compared to that approved under DA 10665, as is described in the SEE. We also do not consider it accurate to describe this sign as the relocation of an existing approved sign. The proposed sign is taller, has a different design with integrated planters and is visually more prominent and overbearing compared to the sign approved under DA 10665, in which the City objected to. This is highlighted in the SEE itself in justifying the proposed location, which states that the new sign "is not as obscured by existing vegetation and therefore more visually accessible to the public."</p> <p>Further, it remains unclear how surrender of DA 10665 will be enforced to ensure certainty that both signs will not be installed.</p>	<p>The proposal replaces the original approved proposal (DA 10665) with a new third-party digital advertising signage to achieve significant environmental, traffic, and urban design improvements. The new sign will be located at Lot 1012 DP 870307 and oriented towards westbound traffic on the Western Distributor. The new sign will be located some 250 metres north of the original approved sign.</p> <p>A suitably worded condition may be included in the consent requiring the applicant to surrender DA 10665 prior to commencement of construction works.</p>
Design Excellence	
<p>The concerns previously raised by the City in relation to design excellence have not been adequately addressed or resolved in this new DA. Therefore, our comments remain relevant and are reiterated below.</p> <p>In accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012 (SLEP 2012), development consent must not be granted to development unless,</p>	<p>Refer Table 3 below.</p>

Submission Comment	Applicant Response
in the opinion of the consent authority, the proposed development exhibits design excellence.	
Public Benefit	
<p>The 'Public Benefit Statement' submitted with this DA is the same as that submitted in the previously withdrawn DA, which the City raised a number of concerns with. Our outstanding concerns are outlined below.</p> <p>The Transport Corridor Advertising and Signage Guidelines outlines how advertisements along railway corridors, classified roads and on bridges must meet a public benefit test to ensure that advertising will result in a positive gain or benefit for the community.</p> <p>The Guidelines state that Sydney Trains must demonstrate that revenue raised from advertising is directly linked to public benefit.</p> <p>In addition to the above requirements, we note the following relevant provisions in the Sydney DCP 2012:</p> <ul style="list-style-type: none"> - New third-party signs and advertisements are generally not permitted in the City in accordance with Provision 3.16.7.1(1) of the SDCP 2012. Section 3.16.7.2 of the SDCP 2012 outlines that new advertising signs and third party advertisements are generally only appropriate when converting an existing approved billboard sign to a digital billboard. - When this occurs, Provision 9 specifies that the sign must provide a public benefit being 10% of the advertising time being made available to the City of Sydney to display public information, community messages and promotion of Council events and initiatives. Alternatively, this provision also allows for other public benefits in lieu of advertising time. 	<p>The applicant provides the following response in relation to the public benefit matter:</p> <ul style="list-style-type: none"> ▪ In relation to Sydney DCP, State Environmental Planning Policy (Industry and Employment) 2021 (the SEPP) does not directly apply as a development control plan is not a "environmental planning instrument" (EPI) as defined in the EP&A Act. Section 3.43 of the Act applies to inconsistencies between a DCP and an EPI. ▪ The "principal purpose" of a DCP is to provide "guidance" as to certain matters to the persons proposing to carry out relevant development and the consent authority for any such development (Section 3.42 of the EP&A Act). Such provisions of a DCP are expressly stated not to be statutory requirements (Section 3.42) and are to be considered flexibly (Section 4.15(3A)). ▪ Section 3.42(b) indicates that a development control plan is only to facilitate development that is permissible under the applicable environmental planning instrument. As the subject DA only achieves permissibility through the SEPP, it is queried how much weight should be given to a development control plan which primarily relates to permissible development in accordance with a local environmental plan (and specifically Clause 3.16.7.2(9) the Sydney DCP in the subject case). ▪ A development control plan which conflicts with other policy outcomes adopted at state level will be given less weight than a development control plan which provides a sensible planning outcome consistent with other policies.

Submission Comment	Applicant Response
<ul style="list-style-type: none"> - There is nothing in the submitted Public Benefit Statement to suggest that the public benefit requirements of the Industry and Employment SEPP and the requirements of the SDCP 2012 are inconsistent such that they cannot be applied concurrently. - Further, we note that Provision 3.16.7.2(9) of the SDCP 2012 is clearly intended to provide further guidance as to how the public benefit test in the Industry and Employment SEPP may be met. The provision begins by stating that 'Electronic variable content advertising structures are to provide a public benefit in accordance with SEPP 64' and then goes on to outline how this public benefit is to be satisfied. - The City also maintains that the SDCP 2012 is entitled to significant weight and is a fundamental element in the decision-making process, per the findings of <i>Zhang v Canterbury City Council</i> (2001) 115 LGERA 373; [2001] NSWCA 167. 	<ul style="list-style-type: none"> • It is the applicant's view that outcomes sought in the DCP conflict and are incompatible with the policy outcomes in the SEPP and therefore the DCP should be afforded little statutory weight. • The objectives of Clause 3.16.7.2 of the DCP are to provide guidance on advertisement structures and third-party advertising and ensure public benefit derived from such signs. The DCP does not directly apply to signs in transport corridors. • The objects of the SEPP include "to ensure that public benefits may be derived from advertising in and adjacent to transport corridors." This is further articulated elsewhere in the SEPP. The Transport Corridor Outdoor Advertising and Signage Guidelines provide detailed guidance on what will constitute a public benefit for advertising in transport corridors on behalf of Sydney Trains. • There is therefore arguably a "want of consistency or congruity" or "lack of accordance or harmony" between the public benefit obligations under the SEPP and public benefit requirements in Clause 3.16.7.2(9) of the DCP. • Accordingly, it may be inappropriate for the Minister to apply the public benefit test in accordance with the SEPP and the Guidelines and also apply the public benefit requirements in Clause 3.16.7.2(9) of the DCP. It is clear that the Minister will need to be satisfied that the DA will provide acceptable public benefits as per the SEPP and further articulated in the Guidelines. • Clause 3.16.7.2(9) of the DCP should be afforded little weight in accordance with current case law on this matter and the incongruity that arises in seeking to apply the DCP and SEPP to the DA. • The Minister must take into consideration and be satisfied of public benefits provided as per clause 3.11(2) of the SEPP. This is discussed below.

Submission Comment	Applicant Response
	<p>The DA provides the following public benefits:</p> <ul style="list-style-type: none"> • The DA provides Sydney Trains with an on-going revenue stream arising from the display screen being privately leased for display purposes. All the revenue generated to Sydney Trains from the digital sign will be invested back into the rail network and directed towards maintenance and upgrade works, ensuring enhanced transport services to the public. • Further, the revenue generated can also be used to facilitate other Sydney Trains projects to benefit the public, including the future roll-out of 'gap buffers' within CBD stations located within the City of Sydney. Other projects underway include the Transport Access Program, which will benefit both the local community and broader community when travelling to railway stations that do not currently provide access (via lifts, new canopy covers, upgraded footpaths and improvements to wayfinding) for persons with a disability limited mobility, carers/parents with prams and customers with luggage, through the provision of lifts. The Transport Access Program will provide a benefit to residents/visitors travelling to those stations. • In addition to the above-stated improvement works, the digital screen may be used to provide instantaneous safety / public awareness messages and important information to the public for instance in event of station emergency situations and threat-to-life alerts by NSW Government Emergency and Police Agencies.
Visual impacts	
<p>The visual impacts from the proposed sign remain unacceptable. The sign visually competes with the otherwise soft tree canopies of the existing large</p>	<p>An Addendum Visual Impact Assessment Letter has been prepared by Urbis and provided at Appendix A.</p>

Submission Comment	Applicant Response
<p>trees in the vicinity of the sign and causes significant adverse impacts within the locality.</p> <p>The City disagrees that the proposal satisfies the requirements of Schedule 5 of the Industry and Employment SEPP. In particular, the proposal:</p> <ul style="list-style-type: none"> Is not compatible with the existing or desired future character of the area of locality in which it is proposed to be located; 	<p>This addresses the visual impact matters raised by the City of Sydney as follows:</p> <ul style="list-style-type: none"> Desired future character principles for this area of Pyrmont relevant to visual impact (as outlined in the DCP), cites that views and vistas from the public domain to the harbour, Central Sydney, and surrounding areas must be maintained. The desired future character encourages a high quality public domain, sensitive responses to heritage elements and provision of a mix of land uses, and distinctive built form including historical low scale housing and large scale industrial uses. The proposal is a high quality architectural design response, by notable architects Tzannes, using unique, distinctive curved forms for example a lattice-style, exoskeleton and extensive planting which responds to and complements the scale and character of the prevailing streetscape.
<ul style="list-style-type: none"> Is not consistent with a particular theme for outdoor advertising in the area or locality; 	<ul style="list-style-type: none"> The predominant character of outdoor advertising in this area of Pyrmont reflects its B4 Mixed Use and B3 Commercial Core zoning and includes a variety of signage typologies such as windows, pylon, top hamper, wall signs and digital signs. The mixed and highly varied nature of signage in this locality does not reflect a consistent or standardized theme for outdoor advertising. As such, the area both encourages and tolerates a breadth of different signage types and styles and can effectively accommodate the proposal.
<ul style="list-style-type: none"> Detracts from the amenity and visual quality of the area, nearby heritage conservation areas, open space, nearby landscaping, and residential areas; 	<ul style="list-style-type: none"> The scenic quality of the site is considered low and is visually influenced by proximity to major transport routes, large scale infrastructure, and medium and high density built form. Areas of high visual quality do not form part of the visual catchment and as such the proposal (its most visible component being the digital

Submission Comment	Applicant Response
	<p>display) is not visible from the adjoining heritage conservation areas and Paradise Reserve.</p> <ul style="list-style-type: none"> The proposal is highly compatible with the scale, form, and proportions of immediate sites and streetscape character, and is a feature routinely and typically seen and anticipated along transport corridors (for instance Qantas Drive, Victoria Road and Parramatta Road, Eastern Distributor, and Pacific Highway). It is logical to locate and co-locate such features in transport corridors which are visual settings of lower scenic quality. Further such placement allows for the protection of other, more scenic, or sensitive locations.
<ul style="list-style-type: none"> Reduces the quality of vistas; 	<ul style="list-style-type: none"> The quality of vistas is depended on the compositional elements, such as a predominance and /or combination of highly valued scenic features (land water interface, green spaces, iconic sites etc), or lower quality scenic features (transport corridors, major intersections). Where the proposal may form part of views that are predominantly characterised by highly valued scenic features, blocking effects are constrained to a short section and minor extent of a much wider view composition available. The proposal does not inhibit the interpretation, understanding or inherent quality of vistas that are available to nearby areas in which it is visible.
<ul style="list-style-type: none"> Is not of a scale, proportion or form that is appropriate for the streetscape, setting or landscape; 	<ul style="list-style-type: none"> The immediate visual context is predominantly characterised by large scale built form including roadway and rail corridor infrastructure and industrial and commercial buildings. The proposal will be seen from the Western Distributor against a backdrop of built form including a ten storey building and multiple residential tower forms (approx. 20 storeys in height). Immediate close (transient and short -

Submission Comment	Applicant Response
	<p>term) views will also include some tree canopy, which will ensure visual compatibility in relation to the proposed exoskeleton planting.</p> <ul style="list-style-type: none"> The proposal is appropriate and compatible with the consistent predominant scale and proportions of surrounding built form.
<ul style="list-style-type: none"> Does not reduce clutter by rationalising and simplifying existing advertising; 	<ul style="list-style-type: none"> The proposal cannot reduce visual clutter, rationalise, or simplify existing advertising signage as there is no outdoor large format advertising signage within the immediate visual catchment. By this logic, the proposal does not contribute to visual clutter. Notwithstanding the proposal is the first of its kind within this local visual catchment, the broader streetscape of the Pymont area is characterised by a variety of signage types and styles. The proposal is therefore appropriately located away from existing signage so as to not contribute to visual clutter and to preserve the existing rights of other third party advertising. In the opinion of Urbis, the isolated location of the proposal and visual context is a locale that can accommodate and absorb the proposed signage.
<ul style="list-style-type: none"> Does not screen unsightliness; 	<ul style="list-style-type: none"> Existing signage precedent in this locality does not reflect a necessity to screen unsightliness. Comparable signs in this area of Pymont such as the large format billboard at the corner of Miller Street and Saunders Street blocks vegetation and built form, and does not appear to be for the purpose of screening unsightliness. The proposed sign provides a design solution to minimise visibility to all of its internal components and structures. The planting-clad exoskeleton represents a considered design response to the immediate visual context. No unsightly features will be screened or created by the proposal.

Submission Comment	Applicant Response
<ul style="list-style-type: none"> Protrudes above tree canopies in the area; and 	<ul style="list-style-type: none"> The Addendum VIA Letter includes a representative sample of views in which the proposal is visible against a backdrop of continuous tree canopy within Paradise Park and other features including built form and sky. The viewing distance, relative level, and angle of the view may cause the proposal to appear to protrude above the tree canopy to a minor extent in views. Conversely due to relative viewing heights, the proposal may also appear to sit below the tree canopy in some views. In our opinion, the height of the display space relative to the tree canopy does not adversely affect the visual amenity of the public domain.
<ul style="list-style-type: none"> Requires ongoing vegetation management. 	<ul style="list-style-type: none"> It is understood that vegetation maintenance will be undertaken as required with regular site inspections (every 6 months) to determine if any branches need to be pruned to ensure clear visibility of the digital signage content. It is unlikely the growth of vegetation as part of the proposal's exo-skeleton structure will create any adverse effects to visual amenity of the public domain, and will be largely imperceptible to pedestrians and road users alike.
<p>The height, size and scale of the sign is overbearing when viewed from the public domain, including from the Fish Market Station platform (View 02) and the forecourt (View 07). From these view locations, the sign clearly protrudes above the surrounding tree canopy and is of an inappropriate bulk and scale, which is partly made larger and more obtrusive by the shape of the sign and the proposed climbers.</p>	<p>With respect to View 02 specifically, the monopole and rear of sign would be visible in the context of built form of equivalent or greater height, bulk and scale including the fly over structure, stairs to the platform and sandstone retaining wall along the eastern extent of the platform. With respect to View 07 specifically, the monopole and rear of sign would be visible in the context of an eight storey building above the light rail stop along Miller Street, the lift overrun, large format road signage and fly over which includes comparable large format road signage. The visual context within these two views is highly varied, and predominantly characterised by large scale built form.</p>

Submission Comment	Applicant Response
	<p>The height, scale, and size of the sign cannot be considered overbearing in the visual context observed, described, and captured in views in the Addendum VIA Letter.</p>
<p>The VIA and supporting photomontages do not appear to consider the impact of the development when combined with the tree removal that is proposed. The photomontages must be updated to consider trees that are proposed for removal so that the impact can be accurately understood.</p>	<p>As stated above, the applicant has commissioned Naturally Trees to assess the construction methodology. Naturally Trees have confirmed that only Tree # 13, 14 and 15 will require removal.</p> <p>The Addendum VIA Letter assesses visual impacts of removing the three trees and concludes as follows:</p> <ul style="list-style-type: none"> • Trees within Paradise Reserve are viewed as part of a dense canopy within and along the eastern boundary of the Reserve. The visual change caused by removal of a small number of trees will be difficult to distinguish for users of the Western Distributor and from close street locations from within the public domain. • Visually, a consistent band of vegetation will remain and will provide screening of the proposal in close view locations including Bulwara Road and Miller Lane. Aside from the 'pole structure', visibility to the sign will be limited, and removal of three trees will not create any further significant viewing opportunities or visual access to the sign. • The proposal does not require removal of any trees within Paradise Reserve, such that the sign remains well concealed by existing vegetation.
<p>The VIA considers views from 280 Jones Street (View 10) and it is noted that this only considers view impacts to Level 6. Impacts from other levels of the building should also be considered. It is also noted that the impacts are based on CGIs and not actual views from these apartments. Photomontages should be provided to allow for a more realistic and accurate assessment of view impacts. The CGI provided on page 43 of the VIA clearly indicates that the proposed sign will result in a significant level of bulk above the</p>	<p>The analysis and assessment including the CGI prepared from the relative viewing height of level 6, is the most useful to show potential view impacts to west facing dwellings at 280 Jones Street. Views to the proposal from lower relative viewing levels are partially screened by vegetation across the eastern half of the western elevation and, include the proposal as part of a view composition predominantly</p>

Submission Comment	Applicant Response
<p>tree canopy, which has a negative impact on the vistas obtained from this building.</p>	<p>characterised by built form (including elevated road signage) as shown in Figure 43 of the VIA.</p> <p>In Urbis' opinion, the CGIs included in the VIA are sufficiently accurate in understanding potential view impacts of the proposal from 280 Jones Street, and there is no utility in preparing photomontages. Access to inspect views to record photographs in relation to medium and distant private views is not warranted. This is an onerous requirement which if undertaken is unlikely to provide any meaningful additional data to an extent that would change the view impact conclusions. Additional visual aids would not provide any further information to change the conclusions beyond those made in the VIA. The proposal is compatible with the predominant character of the majority of views available from 280 Jones Street. Perceived bulk above the tree canopy will be viewed in the context of built form, and is not considered to adversely affect views from this building.</p>
<p>Similarly to the above, the VIA considers views from 2-26 Wattle Street (View 11) but only considers views from Level 5 which is located behind a tree, as opposed to the upper level apartments which would have more of a direct line of sight to the sign. This is to be addressed.</p>	<p>Views from level 5, 2-26 Wattle Street were analysed due to the relative viewing level compared to the proposal in order to understand the actual potential view blocking effects. Views from levels 6-9 at a significantly higher elevation, would have the benefit of more expansive high-level views over, above and beyond the sign. Such views would place the proposal in the context of built form, blocking a narrow, minor, and inconsequential section of a much wider view composition available. The CGI demonstrates that the proposal in this view (and likely those from higher and surrounding locations) will not block access to scenic or highly valued features, heritage items, heritage conservation area, icons, and iconic views. The small scale and extent of the proposal will not dominate the view, or significantly de-value the scenic quality of what is essentially a vernacular district view.</p>

Submission Comment	Applicant Response
<p>The Department should ensure that the VIA is adequate in terms of the extent of private views that are assessed from nearby residential buildings, particularly upon review of public submissions received.</p>	<p>The assessment of private domain views included in the Addendum VIA Letter is based on the likely view access of dwellings in surrounding residential flat buildings. For the majority of view places analysed, this is from mid and upper level dwellings, given the high level of intervening vegetation and built form such as the fly over associated with the western distributor. In those instances where the proposal is visible from the ground floor, for example from 3-27 Griffin Road, Glebe, views have been assessed.</p> <p>The Addendum VIA Letter has assessed additional view from properties to the east and south.</p>
<p>The Department should ensure that the VIA is adequate in terms of the extent of private views that are assessed from nearby residential buildings, particularly upon review of public submissions received.</p>	<p>The assessment of private domain views included in the original VIA, submitted with the DA lodgement, is based on likely view access of dwellings in nearby residential flat buildings. For the majority of view places analysed, this is from mid and upper-level dwellings, given high levels of intervening vegetation and built form such as the fly over associated with the Western Distributor. In those instances where the proposal is visible from the ground floor (for instance 3-27 Griffin Road), views have been assessed.</p> <p>Additional views from properties to the east and south are addressed in Section 3.4 of the Addendum VIA.</p>
Heritage	
<p>The City again objects to the proposed sign from a heritage perspective for the reasons outlined in our previous letter, which are summarised below.</p> <p>The sign is located on the State Heritage listed Pyrmont and Glebe Railway Tunnels (SHR no. 01125) and it is understood that the application is integrated and will be assessed by Heritage NSW.</p> <p>The sign is not sympathetic and is inappropriate due to its proximity to several heritage items, the Pyrmont heritage conservation area, proximity to the</p>	<ul style="list-style-type: none"> • The proposal does not create a significant extent or adverse blocking effects from heritage conservation area, heritage items, iconic views, or settings. The proposed sign sensitively responds to heritage item it is located on. • The unique design response will generate visual interest within the public domain without impact to sensitive heritage buildings or streetscapes. • The proposed works will have a minimal and acceptable impact on the subject site because

Submission Comment	Applicant Response
<p>Blackwattle Bay foreshore setting and its visual impact on the Anzac Bridge approach.</p> <p>We also note that the large digital sign will be clearly visible from the railway cutting, particularly from the Fish Market Light Rail Station and will not enhance the setting or significance of the item as required by Clause 5.10 of the SLEP 2012.</p> <p>The large digital sign will also protrude above the surrounding tree canopy and result in unacceptable visual clutter within the Pyrmont area. Therefore, the proposal remains unsupported from a heritage perspective.</p>	<p>the signage will be located above the rail cutting and away from the tunnel, which form the focus of the item's significance. Advertising material will be oriented away from the item and only visible to westbound traffic on the Western Distributor.</p> <ul style="list-style-type: none"> • The digital screen will not be visible from the Fish Market Light Rail Station. The 'pole structure' is landscaped and will blend with the vegetation to the east ensuring it does not impact the setting or significance of the heritage rail corridor. • The Geotechnical Statement (at Appendix G) assesses the impacts of core drilling required to install the signage structure to the sandstone cutting. The Statement concludes that the implementation of established procedures and diligent adherence to safety protocols will enable safe construction of the proposed signage structure. Further, when implemented and managed appropriately and with professional engineering oversight, it is anticipated that there will be minimal to no disturbance, whether visual or otherwise, to the sandstone embankment. • On 17 August 2023, the applicant submitted a consolidated documentation package to Heritage NSW to assist and inform the assessment of potential impacts on the rail cutting.
Landscape	
<p>The proposed landscaping to the sign remains unsupported by the City. The digital signage board is covered in 'climbers' in a heavily constrained area and microclimate, which requires complex maintenance. The design does not demonstrate the integration of landscape design excellence in accordance with Clause 6.21C of the SLEP 2012.</p> <p>Overall, the sign results in a significant adverse impact on the surrounding landscape by protruding</p>	<p>This submission is supported by the following documentation to describe the planting and maintenance of the proposed vegetation and to assess impacts of the vegetation on the sandstone:</p> <ul style="list-style-type: none"> • Design Statement (Appendix B); • Landscape Statement (Appendix E); and • Planting Statement (Appendix D).

Submission Comment	Applicant Response
<p>above the existing tree canopy and adding unnecessary visual clutter.</p>	<p>The below provides a summary of the planting and maintenance of the proposed vegetation:</p> <ul style="list-style-type: none"> • The proposal combines a high-quality fabricated steel 'exoskeleton' with a vertical planting system bringing the biodiversity benefits to the local ecosystem. The introduction of climbing plants throughout the structure will complement the variety of planting species. • A series of planter boxes are integrated into the structure and climber plants will be trained to grow over the entire mesh panel underlayer. • The planter beds will contain an inorganic growing medium that will result in a nutrient rich and anaerobic environment; reducing the risk of plant failure. The growing medium will be lightweight (approx. 450kg/m²) which enable a more slender structure. • During the next phase of design development, a specialist expert will select appropriate planting species tailored to suit the local micro-climate and site conditions. • Maintenance of the planting system and digital display screen will be undertaken from inside the structure via a series of integrated internal landings at 3m intervals. • Access to the base of the structure will be via a secure maintenance only ladder to the side of the light rail track and a connecting landing. • Irrigation will be controlled by a Galcon GSI and flow meter to allow live flow data and alarms enabling remote monitoring and control. The irrigation will be adjusted for the seasonal conditions and can be linked to a rain sensor. • Neither plant species will impact the sandstone in their habitat or growth. Drainage systems will be

Submission Comment	Applicant Response
	designed to conserve water and direct any run-off to stormwater outlets.
Tree management	
<p>The Arborist Report submitted with the development application is a preliminary report and does not provide a comprehensive assessment of the potential impact on the trees. Given the close proximity of the works to Council's trees, an Arboricultural Impact Assessment report (AIA) must be prepared that includes the following:</p> <ul style="list-style-type: none"> - An assessment of the potential impacts from the proposed development (including proposed footing and any trenching services) on Council's street trees and park trees. It is noted that the City does not support removal of public trees for the proposed sign. - An assessment of pruning works where required for building clearances and construction access. - A c outlining detailed tree protection measures including tree sensitive construction. 	<p>The Arborists Report prepared by Matthew Reed and submitted at the time of DA lodgement assessed the extent of trees previously understood. The applicant has now commissioned a separate arborist (Naturally Trees) to undertake a supplementary Arboricultural Impact Assessment (AIA) to assess the proposal. This AIA is in preparation and will be issued to DPE in due course. This RFI response provides the preliminary findings from the AIA. Accordingly, trees marked as removal in the original Arborist Report (prepared by Matthew Reed) should be disregarded.</p> <p>Naturally Trees have assessed the construction methodology and confirmed that Tree # 13, 14, and 15 will require removal.</p>

Design Excellence

Pursuant to Clause 6.21, the proposal exhibits design excellence as described in table below.

Table 3 Design Excellence Criteria

Criteria	Proposed	Satisfied
(2) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—		
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	<p>The materiality includes exposed concrete plinth, galvanised steel pipes, and satin black powder coated galvanised steel mesh panels. High durability of material and finish is achieved whilst allowing good flexibility in the detail resolution to satisfy aesthetic design intent. The design does not result in reflectivity and achieves good thermal performance and neutral visual characteristic to satisfy the broader aesthetic design intent.</p> <p>The selected materials, finishes, and landscape are consistent with the prevailing site context.</p>	Yes
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The proposal involves relocation of the approved sign from Lot 9 DP 870309 (as approved under DA 10665) to the subject site, allowing for a new digital advertising structure on site with a high quality, architecturally designed built form defining the road infrastructure and public domain. The proposed design will provide visual interest as well as a strong and vibrant relationship with the public domain.	Yes
(c) whether the proposed development detrimentally impacts on view corridors,	The proposed development will not impact on any significant view corridors within the vicinity of the site. Refer Addendum VIA Letter.	Yes
(d) how the proposed development addresses the following matters—		
(i) the suitability of the land for development,	The site is deemed suitable for the proposed advertising structure as it is permissible with consent under as per Clause 3.14 of the Industry	Yes

Criteria	Proposed	Satisfied
	and Employment SEPP and is consistent with the zone objectives as well as the built form envisaged within the relevant planning controls.	
(ii) the existing and proposed uses and use mix,	The proposal will allow for an advertisement signage structure with a unique design, adding to the diversity of signage within the Pymont locale.	Yes
(iii) any heritage issues and streetscape constraints,	Refer Heritage Letter provided at Appendix F .	Yes
(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed structure is well distanced from the trees along the eastern side of the sign and the residential development located north of the site. further, the sign does not overhang the Western Distributor and is offset a minimum of 14m from the edge of the main carriageway.	Yes
(v) the bulk, massing and modulation of buildings,	<p>This is addressed in the SEE as follows:</p> <ul style="list-style-type: none"> • The proposal provides an integrated response in relation to signage placement, amenity, and compatibility with the design, bulk and scale of existing signage to create a holistic third-party signage sympathetic to adjoining properties. • The bulk, massing, and modulation of the structure is compatible with the context of the site along the Western Distributor. • Perceived bulk and massing of the structure above the tree canopy will be viewed in the context of built form, and is not considered to adversely affect views. • The proposed relocation of the approved sign to the subject site with an enhanced design achieves a superior outcome from a design and sustainability perspective. 	Yes

Criteria	Proposed	Satisfied
(vi) street frontage heights	The proposed structure is located along a railway corridor and does not have a direct format to a street.	NA
(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,	The proposed structure does not result in negative environmental impacts such as overshadowing on surrounding properties or loss of visual amenity.	Yes
(viii) the achievement of the principles of ecologically sustainable development,	The proposed structure design strategy improves air quality, promotes biodiversity, characterises a noise barrier for the residential developments to the east, and builds climate change adaptation and resilience. The structure will provide an excellent example of sustainable design to the Sydney LGA and beyond.	Yes
(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	The proposal does not have an impact on the movement of vehicles, cyclists, and pedestrians.	Yes
(x) the impact on, and any proposed improvements to, the public domain,	The proposal does not diminish public domain safety and amenity.	Yes
(xi) the impact on any special character area,	The site is not located in a heritage conservation area. As assessed in the Heritage Impact Statement, the proposal is compatible with the heritage significance of the heritage conservation area 'C52 – Pyrmont' located approximately 60m east of the site.	Yes
(xii) achieving appropriate interfaces at ground level between the building and the public domain,	The proposed structure has a green design to integrate with the surrounding built forms and the overall neighbourhood. The structure presents a strong and memorable address to the Western Distributor with landscaped detailing that conveys a sense of human scale.	Yes

Criteria	Proposed	Satisfied
(xiii) excellence and integration of landscape design.	The landscape strategy integrates the architectural built form with the landscaping by incorporating facade planters and vertical gardens which soften the built form. Together, these landscape elements combine to create an integrated structure that contributes to both the public domain of the neighbourhood.	Yes

3. RESPONSE TO PUBLIC SUBMISSIONS

A summary of the public submission received, and applicant's response is provided in Table 4 below.

Table 4 Response to Public Submissions

Public submission	Applicant Response
<p>Flashing and coruscating bright lights at residential developments due to the sign.</p> <p>Illumination impact and with spill of light on apartment immediately south of Pyrmont Bridge Road.</p>	<p>The Addendum Lighting Impact Assessment (at Appendix C) provides the following assessment:</p> <ul style="list-style-type: none"> ▪ The proposed brightness levels are compliant with all relevant guidelines and standards. ▪ For night time operation, the signage was assessed against the more stringent post-curfew limit. If the light spill from the signage emitted on to nearby residential habitable windows is less than the post-curfew limit in the Standard, the amenity of the residential dwellings are deemed to not be detrimentally impacted. The surrounding dwellings have been assessed as being in an A3 Environmental area under AS4282, which can be defined as a "suburban" area with a medium level of district brightness. The post curfew illuminance limit on nearby habitable windows from the signage is therefore limited to 2 lux. ▪ The orientation of the proposed signage is directed towards the Western Distributor and away from residential properties. The closest residential properties (representing the worst-case potential lighting impact) are along Bulwara Road. Calculations show that the maximum illuminance to these properties is 0.2 lux, which is 10% of the maximum allowable of 2 lux. ▪ As the potential light spill from the signage is well within the maximum limit (and close to zero), the signage will not cause unacceptable amenity impacts to nearby residential dwellings. This very low level of spill light means that any changes in content of the signage (described as "flashing" or "rotating"), would not cause unacceptable amenity impacts to residents.

Public submission	Applicant Response
	<ul style="list-style-type: none"> As such, the surrounding residential properties including south of Pyrmont Bridge Road with a view of the Western Distributor between Channel 10 will in no way be impacted from light spill. The proposal includes a dwell time of six (6) advertisements per minute and an instantaneous (or 0.1 second) transition time. As such, there will no flashing at the residential property. <p>In summary, the proposed digital signage poses no adverse effects on human health and sleep. The brightness levels adhere to all applicable guidelines and standards, ensuring responsible operation during nighttime hours.</p>
<p>Visual clutter and pollution the area from the sign.</p> <p>Visual impact on range of residences, including those along Blackwattle Bay.</p>	<p>The Addendum VIA Letter assesses potential visual impacts on surrounding private dwellings and clutter.</p> <p>There is no outdoor large format advertising signage within the immediate visual catchment and the proposal does not contribute to visual clutter. The proposal is the first of its kind within this local visual catchment. The proposal is therefore appropriately located away from existing signage so as to not contribute to visual clutter and as such will preserve the existing rights of other third-party advertising. In our opinion this isolated location and visual context is a locale that can accommodate and absorb this signage.</p>
<p>Proposal is not consistent with local context and does not the fit the village-style of life in Pyrmont.</p>	<p>The site is located in a mixed-use context with several residential flat buildings and commercial developments. The immediate context includes multiple building and business identification signages along Miller Street. The proposed digital sign remains consist with the mixed-use context of the immediate locality. Further, the sign will be concealed from the heritage terraces situated along Bulwara Road by the vegetation within Paradise Reserve.</p>

4. TFNSW CONCURRENCE

Separately, Transport for NSW (**TfNSW**) has issued concurrence for the DA (dated 21 June 2023).

The applicant has reviewed the concurrence and is satisfied with the proposed conditions of consent.

5. CONCLUSION

We trust that the submission and the accompanying documentation provides a comprehensive response and clarifications to addresses the matters raised by DPE, the City of Sydney, and the public submissions and that the planning assessment can proceed to determination.

If any further information is required, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, reading "R. Battersby". The signature is fluid and cursive, with a long horizontal stroke at the end.

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