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Statement of Environmental Effects

Digital Advertising Signage
Marion Street, Leichhardt

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

February 2022

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Cover image: Indicative photomontage of proposal (Source: JCDecaux)

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Revision	Prepared by	Reviewed by	Date	Revision Type
1	SH/PS	MW	17/02/2022	Final

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Project Summary

Project Element	Summary of the project
Proposed Signage	• digital conversion of an existing static advertising sign on the western elevation of the Marion Street Overpass
Advertising Display Area	• 17.79m^2 (7.986m x 2.198m + logo)
Visual Screen Size	• existing: 18.26m^2 (8.3m x 2.2m) • proposed: 16.25m^2 (7.936m x 2.048m)
Site Description	• Lot 20 in DP1217284
Visual Impacts	• given the proposed digital conversion, providing a visual screen area 11% smaller than that of the existing static sign, the visual impacts are considered minimal in the current context of the site • a Visual Impact Assessment accompanies this application at Appendix 7 confirming that anticipated visual impacts would not be dissimilar compared to existing impacts
Heritage Impacts	• there are no tangible impacts anticipated from the proposed digital signage conversion on the nearby *Haberfield Conservation Area* • existing vegetation adjacent to the sign within the RE1 public recreation zone provides sufficient screening from the majority of the nearby Heritage Conservation Area
Lighting Impacts	• the digital sign is capable of complying with all relevant lighting standards and will not result in obtrusive illumination • further detail on the anticipated impacts of signage illumination is provided at Section 5.2
Road Safety Impacts	• the proposed signage poses a low risk to the existing road conditions • an analysis of crash data within the vicinity of the site has concluded that it is a low risk environment as further detailed at Section 5.1.
Public Benefit	• a Public Benefit Statement has been prepared by Sydney Trains (Appendix 5) • the statement confirms the revenue will support essential Sydney Trains services, the proposed sign will be available for emergency messaging and messaging from Sydney Trains and TfNSW for 5 minutes per hour
Hours of Operation	• 24 hours, 7 days a week
Cost of Works	• $371,250

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 a Development Application (DA) for the digital conversion of existing static advertising signage on the Marion Street Overpass, Leichhardt within the Inner West Local Government Area.

As Sydney Trains is the Applicant, the Minister for Planning and Public Spaces (the Minister) is the consent authority for the application, as prescribed under clause 12(c) of SEPP 64. Accordingly, this SEE has been prepared and is submitted to the Department of Planning, Industry and Environment (DPIE) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

As the Applicant is a public authority, the subject application is a Crown Development Application pursuant to Part 4 Division 4.6 of the EP&A Act. Further, pursuant to the provisions of section 4.44, Division 4.8 of the EP&A Act, the subject application is not integrated development as it is made by or on behalf of the Crown.

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) (SEPP 64 Guidelines).

The proposed development comprises the conversion of an existing static advertising sign on the western elevation of the Marion Street light rail overpass to a digital advertising sign, reducing the visual screen area by 11%. The new digital advertising sign provides:

- an advertising display area of 17.79m^2
- a visual screen size of 16.25m^2
- the continued display of illuminated advertisements
- a minimum 10 second dwell time for message changes
- a maximum night time luminance of 250 cd/m^2
- webcam mounted on a safety arm to monitor visual content

In addition, the application proposes to remove 7 existing poster style signs located beneath the underpass helping to reduce visual clutter and rationalizing signage within the area.

The application seeks consent to operate the sign for a period of 15 years. The estimated cost of works of the development is $371,250. This SEE should be read in conjunction with the following supporting documents:

Supporting documentation	Appendices
SEPP 64 & Transport Corridor Advertising and Signage Guidelines Assessment	Appendix 1
Architectural Plans	Appendix 2
Traffic Safety Assessment	Appendix 3
Lighting Impact Assessment	Appendix 4
Public Benefit Statement	Appendix 5
Heritage Impact Statement	Appendix 6
Visual Impact Statement	Appendix 7
Site Survey	Appendix 8

Table 2: List of Appendices

1.1 Pre-lodgement meeting

On 2 December 2021, a DA pre-lodgement meeting was convened with DPIE to discuss key issues associated with the development application.

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

Key issues discussed include:

- **Road Safety** – concurrence from Transport for NSW (TfNSW) is recommended.
- **Amenity** – proposals should consider neighbouring residential uses and potential light spill impacts
- **Visual Impact** – proposals should avoid blocking other signs and seek to reduce visual clutter
- **Heritage/National Parks** – proposals should respect architecture of bridge and sensitive areas
- **Public Benefit** – proposals should show how they are specifically providing public benefit under SEPP 64

This application has been prepared with consideration of the issues raised by DPIE during the pre-lodgement meeting. These issues are addressed at Section 5.

2 The site and locality

2.1 Site Description

Marion Street is a classified road that travels in a general east-west alignment (Road 2013, classified as a Secondary Road). Marion Street connects Haberfield to the west to Leichhardt to the east.

The Marion Street Overpass allows the Inner West Light Rail to traverse through one of Leichhardt's main roads without disturbing road traffic. The subject site is separated from residential areas to the west by the Hawthorne Canal. There are pedestrian pathways located on either side of Marion Street which run below the overpass.

The subject site in context to the surrounding area is shown in Figure 1.

The Marion Street Overpass as viewed from Marion Street (eastbound) is shown in Figure 2. There is an existing static advertising sign on the overpass, proposed for conversion to a digital sign under this application.

Figure 1: Site context (Base source: Nearmap)

Figure 2: Marion Street Light Rail Overpass showing existing static signage– view eastbound (Source: Google Maps)

2.2 Existing Road Environment

Marion Street is an established road corridor and comprises a dual carriageway with two traffic lanes in both directions. Eastbound vehicles experience a gentle downhill gradient on approach to the Marion Street Overpass.

A speed limit of 50 km/h applies along the entirety of Marion Street, with consideration to the residential nature of the area.

There are pedestrian footpaths located along either side of Marion Street, running directly below the Light Rail overpass. On road cycling is permitted, however no formal cycling facilities are provided. On street parking becomes available on either side of the overpass where it transitions to residential zoning.

The nearest intersection is where Hawthorne Parade intersects with Marion Street (T-intersection) and it is located approximately 70 metres west of the Marion Street overpass.

2.3 Surrounding Locality

The advertising sign will be located within an established Sydney Trains corridor and visible from an established TfNSW Road Corridor. Development surrounding the site and in proximity to the road corridor includes:

- Hawthorne Canal located 20m west of the subject site
- residential dwellings to the west, the nearest dwelling is approximately 70 metres from the subject site
- local scout hall located 50 metres to the west

- seniors living development located 75 metres to the northeast
- Lambert Park Sportsfield located 45 metres southeast of the overpass
- car servicing workshop 30m to the northeast
- Marion Street Light Rail stop located 20m north of the overpass

Figure 3: View looking west along Marion Street from below the Marion Street Overpass (Source: Keylan)

3 The Proposal

The proposal involves the digital conversion of an existing static advertising signage on the western elevation of the Marion Street Light Rail Overpass in Leichhardt.

The development is summarised in Table 3 below.

Development Aspect	Description
Development summary	Digital conversion of existing static advertising signage
Signage location	Sign is proposed on the western elevation of the light rail overpass (visible to eastbound traffic)
Advertising display area	17.79m^2 (7.98m x 2.2m + logo)
Visual screen	16.25m^2 (7.936m x 2.048m)
Road clearance from ground level to the sign	4.93 metres clearance to overpass
Dwell time	Minimum 10 seconds
Signage exposure	Visibility and readability is from a distance of 160 metres
Illumination	The digital signage is illuminated using LEDs installed within the front face
Consent time period	15 years
Existing signage	Existing static sign with dimensions of 8.3m x 2.2m (18.26m^2) 7 smaller static signs located below the overpass which will be removed as part of this DA

Table 3: Development summary

Architectural drawings for the sign is shown in Figure 4 and Figure 5 and provided within the Architectural package at Appendix 2.

Indicative plans of the sign, as viewed from Marion Street looking east, is provided at Figure 6.

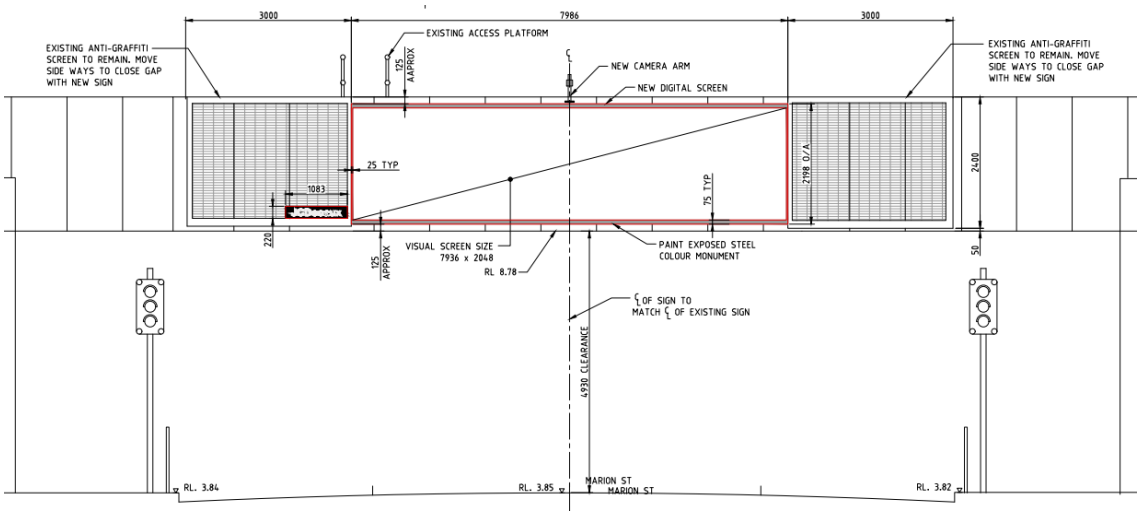


Figure 4: Digital signage plan (Source: Dennis Bunt Consulting Engineers)

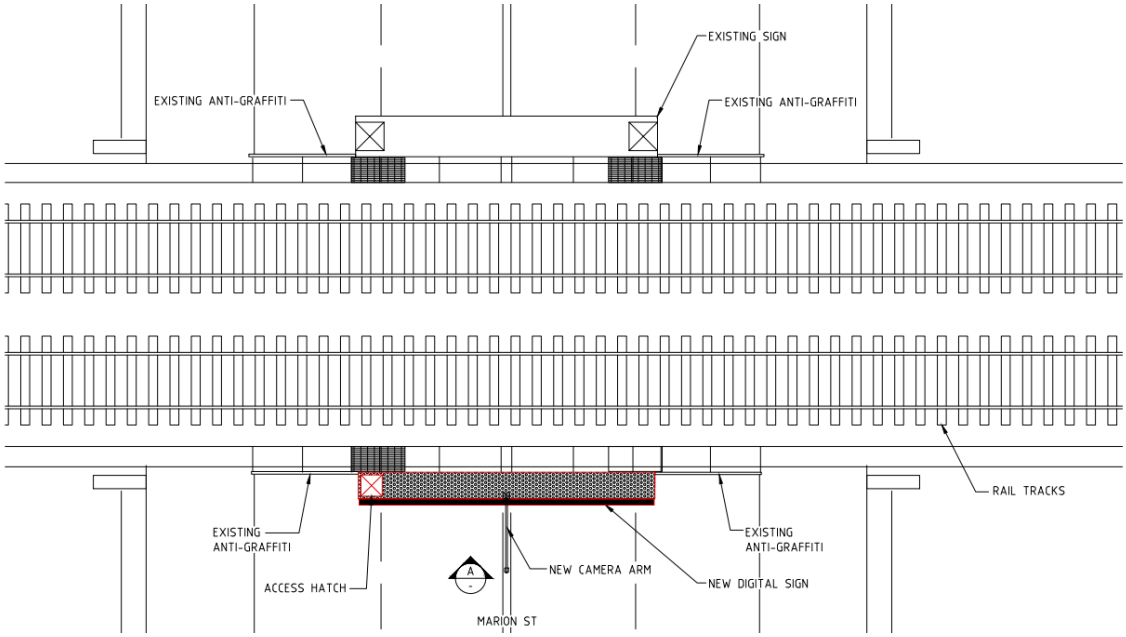


Figure 5: Aerial site plan of proposed sign (Source: Dennis Bunt Consulting Engineers)


Figure 6: Indicative view from Marion Street heading eastbound (Source: JCDecaux)

3.1 Signage Rationalisation

To mitigate signage clutter, JCD will remove the existing 7 poster style signs located beneath the underpass. This rationalisation directly addresses the design assessment under Schedule 1 of SEPP 64 by reducing clutter. These signs are illustrated in the below figures.

Figure 7: Existing signage to be removed on the southern side of the overpass (Source: Keylan)

Figure 8: Existing signage to be removed on the northern side of the overpass (Source: Keylan)

3.2 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 10 mm 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.

3.3 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.

A webcam will monitor operation of the sign 24 hours a day. A motion threat response is built into the display, which will make the screen incapable of displaying movement or live video feed. In the event that unapproved content is displayed the signage will, by default, revert to a black screen format immediately. 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 minimum 10 second dwell time 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
- the minimum 10 second dwell time specified for this 50km/hr speed zone is consistent with the SEPP 64 Guidelines

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.

Sign Access and Maintenance

The sign will be accessed from the railway bridge. JCDecaux will be responsible for maintenance of the signage structure. Maintenance will be undertaken by employees/ representatives of JCDecaux during the night to protect the below road environment.

Hours of Operation

The proposed signage is for 24-hour operation, 7 days a week.

4 Statutory Planning Framework

4.1 Environmental Planning and Assessment Act 1979

As the Applicant 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).

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). Accordingly, the subject application is not integrated development.

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) 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,	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, in particular, NSW Police and Transport for NSW.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	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) to promote the orderly and economic use and development of land,	The development promotes the orderly and economic use of the land by providing a 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) to promote the delivery and maintenance of affordable housing,	Affordable housing does not form part of this application.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The development will not impact on any threatened species or other species of native animals and plants, ecological communities and their habitats
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	There are no significant historical or Aboriginal cultural heritage features at the site that will be impacted by the development.
(g) to promote good design and amenity of the built environment,	The development will be located within an established transport corridor. The design of the sign is considered to promote good design and will not have an adverse impact on the amenity of the surrounding location.

Objective	Comment
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	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.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	This SEE is submitted to DPIE to enable an environmental assessment of the application. It is expected that the SEE will be referred by DPIE to other State agencies and Council for further assessment and comment.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	As part of DPIE'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

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) the provisions of:	
(i) any environmental planning instrument, and	The relevant environmental planning instruments are addressed at Section 4.
(ii) 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	The relevant proposed environmental planning instruments are addressed at Section 4.
(iii) any development control plan, and	The Leichhardt Development Control Plan 2013 is addressed at Section 4.6.
(iiia) 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	No planning agreement or draft planning agreement has been entered into as part of this application.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The application is consistent with the relevant matters of the EP&A Regulations.
(v) (Repealed)	N/A
(b) the likely impacts of that development, including environmental impacts on	The impacts of the proposal are addressed in Section 5.

Relevant Provision		Comment
	both the natural and built environments, and social and economic impacts in the locality,	
(c)	*the suitability of the site for the development,*	Site suitability is addressed at Section 5.5.
(d)	*any submissions made in accordance with this Act or the regulations,*	Any submissions made on this subject development application will be duly considered and addressed by Keylan.
(e)	*the public interest.*	Public interest is addressed at Section 5.6.

Table 5: Section 4.15(1) assessment

4.2 Roads Act 1993

The proposal is located above a public road and therefore requires approval under section 138 of the *Roads Act 1993 (*Roads Act):

> ***138 Works and structures***
> *(1) A person must not:*
> *(a)* ***erect a structure or carry out a work in, on or over a public road****, or*
> *(b) dig up or disturb the surface of a public road, or*
> *(c) remove or interfere with a structure, work or tree on a public road, or*
> *(d) pump water into a public road from any land adjoining the road, or*
> *(e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.*

The application will be referred to Transport for NSW in accordance with Section 138 of the Roads Act. However, pursuant to the provisions of section 4.44, Division 4.8 of the EP&A Act, the subject application is not integrated development as it is made by or on behalf of the Crown.

4.3 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 No. 64 – Advertising and Signage*
- *State Environmental Planning Policy (Infrastructure) 2007*

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

4.3.1 State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy 64 Advertising and Signage (SEPP 64) aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality. SEPP 64 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 LLEP 2013, the proposed sign is permissible with consent under clause 16 of SEPP 64 as it is on behalf of Sydney Trains and is within a railway

corridor. Further, under clause 12(c) of SEPP 64, 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 SEPP 64 that apply to the development is provided at Appendix 1.

Schedule 1 Assessment

Clause 8 of SEPP 64 requires the consent authority to assess the proposal against the criteria within Schedule 1 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 1	Comment	Compliance
1. Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	• the proposal is compatible with the existing and desired future character of the area as it reduces the advertising area of an existing sign and improves the quality of the advertising structure • the proposal has been suitably positioned to ensure it complements the character of the surrounding area • there is no identified theme for outdoor advertising in the area	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		Yes
2. Special Areas		
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?	• a Heritage Impact Statement (HIS) prepared by Weir Phillips identifies that the Marion Street Underbridge is owned by and is listed as a heritage item on the s170 Register of the Transport Asset Holding Entity • the site is not a local heritage item and is not located within a heritage conservation area or environmentally sensitive area • the site is located within the vicinity of the Haberfield Conservation Area under the Ashfield LEP • the HIS concludes that the proposed signage will have a minimal impact on the heritage significance of the underbridge and on heritage items and areas within the immediate vicinity	Yes
3. Views and vistas		
Does the proposal obscure or compromise important views?	• the proposal is not visible from any important views	Yes

Schedule 1	Comment	Compliance
Does the proposal dominate the skyline and reduce the quality of vistas?	• the proposal does not dominate the skyline as it sits within the soffit of the bridge structure and does not protrude above the structural boundaries of the bridge • the proposal does not conflict with the viewing rights of other advertisers as it is a conversion of an existing advertising sign	Yes
Does the proposal respect the viewing rights of other advertisers?		Yes
4. Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	• the proposal involves the conversion of an existing advertisement sign with a visual display area of 16.25m^2 • the wall advertisement is flat and does not comprise of any additional structures. The scale, proportion and form are appropriate as the proposal is located wholly within the dimensions of the face of the overpass • the proposal is appropriate for the streetscape as it will not detract from the existing road corridor and will complement the surrounding area • 7 existing poster style signs located beneath the underpass will be removed helping to reduce visual clutter and rationalizing signage within the area	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		Yes
Does the proposal screen unsightliness?		Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		Yes
Does the proposal require ongoing vegetation management?		Yes
5. Site and Building		
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?	• the proposal is compatible with the scale, proportion and characteristics of the Site • the facade of the overpass currently comprises an existing static sign with the same dimensions as proposed for digital conversion. • the area of the proposal is appropriate for its location as it is currently occupied by a static sign and presents an opportunity to enhance the visual amenity of the area • the proposal does not protrude from the face of the overpass • the proposal contributes to visual interest to the streetscape. The digital nature of the sign represents an innovative form of advertising	Yes
Does the proposal respect important features of the site or building, or both?		Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		Yes

Schedule 1	Comment	Compliance
6. Associated Devices and Logos with Advertisements and Advertising structures		
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?	• a security camera / web camera is proposed to ensure the display of the LED screen is working properly. A compliant operator logo will also be located adjacent the bottom left corner of the screen and within the advertising structure.	Yes
7. Illumination		
Would illumination result in unacceptable glare?	• a Lighting Impact Assessment (LIA) prepared by Electrolight is included at Appendix 4 • the LIA confirms that the proposed digital conversion would not result in unacceptable glare or have any detrimental impacts to safety • the proposed signage incorporates baffles which reduce any upward light spill • additionally, the sign complies with all relevant criteria for luminance of digital advertisements • the proposal is consistent with the applicable 'post curfew' illuminance limits established under AS 4282-2019	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?		Yes
Would illumination detract from the amenity of any residence or other form of accommodation?		Yes
Can the intensity of the illumination be adjusted, if necessary?		Yes
Is the illumination subject to a curfew?		Yes
8. Safety		
Would the proposal reduce the safety for any public road? *Would the proposal reduce the safety for pedestrians or bicyclists?* *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*	• as demonstrated in the accompanying Traffic Safety Assessment at Appendix 3, the proposal is not anticipated to have any impact to existing safety given this DA seeks the digital conversion of an existing static sign	Yes

Table 6: Schedule 1, SEPP 64 Consideration

4.3.2 Transport Corridor Advertising and Signage Guidelines 2017

The *Transport Corridor Outdoor Advertising and Signage Guidelines* (SEPP 64 Guidelines) sets out a best practice approach for the planning and design of outdoor advertisements in transport corridors in NSW.

The SEPP 64 Guidelines have been established to compliment the provisions of SEPP 64 under the EP&A Act. The DA for any advertising sign that is located in, or adjacent to, a transport corridor to demonstrate how the proposal addresses the SEPP 64 Guidelines. An assessment against the criteria within SEPP 64 Guidelines is provided at Appendix 1 and Section 5.

The assessment provided at Appendix 1 demonstrates the proposal is consistent with:

- the Land Use Compatibility Criteria for Transport Corridor Advertising
- the Digital Sign Criteria
- the Bridge Signage Criteria
- Road Safety (refer Section 5.1)
- Luminance Levels for Digital Advertisements (refer Section 5.2)
- the Public Benefit Test (refer Section 5.6)

4.3.3 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) identifies the environmental assessment category into which different types of infrastructure and services development fall. In addition, the ISEPP identifies those 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.

Clause 101 of the ISEPP requires the consent authority to be satisfied that any new development with a frontage to a classified road would not compromise the operation and function of the road. The proposal comprises development with frontage to a classified road (Marion Street– State Road 2013). A Traffic Safety Assessment (TSA) has been prepared as part of the application and is included at Appendix 3. The TSA considers the ongoing operation and function of Marion Street in context to the development and concludes that the surrounding road environment presents a low risk environment for the proposed digital advertising sign. Road safety is further discussed at Section 5.1.

4.4 Leichhardt Local Environmental Plan 2013

The *Leichhardt Local Environmental Plan 2013* (LLEP) is the principal Environmental Planning Instrument applicable to the land.

4.4.1 Zoning

The light rail overpass is located on land zoned R1 – General Residential under the *Leichhardt Local Environmental Plan 2013* (LLEP 2013). Signage is prohibited in the R1 zone under the LLEP 2013. Notwithstanding, as the proposed sign is on behalf of Sydney Trains and is located within a railway corridor, it is permissible with consent under clause 16 of SEPP 64.

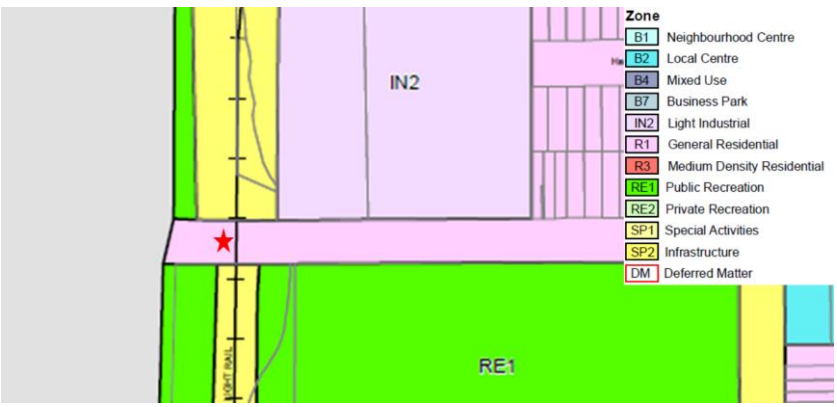
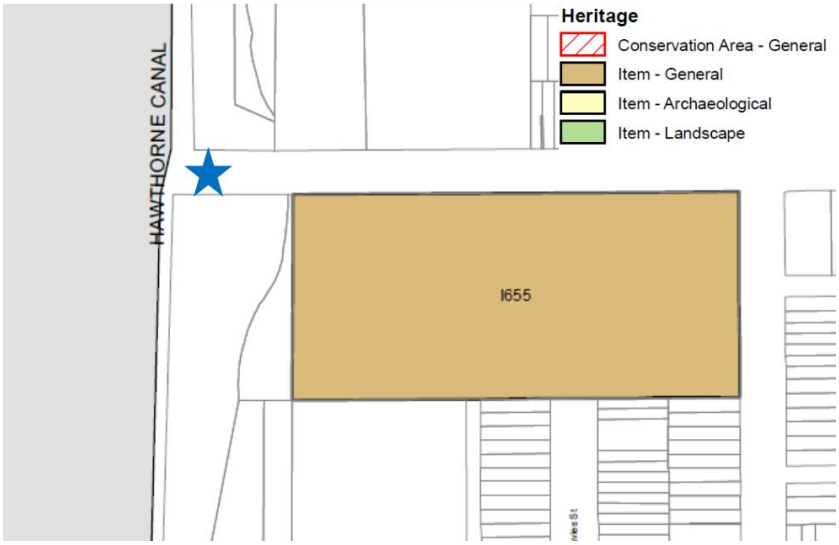


Figure 9: Land use zoning map (Source: LLEP 2013)

4.4.2 Heritage

The proposal is located within proximity to one heritage item within the Leichhardt LGA. 'Former house, including interiors' (I655) at 20-22 Foster Street is identified as a heritage item of local significance. The heritage item is located approximately 35m southwest of the signage proposed for conversion.

Given the signs location on the western side of the light rail overpass, it cannot be readily sighted from this heritage item.



4.5 Ashfield Local Environmental Plan 2013

The Haberfield Conservation Area located within the Ashfield LGA, under the *Ashfield Local Environmental Plan 2013* (ALEP 2013), is located to the west of the site.

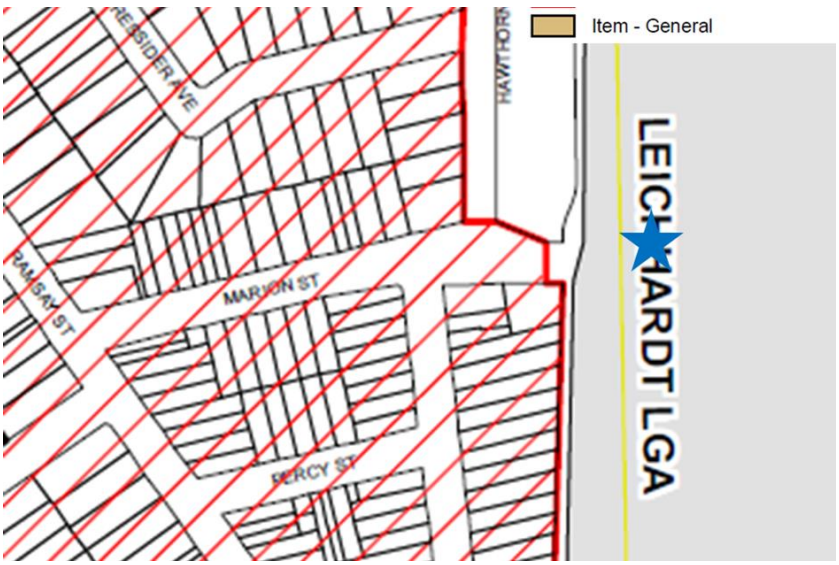


Figure 10: Heritage map (Source: ALEP 2013)

4.6 Leichhardt Development Control Plan 2013

The proposal complies with the aims, objectives and key provisions of the DCP. In areas of non-compliance the proposal has been well justified as detailed in this SEE. A detailed assessment of the proposal against the relevant provisions of the DCP is provided in the table below:

Provision	Comment	Complies
Part C: Place		
C1.15 Signs and Outdoor Advertising	The proposed conversion continues to be respectful of the residential character of the locality and does not dominate the streetscape. It also proposed to consolidate existing signage as it includes the removal of smaller static signs below the overpass. Proposed illumination will not result in light spill or impact surrounding residents.	Yes
C2.2.3.2 West Leichhardt Distinctive Neighbourhood	The proposal is compatible with the character of the area as it improves the quality of the existing advertising structure at the site.	Yes

Table 7: DCP Assessment

5 Environmental Planning Assessment

5.1 Road safety

A Traffic Safety Assessment (TSA) has been prepared by Bitzios Consulting (Appendix 3). The TSA considers the signage exposure and road accident history and has been prepared having considered the requirements for road safety set out in the SEPP 64 Guidelines.

5.1.1 Road environment

The existing road environment along Marion Street in proximity to the Marion Street Overpass is summarised in the below table.

Existing Feature	Description
Road classification	• Secondary Road (SR 2013)
Speed limit	• 50 km/h
Nearby intersections and traffic control devices	• intersection with Hawthorne Parade 60m west of the overpass • traffic signals located below the overpass to provide safe pedestrian access to the Light Rail
Road configuration and geometry	• dual carriageway primarily with two traffic lanes each direction • traffic moves to one lane both directions to the west of the overpass
Crash data	• no road accidents recorded in past 5 years
Pedestrian and cyclist infrastructure	• pedestrian paths located on either side of Marion Street • traffic lights located below the overpass to allow for safe pedestrian access from one side of Marion Street to the other, primarily for Light Rail access purposes • no cyclist infrastructure along Marion Street
Parking	• on-street parking along Marion Street permitted • parking in the road carriageway not permitted within 70m west or 25m east of the overpass

Table 15: Existing road environment (Source: Bitzios Consulting)

5.1.2 Signage exposure

The TSA estimates that the proposed signage located on the western elevation of the Marion Street overpass will be visible and readable to eastbound motorists from approximately 160m west of the sign. The signage exposure distance and indicative views are shown in the figures below.

Figure 11: Signage exposure distance (Source: Bitzios Consulting)

Figure 12: Indicative view from approximately 160m – eastbound direction (Source: Bitzios Consulting)

5.1.3 Road accident history

The investigation undertaken by Bitzios Consulting under the Traffic Safety Assessment has demonstrated there have been no road accidents in the vicinity of the signage location based on crash data over the last 5 years.

5.1.4 Road safety criteria – SEPP 64 Guidelines

The SSA includes an assessment of the proposal against the criteria for road safety set out under Section 3 of the SEPP 64 Guidelines.

Responses provided in the TSA in respect to the Transport for NSW Advertising Sign Safety Assessment Matrix and the Transport Corridor Outdoor Advertising and Signage Guidelines Table 3 within the SEPP 64 Guidelines is outlined in Table 8 and Table 9, respectively.

Consideration	Response provided by Bitzios Consulting	Risk Level
a. *It obscures a view of an object/vehicle/pedestrian that creates a hazard*	*The sign is located above all surrounding objects/vehicles/pedestrians etc.*	*Low*
b. *Sign positioning relative to travel direction*	*The proposed sign will be positioned over the travel lanes on Marion Street and would be in the ordinary field of view. It will be visually prominent eastbound.*	*Low*
c. *It distracts a driver at a critical time*	*The proposed sign will be located immediately above a signalised mid-block crossing on Marion Street. For eastbound drivers, the signals 'greenamber' decision point would be approximately 50m ahead of the signals. At this location, a change in the signals would be recognised co-incident with a glance to the digital sign as they are in the same view. It should be notes that the size of this sign has already been reduced based on our preliminary advice to JC Decaux regarding its prominence on approach to the signal. This reduction in size has reduced the distraction risks due to its prominence.*	*Low*
d. *It interferes with the effectiveness and safety of a traffic control device (e.g. traffic signs, traffic signals or other traffic control devices)*	*The proposed sign is unlikely to noticeably obstruct or directly interfere with any traffic control devices.*	*Low*
e. *Sign Clutter*	*No other advertising sign is visible when a driver is in view of the subject sign.*	*Low*

Table 8: Response to Transport for NSW Advertising Sign Safety Assessment Matrix (Source: Bitzios Consulting)

Criteria	Response provided by Bitzios Consulting
a. *Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.*	*Conditions can be imposed by the consent authority to ensure that the sign is completely static for the specified dwell time.*
b. *Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.*	*Conditions can be imposed by the consent authority to ensure there is no message sequencing that creates driver anticipation for the next message on the proposed sign or with any other signs.*
c. *The image must not be capable of being mistaken:* *i. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device* *ii. as text providing driving instructions to drivers.*	*Conditions can be imposed by the consent authority to ensure that sign content, design, imagery and messages neither replicate nor can be mistaken for a prescribed traffic control device or instruction to drivers.* *For example, advertisements must not instruct drivers to perform an action such as 'Stop'.*
d. *Dwell times for image display must not be less than:* *i. 10 seconds for areas where the speed limit is below 80km/h* *ii. 25 seconds for areas where the speed limit is 80km/h and over.*	*The minimum allowed dwell time is 10 seconds based on the posted speed limit of 50km/h. Conditions can be imposed by the consent authority to ensure this minimum dwell time.*
e. *The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.*	*Conditions can be imposed by the consent authority to ensure that the sign has a transition time of no more than 0.1 seconds and a black screen in the event of image failure.*
f. *Luminance levels must comply with the requirements in Section 3 below.*	*This area is Zone 3 as categorised in Section 3.3 of the Signage Guidelines. Acceptable luminance levels for this zone as specified in Table 6 of the Signage Guidelines are: no limit (full sun on face of signage), 6000cd/m^2 (daytime), 700cd/m^2 (twilight and inclement weather) and 350cd/m^2 (night-time). Conditions can be imposed by the consent authority specifying maximum allowable luminance levels.*
g. *The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.*	*Conditions can be imposed by the consent authority to ensure that the sign's images comply with requirements to not contain flickering or flashing content.*
h. *The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).*	*Conditions can be imposed by the consent authority to ensure that minimal text and information is supplied on a sign no more than a driver can read at a short glance.*
i. *Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.*	*N/A – The sign is not visible from a school zone.*

Criteria	Response provided by Bitzios Consulting
j. Each sign proposal must be assessed on a case-by-case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign, and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	*All relevant traffic directions have been assessed on their own merits.*
k. At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.	*Noted.*

Table 9: Assessment against the Transport Corridor Outdoor Advertising and Signage Guidelines Table 3 (Source: Bitzios Consulting)

5.1.5 Road safety summary

Road safety impacts have been comprehensively assessed as part of the application in accordance with the requirements of SEPP 64 and the road safety criteria set out in the SEPP 64 Guidelines.

The TSA has determined there is a low risk environment for the proposed digital advertising sign. The proposed sign will be readable from approximately 160 metres to the west of the overpass and will be positioned above the traffic lanes, therefore not requiring drivers to turn away from their direct line-of-sight to view the full extent of the sign.

The proposed sign will not obstruct or interfere with the view of or restrict sight distances to any intersections, traffic control devices, vehicles, pedestrians or cyclists given its location above the road. The proposed sign is not in a location where rapid and complex driving decisions need to be made and is a very low risk to driver distraction

Further, the proposed minimum dwell time of 10 seconds is suitable as drivers would be viewing the sign while travelling 50km/hour or less.

In summary, based on the findings of Bitzios Consulting in its TSA, the road environment along Marion Street in proximity to the Marion Street overpass is considered to present a low risk environment for the proposed digital advertising signage conversion and is acceptable on road safety grounds.

5.2 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 Lighting Impact Assessment (LIA) has been prepared by Electrolight (Appendix 4). The LIA has assessed the proposal against the illumination criteria under:

- SEPP 64
- the SEPP 64 Guidelines
- AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

5.2.1 Illumination criteria – SEPP 64 Guidelines

Section 3.3.3 of the SEPP 64 Guidelines sets out the illumination criteria for digital signs. The LIA has categorised the site as being within Zone 3 of the SEPP 64 Guidelines, which is described as areas with generally low levels of off street ambient lighting, or areas that have residential properties nearby

The luminance levels for digital advertisements that are within a Zone 3 environment, as outlined in the SEPP 64 Guidelines, are shown in Table 10.

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

Table 10: Luminance levels for digital advertisements criteria – SEPP 64 Guidelines

The LIA confirms that the sign at maximum luminance, will be visually consistent with the existing ambient lighting and is therefore suitable for the local area. It is noted that the maximum luminance limit during the night time period will not exceed the recommended maximum permissible luminance level set out in the SEPP 64 Guidelines of 200 cd/sqm for Zone 3.

5.2.2 AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting

The Control of the Obtrusive Effects of Outdoor Lighting (AS 4282-2019) 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 all being within Environmental Zone A3 of AS 4282-2019, which is described as having medium district brightness (e.g. suburban areas in towns and cities). Lighting impacts on the 4 nearest residential dwellings with potential views to the sign are assessed. The location of the nearest dwellings is shown in Figure 13.

Figure 13: Location of assessed residential properties (Source: Electrolight)

Environmental Zone	Maximum vertical illuminance (lux)		Complies
	Pre-curfew	Post-curfew	
A3	10	2	✓

Table 11: Maximum lighting limit (post-curfew)

The LIA undertook a lighting model which found the maximum illuminance during night time operation is 0 lux to dwellings within zone A3 which is compliant with the limit of 2 lux outlined above. Consequently, the sign demonstrates an acceptable level of compliance with the maximum night time illumination criteria specified under AS 4282-2019.

Additionally, it is noted that some of the residential properties are shielded by mature vegetation along the Hawthorne Canal which will obstruct spill light from the signage. Notwithstanding, the model results presented in the LIA are provided on the assumption that there was no vegetation present at the site, in accordance with AS 4282-2019.

5.2.3 Illumination summary

The LIA recommends the Applicant ensure that the average luminance difference between successive images do not exceed 30% to ensure compliance with AS 4282-2019 and for the dwell time to be at least 10 seconds or greater. The LIA states the implementation of baffles as proposed will mitigate any other upward light to ensure compliance with AS 4282-2019. The Applicant has committed to these recommendations.

In summary, the LIA determines that the sign:

- is found to be compliant with the criteria set out in AS 4282-2019 and the SEPP 64 Guidelines
- will not result in unacceptable glare or adversely impact the safety of pedestrians, residents or vehicular traffic
- will not unreasonably impact on the visual amenity of nearby residences or accommodation.

5.3 Heritage

A Heritage Impact Statement (HIS) prepared by *Weir Phillips Heritage and Planning* is included at Appendix 6. The HIS details the heritage nature of the locality and any potential impacts that the proposal has to this.

The HIS identifies that the Marion Street Underbridge is owned by and is listed as a heritage item on the s170 Register of the Transport Asset Holding Entity.

As identified in Section 4.5, the signage is located in close proximity and faces the *Haberfield Conservation Area*, a Heritage Conservation Area (HCA) under the Ashfield LEP. The HIS considers the impact of the digital conversion of the sign to the HCA and concludes that the proposal will have minimal impact on the character of the Haberfield Conservation Area.

This is primarily a result of the existing Marion Street streetscape where signage is already a significant element of its' character. It is concluded that the digital conversion would not introduce any new detrimental impacts to the HCA.

As described in the HIS, the overpass is a dominant element of the overall Marion Street streetscape. The views towards the overpass eastbound are restricted by the bend in the street prior to its intersection with Hawthorne Parade. Views along Hawthorne Street from residential receivers within the identified HCA are screened by the dense vegetation which runs along the Hawthorne Canal. These contextual facets assist in reducing any potential impacts to the HCA.

The HIS identifies 2 local heritage items within vicinity of the Marion Street Overpass, being:

- Former house, including interiors, 20-22 Foster Street, Leichhardt
- Lambert Park, Foster Street, Leichhardt

The HIS comments that both of these items are located to the east of the Marion Street Overpass. Given the signage location on the western face of the overpass, there is likely to be minimal impact on the heritage items.

Accordingly, the HIS concludes:

> *The proposal complies with the guidelines and examples for bridge signage provided by NSW Government Department of Planning Transport Corridor Outdoor Advertising and Signage Guidelines, November 2017. It is considered that the conversion of the existing signage into a LED digital screen will not introduce any new detrimental impacts on the item or the heritage items and the Haberfield Conservation Area in the vicinity…*

5.4 Visual Impacts

A detailed Visual Impact Assessment (VIA) prepared by Keylan Consulting is included at Appendix 7.

The VIA assesses the impact of the proposed digital conversion from a number of viewpoints and concludes that it will not have any additional visual impacts than those currently present. The VIA concludes:

- the surrounding area has moderate visual sensitivity due to the varying zoning and low density residential nature of the visual catchment
- the surrounding area displays some evidence of visual clutter which will be reduced due to the proposed 7 signs to be removed
- the proposed sign will be visible to a high number of pedestrians and motorists reflective of its location along a classified road and proximity to both Leichhardt and Haberfield Local Centres
- views to the proposed sign from many sensitive receivers will be obstructed by existing vegetation within the adjoining RE1 Public Recreation zone
- the proposal does not result in any additional impacts upon heritage values, scenic views or protrude above the dominant skyline
- the proposal will reduce visual impacts overall due to its smaller size and higher quality, providing a visual screen area 11% smaller than that of the existing static sign

5.5 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 sign is proposed on a rail corridor
- there will be no impact on any significant European or Aboriginal cultural heritage items or heritage conservation zones
- there will be minimal visual impacts on sensitive land uses with consideration of the proposal seeking approval for digital conversion, resulting in a minor decrease in size
- detailed investigations of the road network have determined that the development will not impact on the continued and safe operation of Marion 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
- 7 existing poster style signs located beneath the underpass will be removed helping to reduce visual clutter and rationalising signage within the area

Further to the above, the site is an effective location for outdoor advertising that will generate revenue to the benefit of the local community. The public benefits of the proposal are discussed in further detail at Section 5.6.

5.6 Public benefit

In accordance with the SEPP 64 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 5). The statement confirms that part of the revenue generated by the proposed advertising sign 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

Additionally, the proposed new digital advertising signage will provide 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 will be available to Sydney Trains and other NSW Government agencies such as NSW Police, NSW Health and Transport for NSW.

Further, Sydney Trains and Transport for NSW will also be able to display messages on the digital screens for up to 5 minutes per hour for customer and event promotions at no cost.

Accordingly, the application addresses the public benefit test outlined in the SEPP 64 Guidelines through the provision of funding toward improvements to the Sydney Trains network and direct messaging to the community.

6 Conclusion

This SEE supports a DA for the digital conversion of existing static advertising signage on the western elevation of the Marion Street Light Rail overpass in Leichhardt.

The sign is proposed to comprise an advertising display area of approximately 17.79m^2 and a visual screen size of 16.25m^2. The sign will be visible to motorists travelling eastbound along Marion Street.

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

- meets the objectives of SEPP 64 as it is compatible with the amenity and visual character of the surrounding area
- demonstrates compliance with the assessment criteria set in Schedule 1 of the SEPP 64
- demonstrates compliance with the criteria set out in the SEPP 64 Guidelines in regard to land use compatibility, digital signage, road safety and illumination requirements and the public benefit test
- will not impact on any items of European or Aboriginal heritage
- reduces the existing visual screen area by 11%
- will be of high quality design and finish and will provide visual interest for motorists using Marion 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

In consideration of the above, it is considered that the digital advertising sign will not have an adverse impact on the environment or on the safety of road users and therefore warrants approval.

KEYLAN consulting pty ltd

Appendix 1

SEPP 64 & Transport Corridor Advertising and Signage Guidelines Assessment

Appendix 2

Architectural Drawings

KEYLAN consulting pty ltd

Appendix 3

Traffic Safety Assessment

Appendix 4

Lighting Impact Assessment

Appendix 5

Public Benefit Statement

Appendix 6

Heritage Impact Statement

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Appendix 7

Visual Impact Statement