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7 September 2023

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

Attention: Jill Rassaby (Planning Officer, Key Sites Assessment)

Dear Jill,

## **RFI RESPONSE – DIGITAL ADVERTISING SIGN (OUTBOUND) – DA22/6816**

Urbis Pty Ltd (**Urbis**) has prepared this submission on behalf of JCDecaux (on behalf of Sydney Trains) (**the applicant**) in relation to DA22/6816 (**the DA**) which seeks consent for the installation of new third-party digital advertising signage (**the proposal**) at the south-west corner of the intersection of Cleveland Street and Regent Street, Redfern (**the site**, also referred to as the **Outbound site**).

This DA is lodged under Part 4 Division 4.6 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**). The site is along a railway corridor owned by Transport for New South Wales (**TfNSW**). Therefore, as per Clause 3.10 of the State Environmental Planning Policy (Industry and Employment) 2021 (**Industry and Employment SEPP**), the consent authority is the Minister of Planning.

The DA was lodged to Department of Planning and Environment (**DPE**) in February 2023 concurrent with DA22/14811 for installation of new third-party digital advertising signage at the north-eastern corner of the intersection of Cleveland Street and Regent Street, Chippendale (referred to as the **Inbound site**). The applicant subsequently withdrew the DA for the Inbound site on 24 August 2023.

This letter has been prepared to provide a formal response to the Request for Additional Information (**RFI**) issued by DPE (dated 7 June 2023) and to address relevant matters raised in the submission from City of Sydney (**the City**) and public submissions to the DA. This letter also acknowledges the submission provided by TfNSW (dated 12 May 2023) and provides a formal response to TfNSW.

This submission is accompanied by the following documentation:

- Heritage Statement prepared by Weir Phillips (at **Appendix A**);
- Addendum Visual Impact Assessment Report prepared by Urbis (at **Appendix B**);
- Traffic Impact Statement prepared by Bitzios (at **Appendix C**);
- Arborist Letter prepared by Naturally Trees (at **Appendix D**);
- Materials and finishes plan prepared by Tzannes (at **Appendix E**); and
- Amended site plan prepared by DBCE (at **Appendix F**).

## 1. RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION


### 1.1. RESPONSE TO DPE RFI

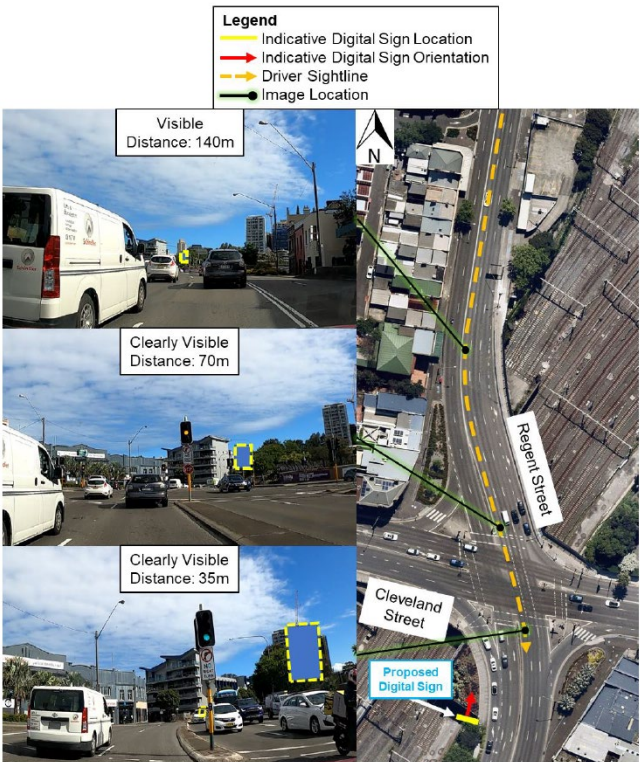
The applicant's formal response to the Department's RFI is provided in **Table 1** as follows.

Table 1 Applicant's Response to DPE's RFI

DPE RFI	Applicant Response
<b>1. Suitability of site and proposal</b>	
<p><i>Having regards to the requirements of the SEPP (industry and employment) and Signage Guidelines, reconsider the suitability of the proposed signage in terms of location, design, and scale, in particular:</i></p> <ul style="list-style-type: none"> <li><i>its contribution to the proliferation and visual cluster of existing signage along Cleveland Street and its proximity and overlapping visual catchment with the other proposed sign at the intersection of Cleveland Street (inbound) (DA22/14811)</i></li> </ul>	<p>The applicant has withdrawn the Inbound DA; accordingly, the Outbound sign is the only sign proposed at this intersection.</p> <p>This submission is accompanied by an Addendum Visual Impact Assessment Report prepared by Urbis (at <b>Appendix B</b>). This provides a visual assessment of the proposed signage in terms of its proximity and relationship with existing signage along Cleveland Street and contribution to visual clutter (taking into account the withdrawal of Inbound sign).</p> <p>The Addendum Visual Impact Assessment Report concludes:</p> <ul style="list-style-type: none"> <li>Of the eight viewpoints assessed, all are rated as low impact.</li> <li>From locations to the north, the sign will predominantly appear in front of vegetation or distant buildings with no heritage or scenic significance. From the northeast, the sign will be seen in front of the Redfern Station Overhead Booking Office, a state heritage item which is partially visible in the background. This view is from a transport corridor rather than a public space or private residence however and is available for only short periods and is mitigated as the viewer moves across the intersection.</li> <li>The sign does not affect or block views or vistas to unique features or heritage items including the locally listed 'Greek Orthodox Church group' or 'Former Mercantile Bank building' from the assessed viewpoints.</li> <li>The sign does not impact on the neighbouring Redfern Estate Heritage Conservation Area (HCA) as a result of the buildings in the north-western section of the HCA</li> </ul>

DPE RFI	Applicant Response
	<p>adjacent to the sign including contemporary RFBs and buildings with no individual heritage listings.</p> <ul style="list-style-type: none"> <li>▪ The sign is not visible from the heritage locations, particularly the Group Victorian shops near Redfern Street and two-to-three storey grand Victorian terraces along Cleveland Street. These locations are unaffected by the signs.</li> <li>▪ The intersection does not include any other large format signs, digital signs or visually significant proliferation of signage, however there are road signs, streetlights, traffic lights, banners, business display signs and small-scale advertisements signs placed around the intersection. It is considered that the visual context of the intersection, which will include the proposed sign, is not visually cluttered but includes features that are typical and expected within a major inner city road intersection.</li> <li>▪ The sign is compatible with the visual character of the intersection which includes traffic signage and commercial signage visible at 1-19 Regent Street and on the overbridge walls.</li> <li>▪ Large format digital signs such as those proposed are not uncharacteristic of visual features typically found at major intersections and within transport corridors.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>visibility of the proposed signage relies on airspace and maintenance of vegetation on Council's land but there is no appropriate covenant or agreement in place and Council objects to the proposal</i></li> </ul>	<p>The sign (identified in <b>blue</b> below) is located on land owned by Transport Asset Holding Entity of New South Wales (<b>TAHE</b>). The adjoining land to the north (indicatively outlined in <b>yellow</b> below) is also TAHE owned land. There is an arrangement between TAHE and the City, for the City to maintain this land.</p>

DPE RFI	Applicant Response
	 <p>The adjoining land identified above does not form part of the DA as the signage proposal does not require access over the land nor does it interfere with any airspace or vegetation.</p> <p>In summary, the signage proposed by the Outbound DA does not rely on airspace and / or maintenance of vegetation on the adjoining land identified above. Therefore this matter is not relevant to the assessment of the subject Outbound DA.</p>
<ul style="list-style-type: none"> <li>obscuring or detracting from the existing public artwork along the railway fence.</li> </ul>	<p>The proposed sign will not block any viewing rights of the Balarinji artwork along the mesh and advertisement located at the street wall below. The proposed sign is located behind the Balarinji artwork and advertisement along street wall and will in no way impact views to this artwork.</p> <p>The applicant is aware of the artwork installation undertaken by Balarinji on the new safety screens of the Cleveland Street bridge. The artwork was commissioned by Sydney Trains. The applicant will engage with the artist regarding the proposed digital advertising signage in the context of the artwork installation.</p>
<b>2. Road Safety</b>	
<p><i>The Department raises concern with the location of the proposed sign at the Cleveland/Regent intersection. As such, it is requested that you identify any road safety issues and mitigating measures associated</i></p>	<p>This submission is accompanied by a Traffic Safety Assessment (<b>TIA</b>) Statement prepared by Bitzios Consulting (at <b>Appendix C</b>). This provides a detailed technical response to road safety matters raised in DPE's RFI. The Statement responds to the road safety matters as follows:</p>


DPE RFI	Applicant Response
<p>with the location and design of the proposed signage relative to the signalised intersection, including the consideration of line of sight, decision/conflict points, minimum sign placing distance and any other relevant requirements of the Signage Guidelines.</p>	<p><b>Line of sight considerations to traffic signals</b></p> <ul style="list-style-type: none"> <li>There are no line-of-sight impacts. The proposed digital sign does not block line of sight to any traffic signal for any driver. These are shown in the original TIA below:</li> </ul>  <p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Indicative Digital Sign Location</li> <li>Indicative Digital Sign Orientation</li> <li>Driver Sightline</li> <li>Image Location</li> </ul> <p>Visible Distance: 140m</p> <p>Clearly Visible Distance: 70m</p> <p>Clearly Visible Distance: 35m</p> <p>Proposed Digital Sign</p> <p><b>Decision/conflict points</b></p> <ul style="list-style-type: none"> <li>Despite what is published in the Signage Guidelines, there is no single specific location that can be identified on the southbound approach to the Cleveland Street / Regent Street intersection that is a “decision point”. Decisions are made by drivers continuously at all locations on approach to the intersection depending on prevailing traffic conditions and signal phase.</li> <li>On approach to this intersection from Regent Street southbound, the decisions to be made are:             <ol style="list-style-type: none"> <li>to diverge into the left turn pocket to turn left at the intersection, or to stay in the other three lanes to go straight ahead; and</li> </ol> </li> </ul>

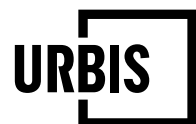
DPE RFI	Applicant Response
	<p>2) whether to brake or not.</p> <ul style="list-style-type: none"> <li>These decisions are made with unimpeded sight lines over multiple seconds on approach to the intersection and any back of queue and are decisions that impose a minimal cognitive load on the driver.</li> <li>The proposed digital sign in the background would have absolutely no influence on the ability of a driver to make those decisions in the same way and at the same time that they currently do. Furthermore, the southbound approach to the intersection has a very low crash rate for such a high volume road reinforcing that the approach to the intersection (and hence to the digital sign) is not a complex section of road for drivers.</li> </ul> <p><b>Signage Guidelines and sign location distances from intersections</b></p> <ul style="list-style-type: none"> <li>The signage guidelines discourage locating digital signs within the stopping sight distance of intersections. There is no basis in science or logic to this requirement. Stopping sight distance to an intersection is misused in this context because its basis is to prevent physical blocking of vision of a location that a vehicle may need to stop at including blockages due to road alignments, trees or buildings. It has absolutely nothing to do with glances away from the forward roadway which occur continuously in all locations as humans move and scan their environments consciously or sub-consciously. There are hundreds of digital signs near signalised intersections across Australia with no research identifying higher crash rates due to digital signs.</li> </ul> <p><b>Other Signage Guidelines considerations</b></p> <ul style="list-style-type: none"> <li>The digital sign does not sit behind traffic signals as suggested by the guidelines as being important. Furthermore, when the traffic signals change (for instance from green to amber) on the southbound approach to the intersection a driver in a lead vehicle position of the platoon would be confronted by four signal lanterns changing at exactly the same time in multiple points in the foreground of their field of view range. Such a visual event</li> </ul>

DPE RFI	Applicant Response
	<p>would be exceedingly more 'attention-grabbing' than a change in a digital sign display in one location in the background.</p> <ul style="list-style-type: none"> <li>Further, drivers approaching the intersection and glancing to the digital sign (mean glance duration = 0.5 seconds) would instantaneously recognise brake lights ahead because they would be in the same field of view as the glance and be prominent within it due to the proximity of that forward vehicle. For this reason, there would be no change whatsoever to driver reaction times to brake lights in front of them.</li> </ul> <p>In consideration to the above, the Statement concludes that the Outbound DA is supportable on traffic safety grounds.</p>
<b>3. Other Issues</b>	
<p><i>Detail maintenance and anti-vandalism measures with consideration of the sign's proximity to pedestrians/ footpath and access required via Council's land.</i></p>	<p>As noted above, the proposal is located wholly on land owned by TAHE and does not require any access via Council's land.</p> <p>The proposed signage is strategically positioned to minimise the likelihood of vandalism. It is situated behind a fence and street wall, which acts as physical barriers to unauthorised access. Further, there are existing street trees and vegetation to the east and north, limiting unauthorised access.</p> <p>The applicant will accept appropriately worded conditions of consent requiring the imposition of ongoing safety, maintenance, and anti-vandalism measures.</p>
<b>4. Public Benefit</b>	
<p><i>Clarify how revenue generated from the sign will directly be linked to public benefits.</i></p>	<p>The proposal enables TAHE (Sydney Trains) to generate revenue through the sale of third-party advertisement rights. Revenue generated by third-party advertisement can be utilised to support a range of upgrade works, improvements, and maintenance programs for Sydney Trains. These opportunities cater to and benefit the public. Additionally, the proposed signage can display information on Sydney Trains and TfNSW promotions and events and threat-to-life alerts by NSW Government Emergency and Police Agencies.</p>

DPE RFI	Applicant Response
	<p>The proposal is entirely consistent with the public benefit test provisions established in the Industry and Employment SEPP and the Transport Corridor Outdoor Advertising and Signage Guidelines. Specifically, the proposal will generate revenue through advertisement for the NSW Government that can be used to fund improvements to essential public infrastructure and other rail programs that allow for the maintenance and operations of the Sydney Trains network, including regional areas where Sydney Trains operates.</p> <p>Further details are provided in the Public Benefit Statement prepared by Sydney Trains which accompanies the DA.</p>
<b>5. Outstanding Heritage Advice</b>	
<p><i>Further consider the impacts of the proposal to the Redfern Estate Heritage Conservation Area.</i></p>	<p>This submission is accompanied by a Heritage Statement prepared by Weir Phillips (at <b>Appendix A</b>) to provide a detailed response to the heritage matters raised in DPE's RFI letter and the City of Sydney's agency submission.</p> <p>Specifically in response to DPE's RFI, the Heritage Statement assesses the impacts of the proposal on the Redfern Estate Heritage Conservation Area as follows:</p> <ul style="list-style-type: none"> <li>▪ The proposed sign lies within the vicinity of a Heritage Conservation Area listed by Schedule 5 of the LEP, being 'Redfern Heritage Conservation Area' (HCA).</li> <li>▪ It is acknowledged that the proposed signage will be visible from the Redfern HCA. The below image demonstrates the principal view towards the HCA.</li> </ul>



DPE RFI	Applicant Response
	<div data-bbox="751 539 1406 981" data-label="Image">  </div> <ul style="list-style-type: none"> <li>▪ The above image demonstrates that whilst the proposed signage is visible, it is against a backdrop of contemporary residential flat buildings. Contributory buildings which form the HCA have little to no visibility.</li> <li>▪ The below demonstrates the view towards the proposed signage site from the east along Cleveland Street.</li> </ul> <div data-bbox="793 1252 1426 1624" data-label="Image">  </div> <ul style="list-style-type: none"> <li>▪ The above provides a view from the HCA towards the proposed signage which is only partly obliquely visible.</li> <li>▪ The Heritage Statement agrees with the conclusion of the updated Visual Impact Assessment (at <b>Appendix B</b>) that the signage will have no impact on the Redfern HCA.</li> <li>▪ The proposal will facilitate high-quality signage for advertising and community messaging in an area with busy foot and vehicular traffic. The proposed sign is in a mixed streetscape that is constantly evolving, rather than</li> </ul>



DPE RFI	Applicant Response
	<p>static. It includes numerous contemporary elements that are consistent with the proposed signage.</p> <ul style="list-style-type: none"><li>▪ Where visible in conjunction with the Redfern HCA, the proposal will present as visually subordinate by virtue of its size, separation distance, the existing visual impediments that lie between, and the width of the vantage points provided by the Cleveland Street bridge.</li></ul>

## 1.2. CITY OF SYDNEY SUBMISSION

The applicant's formal response to the City of Sydney's submission is provided in **Table 2** as follows.

Table 2 Response to Council's Submission

Council Comment	Applicant Response
<b>Heritage Impacts</b>	
<p>The proposed sign is located adjacent to Redfern Estate Heritage Conservation Area (HCA) and is in the vicinity of several State and locally listed heritage items. These include State heritage item (SHI No. 01255) known as the Sydney Terminal and Central Railway Stations Group, State heritage item (SHI No. 01881) known as the Cathedral of the Annunciation of Our Lady, and local heritage item (No. I199) known as the Former Mercantile Bank Chambers.</p> <p>The City objects to the proposed sign due to its adverse heritage impacts:</p> <ul style="list-style-type: none"> <li>The proposed signage location will be highly visible from the Redfern Estate HCA, as well as the three heritage items listed above. The views towards the proposed location from the HCA and the three heritage items currently includes a landscaped outlook due to the landscaped area in the foreground of the proposed sign and the tree canopies along Regent Street. Those views are adversely impacted by the signage and it does not enhance or improve the heritage setting or views.</li> <li>These view impacts are exacerbated with the proposed adjacent inbound sign.</li> <li>The proposed sign will be a visually detracting element in the immediate visual catchment and will have no relationship with the surrounding heritage context.</li> <li>The proposed illuminated signage is not in keeping with this heritage context.</li> </ul>	<p>This submission is accompanied by a Heritage Statement prepared by Weir Phillips (at <b>Appendix A</b>) to provide a detailed response to the heritage matters raised in DPE's RFI and City of Sydney submission.</p> <p>The above table assesses impacts of the proposal on the Redfern Estate Heritage Conservation Area.</p> <p>The below provides a summary of the Heritage Statement in response to the City's other comments.</p> <ul style="list-style-type: none"> <li>The applicant has withdrawn the Inbound DA; therefore, there are no cumulative view impacts. The City's comment regarding the view impacts being exacerbated with the adjacent inbound sign are now resolved.</li> <li>The immediate visual catchment is mixed in character. While there is heritage listed buildings, the streetscape includes numerous contemporary elements, reflecting the fact that the context is constantly evolving, rather than static.</li> <li>The proposed signage is fully compliant with the Sydney DCP 2012 in relation to digital signage. The proposal will display static content for a minimum dwell time of 10 seconds and will be internally illuminated with lighting levels to match the surrounding environment. The change-over period of less than one second will be barely perceptible to passers-by, so that to all intents and purposes the signage will be consistent with the static signage within the streetscape context.</li> </ul> <p>The Heritage Statement concludes that the proposal will facilitate high-quality signage for advertising and</p>

Council Comment	Applicant Response
	<p>other community messaging in an area with busy foot and vehicular traffic. Where visible in conjunction with heritage items and the Heritage Conservation Area, it will present as visually subordinate by virtue of its size, separation distance, the existing visual impediments that lie between, and the width of the vantage points provided by the bridge. The heritage items, including roof features and landmark status, will be retained and dominant against the skyline.</p>
Visual Impacts	
<p>The City objects to the proposed sign due to its adverse visual impacts. The City also does not consider that an adequate visual analysis has been undertaken for the proposed sign, as well as its cumulative impact with the proposed outbound sign across the intersection.</p> <p>Section 5.1.8 of the Sydney Development Control Plan 2012 (Sydney DCP 2012) identifies the Central Station clock tower as a key view within, and helps define, Central Sydney. The Sydney DCP 2012 outlines that the clock tower represents a landmark particularly when approaching or departing Central Sydney, and how the clock tower was purposely composed at the alignment of several streets so as to maximise the visibility of the clock face.</p> <p>The proposed sign will have adverse visual impacts by obstructing views to the clock tower. Further, it will compete with views to the Cathedral adjacent to the site. Cumulatively, this sign in addition to the outbound sign proposed across the intersection, will have a detrimental visual impact on these views and heritage setting.</p> <p>As such, the proposed signage is not consistent with the objectives of Section 5.1.8 of the Sydney DCP 2012 which seeks to preserve significant views and ensure the silhouette created by existing clock towers</p>	<p>The Heritage Statement prepared by Weir Phillips (at <b>Appendix A</b>) provides a detailed response to the visual matters raised by the City, summarised below:</p> <ul style="list-style-type: none"> <li>▪ The original landmark status of the clock tower has been challenged by the construction of buildings of much greater height on Pitt and George Street, which lie in much closer proximity to the clock tower than the site of the proposed sign. The principal view corridors towards the clock tower are obtained from the immediate north, east and west of it. It is within these view corridors that its relationship to the terminus below is most readily appreciated. The proposed sign is located to the south of the clocktower at a distance of nearly 1km.</li> <li>▪ The proposed signage is located adjacent to the railway corridor. It will be largely concealed from view on approach from the south on Regent Street by landscaping. The main view corridors that include both the proposed signage and the Central Station clock tower is obtained from either within the railway corridor or from the Lawson Street bridge well to the south. In either case, the view would be of the rear of the signage structure, with no advertising visible.</li> <li>▪ The proposed signage is separated from the Central Station clock tower by nearly 1,000m. If</li> </ul>

Council Comment	Applicant Response
<p>and roof features on heritage listed items are clearly visible against the sky.</p> <p>The submitted Visual Impact Assessment (VIA) and attached Addendum are inadequate in their visual analysis, due to a number of issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ The view analysis prepared in the Addendum showing the cumulative impact of both the signs together, is limited to only two (2) photomontages which is insufficient.</li> <li>▪ The view analysis inadequately considers impacts on views of the clock tower when approaching from the south and west.</li> <li>▪ Given the significance of this view corridor, further analysis must be undertaken along Regent Street and surrounding streets.</li> <li>▪ Council does not accept that the views of these signs are limited to a small visual catchment.</li> <li>▪ Council does not accept that both of these signs will not be seen together on Cleveland Street, and views should be prepared from locations along this road.</li> <li>▪ The VIA is limited in considering vehicle users only, and not pedestrians and surrounding residential properties.</li> <li>▪ Further view analysis is to be undertaken for pedestrians using this intersection as well as the pedestrian routes along these streets.</li> <li>▪ Further view analysis is to be prepared for the apartments to the east and south of the site identified in the VIA to be potentially affected.</li> </ul>	<p>the proposed sign obstructs views towards the clock tower, the reduction would be minimal given the small proportions of the sign, the distance to the clock tower, the existing impediments in this view corridor and the width of the vantage point provided by the bridge.</p> <ul style="list-style-type: none"> <li>▪ With respect to the Cathedral, its setting has also changed as the Cleveland Street/Regent Street junction over the railway lines has developed and larger scale buildings, such as the Surry Hills Post Office and Inner Sydney High School have been built in its vicinity. Views towards the Cathedral are limited to a slot view through the main entry gates on Cleveland Street. Views from the south and west, near proposed signage site, have been reduced by extensive tree growth on the boundary of the item which conceals all but the uppermost section of tower of the cathedral. The trees provide a visual buffer between the Cathedral and rail and road corridors.</li> </ul> <p>An Addendum Visual Impact Assessment Report has been prepared by Urbis and provided at <b>Appendix B</b>. The report provides view analysis from five additional viewpoint as below to address Council's comments.</p> <ul style="list-style-type: none"> <li>▪ View 01 - View north at the intersection of Regent Street and James Street</li> <li>▪ View 02 View north from outside 1-19 Regent Street</li> <li>▪ View 03 View west along Cleveland Street opposite 187-189 Cleveland Street</li> <li>▪ View 04 View east outside 232-236 Cleveland Street</li> <li>▪ View 05 View east outside 232-236 Cleveland Street</li> </ul> <p>The overall rating of significance of visual impact at these viewpoints was found to be <b>low</b>.</p>

Council Comment	Applicant Response
	<p>The Addendum Report concludes that:</p> <ul style="list-style-type: none"> <li>▪ The sign does not affect or block views or vistas to unique features or heritage items including the locally listed 'Greek Orthodox Church group' or 'Former Mercantile Bank building' from the assessed viewpoints.</li> <li>▪ The sign does not impact on the neighbouring Redfern Estate Heritage Conservation Area (HCA) as a result of the buildings in the north-western section of the HCA adjacent to the sign including contemporary RFBs and buildings with no individual heritage listings.</li> <li>▪ The sign is not visible from the heritage locations, particularly the Group Victorian shops near Redfern Street and two-to-three storey grand Victorian terraces along Cleveland Street. These locations are unaffected by the signs.</li> <li>▪ The intersection does not include any other large format signs, digital signs or visually significant proliferation of signage, however there are road signs, streetlights, traffic lights, banners, business display signs and small-scale advertisements signs placed around the intersection. It is considered that the visual context of the intersection, which will include the proposed sign, is not visually cluttered but includes features that are typical and expected within a major inner city road intersection.</li> <li>▪ The sign is compatible with the visual character of the intersection which includes traffic signage and commercial signage visible at 1-19 Regent Street and on the overbridge walls.</li> <li>▪ Large format digital signs such as those proposed are not uncharacteristic of visual features typically found at major intersections and within transport corridors.</li> </ul>

Council Comment	Applicant Response
<b>Tree Impacts</b>	
<p>The proposed location of the signage is adjacent to a garden area with vegetation and trees, which is owned and managed by Council.</p> <p>The submitted SEE states <i>"the existing tree branches north and east of the sign will be managed and removed as required. The site will be inspected every six month to determine if any branches need to be pruned to ensure clear visibility of the proposed sign"</i>.</p> <p>Pruning of this vegetation on Council owned land to maintain signage clearances will strictly not be supported. Additionally, pruning by anyone other than Council and/or Council's tree contractors is not permitted.</p>	<p>As detailed above, the sign is located on land owned by Transport Asset Holding Entity of New South Wales (TAHE). The adjoining land to the north is also TAHE owned land. There is an arrangement between TAHE and the City, for the City to maintain this land.</p> <p>The Arborist Statement prepared by Naturally Trees (at <b>Appendix D</b>) confirms that the vegetation within the garden comprises <i>Yucca sp</i>, Bismarck Palms (<i>Bismarckia nobilis</i>) and other small growing shrubs. The palm is slow growing and currently sits below the sign. As such, it is not anticipated that the palm will block any sightlines to the sign. Additionally, the sign is separated from the vegetation through the fence and street wall such that the vegetation in the garden will remain unaffected by this proposal.</p>
<b>Transport and Traffic Impacts</b>	
<p>Concern is raised regarding the location of the sign being on the opposite side of the road to the drivers who will be able to see it, resulting in drivers viewing the sign longer than if it was adjacent to them.</p>	<p>This TIA Statement prepared by Bitzios Consulting (at <b>Appendix C</b>) provides a detailed technical response to road safety matters raised in the City's submission:</p> <ul style="list-style-type: none"> <li>▪ Council's comment is inconsistent with research into glance duration and frequency to digital signs. The research suggests that the glance duration in urban areas is consistently 0.5 seconds (mean) to 0.75 seconds (maximum) for drivers of moving vehicles regardless of where the sign is in the driver's field of view. What does change is the saccade time which is the fractions of a second it takes for the eyes to move from one glance location to another.</li> <li>▪ In the eastbound direction, the proposed digital sign is at a very small angle to the ordinary forward view to traffic ahead meaning that saccade times would be well below 0.1 of a second for each glance. They would probably be longer if the digital sign was on the left side of the</li> </ul>

Council Comment	Applicant Response
	<p>intersection at this location (eastbound) because due to the curve in the eastbound approach, the glance angle would be marginally greater (although still insignificant).</p>
<b>Inconsistency with Key Planning Controls</b>	
<p><u>State Environmental Planning Policy (Precincts - Eastern Harbour) 2021:</u></p> <p>The site is located within the 'Special Purpose Zone Infrastructure' under the <i>State Environmental Planning Policy (Precincts Eastern Harbour) 2021 (Precincts SEPP)</i>. The proposed signage does not satisfactorily meet the objectives of the zone, as follows:</p> <p>The proposal does not comply with objective (c) in that it does not contribute to the vitality of the public domain.</p> <p>The proposal does not achieve design excellence, as required by part (d), and discussed further below. It is noted that the objective's reference to a building applies, given that the definition of a building includes any structure or part of a structure under the <i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i>.</p> <p>The proposal does not enhance but rather diminishes the landscape visual and aesthetic values of the area as required under objective (e), with the requirement of tree pruning to increase visibility of the sign.</p> <p>The City do not accept that the proposed new digital advertising signage exhibits design excellence as required by Clause 22(2), Appendix 3 of the Precincts SEPP, in that the sign does not achieve a high standard of architectural design, materials and detailing that is appropriate to the location, and the form and external appearance of the sign will not improve the quality and amenity of the public domain.</p>	<p>The site falls under the Redfern- Waterloo Authority Sites precinct and is zoned G - Special Purpose Zone – Infrastructure pursuant to the Eastern Harbour SEPP. The proposal is consistent with the Special Purpose Zone - Infrastructure objectives as below:</p> <ul style="list-style-type: none"> <li>▪ The proposal will provide a new advertisement structure, of a scale and size complimentary to the railway corridor and surrounding road network.</li> <li>▪ The proposal does not result in adverse environmental impact and will not hamper the amenity of the public domain. The sign is located away from the footpath, separated by a fence and does cause a detrimental impact on vehicles, pedestrians and cyclists along Cleveland Street and Regent Street.</li> <li>▪ The proposal will be in favour of the public interest, ensuring the structure does not cause any negative impact on vehicular traffic as well as the amenity of surrounding developments.</li> <li>▪ The proposal does not require removal of any vegetation. The palm and shrubs to the north-west of the sign will be maintained by the Council as and when necessary. This vegetation is low-to-medium in height and will not block the sign. The vegetation does not require removal for increased visibility, other than the schedule maintenance of branches etc.</li> <li>▪ The proposal demonstrates design excellence for the following reasons:</li> </ul>

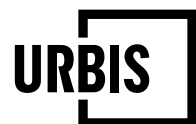


Council Comment	Applicant Response
	<ul style="list-style-type: none"> <li>(i) The materiality includes exposed stainless steel column and satin black powder coated galvanised steel mesh panels. High durability of material and finish is achieved whilst allowing good flexibility in the detail resolution to satisfy aesthetic design intent. The proposed design does not create reflectivity and achieves good thermal performance and neutral visual characteristic to satisfy the broader aesthetic design intent.</li> <li>(ii) The proposal allows for a new digital advertising structure with a high quality, architecturally designed built form defining the road infrastructure and public domain. The design provides visual interest and a strong and vibrant relationship with the public domain.</li> <li>(iii) The proposed development will not detrimentally impact on any significant view corridors within the vicinity of the site as assessed in the Addendum Visual Impact Assessment Report (at <b>Appendix B</b>).</li> <li>(iv) The site is suitable for the proposed advertising structure in that it is permissible with consent under Clause 3.14 of the Industry and Employment SEPP and is consistent with the zone objectives as and built form envisaged within the relevant planning controls.</li> <li>(v) The proposal will allow for an advertisement signage structure with a unique design, adding to the diversity of signage within the Redfern locale.</li> <li>(vi) The signage is not located within the curtilage of State or local heritage items and does not form part of an important</li> </ul>

Council Comment	Applicant Response
	<p>view corridor towards the items, as it is located adjacent the railway corridor.</p> <p>(vii) The proposed signage will not block significant view corridors towards the heritage items or Heritage Conservation Areas and is otherwise minor in scale.</p> <p>(viii) The proposed structure is well distanced from adjoining vegetation.</p> <p>(ix) The proposed structure does not result in negative environmental impacts such as overshadowing on surrounding properties or loss of visual amenity.</p>
<p><u>Redfern Waterloo Built Environment Plan (Stage One) 2006:</u></p> <p>The Redfern Waterloo Built Environment Plan (Stage One) 2006 (the Plan) applies to the site, however has not been addressed in the submitted SEE. Although the subject site is not a mapped strategic site within the Plan, the City assume it was not included in the mapping as no development was anticipated to occur to this sliver of rail land. Despite this, consideration should be made to the strategy frameworks in the Plan. Strategic site 'E' Redfern Railway Station is the closest adjacent mapped site. The proposal is not considered to meet the strategy framework for the precinct in the Plan, as it does not:</p> <ul style="list-style-type: none"> <li>▪ Improve the public domain by improving pedestrian amenity.</li> <li>▪ Improve streets and open spaces with quality landscaping and signage.</li> <li>▪ Does not achieve an appropriate human scale at street level.</li> </ul>	<p>The site is not located in any of the precincts within the Redfern Waterloo Built Environment Plan. As such, the plan is not relevant to the proposal.</p> <p>Notwithstanding, the proposal will have no impact on the nearest Strategic site 'E' Redfern Railway Station as it is located 350m south of the site. The proposed sign will not be visible from this precinct and does not impact any future development within this precinct.</p> <p>The proposed digital sign remains consistent with the principles of Strategic site 'E' Redfern Railway Station. The sign does not block pedestrian movement as it located away from footpath and separated by a fence. The sign is approximately 5.6m above the street wall along Regent Street and Cleveland Street and is appropriate from a human scale / pedestrian perspective. The proposal does not involve removal of vegetation and will have no impact on any existing vegetation and landscaping.</p>
<p><u>State Environmental Planning Policy (Industry and Employment) 2021</u></p>	<p>The proposal is consistent with the objectives of Chapter 3 of the Industry and Employment SEPP:</p>

Council Comment	Applicant Response
<p>Clause 3.6 of the State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) outlines that the consent authority cannot grant consent unless it is satisfied that the signage is consistent with the objectives of Chapter 3 under Section 3.1(1)(a) and it is consistent with the assessment criteria in Schedule 5.</p> <p>The proposed sign is not consistent with the objectives of Chapter 3 in that it is not compatible with the desired amenity and visual character of the area, as the proposal degrades the amenity and visual character of the area and poorly contributes to the public domain interface of the site.</p> <p>The proposal is not consistent with Item 4 (Streetscape, setting or landscape) of the assessment criteria in Schedule 5, as follows:</p> <p>The proposal is not considered to be of a scale or form appropriate to its setting. The sign proposed directly adjacent the footpath presents overbearing bulk with a non-pedestrian friendly scale at 9m above the footpath.</p> <p>The proposal does not reduce visual clutter or propose rationalisation of existing signage. It introduces further clutter to the intersection with the addition of two large advertising structures which are visible together.</p>	<ul style="list-style-type: none"> <li>▪ The proposed structure remains consistent with the mixed character of the area. Further, large format digital advertising is not uncharacteristic of visual features typically found at major intersections and within transport corridors.</li> <li>▪ Views to the sign will only be visible in close views approaching the site due to surrounding buildings and vegetation blocking medium and long distance views to the sign.</li> <li>▪ The proposed sign will not significantly affect or block views or vistas to unique features or heritage items including the locally listed 'Greek Orthodox Church group' or 'Former Mercantile Bank building' from the assessed viewpoints.</li> </ul> <p>The proposal is consistent with Item 4 (Streetscape, setting or landscape) of the assessment criteria in Schedule 5 in the following regards:</p> <ul style="list-style-type: none"> <li>▪ The sign is located 5.6m above the street wall along Regent Street and Cleveland Street and does not have an overbearing effect on pedestrians and cyclists. Additionally, the sign is located behind fence lines and away from the footpath and street trees such that there is no impact on pedestrian movement. As such, the scale, proportion, and form of the proposed structure is appropriate in the context of the surrounding streetscape.</li> <li>▪ The proposed sign is appropriate from a visual perspective, given the Inbound DA has been withdrawn and no other signage is proposed at the intersection. The subject sign is appropriately distanced from other existing signage and does not result in visual clutter of advertisements.</li> </ul>
Public Benefit	
The Transport Corridor Advertising and Signage Guidelines 2017 outlines how advertisements along	The proposal allows TAHE (Sydney Trains) to generate revenue through the sale of third-party

Council Comment	Applicant Response
<p>railway corridors, classified roads and on bridges must meet a public benefit test to ensure that advertising will result in a positive gain or benefit for the community. The Guidelines state that Sydney Trains must demonstrate that revenue raised from advertising is directly linked to public benefit.</p> <p>The submitted Public Benefit Statement states that the sign will provide a revenue stream to Sydney Trains to support a number of 'improvements and maintenance programs'. It is unclear what these improvements and programs are.</p> <p>While it is appreciated that the revenue made will be invested back into the public transport network, this is an existing core responsibility of Sydney Trains. There is not a direct public benefit provided by this proposal, as required by the SEPP and the Guidelines.</p>	<p>digital advertisement rights. Revenue generated by third-party advertisement will be invested back into the rail network to support a range of upgrade works, improvements, and maintenance programs for Sydney Trains. These opportunities will benefit the public by facilitating enhanced transport services.</p> <p>Further, the revenue generated can be used to facilitate other Sydney Trains projects to benefit the public, including the future roll-out of 'gap buffers' within CBD stations located close to the subject site. Other projects underway include the Transport Access Program, which will benefit both the local community and broader community when travelling to railway stations that do not currently provide access (via lifts, new canopy covers, upgraded footpaths and improvements to wayfinding) for persons with a disability limited mobility, carers/parents with prams and customers with luggage, through the provision of lifts. Residents and visitors of Redfern may travel to stations that lack these facilities and the Transport Access Program will provide a benefit to residents/visitors travelling to those stations.</p> <p>In addition to the improvement works, the digital screen will be used to provide instantaneous safety/public awareness messages and important information to customers and the public in event of the following:</p> <ul style="list-style-type: none"> <li>▪ Station emergency situations; and</li> <li>▪ Threat-to-life alerts by NSW Government Emergency and Police Agencies.</li> </ul> <p>The proposal is entirely consistent with the public benefit test provisions established in the Industry and Employment SEPP and Transport Corridor Outdoor Advertising and Signage Guidelines. Specifically, the proposal will generate revenue through advertisement for the NSW Government that can be used to fund improvements to essential public infrastructure and other rail programs for the maintenance and</p>



Council Comment	Applicant Response
	<p>operations of the Sydney Trains network, including regional areas where Sydney Trains operates.</p> <p>Further details are provided in the Public Benefit Statement prepared by Sydney Trains which accompanies the DA.</p>

## 2. RESPONSE TO TfNSW

TfNSW were referred the application and did not have any objections to the proposal.

They issues their response to DPE on 12 May 2023 and provided the following recommendations to be included as consent conditions:

- *The proposed signs shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017.*
- *Dwell times between displays shall be no shorter than 10 seconds.*
- *The images displayed on the sign must not contain/use:*
  - *Flashing or flickering lights or content.*
  - *Animated displays, moving parts or simulated movement.*
  - *Complex displays that hold a driver's attention beyond "glance appreciation".*
  - *Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber, or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'.*
  - *A method of illumination that distracts or dazzles; and*
  - *Dominant use of colours red or green.*
- *A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding classified road network and signalised intersections during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.*
- *TfNSW advises that the Applicant should be conditioned to obtain section 138 of the Roads Act 1993 approval for the proposed structure through the relevant road authority, which in this instance would be the City of Sydney.*

The applicant generally accepts these recommendations, however, seeks to vary consistency with the part of Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (**the Guidelines**) which state that "*the sign should not be located less than the safe sight distance from an intersection...*".

The applicant's request to vary this provision of the Guidelines is summarised as follows:

- The applicant's traffic engineer (Bitzios) has reviewed the proposal against the Guidelines and are of the view that digital signs can and usually are, located less than the safe sight distance from an intersection. There is no scientific foundation supporting this requirement within the Guideline.
- Traffic movements approaching an intersection (such as braking, lane changes, monitoring signal alterations, etc.) occur from well beyond the stopping distance which are locations where digital signs can typically still be viewed from.
- Numerous signs positioned in such locations throughout Australia have remained in existence for more than ten years, yet there has not been any "groundswell" of feedback on their distraction

influence on crashes. Further information on distraction influences is provided in **Section 1.1** above in response to DPE's comments.

### 3. RESPONSE TO PUBLIC SUBMISSIONS

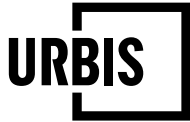
A summary of the public submission received, and applicant's response is provided in **Table 3** below.

Table 3 Response to public submissions

Public submission	Applicant Response
Proposal will lead to significant light and visual pollution the addition of more simply for the addition of more advertising to an already crowded streetscape is unsupportable.	<p>The proposal complies with all relevant requirements of AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting. In complying with these requirements, the signage does not result in unacceptable glare, nor does it adversely impact the safety of pedestrians, residents, or vehicular traffic.</p> <p>For residential locations which may have views of the proposed sign it is unlikely to be the main focus of the view, as the views would be of the rear or side of the sign, and partially blocked by intervening vegetation.</p> <p>The proposed Outbound sign is well separated from other advertisements and does not clutter in any one visual catchment.</p>
The Regent Street/Cleveland St intersection is already incredibly hostile to pedestrians and cyclists, despite it being heavily used by both groups, with drivers regularly making errors that put lives at risk. Increased visual clutter, especially brightly lit visual clutter, will certainly not help with this.	Traffic safety comments are addressed in the response prepared by Bitzios (at <b>Appendix C</b> ).
<p>Impact of this sign, together with the one opposite (DA 22/6816) will have on the former Mercantile Bank on the corner of Regent and Cleveland Streets, Chippendale. This is a heritage item. Installing two elevated illuminated signs so close (60m) to the building will significantly detract from its presence on that corner.</p> <p>The impact on this heritage item has been virtually ignored in the submission and it is clear that it has not considered the significance of this building.</p>	<p>The Inbound sign has now been withdrawn.</p> <p>With regard to impact on the Central Station clock tower, main view corridors that include both the proposed signage and Central Station clock tower are obtained from either within the railway corridor or the Lawson Street bridge well to the south. In either case, the view would be of the rear of the signage structure, with no advertising visible. The proposed signage is separated from the Central Station clock tower by nearly 1,000m. If the proposed sign obstructs views towards the clock tower, the reduction would be</p>

Public submission	Applicant Response
<p>In addition, this particular sign will almost completely block views from the intersection to the CBD and Central Station.</p>	<p>minimal given the small proportions of the sign, the distance to the clock tower, the existing impediments in this view corridor and the width of the vantage point provided by the bridge.</p> <p>As assessed in the Heritage Statement (<b>Appendix A</b>) and the original Heritage Impact Statement submitted with the DA, where the sign is visible in conjunction with surrounding heritage items and the Heritage Conservation Area, it will present as visually subordinate by virtue of its size, separation distance, the existing visual impediments that lie between, and the width of the vantage points provided by the bridge. The heritage items, including their roof features and landmark status, will be retained and remain dominant against the prevailing skyline.</p>
<p>The street corner already has an abundance of advertising signage on the walls facing the intersection, so adding additional advertising signage will over commercialise the intersection.</p>	<p>The Inbound DA has been withdrawn which could potentially block these views. The proposed Outbound sign does not result in such outcomes.</p> <p>The intersection includes advertisement along the street wall below and artworks along the mesh wire. The proposed sign is well distanced from these advertisements and artwork being located behind the street wall and fence lines.</p>
<p>Proposal resulting in visual impact on the area, particularly given its proximity to the city (blocking views) and heritage buildings.</p>	<p>The Addendum Visual Impact Assessment Report prepared by Urbis (at <b>Appendix B</b>) concludes that the proposal will not result in such visual impacts.</p>





#### **4. CONCLUSION**

We trust that the information provided in this submission and the accompanying documentation addresses the matters raised in the submissions prepared by DPE, the City of Sydney, TfNSW, and public submissions, and that the DA can now proceed to assessment and determination.

Please do not hesitate to contact the undersigned if any further information is required.

Yours sincerely,

A handwritten signature in black ink, reading "R. Battersby". The signature is written in a cursive, flowing style.

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