

Statement of Environmental Effects Advertising Sign 30 Cormorant Road, Koorangang

Prepared by Barr Planning

for oOh!media

May 2022



Document Control

Title: Ooh Media Advertising Signs Kooragang Island
 Address: 30 Cormorant Road, Kooragang
 Job No. 21NEW0034
 Client: oOh!media

Document Issue:

Issue	Date	Prepared by	Reviewed by
Draft 1	18/03/2022	Samuel Liu	Rebecca Johnston
Client Issue	21/03/2022		
Final	23/05/2022	Samuel Liu	Samuel Liu

Signed



Name Samuel Liu
 Position Project Planner
 Qualifications BComm, MPlan.



Name Rebecca Johnston
 Position Associate Planning Manager
 Qualifications BTP (Hons), Registered Planner PIA,
 Cert IV Project Management, MBA

For queries about this report please contact

Samuel Liu
 M: 0402 768 552
 E: sliu@barrplanning.com.au

BARR PROPERTY AND PLANNING PTY LTD
 TRADING AS BARR PLANNING
 ABN 57 604 341 302

92 YOUNG STREET CARRINGTON NSW 2294
 PO BOX 96 CARRINGTON NSW 2294
 (02) 4037 2451
 BARRPLANNING.COM.AU

Contents

1	Introduction	6
1.1	Purpose of this Statement of Environmental Effects	6
1.2	Ownership.....	6
1.3	Consent Authority.....	6
1.4	Supporting Documentation	6
2	Site and Context	7
2.1	The Site	7
2.2	Background	8
2.2.1	oOh!media Limited	8
2.2.2	Development History	8
2.2.3	Pre-Lodgement Consultation	9
3	Proposed Development.....	9
3.1	Summary.....	9
3.1.1	Proposed Advertising Structure.....	9
3.1.2	Proposed Advertisement	10
3.2	Construction	12
4	Strategic Context.....	14
4.1	Hunter Regional Plan 2036	14
4.2	Greater Newcastle Metropolitan Plan.....	14
4.3	City of Newcastle Local Strategic Planning Statement (LSPS)	14
5	Statutory Assessment.....	15
5.1	Environmental Planning and Assessment Act 1979	15
5.2	Objects of the Act	15
5.3	Integrated Development	16
5.4	Environmental Planning and Assessment Regulations.....	16
5.5	State Environmental Planning Policies	16
5.5.1	State Environmental Planning Policy (Transport and Infrastructure) 2021.....	16
5.5.2	State Environmental Planning Policy (Resilience and Hazards) 2021.....	20
5.5.3	State Environmental Planning Policy (Industry and Employment) 2021.....	23

5.6	Newcastle Local Environmental Plan 2012.....	34
5.7	Proposed Environmental Planning Instruments.....	34
5.7.1	Draft Remediation of Land SEPP.....	34
5.8	Newcastle Development Control Plan 2012.....	34
5.8.1	Section 3.13 Industrial Development	34
5.8.2	5.02 Land Contamination.....	35
5.9	Development Contributions	35
6	Likely Impacts of the Development.....	36
6.1	Environmental Impacts.....	36
6.1.1	Access, Traffic Pedestrian links and public transport	36
6.1.2	Flora and Fauna	36
6.1.3	Light Impacts.....	36
6.1.4	Visual Impact.....	37
6.1.5	Waste Management	37
6.2	Social Impacts	37
6.3	Economic Impacts.....	37
7	Suitability of the Site	38
8	Submissions.....	38
9	Public Interest	38
10	Conclusion.....	38

Figures

Figure 1 Locality map with site (in red) and location of proposed development (in yellow). Source: Six Maps	7
Figure 2 Detailed Site Survey. Bore Hole for Advertising Structure (outlined in yellow). Source: Monteath & Powys	10
Figure 3 Proposed Static Sign Elevation. Source: oOh!media.....	11
Figure 4 Proposed Digital Sign Elevation. Source: oOh!media	11
Figure 5 Indicative Location of Static Sign. Source: Bitzios Consulting.....	12
Figure 6 Indicative Location of Digital Sign. Source: Bitzios Consulting.....	13

Tables

Table 1 Chapter 2 Coastal Management Clause 2.10 Assessment	20
Table 2 Chapter 2 Coastal Management Clause 2.11 Assessment	21
Table 3 Assessment of Industry and Employment SEPP, Clause 3.1(1)(a) Aims and Objectives	24
Table 4 Assessment of Industry and Employment SEPP, Schedule 5 Criteria	24
Table 5 Assessment of Table 3 Guidelines Criteria for Digital Signs	28
Table 6 Assessment of Guidelines Section 3 Road Safety Criteria.....	30
Table 7 NDCP 2012 Section 5.02 Assessment.....	35

1 Introduction

1.1 Purpose of this Statement of Environmental Effects

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

1.2 Ownership

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

1.3 Consent Authority

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

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

1.4 Supporting Documentation

This Statement is supported by the following documentation:

Document	Author	Revision No.	Date
Cost Estimate Summary	oOh!media	N/A	28/04/2022
General Arrangement Plan	Arcadis	3	21/03/2022
Geotechnical and Contamination Report	GHD	0	9/03/2022
Landowners Consent	Port of Newcastle Lessor Pty Limited	N/A	2/05/2022
Lighting Impact Assessment	Electrolight Australia	B	20/05/2022
Site Survey Plan - Sheet 2 of 2	Monteath & Powys	1	10/12/2021

Traffic Safety Assessment – Digital Display	Bitzios Consulting	2	16/05/2022
Traffic Safety Assessment – Static Display	Bitzios Consulting	2	16/05/2022

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

2 Site and Context

2.1 The Site

The site is located on part Lot 33, DP1184229 (Lot 33) which is identified as 30 Cormorant Road, Kooragang NSW. The site is located within the SP1 Special Activities zone as identified under Chapter 5 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 SEPP. The site is located within the Port of Newcastle Lease area under the Transport and Infrastructure SEPP.



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

Lot 33 is irregular in shape and is intersected by Cormorant Road which is identified as a State Classified Road (Gazetted Road Number 108, Schedule of Classified Roads and Unclassified Regional Roads). Cormorant Road links with Tourle Street which travels south across the South Channel Hunter

River to Mayfield. The site is located in an existing area of industrial land use which includes the Newcastle Coal Infrastructure Group (NCIG) Wharf Facility which is located to the east of Lot 33. The NCIG berth was approved and commenced operation in 2010. NCIG operates as a significant coal export facility for open cut and underground mines in Newcastle, Hunter Valley, Gunnedah, Gloucester and Western Coalfields of NSW.

The specific location of the proposed development within Lot 33 is southeast of the intersection between Cormorant Road and Kooragang Rail Depot Access Road. The sign posted speed along the Cormorant Road where the site is located is 80km/h.

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

2.2 Background

2.2.1 oOh!media Limited

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

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

2.2.2 Development History

The site previously contained the iconic 73-metre high Energy Australia wind turbine on Kooragang Island which was established in 1997 to promote the emerging green energy market. The wind turbine was subsequently disassembled in 2014 for relocation to an offsite location. The site is largely undeveloped apart from a temporary use fenced construction carpark in its south eastern corner. No further development consent history for the site was evident from The City of Newcastle's online DA Tracker.

2.2.3 Pre-Lodgement Consultation

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

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

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

It is noted that pre-lodgement meetings and consultation with PON and DPIE for the proposed development at 30 Cormorant Road were undertaken concurrently with a similar proposed development for a new advertisement at 140 Cormorant Road, Kooragang. The proposed development at 140 Cormorant Road, Kooragang forms the subject of a separate development application.

3 Proposed Development

3.1 Summary

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

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

3.1.1 Proposed Advertising Structure

The proposed advertising structure has the following features:

- Height including advertising structure and advertisement of approximately 7 metres
- Structure consisting of a steel pylon with a diameter of approximately 610mm secured on a concrete footing

The pylon of the proposed advertising structure will be wholly contained within the property boundary of Lot 33, DP1184229. The pylon will be fixed to a concrete footing located south of the allotment boundary. The base of the frame surrounding the advertisement will be positioned approximately 4.6 metres above the existing ground level, will be offset from the roadside and is not expected to impact vehicular access or path of travel.

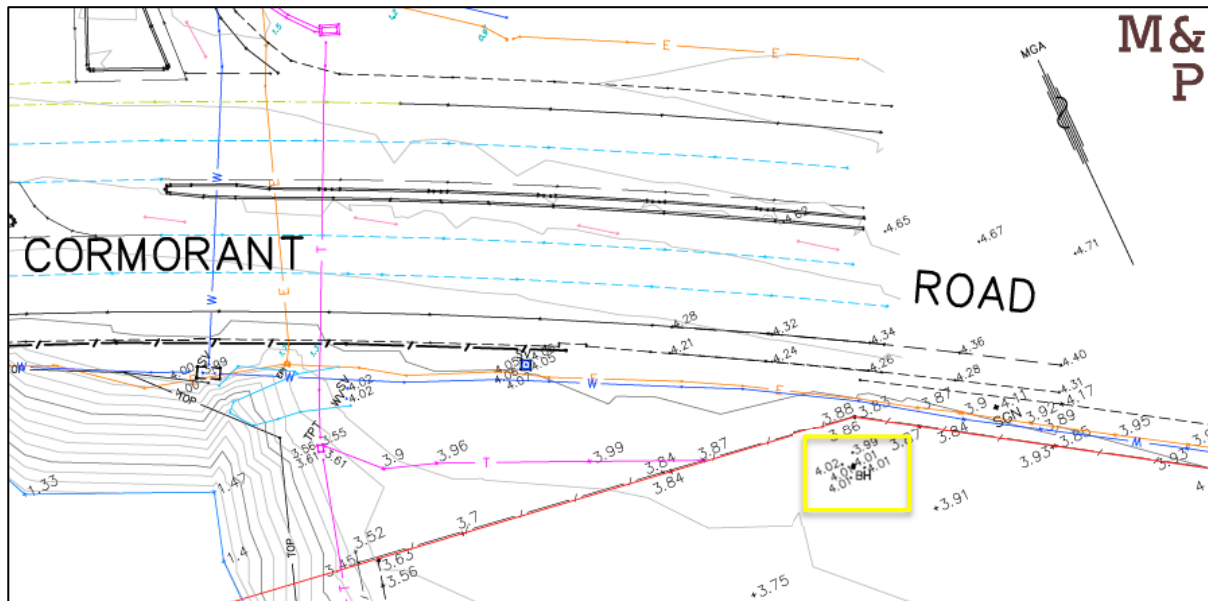


Figure 2 Detailed Site Survey. Bore Hole for Advertising Structure (outlined in yellow). Source: Monteath & Powys

3.1.2 Proposed Advertisement

The proposed advertisement includes:

- Advertising display area for each sign of 19.95m² comprising the following:
 - Advertisement device dimensions of approximately 8420mm wide x 2340mm high
 - oOh!media logo size of 0.25m²
- The digital device screen dwell time of 25 seconds

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

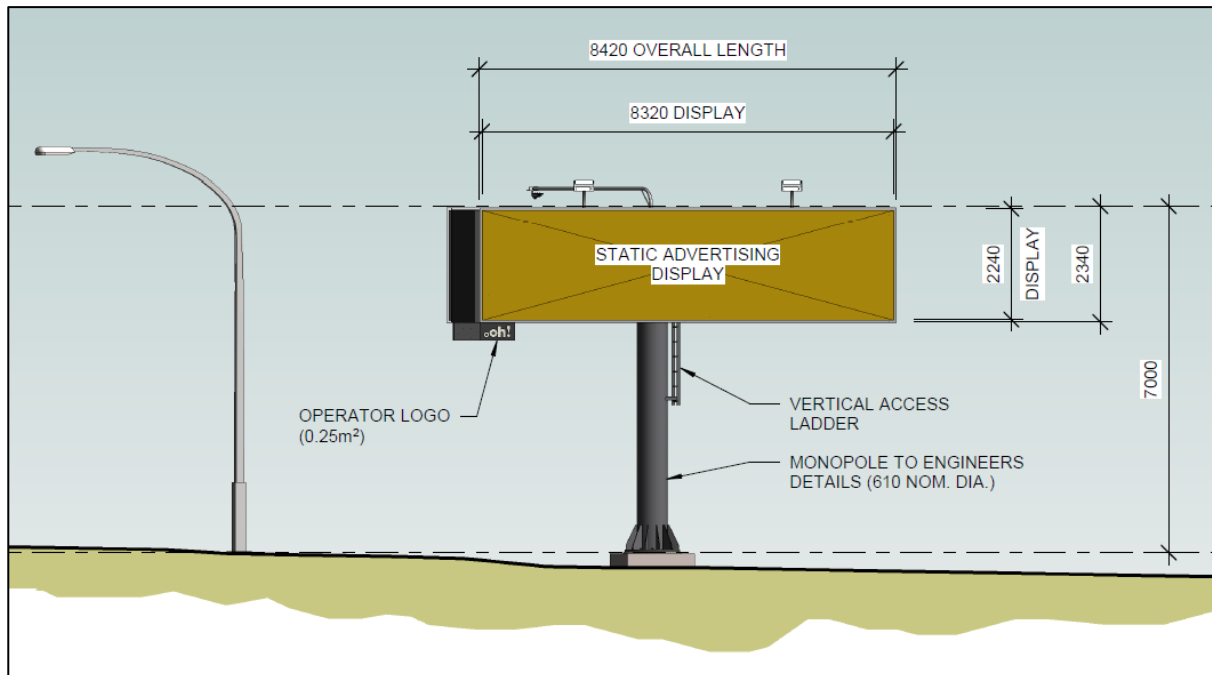


Figure 3 Proposed Static Sign Elevation. Source: oOh!media

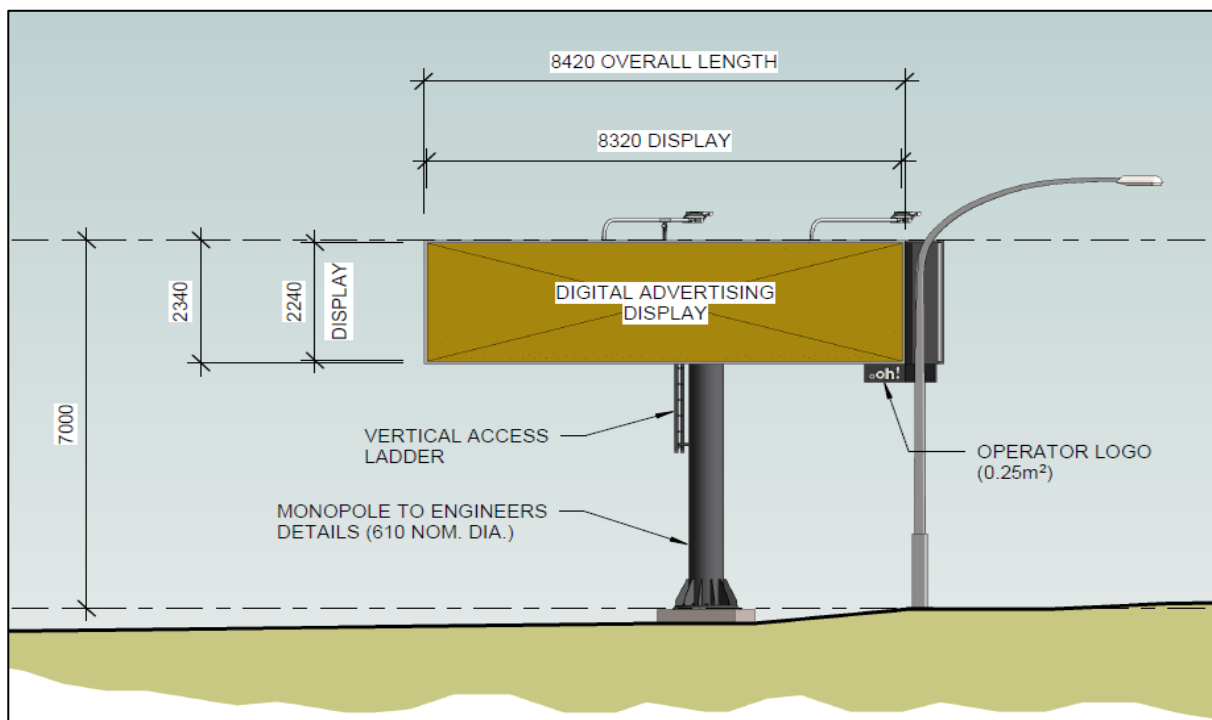


Figure 4 Proposed Digital Sign Elevation. Source: oOh!media

3.2 Construction

Minor excavation works will be required for the construction of the footing. Construction works are proposed to occur from the south side of the lot boundary within the car park and not impact Cormorant Road. It is anticipated that temporary site fencing would be utilised to cordon off the work zone for the proposed development to take place. The proposed development does not propose to remove any trees or vegetation as part of the proposed works.

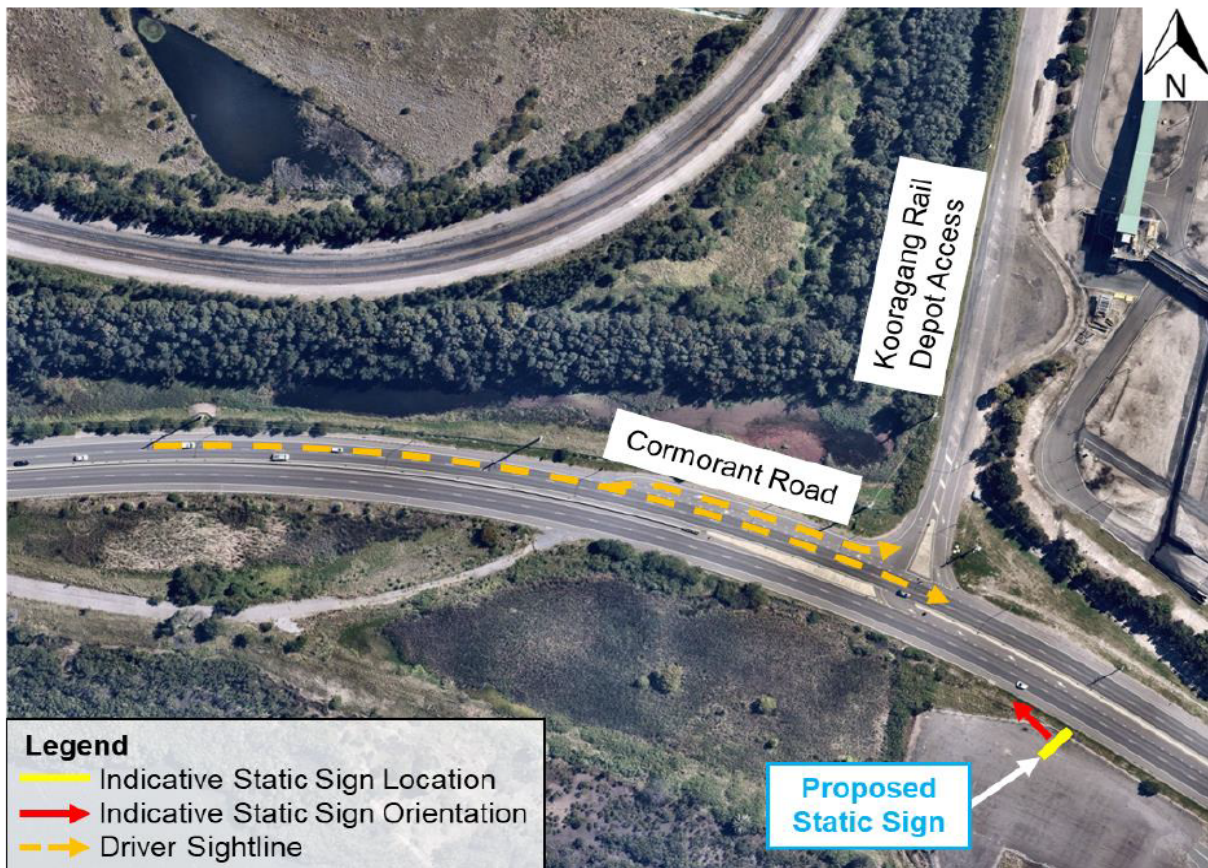


Figure 5 Indicative Location of Static Sign. Source: Bitzios Consulting

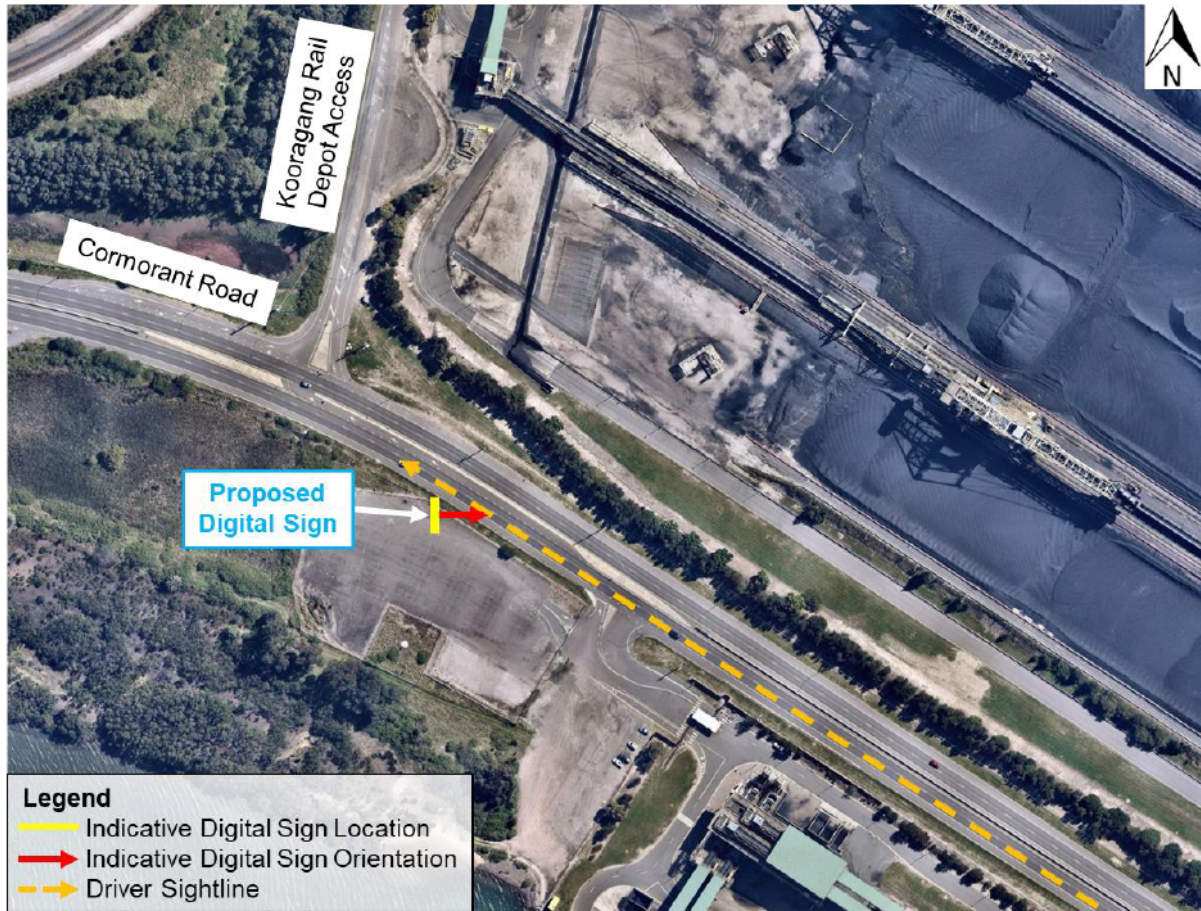


Figure 6 Indicative Location of Digital Sign. Source: Bitzios Consulting

4 Strategic Context

4.1 Hunter Regional Plan 2036

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

Direction 2 states the imperative to *enhance connections to the Asia-Pacific through global gateways*. Under this directive, the Port of Newcastle will play an important role in the regional economy through internal export of goods and commodities.

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

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

4.2 Greater Newcastle Metropolitan Plan

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

4.3 City of Newcastle Local Strategic Planning Statement (LSPS)

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

5 Statutory Assessment

5.1 Environmental Planning and Assessment Act 1979

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

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

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

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

5.2 Objects of the Act

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

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development supports the objectives of the EP&A Act, specifically subsection (c) ‘to promote the orderly and economic use and development of land’. The proposed development will stimulate economic use of land in an area identified as industrial employment land. The development will be located on a small portion of Lot 33 and will not interfere with any development of the remainder of the land for the purposes of port facilities or related uses.

5.3 Integrated Development

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

5.4 Environmental Planning and Assessment Regulations

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

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

5.5 State Environmental Planning Policies

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

5.5.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

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

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

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

- Objective 3 as it will facilitate development that is in keeping with the special characteristics of the site and minimises adverse impacts on surrounding land. The proposed development will be located on a small portion of Lot 33 and will not interfere with further development of the remainder of the land. The proposed development is not antipathetic to the objectives of the SP1 Special Activities zone and is considered compatible with the objective to facilitate development for the purposes of port facilities or related uses. The proposed development is strategically located along a key road corridor and will leverage the location to provide effective communication whilst minimising adverse environmental impacts.
- Objective 7 as it will facilitate development that by its nature or scale requires separation from resident areas and other sensitive land uses due to potential impacts to amenity.

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

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

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

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

where

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

and where

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

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

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

2 Permitted without consent

Jetties; Moorings; Roads

3 Permitted with consent

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

4 Prohibited

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

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

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

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

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

Clause 5.20(2) states:

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

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

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

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

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

Regarding subclause (a), the development does not propose any changes to the existing vehicular access to Lot 33. Regarding subclause (b), the development is not expected to adversely affect the safety, efficiency and ongoing operation of the classified road as it will not alter the design of existing vehicular access to the land, will not result in the emission of smoke or dust and will not contribute to traffic generation to the land on which the development is situated. Regarding subclause (c), the development is not considered sensitive to traffic noise or vehicle emissions.

5.5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 2 Coastal Management

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

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

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

Table 1 Chapter 2 Coastal Management Clause 2.10 Assessment

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

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

Clause 2.11(a) requires the consent authority to consider whether the proposed development is likely to cause an adverse impact on Subclause items (i) – (v) which are stated below:

Table 2 Chapter 2 Coastal Management Clause 2.11 Assessment

Criteria	Response
<i>i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability</i>	The proposed development will not have an adverse impact on safe access to any foreshore areas.
<i>ii. overshadowing, wind funnelling and the loss of views from public places to foreshores</i>	The proposed development will not have an adverse impact involving overshadowing, wind funnelling and the loss of views from public places to foreshores.
<i>iii. the visual amenity and scenic qualities of the coast, including coastal headlands</i>	The proposed development will not have an adverse impact on the amenity or scenic quality of the coast or any coastal headlands.
<i>iv. Aboriginal cultural heritage, practices and places</i>	NA. The proposed development will not impact any known Aboriginal cultural heritage, practices and places.

Criteria	Response
v. <i>cultural and built environment heritage</i>	NA. There are no known items of cultural or built environmental heritage impacted by the proposed development.

Chapter 4 Remediation of Land

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

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

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

Pursuant to Clause 4.6(2):

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

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

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

The proposed development relates to a change of use on land specified in subclause (4), specifically land referred to in Table 1 of the *Contaminated Land Planning Guidelines*. The site is located in a region of known asbestos contamination as well as mining and extractive industries. A review of the NSW EPA Contaminated Land Register revealed that Cormorant Road, Kooragang has a current contamination notice for Broken Hill Proprietary Company Ltd (BHP) for the Kooragang Island Emplacement Facility. This facility has been identified as being contaminated due to the carrying on of a prescribed activity with the effect of reasonably being believed to be affected by asbestos and asbestos wastes.

Whilst the site of the proposed development is located due east of the contaminated former BHP facility, due to previous activity within the locality and its industrial nature, it is likely that the site could contain contaminated material. As such, a Geotechnical and Contamination Report has been prepared by GHD. The findings of the report note that concentrations of contaminants were either below the laboratory limit of reporting (LOR) or the nominated health assessment criteria (HIL D/HSL D) for all samples analysed. All results were reported below the health and ecological assessment criteria for commercial/industrial land use. Based on the findings, soils present a low risk to human health and the environment under a commercial/industrial land use and are suitable in their existing state for the proposed purpose.

5.5.3 State Environmental Planning Policy (Industry and Employment) 2021

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

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

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

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

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

- (a) is consistent with the objectives of this Chapter as set out in clause 3.1(1)(a), and*
- (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
- (c) satisfies any other relevant requirements of this Chapter.*

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

Table 3 Assessment of Industry and Employment SEPP, Clause 3.1(1)(a) Aims and Objectives

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

Table 4 Assessment of Industry and Employment SEPP, Schedule 5 Criteria

Criteria	Response
1 Character of the area	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	Yes. The desired future character of the site relates to its existing industrial use in the Port of Newcastle Area. The proposed advertisement is compatible with the industrial character of the area and will not result in adverse impacts to the amenity.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	NA. There are no existing themes for outdoor advertising within the locality of the proposed development.
2 Special areas	
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open</i>	No. There is low scenic quality or heritage value within the viewshed of the proposed development. As such, the proposed signage will not detract from amenity or visual quality of the area.

Criteria	Response
<i>space areas, waterways, rural landscapes or residential areas?</i>	
3 Views and vistas	
<i>Does the proposal obscure or compromise important views?</i>	No. The proposed signage does not compromise any important views.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No. The proposed development will not protrude above the dominant skyline or reduce the quality of vistas.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	NA. There are no other advertisements located within the locality of the proposed development.
4 Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes. The scale, proportion and form of the proposed advertisement is appropriate and compatible with the modified industrial landscape and built form.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Yes. The proposed signage will add visual interest to the landscape by advertising third party content with a high quality static 'classic' and digital LED display.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	NA. There is no other outdoor advertising to rationalise within the locality of the proposed signage.
<i>Does the proposal screen unsightliness?</i>	Yes. The proposed signage screens unsightliness of NCIG wharf berthing facilities for eastbound traffic along Cormorant Road.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	No. The proposed signage will not protrude above the dominant skyline and has visual parity with its surroundings.
<i>Does the proposal require ongoing vegetation management?</i>	No. Ongoing vegetation management is not required.
5 Site and building	
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	Yes. The proposed freestanding advertisement is compatible with the site which currently comprises a temporary construction carpark and does not have any existing buildings.
<i>Does the proposal respect important features of the site or building, or both?</i>	NA. There are no identified features of built significance on the site. As such, the proposed signage does not detract in any way from important features of the site.
<i>Does the proposal show innovation and imagination in its</i>	Yes. The proposed signage is for a double-sided 'Super 8' advertisement which will display a static 'classic'

Criteria	Response
<i>relationship to the site or building, or both?</i>	advertisement to eastbound traffic and a digital LED advertisement to westbound traffic. The signs will be illuminated and achieve energy efficient and sustainable design.
6 Associated devices and logos with advertisements and advertising structures	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	Yes. The digital sign will be internally illuminated with brightness controlled to adjust to ambient light conditions. The classic static sign will be face lit using external lighting which will be secured to the advertising structure.
7 Illumination	
<i>Would illumination result in unacceptable glare?</i>	No. A Lighting Impact Assessment (LIA) has been prepared to assess the proposed signage against the requirements of the Chapter 3 of the Industry and Employment SEPP, Transport Corridor Outdoor Advertising & Signage Guidelines 2017 and AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting. The LIA has assessed maximum permissible luminance levels for the site under different lighting conditions including during night-time hours. The LIA concluded that the proposed signage will comply with the assessed maximum luminance levels and will not result in unacceptable glare.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	No. The LIA concluded that the proposed signage will not adversely impact the safety of pedestrians, residents or vehicular traffic.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No. No residences are located within view of the proposed signage.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Yes. The proposed advertisement display will have the capacity for luminance levels to be adjusted as required.
<i>Is the illumination subject to a curfew?</i>	No. The proposed advertisement will be in 24 hour operation.
8 Safety	
<i>Would the proposal reduce the safety for any public road?</i>	No. Two (2) Traffic Safety Assessments were prepared by Bitzios Consulting dated 11 January 2022 assessing both classic and digital advertisement displays. The assessment concluded that drivers will maintain clear sightlines to all potential traffic control devices, signage and hazards. The advertisements will not obstruct sightlines to nor impede on the decision making which may lead to road hazards for drivers.

Criteria	Response
	<p>The proposed digital sign will be located within approximately 60 metres of the Cormorant Road/Kooragang Rail Depot Access T-intersection, drivers will have sufficient reaction time make to make their lane choice. Driver approach does not involve complex decision making which may distract drivers at a critical time. It is further noted that the Kooragang Rail Depot Access road is not a public road and as such will be predominantly used by service vehicles only.</p> <p>Crash data for the relevant section of Cormorant Road was obtained from Transport for NSW and used to assess the crash history in proximity to the subject site. The crash data showed an extremely low crash rate which suggests an inherently low crash risk on approach to the site.</p> <p>Therefore, the proposed signage is not expected to reduce the safety of any public road. The Traffic Safety Assessments have been included in the supporting documentation for further detail.</p>
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	No. There are very few on-road cyclists in this area. Any change in pedestrian and cyclist safety risk associated with the signage installation is considered negligible.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No. There are unlikely to be (if any) pedestrians in this industrial area. As such, reductions in safety are considered negligible.

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

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

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

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

The proposed double-sided 'Super 8' advertisement has a height less than 8 metres above the ground and a display area of 19.95m² which is less than 20m². The display area of the advertisement is calculated separately for each side and is not the sum of the display areas of all sides. This is in accordance with Clause 3.2(2) of the SEPP which states the following:

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

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

Table 5 Assessment of Table 3 Guidelines Criteria for Digital Signs

Criteria	Response
a. <i>Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.</i>	The proposed signage will incorporate a static display without motion for the approved dwell time. The proposed dwell time for the advertisement is 25 seconds.
b. <i>Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.</i>	Displayed advertisements will be managed by oOh!media to ensure that message is designed to avoid sequencing which makes a driver anticipate the next message.
c. <i>The image must not be capable of being mistaken:</i> <ul style="list-style-type: none"> i. <i>for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device</i> ii. <i>as text providing driving instructions to drivers.</i> 	Displayed advertisements will be managed by oOh!media to ensure that images are not capable of being mistaken for traffic control devices or signs.
d. <i>Dwell times for image display must not be less than:</i>	The proposed signage is located on a road with a speed limit of 80km/h. The minimum dwell

Criteria	Response
<p>i. 10 seconds for areas where the speed limit is below 80 km/h</p> <p>ii. 25 seconds for areas where the speed limit is 80km/h and over.</p>	time of the proposed signage will not be less than 25 seconds.
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 signage will ensure a transition time of no longer than 0.1 seconds, and in the event of image failure, the default image will be a black screen.
f. Luminance levels must comply with the requirements in Section 3 below.	The luminance levels comply with the requirements of Section 3. Refer to the Lighting Impact Assessment included in the supporting documentation.
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.	Displayed advertisements will be managed by oOh!media to ensure that images do not unreasonably dazzle or distract drivers or contain flickering or flashing content.
h. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).	Displayed advertisements will be managed by oOh!media to ensure that text and information supplied on a sign is kept to a minimum.
i. Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	NA. The sign is not visible from a school zone.
j. Each sign proposal must be assessed on a case-by-case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign, and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	Noted.
k. At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues	Noted.

Criteria	Response
<i>are to be discussed between RMS and the sign owner and operator.</i>	

Table 6 Assessment of Guidelines Section 3 Road Safety Criteria

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

Criteria	Response
<i>incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photomontage should be used to assess this issue.</i>	give incorrect information on the road alignment. Refer to photomontages included in the Traffic Safety Assessments.
<p>d. <i>The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:</i></p> <p>i. <i>Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?</i></p> <p>i. <i>The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.</i></p>	The proposed advertisement will be located so that only glance appreciation is required, meaning drivers would not need to turn away from the road or traffic stream in order to view its display and/or message.
e. <i>The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.</i>	The advertisement will not create headlight reflections in the driver's line of sight given its proposed raised location and it will not tilt down towards them.
Proximity to decision making points and conflict points	
a. <i>The sign should not be located:</i>	The proposed sign will be located near the multi-lane Cormorant Road/Kooragang Rail Depot Access Road intersection. However, the signage

Criteria	Response
<p>i. <i>less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</i></p> <p>ii. <i>less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment</i></p> <p>iii. <i>so that it is visible from the stem of a T-intersection.</i></p>	<p>has been sited in a manner which will not result in material impact to driver safety or distraction.</p> <p>Eastbound drivers wishing to turn left onto Kooragang Rail Deposit Access Road will have visibility of the sign within 130 metres with simple glance appreciation to view it while maintaining clear sightlines to all potential traffic control devices, signage and hazards. Westbound drivers will have visibility of the sign within 300 metres and will similarly have glance appreciation whilst maintaining clear sightlines of traffic control devices and potential hazards. The location of the signage has been positioned such that westbound drivers wishing to turn left into the NCIG Access or right into the Kooragang Rail Depot Access Road would have already made their lane choice prior to looking at the proposed digital sign. The Traffic Safety Assessments have concluded that the intersection does not require rapid, complex decision making by the drivers and is not in a location of high cognitive load. As such, the location of the proposed signage is considered reasonable notwithstanding its location within view of a T-intersection.</p>
<p>b. <i>The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</i></p> <p>i. <i>of a road hazard</i></p> <p>ii. <i>to an intersection</i></p> <p>iii. <i>to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)</i></p> <p>iv. <i>to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.</i></p>	<p>The proposed sign will be located near the multi-lane Cormorant Road/Kooragang Rail Depot Access Road intersection. Eastbound drivers have sufficient sight distance and warning to the intersection/site, as well as all potential traffic hazards for make a decision (over 200m).</p>
Advertising signage and traffic control devices	
<p>a. <i>The advertisement must not distract a driver from, obstruct or reduce the visibility and</i></p>	<p>The advertisement will not distract a driver from or reduce the visibility and effectiveness of</p>

Criteria	Response
<i>effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</i>	directional signs, traffic signals, other traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment
<p><i>b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device. For example:</i></p> <p><i>i. Could the advertisement be construed as giving instructions to traffic such as 'Stop', 'Halt' or 'Give Way'?</i></p> <p><i>ii. Does the advertisement imitate a prescribed traffic control device?</i></p> <p><i>iii. If the sign is in the vicinity of traffic lights, does the advertisement use red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for traffic signal?</i></p>	<p>The advertisement will not interfere with the stopping sight distance. Displayed advertisements will be managed by oOh!media to ensure that images are not capable of being mistaken for traffic control devices or signs.</p>

Clause 3.21 of the Industry and Employment SEPP states:

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

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

5.6 Newcastle Local Environmental Plan 2012

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

5.7 Proposed Environmental Planning Instruments

5.7.1 Draft Remediation of Land SEPP

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

5.8 Newcastle Development Control Plan 2012

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

- Section 3.13 Industrial Development
- Section 5.02 Land Contamination

5.8.1 Section 3.13 Industrial Development

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

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

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

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

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

5.8.2 5.02 Land Contamination

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

Table 7 NDCP 2012 Section 5.02 Assessment

Criteria	Assessment
<p>5.02.01(B)(2) Determining if a site investigation is required:</p> <p><i>If there are indications that:</i></p> <p><i>(a) the land is or may be contaminated land, or</i></p> <p><i>(b) there is insufficient information on which to make a decision, a site investigation process is to be carried out in accordance with the Contaminated Land Planning Guidelines.</i></p>	<p>Refer to Geotechnical and Contamination Report prepared by GHD which supports this Statement.</p>
5.02.03 Remediation work	<p>Refer to Geotechnical and Contamination Report prepared by GHD which supports this Statement.</p> <p>As per the report recommendations, no remediation is deemed necessary to make the site suitable for the proposed development.</p>

5.9 Development Contributions

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

6 Likely Impacts of the Development

6.1 Environmental Impacts

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

6.1.1 Access, Traffic Pedestrian links and public transport

Two (2) Traffic Safety Assessments have been prepared for the proposed development by Bitzios Consulting which accompany this Statement. The report examines the traffic and safety implications of the proposed development and has assessed the impacts against the criteria specified in SEPP 64 and the Transport Corridor Outdoor Advertising & Signage Guidelines 2017.

The proposed advertisement will be located approximately 60 metres from the Cormorant Road/Kooragang Rail Depot Access intersection, however, will be visible 300 metres west of the proposed sign and 400 metres east of the proposed sign when viewed from Cormorant Road. The advertisement will not obstruct sight lines or otherwise reduce safety of the public road. Access to the site for service and maintenance of the proposed development will be available from the contractor car park adjacent to the NCIG Wharf Facility.

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

6.1.2 Flora and Fauna

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

6.1.3 Light Impacts

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

The proposed signage is located in an Environmental Zone A4 under *AS4282 Control of the Obtrusive Effects of Outdoor Lighting* with a maximum night-time luminance of 350 cd/m². It is noted, however, that under the Transport Corridor Outdoor Advertising & Signage Guidelines, the maximum night-time

luminance of an externally illuminated static sign within Zone 3 is 200 cd/m², a quarter of day-time levels. The proposed externally illuminated classic signage and internally illuminated digital LED sign will be capable of complying with the maximum permitted luminance level and will be visually consistent with the existing ambient lighting and suitable for the local area. No residential developments will be impacted by the light from the proposed signage.

6.1.4 Visual Impact

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

6.1.5 Waste Management

The proposed development will require minor excavation in the temporary construction car park located southeast of the Cormorant Road/Kooragang Rail Depot Access Intersection. Excavation works will secure the footings for the pylon. The amount of excavated spoil is expected to be less than 10m³. Components for the advertising structure and classic and digital displays will be prefabricated and delivered to site for installation. As such, construction waste will be minimal and is expected to be less than 5m³.

An onsite compound will be set up using temporary site fencing to contain all equipment and materials for the duration of the works. This is expected to require 5 - 6 spaces within the existing car park. No ongoing waste will be generated by the development.

6.2 Social Impacts

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

6.3 Economic Impacts

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

7 Suitability of the Site

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

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

8 Submissions

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

9 Public Interest

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

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

10 Conclusion

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