



Digital Advertising Signage – City West Link, Lilyfield

DA22/9255

April 2024



Title: Digital Advertising Signage – City West Link, Lilyfield

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Transport Asset Holding Entity of NSW (Sydney Trains)
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Inner West Council
DA	Development Application
Dwell time	The amount of time an advertising image is displayed, before transitioning to another
DCP	Development Control Plan
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
ESD	Ecologically Sustainable Development
Industry and Employment SEPP	State Environmental Planning Policy (Industry and Employment) 2021
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RMS	Roads and Maritime Services, TfNSW
RtS	Response to Submissions
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State Environmental Planning Policy
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEE	Statement of Environmental Effects
TfNSW	Transport for NSW
Transition time	The amount of time taken to change from one image to another

Executive Summary

This report provides an assessment of a Development Application (DA) seeking consent to install a double-sided digital advertising sign on the northern side of Brenan Street/City West Link in Lilyfield (DA 22/9255).

The DA was lodged by Transport Asset Holding Entity of NSW (Sydney Trains) (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Engagement

The application was exhibited for 28 days from 19 August 2022 to 15 September 2022. During the exhibition period the Department received 21 submissions, including advice from two government agencies, one objection from Council and 18 objections from the public.

A further 22 public submissions were received throughout the assessment process from previous submitters. On Friday 16 June 2023, the Department conducted a site visit and met with residents to better understand their concerns.

The key issues raised in public submissions relate to visual impacts, site suitability, illumination impacts, road and pedestrian safety and public benefits. Council objected to the proposal, raising concerns regarding visual and illumination impacts, site suitability, cumulative amenity impacts to residents along the City West Link, and unclear public benefits.

The Applicant submitted a Response to Submissions (RTS) and multiple responses to additional requests for information to address issues raised in submissions. To further reduce the visual and illumination impacts of the signage, the Applicant relocated the sign 18 m to the west (directly opposite a cul-de-sac), lowered the signage height by 500mm, introduced a lighting curfew from 10pm to 6am (where the sign would be completely turned off) and reduced the night-time luminance on the westbound panel by 50%.

Assessment

The Department has undertaken a detailed assessment of the proposal and carefully considered the issues raised in submissions. The Department considers the proposal is acceptable for the following reasons:

- it is permissible with development consent on transport corridor land under the Industry and Employment SEPP and consistent with the objectives of the SEPP and the Guidelines
- the amendments made to the sign, including relocating it further to the west and reducing its height, luminance and operating hours would minimise its visual and amenity impacts
- while the proposed sign would be located opposite to a residential/non-commercial area, it would be appropriately positioned directly across from a cul-de-sac and integrated into its primary setting comprising a rail corridor located next to a major arterial road
- it complies with the relevant road safety standards and requirements, is not located within the safe stopping distance of any intersections, and potential distraction near decision-making points at residential driveways would be appropriately monitored and rectified if required
- its luminance levels are consistent with the Guidelines and Australian Standards and the sign would not be illuminated from 10pm to 6am to protect the amenity of surrounding properties and safety of drivers
- it would provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

In addition, the Department has recommended a suite of conditions to ensure the potential impacts of the proposal are appropriately minimised. This includes a recommended condition of consent, requiring the height of the sign to be further reduced by 1.2 metres. Although the proposed sign would still be visible to nearby residents, the Department considers that further reducing the height of the sign would strike an appropriate balance between minimising its impacts as much as possible while still permitting a viable advertising structure at this location.

Based on the above reasons and the recommended conditions of consent, the Department considers the proposal is in the public interest and recommends the application be approved.

Contents

Executive Summary	iv
1 Introduction	1
1.1 The site	1
1.2 Surrounding area	3
2 Project	6
3 Statutory Context	8
3.1 Consent Authority	8
3.2 Permissibility	8
3.3 Mandatory Matters for Consideration	8
4 Engagement	9
4.1 Department's engagement	9
4.2 Council submission and agency advice	9
4.3 Public submissions	9
4.4 Applicant's response to submissions	10
4.5 Further public submissions	11
4.6 Additional information	12
4.7 Further Council submission	12
4.8 Additional information	13
Assessment	14
5.1 Visual impact	14
5.2 Site suitability	17
5.3 Illumination	19
5.4 Road and pedestrian safety	20
5.5 Public benefit	26
5 Evaluation	28
6 Recommendation	29
7 Determination	30
Appendices	31
Appendix A – List of referenced documents	31
Appendix B – Consideration of Public Submissions	32
Appendix C – Statutory Considerations	36
Appendix D – Recommended Instrument of Consent	50

1 Introduction

This report provides an assessment of a Development Application (DA) seeking consent to construct a new digital advertising sign on Brenan Street/City West Link, Lilyfield. The site sits within the Inner West local government area (LGA) (DA 22/9255).

The DA was lodged by Transport Asset Holding Entity of NSW (Sydney Trains) (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 The site

The site is located on an embankment next to a segment of the City West Link known as Brenan Street, Lilyfield, between Catherine Street and Balmain Road opposite Pretoria Street (**Figure 1 to Figure 3**).

The City West Link is a four-lane classified road (under the *Roads Act 1993*) forming part of Sydney's arterial road network, which travels in an east/west direction with a legal speed limit of 70km/h.

The site is 190 m to the east of the signalised intersection of City West Link/Brenan Street and Balmain Road, and 160 m to the west of the signalised intersection at City West Link/Brenan Street and Catherine Street. The site is located approximately 170 m to the west of the Lilyfield light rail stop. It is located within the light rail corridor curtilage and visible from the road corridor.

The site is legally defined as Lot 1 DP 1258121 and is owned by Transport Asset Holding Entity.



Figure 1 | Local context of the site (Base Source: NearMap).



Figure 2 | Existing view without the proposed sign - eastbound (Source: Applicant's SEE).



Figure 3 | Existing view without the proposed sign – westbound (Source: Department Site Visit)

1.2 Surrounding area

Surrounding development comprises low scale residential housing to the north and south and mix of light industrial and commercial uses to the north-east and further west (**Figure 4** to **Figure 7**).

Residential properties between Balmain Road and Catherine Street, south of the City West Link, mainly face east towards the city and away from the proposed sign (**Figure 4**).



Figure 4 | Site and surrounding development (Base Source: Nearmap)



Figure 5 | Residences opposite the proposed sign (24 Pretoria Street left and 92-94 Brennan Street right) (Source: Google Maps)



Figure 6 | 72 Brenan Street opposite to the east of the proposed sign (Source: Google Maps)



Figure 7 | View towards the residential area of Lilyfield to the north of the City West Link and the city skyline (Source: Google Maps)

There are two existing landscape oriented digital advertising signs located within 450 m of the site on the City West Link/Brenan Street (**Figure 4**). One sign faces east and is visible to westbound traffic (**Figure 8**) and the other faces west and is visible to eastbound traffic (**Figure 9**). The signs are not visible from residential properties along the southern side of the City West Link as they are screened by an acoustic wall and mature vegetation (**Figure 9**).



Figure 8 | Nearby existing sign facing east and visible to westbound traffic located approximately 290m east of the proposed sign (Source: Google Maps)



Figure 9 | Nearby existing sign facing west and visible to eastbound traffic located approximately 420m east of proposed sign (Source: Google Maps)

2 Project

DA 22/9255 seeks consent to install a double-sided digital advertising sign, located on the northern side of City West Link, also known as Brenan Street in Lilyfield. The sign would measure 14.16m² (3.072m x 4.608m) and is portrait layout affixed to a monopole. The proposed design and operation specifications of the signage is outlined in **Table 1** and **Figure 10** to **Figure 12**.

Table 1 | Details of the proposed signage

Aspect	Description
Advertising display area	14.93m ² (3.172m x 4.708m)
Visual screen size	14.16m ² (3.072m x 4.608m)
Height	25.51 RL (6.38m above City West Link Road)
Road clearance	1.17m clearance to ground level (City West Link Road)
Signage display	Digital LED screen
Hours of operation	6am to 10pm, 7 days a week.



Figure 10 | Photomontage of view of the sign (as amended) from City West Link travelling east (Source: RtS).

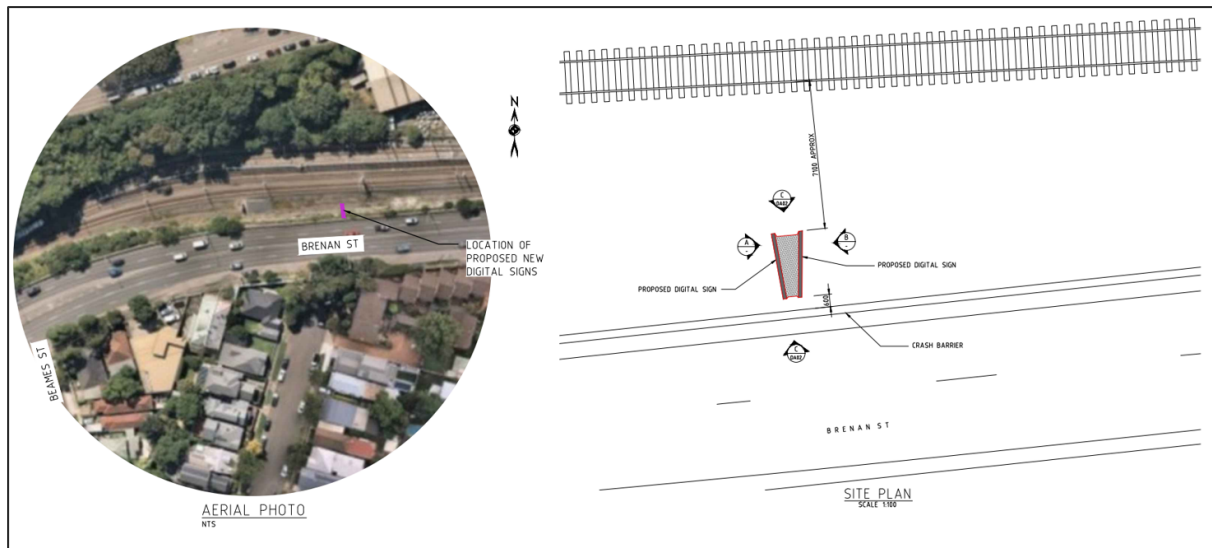


Figure 11 | Site plan (Source: revised Architectural Plans)

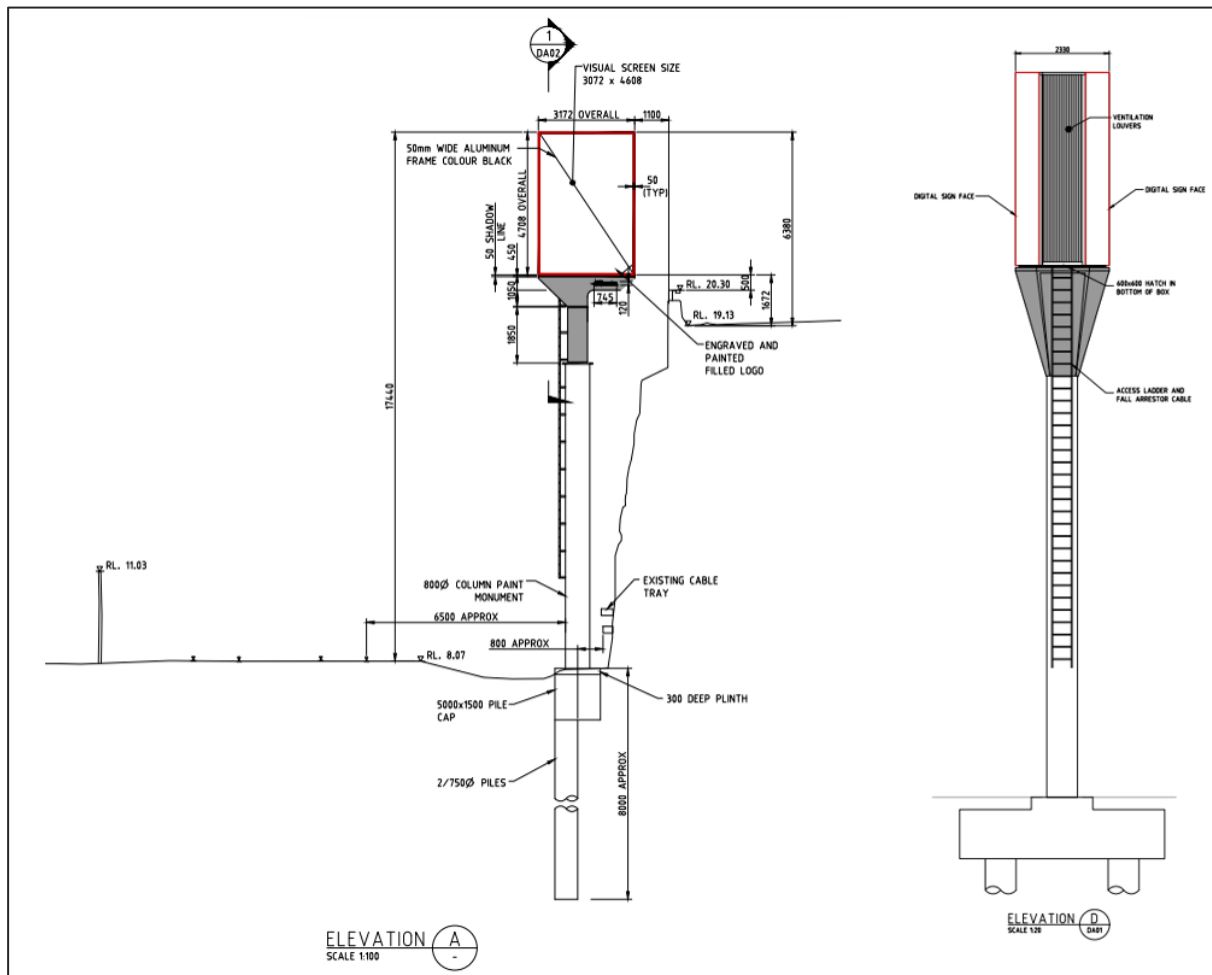


Figure 12 | Digital sign elevations (Source: revised Architectural Plans)

3 Statutory Context

3.1 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application in accordance with 3.10(c) of *State Environmental Planning Policy (Industry and Employment) 2021*, as the DA relates to an advertisement displayed by or on behalf of Sydney Trains on a railway corridor.

In accordance with the Minister's delegation dated 9 March 2022, the Deputy Secretary, Development Assessment and Sustainability, may determine the application as:

- the relevant Council has made an objection
- there are more than 15 public submissions in the nature of objection
- a political disclosure statement has not been made
- the Minister is the designated consent authority under an environmental planning instrument.

3.2 Permissibility

As the development involves the display of an advertisement on transport corridor land by or on behalf of Sydney Trains, it is identified as permissible with development consent pursuant to Clause 3.14(1)(a) of *State Environmental Planning Policy (Industry and Employment) 2021*.

3.3 Mandatory Matters for Consideration

The Department has considered the following relevant mandatory matters for consideration in its assessment of the proposal (refer to **Section 5** and **Appendix B** of this report):

- objects of the EP&A Act
- the matters in section 4.15(1) of the EP&A Act:
 - relevant Environmental Planning Instruments (EPIs) and proposed instruments
 - any development control plan
 - any planning agreements
 - Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)
 - likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts
 - suitability of the site
 - any submissions
 - the public interest.

4 Engagement

4.1 Department's engagement

The Department exhibited the application on its website from 19 August 2022 to 15 September 2022 (for 28 days). The Department also notified surrounding landholders in writing and consulted with Inner West Council (Council) and Transport for NSW (TfNSW).

On Friday 16 June 2023, the Department conducted a site visit and met with residents to better understand their concerns.

4.2 Council submission and agency advice

The key issues raised by Council in its submission and advice from government agencies can be found in full in **Appendix A** and are summarised below in **Table 2**.

Table 2 | Summary of Council and Agency Advice

Inner West Council (Council)	
SEE	<ul style="list-style-type: none">Council objected to the proposal and raised concerns regarding the illumination impacts and cumulative amenity impacts resulting from the two nearby existing advertising signs. Council also highlighted the need to ensure ongoing safety of drivers and pedestrians.
RTS	<ul style="list-style-type: none">Council acknowledged the amendments made to the proposal would marginally reduce amenity impacts for nearby residents however it maintained its objection and stated the sign would be detrimental to iconic views of the harbour and the cityscape from the public domain and would result in visual clutter.
TfNSW (Roads)	
EIS	<ul style="list-style-type: none">TfNSW (Roads) gave its concurrence to the proposal, subject to its requirements, including signage content requirements, the implementation of a 25 second dwell time, preparation of an independent Road Safety Assessment (RSA) after 12 months of operation and review of this RSA by TfNSW, being included in the development consent and the Department's approval.
TfNSW (Light Rail)	
EIS	<ul style="list-style-type: none">TfNSW (Light Rail) noted the development application includes the construction of a sign that is near to the Sydney Light Rail corridor, and the light rail infrastructure must be protected and any disruptions to its operation are to be minimised. TfNSW (Light Rail) recommended a range of conditions to minimise the disruption to the light rail operation during construction and operation of the sign.

4.3 Public submissions

Eighteen unique submissions were received from the public in response to the exhibition. All submissions objected to the proposal as summarised in **Table 3**.

Table 3 | Summary of Public Submissions

Key Issue	Percent of submissions	Explanation
Site suitability	83%	<ul style="list-style-type: none"> The site is unsuitable as it is situated nearby residents. Sydney Trains has extensive infrastructure whereby similar signs could be located away from residential areas. The site is in close proximity to existing digital advertising signage.
Illumination	89%	<ul style="list-style-type: none"> Impacts resulting from the illumination of the sign, including sleep disturbance and harm to night-time amenity from light spill. The lighting impact assessment did not adequately consider individual residences located near the proposed sign.
Visual Impact	78%	<ul style="list-style-type: none"> Visual impacts for road users viewing the city, from the public domain and residential properties. Visual impacts would negatively affect the amenity of the area.
Road safety	22%	<ul style="list-style-type: none"> The sign would present a traffic safety hazard by distracting road users. Safety impacts to vehicles entering and exiting the garage at 72 Brenan Street.
Public benefit	17%	<ul style="list-style-type: none"> The proposal would not benefit the local community and that public benefits are not clear. The proposal should include compensation to the local community and beautification of the catchment area.
Devaluation of property	17%	<ul style="list-style-type: none"> The proposal would decrease the value of surrounding properties particularly those that have full view of the signage.
Cumulative impacts (particularly with Westconnex)	17%	<ul style="list-style-type: none"> Cumulative impacts associated with the construction of Westconnex, including air quality and noise impacts which, combined with the proposal, would lead to further reduction in local amenity.
Compliance with legislation	11%	<ul style="list-style-type: none"> The proposal does not comply with Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021, particularly regarding provisions relating to the compatibility of the signage with the surrounding residential area. The proposal does not comply with the zoning objectives of the SP2 zone in the Inner West Local Environmental Plan 2022

4.4 Applicant's response to submissions

On 20 March 2023, the Applicant provided a Response to Submissions (RtS) which included amendments in response to the issues raised in public submissions and government agency advice.

The proposed amendments include:

- relocating the sign 18 m to the west along the City West Link
- angling the signage panels to ensure they are splayed and therefore oriented towards the road corridor rather than residential dwellings to control light spill (**Figure 13**).

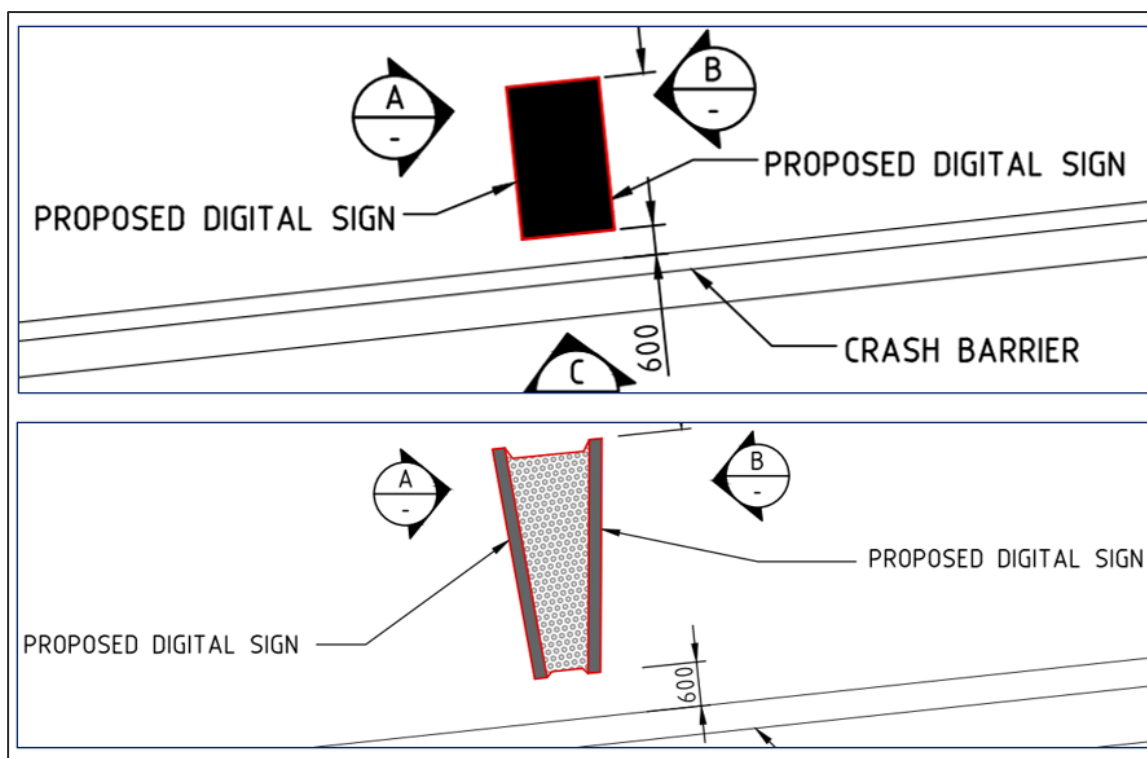


Figure 13 | Original proposed signage structure (above) compared to splayed signage structure (below) (Source: Architectural Plans and revised Architectural Plans)

As a result of these changes the Applicant also submitted an assessment of visual impacts to neighbouring residents, updated architectural plans, a revised lighting assessment and a revised traffic report. A link to the RtS and additional information is provided in **Appendix A**.

4.5 Further public submissions

Throughout the assessment period, 22 additional submissions were received from previous public submitters. All submissions maintained their objection to the proposal as summarised in **Table 4**.

Table 4 | Summary of further public submissions

Key Issue	Percent of submissions	Explanation
Site suitability	25%	<ul style="list-style-type: none"> Despite the proposed amendments, the proposal would have significant and unacceptable amenity impacts to nearby residents. There are other locations that the sign could be located away from existing residents The sign is too large and protrudes above existing structures.
Illumination	45%	<ul style="list-style-type: none"> Impacts resulting from the illumination of the sign, including sleep disturbance and harm to night-time amenity from light spill. Illumination impacts would impact residents before 11pm The illumination curfew could be removed post approval.
General objection/re-iterate	27%	<ul style="list-style-type: none"> Submitters reiterated previous objections.

Key Issue	Percent of submissions	Explanation
previous objection		
Visual Impact	27%	<ul style="list-style-type: none"> Visual impacts from surrounding residential properties. The visual impact assessment and photomontages provided by the Applicant are misleading, inaccurate as they are taken at ground level whilst views from the affected properties are above ground level and do not include measurements to specify the exact location of the signage. The density of screening vegetation varies throughout the year.
Road safety	14%	<ul style="list-style-type: none"> The sign would present a traffic safety hazard by distracting road users. Safety impacts to vehicles entering and exiting the garage at 72 Brennan Street.
Cumulative impacts	9%	<ul style="list-style-type: none"> Cumulative impacts of the proposal in conjunction with disruption caused by WestConnex construction works.
Public benefits	5%	<ul style="list-style-type: none"> The proposal does not provide a compensatory social benefit to nearby residents.
Devaluation of property	4%	<ul style="list-style-type: none"> The proposal would decrease the value of surrounding properties due to illumination and visual impacts.
Consultation	4%	<ul style="list-style-type: none"> The revised documentation provided by the Applicant was not sent directly to the impacted residents

4.6 Additional information

On 17 August 2023, the Applicant provided additional information and proposed further measures to reduce the visual and illumination impacts of the signage, including:

- lowered the signage height by 500mm to align the with the crash barrier
- introduced a lighting curfew from 11pm to 6am where the sign would be completely turned off (no illumination).

4.7 Further Council submission

On 4 December 2023, on behalf of its Mayor, Council wrote separately to the Minister for Planning and Public Spaces raising concerns that:

- the sign would compound the existing negative amenity impacts of the City West Link Road corridor on surrounding residents
- the link between the additional revenue generated for TfNSW and the public benefit for residents and road users is clear
- the benefit to TfNSW in terms of income raised compared to the residents and road users is not significantly material.

4.8 Additional information

On 7 March 2024, the Applicant proposed further measures to further mitigate the visual and impacts of the signage, including:

- increasing the lighting curfew by an additional hour (10pm to 6am)
- proposing a 50% reduction in the night-time luminance on the westbound panel (from 200 cd/m² to 100 cd/m²).

Assessment

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

- visual impact
- site suitability
- illumination
- road and pedestrian safety
- public benefit.

These issues have been considered in below. The Department has also undertaken a full assessment of the proposal against the Industry and Employment SEPP and the Transport Corridor and Outdoor Advertising Guidelines at **Appendix C**.

5.1 Visual impact

The proposed sign would have a visible screen area of 14.16 m² and would be visible from residential properties located between Catherine Street and Balmain Road to the south and from Lilyfield Road and Trevor Street to the north (**Figure 4**). The Applicant provided a Visual Impact Assessment (VIA) which used six viewpoints from the surrounding public domain to assess the visual impacts on the surrounding visual catchment.

The majority of public submissions raised concerns about the visual impact of the sign to neighbouring residential properties and considered the Applicant's Visual Impact Assessment to be inaccurate as it was prepared with images taken at ground level, while views from the affected properties are above ground level.

Council also objected to the proposed sign and considered that it would result in unacceptable view impacts to iconic views of the harbour and the cityscape from the public domain and result in visual clutter due to the proximity of nearby signage along the City West Link (**Figure 1**).

Noting the concerns raised by the community and Council, the Department requested the Applicant to update the visual impact assessment to better represent the views experienced from residential properties, explore other potential locations, and reduce the sign's size to reduce both its visibility from neighbouring residential properties and the visual impact on the city skyline viewed from the City West link.

In response, the Applicant:

- relocated the sign 18 m to the west along the City West Link, adjacent to a large acoustic wall and dense mature vegetation opposite to reduce the visual impacts to residential properties
- amended the design of the sign to lower it by 500mm so that would sit in line with the crash barrier to reduce the visual impacts on the city skyline
- angled the signage panels to ensure they are splayed and oriented towards the road corridor rather than residential dwellings.

The Applicant also provided an additional assessment which considered the visual impacts of the proposal on nine residential properties in its visual catchment (**Figure 14**).



Figure 14 | Neighbouring residential properties (Base Source: Nearmap)

The assessment concluded that amenity impacts to the nine identified residential properties would be minor and acceptable and are an improved outcome compared to the previous proposed location as:

- the dwellings at 72 Brenan Street (approx. 35m away), 24 Russell Street (approx. 50m away) and 62-70 Brenan Street (approx. 95m away) are oriented at an angle away from the sign and would not have direct view lines towards the sign
- the dwellings at 21 Pretoria Street (approx. 25m away) are oriented towards Pretoria Street away from the proposed sign and are screened by mature vegetation at the end of the Pretoria Street cul-de-sac
- the dwellings at 24 Pretoria Street (approx. 30m) and 92-94 Brenan Street (approx. 50m away) are screened by mature vegetation and fencing which reduces visual impacts
- 107 Lilyfield Road is located a significant distance from the proposed sign (approx. 125m away) and is oriented south-east, whilst the sign would be located to the south-west, and therefore would not have direct view lines towards the sign
- 24 and 27 Trevor Street (approx. 105m and 92m away respectively) have primary frontages to Trevor Street, are located a substantial distance from the proposed sign and are screened by mature vegetation.

In response to concerns raised by the community, the Applicant provided a photomontage using an image provided by the resident at 24 Pretoria Street (**Figure 15**).



Figure 15 | Indicative view from 24 Pretoria Street bedroom looking north-east (Source: DPE/JCDecaux)

Notwithstanding the amendments to the siting and design of the sign, Council and public submitters maintained their objections to the proposal. Council reiterated that the proposal would have view impacts from the public domain and would result in visual clutter. One public submission considered that the photomontages provided by the Applicant are misleading and do not include measurements to specify the exact location of the proposed signage.

The Department has carefully considered the concerns raised by the community and Council and the amendments made by the Applicant. While the Department acknowledges relocating the sign and reducing the height by 500m would help to reduce its visual impact, the Department notes that even in its revised form, due to its height, the proposed sign would still be in the field of view of four neighbouring properties being 107 Lilyfield Road, 21 Pretoria Street, 72 Brenan Street and 24 Pretoria Street.

To address the concerns raised, the Department recommends a condition be imposed, requiring the height of the sign to be further reduced by at least 1.2 metres. This could be achieved by reorienting the sign to a landscape format, lowering the signage structure, or reducing the overall size of the sign. Although this change would not eliminate the visibility of the sign from neighbouring properties, the Department considers that it would strike a reasonable balance between minimising the visual impacts of the proposal as much as possible while at the same time permitting feasible advertising signage at this location.

Overall, the Department considers the visual impacts of the sign on surrounding residential properties would be low and acceptable as:

- requiring the height of the sign to be reduced by a further 1.2m would appropriately reduce visual impacts on neighbouring residential properties, particularly views from the bedroom at 24 Pretoria Street, as well as impacts on views of the city skyline from the western approach of City West Link.
- the sign is positioned directly opposite the Pretoria Street cul-de-sac to minimise view impacts to neighbouring properties.

- the sign would sit more comfortably within the view of the city skyline from the western approach of City West Link and against the tree line from the eastern approach, significantly reducing its visual prominence in views from the public realm.
- existing structures including dense vegetation and acoustic fencing would assist in obscuring views towards the proposed sign from residential properties at 21 Pretoria Street located approximately 30 m away from the proposed sign (with view lines away from the proposed sign and towards Pretoria Street) and 24 Pretoria Street.
- the north/south orientation of the most affected residential dwellings at 72 Brenan Street limit direct view lines towards the proposed sign and reduces its visual prominence.
- the sign would not obscure or compromise important views, dominate the skyline, or reduce the quality of vistas of any environmentally sensitive areas, heritage areas or open space as required under the Industry and Employment SEPP and associated guidelines (a full assessment of the signage against the Industry and Employment SEPP is included at **Appendix C**).

The Department's assessment, therefore, concludes the proposal would not result in any unreasonable visual impacts subject to the recommended conditions of consent.

5.2 Site suitability

Council and public submissions raised concerns about the suitability of the site, noting the residential character of the area and proliferation of signage, particularly as there are two existing digital advertising signs on the City West Link located approximately 300 m and 450 m to the east of the proposed sign (**Figure 16**).

Council recommended the sign be relocated approximately 500 m to the east of the eastern-most existing sign to reduce amenity impacts and cumulative impacts resulting from the proliferation of signage (**Figure 17**).



Figure 16 | Proximity of existing digital advertising signage (shown in blue) to the approximate location of the proposed signage (shown in red) (Source: Council's submission on the SEE)

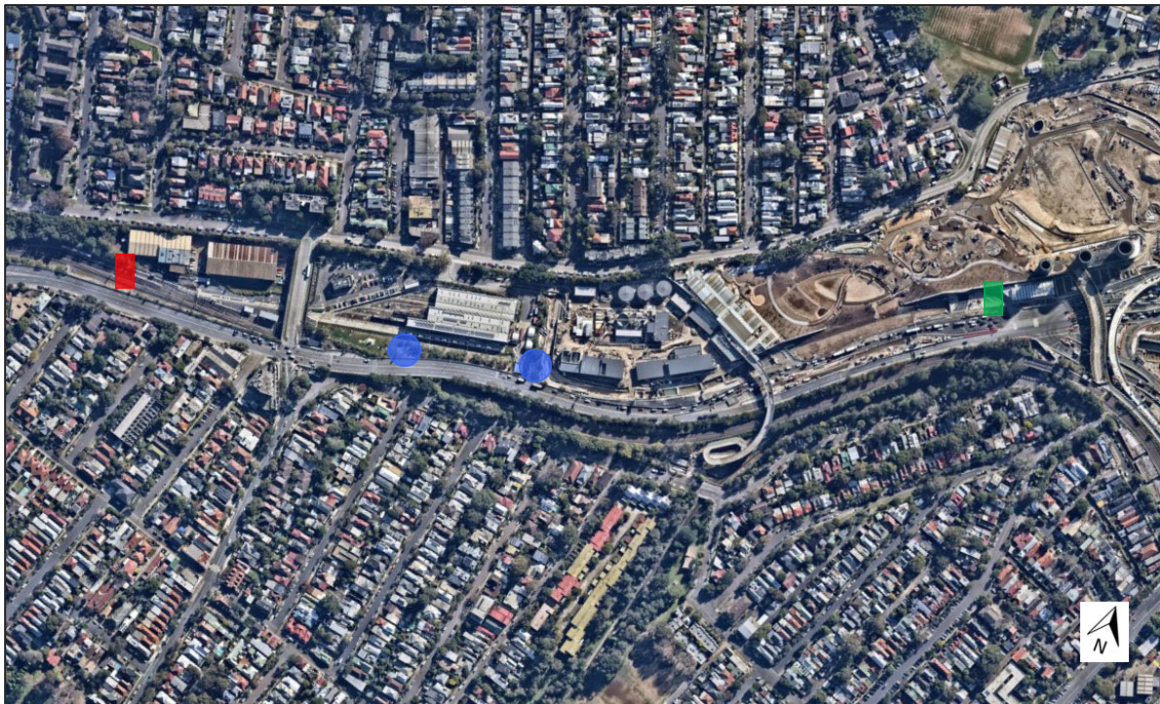


Figure 17 | Council's recommended signage location (green), existing signage (blue) and location of the proposed signage (red) (Base Source: Nearmap)

The Applicant reviewed the proposed location recommended by Council and considered it to be unsuitable as the land is not owned by Sydney Trains and would require the removal of existing vegetation. Instead, the Applicant proposed to relocate the sign 18 m to the west along the City West Link. The Applicant considers that the revised signage location would reduce visual impacts to residential properties as it would be located directly opposite the Pretoria Street cul-de-sac which is screened by a large acoustic wall and dense mature vegetation.

Council acknowledged the relocation of the sign would marginally reduce amenity impacts for nearby residents, however, it reiterated its objection to the proposed location due to view impacts from the public domain and visual clutter. Public submissions reiterated that the site is not suitable for the proposed signage due to being located opposite residential properties.

As discussed in **Section 5.1**, the Department has recommended a condition of consent to require the Applicant to re-design the sign to further reduce its height by a minimum of 1.2 metres. Subject to the amended design, the Department considers, on balance, the revised location of the proposed signage is acceptable as:

- while the proposed sign would be located in a residential/non-commercial area, it would be integrated into its primary setting comprising a rail corridor located next to a major arterial road
- the proposed sign would not result in any unreasonable visual impact on adjoining residences or the public domain, subject to conditions lowering its height, reducing its luminance levels and extending its curfew period (**Section 5**)
- the sign would not result in visual clutter as other existing advertising signs are located between 300m and 450m away and due to the curved nature of the road would not be in the same field of view from any residences or passing vehicles

- the sign is not located within the safe stopping distance of an intersection and there are no other identified traffic or road safety concerns (refer **Section 5.4**).

The Department is therefore satisfied, subject to the recommended conditions, that the site is suitable for the proposed digital advertising signage and would not result in adverse impacts to surrounding residents and the character of the surrounding residential area.

5.3 Illumination

Concerns were raised by Council and in public submissions regarding the potential for light spillage into residential properties.

The Applicant's Lighting Impact Assessment (LIA) assessed the luminance against the Guidelines and categorised the site as being within 'Zone 4' (areas with generally low levels of off-street ambient lighting e.g. most rural areas, or areas that have residential properties nearby) (**Table 5**).

Table 5 | Maximum luminance for signage and proposed luminance

Lighting Condition	Maximum permissible luminance (cd/m ²)	Eastbound Face Luminance (cd/m ²)	Westbound Face Luminance (cd/m ²)	Compliance
Full sun on face of signage	No limit	No limit	No limit	Yes
Day time luminance	6,000	6,000	6,000	Yes
Morning and evening twilight and inclement weather	500	500	500	Yes
Night-time	200	54	200	Yes

The LIA also assessed the signage against the requirements of Australian Standard *AS4282-2019 - Control of the Obtrusive Effects of Outdoor Lighting* 'Environmental Zone A3' under AS 4282 (areas with medium district brightness e.g. suburban areas in towns and cities) and concludes the sign:

- would have a maximum lux level at nearby dwellings which complies with the lux level of 2 allowed under AS4282, including:
 - 0.8 lux for the eastbound face at nearby dwellings when set to 54 cd/m² at night-time
 - 1.6 lux for the westbound face at nearby dwellings when set to 200 cd/m² at night-time
- would comply with the maximum 20% threshold increment (disability glare) control under AS4282 which ensures it would not result in any unacceptable glare or distraction to drivers or any reduction in visual amenity to nearby residences.

However, to address the concerns raised by Council and in public submissions, the Applicant agreed to a lighting curfew from 10pm to 6am where the sign would be completely turned off (no illumination), a further 50% reduction in the night-time luminance of the westbound face to 100 cd/m² and proposed design improvements including a splayed structure which would ensure the signage panels are

angled towards the transport corridor to control light spill and minimise impacts on residential properties.

The Department has considered the Applicant's LIA, the concerns raised by Council and in public submissions and the Applicant's response and considers the illumination impacts of the amended sign on surrounding residential properties would be low and acceptable as:

- the proposal would comply with the luminance criteria set out in the Guidelines and has been further reduced during the limited night-time period to mitigate impacts to surrounding residential properties
- it would have no illumination impacts to surrounding residents during the 10pm to 6am curfew period
- it is located in an urban area, along a major road, where other night-time light sources, including street lighting, provide a medium level brightness
- the proposed illumination levels during the morning, evening, inclement weather and night-time periods align with the most sensitive Zone 4 criteria in the Guidelines to protect the amenity of surrounding residential properties
- it complies with the relevant lux and threshold increment requirements under AS4282 and would not result in adverse light impacts.

The Department therefore concludes the sign will not result in any adverse illumination impacts on surrounding properties.

5.4 Road and pedestrian safety

The proposed sign would be visible to traffic travelling on the City West Link on the west and east approach. Public submissions raised road and pedestrian safety concerns.

The Applicant provided a Digital Sign Traffic Safety Assessment (SSA) that considers the proposal against the statutory requirements of the Industry and Employment SEPP and the Guidelines. The SSA also assessed the signage exposure, safe stopping distance and proximate crash history from both the eastbound and westbound approaches and are considered separately below.

The Applicant provided updated SSAs for both approaches to the sign after it was relocated 18m to the west in response to community submissions.

Eastbound Approach

The City West Link eastbound approach has a speed limit of 70km/h and the sign would be visible to traffic for approximately 160 m from the two eastbound lanes (**Figure 18** and **Figure 19**).

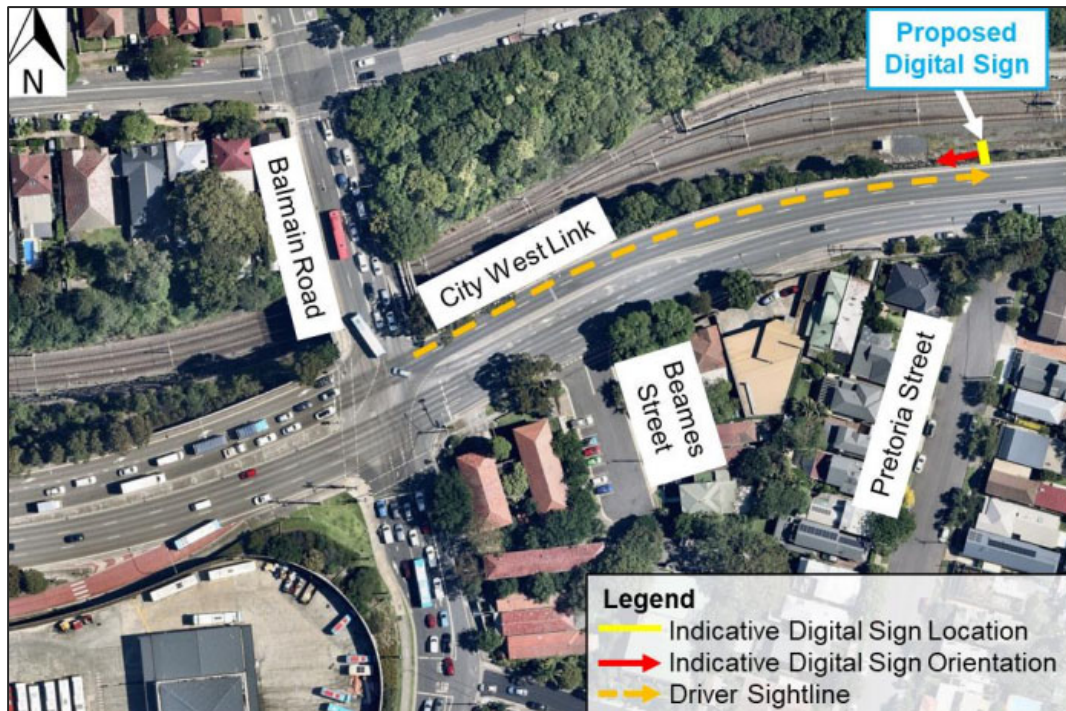


Figure 18 | Driver sightlines of proposed sign (Source: Applicant)



Figure 19 | Vehicle sightlines to sign location travelling eastbound on City West Link (Source: Applicant)

Due to the curve in the road when approaching the sign, there are no decision points within view of the proposed sign. The nearest decision point is the City West Link/Catherine Street signalised intersection, approximately 185m east, ahead of the proposed sign (**Figure 20**).



Figure 20 | Proximity of the Catherine Street/City West Link intersection to the proposed signage location (Base Source: Nearmap).

The Applicant's SSA identifies that in the eastbound direction, the sign is not located within the safe stopping distance of any intersections.

Westbound Approach

The City West Link westbound approach has a speed limit of 70km/h and the sign would be visible to traffic for approximately 245m from the two westbound lanes. One of the two lanes allows left turns into Lonsdale Street (**Figure 21** and **Figure 22**).



Figure 21 | Driver sightlines to the proposed sign (Source: Applicant)



Figure 22 | Vehicle sightlines to sign location travelling westbound on City West Link (Source: Applicant)

The sign is also located near the following key driver decision points as shown in **Figure 23**:

- the Balmain Road/City West Link signalised intersection located 165m to the west of the site
- the Catherine Street/City West Link signalised intersection located 185 m to the east of the site
- the Lonsdale left-in/left-out intersection located 180m to the east of the site
- three residential left-in/left-out driveways/garages located 45m (**Figure 24**), 105m and 115m to the east of the site.



Figure 23 | Driver decision points in proximity of the proposed sign (Base Source: Nearmap).



Figure 24 | View from 72 Brennan Street driveway looking west (right hand side) and looking east (left hand side) (Source: DPE site visit).

The Applicant's SSA considers the location of decision points on approach to the sign does not pose a significant road safety risk as:

- at the two intersections on the approach, the sign would occupy less than 1% of the windscreen area, which is considered insignificant in terms of distraction in the field of view
- the approach to the proposed sign does not require rapid, complex decision making by drivers
- the three driveways are all left-in/left-out and connect with indented parking lanes rather than directly with the high-speed, uninterrupted lanes along a straight section of the City West Link.

Crash History

The Applicant's SSA assessed the crash history of the eastbound and westbound approach to the sign within the period between January 2016 and December 2020. No incidents were reported on the westbound approach to the sign. Two incidents were reported on the eastbound approach, comprising one serious injury crash and one non-casualty (towaway) crash. Both incidents were classified as lane change left. The Applicant's SSA concludes that the site has an extremely low crash rate when considered in the context of its high traffic volumes, congestion and changing road geometry.

Assessment

Two public submissions raised concerns regarding the safety impacts of the proposed sign, including for access to the garage of 72 Brenan Street. One submission raised concerns that the proposed sign would distract drivers attempting to merge from the garage onto the City West Link or would lead drivers on the City West Link to fail to slow or see vehicles attempting to merge out of the garage.

In response, the Applicant stated that the proposed sign does not introduce a new obstruction of sight lines and the presence of a turning vehicle into or out of a driveway can be seen for multiple seconds and at the same time as a glance to the digital sign in the same field of view.

Council and TfNSW reviewed the Applicant's SSA and raised no objections. TfNSW recommended the following conditions:

- the preparation of an independent Road Safety Assessment after 12 months of the operation to be reviewed by TfNSW
- the minimum dwell time of images be increased from 10 to 25 seconds
- restrictions on methods of illumination, red and green colours, animation and flashing/flickering lights to avoid driver distraction.

The Department has considered the SSA, the issues raised in public submissions and advice from TfNSW. The Department acknowledges the concerns raised in public submissions regarding the potential road safety impacts of the sign to vehicles merging onto the City West Link from the 72 Brenan Street driveway. However, based on the findings of the Applicant's SSA and the comments received from TfNSW, the Department considers the design and location of the proposal would not result in any adverse pedestrian, cyclist or road safety impacts as:

- the increased dwell time of 25 seconds, recommended by TfNSW, would further reduce the distraction posed to drivers, and exceeds the minimum dwell time of 10 seconds under the Guidelines with a transition time (0.1 seconds) in accordance with the Guidelines

- the preparation of an independent Road Safety Assessment after 12 months and before 18 months of the operation to be reviewed by TfNSW would identify any safety impacts to the 72 Brenan Street driveway that would need to be rectified
- the proposed signage is consistent with the Guidelines, including its positioning and operation
- the sign is not located within the safe stopping distance of any intersections
- the site has a very low crash rate and the introduction of the sign is unlikely to result in any safety impacts to vehicles, pedestrians or cyclists
- the placement of the sign is located within a driver's ordinary field of view, and glancing to the sign will still permit recognition of movements and colour changes in the forward view.

The Department recommends conditions to implement the 25 second dwell time and to ensure the signage does not contain or use any method of illumination that distracts or dazzles drivers and require the Applicant to carry out a further road safety audit.

Based upon the findings of the Applicant's SSA and the advice provided by TfNSW, the Department is satisfied the proposal complies with the Industry and Employment SEPP and the Guidelines and the proposed signage would not have a negative impact on road safety, subject to the recommended conditions.

5.5 Public benefit

Where the Minister for Planning and Public Spaces is the consent authority Clause 3.11(2)(iii) of State Environmental Planning Policy (Industry and Employment) 2021 requires that the consent authority be satisfied that the proposal is acceptable in terms of public benefits provided in connection with the advertisement.

The Guidelines specify how this is to occur, requiring proposals for certain advertisements lodged by Sydney Trains or those to be displayed on a bridge to meet a public benefit test to ensure the advertisement would provide a net positive gain for the local community.

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

- all revenue generated will be re-invested into running the Sydney Trains network including improvement and maintenance programs, and supporting the next generation of transport solutions online
- the digital sign will be available for use by Sydney Trains, TfNSW and NSW emergency services to display safety or public awareness messages
- Sydney Trains may also access the digital screens for up to 5 minutes per hour (~8%) for Sydney Trains and TfNSW customer promotions and events at no cost.

Council considered that there is no link between the revenue generated for TfNSW and public benefit for residents and road users and that any benefit is not significantly material compared to the impacts to residents and road users.

The Department has carefully considered the Applicant's PBS and the concerns raised by Council and is satisfied the proposal will result in sufficient public benefits as:

- the revenue generated will contribute to the improvement and maintenance of train services addressing traffic safety and improving local amenity, which is consistent with the Guidelines
- the impacts to road users and surrounding residents, have been assessed separately above in **Sections 5.1** and **5.3** and are considered to be minor and acceptable subject to recommended conditions.

The Department recommends conditions requiring Sydney Trains to record the revenue received in its Annual Reports and how the revenue has been applied to provide a public benefit. In addition, the Department recommends conditions to require the removal of graffiti prior to the commencement of use and during ongoing maintenance, and the display of road safety and emergency messages 5 minutes per hour arranged by TfNSW. Subject to the recommended conditions, the Department is satisfied the proposal would provide sufficient public benefits.

5 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act, including SEPP (Industry & Employment) 2021 and other relevant environmental planning instruments. The Department's assessment concludes the proposed development is acceptable as:

- it is permissible with development consent on transport corridor land under the Industry and Employment SEPP and consistent with the objectives of the SEPP and the Guidelines
- the Department has recommended a condition of consent, requiring the height of the sign to be further reduced by at least 1.2 metres. The Department considers this change would reduce visual impacts to neighbouring residential properties, as well as impacts on views of the city skyline from the western approach of City West Link to an acceptable level
- it complies with the relevant road safety standards and requirements, is not located within the safe stopping distance of any intersections, and potential distraction near decision-making points at residential driveways would be appropriately monitored and rectified if required
- its luminance levels are consistent with the Guidelines and Australian Standards and the sign would not be illuminated from 10pm to 6am to protect the amenity of surrounding properties and safety of drivers
- it will provide appropriate public benefit as all revenue generated will be re-invested into the Sydney Trains network.

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

6 Recommendation

It is recommended that the Deputy Secretary, Development Assessment and Sustainability, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve/refuse to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 22/9255, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent.

Prepared by:

Annika Hather
Senior Planning Officer
Key Sites Assessments

Recommended by:



Anthony Witherdin

Director

Key Sites & TOD Assessments

Recommended by:



Ben Lusher

A/Executive Director

Housing and Key Sites Assessments

7 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in black ink, appearing to read 'David Gainsford', written in a cursive style.

David Gainsford

Deputy Secretary

Development Assessment and Sustainability

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

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

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

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-city-west-link-lilyfield-da229255>

Appendix B – Consideration of Public Submissions

The Department exhibited the application from 19 August 2022 to 15 September 2022 and received 18 public submissions (all objections). Further public submissions were received in June 2023 and October 2023. The Department's consideration of all community submissions is outlined in **Table 6** below.

Table 6 | Department's consideration of community submissions

Community Concerns	Explanation
	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In response to concerns raised in community submissions, the Applicant proposed to relocate the sign 18m to the west along the City West link so that it would be located directly opposite the Pretoria Street cul-de-sac which is screened by a large acoustic wall and dense mature vegetation, amended the design of the sign to lower it by 500mm, and angled the signage panels to ensure they are splayed and oriented towards the road corridor rather than residential dwellings. To address the concerns raised, the Department recommends a condition be imposed, requiring the height of the sign to be further reduced by at least 1.2 metres. This could be achieved by reorienting the sign to a landscape format, lowering the signage structure, or reducing the overall size of the sign. Although this change would not eliminate the visibility of the sign from neighbouring properties, the Department considers that it would strike a reasonable balance between minimising the visual impacts as much as possible while at the same time permitting feasible advertising signage at this location. Subject to the amended design, the Department considers, on balance, the revised location of the proposed signage is acceptable as: <ul style="list-style-type: none"> while the proposed sign would be located in a residential/non-commercial area, it would be integrated into its primary setting comprising a rail corridor located next to a major arterial road the proposed sign would not result in any unreasonable visual impact on adjoining residences or the public domain, subject to conditions lowering its height, reducing its luminance levels and extending its curfew period the sign would not result in visual clutter as other existing advertising signs are located between 300m and 450m away and due to the curved nature of the road would not all be in a driver's field of view at the same time the sign is not located within the safe stopping distance of an intersection and there are no other identified traffic or road safety concerns. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> The Department has recommended a condition of consent requiring the Applicant to redesign the sign to reduce its height by a minimum of 1.2 metres to reduce visual impacts to residential properties.
<p><i>Site suitability</i></p> <ul style="list-style-type: none"> the site, situated nearby to residents is unsuitable, noting Sydney Trains has extensive infrastructure whereby similar signs could be located away from residential areas the proposal compounds existing impacts of the City West Link road corridor on surrounding residents the site is in close proximity to existing digital advertising signage the sign is too large and protrudes above the skyline. 	
<p><i>Illumination Impacts</i></p> <ul style="list-style-type: none"> impacts resulting from the illumination of the sign including 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In response to concerns raised in community submissions, the Applicant agreed to a lighting curfew from 10pm to 6am where the sign would be completely turned off (no

sleep disturbance and harm to night-time amenity from light spill

- concerns that the lighting impact assessment did not adequately consider individual residences located near the proposed sign
- concerns that the illumination curfew would be removed post approval

illumination), a further 50% reduction in the night-time luminance of the westbound face to 100 cd/m² and proposed design improvements including a splayed structure which would ensure the signage panels are angled towards the transport corridor to control light spill and minimise impacts to residential properties.

- The Department considers the illumination of the amended sign on surrounding residential properties would be low and acceptable as:
 - the proposal would comply with the luminance criteria set out in the Guidelines and has been further reduced during the limited night-time period to mitigate impacts to surrounding residential properties
 - it would have no illumination impacts to surrounding residents during the 10pm to 6am curfew period
 - it is located in an urban area, along a major road, where other night-time light sources, including street lighting, provide a medium level brightness
 - the proposed illumination levels during the morning, evening, inclement weather and night-time periods align with the most sensitive Zone 4 criteria in the Guidelines to protect the amenity of surrounding residential properties
 - it complies with the relevant lux and threshold increment requirements under AS4282 and would not result in adverse light impacts
 - any proposed amendments to the illumination curfew would require a modification to the proposed development which would be notified to the surrounding community, publicly exhibited and assessed on its merits by the Department.

Recommended Conditions

- The Department has recommended conditions imposing the illumination curfew between 10pm and 6am and imposing the luminance restrictions during morning, evening, night-time and twilight and inclement weather which comply with the Guidelines.

Visual Impact

- visual impact for road users viewing the city, views from the public domain and from surrounding residential properties
- visual impacts would reduce the amenity of the area
- the revised Property Assessment is inaccurate as it was prepared with images taken at ground level, whilst views from the affected properties are above ground level, and the exact location of the signage is not specified
- the density of the screening vegetation varies throughout the year

Assessment

- In response to concerns raised in community submissions, the Applicant proposed to relocate the sign 18m to the west along the City West link so that it would be located directly opposite the Pretoria Street cul-de-sac which is screened by a large acoustic wall and dense mature vegetation, amended the design of the sign to lower it by 500mm, and angled the signage panels to ensure they are splayed and oriented towards the road corridor rather than residential dwellings.
- To address the concerns raised, the Department recommends a condition be imposed, requiring the height of the sign to be further reduced by at least 1.2 metres. This could be achieved by reorienting the sign to a landscape format, lowering the signage structure, or reducing the overall size of the sign.
- Although this change would not eliminate the visibility of the sign from neighbouring properties, the Department considers that it would strike a reasonable balance between minimising the visual impacts as much as possible while at the same time permitting feasible advertising signage at this location.
- Overall, the Department considers the visual impacts of the amended sign on surrounding residential properties would be low and acceptable as:
 - requiring the sign to be reduced by a further 1.2m would appropriately reduce visual impacts on neighbouring

residential properties, particularly views from the bedroom at 24 Pretoria Street, as well as impacts on views of the city skyline from the western approach of City West Link

- the sign is positioned directly opposite the Pretoria Street cul-de-sac to minimise view impacts to neighbouring properties
- the sign would sit more comfortably within the view of the city skyline from the western approach of City West Link and against the tree line from the eastern approach, significantly reducing its visual prominence in views from the public realm
- existing structures including dense vegetation and acoustic fencing would assist in obscuring views towards the proposed sign from residential properties at 21 Pretoria Street located approximately 30 m away from the proposed sign (with view lines away from the proposed sign and towards Pretoria Street to the west) and 24 Pretoria Street
- the north/south orientation of the most affected residential dwellings at 72 Brenan Street limit direct view lines towards the proposed sign and its visual prominence
- the sign would not obscure or compromise important views, dominate the skyline, or reduce the quality of vistas of any environmentally sensitive areas, heritage areas or open space as required under the Industry and Employment SEPP and associated guidelines
- the sign complies with the luminance criteria for the site and would be turned off from 10pm to 6am to minimise impacts on residential properties.

Recommended Conditions

- The Department has recommended a condition of consent requiring the Applicant to redesign the sign to reduce its height by a minimum of 1.2 metres to reduce visual impacts to residential properties.

Assessment

- TfNSW reviewed the Applicant's Signage Safety Assessment and did not raise any concerns regarding road safety, subject to the implementation of standard conditions regarding the preparation of an independent Road Safety Audit, increasing the minimum dwell time to 25 seconds and restrictions of signage content.
- The Department considers the design and location of the proposal would not result in any adverse pedestrian, cyclist or road safety impacts as:
 - the increased dwell time of 25 seconds, recommended by TfNSW, would further reduce the distraction posed to drivers, and exceeds the minimum dwell time of 10 seconds under the Guidelines with a transition time (0.1 seconds) in accordance with the Guidelines
 - the preparation of an independent Road Safety Assessment after 12 months and before 18 months of the operation to be reviewed by TfNSW would identify any safety impacts to the 72 Brenan Street driveway that would need to be rectified
 - the proposed signage is consistent with the Guidelines, including its positioning and operation
 - the sign is not located within the safe stopping distance of any intersections

Road safety

- the sign would present a traffic safety hazard by distracting road users
- safety impacts to vehicles entering and exiting the garage at 72 Brenan Street

- the site has a very low crash rate and the introduction of the sign is unlikely to result in any safety impacts to vehicles, pedestrians or cyclists
- the placement of the sign is located within a driver's ordinary field of view, and glancing to the sign will still permit recognition of movements and colour changes in the forward view.

Recommended Conditions

- The Department has recommended TfNSW's conditions of consent including a 25 second dwell time, to ensure the signage does not contain or use any method of illumination that distracts or dazzles drivers and requiring the Applicant to carry out a further road safety audit.

Public benefit

- the proposal would not benefit the local community
- public benefits are not clear
- the proposal should include compensation to the local community and beautification of the catchment area.

Assessment

- The Applicant provided a Public Benefit Statement which confirms the following public benefits:
 - all revenue generated by the proposal would be reinvested into running the Sydney Trains network including improvement and maintenance programs, and supporting the next generation of transport solutions online
 - the digital sign would be available for use by Sydney Trains, TfNSW and NSW Emergency Services to display safety or public awareness messages
 - Sydney Trains may access the digital screens for up to 5 minutes per hour for Sydney Trains and TfNSW customer promotions and events at no cost.
- The Department is satisfied the proposal would result in sufficient public benefits as it would contribute to the improvement and maintenance of the train services and play an important role in helping to address traffic safety problems.

Recommended Conditions

- The Department has recommended conditions requiring Sydney Trains to record the revenue received in its Annual Reports and how the revenue has been applied to provide a public benefit.

Devaluation of property

- the proposal would decrease the value of surrounding properties particularly those that have full view of the signage.

Assessment

- In response to concerns raised in community submissions, the Applicant proposed to relocate the sign 18m to the west along the City West link so that it would be located directly opposite the Pretoria Street cul-de-sac which is screened by a large acoustic wall and dense mature vegetation, amended the design of the sign to lower it by 500mm, and angled the signage panels to ensure they are splayed and oriented towards the road corridor rather than residential dwellings.
- To address the concerns raised, the Department recommends a condition be imposed, requiring the height of the sign to be further reduced by at least 1.2 metres. This could be achieved by reorienting the sign to a landscape format, lowering the signage structure, or reducing the overall size of the sign.
- Subject to the amendments recommended by the Department, the proposal would not be significantly visible from surrounding residential properties as:
 - existing structures including dense vegetation and acoustic fencing would assist in obscuring views towards the proposed sign from residential properties at 21 Pretoria Street (with view lines running east west away from the proposed sign and towards Pretoria Street) and 24 Pretoria Street

- the north/south orientation of the most affected residential dwellings at 72 Brennan Street limit direct view lines towards the proposed sign and its visual prominence.

Recommended Conditions

- The Department has recommended a condition of consent requiring the Applicant to redesign the sign to reduce its height by a minimum of 1.2 metres to reduce visual impacts to residential properties.

Cumulative impacts (particularly with Westconnex)

- cumulative impacts associated with the construction of Westconnex, including air quality and noise impacts which, when combined with the proposal, would lead to further reduction in amenity of the area.

Assessment

- The Department has carefully considered and acknowledges the submissions raising cumulative impacts to residents due to development in the area.
- The Department has considered the amenity impacts of the proposal in relation to visual and illumination impacts and considers the impacts to neighbouring properties to be acceptable, subject to the implementation of the recommended conditions of consent.
- The air quality and noise impacts associated with the Westconnex project have been subject to separate planning assessment and approvals. The digital advertising signage proposal is not expected to result in significant cumulative impacts in terms of air quality and noise as these impacts would be limited to the construction period.

Compliance with legislation

- the proposal does not comply with Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021, particularly regarding provisions relating to the compatibility of the signage with the surrounding residential area
- the proposal does not comply with the zoning objectives of the SP2 zone in the Inner West Local Environmental Plan 2022.

Assessment

- The Department has recommended a condition of consent to require the Applicant to submit amended plans to reduce the height of the sign by a minimum of 1.2 metres.
- Subject to the amended design of the proposal, the Department considers the proposal complies with the requirements outlined in Schedule 5 of the Industry and Employment SEPP as it would not obscure or compromise important views, dominate the skyline, or reduce the quality of vistas of any environmentally sensitive areas, heritage areas or open space.
- The Inner West Local Environmental Plan 2022 is not the primary planning instrument governing the site. The proposal is located on land zoned Port and Employment under the State Environmental Planning Policy (Precincts) 2021. The Department has undertaken an assessment against the objectives of the Port and Employment Zone and concludes the proposal is generally consistent with these objectives.

Consultation

- the revised documentation provided by the Applicant was not sent directly to impacted residents

Assessment

- The initial proposal was publicly exhibited on the Department's website for 28 days and surrounding landholders were notified in writing.
- Additional information provided by the Applicant was made publicly available on the Department's website. The Department also conducted a site visit to the proposed signage location and met with residents to discuss their concerns.
- All submissions received from the community have been considered by the Department in its assessment.

Appendix C – Statutory Considerations

The Department has considered the following matters in its assessment of the proposal in **Table 7** to **Table 12**.

B1 Objects of the EP&A Act

Table 7 | Consideration of the proposal against the objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal seeks to provide social and economic benefits including reinvesting all revenue to Sydney Trains network to improve the services. The proposal will not adversely impact on 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	The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles noting the application does not seek to change ESD initiatives and sustainability measures.
(c) to promote the orderly and economic use and development of land	The sign is using an approved railway infrastructure and will generate revenue to contribute to improving the Sydney Trains network.
(d) to promote the delivery and maintenance of affordable housing	Not relevant.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal will not impact on the natural environment.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal is not in the vicinity of, and therefore will not cause an adverse impact on, any heritage items.
(g) to promote good design and amenity of the built environment	The design and impacts on amenity are considered in Section 5 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Not relevant.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department referred the proposal to TfNSW and Council (Section 4) and considered their responses (Section 5).
(j) to provide increased opportunity for community participation in environmental planning and assessment	The Department exhibited the application as outlined in Section 4 .

B2 Section 4.15(1) Matters for consideration

Table 8 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The proposal complies with relevant EPIs as addressed in Appendix C .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	No DCP applies to this site.

(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has assessed the likely impacts of the development and concludes they are acceptable and can be addressed by the recommended conditions (refer to Section 5 and Appendix D).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 5 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition (Section 4, Section 5 and Appendix B).
(e) the public interest	The Department considers the proposal to be in the public interest (Section 5).

B3 Environmental Planning Instruments

The following EPIs were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (Industry and Employment) 2021 and the associated Transport Corridor 2017 (the Guidelines)
- State Environmental Planning Policy (Transport and Infrastructure 2021)
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

State Environmental Planning Policy (Industry and Employment) 2021 (including the Guidelines)

Chapter 3 of the Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed digital signage has been assessed against the requirements outlined in Chapter 3 (**Table 9**) and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP (

Table 10).

The *Transport Corridor Outdoor Advertising and Signage Guidelines* (the Guidelines) outline best practice for the planning and design of outdoor advertisements in transport corridors and support Chapter 3 of Industry and Employment SEPP. The Guidelines supplement the SEPP's provisions by providing detailed information relating to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in **Table 11**.

Table 9 | Industry and Employment SEPP Compliance Assessment

Clause	Criteria	Comments	Compliance
Part 3.2 – Signage Generally			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Chapter.	Subject to the recommended conditions, the proposed development is compatible with the	

Clause	Criteria	Comments	Compliance
		desired amenity and visual character of the area, provides effective communication and is high-quality finish and is therefore consistent with the objectives of Chapter 3 of the Industry and Employment SEPP.	
	The signage is to satisfy the assessment criteria in Schedule 5.	Refer to Table 10 .	Yes
Part 3.3 – Advertisements			
3.10 Consent authority	The consent authority is the Minister for Planning in the case of an advertisement displayed by or on behalf of Sydney Trains on a railway corridor.	Refer to Section 3.1 .	Yes
3.11 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this Chapter ii. assessed in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its design, road safety and the public benefits to be provided in connection with the display of the advertisement iii. satisfies any other relevant requirement of this Chapter. 	<ul style="list-style-type: none"> i. Considered in this table above. ii. Assessed in iii. Table 10. iv. Assessed in this table. 	
	Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement.	Refer to Section 5.5 .	Yes
3.12 Duration of consents	A consent granted under this Part ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act.	The Department recommends a condition of consent to limit the approval for a maximum period of 15 years from the date of operation.	Yes
3.14 Transport corridor land	The display of an advertisement on transport corridor land is permissible with development consent when the display of an advertisement is on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor.	Refer to Section 3.2 .	Yes

Clause	Criteria	Comments	Compliance
	<p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> i. the advice of any design review panel has been considered by the Minister, and ii. the Minister is satisfied that the advertisement is consistent with the Guidelines. 	<ul style="list-style-type: none"> i. There was no design review panel for this application. ii. Refer to Table 11. 	Yes
3.18 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <ul style="list-style-type: none"> i. appear only within the advertising display area ii. not be greater than 0.25 square metres iii. be included in calculating the size of the advertising display area. 	The logo shall be displayed only within the advertising area, will be no greater than 0.25 m ² and was included when calculating the size of the advertising display area.	Yes
3.22 Advertisements on bridges	The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.	Refer to Table 11 .	Yes

Table 10 | Industry and Employment SEPP Schedule 5 Assessment Criteria Compliance Table

Assessment Criteria	Comments	Compliance
1 - Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Refer to Section 5.1 .	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is consistent with other digital signs associated with other major roads in the locality.	Yes
2 - Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed sign is located adjacent to a residential area and would be visible from residential properties. The Department has recommended a condition requiring the sign is redesigned prior to construction to reduce visual impacts to surrounding residential properties.</p> <p>With the implementation of this condition, the Department considers the proposed sign is acceptable as it will operate in accordance with the Guidelines and would not be highly visible from internal rooms of surrounding residential properties.</p>	Yes
3 - Views and vistas		

Assessment Criteria	Comments	Compliance
Does the proposal: <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	With the implementation of the recommended conditions, the sign does not compromise any important views, the skyline or interfere with other advertisers.	Yes
4 - Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	With the implementation of the recommended conditions, the scale, proportion and form of the sign is appropriate for the streetscape and transport corridor setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will contribute to visual interest of the setting.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal would not result in additional visual clutter as other existing advertising signs are located between 300m and 450m away and due to the curved nature of the road would not be in a driver's field of view at the same time.	Yes
Does the proposal screen unsightliness?	No unsightliness near the proposal.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The Department has recommended a condition of consent requiring the sign to be redesigned so that it does not protrude above buildings, structures or tree canopies in the locality.	Yes
Does the proposal require ongoing vegetation management?	No	Yes
5 - Site and surrounds		
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?	With the implementation of the recommended conditions, the sign is compatible with the scale, proportion and characteristics of the road corridor.	Yes
Does the proposal respect important features of the site or building, or both?	With the implementation of the recommended conditions, including a redesign of the sign to reduce visual impacts and no illumination between 10pm and 6am, the proposed sign respects the surrounding residential land use.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign is innovative in creating the capacity to display digital road safety advertising in this area.	Yes
6 - Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No security camera is proposed on the sign. A compliant operator logo will also be located at the bottom corner of the advertising structure.	Yes
7 - Illumination		
Would illumination: <ul style="list-style-type: none"> result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? 	The proposed illumination complies with the Guidelines and would not result in unacceptable glare, affect safety for	Yes

Assessment Criteria	Comments	Compliance
detract from the amenity of any residence or other form of accommodation.	pedestrians, vehicles or aircraft, or detract from the amenity of any residents (Section 5.3).	
Can the intensity of the illumination be adjusted?	The illumination levels will be adjustable and no illumination is proposed between 10pm and 6am. A condition has been included.	Yes
Is the illumination subject to a curfew?	The proposal is consistent with the applicable 'post curfew' illuminance limits established under AS 4282-2019 and the Guidelines.	Yes
8 Safety		
Would the proposal reduce safety for: <ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? for any public road? 	No – refer to Section 5.4 .	Yes

Table 11 | Assessment of the Guidelines design criteria (Transport Corridor Advertising)

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria		
i. Outdoor advertising should not be inconsistent with the LEP land use objectives for the area.	The proposal is located on land zoned Port and Employment under the Precincts SEPP. The proposal is generally consistent with the Port and Employment Zone objectives as outlined by subsection 4.21.	Yes
ii. Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> Environmentally sensitive area Heritage area Natural or other conservation area Open space Waterway Residential Scenic protection area National park or nature reserve. 	Whilst the proposal would be visible from a residential area, it is not considered likely to create significant amenity impacts as: <ul style="list-style-type: none"> the illumination impacts comply with the Guidelines and AS 4282-2019 the sign would not be illuminated during the period between 10pm and 6am the sign is largely screened by existing vegetation and acoustic walls from surrounding residential properties the Department has recommended a condition of consent requiring the sign to be redesigned to reduce the visual impacts to neighbouring residential properties the proposed signage is consistent with the nature of the road corridor. 	Yes
iii. Advertising signage should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant views or views that add to the character of the area.	With the implementation of the recommended conditions, the sign does not protrude above the skyline or obscure or compromise important views.	Yes
iv. Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The sign is not located within a heritage conservation area or near any heritage items.	Yes
v. Advertising signage should be placed within the context of other built structures in preference to non-	The signage is located in the road/rail transport corridor.	Yes

built areas. Signage should be used to enhance the visual landscape.

2.5 Site-Specific Structural Criteria

2.5.1 General Criteria

a.	The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed sign is of a contemporary standard that is suitable for the road corridor.	Yes
b.	The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.	The sign is confined to the road corridor and, subject to the implementation of the recommended conditions, is compatible with the scale of the surrounding area.	Yes
c.	The advertising signage should be in keeping with important features of the site, building or bridge structure. The proposal does not detract from any important features of the site or bridge	With the implementation of the recommended conditions, the proposal does not detract from the important features of the site or surrounding residential area.	Yes
d.	The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal does not require the removal of any vegetation.	Yes
e.	The advertisement proposal should incorporate landscaping that complements the advertising signage and is in keeping with the landscape and character of the transport corridor.	The sign will not incorporate landscaping and will continue to be in character of the transport corridor.	Yes
f.	Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	The logo will be incorporated into the signage structure and will not exceed 0.25m ² .	Yes
g.	Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	Assessed in this table below.	Yes
h.	Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves	The sign does not result in unacceptable light spillage to nearby residential properties, national parks or nature reserves (Section 5.3). The sign would also be switched off during the period between 10pm and 6am resulting in no illumination impacts during this time.	Yes

2.5.4 Freestanding advertisements criteria

a.	The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km.	Subject to the implementation of the recommended conditions, the advertising structure would not protrude above the dominant skyline.	Yes
b.	For a freestanding advertisement greater than 45sqm that requires consent from a local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.	N/A – The Minister for Planning and Public Places is the consent authority.	N/A

c.	Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement.	N/A	N/A
2.5.8 Digital Sign Criteria (applies to signs less than 20 sqm)			
a.	Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	Static digital advertisements will appear for 25 seconds before transitioning to a new static digital image.	Yes
b.	Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	The signage content will be managed by the applicant to comply with the message sequencing requirements.	Yes
c.	The image must not be capable of being mistaken: <ul style="list-style-type: none"> For a prescribed traffic control device as text providing driving instructions to drivers. 	The signage content will be managed. A condition of consent has been included.	Yes
d. g. ii.	Dwell times for image display are: 10 seconds for areas where the speed limit is below 80km/h; and 25 seconds for areas where the speed limit is 80km/h and over.	Although the speed limit is below 80km/h, a minimum dwell time of 25 seconds was recommended by TfNSW.	Yes
e.	The transition time between messages must be no longer than 0.1 second.	The proposed transition time between messages is 0.1 second or less. A condition of consent has been included.	Yes
f.	Luminance levels comply with the requirements in Section 3 of the Guidelines.	Refer to Section 5.3 of this report.	Yes.
g.	The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The images would not dazzle or distract drivers. A condition of consent has been included.	Yes
h.	The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size.	The advertisements would primarily display images with information/text kept to a minimum. A condition of consent has been included.	Yes
i.	Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours.	The sign is not visible from a school zone.	Yes
j.	Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	The Department has undertaken detailed assessment of the design and location of the proposal (refer to Section 5).	Yes
k.	At any time, including where the speed limit in the areas of the sign is changed, if detrimental effect is	TfNSW may reassess the sign if road safety circumstances change as appropriate.	Yes

identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign.		
2.5.10 Residential Amenity		
Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise impacts.	A higher dwell time of 25 seconds has been recommended. The sign would also be switched off during the period between 10pm and 6am to reduce illumination impacts to neighbouring residential properties.	Yes
3. Advertisements and Road Safety		
3.2 Sign location criteria		
3.2.1 Road Clearance		
a. The advertisement must not create a physical obstruction or hazard.	The proposed sign would be located within the rail corridor and would not overhang the road corridor or create a physical obstruction or hazard.	Yes
b. Where the sign supports are not frangible (breakable), the sign must be placed behind an RMS-approved crash barrier.	The sign will be located behind the RMS-approved crash barrier.	Yes
c. Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width.	N/A – the sign is not proposed within a clear zone.	N/A
d. All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	The proposed sign would not hang over the road.	N/A
3.2.2 Line of sight		
a. An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings.	The sign will not obstruct a driver's view of the road.	Yes
b. An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The sign will not obstruct a pedestrian or cyclist's view of the road.	Yes
c. The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.	The proposal will not give incorrect information on the alignment of the road.	Yes
d. The advertisement should not distract a driver away from the road	The proposed sign is located so that only glance appreciation is required.	Yes

environment for an extended length of time.

3.2.3 Proximity to decision making points and conflict points

<p>a. The sign should not be located:</p> <ul style="list-style-type: none"> i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment iii. so that it is visible from the stem of a T-intersection. 	<p>The proposed signage is not located within the safe stopping distance of any surrounding intersections. Whilst there are three residential left-in/left-out driveways/garages located 45m, 105m and 115m to the east of the site, the sign does not pose a significant road safety risk as the three driveways are all left-in/left-out and connect with indented parking lanes rather than directly with the high-speed uninterrupted lanes along a straight section of the City West Link. Refer to Section 5.4.</p> <p>TfNSW has raised no objections to the proposed sign subject to recommended conditions, including an increased dwell time of 25 seconds.</p>	<p>Yes</p>
<p>b. The placement of a sign should not distract a driver at a critical time.</p>	<p>The proposed signage is not located within the safe stopping distance of any surrounding intersections. Whilst there are three residential left-in/left-out driveways/garages located 45m, 105m and 115m to the east of the site, the sign does not pose a significant road safety risk as the three driveways are all left-in/left-out and connect with indented parking lanes rather than directly with the high-speed uninterrupted lanes along a straight section of the City West Link.</p> <p>TfNSW has raised no objections to the proposed sign subject to recommended conditions, including an increased dwell time of 25 seconds.</p>	<p>Yes</p>

Road Safety – 3.3 Sign design and operation criteria

3.3.1 Advertising signage and traffic control devices

<p>a. The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</p>	<p>The proposal will not distract drivers or reduce the visibility and effectiveness of any devices or signs.</p>	<p>Yes</p>
<p>b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.</p>	<p>The proposed signage is not located within the safe stopping distance of any surrounding intersections. TfNSW has raised no objections to the location of the proposed sign from a road safety perspective, subject to the recommended conditions including an increased dwell time of 25 seconds.</p>	<p>Yes</p>
<p>c. The image must not be capable of being mistaken for traffic signals or driving instructions.</p>	<p>A condition of consent has been included.</p>	<p>Yes</p>
<p>d. Digital signs must not contain animated or video/movie style advertising or messages, including live television, satellite, Internet or similar broadcasts.</p>	<p>A condition of consent has been included.</p>	<p>Yes</p>

3.3.4 Interaction and sequencing

a. The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	A condition of consent has been included to ensure the proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile devices.	Yes
b. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	A condition of consent has been included.	Yes
Public Benefit		
As proponents of outdoor advertising, Sydney Trains must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	Refer to Section 5.5.	Yes
Sydney Trains must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.	A condition of consent has been included.	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Clause 2.119(2) of the Transport and Infrastructure SEPP requires the consent authority to be satisfied that the development with frontage to a classified road would not adversely affect the safety, efficiency and ongoing operation of the road. The proposed digital signage is similar in nature to other digital signs which are typically found in road corridors. In consideration of the above, the proposal would not compromise the operation and function of the road.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

The Precincts SEPP aims to facilitate the development, redevelopment and protection of important sites of economic, environmental or social significance to the State and to facilitate service delivery outcomes for a range of public services. Chapter 4 of the Precincts SEPP identifies the site as located in the Bays Precinct and section 4.13 establishes planning principles for the Bays Precinct which must be considered by a consent authority in their assessment of a development application (refer **Table 12**).

Table 12 | Assessment of the proposal against the requirements in Chapter 4 of the Precincts SEPP

Planning Principle	Comments	Compliance
Role and land use activities		

Planning Principle	Comments	Compliance
Development should reinforce and complement the role of the Precinct as a major inner-harbour port and maritime location. Development should recognise that the port operates for 24 hours of the day and that the generation of noise, lighting and traffic movement is necessarily associated with its operation.	The proposed signage complements the role of the precinct.	Yes
Development in the Precinct is to provide for a mixture of commercial port, port-related, employment, waterfront and recreational uses, but is not to include residential development. The existing diversity and maritime character of the Precinct, particularly the mixed use of waterfront areas, should be retained.	The proposed signage provides for a mixture of commercial development.	Yes
Development is to take full advantage of the Precinct's location and its infrastructure, particularly rail or light rail facilities, for the port and other employment generating activities.	The proposed signage takes advantage of the rail corridor location for employment generating development.	Yes
Development is to encourage the environmental rejuvenation of the Precinct. Where possible, future development is to encourage the segregation of port traffic from residential and recreational areas.	N/A	N/A
Development is to make efficient use of surplus government owned land.	The proposed signage makes surplus use of government land and would generate revenue to be reinvested into the Sydney Trains network.	Yes
Development is to encourage the conservation of and adaptation for re-use of existing heritage items and structures for uses compatible with new development.	N/A	N/A
Development is to contribute to improved water quality in Rozelle Bay and Blackwattle Bay.	N/A	N/A
Development on the waterfront and on land adjoining Rozelle Bay and Blackwattle Bay is to enhance the environmental quality of those areas for all users.	N/A	N/A
2 – Urban Design		
Design principles to be developed in detailed planning should recognise the working industrial nature of the Precinct in close proximity to residential areas.	Subject to the implementation of the recommended conditions of consent, the design of the proposed signage would not detract from the amenity of the neighbouring residential area.	Yes
Development along the Precinct boundary should relate to and not adversely affect the adjoining street systems and built forms.	Subject to the implementation of the recommended conditions of consent, the proposed signage would not adversely affect the adjoining street systems and residential area.	Yes
The siting and form of development in all areas must consider impacts on views from	Subject to the implementation of the recommended conditions of consent, the design of the proposed signage would not	Yes

Planning Principle	Comments	Compliance
within the Precinct and to and across the Precinct from surrounding areas.	impact on views from within the Precinct and across the Precinct from surrounding areas.	
3 – Public Domain		
Public recreation areas are to provide for a range of recreational opportunities for those working in and visiting the Precinct.	N/A	N/A
The siting and form of development must consider creating, retaining and enhancing views and vistas from the water and public domain.	Subject to the implementation of the recommended conditions of consent, the design of the proposed signage would retain views and vistas from the water and public domain.	Yes
Links for pedestrians, cyclists, and persons with disabilities are to be provided through the Precinct and to link and integrate the Precinct with adjoining areas.	N/A	N/A
Links through the Precinct, including public access to the foreshores, should recognise the safety and security issues associated with commercial port and maritime activities.	N/A	N/A
Development should help to create a high-quality public domain in the Precinct.	N/A	N/A
Master plans for all areas should identify opportunities for public recreation, public access through sites and links to adjoining pedestrian and cyclist networks.	N/A	N/A
4.21 Port and Employment Zone		
The objectives of the port and employment zone	The proposal is consistent with the objectives of the port and employment zone as it would encourage a mix of land uses which generate employment opportunities, and provide for ongoing rail access to the port and related activities.	Yes

Appendix D – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-city-west-link-lilyfield-da229255>