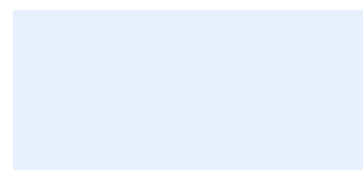


Digital Advertising Signage, Corner of Saunders Street and Miller Street, Pyrmont

Part 4 Development Application (DA 22/6650)

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Glossary

Abbreviation	Definition
Applicant	Sydney Trains
Consent	Development Consent
Council	City of Sydney Council
Consent	Development Consent
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
EPI	Environmental Planning Instrument
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LIR	Lighting Impact Report
Minister	Minister for Planning and Public Spaces
TfNSW	Transport for New South Wales
TSA	Road Safety Assessment
RMS	Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
Site	Corner of Saunders Street and Miller Street
TfNSW	Transport for New South Wales
the Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
VIA	Visual Impact Assessment
SLEP 2012	Sydney Local Environmental Plan 2012

Executive Summary

Sydney Trains (the Applicant) seeks development consent for the installation of one new digital advertising sign at the corner of Saunders Street and Miller Street in Pyrmont (DA 22/6650).

Engagement

The Department of Planning and Environment (Department) publicly exhibited the development application (DA22/6650) from 29 July 2022 – 25 August 2022 (28 days). Advice was sought from the City of Sydney Council (Council), Transport for New South Wales (TfNSW) and Heritage NSW. The application is integrated development requiring approval under Section 58 of the *Heritage Act 1977* pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It also requires concurrence from TfNSW under section 138 of the Roads Act 1993.

The Department received one submission during exhibition from Council, advice from TfNSW and comments from Council in their capacity as delegate of Heritage NSW under the Heritage Act 1977. No submission was received from community members.

Assessment

The Department has considered the merits of the proposed development in accordance with the relevant matters under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the issues raised in the submissions and the Applicant's response.

The key issues associated with the proposed development are site suitability, visual impact, illumination, road safety, public benefit, and heritage impact.

The Department has carefully considered the proposal as well as the issues raised in submissions and is satisfied the proposal is acceptable for the following reasons:

- it is permissible development within the existing transport (railway) corridor
- it meets the relevant statutory requirements and is consistent with the State Environmental Planning Policy (Industry & Employment) 2021 (Industry and Employment SEPP)
- the proposal has demonstrated compliance with Industry and Employment SEPP, the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards regarding illumination and road safety subject to conditions of consent
- it will have minimal impacts on the character of the area and will not increase visual clutter by only replacing the existing static sign
- the monopole sign is of a scale and dimensions appropriate to its surroundings
- it will not have significant physical or visual impacts on heritage items in the area
- the visual impacts of the proposal on surrounding residential properties would be minor
- the proposal has demonstrated it will contribute appropriate public benefit.

Conclusion

The Department's assessment concludes the proposed development is appropriate as it would not result in any unacceptable amenity, heritage, visual or safety impacts and it complies with the requirements of the Industry and Employment SEPP. It is therefore recommended that the application be approved, subject to conditions.

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1 Introduction

1.1 Background

This report provides an assessment of a development application (DA22/6650) lodged by Sydney Trains (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent for the installation of a new digital advertising signage at the junction of Saunders Street and Miller Street in Pyrmont to replace an existing large-format vinyl advertising sign. The demolition of the existing sign and its associated support and footing will be undertaken as exempt development in accordance with Clause 3.30 of the Industry and Employment SEPP, separate to this application.

1.2 The site

The site is within the local government area of the City of Sydney and is located approximately 100m north of the Sydney Fish Markets and 250m east of the Anzac Bridge in Pyrmont (**Figure 1**).



Figure 1 | Regional context of site (Source: NearMap)

The proposed monopole signage shall be constructed at 100A Miller Street, Pyrmont NSW, legally known as Lot 94 in DP 858635 (**Figure 2**). The lot is part of the railway corridor of the Sydney Trains' light rail network, the L1 Dulwich Hill Line. The lot is a local heritage item listed under Schedule 5 Part 1 of the Sydney Local Environmental Plan 2012 (SLEP 2012), State heritage item in the State Heritage Register under the NSW Heritage Act 1977 and Section 170 Register of the Transport Asset Holding Entity.

The proposed digital signage will replace the existing static signage at the corner of Saunders and Miller Streets which is located just behind the tall metal fence separating the railway corridor from the footpath. The railway corridor is heavily vegetated with large trees and thick shrubs. Council owned street trees also line the footpath along Saunders Street.

Located approximately 6m (nearest point) behind the existing signage, is the location of the State heritage item on the site called “Rail Cutting”. The historic rail cutting now forms part of the railway tunnel of the L1 Dulwich Hill Line of the light rail network which runs between the Sydney CBD and the Inner West.



Figure 2 | Local context map (Base source: Applicant's documentation)

Both Saunders and Miller Roads are two lane thoroughfares with Saunders Street travelling in a northwest-southeast alignment and Miller Road travelling in a northeast-south direction. The site is not located next to a state classified road per Road Act 1993. The sign would be mainly visible to traffic coming from the signalised intersection of Miller Street and Bank Street. From the intersection, vehicles subsequently turn left to Saunders Street or continue to travel along Miller Street, northeast bound.

The existing sign (**Figure 3**) to be demolished has an advertising display area width of 6m, height of 3m and an “APN” logo beneath the advertising display area. It has an overall height of 6.86m from the footpath level.



Figure 3 | Existing signage to be demolished and replaced at the corner of Saunders Street and Miller Street (Source: Applicant's documentation)

1.3 Surrounding context

The site's immediate locality is highly urbanised (**Figure 4**). It is surrounded by mid-rise residential flat buildings and commercial buildings interspersed with public parks, public open spaces, and public infrastructure corridors.



Figure 4 | View of east of the site (Source: Applicant's documentation)

In being located at the junction of Miller Street and Saunders Street (**Figure 4**), the site is in a high pedestrian activity area with static signposts indicating "40 km/h High Pedestrian Activity Area". There is a marked pedestrian crossing on Saunders Street, near its intersection with Millers Street.

There are also bi-directional cycleways along both streets, which are physically separated from motor vehicle traffic by raised medians .

To the north of the site are the two railway tracks of the L1 Dulwich Hill Line which runs in a north-southeast alignment, below ground level along the heritage item 'Rail Cutting' (

Figure 5). Further north of the railway tracks are four to six storey residential flat buildings which are fronting Jones Street.

To the east of the proposed sign, across Miller Street, is the Fish Market light rail station (**Figure 5**). To the northeast of the site and next to the light rail station is a seven storey mixed use building along Miller Street with commercial premises at the ground floor and residential uses on the rest of the floor levels (left photo in **Figure 4** and right photo in **Figure 5**). North of this building is the State heritage listed building (Item 1211 under Schedule 5 Part 1 of the SLEP 2012) as 'Former warehouse "Festival Records."

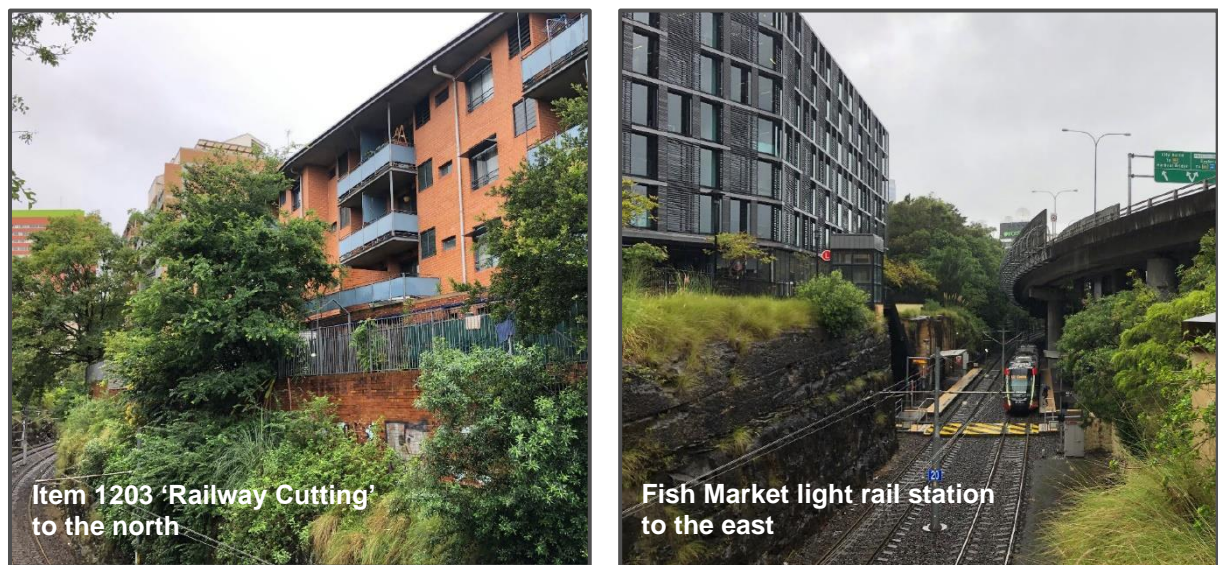


Figure 5 | View of L1 Dulwich Hill Line railway tracks north and east of site (Source: Applicant's documentation)

To the southwest along Saunders Street, are two to four storey commercial developments consisting of office premises (**Figure 6**). Further southwest is an eight-storey mixed use development with retail premises on the ground level and the rest are residential.

To the south of the site, is the intersection of Miller Street and Bank Street and the elevated Western Distributor motorway which runs in an east-west direction (**Figure 7**). Further south of the motorway is the Sydney Fish Markets which is currently undergoing redevelopment works and Blackwattle Bay Marina.



Figure 6 | Southwest of the site along Saunders Street (Source: Applicant's documentation)



Figure 7 | View to the south showing the elevated Western Distributor motorway, the Sydney Fish Markets in background below and Miller Street in foreground (Source: Applicant's documentation)

2 Project

The proposal seeks consent for the construction and installation of a new digital advertising sign and its associated footing and support. The demolition of the existing vinyl sign will be undertaken separate to this proposal.

The proposed design and operation specifications of the signage is outlined in **Table 1**. The site plan and elevations of the proposed digital signage details are shown at **Figure 8** and

Figure 9, **Figure 10** and **Figure 11** show photomontages of the signage as viewed from the streets south and east of the site.

Table 1 | Details of the proposed signage

Aspect	Northern elevation
Advertising display area	14.93m ² (4.708m x 3.172m)
Active digital display area	14.16m ² (4.608m x 3.072m)
Total Height (including the frame)	8.19 m
Clearance from ground level to the sign	3.48m
Signage display	Digital LED Screen
Dwell time	25 seconds
Maximum illuminance limit during post night-time period	350 cd/ m ²

The proposed digital signage would be programmed to operate 24-hours-a-day, 7-days-per-week. The advertisements displayed would be static in their content but will be conditioned to automatically change every 25 seconds. The estimated cost of the proposed application is \$308,000.

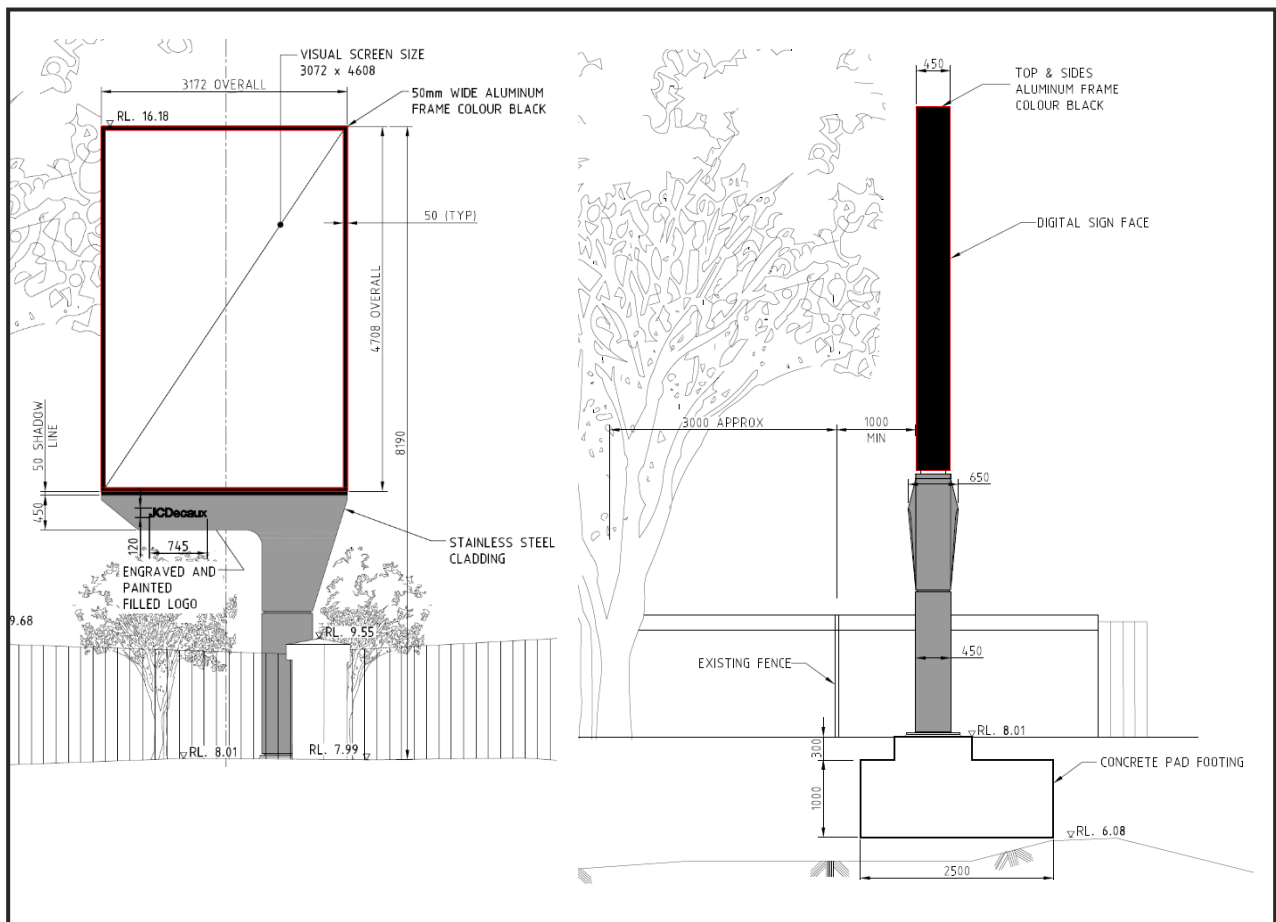
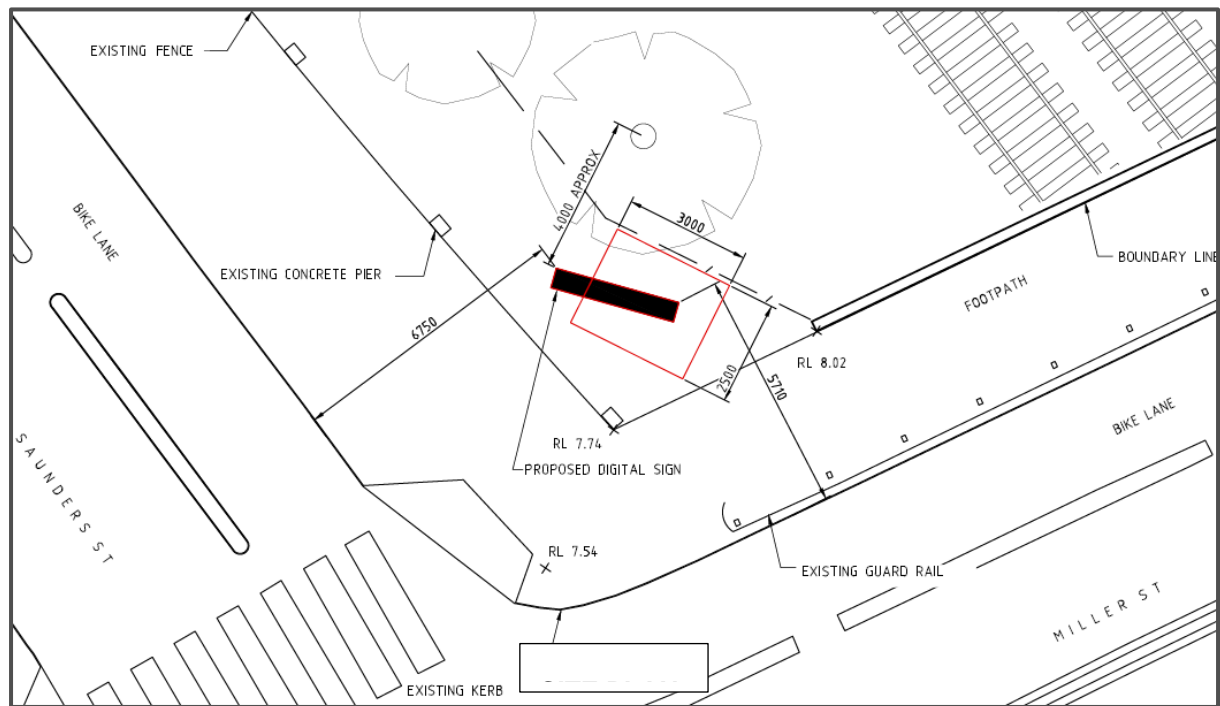




Figure 10 | Photomontage of proposed monopole as viewed south from corner of Saunders and Miller Streets (Source: Applicant's documentation)

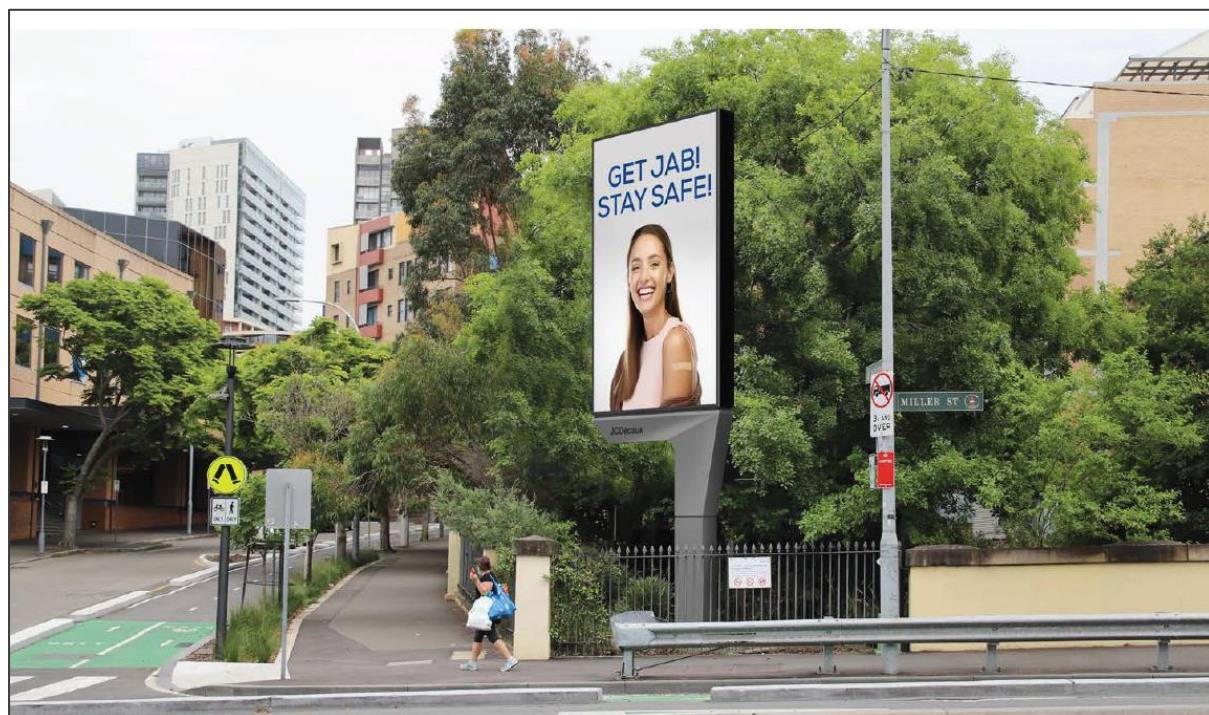


Figure 11 | Photomontage of proposed monopole as viewed east from Miller Street (Source: Applicant's documentation)

3 Statutory context

3.1 Consent authority

The Minister for Planning is the consent authority for the application in accordance with section 3.10(c) of State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP). The proposal has been submitted by Sydney Trains and relates to an advertisement displayed by or on behalf of Sydney Trains on a railway corridor.

In accordance with the Minister's delegation dated 9 March 2022, the Director, Regional Assessments may determine the application as:

- the Council has not made an objection
- there are less than 15 public submissions in the nature of objection
- a political disclosure statement has not been made.

3.2 Permissibility

The site is zoned SP2 Infrastructure under the Sydney Local Environmental Plan 2012 (SLEP 2012). Under the SLEP 2012, signage is not a permissible use in the SP2 zone.

Section 3.14(1)(a) of the Industry and Employment SEPP, however, states that the display of an advertisement on transport corridor land is permissible with development consent if it is the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.

Transport corridor land, as defined in the Industry and Employment SEPP, is:

- a) land comprising a railway corridor
- b) land comprising a road corridor
- c) land zoned industrial under an environmental planning instrument and owned, occupied or managed by TfNSW, Sydney Metro or RailCorp

The application is therefore permissible with consent as it is located on land comprising a railway corridor and is for the display of an advertisement by or on behalf of Sydney Trains.

3.3 Mandatory matters for consideration

In line with the requirements of section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Department's assessment of the proposal has included detailed consideration of a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.
- ecologically sustainable development

The Department's consideration of these matters is set out below, **Section 5** and **Appendix B – Community Views**.

3.3.1 Environmental Planning Instruments

The relevant environmental planning controls and guidelines that apply to the proposal include:

- Industry and Employment SEPP
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- Sydney Local Environmental Plan 2012
- Sydney Development Control Plan 2012 (SDCP 2012)

Detailed consideration of the provisions of all EPIs that apply to the proposal is provided in **Appendix C – Statutory Considerations**. The Department is satisfied the proposal generally complies with the relevant provisions of these EPIs.

3.3.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act.

The Department has considered the objects of the EP&A Act in its assessment of the application (**see Appendix C – Statutory Considerations**) and is satisfied that the application meets the objects of the EP&A Act.

3.3.3 Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The potential environmental impacts of the proposal have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. As demonstrated by the Department's assessment in **Section 5** of this report, the proposal is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats as there is no vegetation clearing proposed. To mitigate any impact to trees and vegetation, conditions of consent have been included to protect all trees within 5m of the sign. These include the establishment of tree protection zones and the requirement of a Pruning Specification Plan in case pruning of the trees will be required. As such, the Department considers that the proposal would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ES.

3.3.4 Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for fees (Part 13, Division 3) and the NSW Planning Portal (Part 15, Division 4) have been complied with.

4 Engagement

4.1 Department's Engagement

In accordance with Schedule 1 of clause 7 of the EP&A Act, the EP&A Regulation, the Department publicly exhibited the proposal from 29 July 2022 to 25 August 2022 (28 days). The proposal is identified as being nominated integrated development requiring approval from Heritage NSW pursuant to section 58 of the Heritage Act 1997 as the site is listed on the State Heritage Register. The application was exhibited on the Department's website, and the adjoining landholders, Heritage NSW, City of Sydney Council (Council) and TfNSW were notified in writing.

Heritage NSW subsequently advised the Department that since 1 September 2020, Council has delegation for approval functions required under the Heritage Act 1977 for sites in the Sydney LGA. Subsequently, the application was forwarded to Council for their approval relative to Heritage Act 1997.

4.2 Summary of submissions

During the exhibition, the Department received the following advice and submission:

- advice from TfNSW providing concurrence to the proposal subject to conditions (12 August 2022)
- advice from Council, as delegate of Heritage NSW, requesting further information prior to determination whether General Terms of Approval would be granted (30 August 2022)
- a submission from Council requesting further information (25 August 2022)

No submissions were received from community members.

4.3 Key Issues – Government Agencies

4.3.1 Transport for NSW

TfNSW reviewed the application and did not object to the proposed signage. The agency provided concurrence under section 138 of the Roads Act 1993 subject to the inclusion of conditions related to compliance with the Guidelines, image content, dwell time, submission of a Road Safety Assessment and obtainment of a Road Occupancy Licence.

The matters raised by TfNSW have been considered in **Section 5** of this report and included in the conditions of consent.

4.3.2 City of Sydney Council as delegate of Heritage NSW

Council as Heritage NSW's delegate provided comments requesting additional information prior to further consideration. The information requested included further detail on setbacks and surrounding vegetation and infrastructure.

4.3.3 Council Submission

Council provided the following comments on the proposal:

- lack of sufficient information in relation the architectural drawings and consideration of tree impacts. Additional drawings and an arboricultural impact assessment were requested for further consideration
- compliance with both Clause 13(2) of the Industry and Employment SEPP and Clause 3.16.7.2(9) of the SDCP 2012 with regards to providing adequate public benefit
- clarification is required as to which approval under the Heritage Act is being sought, noting the proposal is accompanied by a section 57(2) exemption under the Heritage Act.

4.4 Response to submissions

Following exhibition, the Department placed the submissions and advice on its website and requested the Applicant provide a response to the issues raised by Council, agencies and the Department.

On 10 November 2022, the Applicant submitted a Response to Submissions (RtS) (**Appendix A – List of Documents**) including amended plans, legal advice regarding public benefit, a geotechnical assessment and structural feasibility statement. The Department reviewed the RtS and requested the Applicant provide a revised RtS that considers and responses to all matters raised by the Department and agencies during exhibition along with required further investigation recommended in the new reports submitted in the RtS.

On 14 December 2022, the Applicant submitted a final RtS (**Appendix A – List of Documents**) accompanied by the following updated documents:

- Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees
- updated Structural Feasibility Statement prepared by DBCE
- updated Service Statement prepared by WSP (Sketch 2 Proposed Power Supply Option of the Services Statement amended to include an accurate image of the proposed design)
- title certificate and deposited plan
- survey plan and image of sewer main

The RtS was forwarded to Council for review in both their capacity as the delegate of Heritage NSW and the local council. Council, as delegate for Heritage NSW, issued General Terms of Approval (GTA) on 31 January 2023 in accordance with section 4.47 of the EP & A Act. The GTA relate to the need for the Applicant to:

- submit information on the location of anchors and methodology for installation should rock anchors be required
- protect significant built and landscape elements from damage during construction
- cease work and notify the Heritage Council of NSW if unexpected archaeological deposits, objects or relics be discovered
- participate in audits of Heritage Council of NSW if requested

The general terms of approval have been considered and addressed in **Section 5** of this report.

Council also reviewed the RtS in their capacity as the local council and requested further information on the public benefits and impacts to trees. Council noted that:

- all trees within 5m of the proposed development site, including street trees, must be protected during the construction period
- architectural plans should be modified to include tree locations, tree numbers, tree protection zones (TPZ) and structural root zones (SRZ) areas to demonstrate that Council trees will not be adversely affected
- if pruning of trees will be required, a Pruning Specification Plan must be submitted for prior review and approval

The Department has considered Council comments and is satisfied that the proposal has been appropriately assessed under the SLEP 2012 and SDCP 2012 as per Part 4.1 of the EP&A Act. Council's comments have been considered, addressed in **Section 5** and **Appendix C – Statutory Considerations** of this report and included in the conditions of consent where appropriate.

5 Assessment

The Department considers the key issues associated with the proposal are:

- design and suitability of the site
- visual impact
- illumination
- road and pedestrian safety
- public benefit
- heritage impact

Each of these matters are addressed separately below. A number of other issues have also been considered and assessed in **Error! Reference source not found.**

5.1 Design and suitability of the site

The proposal seeks approval for a new digital advertising sign with an overall advertising display area of 14.93m². The proposed development would replace an existing static advertising sign which has a advertising display area of 18m², resulting in a net reduction of advertising area of 3.07m².

The Department considers the design and location of the proposed signage to be suitable for the following reasons:

- the proposed sign satisfactorily complies with the design criteria of the Industry and Employment SEPP, the Guidelines and AS4282-2019 Control of obtrusive effects of outdoor lighting. Refer to **Section 5** and **Appendix C – Statutory Considerations**
- the proposed sign will be replacing an existing static sign of a larger scale and therefore would not result to significant additional visual impact
- the proposed sign would not adversely impact on the existing or future character of land uses surrounding the site as the proposed sign would be integrated into an existing urban setting with negligible to low visual impacts to residential areas
- the location of the sign within the railway corridor is suitable for digital advertising and consistent with other signages on urban roads
- the proposal does not include the removal of trees or vegetation along the light rail corridor.

The Department is therefore satisfied that the design and location of the sign is suitable and would not result in adverse impacts to surrounding residents.

5.2 Visual Impact

The Applicant provided a Visual Impact Assessment (VIA) to consider the potential visual impacts of the proposed sign on the surrounding area. The VIA notes that:

- the proposed sign will be taller (by 1.33m) but narrower (by 2.83m) than the existing sign
- the proposal will be placed on the same location as the existing signage which is behind the fence of the light rail corridor and will not be introducing a new element in the view composition
- views towards the sign are dominated by transport infrastructure elements (i.e. roads, cycle paths and footpaths)

- mature trees and vegetation are the main backdrop to the sign, which also constrain views to the sign from the mid-rise apartment buildings behind the sign.

The VIA has assessed that the proposed sign has a small visual catchment, being visible for less than 50m south, east and west from the intersection of Miller Street and Saunders Street (**Figure 12 and Figure 13**). Beyond this, the views are blocked by tree canopy and buildings.



Figure 12 | View from 50m south of sign (applicant's documentation)



Figure 13 | Views from 50m east and west of sign (Source: Applicant's documentation)

Using the baseline characteristics of the site, the VIA has assessed the site to have low scenic quality as it is located in an urban area with no scenic or landscape features other than trees and vegetation.

The VIA has assessed the proposal to have a medium view place sensitivity rating which relates to the number of viewers likely to experience the view from a publicly available location. It has also assessed the proposed digital sign to have a medium visual clutter rating.

The VIA has assessed the proposed digital sign to have a low viewer sensitivity rating as there are no habitable buildings near the site. Habitable buildings are located further east and north-west of the site however, the view access to these buildings are hampered by the mature trees and vegetation at the light rail corridor, as well as their view angle to the signage.

The VIA has assessed the proposal to have an overall low-medium rating of significance of visual impact from about 50m to the south of the sign which has an unimpeded view of the sign except for passing and queueing vehicles. Beyond the 50m distance, it would also be visible from the Fish Market and Hymix Pyrmont but partly hidden by the piers of the western motorway.

In regard to the Land Use Compatibility requirement of the Transport Corridor Outdoor Advertising and Signage Guidelines, the VIA has assessed the proposal to be compatible to surrounding land use. The VIA considers the proposal to be a visual improvement to the existing sign.

Finally, the VIA has assessed that the proposed sign will not significantly alter the visual context and setting of the heritage site. The heritage “rail cutting” itself is approximately 6m behind the signage, located below street level and hidden from view by mature trees and heavy vegetation.

The Department has reviewed the VIA and considers that the proposed sign is acceptable as:

- while the sign is visible to the commercial building along Saunders Street, it will have no visual impact to surrounding multi-storey residential developments
- the sign will be replacing an existing static sign and will not significantly alter the visual quality of the landscape
- the sign will not diminish or adversely impact the heritage significance of the site
- the sign would not obscure or compromise important views, would not dominate the skyline or reduce the quality of vistas of any environmentally sensitive areas, heritage item or open space.

The Department therefore concludes the visual impacts of the proposal on the surrounding area, subject to the recommended conditions, would be negligible to low.

5.3 Illumination

A Lighting Impact Assessment Report (LIR) was provided in the SEE to assess the proposal against the relevant luminance criteria. The LIR confirmed the proposed signage would comply with the Industry and Employment SEPP, the Guidelines and Australian Standard 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting and the Sydney Development Control Plan 2012 on signs and advertisement.

The LIR notes that the signage will include baffles which mitigate upward waste light to achieve an Upward Light Ratio (ULR) of less than 50%. The proposed digital signage would be illuminated with LEDs installed on the front face and will be operated 24-hours-a-day.

The LIR categorised the site as ‘Zone A4,’ assigned to areas of high district brightness. Under the Guidelines, which outlines maximum permissible luminance limits for various lighting conditions including daytime, the proposal is classified as within ‘Zone 3.’ These are areas with generally medium

off-street ambient lighting. Both AS482 and the Guidelines stipulate a maximum luminance level of 350 cd/sqm for the sign during night-time.

The LIR has classified the site as being within a Business or Industrial Zone. Under the SDCP 2012, the maximum luminance for the various lighting conditions are 6000 cd/m2 during daylight hours, 600 cd/m2 during twilight hours and inclement weather, and 350 cd/m2 during night time hours.

The proposed luminance for the sign is as follows:

Table 3 Proposed Luminance Levels for the proposed signage

Lighting Conditions	Maximum Zone 3 Luminance Limits	Proposed Sign
Full sun on face of signage	6000 cd/m2	6000 cd/m2
Day-time luminance (typical sunny day)	6000 cd/m2	6000 cd/m2
Overcast weather	600 cd/m2	600 cd/m2
Twilight	600 cd/m2	600 cd/m2
Night-time	350 cd/m2	350 cd/m2

The proposed signage is therefore compliant to requirements.

Modelling results of the LIR based on both AS4282 and the SDCP 2012, concluded that no residential properties fall within the “residential exclusion zone” (identified in Error! Reference source not found.). The VIA defines the “residential exclusion zone” as the region in which the illuminance levels to residential properties would exceed the maximum allowable under the zone limits in AS4282.



Figure 14 | Views 50m east and west (Source: Applicant's documentation)

The Department considers the illumination impacts associated with the proposed signage to be acceptable on the basis it is programmed to align with the maximum luminance stipulated in the Guidelines, and the lux limit in the Australian Standards. The signage can also be automatically dimmed to ensure luminance levels remain compliant. Additionally, the Department considers that the illumination would not result in any unacceptable glare, detract from the amenity of the locality, or adversely impact the safety of pedestrians and vehicular traffic.

The Department, therefore, concludes the proposed sign has demonstrated compliance with the Guidelines, relevant Australian Standards, the SDCP 2012 and would not result in any adverse illumination impacts to residents in proximity to the site.

5.4 Road and Pedestrian Safety

The Applicant provided a Traffic Safety Assessment (TSA) that assessed the proposal against the Guidelines and the Industry and Employment SEPP. The TSA assessed the signage exposure distance, sight stopping distance and road accident history in proximity to the site.

The TSA notes that the proposed sign is within a 40 km/h High Pedestrian Activity Area. Both Miller and Saunders Street are two-way roads with moderate vehicular traffic movement. Footpaths line both sides of the roads and a cycleway is located along the northern side of Miller Street and on the eastern side of Saunders Street. There is a marked pedestrian crossing on Saunders Street near Miller Street.

5.4.1 Safe stopping distance

The TSA outlines that the sign would be visible to motorists travelling north-east bound in traffic lanes (Error! Reference source not found. and Error! Reference source not found.) as follows:

- on Bank Street eastbound travel lanes, approximately 40m from the sign
- on Bank Street westbound travel lanes, approximately 100m from the sign
- in Sydney Fish Market car park northbound access travel lanes, approximately 85m from the sign.

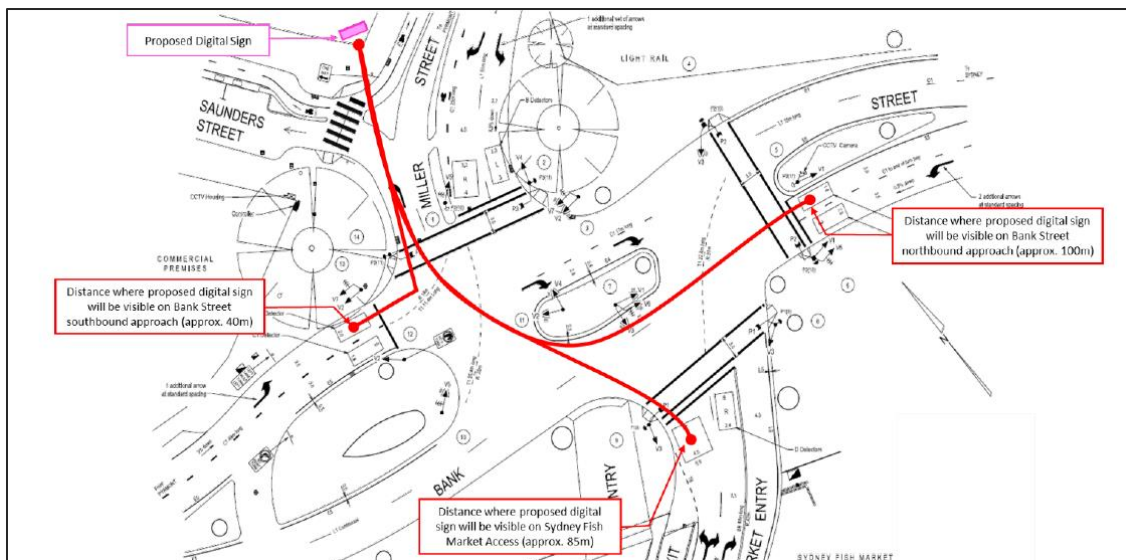


Figure 15 | In-vehicle visibility of signage on approach (Source: Applicant's documentation)



Figure 16 | In-vehicle visibility of proposed signage on approach (Source: Applicant's documentation)

The TSA identifies that safe stopping distance for this site, which has operating speed of 40 km/h, is 34m. The proposed sign will not be located within the 34m safe stopping distance of an intersection, merge point or marked pedestrian crossing.

5.4.2 Crash history

The TSA has also assessed the crash history data in vicinity of the proposed sign for the most recent five-year period between 1 January 2016 and 31 December 2020. The TSA found that there were no crashes recorded on Miller Street between Bank Street and Saunders Street in the north-east direction. In addition, there were no crashes recorded at the Miller Street and Bank Street intersection and Miller Street and Saunders Street intersection.

5.4.3 Dwell time

Based on their assessment the TSA recommends the 10 second dwell times for content displayed on the proposed digital sign. However, on their concurrence letter, TfNSW has recommended that dwell times between displays should be no shorter than 25 seconds. The Department has therefore recommended the 25 seconds dwell time as a condition of consent.

5.4.4 Assessment

The Department notes the TSA and considers the proposed signage to be acceptable in regard to road safety as the proposed signage:

- is not located in any school zones or clear zones
- would not physically obstruct any vehicle, pedestrian and cyclist movements
- would not indicate misleading information or information contrary to the existing roadway
- would be positioned away from traffic signals

- would not reduce existing driver sightlines
- is not located within the safe stopping distance of any decision making points
- would display static images only
- would comply with the dwell times as recommended by TfNSW

As recommended by TfNSW, the Department has recommended conditions of consent to ensure the signage does not use red and green as dominant colours, contain complex displays, animated displays, displays resembling traffic control devices or use any method of illumination that distracts or dazzles drivers. This would ensure the sign complies with the requirements of Industry and Employment SEPP and the Guidelines and would not result in any adverse traffic safety impacts.

Subject to the recommended conditions, the Department is satisfied that the proposal complies with the Guidelines and concludes the proposed signage would not have a negative impact on road safety.

5.5 Public Benefit

Section 4 of the Guidelines require proposals for certain outdoor advertisements along railway corridors, classified roads and bridges to meet a public benefit test to ensure that the advertising would result in a positive gain or benefit for the local community. Similarly, SDCP 2012 provides that a new digital billboard replacing an existing sign must dedicate 10% of advertising time to the City of Sydney free of cost.

The Applicant provided a Public Benefit Statement (PBS) confirming the following public benefits:

- all revenue generated will be re-invested into running the Sydney Trains network including improvement and maintenance programs
- the digital sign will be available for use by Sydney Trains, TfNSW and NSW emergency services to display safety or public awareness messages
- Sydney Trains may also access the digital screens for up to 5 minutes per hour for Sydney Trains and TfNSW customer promotions and events at no cost

Council raised concerns over the proposal's contribution to public benefit and its compliance with section 3.16.7.2 of the SDCP 2012.

In response to Council's comments, the Applicant provided legal advice prepared by Addisons which concluded that the SLEP 2012 and SDCP 2012 should be considered flexibly as:

- the proposal achieves permissibility through the Industry & Employment SEPP and not the SLEP 2012
- under section 3.42 of the EP&A Act, the principal purpose of a DCP is to provide guidance on the aims of applicable EPI's for development that is permissible under any such instrument and achieving the objectives of land zones under any such instrument. Section 3.42 further outlines that the provisions of a DCP are not statutory requirements
- clauses 3.16.7.2(2) and 3.16.7.2(9) of the SDCP 2012 arguably conflicts with the relevant provisions of the Industry & Employment SEPP and the Guidelines
- the purpose of section 3.16.7 of the SDCP 2012 is to provide guidance on advertisement structures and third party advertising to ensure that there is public benefit derived from the signage

- the provisions of the Industry and Employment SEPP as well as the Guidelines are the primary source of assessment criteria for the display of advertisements in transport corridors
- the SDCP 2012 which primarily relates to permissible development in the SLEP 2012, should therefore, be afforded little weight

The Department has carefully considered the Applicant's PBS, Council concerns and the Applicant's legal advice from the Addisons and is satisfied that there is insufficient justification to dedicate 10% of the display time to the City of Sydney in addition to the time provided for TfNSW. Additionally, clause 3.16.7.2(9c) of the SDCP 2012 outlines other public benefits that may be provided in lieu of the advertising time required for Council which include the provision of community services, community infrastructure or public domain enhancements.

The Department notes that in the Applicant's PBS, Sydney Trains commits to reinvest all revenue from the proposal into running the Sydney Trains network and funding network improvements and maintenance programs. It will also make available to Sydney Trains and TfNSW five minutes per hour of advertising display time for their customer promotions and events at no cost. The Department has recommended conditions to require revenue be recorded and advertising time be provided for customer promotions and events. Subject to these conditions, the Department is satisfied that the Applicant has addressed both the public benefit requirement of the Guidelines but also those of Clause 3.16.7.2(9c) of the SDCP 2012.

5.6 Heritage Impacts

The proposed sign will be constructed on Lot 94 DP 858635 which is listed as heritage item under the:

- State Heritage Register of the NSW Heritage Act 1977 ('Pyrmont and Glebe Railway Tunnels');
- Schedule 5 Part 1 of the Sydney LEP 2012 ('Railway Cutting'); and
- Section 170 Register of the Transport Asset Holding Entity ('Pyrmont Railway Cuttings, Tunnel & Weighbridge').

The Applicant provided a Statement of Heritage Impact (SOHI) which assessed the potential impacts of the proposal on the heritage site and concluded that the proposal would have no impact to the heritage significance of the site considering that it would:

- only replace the existing static signage at the same location
- be sufficiently separated from the significant elements of the item and designed to reduce any impact wherein which the existing signage will be carefully removed with no significant fabric disturbed and the new concrete pier located in similar position as existing structures
- be located below the existing tree canopy and will be oriented away from the heritage items
- not form part of any significant view corridors towards the item, nor will it have any impact on the setting of the item.

Council raised concern that the Applicant's SEE did not note the need to obtain approval under the Heritage Act. Council, as delegate of Heritage NSW, requested a site plan with setback dimensions from street frontages, fence, footpaths, kerbs, and nearby trees to properly assess the potential impacts of the proposal on the site as a heritage item.

In response to Council concerns, the Applicant submitted an updated SEE discussing the need for approval under Section 58 of the Heritage Act and an amended set of plans showing the details and dimensions as required by the delegate of Heritage NSW.

Council, as delegate of Heritage NSW, reviewed the submitted amended reports and plans and have provided General Terms of Approval (GTAs). The GTAs included conditions related to further details of the construction methodology, protection of built and landscape site elements during construction and implementation of unexpected finds protocols.

The Department is satisfied that the proposal will not have significant physical or visual impacts on heritage items in the area, subject to the recommended conditions and the General Terms of Approval issued by the delegate of Heritage NSW.

5.7 Other issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Assessment of other issues

Issue	Findings	Recommendations
Impact to Trees	<p>Council requested an arboricultural impact assessment to properly assess potential adverse impacts to nearby trees.</p> <p>In response, Applicant submitted an Arboricultural Impact Appraisal and Method Statement which concluded that while the proposal would not require the removal of any trees, construction works would impact on three nearby trees. The report recommended a range of tree protection measures during construction including protective fencing, ground protective covers and restriction of site storage and cement mixing locations.</p> <p>Council reviewed the report and recommended conditions requiring the protection of all trees within 5m of the sign, a Pruning Specification Plan should tree pruning be required and an updated site plan which identifies the location of all trees within 5m of the sign and location of Tree Protections Zone and Structural Root Zone.</p> <p>The Department notes that the Arboricultural report already includes a Tree Management Plan identifying trees within 5m of the proposed sign. The Department is satisfied that subject to compliance with recommended protection measures identified in the Arboricultural Impact Appraisal and Method Statement and if required, a</p>	<p>The Department has recommended conditions of consent for:</p> <ul style="list-style-type: none"> • tree protection works be undertaken in accordance with the Arboricultural Impact Appraisal and Method Statement • preparation of Pruning Specification Plan prior to pruning works

Issue	Findings	Recommendations
	<p>Pruning Specification Plan, the proposal would not have adverse impacts on surrounding trees.</p>	
<p>Structural Feasibility</p>	<p>The Department requested a Structural Feasibility Statement which assesses the structural feasibility of the proposed signage, wind load requirements and methodology for excavation and construction.</p> <p>The Applicant provided a Structural Feasibility Statement, prepared by Dennis Bunt Consulting Engineers Pty Ltd which:</p> <ul style="list-style-type: none"> provided details of the steel frame and construction methodology to ensure the signage would be structurally sound concluded that the signage will be designed in accordance with wind load requirements of AS 1170.2 provided options for footing construction which would be confirmed post approval once further geotechnical assessment is undertaken to determine the soil and rock profile. <p>Noting the advice of the Preliminary Geotechnical Assessment (discussed below), the Department requested clarification on the ability of the rail cutting to accommodate the proposal. In response, the Applicant provided an updated Structural Feasibility Statement which identified the pad footing required and provided options for rock anchors should further geotechnical testing identify that there are stability issues with the rock cutting.</p> <p>The Department notes that the updated Structural Feasibility Statement provides construction options should further testing identify there are issues with the stability of the rock cutting. Based on the Structural Feasibility Assessments submitted, the Department is satisfied that the proposal can be designed to be structurally sound subject to conditions.</p>	<p>The Department has recommended a suite of conditions relating to:</p> <ul style="list-style-type: none"> compliance with BCA and Australian standards requiring all structural works be designed and certified by a suitability qualified and practising structural and geotechnical engineers further detailed geotechnical investigation to inform the final footing design of the sign and construction methodology.
<p>Geotechnical condition</p>	<p>The Department requested a Preliminary Geotechnical Report prepared by a suitably qualified expert.</p>	<p>The Department has recommended a condition requiring further detailed</p>

Issue	Findings	Recommendations
	<p>The Applicant provided a Preliminary Geotechnical Assessment prepared by Douglas Partners which identified the soil profile of the site and recommended that the following further investigation be undertaken prior to works commencing to determine the final structural design of the sign and construction methodology:</p> <ul style="list-style-type: none"> • drilling a cored borehole to determine strata depths • mapping of existing rock cutting for potential instability • stability assessment of the rail cutting <p>The Department has recommended a condition requiring detailed geotechnical investigations be undertaken to inform the final structural engineering design and construction methodology of the site.</p> <p>The Department is satisfied that, subject to the recommended conditions, the proposal can be undertaken as per the geotechnical conditions of the site.</p>	<p>geotechnical investigation be undertaken and the results inform the final footing design of the sign and construction methodology.</p>
<p>Utility infrastructure</p>	<p>The Department requested information on the nature of a pipeline near the site identified in the Applicant's Preliminary Geotechnical Assessment, and information on the availability of required utility services to the site.</p> <p>In response, the Applicant confirmed:</p> <ul style="list-style-type: none"> • that the pipeline is a Sydney Water sewer line located approximately 600mm from the location of the sign and that the proposal will not impact the stability of the sewer line • electricity supply is available to the site and that the proposal would remove an existing overhead power line and connect directly to an Ausgrid pillar. Required electricity approvals would be obtained at detailed design stage. <p>The Department requested clarification whether the electricity connect would impact on the existing sewer line. The Applicant noted that while the exact location of the sewer line is unknown and an appropriate construction response can be undertaken during construction to place the electricity connection either above or below the sewer line to avoid impacts. The Department has recommended a condition requiring documentation be submitted</p>	<p>The Department has recommended a condition requiring documentation identifying the location of the existing sewer line and proposed electricity connection.</p>

Issue	Findings	Recommendations
	<p>confirming the location of the sewer line and final alignment electricity connection.</p>	
	<p>The Department is satisfied that subject to conditions the proposal can be undertaken without impact to utilities services in the vicinity of the site.</p>	

6 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act, including the Industry & Employment SEPP and other relevant environmental planning instruments. The Department's assessment concludes the proposed development is acceptable as:

- it is permissible development within the existing light rail corridor
- it meets the relevant statutory requirements and is consistent with the Industry & Employment SEPP, the Guidelines and relevant Australian Standards
- it will have minimal impacts on the character of the area and will not increase visual clutter as it only replaces an existing static sign
- the monopole sign is of a scale and dimensions appropriate to its surroundings
- it will not have significant physical or visual impact on the heritage item on the site or surrounding the site
- the impacts of the proposal on the surrounding residential properties would be minor
- it will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

The Department's assessment therefore concludes the proposal is acceptable and is in the public interest. The Department recommends the application be approved, subject to the recommended conditions **(Appendix D – Recommended Instrument of Consent)**.

7 Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 22/6650, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:



Abigail Bautista
Planning Officer
Regional Assessments

Recommended by:



Michelle Niles
A/Team Leader
Regional Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'K T' followed by a long horizontal stroke.

Keiran Thomas

Director

Regional Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The following supporting documents and additional information to this assessment report can be found on the NSW Planning Portal as follows:

- Statement of Environmental Effects
- Agency advice
- Response to Submissions

<https://pp.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-sign-saunders-and-miller-streets-pyrmont-da-226650>

Appendix B – Community Views

The Department received no submissions from members of the public during exhibition

Appendix C – Statutory Considerations

In line with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Department's assessment of the proposal has included detailed consideration of a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment and has provided a summary in **Table 1** and **Table 2** below.

Table 1 | Considerations Against the Objects of the EP&A Act

Object	Consideration
(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 proposal seeks to replace an existing advertising asset to continue to provide revenues to Sydney Trains which will be used to improve and maintain railway stations for public benefit. The proposal would not adversely impact on the State's natural or other resources.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

The Department has considered ecologically sustainable development (ESD) in its assessment of the development (see **section 4.4**). The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.

(c) to promote the orderly and economic use and development of land,

The proposal involves the orderly and economic use of land through the utilisation of part of a light rail corridor.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,

The Department considers the proposal would not result in unacceptable environmental impacts.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

No impacts to the built and cultural heritage have been identified due to the nature and existing land uses of the site and locality.

(g) to promote good design and amenity of the built environment,

The Department considers the proposal would not result in unacceptable built form impacts.

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The proposal is not for an occupiable building.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.

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

The Department exhibited the application as outlined in **Section 4**.

Table 2 | Matters for Consideration under section 4.15 of the EP&A Act

Matter	Consideration
<p>a) the provisions of:</p> <ul style="list-style-type: none"> i.) any environmental planning instrument, and 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and iii.) any development control plan, and iii.) 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 iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, 	<p>The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment is provided further below in Appendix B – Community Views.</p> <p>Not applicable</p> <p>The proposal generally meets the relevant objectives of the Sydney Development Control Plan 2012 as addressed in Appendix C – Statutory Considerations.</p> <p>The Applicant has not entered into a planning agreement under section 7.4 of the EP&A Act.</p> <p>The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.</p>
<p>b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the development in detail in section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.</p>
<p>c) the suitability of the site for the development,</p>	<p>The development is permissible with consent and the site is suitable for occupation by the development and does not adversely impact on surrounding uses.</p>

- | | |
|--|---|
| <p>d) any submissions made in accordance with this Act or the regulations,</p> | <p>All matters raised in submissions have been summarised in section 4 of this report and given due consideration as part of the assessment of the development in section 5 of this report.</p> |
| <p>e) the public interest.</p> | <p>The Department considers the proposal to be in the public interest (refer to section 5).</p> |

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (Biodiversity & Conservation) 2021 (Biodiversity & Conservation SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- Sydney Local Environmental Plan 2012(SLEP 2012)
- Sydney Development Control Plan 2012(SDCP 2012)

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Part 6.2 Development in regulated catchments of the Biodiversity & Conservation SEPP applies to all land within the Sydney Harbour Catchment, as indicated on the Sydney Harbour Catchment Map. While the subject site is within the broader catchment area, it will not impact the ecological communities, or hamper the visual qualities of the Sydney Harbour.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed digital signage has been assessed against the requirements of the Industry and Employment SEPP in **Table 3** and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in **Table 4**.

Table 3 | Industry and Employment SEPP Compliance Assessment

Clause	Criteria	Comments	Compliance
Part 3.2 Signage Generally			

Clause	Criteria	Comments	Compliance
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The proposed development is compatible with the desired amenity and visual character of the area, provides effective communication and is high quality finish. It is therefore consistent with the objectives of Industry and Employment SEPP.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5.	See relevant assessment in Table 4 .	Yes

Part 3.3 Advertisements

3.10 Consent authority	The consent authority is the Minister for Planning and Public Spaces in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor	The proposal is for a sign is on behalf of Sydney Trains and located on a railway corridor.	Yes
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this Policy ii. assessed in accordance with the assessment criteria in Schedule 5 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	<p>The objectives are considered above.</p> <p>The proposal has been assessed in accordance with the assessment criteria in Schedule 5 in Table 4 and the Guidelines in Table 5.</p> <p>All other relevant requirements are addressed in this table.</p>	Yes
	Arrangements for the provision of the public	The proposal has adequately demonstrated it will provide for	Yes

Clause	Criteria	Comments	Compliance
	benefits to be provided in connection with the display of the advertisement.	public benefit (refer to section 5 of this report).	
3.12 Duration of consents	A consent granted under this Part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act.	The Department recommends a condition of consent to limit the approval for a maximum period of 15 years from the date of operation.	Yes
3.14 Transport corridor land	The display of an advertisement on transport corridor land is permissible with development consent when the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor	The proposal is for a sign within a railway corridor on behalf of Sydney Trains and therefore is considered permissible with consent.	Yes
	The Minister must not grant consent to the display of an advertisement unless: <ul style="list-style-type: none"> a) the advice of any design review panel has been considered by the Minister, and b) the Minister is satisfied that the advertisement is consistent with the Guidelines. 	<p>City of Sydney Council were notified in writing and has provided comments to the proposal. Council's comments were considered in the assessment (refer to section 5 of this report).</p> <p>There was no design review panel for this application.</p> <p>An assessment of the proposal against the Guidelines is provided in Table 5.</p>	Yes
3.15 Advertisements with	(2) The consent authority must not grant consent to	The Applicant's SEE addresses the assessment criteria in Schedule 5. The Department is	Yes

Clause	Criteria	Comments	Compliance
display area greater than 20 square metres or higher than 8 metres above ground	<p>an application to display an advertisement to which this section applies unless—</p> <p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</p>	<p>satisfied that the proposal is acceptable in terms of its impacts (section 5).</p> <p>Section 3.16 does not apply to this proposal as the Minister for Planning is the consent authority.</p>	
3.16 Advertisements with display area greater than 20 square metres and within 250 metres of, and visible from, a classified road	This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.	The proposed signage has an advertising display area of 14.98m ² . Therefore, this clause does apply.	Yes
3.17 Advertising display area greater than 45 square metres	The consent authority must not grant consent to the display of an advertisement with an advertising display area of greater than 45 square metres unless:	The proposed signage has an advertising display area of 14.98m ² . Therefore, this clause does apply.	N/A

Clause	Criteria	Comments	Compliance
	<ul style="list-style-type: none"> i. a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or i. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines. 		
3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <ul style="list-style-type: none"> i. appear only within the advertising display area ii. not be greater than 0.25 square metres iii. be included in calculating the size of the advertising display area. 	<p>The proposed logo would have an area of 0.09 square meters and is currently located outside of the size of the advertising display area. The Department has recommended conditions to ensure that the logo be provided in accordance with the requirements of the SEPP.</p>	Yes
3.22 Advertisements on bridges	<p>The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>The proposal is consistent with the Guidelines as detailed in Table 5.</p>	Yes

Table 4 | Industry and Employment SEPP Schedule 5 Compliance Table

Assessment Criteria	Comments	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 proposed monopole sign will replace an existing static sign at the corner of Saunders and Miller Streets in Pymont. The proposed sign is compatible with the character of the light rail corridor.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is consistent with other signs associated with other roads in the 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?	The proposed sign will not detract from, any environmental sensitive, heritage, natural, conservation, open space, waterway or rural landscapes given that it is not in direct proximity to a residential development, fringed by thick tree canopy and oriented away from heritage item.	Yes
3 Views and Vistas		
<p>Does the proposal:</p> <ul style="list-style-type: none"> • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers? 	The proposed sign will replace an existing static sign at the corner of Saunders and Miller Streets in Pymont. The proposal does not compromise any important views, the skyline or interfere with other advertisers.	Yes
4 Streetscape, Setting or Landscape		

Assessment Criteria	Comments	Compliance
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The installation of digital signage is appropriate for the streetscape and transport corridor setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will contribute to the visual interest of the setting by incorporating digital advertising on the corner of Saunders and Miller Streets in Pyrmont.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed sign will only replace an existing static sign.	N/A
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign will replace an existing static sign at the corner of Saunders and Miller Streets in Pyrmont. It will not protrude above buildings and tree canopies.	Yes
Does the proposal require ongoing vegetation management?	The proposed sign does not require any 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 scale of the proposal is considered to be appropriate for the context of the site and will support the commercial/industrial character of the area.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed sign is appropriately integrated with the road infrastructure elements of Saunders and Miller Streets in Pyrmont.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal will replace an existing static sign with digital advertising sign.	Yes
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?	Signage LEDs, cabling, light sensor and fixings are all concealed inside the structure. Logos will be included in the detailed design to be addressed by a future contractor. The Department has recommended conditions to ensure this is done in accordance with the requirements of the SEPP.	Yes
7 Illumination		
<p>Would illumination:</p> <ul style="list-style-type: none"> • result in unacceptable glare? • affect safety for pedestrians, vehicles or aircraft? • detract from the amenity of any residence or other form of accommodation. 	The proposed illumination complies with the Guidelines, is contained within the screening, would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residents (refer to section 5 of this report).	Yes
Can the intensity of the illumination be adjusted?	The illumination complies with the Guidelines and the intensity of the illumination can be adjusted.	Yes
Is the illumination subject to a curfew?	The proposal includes a reduced illumination level during night time to further reduce any impact on sensitive receivers.	
8 Safety		
Would the proposal reduce safety for:	The proposal would not adversely impact on road safety for pedestrians or vehicles or	Yes

Assessment Criteria	Comments	Compliance
pedestrians, particularly children, by obscuring sightlines from public areas?	obscure sightlines (refer to section 5 of this report).	
for any public road?		

Transport Corridor Outdoor Advertising and Signage Guidelines

The *Transport Corridor Outdoor Advertising and Signage Guidelines* outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of the Industry and Employment SEPP by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in **Table 5**.

Table 5 | Assessment against Guidelines

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria – Table 1		
i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The proposal is not permissible under SP2 Infrastructure zone of the SLEP 2012. Nevertheless, under the Transport and Infrastructure SEPP, it is permissible with consent considering that the proposal is for the display of an advertisement on transport corridor land on behalf of Sydney Trains.	Yes
ii. Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> Environmentally sensitive area Heritage area Natural or other conservation area Open space Waterway Residential Scenic protection area National park or nature reserve. 	The proposed digital signs would not create adverse amenity impacts on any environmentally significant area, heritage area, natural/other conservation areas, open space area, waterway, residential area, scenic protection area, national park or nature reserve. section 5 of this report assesses the impacts of the signage.	Yes

Assessment Criteria	Comments	Compliance
iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.	Section 5 of this report has assessed the visual impacts of the signage and concluded that the proposed sign which will replace an existing sign will not dominate the skyline nor obscure or compromise significant scenic views.	Yes
iv. Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The proposed sign will replace an existing sign located within a state heritage item. The Heritage Impact Statement submitted with the proposal concluded that the works are sufficiently separated from the significant elements that comprise the item and engineered to reduce any impact to it.	Yes
v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	The proposed sign is consistent within the context of Saunders Street and Miller Street and the light rail corridor.	Yes

2.5 Site Specific and Structural Criteria

2.5.1 General Criteria

a) The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed sign is of a contemporary design standard that is suitable for Saunders Street and Miller Street and the light rail corridor.	Yes
b) The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.	The proposed sign is compatible with the scale of the Saunders Street and Miller Street and the light rail corridor on which the proposed signage will be located.	Yes

Assessment Criteria	Comments	Compliance
c) The advertising signage should be in keeping with important features of the site, building or bridge structure.	The advertising signage is in keeping with the business and industrial features of the site and surrounding area.	Yes
d) The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal does not require the removal of any tree or vegetation. An Arboricultural Impact Appraisal and Method Statement has been submitted as part of the application. Conditions of consent have been recommended to ensure the protection of existing trees and vegetation during construction.	Yes
e) The advertisement proposal should incorporate landscaping that complements the advertising signage and is in keeping with the landscape and character of the transport corridor.	While the proposed sign will not incorporate landscaping it will continue to be in character of the light rail corridor. The corridor includes thick canopy of trees and vegetation which frames the existing signage to be replaced. The proposal will also be located alongside these trees. The proposal does not seek to remove any tree or vegetation. Conditions of consent have been recommended to ensure the protection of existing trees and vegetation.	Yes
f) Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	Logos and safety devices will be included in the detailed design to be addressed by a future contractor. The Department has recommended conditions to ensure this is done in accordance with the requirements in SEPP and the Guidelines.	Yes
g) Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	The illumination of the advertising signage does not result in unacceptable light spill (refer to Section 5 of this report).	Yes

Assessment Criteria	Comments	Compliance
h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposal is not in proximity to any residential properties, national parks or nature reserves.	Yes

2.5.4 Freestanding advertisements criteria

a) The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.	When the sign is viewed from ground level within a visual catchment of 1km, it does not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies.	Yes
b) For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.	The proposed sign is less than 45sqm.	N/A
c) Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.	The transport corridor is currently heavily vegetated. The proposal does not include or require any new planting.	Yes

2.5.8 Digital signs

Digital sign criteria – Table 3

(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	The proposal is for the display of static digital advertisements with a dwell time of 10 seconds in accordance with criterion (d) below. However, TfNSW reviewed the proposal and recommended a dwell time of 25	Yes
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Assessment Criteria	Comments	Compliance
	seconds. A condition requiring the dwell time be 25 seconds is recommended.	
(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.	The proposal is not seeking consent for message sequencing. This is included as a recommended condition of consent.	Yes
(c) The image must not be capable of being mistaken: a) For a prescribed traffic control ii) device as text providing driving instructions to drivers.	The proposal would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions. This is included as a recommended condition of consent.	Yes
(d) Dwell times for image display are: i. 10 seconds for areas where the speed limit is below 80km/h; and ii. 25 seconds for areas where the speed limit is 80km/h and over.	A 10 second dwell time is proposed, as the speed limit on corner of Saunders Street and Miller Street is 40km/h. However, TfNSW recommended a dwell time of 25 seconds which is included as a recommended condition of consent.	Yes
(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.	The proposed transition time between messages is 0.1 second. This is included as a recommended condition.	Yes
(f) Luminance levels comply with the following requirements:		Yes

Lighting Conditions	Maximum Zone 3 Luminance Levels	Proposed Sign (Digital) (cd/sqm)
Full sun on face of signage	Maximum output	Maximum output
Day-time	6000	6000
Morning/evening and inclement weather	700	700
Night time	350 for digital sign	350

Assessment Criteria	Comments	Compliance
The proposed digital sign would operate in accordance with the proposed luminance levels of Zone 3 (refer to section 5 of this report) and would comply with the luminance criteria.		
(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.	The images would not dazzle or distract drivers. A condition of consent is recommended to ensure that the signs images comply with requirements to not contain flickering or flashing content.	Yes
(h) The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size.	The advertisements would primarily display images with information/text kept to a minimum. A condition of consent is recommended to ensure that text and information is kept to a minimum.	Yes
(i) Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	A condition of consent is not required as the sign is not visible from a school zone.	N/A
(j) Each sign 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.	The Department has undertaken detailed assessment of the design and location of the proposal (refer to section 5 of this report).	Yes
(k) At any time, including where the speed limit in the areas 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 which may result in a change to the dwell time or removal of the sign.	TfNSW may reassess the signs if road safety circumstances change and increase the dwell time or remove the signs, as appropriate. The Minister's approval would be required for any reduction in dwell time.	Yes
(l) Sign spacing should limit drivers' view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD	No other sign is visible less than 150m away	Yes

Assessment Criteria	Comments	Compliance
zones will be assessed by RMS as part of their concurrence role.		
<p>(m) Signs greater than or equal to 20sqm must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <ul style="list-style-type: none"> i. 2.5m from lowest point of the sign above the road surface if located outside the clear zone ii. 5.5m from lowest point of the sign above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed. <p>If attached to road infrastructure (such as an overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.</p>	The proposed sign is less than 20sqm	N/A
<p>(n) An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint.</p>	Conditions will be imposed to maintain electronic log of the sign's operational activity	Yes
<p>(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation.</p>	TfNSW recommended that an Independent Road Safety Assessment (RSA) be undertaken after 15 months of operation of the digital signage. A condition of consent has been recommended to this effect.	Yes

2.5.10 Residential amenity

Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times	The LIR submitted with the application, identifies that no residential properties fall within the "residential exclusion zone" of the proposal. The Department is satisfied that the proposal will not	N/A
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Assessment Criteria	Comments	Compliance
must not be less than those in d) i) and ii) in section 2.5.8 above.	negatively impact residential amenity.	

3.1 Road safety objectives

Traffic Safety Assessment Criteria

1. Would the proposal reduce the safety for any public road?	No, as discussed in section 5	Yes
2. Would the proposal reduce the safety for pedestrians or bicyclists?	No, as discussed in section 5	Yes
3. Would the proposal reduce the safety for pedestrians by obscuring sightlines from public areas?	No, as discussed in section 5	Yes

Digital Signage Safety Assessment Criteria

3.2.1 Road clearance

(a) The advertisement must not create a physical obstruction or hazard.	The proposed sign would not result in any physical obstruction or hazard.	Yes
(b) Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS approved crash barrier.	The proposed sign is not located within a clear zone.	N/A
(c) Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m in height (relative to the road level) are to comply with any applicable lateral clearances specified by Austroads Guide to Road Design (and RMS supplements) with respect to dynamic deflection and working width.	The proposed sign is not located within a clear zone.	N/A
(d) All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS	Proposed sign will not hang over the road.	N/A

Assessment Criteria	Comments	Compliance
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1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.

Additional road clearance criteria for digital signs

Digital signs 20 m ² or greater must clearances –	The proposed sign is less than 20m ²	N/A
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- a) 2.5m from lowest point of the sign above the road surface if located outside the clear zone
- b) 5.5m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed

3.2.2 Line of Sight

- | | | |
|--|---|-----|
| (a) An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings. | The proposed digital signage will not obstruct views of vehicles, bicycle riders or pedestrians at crossings. | Yes |
| (b) An advertisement must not obstruct a pedestrian or cyclist's view of the road. | The proposed digital signage will not obstruct views of pedestrian or cyclist's view of the road. | Yes |
| (c) The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. | The proposal will not give incorrect information on the alignment of the road as it does not overhang the road and will not display road information. | Yes |
| (d) The advertisement should not distract a driver away from the road environment for an extended length of time. | The proposed signs would not distract drivers as they are visible upon 190m on approach and will not require the drivers to direct their attention away from the road. The digital sign will be conditioned to have a dwell time of 25 seconds. | Yes |

Assessment Criteria	Comments	Compliance
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3.2.3 Proximity to decision making points and conflict points

(a) The sign should not be located:	The proposed signage would comply with the road safety requirements (refer to section 5 of this report).	Yes
i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves		
ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment		
iii. so that it is visible from the stem of a T-intersection.		
(b) The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:	The placement of the sign will not distract drivers at critical times Refer to section 5 of this report.	Yes
i. of a road hazard		
ii. to an intersection		
iii. to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)		
iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.		

3.2.4 Sign Spacing

Additional criteria for digital signs

(a) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	The sign is not located within 150m of any other signs.	Yes
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3.3.1 Advertising signage and traffic control devices

Assessment Criteria	Comments	Compliance
(a) The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	The proposal will not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment as the signage does not overhang the roadway and is not located in proximity to any signals or devices.	Yes
(b) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.	The VIA has assessed the proposed sign to be outside the safe stopping distance of the marked pedestrian crossing on Saunders Street, Miller Street and Bank Street intersections, Miller Street and Saunders Street intersection on the Miller Street northeast bound approach and Miller Street southbound to Saunders right turn lane via the small gap in the median island.	Yes

Additional criteria for digital signs and moving signs

(a) The image must not be capable of being mistaken:	The application does not provide specific detail for sign content.	Yes
<ul style="list-style-type: none"> i. for a rail or traffic sign or signal because it has, e.g. red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal ii. as text providing driving instructions to drivers. 	<p>Due to the nature of the signage display, the advertising content of the signs will change.</p> <p>Furthermore, consent is not required for a change in the content of signage in accordance with Industry and Employment SEPP. Therefore, a condition of consent is recommended to ensure the sign content is not mistaken for traffic signals or driving instructions.</p>	
(b) The amount of text and information supplied on a sign should be kept to a	The Department has included a suite of recommended conditions	Yes

Assessment Criteria	Comments	Compliance
minimum (e.g. no more than a driver can read at a short glance).	to ensure the content of the advertising does not include message sequencing, flickering or flashing and has a dwell time of 25 seconds.	

3.3.2 Dwell time and transition time

Digital signs

(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The Department has included a recommended condition of consent requiring the advertising to be static and for a 25 second dwell time.	Yes
(b) Dwell times for image display must not be less than: <ul style="list-style-type: none"> 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. 	TfNSW has recommended a dwell time of 25 seconds for the proposed sign. This has been included as a recommended condition of consent.	Yes
(c) Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	The proposal is not visible from a school zone.	Yes
(d) Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	The Department has included a suite of recommended conditions to ensure the content of the advertising does not include message sequencing, flickering or flashing and does not propose video/movie style advertising.	Yes
(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.	This has been included as a recommended condition of consent.	Yes

3.3.3 Illumination and reflectance

Digital Signs

Assessment Criteria	Comments	Compliance
(a) Luminance levels must comply with the requirements in Table 6 below	The proposed luminance complies with Table 6 .	Yes
(b) 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.	This is included as a condition of consent.	Yes

3.3.4 Interaction and sequencing

(a) The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	The proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile devices, by condition of consent.	Yes
(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.	No message sequencing is proposed.	Yes

3.4 Road safety review of new or modified signs

RMS may review the crash history of any new or modified advertising signs after a three-year period to determine whether the sign has had an adverse effect on road safety.	TfNSW recommends preparation of an independent Road Safety Assessment after 15 months of operation of the digital signage. This has been included in the conditions of consent.	Yes
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3.5 Road safety review of digital signs

3.5.1 Road safety review of signs over 20sqm

A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the sign's installation.	The sign is less than 20sqm in size. However, TfNSW recommended that an Independent Road Safety Assessment (RSA) be undertaken after 15 months of operation of the digital signage. A condition of	Yes
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Assessment Criteria	Comments	Compliance
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consent has been recommended to this effect.

4.0 Public Benefit

As proponents of outdoor advertising, RMS must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.

The proposal has adequately demonstrated public benefit (refer to **section 5** of this report).

Yes

RMS must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

This is included as a recommended condition of consent.

Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Table 6 | Assessment Against the Transport and Infrastructure SEPP

Assessment Criteria	Comments	Compliance
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Division 15 Railways

Subd. 2 Development in or adjacent to rail corridors and interim rail corridors-notification and other requirements

2.98 Development adjacent to rail corridors

- 1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—
 - a. involves the use of a crane in air space above any rail corridor, or

The proposed monopole sign is in a rail corridor and involves use of a crane in air space above the rail corridor. TfNSW has been

Yes

Assessment Criteria	Comments	Compliance
<p>2) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor,</p> <p>b) take into consideration—</p> <p>i. any response to the notice that is received within 21 days after the notice is given, and</p> <p>ii. any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	<p>advised during the public exhibition stage and has provided concurrence to the application</p>	

2.99 Excavation in, above, below or adjacent to rail corridors

<p>1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land— Within 25m below or above a rail corridor</p>	<p>A Preliminary Geotechnical Assessment Report has been submitted in support of the application which recommends drilling at least 4m into rock to determine strata depths.</p>	<p>Yes</p>
<p>2) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>c) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor,</p> <p>d) take into consideration—</p> <p>iii. any response to the notice that is received within 21 days after the notice is given, and any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	<p>TfNSW was notified during exhibition of the proposal and subsequently provided concurrence to the application.</p>	
<p>3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.</p>		

Sydney Local Environmental Plan 2012

Under the SLEP 2012, the site is zoned SP2 Infrastructure, in which the proposed monopole signage is a prohibited development. Notwithstanding, the proposal is permissible under s3.14(1)(a) of the Industry and Employment SEPP, as discussed in **section 3.2** of this report.

The objectives of the SP2 Infrastructure zone within the SLEP 2012 are to provide for infrastructure and related uses and to prevent development that is not compatible with or that may detract from the provision of infrastructure. The Department considers the proposal is compatible with the use of the railway corridor and will not detract from the use of the land and is therefore consistent with the objectives of the zone.

Sydney Development Control Plan 2012

Part 3.16 of section 3 General Provisions of the SDCP 2012 outlines Council's objectives and controls for the installation of signs and advertisements. The proposed digital monopole sign is generally consistent with the relevant provisions of the SDCP 2012 (refer to **Table 7**).

Table 7 | Assessment of compliance with SDCP 2012 Signage Provisions

DCP Controls	Comments	Compliance
3.16.3 General Requirements for signage		
1 Signage is to be compatible with the architecture, materials, finishes and colours of the building and streetscape.	The proposal is considered compatible with the architecture, materials, finishes and colours of the surrounding area's infrastructure and the streetscape	Yes
2 Signage attached to a building is to be positioned in locations or on panels in between any architectural elements (such as awnings, windows, doors, and parapet lines). Signs are not to conceal or detract from integral architectural features or cover any mechanical ventilation systems.	The proposal is not attached to a building	N/A
3 Signage is to be installed and secured in accordance with relevant Australian Standards.	Conditions are recommended requiring the proposal meet all relevant Australian standards.	Yes
4 Signage that will detract from the amenity or visual quality of heritage items, heritage conservation areas, open space areas,	The Applicant has provided a Statement of Heritage Impact in support of their application. Council as delegate of	Yes

DCP Controls	Comments	Compliance
waterways or residential areas is not permitted.	Heritage NSW issued a GTA. The Department is satisfied that the proposal will not have any significant heritage impacts subject to the conditions within the recommended consent and Council's GTA (see section 5 for further discussion).	
5 Signage should not create unacceptable visual clutter taking into account existing signs, neighboring buildings, the streetscape and the cumulative effect of signs.	The Applicant has provided a VIA to address the proposals visual impacts and appropriateness in relation to the Guidelines. The Department is satisfied that the proposal will not have significant visual impacts (see Section 5 for further discussion).	Yes
6 Signs should allow the main facades of buildings from the first floor to the rooftop or parapet to be uncluttered and generally free of signage.	The proposal is a freestanding sign and not attached to a building.	N/A
7 Signage is not to be supported by, hung from or placed on other signs or advertisements.	The proposal is a freestanding sign	Yes
8 Signage that will distract road users, or could be mistaken for traffic control device is not permitted.	Impacts to road and pedestrian safety is considered at section 5 of this report.	Yes
9 Signage that will unduly obstruct the passage or sightlines of vehicles, cyclists or pedestrians is not permitted.	Impacts to road and pedestrian safety is considered at section 5 of this report.	Yes
10 Advertisements Dynamic content signs and light projection signs on or within the vicinity and visible from a classified road are to be consistent with road safety criteria in section 3	The proposal will be required to meet the road safety criteria, as per the NSW Transport Corridor Advertising and Signage Guidelines.	Yes

DCP Controls	Comments	Compliance
of the NSW Transport Corridor Advertising and signage Guidelines.		
11 Signage is not to contain reflective materials colours and finishes.	The proposed signage will use matte colours and finished to prevent reflective glare.	Yes
12 Signage is not to incorporate sound, vibration, odor or other emissions, unless the emission is necessary as part of a community message, an approved public artwork or to meet accessibility requirements.	The proposal will not emit sound, vibration, odour or other emissions.	Yes
13 Signage is not to result in the gathering of people in any manner that will limit the movement of motorists, cyclists or pedestrians along a public road thoroughfare, footway or other access way.	The proposed signage will be located within a light rail corridor and will not obstruct or limit the movement of motorists, cyclists or pedestrians	Yes

3.16.4 Illuminated Signage

1 Any illuminated signage is to be designed to ensure that the illuminance and luminance from the sign or advertisements is, in the opinion of the consent authority, consistent with the existing light level of the streetscape or environmental within which it is located and does not cause glare.	The proposed signage meets the AS 4282 standards as discussed in section 5 . Therefore, the Department is satisfied that the proposed signage illumination will be consistent with the existing light levels of the streetscape and environment.	Yes
2 Unless otherwise provided for in this section, the illuminance, luminance and threshold increment of illuminated signage is to comply with the recommended values of AS 4282-1997. The maximum night time luminance of any sign is not exceed 300 cd/sqm.	<p>The proposed signage meets the AS 4282 standards as discussed in section 5.</p> <p>The proposal is not required to meet the illumination limits outlined in the SDCP 2012 as it is assessed under the Industry and Employment SEPP and the Guidelines.</p> <p>The maximum nighttime illumination for the sign is 350 cd/sqm as per the Guidelines and the Department is satisfied</p>	No, but satisfies Industry and Employment SEPP requirements

DCP Controls	Comments	Compliance
	that the illumination meets the requirements (as discussed in section 5).	
3 Signage is only permitted to be illuminated while a premises is open and trading where the sign is on, or within 25m of and visible from, land zoned R1 General Residential or R2 Low Density Residential.	The proposed monopole sign is located within a rail corridor zoned as SP2 – Infrastructure and complies with AS 4282 regarding appropriate illumination levels. The proposal is a freestanding sign.	N/A
4 Any externally illuminated signage is to have a downward facing light source focused directly on the display area. Upward facing light sources are not permitted.	The monopole sign will produce its own light source and will not be externally illuminated.	Yes
5 Signs with flashing, chasing, pulsating or flickering lights are not permitted unless part of an approved public artwork.	The proposed sign will be conditioned to display static imagery only and will be conditioned with the 25 second dwell time as required by TfNSW.	Yes
6 Where the consent authority is of the opinion than an illuminated sign or advertisement is expected to generate high levels of energy use based on size, hours of operation or illumination source, the signage is to be powered by:	The consent authority is satisfied that the proposed illuminated signage will not generate high levels of energy use, based on size of the display and the low demand of the static imagery.	Yes
a. Onsite renewable energy of a capacity to provide the energy required to illuminate the sign; or		
b. The purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.		

3.16.7.1 – General Requirements (Advertising structures and third party advertisements)

1 Generally, new advertising signs and third party advertisements are not permitted. The exceptional circumstances where advertising	The Department has assessed the proposal and finds the proposed monopole meets the	No, however permissible by the
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DCP Controls	Comments	Compliance
<p>signs and third party are permitted shall be assessed against the following criteria:</p> <p>(a) Whether the sign is advertising a civic or community event in the City of Sydney area;</p> <p>(b) Whether the sign can be considered as public art in accordance with the City's policies in relation to public art;</p> <p>(c) Whether the signs are consistent with the provisions for signage in this DCP;</p> <p>(d) Whether part of the sign occupied by corporate markings, logos, branding or similar is not more than 5% of the total sign area;</p> <p>(e) Whether the number of existing signs on the site and in the vicinity do not cumulatively create unacceptable visual clutter;</p> <p>(f) Whether the sign is associated with the surrender of a consent for an existing sign on a heritage item or on a contributory building in a heritage conservation area.</p>	<p>requirements of Industry and Employment SEPP and is generally in accordance with the aims of the SDCP 2012.</p> <p>Proposal is not considered to create any unacceptable visual clutter.</p>	<p>Industry and Employment SEPP</p>
<p>2 Commercial advertising signs on street furniture provided by the council, are not permissible unless undertaken in accordance with the footways dining policy.</p>	<p>The proposal is not located on Council furniture.</p>	<p>N/A</p>
<p>3 Development consents for advertising structures and third-party advertisements are limited to the time period specified in State Environmental Planning Policy 64</p>	<p>This is included within the recommended condition of consent.</p>	<p>Yes</p>

3.16.7.2 Replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure

<p>2 When considering the replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure, a consent authority is to have regard to:</p>		
<p>a. the compatibility of the electronic advertising structure with the site context based on</p>	<p>The Department has assessed the proposal and finds the proposed monopole sign to be permissible and meets the</p>	<p>Yes</p>

DCP Controls	Comments	Compliance
zoning, surrounding land use, built form and the existing and desired character of the area;	requirements of Industry and Employment SEPP and is generally in accordance with the aims of the SDCP 2012. The signage is compatible surrounding land use, built form and the existing and desired character of the area.	
b. whether the structure reduces the amenity of areas with sensitive amenity values, including environmentally sensitive areas, recreation areas, residential properties and other accommodation land uses;	The digital signage is appropriate to the setting and located sufficiently distant to residential and other environmentally sensitive areas.	Yes
c. whether the structure maintains or enhances the significance of heritage conservation areas or heritage items;	The Department is satisfied from the Visual Impact Assessment and the Heritage Impact Statement submitted with the proposal that the works will have no adverse impact to the heritage site.	Yes
d. whether the structure improves the appearance of the existing advertising structure it will replace;	The proposed digital sign modernises the old vinyl sign.	Yes
e. whether the structure improves the streetscape appearance and integration with buildings on the land;	The signage will contribute to the visual interest of the setting by incorporating digital advertising on the corner of Saunders and Miller Streets in Pyrmont.	Yes
f. whether light emitted by the structure reduces the amenity of nearby land uses, users of the public domain and the surrounding precinct;	The proposed illumination complies with the Guidelines and would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from amenity of residents.	Yes
g. whether the signs and advertisements create a road safety risk or hazard or confuse, distract	The proposal complies with the Guidelines and would not result in unacceptable glare, affect safety for pedestrians,	Yes

DCP Controls	Comments	Compliance
or compromise road user safety in any road environment;	vehicles or aircraft, or detract from amenity of residents.	
h. the cumulative impact and visual clutter of signage in the locality, including its effect on the pedestrian experience of the public domain;	The proposal is appropriately integrated with the road infrastructure elements of Saunders and Miller Streets in Pyrmont.	Yes
i. whether the structure reduces the quality of important views and the visual amenity of the skyline, streetscape and site where the advertising structure is located;	Section 5 of this report has assessed the visual impacts of the signage and concluded that the proposed sign which will replace an existing sign will not dominate the skyline nor obscure or compromise significant scenic views.	Yes
j. the extent of public benefit that will be provided in connection with the structure;	In Section 5 , the Department is satisfied that the new signage will result in positive gain or benefit for the community as it would contribute to the maintenance and management of the train network and improving local amenity consistent with the Guidelines.	Yes
k. the environmental performance and energy use of the structure; and	The consent authority is satisfied that the proposed illuminated signage will not generate high levels of energy use, based on size of the display and the low demand of the static imagery.	Yes
l. the suitability of the structure's operation and on-going maintenance.	A Plan of Management has been submitted with the application. The Department is satisfied on the suitability of the structure's operation and on-going maintenance	Yes

DCP Controls	Comments	Compliance
<p>3 Electronic variable content advertising structures are not to result in a visual impact that detracts from the existing visual character of the site, streetscape or skyline. A visual impact assessment report is to be prepared in accordance with Council guidelines in Clause 11.1 of Schedule 11 (Electronic variable content advertising structures) of this DCP. The consent authority may waive the requirement for a visual impact assessment report where it is satisfied the proposal is minor in nature and satisfies the matters identified in this clause.</p>	<p>The Department is satisfied that the visual impacts of the proposal on the surrounding area, subject to the recommended conditions, would be negligible to low. The proposed digital sign has a smaller advertising area of about 14.92m². In comparison, the existing sign has an advertising area of 18m². The proposal will be a visual improvement to the existing. Section 5 of this report provides the Department consideration of visual impacts.</p>	Yes
<p>4 Electronic variable content advertising structures are not to result in obtrusive light that will create unacceptable glare, affect the safety of public domain users or detract from the amenity of accommodation land uses. A light impact assessment report is to be prepared in accordance with Council guidelines in Clause 11.2 of Schedule 11 (Electronic variable content advertising structures) of this DCP.</p>	<p>Subject to the recommended conditions, the Department is satisfied that the proposal complies with the Guidelines and concludes the proposed signage would not have a negative impact on unacceptable glare, road safety or detract from amenity. Section 5 of this report provides the Department consideration of illumination impacts</p>	Yes
<p>5 Electronic variable content advertising structures are not to result in a negative safety impact for road users using a light rail corridor. Where visible from a light rail corridor, a road safety report is to be prepared in accordance with Council guidelines in Clause 11.5 of Schedule 11 (Electronic variable content advertising structures) of this DCP.</p>	<p>Subject to the recommended conditions, the Department is satisfied that the proposal complies with the Guidelines and concludes the proposed signage would not have a negative impact on road safety. Section 5 of this report</p>	Yes

DCP Controls	Comments	Compliance
	provides the Department consideration of traffic impacts	
6 Electronic variable content advertising structures are not to detract from the significance of a heritage item or heritage conservation area. Where on, or within 100m of, land that contains a heritage item or that is within a heritage conservation area, a heritage impact statement prepared by a qualified heritage professional is to be prepared in accordance with Section 3.9.1 (Heritage Impact Statements) of this DCP. The structure is to satisfy the requirements of Section 3.16.11 (Signage related to heritage items and conservation areas).	The Department is satisfied that the proposal will have no significant physical or visual impacts on heritage items in the area, subject to the recommended conditions and the General Terms of Approval issued by the delegate of Heritage NSW. Section 5 of this report provides the Department consideration of heritage impacts	Yes
7 Electronic variable content advertising structures are to be powered by a renewable energy source in accordance with clause 3.16.4(6) of this DCP. An environmental performance report prepared by a qualified environmental professional is to be provided to identify the annual energy use of the structure and the required energy offset arrangements to ensure the advertising structure will be carbon neutral.	The sign is not powered by a renewable source but the consent authority is satisfied that the proposed illuminated signage will not generate high levels of energy use, based on the small size of the display and the low demand of the static imagery.	Considered acceptable
8 Electronic variable content advertising structures are to have a high standard of operation and maintenance. A management plan is to be provided that identifies the operational, content management, maintenance and complaints handling arrangements for the advertising structure.	The Plan of Management has been included as part of the application.	Yes
9 Electronic variable content advertising structures are to provide a public benefit in accordance with State Environmental Planning Policy 64. Unless otherwise specified by Council, the public benefit is to be satisfied by making 10 per cent of the advertising time (rounded to the nearest whole number) available free of cost for use by the City of	The Department is satisfied that the proposal will have a public benefit, subject to the recommended conditions. Section 5 of this report provides the Department consideration of public benefit.	No, but Department is satisfied that it complies with the Guidelines

DCP Controls	Comments	Compliance
Sydney to display public information, community messages and promotion of Council events and initiatives. The advertising time is to be equally distributed throughout the hours of operation of the structure.		

3.16.11 Signage related to heritage items and conservation areas

1	Prior to development consent being granted for signage related to a heritage item or conservation area, the consent authority may require a heritage impact statement and signage strategy is to be prepared. The signage strategy is to incorporate all existing and future signage and have regard to all relevant policies and recommendations of any Conservation Management Plan and/or heritage inventory report.	The Applicant has provided a SOHI which assesses the potential impacts of the proposal on the heritage site. The Department is satisfied that the proposal will have no significant physical or visual impacts on heritage items in the area, subject to the recommended conditions and the General Terms of Approval issued by the delegate of Heritage NSW.	Yes
2	Existing signage that has heritage value is to be retained and conserved in its original location.	The existing signage has no heritage value.	N/A
3	New signage is to be compatible with the heritage significance of the conservation area or the item, including the built form architectural style and existing signage. Signage is to be appropriately located to prevent significant components or distinguishing features of heritage buildings from being obscured.	The SOHI notes the signage will be located below the existing tree canopy and will be oriented away from the item. It will not form part of any significant view corridors towards the item, nor will it have any impact on the setting of the item.	Yes
4	The design, style, materials, colours, images and lettering of new signage shall be high quality and consistent with the relevant heritage style and period, such as bronze, brass and stainless steel. Plastics, such as coloured or clear acrylic, are only to be used as an ancillary material. Corporate branding and colour schemes are to be modified to fit in	The proposed signage is located and oriented away from the significant part of the item. Council, acting as delegate of Heritage NSW, has reviewed the proposed signage and have provided General Terms of Approval.	Yes

DCP Controls	Comments	Compliance
with the character and significance of the area or item.		
5 The construction and installation of new signage is to be high quality and undertaken in a reversible manner that does not damage significant fabric of heritage items. Where signage is attached to stone or brick walls, it is to be attached with non-corrosive fixings to mortar joints rather than to the stone or brickwork. Projecting and cantilevered signage is to use a bracketed system that avoids bulky structural components attached to the stone or brick work.	The Department is satisfied that the proposal will not have significant physical or visual impacts on the significance of the heritage item, subject to the recommended conditions and the General Terms of Approval issued by the delegate of Heritage NSW.	Yes
6 New signage located between the first floor level and parapet for any building is not permitted for heritage items or in heritage conservation areas. This may be varied where upper level signage is an important aspect of the heritage significance of the conservation area or item on which the sign is located.	The proposed signage is freestanding and not located on a building.	N/A
7 Where appropriate to the heritage style and period, traditional style hand painted signage on window glazing at ground floor level may be permitted subject to consent provided the area of the text is less than 0.1 sqm in order to maintain a high level of visual transparency into the premises.	The proposed signage is freestanding and not located on a building.	N/A
8 Business identification signs for single dwelling houses that are heritage items or contributory items in a heritage conservation area are to be limited to one non-illuminated sign per building with a maximum area of 0.25 sqm. The sign shall be located on the ground floor elevation of the building only and address the main entrance to the premises.	The proposal is not a business identification sign.	N/A
9 New internally illuminated signage is only permitted where: a) it is a reconstruction of an original significant sign;	The Applicant has provided a SOHI which assesses the potential impacts of the proposal on the heritage site. The Department is satisfied that the proposal will have no	Yes

DCP Controls	Comments	Compliance
<p>b) it can be demonstrated that internally illuminated signage is an important aspect of the heritage significance of the heritage conservation area or item; or</p> <p>c) the illumination is low voltage and visible through cut out lettering in high quality metal consistent with the heritage significance.</p>	<p>significant physical or visual impacts on the heritage items, subject to the recommended conditions and the General Terms of Approval issued by the delegate of Heritage NSW.</p>	
<p>10 Externally illuminated signage is only permitted where:</p> <p>a) the design of the signage achieves a high degree of compatibility with the heritage significance of the conservation area or item;</p> <p>b) the signage is lit from a concealed or discrete energy efficient source; and</p> <p>c) any cabling and conduits are completely concealed;</p>	<p>The proposal is an LED sign.</p>	<p>N/A</p>
<p>11 The name or building identification of a heritage item is not to be changed without first considering any relationship with its heritage significance.</p>	<p>The changing of the name or building identification of the heritage item is not part of the application</p>	<p>Yes</p>
<p>12 Dynamic content business signs are only permitted where:</p> <p>a) the requirements of Section 3.16.6.9 (Dynamic content signs) are satisfied; and</p> <p>b) the consent authority is satisfied that the heritage character or</p> <p>c) significance of the conservation area or item will not be undermined.</p>	<p>The proposal is not a business identification sign.</p>	<p>N/A</p>
<p>13 New advertising structures and third party advertisements are not permitted on heritage items or within heritage conservation areas.</p>	<p>The proposed digital signage will only replace an existing. General Terms of Approval have been issued by the delegate of Heritage NSW.</p>	<p>Yes</p>
<p>14 The replacement, modification or conversion of an existing approved advertising structure with an electronic variable content advertising</p>	<p>Council, acting as delegate of Heritage NSW, has reviewed the proposed signage and have provided General Terms of Approval. The Department</p>	<p>Yes</p>

DCP Controls	Comments	Compliance
<p>structure on a heritage item or in a heritage conservation area is only permitted where:</p> <p>a) The requirements of Section 3.16.7 (Advertising structures and third party advertisements) are satisfied; and</p> <p>b) The consent authority is satisfied that there will be no adverse impact on the heritage character or significance and the relationship and appearance between the building and advertising structure will be improved.</p>	<p>is satisfied that the proposal will not have significant physical or visual impacts on heritage items in the area, subject to the recommended conditions and the General Terms of Approval.</p>	

Appendix D – Recommended Instrument of Consent