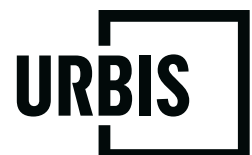




STATEMENT OF ENVIRONMENTAL EFFECTS

Western Distributor, Pyrmont

Prepared for
JCDECAUX
5 April 2023



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Report Number	Final

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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CONTENTS

1.	Introduction	1
1.1.	Overview	1
1.2.	Background	3
1.3.	Project Aim	3
1.4.	Report Structure	3
1.5.	Supporting Documentation	4
2.	Site and Surrounding Context	5
2.1.	Site Description	5
2.2.	Locality	8
2.3.	Surrounding Road Network	10
3.	Background	11
3.1.	Replacement and Surrender of DA 10665	11
3.2.	Pre-DA Consultation	12
4.	Proposed Development	14
4.1.	Overview	14
4.2.	Illumination	16
4.3.	Access and Maintenance	17
4.4.	Tree Removal	17
4.5.	Landscaping	18
4.6.	Content Management	19
4.7.	Monitoring and Maintenance	19
4.8.	Industry Membership and Advertising Codes	19
4.9.	Cost of Development	20
5.	Statutory Context	21
5.1.	Environmental Planning and Assessment Act 1979	21
5.2.	Heritage Act 1997	21
5.3.	State Environmental Planning Policy (Industry and Employment) 2021	21
5.4.	Transport Corridor Outdoor Advertising and Signage Guidelines 2017	28
5.5.	State Environmental Planning Policy (Biodiversity and Conservation) 2021	42
5.6.	Sydney Local Environmental Plan 2012	43
5.6.1.	Zoning and Permissibility	43
5.6.2.	Key LEP Standards	44
5.7.	Sydney Development Control Plan 2012	47
6.	Assessment of Key Planning Issues	51
6.1.	Built Form and Design	51
6.2.	Heritage Impact	51
6.3.	Traffic Safety Impact	53
6.4.	Visual Impact	53
6.5.	Lighting Impact	54
7.	Section 4.15 Assessment	55
7.1.	Environmental Planning Instruments	55
7.2.	Draft Environmental Planning Instruments	55
7.3.	Planning Agreement	55
7.4.	Regulations	55
7.5.	Likely Impacts of the Proposal	55
7.6.	Suitability of the Site	55
7.7.	Submissions	56
7.8.	Public Interest	56
8.	Conclusion	57
	Disclaimer	58

Appendix A	Owners Consent
Appendix B	QS Cost Summary Report
Appendix C	Survey Plan
Appendix D	Architectural Plans
Appendix E	Traffic Safety Assessment
Appendix F	Lighting Impact Assessment
Appendix G	Public Benefit Statement
Appendix H	Heritage Impact Assessment
Appendix I	Visual Impact Assessment
Appendix J	Plan of Management
Appendix K	Structural Feasibility Statement
Appendix L	Preliminary Arboricultural Assessment Report
Appendix M	Development Consent (DA 10665)
Appendix N	Design Statement

FIGURES

Figure 1 Location of approved signage and location of proposed signage.....	1
Figure 2 Aerial image of the site	5
Figure 3 Existing condition on site, looking north-east from Bank Street.....	6
Figure 4 Mixed use development and Fish Market light rail station located north of the site.....	6
Figure 5 Paradise Reserve located east of the site (viewed from Bulwara Road)	7
Figure 6 Low density residential dwellings located east of the site along Bulwara Road	7
Figure 7 Road character and high density developments along the southern side of the site.....	8
Figure 8 Blackwattle Bay located west of the site, across Western Distributor.....	8
Figure 9 Location Context (site identified as a red star)	9
Figure 10 Existing signage in the locality	10
Figure 11 New location and approved sign (DA 10665).....	11
Figure 12 Proposed design in comparison to the design approved under DA 10665.....	12
Figure 13 Proposed structure – Photomontage	15
Figure 14 Elevation Plan – Proposed Digital Sign.....	16
Figure 15 Tree Location Map	18
Figure 16 Proposed landscaping	19
Figure 17 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Catchment Map (Amendment 2016)	42
Figure 18 LEP Land Zoning Map.....	43
Figure 19 LEP Heritage Map	52
Figure 20 Representative views of private domain surrounding the site.....	54

PICTURES

Picture 1 Mixed use development north of the site	6
Picture 2 Light rail station north of the site	6
Picture 3 Light rail entry/exit sign Light rail entry/exit sign viewed from Miller Street; direction sign facing southbound traffic along Western Distributor.....	10
Picture 4 Top hamper and wall sign located along Pyrmont Road	10
Picture 5 Paper format wall signs along Pyrmont Road	10
Picture 6 Proposed design	12
Picture 7 Approved design under DA 10665	12
Picture 8 Proposed structure viewed from Miller Street	19
Picture 9 Climbing mesh on panel.....	19

TABLES

Table 1 Supporting Documents 4

Table 2 Proposed structure dimensions 14

Table 3 Screen Brightness Levels 17

Table 4 Industry and Employment SEPP Schedule 5 Assessment 22

Table 5 Electronic Sign Criteria 28

Table 6 LEP Compliance 44

Table 7 Design Excellence Criteria 44

Table 8 DCP Compliance 47

1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis for JCDecaux, on behalf of Sydney Trains (**the applicant**). The SEE accompanies a Crown Development Application (**DA**) submitted under Part 4 Division 4.6 (Section 4.33) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to the Department of Planning and Environment (**DPE**) for the replacement and relocation of an approved third-party digital advertising signage structure on the Western Distributor (A4) (**the proposal**). The new sign faces westbound traffic along the Western Distributor and is located at Lot 1012 DP 870307 (**the site**). **Figure 1** identifies the location of the approved and proposed signage.

Figure 1 Location of approved signage and location of proposed signage



Source: Urbis

The approved signage was granted by the Department of Planning and Environment (**DPE**) on 1 April 2022 and comprised a new monopole digital advertising billboard sign at Lot 9 in DP 870309 (**DA 10665**). It is the applicant's intention to surrender DA 10665 upon the granting of development consent to the subject DA.

The design and structure of the replacement signage is generally similar to the approved signage in that:

- The signage will have the identical digital display area of 39.94 sqm (12.48m x 3.2m);
- The signage will be affixed to a non-climbable concrete plinth; and
- The digital sign will have the same dwell time and an instantaneous transition time.

The new sign achieves significantly improved environmental and amenity outcomes to that approved in that:

- it establishes a benchmark for an urban digital advertisement display and provides a unique opportunity to move away from a traditional non architectural billboard sign;
- it provides an enhanced sustainable design, with green infrastructure (natural vegetation and living plants) interwoven throughout the structure and enhancing the public domain experience;
- it advances sustainable urban media elements by integrating digital communication technology;
- it is not as obscured by existing vegetation and therefore more visually accessible to the public;
- it incorporates a footing design of a smaller footprint more sympathetic to the local landscape; and
- it is situated at a further distance to the interchange to the Fish Markets (enhancing vehicle safety).

The site is located along the L1 Dulwich Hill line and forms part of a transport corridor (Sydney Light Rail Network). The site is owned by Transport for New South Wales (TfNSW). Therefore, in accordance with Clause 3.10(c) of the *State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)*, the consent authority is the Minister of Planning and Homes.

The proposal involves the following works:

- Installation of a non-climbable concrete plinth with a diameter of 3.210m (situated approximately 7.645m from the light rail track);
- Installation of a digital advertising structure above the concrete plinth comprising the following features:
 - Screen dimension of 12.48m x 3.2m, attached to a monopole with climbing plants and façade landscaping;
 - JCDecaux logo of dimension 1.45m x 0.21m, located at the bottom left corner of the screen;
 - Satin black powder coated galvanised steel mesh panels and climbing plants around the structure;
 - Lightweight planter boxes at 3m intervals in a vertical direction.

The proposal has an estimated cost of \$2,475,550 (including GST) and development consent is sought pursuant to Section 4.33 of the EP&A Act. The consent authority is the Minister for Planning and Homes.

The proposal has been assessed in accordance with relevant environmental statutory planning instruments and policies, including the matters for consideration listed in Section 4.15 of the EP&A Act.

The below provides a summary of the key planning considerations:

- **The proposal does not result in any adverse environmental impacts** – the proposal does not cause any negative environmental impacts, such that there is no adverse impact on natural biodiversity, vegetation, or waterways. The removal of select trees is offset by the proposed sustainable green structure which incorporates living vegetation and plants. The net effect from the proposed relocation of the approved sign (DA 10665) to the subject site will result in a superior outcome from a sustainability perspective, given the proposed structure is extensively landscape on the external façade. As such, the proposed relocation of sign ensures the net effect is negligible from an environmental perspective. Further, the proposal does not detrimentally affect any significant features contained within Pyrmont.
- **The proposal satisfies the applicable planning controls and policies** – the proposal is consistent with the objectives of the relevant planning controls and achieves a distinctive, iconic, and high-quality architectural form. The proposal is generally compliant with the applicable controls and provisions of *State Environment Planning Policy (Industry and Employment) 2021*, the Transport Corridor Outdoor Advertising and Signage Guideline, the *Sydney Local Environmental Plan 2012*, and Sydney Development Control Plan 2012 regarding built form, illumination, safety, amenity, and operations.
- **The proposal is an appropriate built form in the streetscape** – the digital screen is attached to a monopole and is not visible to users of the surrounding streetscape, in particular along Miller Street, Saunders Street, Bank Street, or Pyrmont Bridge Road. As such, the proposal does not hamper safety of vehicles, pedestrians, or cyclists along the surrounding street network.
- **The proposal achieves a high standard of amenity** – the proposal achieves a high level of amenity for local residents and retain amenity and safety of patrons utilising the surrounding public domain. The incorporation planter boxes allow for a sustainable outcome, further complementing existing vegetation within the vicinity of the site. The illumination element of the structure is compliant with relevant controls, ensuring acceptable impacts to surrounding land uses.
- **The proposal is in the public interest** – the proposal is in the public interest as it does not hamper the safety for vehicles, pedestrians, or cyclists. Further, the proposal allows Sydney Trains to generate revenue through digital advertisement. The revenue generated can be used for other operations and services that cater to and benefit the public. As such, the proposal sits well within the public interest.

Accordingly, it is recommended that approval be granted for the proposal, subject to appropriate conditions of consent.

1.2. BACKGROUND

On 7 July 2022, the applicant submitted a development application seeking consent for the installation of a digital advertising structure at the subject site (DA22/10079). On 10 November 2022, the DA was withdrawn to allow the applicant time to review and provide a detailed response to matters raised by the public exhibition of the DA. Specifically, matters raised during the public exhibition to DA22/10079 related to visual impacts of the development on private domain views, in particular in relation to:

- View impacts from surrounding buildings and existing and future residents, including 55 Miller Street; and
- Properties along Bulwara Road and buildings located further south of the site looking north.

In order to address view impacts from these private domain views, the subject DA is accompanied by a revised Visual Impact Assessment (VIA). Key VIA conclusions are provided in **Section 6.4** of this SEE.

1.3. PROJECT AIM

Sydney Trains has an established partnership with JCDecaux to manage advertising on the concourses and platforms of Sydney Trains stations and road corridors across Greater Metropolitan Sydney.

The subject site is one of the many assets owned by TfNSW within the Sydney LGA. The proposal allows Sydney Trains to generate revenue through installation of a third-party advertisement structure at the subject site. The revenue generated can be utilised to support a number of improvements and maintenance programs for Sydney Trains in accordance with the public benefit test provisions identified in the Industry and Employment SEPP and the Transport Corridor Outdoor Advertising and Signage Guidelines.

In September 2021, the Secretary for Transport advised that JCDecaux was awarded as the concession for advertising for the fourth time, recognising the proven track-record and success of this partnership to date.

In awarding this concession Sydney Trains conducted a substantial review of the network of advertising assets, recognising that with a growing demand in the digital advertising market, there was an opportunity to rationalise existing assets and provide improved customer experience. Across the Sydney Trains network this will result in more than 990sqm of decommissioned advertising content within the Sydney metropolitan region.

The proposed advertising sign will be capable of displaying information to road users along the Western Distributor in the event of emergency situations, Sydney Trains, and TfNSW promotions and events and threat-to-life alerts by NSW Government Emergency and Police Agencies. Therefore, the proposal provides an opportunity for serving the public benefit.

1.4. REPORT STRUCTURE

This SEE is structured in the following manner:

- **Section 1 – Introduction**
- **Section 2 – Site and Surrounding Context:** identifies the site and the existing local context.
- **Section 3 – Background:** provides background on the proposed development.
- **Section 4 – Proposed Development:** provides a detailed description of the proposed development.
- **Section 5 – Statutory Planning Framework:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 6 – Assessment of Key Planning Considerations:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 7 – Section 4.15 Considerations:** provides an assessment of the proposal against other matters of consideration listed in Section 4.15 of the EP&A Act
- **Section 8 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

1.5. SUPPORTING DOCUMENTATION

The technical and design documents that have been prepared to accompany this DA are provided as attachments to this SEE and in appendices **A** to **N**.

Table 1 Supporting Documents

Document	Consultant	Appendix
Owners Consent	TfNSW	Appendix A
QS Cost Summary Report	JCDcaux	Appendix B
Survey Plan	CMS Surveyors	Appendix C
Architectural Plans	Tzannes	Appendix D
Traffic Safety Assessment	TTPP	Appendix E
Lighting Impact Assessment	Electrolight	Appendix F
Public Benefit Statement	TfNSW	Appendix G
Heritage Impact Assessment	Weir Phillips	Appendix H
Visual Impact Assessment	Urbis	Appendix I
Plan of Management	Urbis	Appendix J
Structural Feasibility Statement	Northrop	Appendix K
Preliminary Arboricultural Assessment Report	Matthew Reed	Appendix L
Development Consent (DA 10665)	-	Appendix M
Design Statement	Tzannes	Appendix N

2. SITE AND SURROUNDING CONTEXT

2.1. SITE DESCRIPTION

The site to which this DA relates is legally identified as Lot 1012 in DP870307 as depicted on the site survey plan (at Appendix C). The subject site is located approximately 200m north of the structure approved under DA 10665 and located at Lot 9 DP 870309 as shown in Figure 1 above.

As shown in Figure 2, the site is located along the western side of the Western Distributor, along the L1 Dulwich Hill Light Rail line. Western Distributor is an essential road network, connecting to the Anzac Bridge to the north-west and providing access to Rozelle and Balmain.

Currently, the site does not contain any signage. In terms of topography, the site has an east-west downward slope. Fencing and moderate vegetation is present along the northern and eastern side of the site, as shown in Figure 3. The site is owned by TfNSW.

An aerial photograph of the site is included in Figure 2 below.

Photographs of the site and surrounding context are included in Figure 3 to Figure 8.

Figure 2 Aerial image of the site



Source: Urbis

Figure 3 Existing condition on site, looking north-east from Bank Street



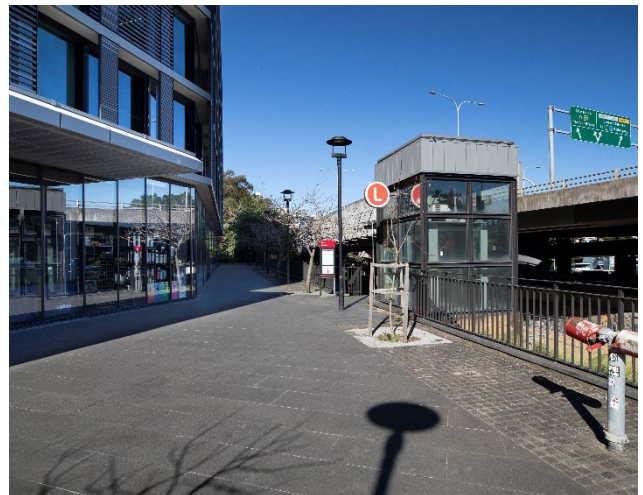
Source: JCDecaux

Figure 4 Mixed use development and Fish Market light rail station located north of the site



Picture 1 Mixed use development north of the site

Source: JCDecaux



Picture 2 Light rail station north of the site

Source: JCDecaux

Figure 5 Paradise Reserve located east of the site (viewed from Bulwara Road)



Source: Google street view

Figure 6 Low density residential dwellings located east of the site along Bulwara Road



Source: Google street view

Figure 7 Road character and high density developments along the southern side of the site



Source: Google street view

Figure 8 Blackwattle Bay located west of the site, across Western Distributor



Source: Google street view

2.2. LOCALITY

The site is located within the City of Sydney Local Government Area (**LGA**) approximately 2.9km from the Sydney CBD. The site is located within the Pyrmont locality, which is an important location within the City of LGA, providing a diversity of housing typologies, commercial opportunities, and public open spaces.

Blackwattle Bay is located approximately 15m to the west of the site and provides essential views to the Sydney harbour. Recreational facilities are located along the Blackwattle Bay providing a place for social interaction within the locality, further ensuring the overall health and wellbeing of the residents is retained. Blackwattle Bay provides a range of commercial, and retail uses and recreational facilities, such as FFB Dragon Boat Club. The Harbour City Harvest Church is also located within Blackwattle Bay.

The surrounding locality is characterised by predominately mixed-use developments comprising commercial and residential uses.

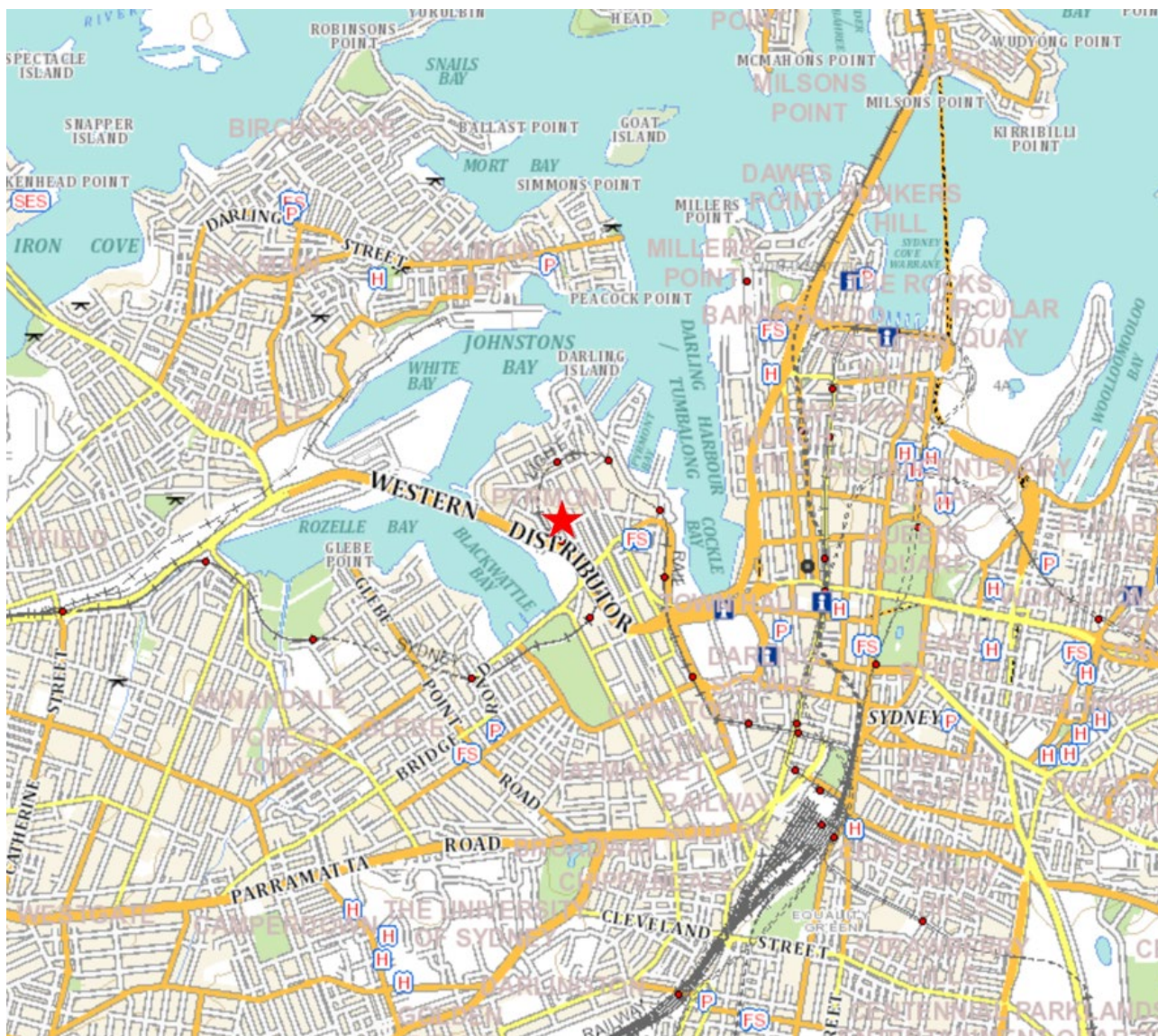
- **To the north:** a seven-storey mixed use development with commercial uses on the ground level and residential uses above. The Fish Market Light Rail station is also located north of the site.
- **To the east:** the Paradise Reserve is highly vegetated and located directly east of the site. Further east includes low density residential developments along Bulwara Road (zoned R1 General Residential).
- **To the south:** the Western Distributor runs along the south of the site in the form of road infrastructure. The area south of the site is characterised by medium rise mixed use developments.
- **To the west:** directly west of the site is Western Distributor. Further south-west of the site is the Sydney Fish Market and Blackwattle Bay.

The Blackwattle Bay Marina is located approximately 300m south-west of the site and is proposed to be developed for four buildings including commercial offices, marina storage, retail tenancies, and basement parking. A development application (reference SSD-5227) is currently being prepared by the respective

applicant. The proposal will not impact SSD-5227 as the site does not have a direct interface with the Blackwattle Bay Marina land and as such the overall amenity of future residents will be protected.

A search of the City of Sydney Council's DA tracker and the Planning Portal indicates that there are no applications under assessment which may be affected by the proposed digital signage.

Figure 9 Location Context (site identified as a red star)



Source: Urbis

Within the immediate surrounds, there are multiple existing signs located along the north side of the site along Miller Street and south-eastern side along Pyrmont Bridge Road, generally comprising paper-based window signs, under awning signs, awning fascia signs, and top of building signs (refer Figure 10 below).

Figure 10 Existing signage in the locality



Picture 3 Light rail entry/exit sign Light rail entry/exit sign viewed from Miller Street; direction sign facing southbound traffic along Western Distributor

Source: Google street view



Picture 4 Top hamper and wall sign located along Pymont Road

Source: Google street view



Picture 5 Paper format wall signs along Pymont Road

Source: Google street view

2.3. SURROUNDING ROAD NETWORK

In terms of the surrounding road network, Pymont Bridge Road and Western Distributor flyover is located east and west of the site respectively. Pymont Bridge Road is an approximately 3km long road, part of Sydney's orbital road network that connects to Darling Drive to the east and Great Western Highway to the west. It provides five lanes allowing for two-way vehicular traffic movement at a moderate speed.

The Western Distributor is an essential road network within Sydney providing access to the Sydney CBD towards the south-east and connects to the Anzac Bridge towards the north-west. It provides seven to eight lanes allowing for two-way vehicular traffic movement running at a moderate to high speed.

Footpaths are provided along each side of Pymont Bridge Road facilitating adequate pedestrian movement. There are no dedicated cycle pathways; accordingly, cyclists share the same road as vehicles, given there are not many cyclists within the surrounding road network. No footpaths or dedicated cycleways are provided along the Western Distributor.

Banks Street is located north-west of the site and connects to Bowman Street and Jones Bay.

3. BACKGROUND

3.1. REPLACEMENT AND SURRENDER OF DA 10665

A development application (DA 10665) was approved by the Department of Planning and Environment (DPE) on 1 April 2022 granting consent for erection of a monopole digital advertising billboard sign at Lot 9 in DP 870309. The approved billboard sign was of the following specifications:

- Digital display area - 39.94sqm (12.48m x 3.2m)
- Total Height - 17.5m
- Dwell time - 10 seconds
- Maximum illuminance limit during night time - 350cd/m²

Figure 11 identifies the location of DA 10665 and the subject site.

Figure 11 New location and approved sign (DA 10665)



Source: Urbis

The subject proposal provides an improved environmental and amenity outcome to the proposal approved by DA 10665 in the following regards:

- it provides an enhanced sustainable architectural design, with its integrated green structure;
- it is not as obscured by existing vegetation;
- it provides a longer viewing time in terms of vehicle approaching the site (i.e., heading westbound); and
- it is situated at a further distance to the interchange to the Fish Markets (enhancing vehicle safety).

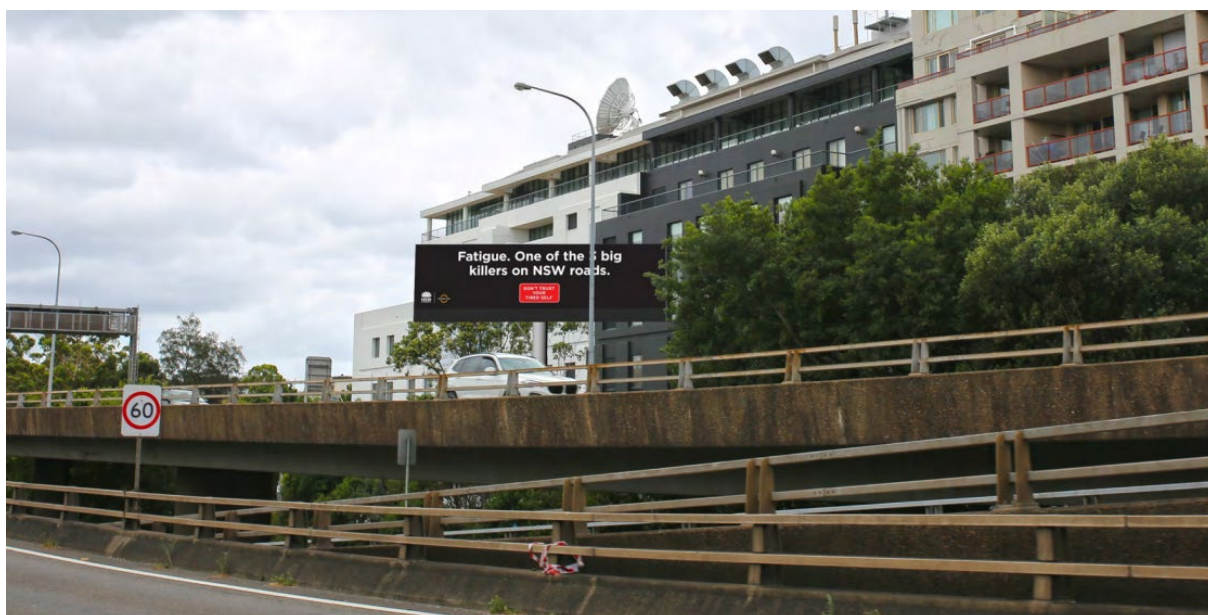
A comparison of the proposed design to design approved under DA 10665 is provided in Figure 12 below.

Figure 12 Proposed design in comparison to the design approved under DA 10665



Picture 6 Proposed design

Source: JCDecaux



Picture 7 Approved design under DA 10665

Source: JCDecaux

It is the applicant's intention to surrender the development consent to DA 10665 upon the granting of development consent to this DA (subject to appropriate terms of approval and conditions of consent). The surrender of this consent will ensure signage clutter is minimised within the immediate locality.

A copy of the development consent to DA 10665 is attached at Appendix M.

3.2. PRE-DA CONSULTATION

On 31 March 2022, Urbis and representatives of the project team met with DPE to provide an overview of the proposal and to present the proposed design scheme for a future third-party advertising structure on site. Key planning and environmental considerations were also discussed.

The applicant outlined the key benefits of the proposal as follows:

- Unique one of a kind 'iconic' design, adding to the diversity of signage within the Pyrmont locale.
- Sustainable design with façade planters softening the overall built form of the structure.

- Landscape elements adding visual interest along the road infrastructure.

JCDecaux met with TfNSW on 12 June 2022 to discuss the proposal. The applicant has received preliminary feedback from TfNSW that the DA was supportable in principle.

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

This development application seeks development consent for the replacement and relocation of an approved third-party digital advertising signage structure on the Western Distributor (A4) (**the proposal**). The new sign faces westbound traffic along the Western Distributor and is located at Lot 1012 DP 870307 (**the site**).

The proposal presents significantly improved environmental and amenity outcomes to that approved in that:

- it establishes a benchmark for an urban digital advertisement display and provides a unique opportunity to move away from a traditional non architectural billboard sign;
- it provides an enhanced sustainable design, with green infrastructure (natural vegetation and living plants) interwoven throughout the structure and enhancing the public domain experience;
- it advances sustainable urban media elements by integrating digital communication technology;
- it is not as obscured by existing vegetation and therefore more visually accessible to the public;
- it incorporates a footing design of a smaller footprint more sympathetic to the local landscape; and
- it is situated at a further distance to the interchange to the Fish Markets (enhancing vehicle safety).

The new proposal will deliver an iconic, innovative, and elegant placemaking marker along the Western Distributor, contributing to the urban digital infrastructure of the City and enriching commuter experience.

The proposal comprises the following works:

- Installation of a non-climbable concrete plinth with a diameter of 3.210m (situated approximately 7.645m from the light rail track);
- Installation of a digital advertising structure above the concrete plinth comprising the following features:
 - Screen dimension of 12.48m x 3.2m, attached to a monopole with climbing plants and façade landscaping;
 - JCDecaux logo of dimension 1.45m x 0.21m, located at the bottom left corner of the screen;
 - Satin black powder coated galvanised steel mesh panels and climbing plants around the structure; and
 - Lightweight planter boxes at 3m intervals in a vertical direction.

The digital sign will have a dwell time of six (6) advertisements per minute and an instantaneous (or 0.1 second) transition time.

The extent of the proposed digital structure is shown in Figure 13 below. Elevation plans of the proposed structure are provided in Figure 14.

Table 2 below details the dimensions of the proposed structure. The digital screen has a dimension of 12.48m x 3.2m and a display area of 39.9sqm. The digital structure is attached to a monopole and has a total height of 21.725m (from the base of concrete plinth to top of the sign) when viewed north along the railway corridor.

The signage is oriented towards westbound traffic on Western Distributor.

Table 2 Proposed structure dimensions

Measurement	Proposed
Height	21.725m (from the base of concrete plinth to top of the sign)
Length of digital screen	12.48m
Width of digital screen	3.2m

Figure 13 Proposed structure – Photomontage



Source: JCDecaux

Figure 14 Elevation Plan – Proposed Digital Sign



Source: Tzannes

4.2. ILLUMINATION

The proposed digital signage is illuminated using LEDs installed within the front face. The brightness of the LEDs shall be controlled to provide upper and lower thresholds and automatically via a local light sensor to adjust to ambient lighting conditions.

The electronic display screen has an inbuilt light adjustment sensor that measures ambient light around the structure and gradually adjusts the screen brightness based on the need for light. The brightness adjustments occur in small increments so that no dramatic change in illuminance level is experienced. However, the luminance of the advertisements will be such that they do not give a veiling luminance to the driver of greater than 200cd/m² in the night time.

The screen brightness outputs are designed in accordance with Australian Standard AS4282:2019 *Control of the Obtrusive Effects of Outdoor Lighting*. The maximum screen brightness is summarised in Table 3.

Table 3 Screen Brightness Levels

Lighting Condition	Maximum
Full direct sun on panel	6000 cd/m2
Day time	6000 cd/m2
Overcast Weather	600 cd/m2
Twilight	600 cd/m2
Night time	200 cd/m2

4.3. ACCESS AND MAINTENANCE

An access door is provided above the 3m concrete plinth and will be non-climbable to the public. A maintenance platform is provided at 3m vertical intervals within the monopole which includes an access hatch of dimension 600mm x 600mm for ladder access up to the screen maintenance walkway at the top of the sign.

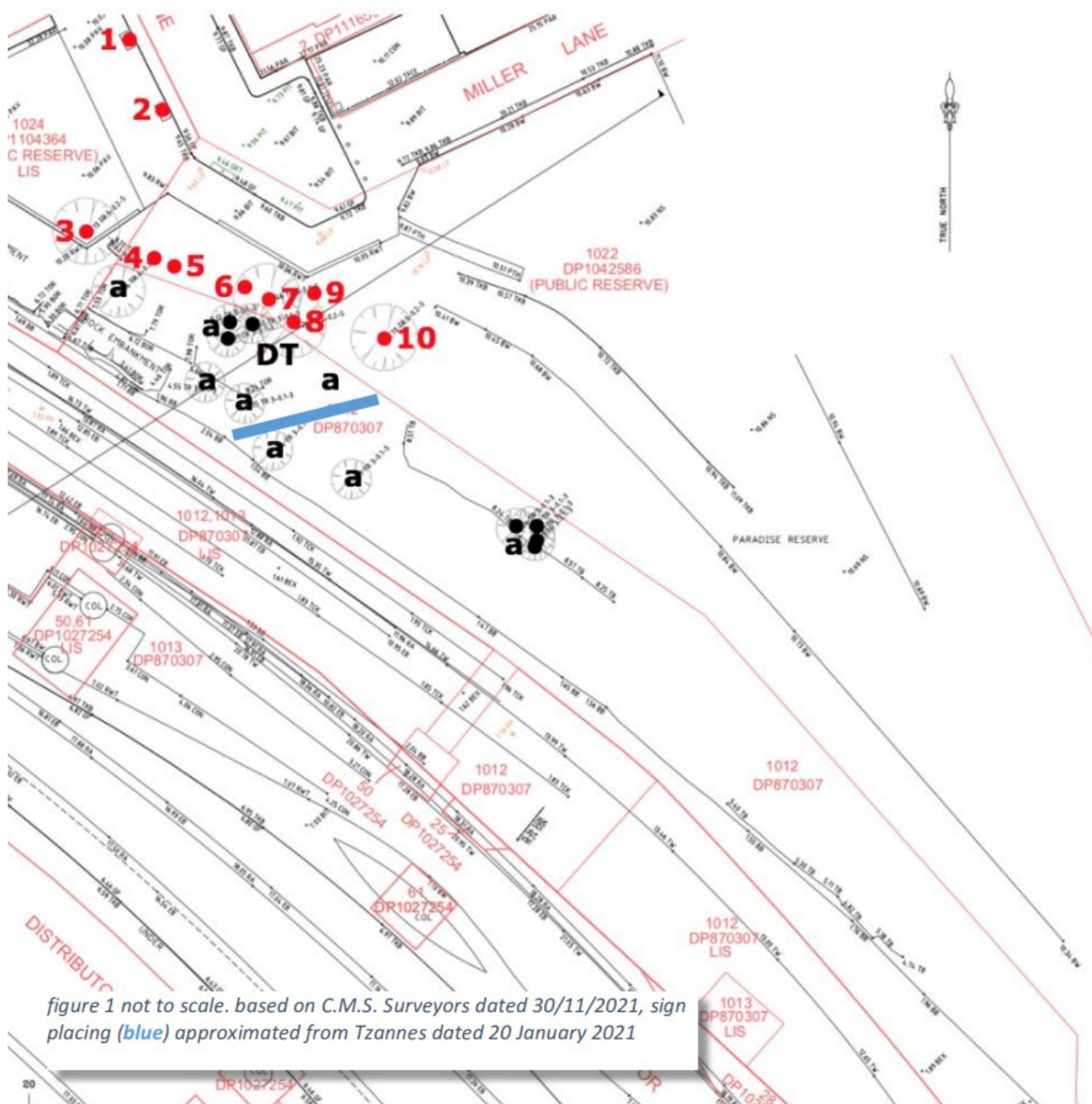
A temporary access ladder will be placed along the railway trackside to reach the access door. The access ladder will be well away from the railway track and will not impact the movement of light rail.

4.4. TREE REMOVAL

A Preliminary Arboricultural Assessment Report (**PAA**) is prepared by Matthew Reed and attached at **Appendix L**. The PAA assesses ten (10) trees numbered 1-10 and located outside the subject lot boundary and trees labelled 'a' within the subject lot. Refer Tree Location Map at Figure 15 below.

The trees labelled 'a' in Figure 15 below are 'exempt species' insofar as they are exempt from protections under City of Sydney Council guidelines and may be pruned or removed at any time by the tree-owner (herein the applicant) without approval.

Figure 15 Tree Location Map



Source: Matthew Reed

The PAA assess ten (10) trees located outside the subject lot boundary, of which three trees (numbered 1,2 and 3) are located on the street and referred to as 'street trees' and seven (4,5,6,7,8,9 and 10) located within the Paradise Reserve and referred to as 'park trees' (refer Figure 15 above).

As stated in the PAA, all ten trees are Council trees may not be removed or pruned and require protection. The Tree Protection Zones and/or crowns of some of the park trees encroach into site and design-techniques may be required to protect these neighbouring trees. The proposal will ensure that these trees are not adversely affected by construction workers, machinery, vehicles, scaffolding, cranes, or trenching.

4.5. LANDSCAPING

The proposed structure is designed to achieve a high-quality design outcome, being a sustainable green structure with living vegetation and plants. The proposed iconic sign includes light planter boxes placed on the maintenance platform within the structure which will allow for climbing and horizontal spreading plants on the on the mesh panel covering the exterior of the structure. As such, the sign will stand as a distinct, innovatively designed, sustainable living advertisement structure.

The general landscaping strategy and the selection of planting palette are appropriate and designed to play an essential role by integrating with the built form of the proposed structure, which does not hamper the road safety and amenity of surrounding developments.

Figure 16 Proposed landscaping



Picture 8 Proposed structure viewed from Miller Street

Source: Tzannes



Picture 9 Climbing mesh on panel

Source: Tzannes

4.6. CONTENT MANAGEMENT

All digital infrastructure is remotely monitored and controlled by JCDecaux staff via an internal content management software system. The content management system has firewalls and security protocols in place to ensure the integrity of the digital advertising network.

4.7. MONITORING AND MAINTENANCE

The electronic display screen is equipped with features that continuously monitor the operating parameters of the structure and automatically send alerts if an operational problem or loss of content occurs to JCDecaux's management software. If power is entirely lost, the screen maintains sufficient power to allow for an orderly shut-down of the electronic advertising sign and operating system, saving all settings and slowing the modem to send an alert about the problem. Once power is restored the electronic advertising sign will automatically display a black screen.

The sign will be cleaned and maintained 1-2 times per annum, as outlined in the Plan of Management attached at Appendix J.

4.8. INDUSTRY MEMBERSHIP AND ADVERTISING CODES

JCDecaux is a member of the Outdoor Media Association (OMA) who are the peak body representing Out-of-Home advertising within Australia. As a tier one member of the OMA, JCDecaux are committed to complying with the following codes that regulate the content and placement of advertisement which include:

- *OMA Code of Ethics*
- *OMA Advertising Context Policy*
- *OMA Alcohol Advertising Guidelines*
- *OMA National Health and Wellbeing Policy*
- *OMA Placement Policy*
- *OMA Political Advertising Policy*
- *AANA Code of Ethics*

- *AANA Environmental Claims Code*
- *AANA Children's Advertising Code*
- *AANA Food and Beverages Code*
- *AANA Wagering Advertising Code*
- *ABAC Responsible Alcohol Marketing Code*
- *Federal Chamber of Automotive Industries' Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code)*
- *Therapeutic Goods and Advertising Code (TGAC)*
- *Weight Management Industry Code of Practice*

JCDecaux have an internal creative review process to ensure that advertisements do not breach any applicable code. This review process is undertaken prior to advertisements being sent for printing/production and being displayed. This process will ensure that advertising content and the sequencing of imagery will not cause driver distraction.

The partnership between JCDecaux and Sydney Trains will ensure relevant third-party advertisements are displayed, with inclusion of emerging messaging ensuring the public interest is maintained.

4.9. COST OF DEVELOPMENT

A Cost Summary Report (at **Appendix B**) identifies an estimated cost of \$2,475,550 (including GST).

5. STATUTORY CONTEXT

This section provides an assessment of compliance of the proposed development against the relevant legislation, planning instruments and documents, including:

- *Environmental Planning and Assessment Act 1979*;
- *Heritage Act 1997*;
- *State Environmental Planning Policy (Industry and Employment) 2021*;
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017;
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- *Sydney Local Environmental Plan 2012*; and
- Sydney Development Control Plan 2012.

5.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Development in NSW is regulated pursuant to the EP&A Act, which applies to all development in NSW and sets out the procedures and objects for all development.

This application is a Crown DA per Part 4 Division 4.6, being an application lodged by an authority that is prescribed as the Crown for the purposes of Division 4.6. Sydney Trains, through Transport for NSW, is identified as a public authority. The Minister for Planning and Homes is the consent authority for the DA, under Clause 3.14 of the Industry and Employment SEPP (explained under Section 5.3 of this SEE).

The subject site is identified as a heritage item (SHR no. 01225), as such, this application requires a heritage approval under s.58 of the Heritage Act 1977. This application is required to be forwarded to the Heritage Council of New South Wales (HCNSW) within 14 days of lodgement of the application.

It is essential to note that since this application is a Crown DA, Section 4.44 of the EP&A Act does not apply, other than the heritage approval. Accordingly, the application is a **nominated integrated development**.

5.2. HERITAGE ACT 1997

The subject site is a heritage item listed on the NSW State Heritage Register as 'Pyrmont and Glebe Railway Tunnels' (SHR no. 01225). A heritage approval from HCNSW will be sought in accordance with s.58 of the *Heritage Act 1977*.

5.3. STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021* (**Industry and Employment SEPP**) relates to advertising and signage. It aims to ensure that signage and advertisement is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish.

The proposed structure is identified as an advertisement signage as it displays third-party advertisement. Therefore, Chapter 3 of Industry and Employment SEPP is applicable to the proposal.

The proposed advertisement is on behalf of Sydney Trains and located in a railway corridor. Therefore, the proposal is permissible with consent as per Clause 3.14(1)(a) and the consent authority is the Minister of Planning and Homes in accordance with Clause 3.10.

Clause 3.11 of the Industry and Employment SEPP prevents a consent authority from granting development consent to display signage unless the consent authority is satisfied that the signage is consistent with the objectives of Chapter 3 and satisfies the assessment criteria specified in Schedule 5 and in the Guidelines.

The proposal is compliant with the objectives of Chapter 3 due to the following:

- The proposed structure is consistent with the commercial character of the area.
- The proposed structure allows for effective communication of third-party advertisements, whilst ensuring safety for vehicles, motorists, and pedestrians. Further, the movement of the Light Rail trains along the corridor will not be impacted by the proposed signage.
- The proposal will provide a public benefit through the revenue generated from the advertising sign which can be used for other operations and services that cater to and benefit the public. Additionally, the proposed structure can display information on Sydney Trains and TfNSW promotions and events as well as threat-to-life alerts by NSW Government Emergency and Police Agencies, ensuring the public benefit is served. Refer to Public Benefit Statement at Appendix G.

An assessment of the proposed signage against Schedule 5 of the Industry and Employment SEPP is included in Table 4. An assessment against the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines) is provided in Section 5.4 of this SEE.

Table 4 Industry and Employment SEPP Schedule 5 Assessment

Provision	Comment	Compliance
1. Character of the area		
Is the proposal compatible with the character of the area or locality in which it is proposed to be located?	The proposal is compatible with the desired future character of the site and the wider Pyrmont locale. The Design Statement establishes the provisions and design parameters to achieve appropriate advertisement structure, consistent with the scale and form of the railway corridor. The advertisement typologies and materials and finishes are compatible with the context of the surrounding public domain.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>The proposal involves relocation of a sign approved under DA 10665 to the subject site.</p> <p>The site is located in close proximity to land zoned B4 Mixed Use and B3 Commercial Core and therefore includes mixed use developments comprising of commercial and residential uses. In terms of signage opportunities, there are multiple signs located along Miller Street and Pyrmont Bridge Road in the form of windows, pylon, top hamper, wall signs and digital sign (as shown in Figure 10 above). The proposed structure therefore stands consistent with the mixed-use commercial nature of developments located along Miller Street and Pyrmont Bridge Road.</p> <p>As far as illumination is concerned, the proposal ensures there is no negative impact on the safety of vehicles, cyclists and pedestrians. This is described in the Light Impact Statement and Traffic Safety Assessment.</p> <p>As such, the proposal does not result in any negative outcomes and remains consistent with the theme within the locality.</p>	Yes
2. Special Areas		

Provision	Comment	Compliance
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 landscape or residential areas?	<p>The subject site is a heritage listed item on the NSW State Heritage Register as 'Pyrmont and Glebe Railway Tunnels' (SHR no. 01225). The site is also located in close vicinity to local heritage items located north and east of the site, along Miller Lane and Bulwara Road.</p> <p>Heritage is further discussed in Section 6.2 of the SEE. A Heritage Impact Statement is attached at Appendix H.</p> <p>In summary, the proposal is a sympathetically designed digital advertisement structure that will not detract from the heritage significance of the site or surrounding items.</p> <p>In terms of sensitive uses, a residential flat building is located approximately 50m north and two-storey residential terraces approximately 60m along Bulwara Road. The proposed structure is designed to remain sympathetic to residential uses in terms of bulk, scale, and lighting impact. As stated in the Lighting Impact Assessment, the maximum illuminance to habitable windows from the proposed digital signage is 0.63 lux. This illuminance is less than the level 2 lux maximum outlined in Table 3.9 of the Sydney DCP. As such, the surrounding residential uses will not be impacted from a lighting perspective.</p> <p>In terms of recreational uses, Parade Reserve adjoins the eastern boundary of the site. The proposed digital screen is not visible from the park. As such, the park remains unaffected from a lighting perspective. The exterior climbing plants along the structure monopole allow the sign to integrate well with the existing vegetation within the park, further softening the overall bulk of the structure and ensuring there is no visual impact when viewed the park.</p> <p>In terms of special area, the site is located in proximity to a Heritage Conservation Areas (HCA) to the east, however significant mature vegetation within Paradise Reserve obstructs or highly filters views to and from the HCA and the proposed sign is not anticipated to have an impact on the area.</p> <p>Therefore, the proposed sign does not detract or significantly alter the existing levels of 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>	Yes
3. Views and Vistas		
Does the proposal obscure or compromise important views?	The proposed structure is attached to a monopole and has a maximum height of 21.725m (from the base of concrete plinth to top of the sign) when viewed north along the	Yes

Provision	Comment	Compliance
	<p>railway corridor and is appropriate in size and scale and that is sympathetic to the surrounding environment. Importantly, the existing vegetation along the northern and eastern side of the site ensures the structure can only be partially viewed from the residential development located east of the site. The structure is extensively vegetated which helps soften any visual impacts of the proposal.</p> <p>The Visual Impact Assessment states the following:</p> <p><i>There are no important views identified in this area or documented in the City of Sydney DCP 2012. Views in this area consist predominantly areas of mixed-use buildings, open sky and transport infrastructure.</i></p>	
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed structure will be installed at RL 20.62, along the eastern boundary of the railway track at a distance of some 7.6m. As considered in the Visual Impact Assessment (Appendix I), the structure does not dominate the skyline or reduce the quality of vistas in any way.	Yes
Does the proposal respect the viewing rights of other advertisers?	Existing signs within the same view composition will not be blocked therefore the viewing rights of other advertisers will be respected.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The sign is proposed to be relocated from Lot 9 DP 870309 (as approved under DA 10665) to the subject site, which is 200m north of its approved location and within a commercial context, consistent with the road infrastructure along Western Distributor. Further, the scale, proportion and form of the proposed structure is appropriate in the context of the surrounding streetscape and broader locality.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<p>The proposed sign will be a one-of-a-kind, iconic design within Australia. It is designed as an aesthetically pleasing, tall and slender form which remains consistent with the City of Sydney's vision to allow signage achieving high design quality.</p> <p>The proposed structure stands appropriate to the railway corridor. The colour palette used is contemporary yet subdued and the materials are of a high-quality finish that contribute positively to the streetscape and surrounding public domain.</p>	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The sign is appropriately distanced from other signage and does not result in clutter of advertisements along the Western Distributor.	Yes

Provision	Comment	Compliance
	<p>As detailed in Section 3.1, it is the applicant's intention to surrender the development consent to a recently approved DA for a similar digital advertising structure located approximately 200m south of the site. The proposed digital screen is of the same size as approved under DA 10665, ensuring there is no additional digital screen area. As such, the proposed replacement of the approved design with the proposed will not result in clutter in the area.</p> <p>Signs are located along the Fish Market light rail forecourt marking the entry/exit and train schedules. However, the digital screen is elevated and does not create clutter at the street level.</p>	
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<p>The proposed structure will protrude above the tree canopies located within the site and above the Western Distributor to effectively carry out the function of a third-party advertising sign and capture the vehicular traffic along the Western Distributor, which sits above buildings, structures and tree canopies.</p> <p>The proposed sign will generate visual interest within the area of the transport corridor without impacting upon the wider mixed-use character of the area and will not protrude above buildings that it is immediately adjacent to, namely 55 Miller Street.</p> <p>The proposed sign is not out of character with the streetscape, which has an urban character and within which there is existing signage and lighting structures and will not be out of proportion to the wider area which contains buildings of up to ten storeys and significant infrastructure elements.</p>	Yes
Does the proposal require ongoing vegetation management?	<p>As stated in the Preliminary Arboricultural Assessment Report (PAA) (attached at Appendix L), the exempt trees located within the subject lot will be pruned or removed as required to allow installation and visibility of the sign. These trees are exempt from protections under City of Sydney Council guidelines and may be pruned or removed at any time by the tree-owner (herein the applicant) without approval.</p> <p>Regular vegetation maintenance will be undertaken as required. The site will be inspected every six (6) months to determine if any branches need to be pruned to ensure clear visibility of the proposed sign.</p>	Yes

Provision	Comment	Compliance
	Refer to the Plan of Management (Appendix J).	
5. Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed structure is compatible with the transport corridor and allows smooth movement of light rails along the transport corridor. The location, design and format of the structure is such that there is no overbearing effect on ongoing vehicular traffic, cyclists, and pedestrians. Additionally, the proposal is sympathetic to the bulk and architectural features of surrounding developments.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed structure will not dominate the transport corridor along which it is located. Rather it achieves a balance between fulfilling its purpose as a third-party advertisement whilst remaining subservient to the transport corridor. Further, the proposal does not jeopardise the heritage significance of the site or surrounding items.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal achieves a high-quality built form through extensive architectural refinement and urban design articulation with an extensively landscaped design and tonal palette of external materials, finishes, and colours. Through the selective use of scale, texture and colour, the proposal employs a sophisticated palette of materials and landscaping, which considers the materiality of its surroundings, and applies modern architectural detailing. As such, the proposal successfully shows innovation and imagination through a distinct design scheme within the locale. Further, the proposal demonstrates innovation through a structure with a digital display screen showing a variety of advertisements and other important civic messages in the event of emergency (through JCDecaux's web-based Emergency Messaging System) or unplanned operations, any major disruption which is likely to cause commuter delays, Sydney Trains promotions and events. Further, the overall design and green element of the sign is unique within the City of Sydney LGA. Therefore, the structure is designed to show innovation and imagination through an appropriate scale, proportion, signage type and design.	Yes
6. Associated devices and logos with advertisement and advertising structures		
Have any safety devices, platforms, lighting devices or logos been	All signage illumination, fixings and cabling will be concealed within the structure.	Yes

Provision	Comment	Compliance
designed as an integral part of the signage or structure on which it is to be displayed?		
7. Illumination		
Would illumination result in unacceptable glare?	The proposed signage does not result in unacceptable glare. Refer to the Lighting Impact Assessment Report at Appendix F.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Given the size, scale, location and proportion of the proposed advertisement structure, the proposal does not impact upon pedestrian or vehicular safety on the surrounding road network.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	<p>There are residential uses located in the immediate surrounds of the site. Table 3.9 Sydney DCP outlines maximum illuminance limits on windows on habitable rooms of the accommodation uses in the vicinity of digital (electronic) signage. The maximum illuminance from the digital sign to windows of habitable rooms of an accommodation use is not to exceed 2 lux or not be greater than the illuminance from existing advertising structure (whichever is less). As there is no existing illuminated signage on the site, the maximum vertical illuminance to windows of habitable rooms is 2 lux.</p> <p>As per the Lighting Impact Assessment, the lighting model showed that the maximum illuminance to habitable windows from the proposed digital signage is 0.2 lux, less than the level 2 lux maximum outlined in Table 3.9 of the DCP.</p> <p>Therefore, the illumination will not detract from the amenity of residential accommodations located north and east of the site.</p>	Yes
Can the intensity of the illumination be adjusted, if necessary?	The brightness of the LEDs can be controlled to provide upper and lower thresholds as required as well as automatically via a local light sensor to adjust to ambient lighting conditions.	Yes
Is the illumination subject to a curfew?	No illumination curfew is proposed. The digital signage is to be in 24-hour operation.	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not impact upon the safety of the surrounding road network for vehicles, pedestrians or	Yes

Provision	Comment	Compliance
	cyclists given the structure will be situated away from the street, along the eastern boundary of the transport corridor. For further detail in this regard, refer Traffic Safety Assessment included in Appendix E.	
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal structure does not interfere with the existing footpaths and cycleways. The proposal therefore does not hamper the safety of pedestrians and cyclists. In terms of illumination, the lighting component of the proposed structure is compliant with the relevant Australian Standard. For further detail in this regard, refer Lighting Impact Assessment and Traffic Safety Assessment.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed structure will not obscure sightlines from public areas that are of key importance. Additionally, the proposal will not hamper the safety of children and pedestrians.	Yes

Clause 3.15 of the SEPP provides that a consent authority must not grant consent to an application to display an advertisement with a display area greater than 20 square metres or higher than 8 metres above ground unless the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 of Industry and Employment SEPP. Table 4 above provides an assessment of the proposed signage in relation to the criteria set out in Schedule 5 of the SEPP and satisfies the requirements to display signage.

Clause 3.21 of the SEPP relates to free standing advertisements. The proposal is compliant with Clause 3.21 as the sign does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre. This is described in the Visual Impact Assessment (at Appendix I).

5.4. TRANSPORT CORRIDOR OUTDOOR ADVERTISING AND SIGNAGE GUIDELINES 2017

The proposed signage has been developed in consideration of *Transport Corridor Outdoor Advertising and Signage Guidelines* (the Guidelines). Table 5 below assesses the proposed signage against the relevant controls as contained within the Guidelines is relevant to this application.

Table 5 Electronic Sign Criteria

Provision	Comment	Compliance
Section 1.6 – Development applications in transport corridors		
Land Use Compatibility Criteria		
i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The subject site is located in the Sydney Local Environmental Plan 2012 (SLEP) and is consistent with the land use objectives as detailed in Section 5.6.1 below. The proposed structure is along a	Yes

Provision	Comment	Compliance
	railway corridor which supports important transportation infrastructure across Greater Sydney. The proposal involves relocation of the approved sign from Lot 9 DP 870309 (as approved under DA 10665) to the subject site, with a new and improved design demonstrating advertising as a compatible land use, without detracting from the commuter corridor.	
<p>ii. Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:</p> <ul style="list-style-type: none"> environmentally sensitive area heritage area (excluding railway stations) natural or other conservation area open space (excluding sponsorship advertising at sporting facilities in public recreation zones) waterway residential area (but not including a mixed residential and business zone, or similar zones) scenic protection area national park or nature reserve. 	<p>Given the digital screen is attached to a monopole with a total height of 21.725m (from the base of concrete plinth to top of the sign), it is not visible from the public recreation area, residential developments and heritage conservation area (C52 Pyrmont) located east of the site.</p> <p>The sign will be primarily visible from the mixed-use developments (containing commercial and residential uses) located south of the site along Western Distributor and the developments further west of the site along the Blackwattle Bay.</p> <p>The sign will largely be covered by vegetation, therefore reducing the visual impact on the developments south and west of the site.</p> <p>The sign is not considered to have an adverse impact on the amenity of the surrounding developments as it is primarily viewed by vehicle moving westbound along Western Distributor.</p>	Yes
<p>iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.</p>	<p>The proposed sign does not protrude above the skyline and does not compromise views or character of the area, as explained in the Visual Impact Assessment (Appendix I). The proposal ensures the monopole is suitably installed within the ground, 7.6m away from the railway corridor. The location of the structure is appropriate and does not obstruct any essential views. Refer Section 6.4 for further discussion regarding visual impact.</p>	Yes

Provision	Comment	Compliance
iv. Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.	A Heritage Impact Statement has been prepared by Weir Phillips (at Appendix H) that demonstrates the proposal does not diminish the heritage values of the site and surrounding items and conservation areas.	Yes
v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	The sign is proposed to be installed along a railway corridor owned by TfNSW and is located within an urban setting. The sign is positioned to remain appropriately distanced from the railway track and train pathway. The digital screen is attached to a monopole and situate above the railway track level. As such, the digital screen will in no way impact movement of trains. The monopole installed in the ground is approximately 7.6m away from the railway track, ensuring smooth movement of the light rail.	Yes
Section 2.5.4 – Freestanding advertisements criteria		
a. The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.	<p>The proposed structure will protrude above the tree canopies located within the subject site and above the Western Distributor to effectively carry out the function of a third-party advertising sign and capture the vehicular traffic along the Western Distributor, which in itself sits above buildings, structures and tree canopies.</p> <p>The proposed sign will generate visual interest within the area of the transport corridor without impacting upon the wider mixed-use character of the area and will not protrude above buildings that it is immediately adjacent to, namely 55 Miller Street. Further, the sign does not protrude above the dominant skyline of the Sydney CBD.</p> <p>The proposed sign will not be out of character with the streetscape, which has an urban character and within which there is existing signage and lighting structures and will not be out of proportion to the wider area which contains buildings of up to ten storeys and significant infrastructure elements.</p>	Yes

Provision	Comment	Compliance
	<p>The proposal does not cause a detrimental impact on surrounding buildings in terms of visual impact and amenity and the commercial character of the locality.</p> <p>As stated in the Visual Impact Assessment, 50mm medium focal length photographs have been documented to show the visual setting of the subject site and the proposed development within it. The assessment states that the overall rating of significance of visual impact is medium when viewed from the south along Western Distributor.</p>	
b. For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.	The sign is not greater than 45sqm and does not require consent from the local council.	NA
c. Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.	<p>The trees located on site are categorised as exempt from protection under City of Sydney Council guidelines and may be pruned or removed at any time by the tree-owner (herein the applicant) without approval.</p> <p>As such, these trees will be removed or pruned as required to facilitate installation of the proposed sign.</p> <p>Regular vegetation maintenance will be undertaken as required. The site will be inspected every six (6) months to determine if any branches need to be pruned to ensure clear visibility of the proposed sign.</p> <p>The existing vegetation management details are stated in the Plan of Management (Appendix J). No new vegetation is proposed as part of this proposal.</p>	Yes
Section 2.5.8 – Digital signs (less than 20sqm in area)		
a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	Conditions can be imposed by the consent authority to ensure that the sign is completely static for the specified dwell time.	Yes

Provision	Comment	Compliance
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.	Conditions can be imposed by the consent authority to ensure there is no message sequencing that creates driver anticipation for the next message on the proposed sign or with any other signs.	Yes
c. The image must not be capable of being mistaken: (i) for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device (ii) as text providing driving instructions to drivers.	Conditions can be imposed by the consent authority to ensure that sign content, design, imagery and messages neither replicate nor can be mistaken for a prescribed traffic control device or instruction to drivers. For example, advertisements must not instruct drivers to perform an action such as 'Stop'.	Yes
d. Dwell times for image display must not be less than: (i) 10 seconds for areas where the speed limit is below 80 km/h (ii) 25 seconds for areas where the speed limit is 80km/h and over.	A dwell time of 10 seconds would typically be suitable for the proposed digital signage. Conditions can be imposed by the consent authority to ensure this minimum dwell time.	Yes
e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	An almost instantaneous transition is likely to reduce the additional distraction potential for digital signs. It is assumed that this operational requirement would be met.	Yes
f. Luminance levels must comply with the requirements in Section 3 below.	The proposal complies with the luminance levels. Refer to the Lighting Impact Assessment included in Appendix F.	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.	Conditions can be imposed by the consent authority to ensure that the sign's images comply with requirements to not contain flickering or flashing content.	Yes
h. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).	Conditions can be imposed by the consent authority to ensure that minimal text and information is supplied on a sign no more than a driver can read at a short glance.	Yes
i. Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	N/A – The sign is not visible from a school zone.	NA

Provision	Comment	Compliance
j. Each sign proposal must be assessed on a case-by-case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign, and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	All relevant traffic directions have been assessed on their own merits.	Yes
k. At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.	Noted.	Yes
l. Sign spacing should limit drivers' view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	Noted.	Yes
<p>m. Signs greater than or equal to 20sqm must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <p>i. 2.5m from lowest point of the sign above the road surface if located outside the clear zone</p> <p>ii. 5.5m from lowest point of the sign above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed.</p> <p>If attached to road infrastructure (such as an overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.</p>	The digital sign would be located approximately 12m above the road surface level of the Pyrmont Bridge Road exit lane, which is greater than the minimum requirement.	Yes
n. An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to	Conditions can be imposed by the consent authority to ensure that an electronic log is kept for the duration of the consent and be	Yes

Provision	Comment	Compliance
allow a review of the sign's activity in case of a complaint.	available to the consent authority and/or TfNSW for review in case of a complaint.	
o. A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS, the report is to be provided to the Department of Planning and Environment as well.	Conditions can be imposed by the consent authority for a road safety check to be carried out after 12 months but within 18 months of the sign's installation.	Yes
Section 3.2 – Sign location criteria		
3.2.1 Road clearance		
a. The advertisement must not create a physical obstruction or hazard. For example:		
(i) Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?	There are no footpath facilities or shared path facilities along the Western Distributor. The digital sign would not physically obstruct any vehicle, pedestrian, or cyclist movements as it would be placed to the side of the carriageway (north side of the Pymont Bridge Road exit). The sign would not cantilever over the roadway. The sign display and border would be offset from the edge of the Western Distributor main carriageway by 14 m and from the edge of the Pymont Bridge Road exit by approximately 3 m.	Yes
(ii) Does the sign protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?		
(iii) Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?		
b. Where the sign supports are not frangible (breakable), the sign must be placed outside the	The proposed sign supports are not frangible.	NA

Provision	Comment	Compliance
clear zone in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS approved crash barrier.		
c. Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m in height (relative to the road level) are to comply with any applicable lateral clearances specified by Austroads Guide to Road Design (and RMS supplements) with respect to dynamic deflection and working width.	Refer Traffic Safety Assessment included at Appendix E.	Yes
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.	As shown in Picture 5 above, the proposed structure does not hang over the Western Distributor. Nonetheless, as part of the detailed design phase the digital sign would be designed in accordance with Australian Standards AS1170.1 and AS1170.2 to meet the requirements for wind loading, whilst having consideration for height of the sign boards when under maximum vertical deflection.	NA
<p>Additional road clearance criteria for digital signs:</p> <p>Digital signs greater or equal to 20sqm must ensure the following clearances:</p> <p>a. 2.5m from lowest point of the sign above the road surface if located outside the clear zone</p> <p>b. 5.5m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed.</p> <p>If attached to road infrastructure (such as an overpass), the digital sign must be positioned so that no portion of the sign is lower than the minimum vertical clearance under the overpass or supporting structure.</p>	The digital sign would be located approximately 12m above the road surface level of the Pyrmont Bridge Road exit lane, which is greater than the minimum requirement.	Yes
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.	A driver sightline assessment is provided under the Traffic Safety Assessment attached at Appendix E. The assessment concludes that the digital sign would not obstruct motorist's view of the road or other	Yes

Provision	Comment	Compliance
	<p>road users travelling on the Western Distributor.</p> <p>The proposed structure will be installed along the railway corridor and will in no way impact movement of cyclist and pedestrian. Refer Traffic Safety Assessment included at Appendix E.</p>	
b. An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The sign is located on the roadside and will not obscure sightlines of pedestrians or cyclists.	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. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.	<p>The proposed sign is installed appropriately along the eastern side of the railway track and will not give incorrect information on the alignment of the road.</p> <p>The proposal will not distract drivers or reduce their visibility of the directional signs and traffic signals in the area.</p>	Yes
<p>d. The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:</p> <p>(i) The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/ or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.</p> <p>(ii) The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.</p>	As stated in the Traffic Impact Assessment, the proposed sign is not expected to reduce the safety of any traffic, pedestrians or cyclist movements given its location. It will be located within a driver's ordinary field of view when approaching westbound and a glance to the sign will still permit coincident recognition of vehicle, and motorist movements in the forward view.	Yes
3.2.3 Proximity to decision making points and conflict points		
a. The sign should not be located:	As per Austroads Guide to Road Design Part 4A, the minimum Stopping Sight	Yes

Provision	Comment	Compliance
<p>(i) less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves</p> <p>(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</p> <p>(iii) so that it is visible from the stem of a T-intersection.</p>	<p>Distance (SSD) refers to the distance to enable a normally alert driver, travelling at the operating speed on wet pavement, to perceive, react and brake to a stop before reaching a hazard on the road ahead. This distance is dependent on the operating (85th percentile) speed of the road, road gradient and other road characteristics.</p> <p>For the purpose of this assessment, an operating speed of 60km/h has been used to calculate the minimum SSD. A 60 km/h speed has been adopted based on the signposted speed limit on the Western Distributor and the speed which motorists were observed to be driving during the site inspection. According to Austroads, the minimum safe stopping sight distance for a 60km/h speed zone is 64m.</p> <p>As assessed in the Traffic Impact Assessment (Appendix E) prepared by TTPP, the sign is not located less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves.</p>	
<p>b. The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</p> <p>(i) of a road hazard</p> <p>(ii) to an intersection</p> <p>(iii) to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs)</p> <p>(iv) to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.</p>	<p>A "critical time" is understood to refer to a point in time when a driver's decision is required, implying that a road safety implication could occur if a driver was distracted at this time.</p> <p>Within the readable distance on the Western Distributor on approach to the proposed sign, the sign would be positioned well-above the roadway.</p> <p>There are no nearby intersections along the Western Distributor and the sign would not be visible from Bulwara Road, Bank Street, and Pyrmont Bridge Road.</p>	Yes
3.2.4 Sign spacing		
The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.	The proposed sign facing westbound traffic on Western Distributor does not result in clutter in the area, such that the view rights of signage on other developments is protected.	Yes

Provision	Comment	Compliance
<p>Additional criteria for digital signs:</p> <p>a. Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.</p>	<p>No other advertising sign is visible when a driver is in view of the subject site.</p>	Yes
Section 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 their visibility of the directional signs and traffic signals in the area.</p> <p>As stated in the Traffic Safety Assessment, the proposed structure will not impact the movement of light rail along the railway corridor as the digital screen will not be visible to the light rail driver and therefore will not be a distraction. As such, the proposal is also deemed appropriate from a rail safety perspective.</p> <p>Refer to the Traffic Safety Assessment for further information.</p>	Yes
<p>b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device. For example:</p> <p>(i) Could the advertisement be construed as giving instructions to traffic such as 'Stop', 'Halt' or 'Give Way'?</p> <p>(ii) Does the advertisement imitate a prescribed traffic control device?</p> <p>(iii) If the sign is in the vicinity of traffic lights, does the advertisement use red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal?</p>	<p>There are no traffic signs and devices in the vicinity of the sign which could become obscured, or their effectiveness become reduced by the proposed digital sign.</p> <p>Further, the sign would not display colours and shapes which could be mistaken for a traffic signal.</p>	Yes
<p>Additional criteria for digital signs and moving signs:</p> <p>a. The image must not be capable of being mistaken:</p>	<p>JCDcaux have a comprehensive process of reviewing content to ensure it is not interpreted as a traffic device or instruction</p>	Yes

Provision	Comment	Compliance
<p>(i) for a rail or traffic sign or signal because it has, e.g. red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal</p> <p>(ii) as text providing driving instructions to drivers.</p> <p>b. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).</p>	to drivers. Refer to Section 4.6 for further information.	
3.3.2 Dwell time and transition time		
a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The proposal will be limited to completely static content without any motion.	Yes
<p>b. Dwell times for image display must not be less than:</p> <p>(i) 10 seconds for areas where the speed limit is below 80km/h.</p> <p>(ii) 25 seconds for areas where the speed limit is 80km/h and over.</p>	The proposal seeks approval for a dwell time of 10 seconds per advertisement.	Yes
c. Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	The proposal will be conditioned as static content with instantaneous (0.1 second) transition, and a default image of black screen in the event of an error. Refer to the Plan of Management for further detail.	Yes
d. Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	Noted. The proposed asset will be limited to static content.	Yes
e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	JCDecaux have a comprehensive process of reviewing content to ensure content does not dazzle or distract drivers. All content will be static and not include any flickering, flashing or motion. Refer to Section 4.6 for further information.	Yes
<p>Dwell time criteria for moving signs:</p> <p>a. The image must be completely static from its first appearance to the commencement of a change to another display.</p>	The dwell time of 10 seconds will be limited to only static content.	NA

Provision	Comment	Compliance
b. Dwell times for image display are to be a minimum of 10 seconds which includes 3 seconds to scroll.		
3.3.3 Illumination and reflectance		
Illumination criteria for digital signs:		
a. Luminance levels must comply with the requirements in Table 6 below.	As discussed in the Light Impact Assessment the proposal is compliant with the Transport Corridor Outdoor Advertising & Signage Guidelines.	Yes
b. The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The proposal does not result in such effects.	Yes
3.3.4 Interaction and sequencing		
a. The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	The proposal does not include technology which interacts 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.	The Plan of Management includes content management protocols that will ensure message sequencing does not allow a driver to anticipate the next message.	Yes
Section 3.4 – Road safety review of new or modified signs		
RMS may review the crash history of any new or modified advertising signs after a three-year period to determine whether the sign has had an adverse effect on road safety. If RMS is of the opinion that a sign is a traffic hazard, RMS may direct the owner or occupier of the land on which the sign is situated or the person who erected the sign to screen, modify or remove the sign, regardless of whether or not the sign is the subject of a development consent under the Act or a consent under the Roads Act 1993.	Noted.	Yes
Section 3.5 – Road safety review of digital signs		
A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months	Noted.	Yes

Provision	Comment	Compliance
of the sign's installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS the report is to be provided to the Department of Planning and Environment as well.		
Section 4 – Public benefit test for advertisement proposals		
4.2 What is an appropriate public benefit?		
<p>The level of public benefit for a given SEPP 64 advertisement is to be negotiated and agreed upon between the consent authority and the applicant. The public benefit can be provided as a monetary contribution or as an 'in-kind' contribution. Both monetary and in-kind contributions must be linked to improvements in local community services and facilities including benefits such as:</p> <ul style="list-style-type: none"> improved traffic safety (road, rail, bicycle and pedestrian) improved public transport services improved public amenity within, or adjacent to, the transport corridor support school safety infrastructure and programs other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages. 	<p>The proposal is consistent with the public interest as it will generate revenue for the NSW Government that can be used to fund improvements to essential public infrastructure and other rail programs that allow for the maintenance and operations of the wider Sydney Trains network both in regional and wider state where Sydney Trains operates.</p> <p>In addition to generating revenue, the proposed structure is capable of displaying information regarding the following:</p> <ul style="list-style-type: none"> Sydney Trains and TfNSW promotions and events, and Threat-to-life alerts by NSW Government Emergency and Police Agencies. <p>As such, the proposal will deliver public benefit.</p>	Yes

5.5. STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

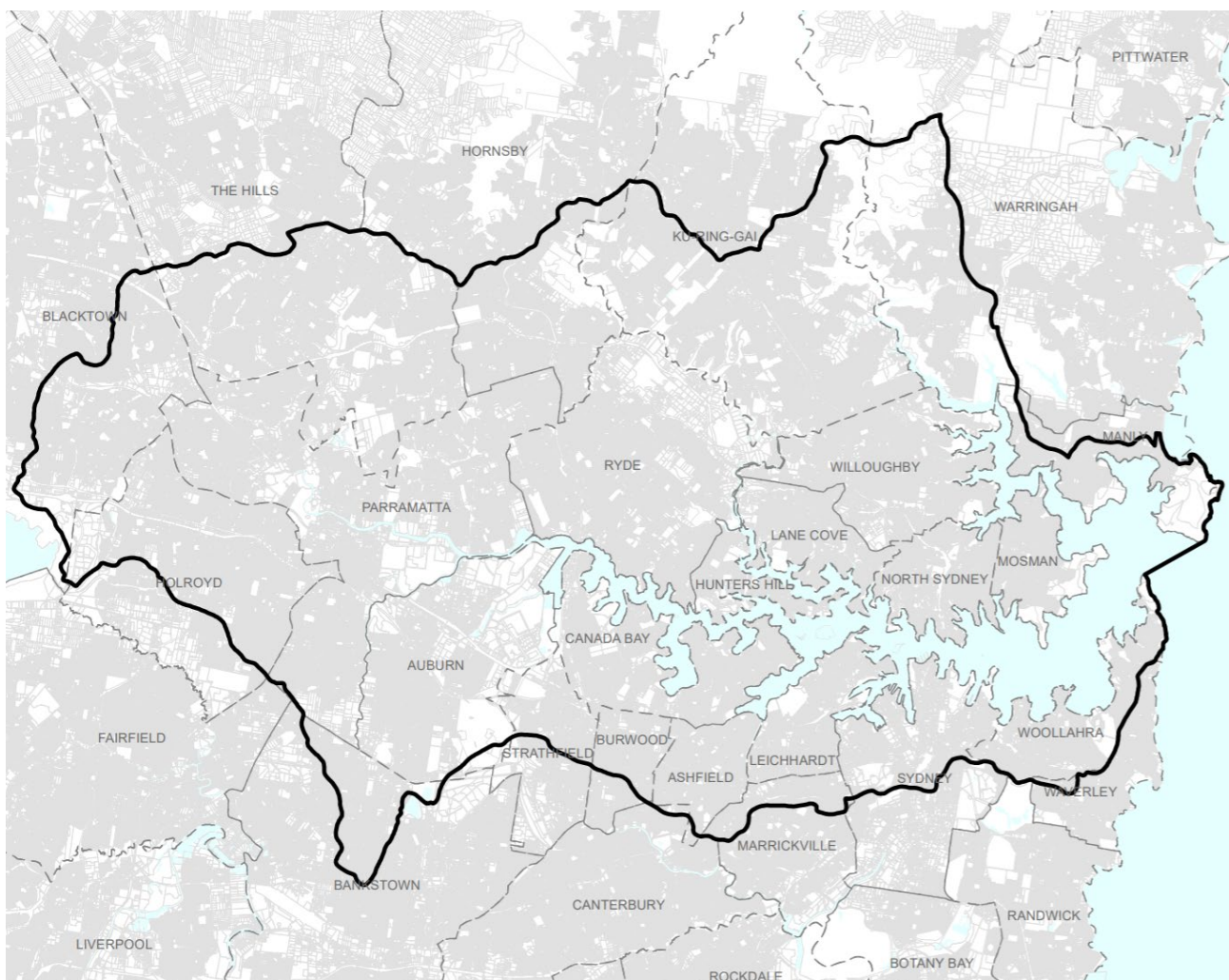
Chapter 10 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (**Biodiversity and Conservation SEPP**) relates to the Sydney Harbour Catchment.

As shown in Figure 17 below, the site is within the Sydney Harbour Catchment boundary, as shown on the map “Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Catchment Map (Amendment 2016)”. The site is however not located within the following zones:

- (a) the Foreshores and Waterways Area, and
- (b) various strategic foreshore sites, as shown on the Strategic Foreshore Sites Map, and
- (c) various heritage items, as shown on the Heritage Map, and
- (d) the Sydney Opera House buffer zone, as shown on the Sydney Opera House Buffer Zone Map, and
- (e) various wetlands protection areas, as shown on the Wetlands Protection Area Map.

Clause 10.10 of the Biodiversity and Conservation SEPP states the planning principles for land within the Sydney Harbour Catchment. Considering the nature of the proposal, it will not impact the ecological communities, or hamper the visual qualities of the Sydney Harbour.

Figure 17 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Catchment Map (Amendment 2016)



Source: DPE

5.6. SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

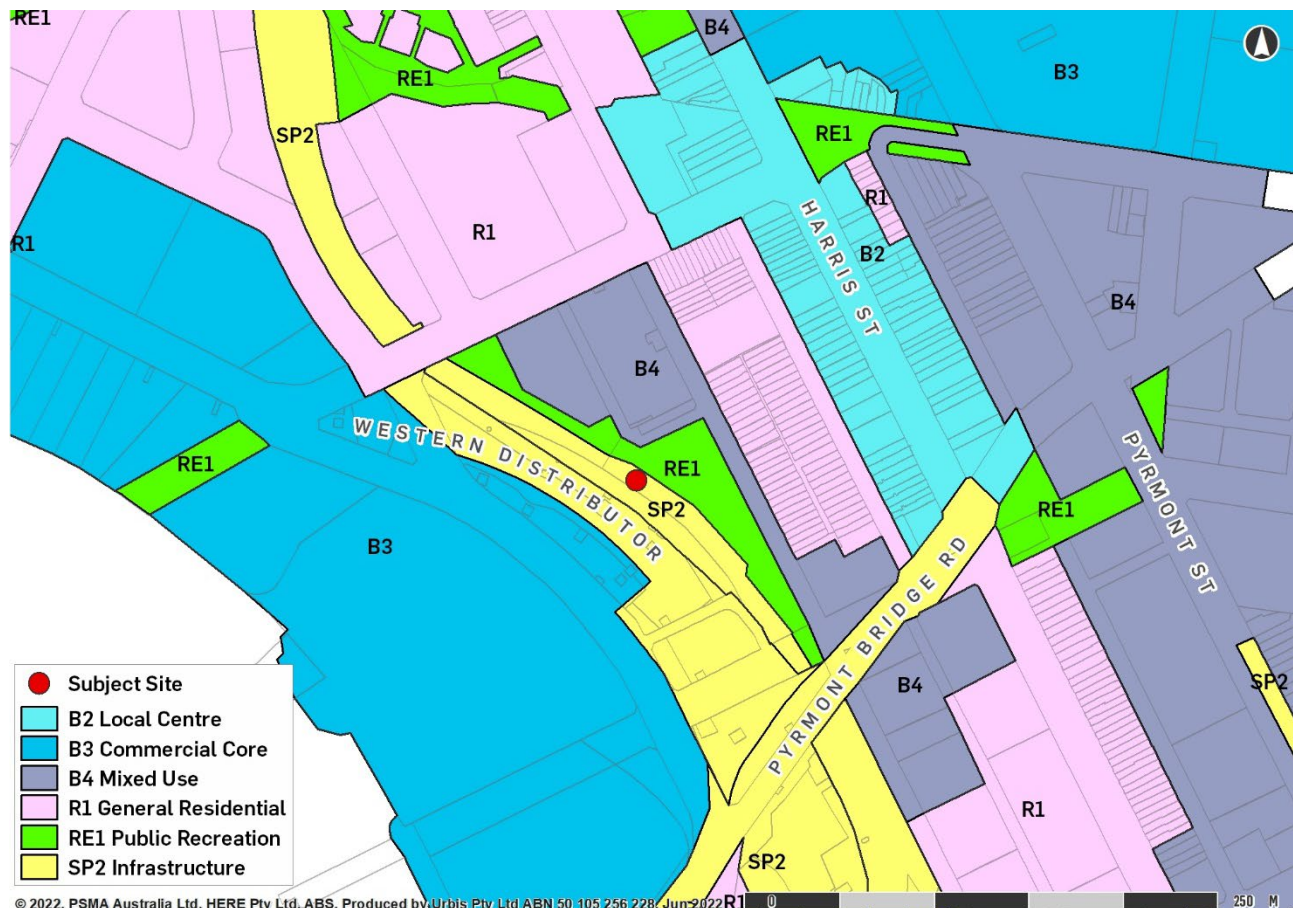
The below assesses the proposal against the relevant provisions of the Sydney LEP 2012 (SLEP).

5.6.1. Zoning and Permissibility

Under the provisions of the LEP, the site is zoned SP2 Infrastructure – Railways (refer Figure 18 below).

The proposal is permissible with consent pursuant to the provisions of Clause 3.14 the Industry and Employment SEPP.

Figure 18 LEP Land Zoning Map



Source: Urbis

The objectives of the SP2 Infrastructure zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The proposed development is consistent with the SP2 zone objectives for the following reasons:

- The proposal involves relocation of the approved sign from Lot 9 DP 870309 (as approved under DA 10665) to the subject site, with an improved design while ensuring the overall structure is of a scale and size complimentary to the railway corridor and surrounding road network. A unique feature of the sign is the landscaping proposed to be provided to the outer façade which adds visual interest and allows the sign to be a sustainable structure and sets standards for future signage in the area.
- The proposal does not result in adverse environmental impact and will not hamper the amenity of the public domain.
- The proposal will be in favour of the public interest, ensuring the structure does not cause any negative impact on vehicular traffic as well as the amenity of surrounding developments.

5.6.2. Key LEP Standards

Considering the nature of the proposal, there are limited controls applicable within the LEP.

A compliance summary of the proposal against the relevant development standards is provided as follows.

Table 6 LEP Compliance

Clause	Provision	Proposed	Complies
Clause 5.10 – Heritage Conservation	<p>The subject site is identified as a state heritage item and listed on the NSW State Heritage Register as ‘Pyrmont and Glebe Railway Tunnels’ (SHR no. 01225).</p> <p>The site is also surrounded by other listed heritage items including:</p> <ul style="list-style-type: none"> ▪ I1211: Former warehouse “Festival Records” including interiors (1–3 Bulwara Road (and 63–79 Miller Street)) ▪ C52: heritage conservation area known as ‘Pyrmont’. 	<p>A Heritage Impact Statement has been prepared by Weir Phillips which assesses the potential impacts of the proposed works on the heritage significance of the site and the surrounding heritage items.</p> <p>Further discussion is included in Section 6.2 of this report.</p>	Yes
Clause 6.21	Development consent must not be granted to development to which this Division applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.	The proposal exhibits design excellence as described in Table 7 below.	Yes
Clause 7.14 – Acid Sulphate Soils	Class 5	The proposal does not have an impact on the soil composition.	NA

Pursuant to Clause 6.21, the proposal exhibits design excellence as described in Table 7 below.

Table 7 Design Excellence Criteria

Criteria	Proposed	Satisfied
(2) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—		
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The materiality includes exposed concrete plinth, galvanised steel pipes and satin black powder coated galvanised steel mesh panels. High	Yes

Criteria	Proposed	Satisfied
	<p>durability of material and finish is achieved whilst allowing good flexibility in the detail resolution to satisfy aesthetic design intent. The proposed design does not result in reflectivity and achieves good thermal performance and neutral visual characteristic to satisfy the broader aesthetic design intent.</p> <p>Further, the material, finishes and landscape selection are consistent with the site's surrounds.</p>	
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The proposal involves relocation of the approved sign from Lot 9 DP 870309 (as approved under DA 10665) to the subject site, allowing for a new digital advertising structure on site with a high quality, architecturally designed built form defining the road infrastructure and public domain. The proposed design will provide visual interest as well as a strong and vibrant relationship with the public domain.	Yes
(c) whether the proposed development detrimentally impacts on view corridors,	The proposed development will not impact on any significant view corridors within the vicinity of the site.	Yes
(d) how the proposed development addresses the following matters—		
(i) the suitability of the land for development,	The site is deemed suitable for the proposed advertising structure as it is permissible with consent under as per Clause 3.14 of the Industry and Employment SEPP and is consistent with the zone objectives as well as the built form envisaged within the relevant planning controls.	Yes
(ii) the existing and proposed uses and use mix,	The proposal will allow for an advertisement signage structure with a unique design, adding to the diversity of signage within the Pymont locale.	Yes
(iii) any heritage issues and streetscape constraints,	Refer Section 6.2 of this report.	Yes
(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed structure is well distanced from the trees along the eastern side of the sign and the residential development located north of the site. further, the sign does not hang over the Western Distributor and is offset a minimum of 14m from the edge of the Western Distributor main carriageway.	Yes
(v) the bulk, massing and modulation of buildings,	Refer to Section 6.1.	Yes

Criteria	Proposed	Satisfied
(vi) street frontage heights	The proposed structure is located along a railway corridor and does not have a direct format to a street.	NA
(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,	The proposed structure does not result in negative environmental impacts such as overshadowing on surrounding properties or loss of visual amenity.	Yes
(viii) the achievement of the principles of ecologically sustainable development,	The proposed structure design strategy improves air quality, promotes biodiversity, characterises a noise barrier for the residential developments to the east, and builds climate change adaptation and resilience. The structure will provide an excellent example of sustainable design to the Sydney LGA and beyond.	Yes
(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	The proposal does not have an impact on the movement of vehicles, cyclists, and pedestrians.	Yes
(x) the impact on, and any proposed improvements to, the public domain,	The proposal does not hamper public domain safety and amenity.	Yes
(xi) the impact on any special character area,	<p>The site is not located in a heritage conservation area.</p> <p>As assessed in the Heritage Impact Statement (Appendix H), the proposed does not jeopardise the heritage significance of the heritage conservation area 'C52 – Pyrmont' located approximately 60m east of the site.</p>	Yes
(xii) achieving appropriate interfaces at ground level between the building and the public domain,	The proposed structure has a green design to integrate with the surrounding built forms and the overall neighbourhood. The structure presents a strong and memorable address to the Western Distributor with landscaped detailing that conveys a sense of human scale.	Yes
(xiii) excellence and integration of landscape design.	The landscape strategy integrates the architectural built form with the landscaping by incorporating facade planters and vertical gardens which soften the built form. Together, these landscape elements combine to create an integrated structure that contributes to both the public domain of the neighbourhood.	Yes

5.7. SYDNEY DEVELOPMENT CONTROL PLAN 2012

Sydney Development Control Plan (DCP) 2012 provides detailed controls for specific development types and locations. Most controls within the Sydney DCP relate to character, streetscape and public domain works.

A comprehensive compliance table is provided below assessing the proposal against each of the relevant site-specific controls as outlined within the Sydney DCP. The site is located within Pyrmont. The proposal is consistent with the locality principles and is discussed in the table below.

Table 8 DCP Compliance

Clause	Provision	Proposed	Complies
Section 2 – Locality Statement			
2.12.1 Pyrmont Point	<ul style="list-style-type: none"> Retain the dramatic topography created by excavated sandstone cliffs visible from the public domain. Conserve views and vistas within and beyond the neighbourhood, particularly from the public domain. Historical buildings are to be retained and adaptively reused. 	<p>The scale of the structure is designed in consideration with the rail corridor and surrounding developments. The structure has a maximum height of 21.725m (from the base of concrete plinth to top of the sign) and does not impact important views and vistas.</p> <p>Heritage is discussed in Section 6.2 of the SEE. A Heritage Impact Statement is attached at Appendix H.</p> <p>In summary, the proposal is a sympathetically designed digital structure that will not detract from the heritage significance of the site as well as surrounding developments.</p> <p>The proposed advertisement structure is contemporary in character and demonstrates respect for the form and architectural proportions of the railway corridor it is located along.</p>	Yes
Section 3 – General Provisions			
3.9.1 Heritage Impact Statements	<p>A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:</p> <ul style="list-style-type: none"> heritage items identified in the Sydney LEP 2012; or properties within a Heritage Conservation Area identified in Sydney LEP 2012. 	<p>This application is accompanied by a Heritage Impact Statement prepared by Weir Phillips, included at Appendix H.</p>	Yes
3.14 Waste	<p>A Waste and Recycling Management Plan is to be submitted with the Development Application and will be</p>	<p>The Plan of Management outlines the proposed waste and recycling plan for the installation of the asset.</p>	Yes

Clause	Provision	Proposed	Complies
	used to assess and monitor the management of waste and recycling during construction and operational phases of the proposed development. The Waste and Recycling Management Plan is to be consistent with the City of Sydney Guidelines for Waste Management in New Developments.		
3.16.1 Signage strategy	<p>A signage strategy is to be prepared for all signage applications:</p> <p>(a) in a heritage conservation area or involving a heritage item;</p> <p>(b) on sites that are strata titled or contain more than four business premises; or</p> <p>(c) seeking variations to the requirements of this section.</p>	A Plan of Management has been submitted which includes details of a signage strategy referenced by the DCP in Appendix J.	Yes
3.16.4 Illuminated signage	(1) Any illuminated signage is to be designed to ensure that the illuminance and luminance from the sign or advertisement is, in the opinion of the consent authority, consistent with the existing light level of the streetscape or environment within which it is located and does not cause glare.	<p>The illumination of signage will not result in any unacceptable glare and will comply with all relevant Australian Standards and guidelines. The proposal does not impact sensitive residential uses located north and east of the site.</p> <p>The residential land uses located in close vicinity of the site are located a minimum of 50m from the site, such that there is ample distance between the proposed illuminated structure and residential developments.</p> <p>For further detail, refer Lighting Impact Assessment Report included in Appendix F.</p>	Yes
	(2) Unless otherwise provided for in this Section, the illuminance, luminance and threshold increment of illuminated signage is to comply with the recommended values of AS 4282-1997.	As stated in the Lighting Impact Assessment, the proposed signage does not exceed the maximum night time luminance of 200cd/m2 and is compliant with the relevant Australian Standards.	Yes

Clause	Provision	Proposed	Complies
	(3) Signage is only permitted to be illuminated while a premises is open and trading where the sign is on, or within 25m of and visible from, land zoned R1 General Residential or R2 Low Density Residential.	The proposed digital screen is not within 25m of and visible from land zoned R1 General Residential.	NA
	(4) Any externally illuminated signage is to have a downward facing light source focused directly on the display area. Upward facing light sources are not permitted.	<p>The proposed digital signage is illuminated using LEDs installed within the front face.</p> <p>The signage includes baffles which mitigate upward waste light, resulting in an Upward Light Ratio (ULR) of less than 50%.</p> <p>The proposal does not utilise upward facing light sources.</p>	Yes
	(5) Signs with flashing, chasing, pulsating or flickering lights are not permitted unless part of an approved public artwork.	The proposed advertisement structure will not flash, pulsate, flicker, or have chasing lights.	Yes
	<p>(6) Where the consent authority is of the opinion that an illuminated sign or advertisement is expected to generate high levels of energy use based on size, hours of operation or illumination source, the signage is to be powered by:</p> <p>(a) onsite renewable energy of a capacity to provide the energy required to illuminate the sign; or</p> <p>(b) the purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.</p>	The proposed signage will not result in high levels of energy use.	Yes
3.16.7 Advertising structures and third-party advertisements	(1) Generally, new advertising signs and third-party advertisements are not permitted. The exceptional circumstances where advertising signs and third-party advertisements are permitted shall be assessed against the following criteria:	The proposal involves installation of an advertising structure as permissible under Clause 3.14 of the Industry and Employment SEPP.	Yes

Clause	Provision	Proposed	Complies
	(a) Whether the sign is advertising a civic or community event in the City of Sydney area;		
	(d) Whether part of the sign occupied by corporate markings, logos, branding or similar is not more than 5% of the total sign area;	The proposed JCDecaux logo is aligned to the existing asset with a size less than 5% of the proposed digital signage.	Yes
	(e) Whether the number of existing signs on the site and in the vicinity do not cumulatively create unacceptable visual clutter;	<p>The proposed sign facing westbound traffic on Western Distributor does not result in clutter.</p> <p>The proposal ensures the view rights of signage on other developments is protected.</p>	Yes

6. ASSESSMENT OF KEY PLANNING ISSUES

6.1. BUILT FORM AND DESIGN

The proposed development has been designed in accordance with the spatial and urban context of the site. The built form is consistent with the Industry and Employment SEPP and SDCP 2012 controls.

The proposal responds to the following elements of the surrounding area:

- The proposal will contribute to the provision of highly sought, third-party advertisement that benefits from its highly urban and commercial area.
- The unique landscaping feature proposed to the outer façade of the structure adds visual interest, reduces opportunity for vandalism and graffiti. The plant species will be selected according to the climatic conditions of the site and include native species that are drought resistant with low water requirements.
- The proposed design contains landscaping and voids to allow adequate air circulation.
- The proposal provides an integrated response in relation to signage placement, amenity, and compatibility with the design, bulk and scale of existing signage to create a holistic third-party signage sympathetic to adjoining properties.
- The proposal has been designed in line with appropriate landscaping incorporated along the front and side of the signage. This will improve the interface of the development with its surrounds, demote vandalism, and increase lighting along the pedestrian pathway at night therefore improving public safety at night.
- The contemporary mix of materials and finishes allow improved visual interest compared to the sign approved under DA 10665.
- The proposed relocation of the approved sign to the subject site with an enhanced design achieves a superior outcome from a design and sustainability perspective.

6.2. HERITAGE IMPACT

The site is a heritage item listed on NSW State Heritage Register as 'Pyrmont and Glebe Railway Tunnels' (SHR no. 01225), as shown in Figure 19. The site is surrounded by other listed heritage items including:

- I1211: Former warehouse "Festival Records" including interiors (1–3 Bulwara Road (and 63–79 Miller Street))
- C52: heritage conservation area known as 'Pyrmont'.

Figure 19 LEP Heritage Map



Source: Urbis

A Heritage Impact Statement (HIS) prepared by Weir Phillips (attached at Appendix H) provides the heritage assessment of the proposed development. The HIS assessed the proposal in relation to the heritage significance of the site and nearby heritage items.

The Statement stated the proposed signage will have a minimal and acceptable impact on the subject site and surrounding items for the following reasons:

- The proposed signage is to be located on the eastern crest above the rail cutting and supported by a concrete plinth measuring 3m in height which will require minimal excavation. It is sufficiently separated from the elements that primarily define the item's significance, comprising the cutting and tunnel. No significant fabric will be modified or otherwise disturbed as a result of this proposal.
- The proposed signage will be oriented away from the item. Any advertising material will only be visible when travelling west on the Western Distributor, and not within the rail cutting.
- When viewed from within the curtilage of the item, the primary view corridor will be of the steel mesh structure. As noted above, the visual impact of the structure will be reduced in the long-term by the climbing plants which will ensure it integrates easily into the surrounding landscape.
- Maintenance of the signage, when required, will be achieved from inside the structure with access via a secure ladder to the base from the side of the light rail track and a connecting landing. This will minimise the long-term impact on the item from signage within its curtilage.
- There will be no impact on the fabric of surrounding items, which are sufficiently separated from the site.
- There will be no impact on significant view corridors towards the heritage item #I1211, which are obtained from Bulwara Road or Miller Street. The site is located to the rear of this heritage item, well outside these view corridors.
- The proposed signage will likely be visible from the heritage item #I1211 and conservation area 'C52' through the tree line and will form part of its wider setting. This will have a minimal and acceptable impact

because any advertising material will be oriented away from the heritage item, with only the steel mesh structure visible.

- The proposed works will, overall, have no impact on the ability of the public to understand and appreciate the historic and aesthetic significance of the surrounding heritage items and conservation area.

6.3. TRAFFIC SAFETY IMPACT

A Traffic Safety Assessment prepared by TTPP is included in Appendix E.

The report includes a signage exposure assessment as well as a detailed crash history assessment for the last five years (between 1 January 2016 and 31 December 2020) for incidents along the south-east approach to the proposed digital sign within the visible distance of the proposed digital sign location. It was found that there were two rear-end crashes on approach. One collision resulted in a minor injury and the other resulted in a vehicle tow-away. Notably, the crash which resulted in a vehicle being towed-away occurred within the distance where the proposed sign would be out of driving view on approach. Hence, it has been excluded from the number of historic crashes.

The proposed sign would not obstruct and/or reduce visibility of any traffic control devices, signage, pedestrians, or cyclists. TTPP has conducted an assessment of motorist's view at different distances from the sign on approach along Western Distributor and finds that the proposed structure does not obstruct a motorist's view to the traffic signal. Additionally, the sign will not give incorrect information on the alignment of the road.

As found in the traffic report, Western Distributor has a posted speed limit of 60km/h. In accordance with the Guidelines, a dwell time of 10 seconds for the digital sign is suitable. Therefore, the proposed digital sign would not compromise safety for road users in the vicinity.

The analysis under the traffic report concludes that the installation of the proposed structure along the railway corridor and visible from the Western Distributor would be acceptable.

6.4. VISUAL IMPACT

A Visual Impact Assessment (VIA) was prepared by Urbis is included in Appendix I. The site itself is considered to be of low scenic quality being within a light rail corridor and being located in an urban area with no scenic or landscape features other than trees located within the infrastructure reserve and Paradise Reserve adjacent to it.

The VIA assesses eight (8) viewpoint locations around the site. The highest visual impact is assessed to be medium at viewpoint 4 (comprised of the west bound lanes of the Western Distributor) and viewpoint 3 (comprised of the elevated Western Distributor which obstructs views of the lower-level surrounding streetscapes, rail station and public open space).

The sign is most visually accessible from the Western Distributor, however the views are generally limited in duration given that all visual receivers will be travelling in moving vehicles.

The sign differs in visual impact depending on viewing direction, with outbound (western) traffic having views of the structure and the digital advertising screen, whereas inbound (eastern) traffic views the back of the sign which does not have a digital screen and is covered by vegetation which helps it to visually recede into the vegetation behind it.

The sign sits within a high level of existing infrastructure elements (the Fish Market Station and rail line and Western Distributor) and elements associated with them, limiting the visual impact that the sign has on its immediate surrounds due to the existing level of built form. Residential dwellings in the immediate surrounding area are highly unlikely to have views of the proposed sign as a result of mature vegetation within Pacific Reserve and existing built-form.

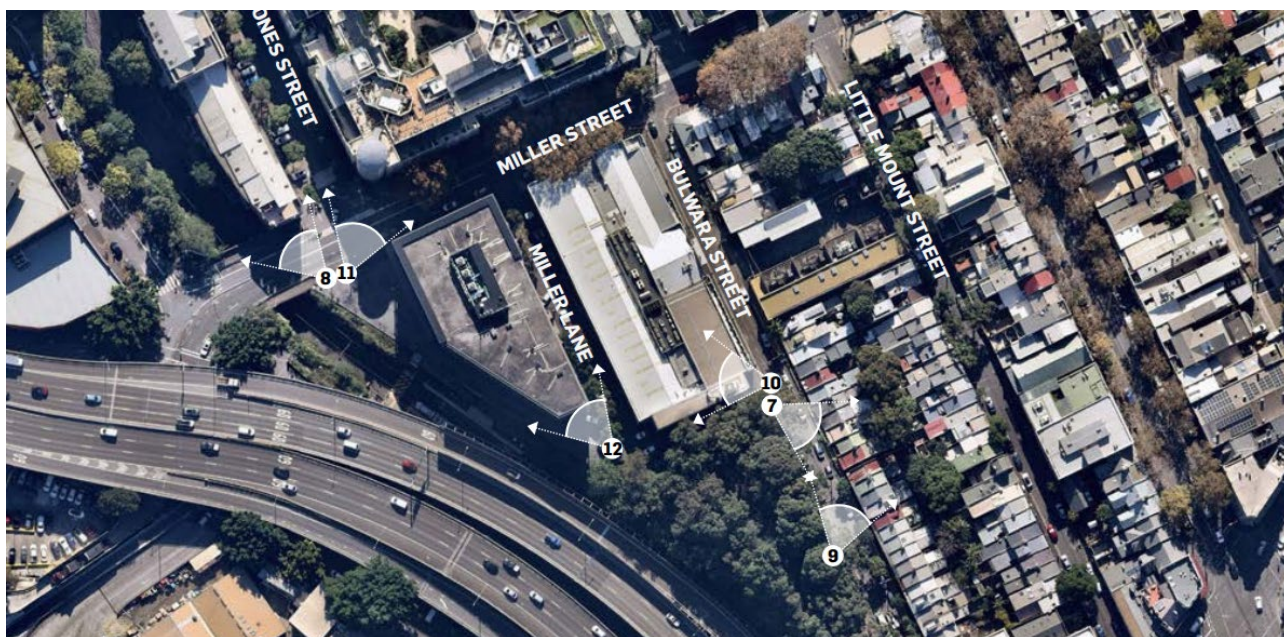
The assessment of visual effects and impacts of the proposed sign has been informed by an analysis of photomontages. In all views the proposal was found to generate a low level of visual effects on baseline factors and a nil to medium level of visual impacts.

In the context of the site and area, the visual impacts of the proposal were found to be acceptable and can be supported from a visual impact perspective.

The VIA has undertaken additional assessment to assess the visual impact of the proposed development from six private domain viewpoints (refer **Figure 20**) to address comments received during the exhibition of the withdrawn DA (DA22/10079). The VIA found the following with regard to impact on private domain views:

- Some medium-distant, distant and oblique potential views to the proposed development from residential locations are possible, with views of the sign from private domain locations possible, with visibility influenced by intervening vegetation, built form and distance.
- The rezoning of the Blackwattle Bay Precinct is likely to result in significant visual change and reduced visibility to the vicinity and is likely limit potential views to the subject site and proposed sign.
- Residential dwellings immediately surrounding the sign (Bulwara Road) are unlikely to have views of the proposed sign due to mature vegetation and built-form.
- Residents may experience visual change to existing compositions to which they have become accustomed. This is not 'view loss' of any quantum or quality in *Tenacity* terms.

Figure 20 Representative views of private domain surrounding the site.



Source: Urbis

6.5. LIGHTING IMPACT

A Lighting Impact Assessment (LIA) prepared by Electrolight (Appendix F). The LIA concludes the following:

- The signage operator must ensure that the average luminance difference between successive images does not exceed 30% to ensure compliance with AS4282. The dwell time shall be 10 seconds or greater.
- The proposed digital signage has been found to comply with all relevant requirements of AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.
- In complying with the above requirements, the proposed signage should not result in unacceptable glare nor should it adversely impact the safety of pedestrians, residents or vehicular traffic. Additionally, the proposed signage should not cause any reduction in visual amenity to nearby residences or accommodation.
- The proposal is capable of compliance with the following criteria, guidelines and standards:
 - *State Environmental Planning Policy (Industry and Employment) 2021*,
 - *Transport Corridor Outdoor Advertising & Signage Guidelines 2017*,
 - *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*,
 - *Sydney Development Control Plan (Signs and Advertisement) 2012*.

7. SECTION 4.15 ASSESSMENT

The following planning assessment has been undertaken in accordance with the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

7.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant state and local environmental planning instruments in Section 5.

This SEE and the supporting documentation demonstrate that the proposed development is generally consistent with the relevant environmental planning instruments and achieves the objectives of the relevant provisions. Where the proposal is not compliant with the relevant provisions, it has been demonstrated to produce a superior outcome.

7.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

7.3. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

7.4. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

7.5. LIKELY IMPACTS OF THE PROPOSAL

The proposal is unlikely to result in any adverse environmental, social or economic impacts with consideration of the following:

- The proposal is permissible under Clause 3.14 of the Industry and Employment SEPP.
- The proposed development will not create any adverse impacts on the heritage significance of the site, as assessed under the Heritage Impact Statement.
- As concluded in the Traffic Safety Assessment, the railway corridor can accommodate the proposed structure with negligible impact on the movement of light rail. The proposed digital screen does not hamper road safety along Western Distributor. Further, the surrounding street networks remain unaffected because of this proposal.
- The proposal will not result in the removal of significant biodiversity, nor have any adverse impacts on the waterways and natural landscape. The trees within the subject lot are exempt from protections under City of Sydney Council guidelines and will be removed and pruned as required to facilitate installation of the proposed structure, given the applicant is owner of the trees.
- The proposed structure is designed to remain sympathetic to the form and composition of the railway corridor as well adjoining developments. The proposal considers surrounding residential uses, ensuring there is no adverse impact in terms of illuminating, lighting, and traffic.
- The structure has a maximum height of 21.725m (from the base of concrete plinth to top of the sign) and does not obscure or compromise any important views at street level.

7.6. SUITABILITY OF THE SITE

The site is highly suitable for the proposed development for the following reasons:

- The site is zoned SP2 Infrastructure under the SLEP 2012 and is an ancillary use to the railway corridor, therefore permissible with development consent.

- The proposed advertisement structure is compliant with the built form envisaged in the planning controls and guidelines, particularly regarding illumination and dwell times and does not comprise the safety for movement of light rail, vehicles, pedestrians, and cyclists.
- The proposal does not conflict with any of the surrounding land uses in the locality.
- Technical reports including Heritage Impact Statement, Traffic Safety Assessment, Light Impact Assessment Report and Visual Impact Assessment have demonstrated the site is capable of being developed in the manner proposed without any adverse impacts.

7.7. SUBMISSIONS

Any submissions received by Council in response to the proposal will be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

7.8. PUBLIC INTEREST

The proposal does not present any issues that are contrary to the public interest. The proposed digital advertisement structure provides an opportunity for multiple advertisements to be run at an appropriate dwell time, resulting in a better outcome to the vinyl advertisement currently in place. The structure is designed to ensure sensitive land uses such as that of residential and recreational nature remain unaffected.

In awarding this concession Sydney Trains conducted a substantial review of the network of advertising assets, recognising that with a growing demand in the digital advertising market, there was an opportunity to rationalise existing assets and provide improved customer experience. Across the Sydney Trains network this will result in more than 990sqm of decommissioned advertising content within the Sydney metropolitan region.

The proposal will generate revenue that can be used to fund public amenities as well as upgrades to essential public infrastructure and other rail programs. The NSW State Government allocates this revenue to contribute to funding to support road infrastructure maintenance, network management, road user compliance activities and road safety programs across NSW.

Along with third-party advertisements, the proposed structure may also display messages regarding road safety or other public awareness messages, ensuring safety of vehicles and pedestrians, further facilitating the public interest.

This has been most recently exemplified with a number of successful campaigns such as 'Shop Local' encouraging stimulation of localised economies, 'Thank you' campaign for the Australian essential workers, and most recently the 'National Vaccine Tally' in a drive to encourage Australians to book their vaccinations.

A Public Benefit Statement has been prepared by Sydney Trains (Appendix G).

8. CONCLUSION

This application seeks development consent for the relocation of digital advertisement signage approved under DA 10665 at Lot 9 DP 870309 to a new site at Lot 1012 in DP870307.

The proposal presents significantly improved environmental and amenity outcomes to that approved in that:

- it establishes a benchmark for an urban digital advertisement display and provides a unique opportunity to move away from a traditional non architectural billboard sign;
- it provides an enhanced sustainable design, with green infrastructure (natural vegetation and living plants) interwoven throughout the structure and enhancing the public domain experience;
- it advances sustainable urban media elements by integrating digital communication technology;
- it is not as obscured by existing vegetation and therefore more visually accessible to the public;
- it incorporates a footing design of a smaller footprint more sympathetic to the local landscape; and
- it is situated at a further distance to the interchange to the Fish Markets (enhancing vehicle safety).

The new proposal will deliver an iconic, innovative, and elegant placemaking marker along the Western Distributor, contributing to the urban digital infrastructure of the City and enriching commuter experience.

The proposed development has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality as summarised below:

- **The proposal does not result in any adverse environmental impacts** – the proposal does not cause any negative environmental impacts, such that there is no adverse impact on natural biodiversity, vegetation, or waterways. The removal of select trees is offset by the proposed sustainable green structure which incorporates living vegetation and plants. The net effect from the proposed relocation of the approved sign (DA 10665) from Lot 9 DP 870309 to Lot 1021 DP 870307 (the site) will result in a superior outcome from a sustainability perspective, given the proposed structure is extensively landscape on the external façade. As such, the proposed relocation of sign ensures the net effect is negligible from an environmental perspective. Further, the proposal does not detrimentally affect any significant features contained within Pyrmont.
- **The proposal satisfies the applicable planning controls and policies** – the proposal is consistent with the objectives of the relevant planning controls and achieves a distinctive, iconic, and high-quality architectural form. The proposal is generally compliant with the applicable controls and provisions of State *Environment Planning Policy (Industry and Employment) 2021*, the Transport Corridor Outdoor Advertising and Signage Guideline, the *Sydney Local Environmental Plan 2012*, and Sydney Development Control Plan 2012 regarding built form, illumination, and operations.
- **The proposal is an appropriate built form in the streetscape** – the digital screen is attached to a monopole and is not visible to users of the surrounding streetscape along Miller Street, Saunders Street, Bank Street and Pyrmont Bridge Road. As such, the proposal does not hamper safety of vehicles, pedestrians, and cyclist along the surrounding street network.
- **The proposal achieves a high standard of amenity** – the proposal achieves a high level of amenity for local residents and retain amenity and safety of patrons utilising the surrounding public domain. The incorporation planter boxes allow for a sustainable outcome, further complementing existing vegetation within the vicinity of the site. The illumination element of the structure is compliant with relevant controls, ensuring acceptable impacts to surrounding land uses.
- **The proposal is in the public interest** – the proposal is in the public interest as it does not hamper the safety for vehicles, pedestrians, or cyclists. Further, the proposal allows Sydney Trains to generate revenue through the proposed advertisement structure. The revenue generated can be used for other operations and services that cater to and benefit the public. As such, the proposal sits well within the public interest.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

OWNERS CONSENT

APPENDIX B

QS COST SUMMARY REPORT

APPENDIX C

SURVEY PLAN

APPENDIX D

ARCHITECTURAL PLANS

APPENDIX E

TRAFFIC SAFETY ASSESSMENT

APPENDIX F

LIGHTING IMPACT ASSESSMENT

APPENDIX G

PUBLIC BENEFIT STATEMENT

APPENDIX H

HERITAGE IMPACT ASSESSMENT

APPENDIX I

VISUAL IMPACT ASSESSMENT

APPENDIX J

PLAN OF MANAGEMENT

APPENDIX K

STRUCTURAL FEASIBILITY STATEMENT

APPENDIX L

PRELIMINARY ARBORICULTURAL ASSESSMENT REPORT

APPENDIX M

DEVELOPMENT CONSENT (DA 10665)

APPENDIX N

DESIGN STATEMENT

