

15 February 2021

2200249

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

Attention: Cameron Sargent (Team Leader, Key Sites Assessments)

Dear Rodger,

RE: RESPONSE TO SUBMISSIONS - DA 10642 for SEPP 64 ADVERTISING SIGNAGE PROPOSED AT THE EASTERN DISTRIBUTOR, WOOLLOOMOOLOO

This letter has been prepared by Ethos Urban on behalf of Sydney Trains in response to the submissions received for DA 10642 which is currently under assessment by the Department of Planning, Industry and Environment (DPIE) and is part of a series of Crown Development Application's (DA) under Part 4 Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) submitted to DPIE.

During the exhibition period, a number of submissions were received by the relevant agencies including Transport for NSW (TfNSW), City of Sydney Council, as well as two public submissions. In addition, DPIE also requires a response to additional information requested as part of their RtS letter dated 18 December 2020. A response to the DPIE request for additional information as well as each agency submission and a response to the trend of topics provided within the public submissions are provided in **Table 1** of this letter.

Additionally, **Attachment A** represents an addendum to the Visual Impact Assessment (VIA) that was originally submitted with this DA and addresses DPIE's request for additional assessment for the following viewpoints

- 2-4 Sir John Young Crescent
- 2. 22-40 Sir John Young Crescent
- Royal Botanic Gardens and Domain

1.0 Agency Submissions

There were 3 submissions made by public authorities, being the DPIE, TfNSW and City of Sydney Council. The key themes identified throughout these submissions relate to:

- Permissibility;
- Public Benefit;
- Vegetation impacts; and
- Visual impact.

Responses to each are outlined below in **Table 1** below.

Table 1 Response to Submissions

Submission Comment	Applicant Response
DPIE	
<p>1. Public Benefit The Transport Corridor Outdoor Advertising and Signage Guidelines require advertisements to meet a public benefit test to ensure that the advertising would result in a positive gain or benefit for the local community.</p> <p>Additional information is required demonstrating how the in-kind contributions detailed within the Public Benefit Statement are linked to improvements in local community services and facilities</p>	<p>The revenue generated from the sale of advertising time will provide a valuable on-going revenue stream to Sydney Trains. The revenue generated from signs used to fund upgrades to essential public infrastructure and other rail programs that allow for the maintenance and operations of the wider Sydney Trains network as it affects both the region and wider state where Sydney Trains operates.</p> <p>While it may not provide immediate public benefit to the local community, the revenue generated from the proposed advertising signage will be compiled into a pool of funds that will help to maintain and operate the wider Sydney Trains network. The funds raised from the proposed signage will be clearly specified and identified within the Sydney trains annual report to ensure transparency to all stakeholders and the wider community. Refer to Section 3.4.</p>
<p>2. Vegetation It is noted that there is existing vegetation within close proximity to the proposed signage. Additional information is required to confirm if the existing vegetation would obstruct views of the sign.</p> <p>An Arboricultural Impact Assessment will be required if any proposed lopping and/or removal of existing vegetation or ongoing vegetation maintenance is required</p>	<p>No vegetation is proposed for removal or lopping as the work site generally sits outside of the canopy of the adjacent trees to the east. Should any vegetation removal or trimming be necessary when the sign is being installed, the appropriate approvals will be obtained.</p>
<p>3. Visual Impact Public submissions raised concerns regarding view/amenity impacts. An amended Visual Impact Assessment is required which considers view/amenity impacts of the proposal from:</p> <ul style="list-style-type: none"> • 2-4 Sir John Young Crescent • 22-40 Sir John Young Crescent • Royal Botanic Gardens and Domain 	<p>Refer to Attachment A which includes an amended visual impact assessment to the subject properties.</p>
<p>4. State Environmental Planning Policy No. 64 – Advertising and Signage The Statement of Environmental Effects (SEE) shall be amended to include a compliance table addressing the relevant clauses of SEPP 64 (clause 14, 16, 17, 19, 20 and 24).</p>	<p>Refer to Table 2 below where an assessment regarding Clauses 14, 16, 17, 19, 20 and 24 is provided.</p>
<p>5. Hours of Operation The SEE shall be amended to include the operating hours of the sign.</p>	<p>The sign will operate 24 hours a day, 7 days a week. There is no curfew proposed on the sign operations.</p>
Transport for NSW	
<p>1. The proposed signs shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017.</p>	<p>Complies. Refer to the assessment against The Guidelines in the RSA report and SEE submitted with this DA.</p>
<p>2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Eastern Distributor during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.</p>	<p>Noted and will comply.</p>

Submission Comment	Applicant Response
City of Sydney	
The City of Sydney raise concern about the added visual clutter to the streetscape and the State Government's desire to use commercial advertising as a funding source for the operation of public transport.	The funding generated from the sales of advertising time on the sign proposed will provide a crucial source of revenue that will help to maintain and operate the wider Sydney Trains network. The funds raised from the proposed signage will be clearly specified and identified within the Sydney trains annual report to ensure transparency to all stakeholders and the wider community. It is also worth noting that the City of Sydney use similar models of outdoor advertisements at bus stop shelters, kiosks, public toilets, seats, litter bins and communication panels.
The proponent's Statement of Environmental Effects states 'there will be an opportunity for City of Sydney to advertise civic matters or for the sign to comprise of displaying public art at times.' It is unclear what specific arrangements are to be made to achieve this and further clarity is required should development consent be granted	The display sign will be made available for private lease to any party that wishes to lease a percentage of the screen time on a time-cost basis. This is applied (and encouraged) to the City of Sydney to pay to display advertisements with content of their choice that may include civic matters, advertisements or the display of public art.

2.0 Public Submissions

There were a total of 6 public submissions received from nearby landowners to the proposed signage. The key themes raised within these submissions were:

- Request to consider the right mix of art and advertising to be displayed on the digital signage board;
- Visual impact of the sign;
- Illumination impact of the sign;

A response to each of the topics outlined within the public submissions are outlined below in **Table 2**.

Table 2 Response to Public Submissions

Submission Comment	Applicant Response
Request to consider the right mix of art and advertising to be displayed on the digital signage board	
I urge the Board to consider the right mix of art and advertising in the area. The viaduct represents a community asset that should be maximised for artistic applications including murals, installations etc. despite its heritage value based on the engineering significance at the time it was constructed, it is an eyesore that would provide the perfect canvas for artistic contributions to the community.	Sydney Trains will not exclusively display content created by TfNSW. The signs will be able to be leased by private parties, including the City of Sydney or Art Gallery of NSW, where the display of content can certainly involve artistic impressions and the like, depending on its compliance with the Digital Guidelines formulated by TfNSW in terms of content regulation, including: <ul style="list-style-type: none"> • no tobacco products; • no overtly religious advertising; • no advertising that contains overt and sexually graphic images; and • no pornography and illegal drugs.
Visual Impact	
I strongly object to any new advertising signage being erected especially the one proposed over the eastern distributor. We live in Sir John Young Crescent adjacent to the advertising sign on the southern side of the overhead eastern suburb rail, and it is a blot on the landscape and should be removed.	The new sign constitutes a lawful development, permissible with consent under Clause 16 of the SEPP 64 as it seeks consent for the display of an advertisement carried out by Sydney Trains within an existing rail corridor on a bridge constructed by or on behalf of TfNSW suspended above an existing road corridor. The character of the existing area is mixed-use and very urban in nature, a sign in this location can be considered

	<p>synonymous with the nature of the immediate urban locality being located on the brim of the Sydney CBD. It will reinforce Sydney's commercial role as a major economic hub and global city. The sign will not protrude above or below the existing bridge asset and is not considered to dominate the landscape. It is unlikely that the sign will have an adverse visual or illumination impact to the viewsheds from Sir John Young Crescent.</p>
<p>As working from home residents, we chose to live somewhere with a good view – without digital advertising in view. We believe it would significantly diminish the quality of life of all residents overlooking the eastern distributor to see digital advertising everyday or every night, and therefore strongly object to this proposal.</p> <p>This signage is clearly visible through multiple windows in my mother's residence / home. Her building is heritage listed. It will also be a visual impingement on the park under the viaduct that is between Palmer Street and Sir John Young Crescent. This park is known as 'viaduct one pocket park'. It is enjoyed by many locals and I believe you rate the signage as low impact on the park but I don't agree that an illuminated digital sign will not be an overbearing presence. I think it will remove any available tranquillity left there! I hope this unnecessary visual distraction will be reconsidered. I personally find that this style of digital signage causes me a great discomfort when I am driving and this is a very busy thoroughfare which already has a high rate of accidents as vehicle change lanes and enter the tunnel.</p>	<p>It is acknowledged the sign will add to the ongoing change within the locality consistent with the ever evolving commercial nature of the CBD and surrounding fringes which have undergone extensive changes over the recent years.</p> <p>It is important to note that the proposed advertising signage does not exceed the illumination levels governed by SEPP 64. Whilst some light spill may occur as a result of the sign, the illumination impacts of this light spill will be minor as the sign is proposed to be cantilevered away from residential areas to the east. It is also important to note that under no circumstances will any flashing, pulsating or moving images be portrayed on the advertisements. They will remain as static, illuminated images only and the illumination levels will only be noticeable after daylight hours noting these have been assessed as part of the lighting assessment submitted with the original DA.</p> <p>During daylight hours the illumination levels will be consistent with other digital advertising boards across the LGA.</p>
Illumination impacts	
<p>Erection of this sign will increase light pollution that we as nearby residents are exposed to which is in addition to the noise pollution already significant in our location next to the Eastern Distributor.</p>	<p>As above.</p>
<p>The proposal has no merit. Totally unnecessary advertising on the railway viaduct, proposed as a revenue-raiser, with no perceived benefit to affected motorists... or to neighbouring residents whose homes overlook or are close to the roadway or rail overpass.... It will be particularly distracting for all at night, with constantly – changing advertisements and blinking bright lights. ... such illuminated signage is not permitted for any other development applications in the residential area under their SEPP – why should it be permitted to be proposed and installed on an existing railway viaduct.</p>	<p>As mentioned above, the new sign constitutes a lawful development, permissible with consent under Clause 16 of the SEPP 64 as it seeks consent for the display of an advertisement carried out by Sydney Trains within an existing rail corridor. The development is permissible with consent and has been subject to independent assessments by both lighting, road safety, visual impact and heritage consultants. As mentioned above, the new sign constitutes lawful development, permissible with consent under Clause 16 of the SEPP 64 as it seeks consent for the display of an advertisement carried out by Sydney Trains within an existing rail corridor. The proposed development has been subject to independent assessments by lighting, road safety, visual impact and heritage consultants. Whilst it is acknowledged that the sign will present a visual change to the area, it is considered not give rise to a significant adverse impact upon the immediate locality given it integrates appropriately within the northern elevation of the overpass rail asset and is positioned within a major classified road corridor.</p>

3.0 Additional Environmental Assessment

From the submissions received, additional environmental assessment has been undertaken to respond to the matters raised. Where an environmental consideration is not included below, no further assessment or change from the assessment undertaken in the original SEE is required.

3.1 State Environmental Planning Policy No. 64 – Advertising and Signage

In response to DPIE's request to amend the SEE to include a compliance table addressing the relevant clauses of SEPP 64 (clause 14, 16, 17, 19, 20 and 24), an additional table (**Table 3** below) has been provided.

Table 3 Additional SEPP 64 Compliance Assessment

SEPP 64 Clause	Comment
<p>(14) Duration of consents</p> <p><i>(1) A consent granted under this Part ceases to be in force—</i></p> <p><i>(a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</i></p> <p><i>(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.</i></p> <p><i>(2) The consent authority may specify a period of less than 15 years only if—</i></p> <p><i>(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</i></p> <p><i>(b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or</i></p> <p><i>(c) the specification of a lesser period is required by another provision of this Policy.</i></p>	Noted and will comply.
<p>16 Transport corridor land</p> <p><i>(1) Despite clause 10 (1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases—</i></p> <p><i>(a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,</i></p> <p><i>(b) the display of an advertisement by or on behalf of TfNSW on—</i></p> <p><i>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</i></p> <p><i>(ii) a bridge constructed by or on behalf of TfNSW on any road corridor, or</i></p> <p><i>(iii) land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,</i></p> <p><i>(c) the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</i></p> <p><i>(2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.</i></p> <p><i>(3) The Minister must not grant consent to the display of an advertisement in such a case unless—</i></p> <p><i>(a) the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council within 28 days have been considered by the Minister, and</i></p> <p><i>(b) the advice of any design review panel appointed by the Minister has been considered by the Minister, and</i></p>	The proposed advertising signage is permissible under Clause 16 of the SEPP 64 as it seeks consent for the display of an advertisement carried out by Sydney Trains within an existing rail corridor (being the T4 eastern Suburbs & Illawarra Line), on a bridge constructed by or on behalf of TfNSW suspended above an existing road corridor.

SEPP 64 Clause	Comment
<p>(c) the Minister is satisfied that the advertisement is consistent with the Guidelines.</p> <p>(4) This clause does not apply to the display of an advertisement if the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines.</p>	
<p>17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</p> <p>(1) This clause applies to an advertisement—</p> <p>(a) that has a display area greater than 20 square metres, or</p> <p>(b) that is higher than 8 metres above the ground.</p> <p>(2) The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.</p> <p>(3) The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless—</p> <p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(b) the application has been advertised in accordance with section 79A of the Act, and</p> <p>(c) the consent authority gave a copy of the application to TfNSW at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.</p>	<p>A full compliance table has been provided in Table 2 of the SEE and provides a full assessment of the sign with regards to the criteria set out in Schedule 1 of the SEPP 64.</p>
<p>19 Advertising display area greater than 45 square metres</p> <p>The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless—</p> <p>(a) a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or</p> <p>(b) in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>The sign will be located on transport corridor land (being the T4 Eastern Suburbs and Illawarra Line, suspended above an existing road corridor, being the Eastern Distributor).</p> <p>Transport corridor land is defined under the SEPP as:</p> <p><i>transport corridor land means the following land—</i></p> <p>(a) land comprising a railway corridor,</p> <p>(b) land comprising a road corridor,</p> <p>(c) <i>land zoned industrial under an environmental planning instrument and owned, occupied or managed by TfNSW, Sydney Metro or RailCorp.</i></p>
<p>20 Location of certain names and logos</p> <p>(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.</p> <p>(2) If the advertising display area has no border or surrounds, any such name or logo is to be located—</p> <p>(a) within the advertisement, or</p> <p>(b) within a strip below the advertisement that extends for the full width of the advertisement.</p> <p>(3) The area of any such name or logo must not be greater than 0.25 square metres.</p> <p>(4) The area of any such strip is to be included in calculating the size of the advertising display area.</p>	<p>The logo of the sign operator will be provided within the signage display structure.</p>

SEPP 64 Clause	Comment
24 Advertisements on bridges <i>(1) A person may, with the consent of the consent authority, display an advertisement on a bridge.</i> <i>(2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.</i>	The DA includes responses to the requirements outlined in The Guidelines. Refer to the submitted RSA report as well as the SEE.

3.2 Visual Impact

Multiple submissions raised concerns regarding view / amenity impacts. DPIE, in their response dated 18 December 2020, requested an amended VIA to address the impact to the following places:

- 2-4 Sir John Young Crescent
- 2. 22-40 Sir John Young Crescent
- Royal Botanic Gardens and Domain

An addendum response addressing the VIA component of DPIE's RFI is provided at **Attachment A**.

3.3 Public Benefit

Sydney Trains advise that advertising assets within transport and rail corridors generate revenue for the NSW Government that can be used to fund upgrades to essential public infrastructure and other rail programs that allow for the maintenance and operations of the wider Sydney Trains network, as it affects both the region and wider state where Sydney Trains operates.

Importantly, as Sydney Trains (through TfNSW) operate a city-wide rail service which covers a large area, there are often very few localised projects that would be supported by the operation of a single advertising sign, with projects generally being spread across larger areas or the whole network. These projects can range from station platform upgrades, to safety improvements across the network as a whole.

Sydney Trains will own the advertising structure with revenue received from the sale of advertising time directed to maintaining the rail network. The project will provide a valuable on-going revenue stream to Sydney Trains, with the signs intended to be privately leased for display purposes.

While it may not provide immediate public benefit to the local community, the revenue generated from the proposed advertising signage will be compiled into a pool of funds that will help to maintain and operate the wider Sydney Trains network. The total revenue raised from advertising signage (including the proposed sign) is outlined within the Sydney Trains annual report to ensure transparency to all stakeholders and the wider community.

We trust that the information provided in this response addresses the matters raised by DPIE and the community and allows the planning assessment to proceed. The response provided in **Table 1** as well as the additional information provided addresses the requirements raised by DPIE in their letter dated 18 December 2020.

Yours sincerely,



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