

# **Statement of Environmental Effects Advertising Sign 140 Cormorant Road, Koorangang**

Prepared by Barr Planning

for oOh!media

May 2022



## Document Control

Title: Ooh Media Advertising Signs Kooragang Island  
Address: 140 Cormorant Road, Kooragang  
Job No. 21NEW0034  
Client: oOh!media

## Document Issue:

Issue	Date	Prepared by	Reviewed by
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Client Issue	21/03/2022		
Final	23/05/2022	Samuel Liu	Samuel Liu

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# 1 Introduction

## 1.1 Purpose of this Statement of Environmental Effects

This Statement of Environmental Effects (Statement) has been prepared by Barr Planning on behalf of oOh!media. It accompanies a Development Application lodged with the Department of Planning, Industry and Environment (DPIE) pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) for the proposed development of a new double sided 'Super 8' advertising sign.

## 1.2 Ownership

The site is owned by Port of Newcastle Lessor Pty Limited. Landowner's consent is provided with this application.

## 1.3 Consent Authority

Pursuant to Clause 5.6 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP), the consent authority is the Minister for Planning, as the site is located in the Port of Newcastle Lease Area. It is noted that under Clause 3.10 of State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP), the consent authority for the purposes of this policy is the council of a local government area in the case of an advertisement displayed in a local government area (unless paragraph (c), (d) or (e), applies, being the City of Newcastle Council.

As there are two consent authorities for the proposed development on the subject site, the Department of Planning, Industry and Environment (DPIE) advised in correspondence dated 13 October 2021 that DPIE would act as the consent authority for the application.

## 1.4 Supporting Documentation

This Statement is supported by the following documentation:

Document	Author	Revision No.	Date
Cost Estimate Summary	oOh!media	N/A	28/04/2022
General Arrangement Plan	Arcadis	3	21/03/2022
Geotechnical and Contamination Report	GHD	0	9/03/2022
Landowners Consent	Port of Newcastle Lessor Pty Limited	N/A	2/05/2022
Lighting Impact Assessment	Electrolight Australia	B	20/05/2022
Planning Approval Pathway Letter	DPIE	N/A	13/10/2021

Site Survey Plan - Sheet 1 of 2	Monteath & Powys	1	10/12/2021
Traffic Safety Assessment – Digital Display	Bitzios Consulting	2	16/05/2022
Traffic Safety Assessment – Static Display	Bitzios Consulting	2	16/05/2022

The above documents are provided as separate attachments and have been uploaded to the NSW Planning Portal.

## 2 Site and Context

### 2.1 The Site

The site is located on part Lot 153, DP1202468 (Lot 153) which is identified as 140 Cormorant Road, Kooragang Island NSW. The site is located within the SP1 Special Activities zone as identified under Chapter 5 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP). The site is located within the Port of Newcastle Lease area under the T&I SEPP.

Lot 153 comprises an area of approximately 3.2ha, is of an irregular shape and is bound on its southern boundary by Raven Street and Teal Street. Part of Lot 153 contains Curlew Street, overhead power lines and an open drainage line which run through the centre of the site along its east-west axis. To the north of the site is the Port Waratah Coal Services (PWCS) administration building, beyond which is located the PWCS Coal Terminal. It noted that due to existing infrastructure on Lot 153, development for port facilities or other related uses on the lot are unlikely to be feasible.



Figure 1 Locality map with site (in red) and location of proposed development (in yellow). Source: Six Maps

The specific location of the proposed development is on the southeast boundary of the lot, bounded by Teal Street. The sign posted speed along the Cormorant Road where the site is located is 80km/h.

The site is located within a highly modified built environment on Kooragang Island which reflects the industrialised character of the Port of Newcastle area. The locality of the development includes a number of different industries including fertiliser and cement manufacturing, waste management services, freight and logistics transport services and car salvage and repair yards.



## 2.2 Background

### **oOh!media Limited**

The proposed signage will be constructed and managed by oOh!media. oOh!media is one of Australia's largest Out Of Home (OOH) media companies. Out of Home media refers to advertisements that reach an audience when they are outside of their homes. Common forms of OOH advertisement include billboards (digital or traditional) and advertisements in places of public transit like at bus stops and train stations. oOh!media operates an advertising network including more than 30,000 locations across Australia and New Zealand which includes over 9,000 digital signs. Its network includes:

- Large format roadside billboards across all major capital cities
- A range of classic and digital sites located in shopping centres
- Classic and digital sites in airport terminals and airline lounges
- Bus shelters sites in most cities
- Sites in high dwell environments from CBD office buildings, cafés, bars and venues to universities
- National coverage with a premium digital roadside network, static roadside network and
- Sites across major rail networks

### **Development History**

The development consent history for the site was reviewed on the City of Newcastle online DA tracker. No previous development consents were visible for the subject site.

### **Pre-Lodgement Consultation**

Consultation with the Port of Newcastle (PON) and DPIE was undertaken prior to lodgement to determine the consent authority for the application. It was agreed that the application would be assessed by DPIE as the consent authority. Consultation identified that the assessment was to address the following matters:

- SEPP 64 Assessment including the Transport Corridor Outdoor Advertising and Signage Guidelines – it is noted that at the time this Statement was prepared, SEPP 64 had been consolidated into the State Environmental Planning Policy (Industry and Employment) 2021.
- Traffic Safety, Light Impact and Public Benefit Assessment in line with the Transport Corridor Outdoor Advertising and Signage Guidelines.
- Consultation with TfNSW regarding potential impacts on road operations.

Those matters have been addressed in this Statement. It is noted that formal consultation with TfNSW was not undertaken for the purposes of the development application, however it is considered that the traffic safety considerations of the proposed development have been adequately addressed in the traffic safety assessment.

It is noted that pre-lodgement meetings and consultation with PON and DPIE for the proposed development at 140 Cormorant Road were undertaken concurrently with a similar proposed

development for a new advertisement at 30 Cormorant Road, Kooragang. The proposed development at 30 Cormorant Road, Kooragang forms the subject of a separate development application.

### 3 Proposed Development

#### 3.1 Summary

The proposed development is for a new double-sided 'Super 8' sign incorporating the construction of an advertising structure and advertisement.

The proposed signage will front Teal Street in an 80km/h sign posted zone. As the proposed signage will be doubled-sided, the westward facing advertisement will comprise a digital LED display and the eastward facing advertisement will comprise a static 'classic' display.

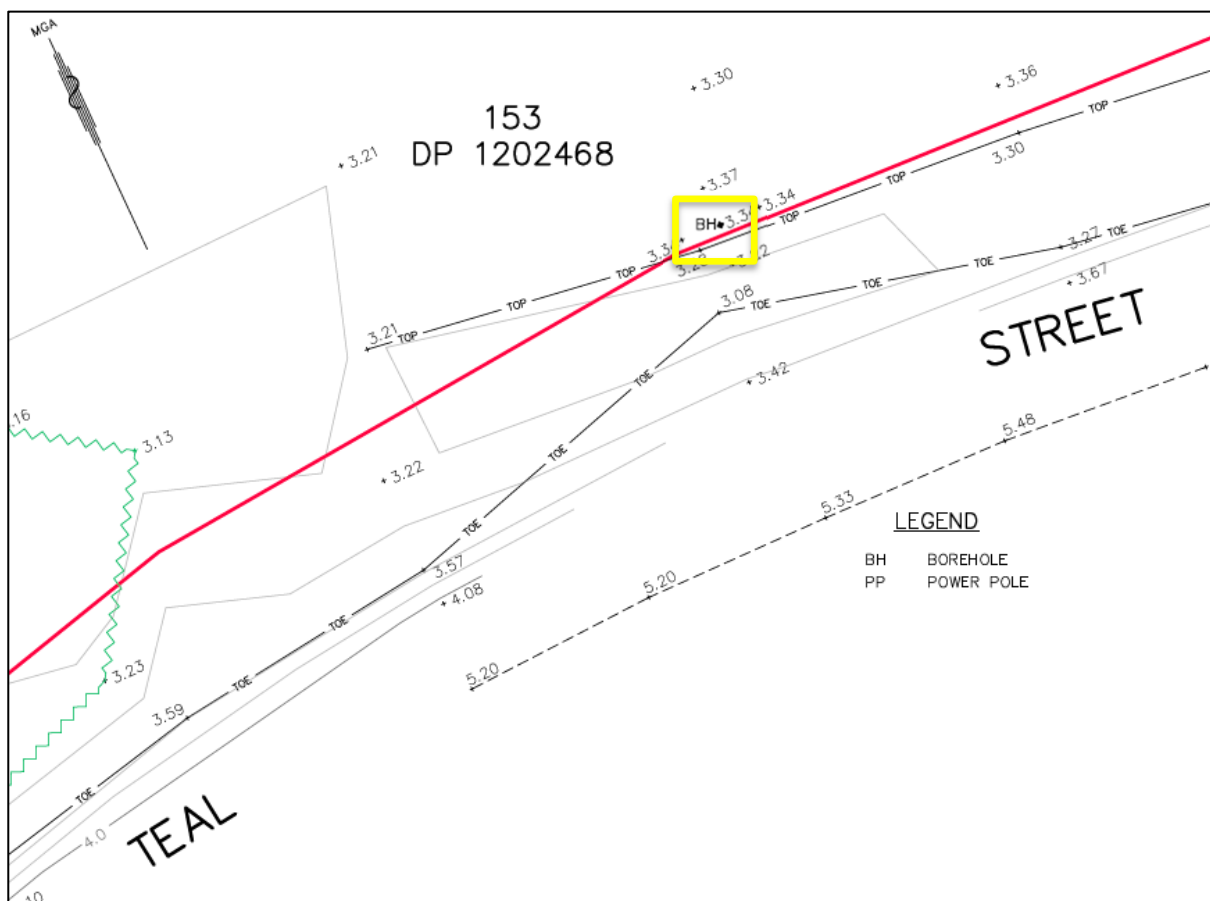


Figure 2 Detailed Site Survey. Bore Hole for Advertising Structure (outlined in yellow). Source: Monteath & Powys

### 3.1.1 Proposed Advertising Structure

The proposed advertising structure has the following features:

- Height including advertising structure and advertisement of approximately 7.95 metres
- Structure consisting of a steel pylon with a diameter of approximately 610mm secured on a concrete footing

The pylon of the proposed advertising structure will be wholly contained within the property boundary of Lot 153, DP1202468. The pylon will be fixed to a concrete footing located north of the allotment boundary. The base of the frame surrounding the advertisement will be positioned approximately 5.5 metres above the existing ground level, will be offset from the roadside and is not expected to impact vehicular access or path of travel.

### 3.1.2 Proposed Advertisement

The proposed advertisement includes:

- Advertising display area for each sign of 19.95m<sup>2</sup> comprising the following:
  - Advertisement device dimensions of approximately 8420mm wide x 2340mm high
  - oOh!media logo size of 0.25m<sup>2</sup>
- The digital device screen dwell time of 25 seconds

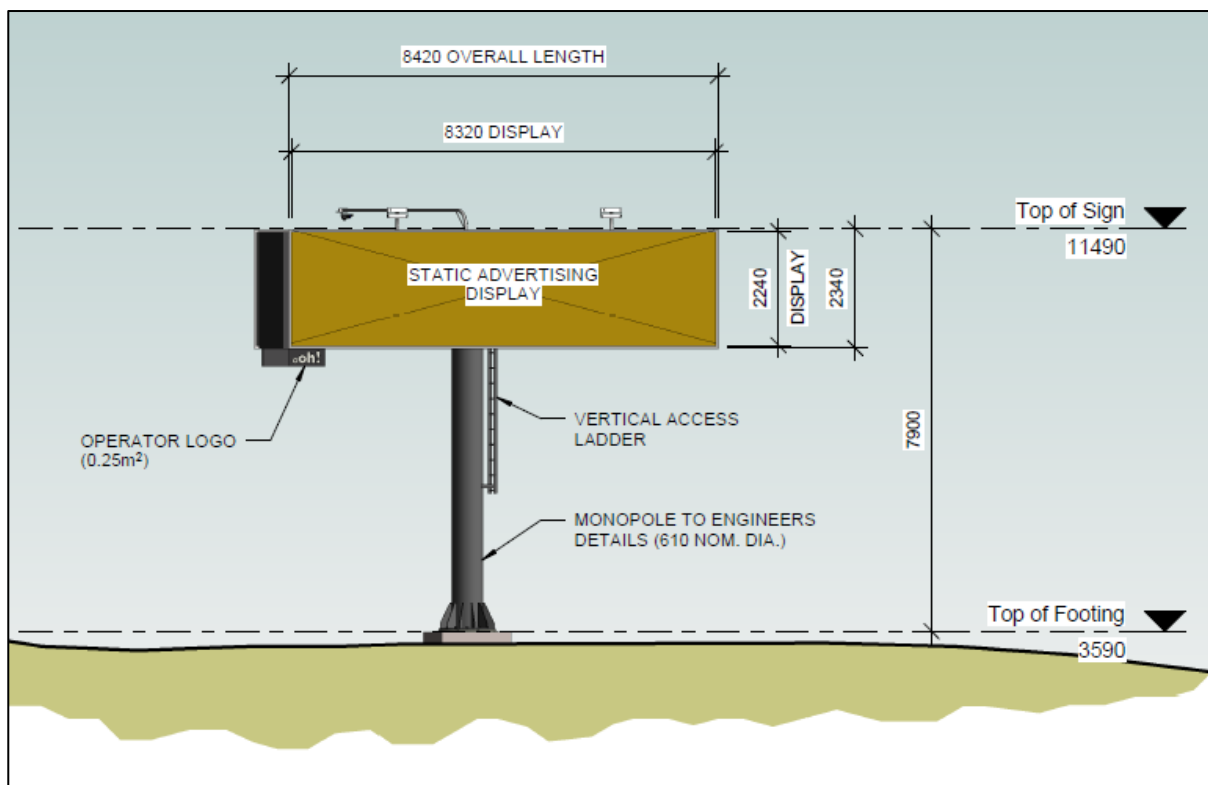


Figure 3 Proposed Static Sign Elevation. Source: oOh!media

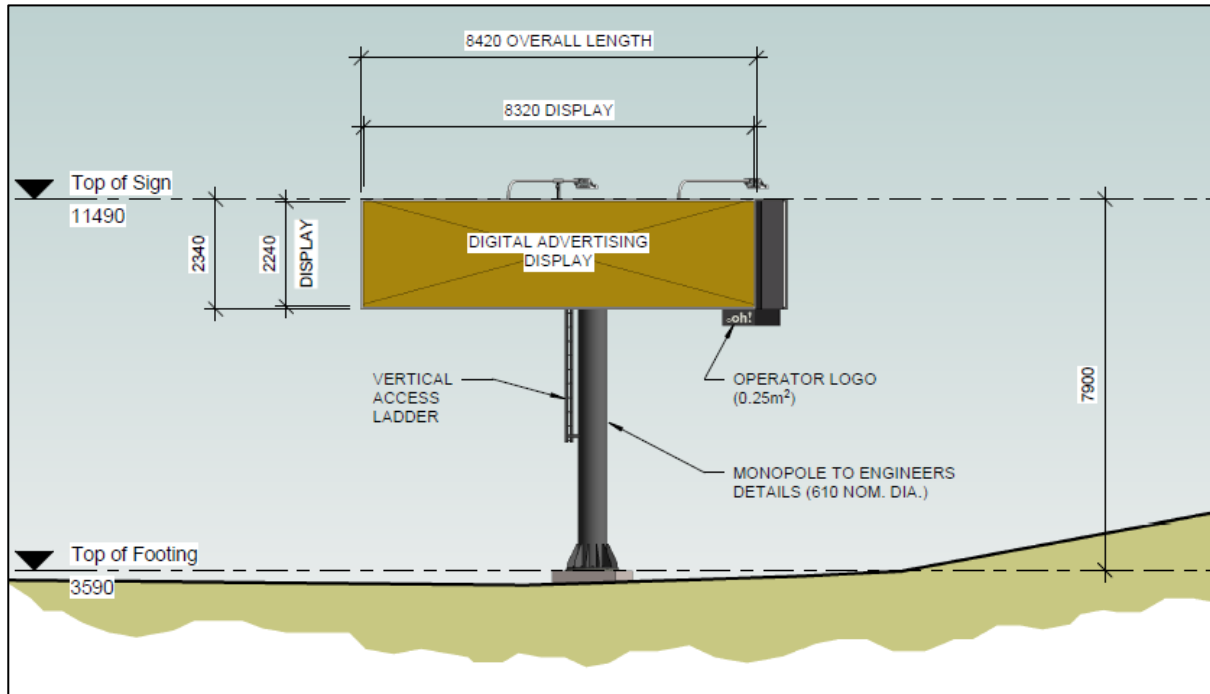


Figure 4 Proposed Digital Sign Elevation. Source: oOh!media

The classic static signage will be externally illuminated using two top mounted 120W LED flood lights mounted on a 2 metre outreach arm aimed towards the face. The digital LED advertisement display will be internally illuminated using LEDs installed within the front face. The brightness of the digital display will be controlled to provide upper and lower thresholds controlled automatically via local light sensor to adjust to ambient light conditions. The digital advertisement will implement LED panel technology which mitigates upward waste light and will achieve energy efficient and sustainable design.

### 3.2 Construction

Minor excavation works will be required for the construction of the footing. Construction works are proposed to occur from the north side of the lot boundary and will not impact Teal Street traffic. Access to the location of the proposed works will be available via Curlew Street. It is anticipated that temporary site fencing would be utilised to cordon off the work zone for the proposed development to take place. The proposed development does not propose to remove any trees or vegetation as part of the proposed works.



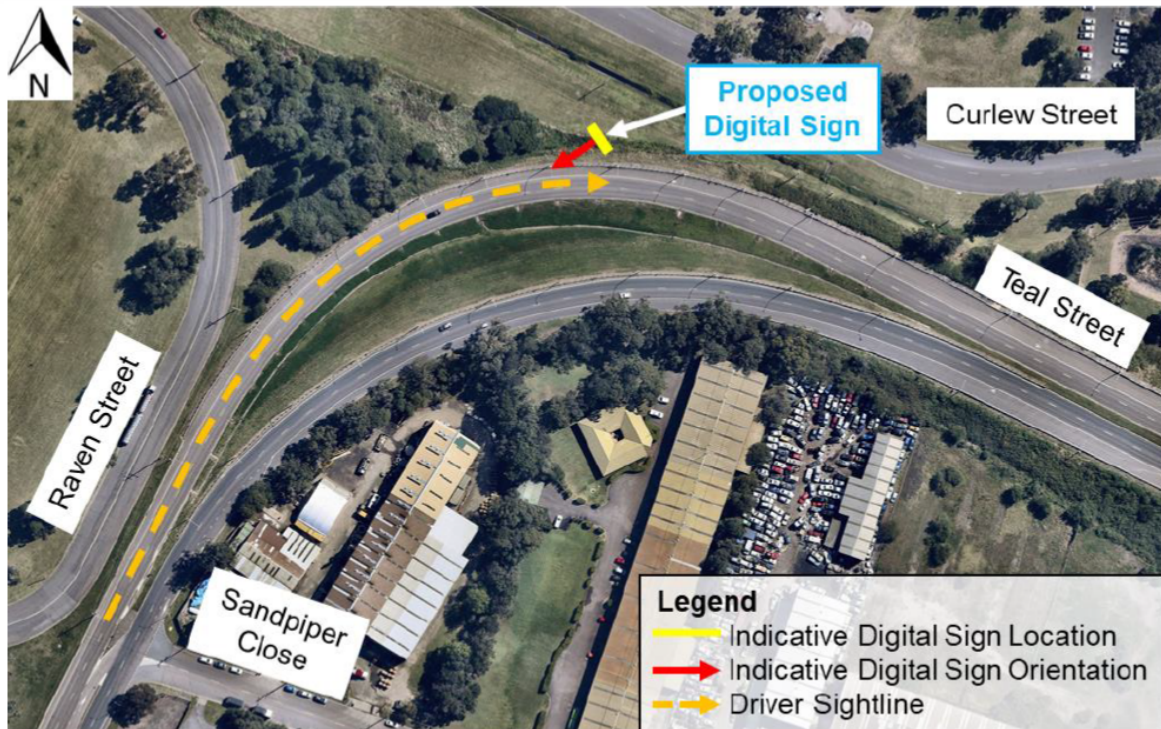


Figure 5 Indicative Location of West Facing Digital Sign. Source: Bitzios Consulting



Figure 6 Indicative Location of East Facing Static Sign. Source: Bitzios Consulting

## 4 Strategic Context

### 4.1 Hunter Regional Plan 2036

The Hunter Regional Plan 2036 is the applicable Regional Plan for the subject site. The subject site is located in the Port of Newcastle Lease Area. The Regional Plan identifies the Port of Newcastle as an important global gateway for trade and export activity.

Direction 24 states the imperative to *protect the economic functions of employment land*. The Port of Newcastle is identified as a significant employment precinct. This strategic direction aims to prevent land use conflicts between employment lands and residential uses and protect the economic functions of employment land by encouraging industrial uses where possible.

The proposed development supports the economic function of employment land in the Port of Newcastle Area and is compatible with the dominant industrial use. The development will support the economic function of land by providing opportunities for third party advertising in a manner which does not conflict with sensitive or residential use areas.

### 4.2 Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan 2036 is the applicable metropolitan plan for the subject site. It is noted that there are no applicable strategic objectives relevant to the proposed development.

### 4.3 City of Newcastle Local Strategic Planning Statement (LSPS)

The Planning Newcastle 2040: Global City, Local Character Local Strategic Planning Statement (LSPS) is the applicable LSPS for the subject site. It is noted that there are no applicable strategic objectives relevant to the proposed development.

## 5 Statutory Assessment

### 5.1 Environmental Planning and Assessment Act 1979

This report assesses the proposal against the relevant statutory requirements of the EP&A Act, and other legislation, plans and policies as applicable. Section 4.15 of the Act outlines the relevant heads of consideration that must be considered when assessing a development proposal.

The following matters are considered in this Statement, as required by section 4.15(1)(a):

- Environmental planning instruments, proposed instruments and development control plans that are relevant to the site or development are addressed at Parts 5.5 to 5.9 of this Statement;
- There are no known planning agreements applicable to the site; and
- The relevant provisions of the EP&A Act and the Environmental Planning and Assessment Regulation 2021 (the Regulation) have been considered at Parts 5.2 to 5.4 of this Statement.

The remaining matters for consideration under section 4.15(1)(b), (c), (d) and (e) are addressed at Part 6 to 9 of this Statement.

### 5.2 Objects of the Act

The objects of the EP&A Act are listed as follows:

- (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,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and 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),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*



- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development supports the objectives of the EP&A Act, specifically subsection (c) 'to promote the orderly and economic use and development of land'. The proposed development will stimulate economic use of land in an area identified as industrial employment land. The proposed development will be located on a small portion of Lot 153 and will not interfere with any development of the remainder of the land for the purposes of port facilities or related uses.

### **5.3 Integrated Development**

The proposed development is not considered integrated development for the purposes of Section 4.46 of the EP&A Act.

### **5.4 Environmental Planning and Assessment Regulations**

The proposed development will be assessed in accordance with the relevant requirements of Part 3 of the Regulation, being procedures relating to development applications.

Clause 61 of the Regulation specifies the additional matters that must be considered by the consent authority in accordance with section 4.15(1)(a)(iv) of the EP&A Act. None of the matters in clause 61 of the Regulation are relevant to this application.

### **5.5 State Environmental Planning Policies**

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EP&A Act. SEPPs deal with issues considered to be of significance for the State and the people of NSW. In the determination of the development application, the consent authority will consider these matters pursuant to section 4.15(a)(i) of the EP&A Act.

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

The State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) specifies planning considerations related to relating to infrastructure, educational establishments, childcare facilities, major infrastructure corridors and ports. Chapter 5 Three ports—Port Botany, Port Kembla and Newcastle is relevant to the proposed development and sets out planning controls for development proposed on land near the ports, as shown on the Land Application Map.

The subject site falls within the land subject to Chapter 5 of the Transport and Infrastructure SEPP, is zoned SP1 Special Activities and is located in the Port of Newcastle Lease Area.



Clause 5.12(2) of the Transport and Infrastructure SEPP requires the consent authority to "have regard to" the objectives of the zone when determining any development application. The SP1 Special Activities zone has the following objectives:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*
- *To maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial, freight and bulk storage premises that benefit from being located close to port facilities.*
- *To enable the efficient movement and operation of commercial shipping and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure.*
- *To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.*
- *To facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses.*
- *To encourage employment opportunities.*

The proposed development is aligned with the objectives of the zone, specifically:

- Objective 3 as it will facilitate development that is in keeping with the special characteristics of the site and minimises adverse impacts on surrounding land. The proposed development will be located on a small portion of Lot 153 and will not interfere with further development on the remainder of the land. The proposed development is not antipathetic to the objectives of the SP1 Special Activities zone and is considered compatible with the objective to facilitate development for the purposes of port facilities or related uses. It noted that due to existing infrastructure on Lot 153, development for port facilities or other related uses on the lot are unlikely to be feasible. The proposed development is strategically located along a key road corridor and will leverage the location to provide effective communication whilst minimising adverse environmental impacts.
- Objective 7 as it will facilitate development that by its nature or scale requires separation from resident areas and other sensitive land uses due to potential impacts to amenity.

The proposed development for an advertising structure and advertisement is defined under the EP&A Act and the Standard Instrument (which applies to Chapter 5 of the Transport and Infrastructure SEPP) as follows:

**Signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

where

**advertising structure** means a structure used or to be used principally for the display of an advertisement.

**advertisement** means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

The proposed development meets the definition for an advertising structure and advertisement as the development will include a structure used principally for the display of an advertisement visible from a public place.

The SP1 Special Activities zone has the following permitted and prohibited uses:

## **2 Permitted without consent**

*Jetties; Moorings; Roads*

## **3 Permitted with consent**

*Capital dredging; Environmental facilities; Environmental protection works; Maintenance dredging; Navigation and emergency response facilities; Neighbourhood shops; Port facilities; Wharf or boating facilities; Any other development not specified in item 2 or 4*

## **4 Prohibited**

*Artisan food and drink industries; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Crematoria; Educational establishments; Entertainment facilities; Function centres; Funeral homes; Garden centres; Hardware and building supplies; Medical centres; Office premises; Places of public worship; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Shops; Specialised retail premises; Tourist and visitor accommodation; Vehicle sales or hire premises*

The proposed developments of an ‘advertising structure’ and an ‘advertisement’ are innominate permissible uses in the SP1 Special Activities zone (being uses that are not specified in item 2 or 4 of the land use table).

It is noted that the SEPP does not specify any specific controls related to maximum building height, FSR or minimum lot size.

As the subject site is within the Ports Lease Area, pursuant to Clause 5.6 of the Transport and Infrastructure SEPP the consent authority for the application is the Minister.

Clause 5.20 of the Transport and Infrastructure SEPP specifies provisions related to earthworks. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Clause 5.20(2) states:

- (2) Development consent is required for earthworks unless—*
  - (a) the earthworks are exempt development under this Chapter or another applicable environmental planning instrument, or*
  - (b) the earthworks are ancillary to development that is permitted without consent under this Chapter or to development for which development consent has been given.*

As the earthworks for the proposed development will be ancillary to the development, no separate consent is required for these works.

Clause 2.118 of the Transport and Infrastructure SEPP specifies provisions for development with frontage to a classified road. The clause is relevant to the proposed development which fronts Teal Street which is a classified main road. Pursuant to Clause 2.118(2):

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
  - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
    - (i) the design of the vehicular access to the land, or*
    - (ii) the emission of smoke or dust from the development, or*
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise*

*or vehicle emissions within the site of the development arising from the adjacent classified road.*

Regarding subclause (a), the development does not propose any changes to the existing vehicular access to Lot 153. Regarding subclause (b), the development is not expected to adversely affect the safety, efficiency and ongoing operation of the classified road as it will not alter the design of existing vehicular access to the land, will not result in the emission of smoke or dust and will not contribute to traffic generation to the land on which the development is situated. Regarding subclause (c), the development is not considered sensitive to traffic noise or vehicle emissions.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The State Environmental Planning Policy (Resilience and Hazards) 2021 specifies provisions related to coastal management, hazardous and offensive development and remediation of land. Chapter 2 Coastal Management and Chapter 4 Remediation of Land are relevant to the proposed development and the applicable clauses have been assessed below.

#### *Chapter 2 Coastal Management*

Chapter 2 Coastal Management of the Resilience and Hazards SEPP promotes an integrated and coordinated land use approach in the coastal zone.

Clause 2.5(2) of the Resilience and Hazards SEPP provides that Chapter 2 of the SEPP does not apply to the Lease Area within the meaning of the former State Environmental Planning Policy (Three Ports) 2013 (now Chapter 5 of the Transport & Infrastructure SEPP). Chapter 2 of the Resilience and Hazards SEPP will not therefore apply to the site. Notwithstanding, the following provisions address the matters to be considered under the Resilience and Hazards SEPP.

Clause 2.10 requires the consent authority to consider whether the proposed development is likely to cause an adverse impact on Subclause items (a) – (g) which are stated below:

*Table 1 Chapter 2 Coastal Management Clause 2.10 Assessment*

Criteria	Response
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i>	The proposed development will not have an adverse impact on the integrity and resilience of the biophysical, hydrological and ecological environment.
<i>(b) coastal environmental values and natural coastal processes</i>	The proposed development will not have an adverse impact on the coastal environmental values and natural coastal processes.

<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1</i>	NA. The proposed development will not have an adverse impact on the water quality of any marine estate.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</i>	The proposed development will not impact any marine vegetation, native vegetation or fauna or undeveloped headlands and rock platforms.
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability</i>	The proposed development will not have an adverse impact on any public open space or safe access to foreshore areas.
<i>(f) Aboriginal cultural heritage, practices and places</i>	NA. The proposed development does not impact any known Aboriginal cultural heritage, practices and places.
<i>(g) the use of the surf zone</i>	NA. The proposed development will not impact the use of any surf zone.

#### Chapter 4 Remediation of Land

Chapter 4 Remediation of Land of the Resilience and Hazards SEPP provides a Statewide planning approach to the remediation of contaminated land. Pursuant to Clause 4.6 of the SEPP:

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Pursuant to Clause 4.6(2):

- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

The proposed development relates to a change of use on land specified in subclause (4), specifically subclause (4)(b):

*(b) land on which development for a purpose referred to in Table 1 to the Contaminated Land planning guidelines is being, or is known to have been, carried out*

Having regard for the Contaminated Land Guidelines, the site is located in a region of known asbestos contamination, as well as mining and extractive industries. As such, a Geotechnical and Contamination Report has been prepared by GHD to support this Statement. The findings of the report note that concentrations of contaminants were either below the laboratory limit of reporting (LOR) or the nominated health assessment criteria (HIL D/HSL D) for all samples analysed. All results were reported below the health and ecological assessment criteria for commercial/industrial land use. Based on the findings, soils present a low risk to human health and the environment under a commercial/industrial land use and are suitable in their existing state for the proposed purpose.

#### **State Environmental Planning Policy (Industry and Employment) 2021**

The State Environmental Planning Policy (Industry and Employment) 2021 specifies provisions relating to the Western Sydney Employment Area and Advertising and Signage. Chapter 3 Advertising and Signage is relevant to the proposed development and the applicable clauses are assessed below.

Clause 3.6 in Part 3.2 of the SEPP specifies that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in clause 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

Part 3.3 of the SEPP applies to all signage other than business identification signs, building identification signs, signage that is exempt or signage on vehicles. As such, Part 3.3 of the SEPP applies to the proposed development. The relevant provisions of Part 3.3 are set out below.

Clause 3.11(1) of the Industry and Employment SEPP specifies the following:

*A consent authority (other than in a case to which subclause (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—*

- (a) is consistent with the objectives of this Chapter as set out in clause 3.1(1)(a), and*

- (b) *has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
- (c) *satisfies any other relevant requirements of this Chapter.*

The requirements specified in Clause 3.1(1)(a) and Schedule 5 are assessed the following tables.

Table 2 Assessment of Industry and Employment SEPP, Clause 3.1(1)(a) Aims and Objectives

Criteria	Response	Consistent
<i>1.(a)(i) is compatible with the desired amenity and visual character of an area, and</i>	The desired amenity and visual character of the area relates predominately to the industrial nature of the SP1 Special Activities zone within the Port of Newcastle Area. The proposed development is considered compatible with the character of the area and is not expected to result in adverse impacts to the desired amenity. Photo montages of the site's surrounding environment are included in Appendix B of the Traffic Safety Assessment in the supporting documentation.	Yes
<i>1.(a)(ii) provides effective communication in suitable locations, and</i>	The proposed development will provide effective communication and has been positioned in a location which will not contribute to visual clutter, obstruct sightlines or impede on safe driver decision making.	Yes
<i>1.(a)(iii) is of high quality design and finish</i>	The proposed signage will be of a high quality and will be internally illuminated for the digital sign and face lit for the classic static sign. High quality durable and weather resistant materials and finishes will be used.	Yes

Table 3 Assessment of Industry and Employment SEPP, Schedule 5 Criteria

Criteria	Response
1 Character of the area	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	Yes. The desired future character of the area relates to its existing industrial use of the SP1 Special Activities zone in the Port of Newcastle Area. The proposed advertisement is compatible with the industrial character of the area and will not result in adverse impacts to the amenity.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	NA. There are no existing themes for outdoor advertising within the locality of the proposed development.
2 Special areas	

Criteria	Response
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	No. There is limited scenic quality or heritage value within the viewshed of the proposed development. As such, the proposed signage will not detract from amenity or visual quality of the area.
3 Views and vistas	
<i>Does the proposal obscure or compromise important views?</i>	No. The proposed signage does not compromise any important views.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No. The proposed development will not protrude above the dominant skyline or reduce the quality of vistas.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	NA. There are no other advertisements located within the locality of the proposed development.
4 Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes. The scale, proportion and form of the proposed advertisement is appropriate for the streetscape which is primarily comprised of street lighting and grass covered verges.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Yes. The proposed signage will add visual interest to the landscape by advertising third party content with a high quality static 'classic' and digital LED display.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	NA. There is no other outdoor advertising to rationalise within the locality of the proposed signage.
<i>Does the proposal screen unsightliness?</i>	NA. There is no existing unsightliness to screen.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	No. The proposed signage will not protrude above buildings, structures or tree canopies.
<i>Does the proposal require ongoing vegetation management?</i>	No. Ongoing vegetation management is not required.
5 Site and building	
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	Yes. The proposed freestanding advertisement is compatible with the characteristics of the site noting there are no other buildings located where the sign is proposed.



Criteria	Response
<i>Does the proposal respect important features of the site or building, or both?</i>	NA. There are no identified features of built significance on the site. As such, the proposed signage does not detract in any way from important features of the site.
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Yes. The proposed signage is for a double-sided 'Super 8' advertisement which will display a static 'classic' advertisement to westbound traffic and a digital LED advertisement to eastbound traffic. The signs will be illuminated and achieve energy efficient and sustainable design.
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	Yes. The digital sign will be internally illuminated with brightness controlled to adjust to ambient light conditions. The classic static sign will be face lit using external lighting which will be secured to the advertising structure.
<b>7 Illumination</b>	
<i>Would illumination result in unacceptable glare?</i>	No. A Lighting Impact Assessment (LIA) has been prepared to assess the proposed signage against the requirements of Chapter 3 of the Industry and Employment SEPP, Transport Corridor Outdoor Advertising & Signage Guidelines 2017 and AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting. The LIA has assessed maximum permissible luminance levels for the site under different lighting conditions including during night-time hours. The LIA concluded that the proposed signage will comply with the assessed maximum luminance levels and will not result in unacceptable glare.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	No. The LIA concluded that the proposed signage will not adversely impact the safety of pedestrians, residents or vehicular traffic.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No. No residences are located within view of the proposed signage.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Yes. The proposed advertisement display will have the capacity for luminance levels to be adjusted as required.
<i>Is the illumination subject to a curfew?</i>	No. The proposed advertisement will be in 24 hour operation.
<b>8 Safety</b>	
<i>Would the proposal reduce the safety for any public road?</i>	No. Two (2) Traffic Safety Assessments were prepared by Bitzios Consulting dated 18 January 2022 assessing both classic

Criteria	Response
	<p>and digital advertisement displays. The assessment concluded that drivers will maintain clear sightlines to all potential traffic control devices, signage and hazards. The advertisements will not obstruct sightlines nor impede on the decision making which may lead to road hazards for drivers or cyclists.</p> <p>Crash data for the relevant section of Teal Street was obtained from Transport for NSW and used to assess the crash history in proximity to the subject site. Zero crashes were recorded in view of the proposed sign for westbound traffic during the most recent five-year data. Three (3) crashes were reported within view of the proposed sign during the most recent five-year data with an average of less than one crash per year. The crash data revealed a very low crash rate indicating low crash risk on approach to the site.</p> <p>Therefore, the proposed signage is not expected to reduce the safety of any public road. The Traffic Safety Assessment has been included in the supporting documentation and provides further detail.</p>
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	No. There are very few on-road cyclists in this area. Any change in pedestrian and cyclist safety risk associated with the signage installation is considered negligible.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No. There are unlikely to be (if any) pedestrians in this industrial area. As such, reductions in safety are considered negligible.

Pursuant to Clause 3.15 and 3.16 of Industry and Employment SEPP, a consent authority must not grant development consent to the display of an advertisement without concurrence from TfNSW in relation to advertisements which trigger the following criteria:

- display area greater than 20 square metres, or
- higher than 8 metres above the ground, and
- within 250 metres of a classified road any part of which is visible from the classified road.

Where the above criteria are triggered, in addition to the requirement for TfNSW concurrence, the proposed development must be assessed taking into consideration the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*.

The proposed double-sided 'Super 8' advertisement has a height less than 8 metres above the ground and a display area of 19.95m<sup>2</sup> which is less than 20m<sup>2</sup>. The display area of the advertisement is calculated separately for each side and is not the sum of the display areas of all sides. This is in accordance with Clause 3.2(2) of the SEPP which states the following:

*(2) The advertising display area of an advertising structure that contains advertising on two or more sides is to be calculated separately for each side and is not the sum of the display areas on all sides.*

As such, concurrence is not required from TfNSW and assessment against the requirements of *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* is not required. However, an assessment has been conducted below to respond to DPIE's specific request to address these requirements as raised during the pre-lodgement consultation in December 2021.

Table 4 Assessment of Table 3 Guidelines Criteria for Digital Signs

Criteria	Response
a. <i>Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.</i>	The proposed signage will incorporate a static display without motion for the approved dwell time. The proposed dwell time for the advertisement is 25 seconds.
b. <i>Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.</i>	Displayed advertisements will be managed by oOh!media to ensure that message is designed to avoid sequencing which makes a driver anticipate the next message.
c. <i>The image must not be capable of being mistaken:</i> i. <i>for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device</i> ii. <i>as text providing driving instructions to drivers.</i>	Displayed advertisements will be managed by oOh!media to ensure that images are not capable of being mistaken for traffic control devices or signs.
d. <i>Dwell times for image display must not be less than:</i> i. <i>10 seconds for areas where the speed limit is below 80 km/h</i> ii. <i>25 seconds for areas where the speed limit is 80km/h and over.</i>	The proposed signage is located on a road with a speed limit of 80km/h. The minimum dwell time of the proposed signage will not be less than 25 seconds.

Criteria	Response
e. <i>The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.</i>	The proposed signage will ensure a transition time of no longer than 0.1 seconds, and in the event of image failure, the default image will be a black screen.
f. <i>Luminance levels must comply with the requirements in Section 3 below.</i>	The luminance levels comply with the requirements of Section 3. Refer to the Lighting Impact Assessment included in the supporting documentation.
g. <i>The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.</i>	Displayed advertisements will be managed by oOh!media to ensure that images do not unreasonably dazzle or distract drivers or contain flickering or flashing content.
h. <i>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).</i>	Displayed advertisements will be managed by oOh!media to ensure that text and information supplied on a sign is kept to a minimum.
i. <i>Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.</i>	NA. The sign is not visible from a school zone.
j. <i>Each sign proposal must be assessed on a case-by-case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign, and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.</i>	Noted.
k. <i>At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.</i>	Noted.

Table 5 Assessment of Guidelines Section 3 Road Safety Criteria

Criteria	Response
<b>Road clearance</b>	
<p><i>a. The advertisement must not create a physical obstruction or hazard. For example:</i></p> <ul style="list-style-type: none"> <li><i>i. Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?</i></li> <li><i>ii. Does the sign protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?</i></li> <li><i>iii. Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?</i></li> </ul>	<p>The proposed sign will not obstruct the movement of pedestrians or bicycle riders or protrude laterally into the transport corridor as they are raised on the roadside.</p>
<b>Line of sight</b>	
<p><i>To maximise visibility of the road and minimise the time a driver's attention is directed away from the road, the following criteria apply to all advertising signage:</i></p> <p><i>a. An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.</i></p>	<p>The advertisement will not obstruct the driver's view of the road, other vehicles, bicycle riders or pedestrians at crossings given its proposed raised location.</p>
<p><i>b. An advertisement must not obstruct a pedestrian or cyclist's view of the road.</i></p>	<p>The advertisement will not obstruct a pedestrian or cyclist's view of the road given its proposed raised location.</p>
<p><i>c. The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual</i></p>	<p>The proposed advertisement is deemed not to be located in a position that has the potential to give incorrect information on the road alignment. Refer to photomontages included in the Traffic Safety Assessment.</p>

Criteria	Response
<i>alignment. An accurate photomontage should be used to assess this issue.</i>	
<p>d. <i>The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:</i></p> <p>i. <i>Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?</i></p> <p>i. <i>The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.</i></p>	The proposed advertisement will be located so that only glance appreciation is required, meaning drivers would not need to turn away from the road or traffic stream in order to view its display and/or message.
e. <i>The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.</i>	The advertisement will not create headlight reflections in the driver's line of sight given its proposed raised location and it will not tilt down towards them.
<b>Proximity to decision making points and conflict points</b>	
<p>a. <i>The sign should not be located:</i></p> <p>i. <i>less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</i></p> <p>ii. <i>less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge,</i></p>	The proposed sign will not be located near any decision points when drivers are approaching in proximity of the sign.

Criteria	Response
<p><i>cycle crossing, cycleway facility or hazard within the road environment</i></p> <p>iii. <i>so that it is visible from the stem of a T-intersection.</i></p>	
<p>b. <i>The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</i></p> <p>i. <i>of a road hazard</i></p> <p>ii. <i>to an intersection</i></p> <p>iii. <i>to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)</i></p> <p>iv. <i>to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.</i></p>	<p>The proposed sign will not be located near any decision points when drivers are approaching in proximity of the sign.</p>
<b>Advertising signage and traffic control devices</b>	
<p>a. <i>The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</i></p>	<p>The advertisement will not distract a driver from or reduce the visibility and effectiveness of directional signs, traffic signals, other traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment</p>
<p>b. <i>The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device. For example:</i></p> <p>i. <i>Could the advertisement be construed as giving instructions to traffic such as 'Stop', 'Halt' or 'Give Way'?</i></p> <p>ii. <i>Does the advertisement imitate a prescribed traffic control device?</i></p> <p>iii. <i>If the sign is in the vicinity of traffic lights, does the advertisement use red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the</i></p>	<p>The advertisement will not interfere with the stopping sight distance. Displayed advertisements will managed by oOh!media to ensure that images are not capable of being mistaken for traffic control devices or signs.</p>

Criteria	Response
advertisement being mistaken for traffic signal?	

Clause 3.21 of the Industry and Employment SEPP states:

- (1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.*
- (2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.*

The proposed signage will have a height of less than 8 metres and is compatible with the bulk and scale of its industrial surroundings. It will not protrude above the dominant skyline including any buildings, structures or tree canopies.

## 5.6 Newcastle Local Environmental Plan 2012

The Newcastle Local Environmental Plan (NLEP) 2012 does not apply to the proposed development which is located in the Ports Lease Area under Chapter 5 of the Transport and Infrastructure SEPP.

## 5.7 Proposed Environmental Planning Instruments

### Draft Remediation of Land SEPP

The Draft Remediation of Land SEPP Explanation of Intended Effects (EIE) and the associated Contaminated Land Planning Guidelines were exhibited between January and April 2018. The proposed instrument is under consideration and intends to retain elements of the existing State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) (now incorporated in the Resilience and Hazards SEPP) whilst adding new provisions to establish a modern approach to the management of contaminated land. The key operational framework of Remediation of Land under the Resilience and Hazards will be maintained in the new SEPP. As assessed previously under State Environmental Planning Policy (Resilience and Hazards) 2021, it is concluded that the site is suitable in its current state for the proposed development.

## 5.8 Newcastle Development Control Plan 2012

The Newcastle Development Control Plan (NDCP) 2012 supports the Newcastle LEP 2012. It provides general controls within the LGA that should be considered in the preparation of a development application. Within the DCP the following sections are considered relevant:



- Section 3.13 Industrial Development
- Section 5.02 Land Contamination

### Section 3.13 Industrial Development

Section 3.13 of the Newcastle Development Control Plan (NDCP) 2012 applies to all development within the SP1 Special Activities zone. Section 3.13.02 states the following objectives for the character and amenity of the SP1 Special Activities Zone:

1. *Promote development that is both functional and attractive in the context of its local environment through appropriate design.*
2. *Ensure new development is sympathetic with the streetscape character and amenity of any adjoining residential precinct.*
3. *Ameliorate any potential adverse amenity, noise privacy or overshadowing impact upon any adjoining residential zoned land from any proposed new building or proposed alterations and additions to an existing building.*
4. *Minimise the potential impact of development, visual or otherwise through careful site planning and ensure that adequate environmental safeguards are implemented.*
5. *Ensure that development proposed in close proximity to residential areas does not have materially detrimental effects on such areas.*

The proposed development is compatible with the character and amenity of the SP1 Special Activities zone and satisfies the objectives of the DCP, specifically:

- Objective 1 – proposed signage presents a functional and well-designed development which is compatible with its local environment and context.
- Objective 4 – proposed signage minimises visual impacts by being suitably located in without affecting areas of scenic quality or value.

There are no further controls specified in Section 3.13 related to the proposed development.

### 5.02 Land Contamination

Section 5.02 of the Newcastle Development Control Plan (NDCP) 2012 applies to all land within the Newcastle LGA and hence applies to the subject site. The relevant provisions of Section 5.02 are assessed below.

Table 6 NDGP 2012 Section 5.02 Assessment

Criteria	Assessment
5.02.01(B)(2) <i>Determining if a site investigation is required:</i>	Refer to Geotechnical and Contamination Report prepared by GHD which supports this Statement.
<i>If there are indications that:</i>	

Criteria	Assessment
<i>(a) the land is or may be contaminated land, or (b) there is insufficient information on which to make a decision, a site investigation process is to be carried out in accordance with the Contaminated Land Planning Guidelines.</i>	
5.02.03 Remediation work	Refer to Geotechnical and Contamination Report prepared by GHD which supports this Statement.

## 5.9 Development Contributions

Subject to Section 7.17 (previously Section 94E) of the Environmental & Planning Assessment Act 1979, the Environmental Planning and Assessment (Local Infrastructure Contributions – Port of Newcastle) Direction 2014 specifies that the maximum percentage of the proposed cost of carrying out development that may be imposed as a levy under Section 7.11 and Section 7.12 in the Port of Newcastle Lease Area is nil. As such, no development contributions are payable for the proposed development.

## 6 Likely Impacts of the Development

### 6.1 Environmental Impacts

This section addresses all the likely impacts of the development in the locality, including impacts arising from the development, and impacts on the development in accordance with Section 4.15(1)(b) of the EP&A Act.

#### Access, Traffic Pedestrian links and public transport

Two (2) Traffic Safety Assessments have been prepared for the proposed development by Bitzios Consulting which accompany this Statement. The reports examined the traffic and safety implications of the proposed development and assessed the impacts against the criteria specified in the Industry and Employment SEPP and the Transport Corridor Outdoor Advertising & Signage Guidelines 2017.

The proposed advertisement will be located along Teal Street in a suitable location where there are no driver decision points. The advertisement will not obstruct sight lines or otherwise reduce safety of the public road. Access to the site for service and maintenance of the proposed development will remain unchanged and will be accessible from Curlew Street.

A review of TfNSW's historic five-year data crash data along the relevant section of Teal Street revealed very low crash risk in the proximity of the subject site and supports the conclusion that the proposed signage will not contribute to reduction in safety in its proposed location.

### **Flora and Fauna**

The proposed development will not require land clearing and will not have material adverse impact on flora and fauna.

### **Light Impact**

The classic static signage will be externally illuminated using two top mounted 120W LED flood lights mounted on a 2 metre outreach arm aimed towards the face. Typical product specifications have been indicated in the light impact assessment accompanying this Statement. The digital LED sign will be internally illuminated using LEDs installed within the front face. The brightness of the LEDs shall be controlled to provide upper and lower thresholds as required as well as automatically via a local light sensor to adjust to ambient lighting conditions.

The proposed signage is located in an Environmental Zone A4 under *AS4282 Control of the Obtrusive Effects of Outdoor Lighting* with a maximum night-time luminance of 350 cd/m<sup>2</sup>. It is noted, however, that under the Transport Corridor Outdoor Advertising & Signage Guidelines, the maximum night-time luminance of an externally illuminated static sign within Zone 3 is 200 cd/m<sup>2</sup>, a quarter of day-time levels. The proposed externally illuminated classic signage and internally illuminated digital LED sign will be capable of complying with the maximum permitted luminance level and will be visually consistent with the existing ambient lighting and suitable for the local area. No residential developments will be impacted by the light from the proposed signage.

### **Visual Impact**

No scenic views or cultural heritage items will be impacted by the proposed signage. The development will not have an adverse visual impact on the surrounding landscape. The proposed development will be of a height, bulk and scale which is compatible and consistent with its surrounding industrial environment. Photo montages of the site's surrounding environment are included in Appendix B of the Traffic Safety Assessment in the supporting documentation.

### **Waste Management**

The proposed development will require minor excavation to secure the footings for the pylon north of Teal Street. The amount of excavated spoil is expected to be less than 10m<sup>3</sup>. Components for the advertising structure and classic and digital displays will be prefabricated and delivered to site for installation. As such, construction waste will be minimal and is expected to be less than 5m<sup>3</sup>. An onsite compound will be set up using temporary site fencing to contain all equipment and materials for the duration of the works. No ongoing waste will be generated by the development.

## **6.2 Social Impacts**

The social impacts of the proposed development including those related to traffic, safety and obtrusive light have been assessed and are considered to be acceptable. There are no further adverse social impacts expected from the proposed development.

## **6.3 Economic Impacts**

The proposed development will promote the orderly and economic use and development of land for the purpose of the display third party advertising. This will create commercial and economic opportunities for businesses wishing to advertise their content and will provide effective communication along a key road corridor.

## **7 Suitability of the Site**

This section addresses the development in accordance with section 4.15(1)(c) of the Act. The site is considered suitable for the development for the following reasons:

- The proposed development is permitted with consent within the SP1 Special Activities zone and satisfies the zone objectives.
- The proposed development is compatible with the desired amenity and visual character of the locality within the Port of Newcastle Area.
- The proposed development impacts including traffic, safety, obtrusive light and visual impacts have been assessed and are considered to be acceptable considering the location, scale and extent of the proposed development.
- The geotechnical assessment prepared for the proposed development concluded that despite the presence of soil contaminants in the surrounding land, the site was suitable in its current state for the proposed development.

## **8 Submissions**

This section addresses the development in accordance with section 4.15(1)(d) of the Act. It is understood this development application will be notified.

## **9 Public Interest**

This section addresses the development in accordance with section 4.15(1)(e) of the Act. This development is considered to be in the public interest.

The proposed development is consistent with the zone objectives. It promotes orderly and economic use of land in a manner which does not result in adverse social impacts. The development is considered to be in the public interest.

## **10 Conclusion**

This Statement has assessed the development against the requirements of Clause 4.15 of the EP&A Act and found that the development is consistent with the applicable policies and plans. The proposed development is recommended for approval.