

25 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 Cameron,

RE: RESPONSE TO SUBMISSIONS - DA 10646 for SEPP 64 ADVERTISING SIGNAGE PROPOSED AT SUSSEX STREET, SYDNEY

This letter has been prepared by Ethos Urban on behalf of Sydney Trains in response to the submissions received for DA 10646 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 the DPIE.

During the exhibition period, a number of submissions were received by the relevant agencies including the Heritage Council NSW and City of Sydney Council, as well as other public submissions. In addition, DPIE also requires a response to additional information requested as part of their RtS letter dated 23 December 2020. A response in accordance with DPIE's letter to respond to submissions is provided in **Table 1** of this letter. This RtS is supported by the following documentation:

- Addendum Statement of Heritage Impact prepared by NGH (**Attachment A**);
- Addendum Lighting Report prepared by Lighting Art & Science (**Attachment B**); and
- Amended Design Plans prepared by Ethos Urban (**Attachment C**).

Importantly, in response to the agency and public submissions, a 1.5m shield has been added to the eastern edge of the northern facing sign in response to concerns raised about visual and illumination impacts to the adjacent residential property at 26 Sussex Street. **Attachment C** provides further detail. It is noted that the sign-facing side of the shield will be black in colour and the side facing the residences will be a more neutral colour to be determined as part of detailed design. In addition, although the far end of the sign is still visible, the angle of incidence is very low and the sign will have very little output at that angle.

1.0 Agency Submissions

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

- Heritage impacts;
- Permissibility;
- Potential for use of the signs for public purposes; and
- Visual impact of the signs.

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

Table 1 Response to Submissions

Submission Comment	Response
DPIE	
<p>The proposed signage does not appear permissible under clause 16 of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) given the site would not appear to be located within a railway corridor.</p>	<p>Clause 16(1)(a) of the SEPP 64 states:</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>A railway corridor as defined within the SEPP 64 railway corridor means the following land—</p> <p><i>(a) land on which railway track and associated railway infrastructure is located (including stations and platforms),</i></p> <p><i>(b) land that is adjacent to land referred to in paragraph (a) and that is owned, occupied or managed by RailCorp or Sydney Metro and used for railway purposes or associated purposes (such as administration, workshop and maintenance facilities and bus interchanges),</i></p> <p><i>(c) land zoned for railway (including railway corridor) purposes under an environmental planning instrument,</i></p> <p><i>(d) land identified as a railway corridor in an approval of a transitional Part 3A project (within the meaning of Schedule 6A to the Act), an approval to carry out State significant infrastructure or a development consent given by the Minister.</i></p> <p>The above definition of a railway corridor identifies ‘associated railway infrastructure’, whilst not a defined term in SEPP 64, does not limit what it can include beyond stations and platforms. It is the opinion of Sydney Trains and Ethos Urban that the pedestrian bridge being part of Wynyard Walk can be considered “associated rail infrastructure” given its primary purpose and rationale for its construction by TfNSW is to provide a pedestrian link between Wynyard Station and Barangaroo for commuters and other Sydney Trains customers.</p> <p>Furthermore, it is noted that State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) does define ‘rail infrastructure facilities’ which includes railway stations, station platforms and pedestrian and cycle facilities. Definition below:</p> <p><i>(a) railway tracks, associated track structures, cuttings, drainage systems, fences, tunnels, ventilation shafts, emergency</i></p>

Submission Comment	Response
	<p>accessways, bridges, embankments, level crossings and roads, pedestrian and cycleway facilities, and</p> <p>(b) signalling, train control, communication and security systems, and</p> <p>(c) power supply (including overhead power supply) systems, and</p> <p>(d) railway stations, station platforms and areas in a station complex that commuters use to get access to the platforms, and</p> <p>(e) public amenities for commuters, and</p> <p>(f) associated public transport facilities for railway stations, and</p> <p>(g) facilities for the assembly, maintenance and stabling of rolling stock, and</p> <p>(g1) facilities for the dismantling and stabling of rolling stock taken out of service, and</p> <p>(h) refuelling depots, garages, maintenance facilities and storage facilities that are for the purposes of a railway, and</p> <p>(i) railway workers' facilities, and</p> <p>(j) rail freight terminals, sidings and freight intermodal facilities, and</p> <p>(k) buildings for or related to railway purposes, but do not include buildings or works that are for residential, retail or business purposes and unrelated to railway purposes.</p> <p>As such, given that associated railway infrastructure is undefined in SEPP 64 and unconstrained in what it can include, and the similar term "rail infrastructure facilities" is defined in the ISEPP and includes pedestrian and cycleway facilities, it is considered reasonable to conclude that the two terms could be used interchangeably in this instance.</p> <p>This is particularly relevant as during the environmental assessment process for Wynyard Walk, it was defined as "rail infrastructure facility" and "road infrastructure facility" under the ISEPP and therefore as TfNSW was carrying out the work, Wynyard Walk was permissible without consent and therefore a REF was prepared under Part 5 of the EP&A Act with TfNSW as the proponent and the determining authority.</p> <p>As such, the bridge itself is considered to sit within a railway corridor as it is "associated railway infrastructure" and therefore by virtue of Clause 16(1)(a) of the SEPP 64, the signage is permissible with consent.</p> <p>It is also noted that Clause 16(1)(b)(iii) identifies land being owned, occupied or managed by TfNSW within 250m of a classified road also grants permissibility. The site is located within 250m of a classified road, being the Western Distributor which sits approximately 25m to the south of the site, and Sydney Trains is a subsidiary entity of TfNSW, therefore this Clause 16(1)(b)(iii) is considered to also provide permissibility for the proposed sign.</p> <p>Furthermore, the site is zoned as B4 Mixed Use under the State Environmental Planning Policy (State Significant Precincts) 2005, sitting within the Appendix 9 Barangaroo site of the SEPP. The B4 Mixed Use Zone does not prohibit signage.</p>

Submission Comment	Response
<p>The proposed signage does not appear compatible with the surrounding land use as it would result in:</p> <ul style="list-style-type: none"> significant adverse amenity impacts to the adjacent residential property at 26 Sussex Street which were not considered in the DA significant adverse visual impacts, including to the setting and sightlines of the adjacent heritage item (the former 'New Hunter River Hotel', currently known as the Sussex Hotel) and to the character and appearance of the existing Wynyard Walk pedestrian bridge. 	<p>Given the Sussex Hotel's location within a highly urban and commercialised area within Sydney CBD along a main road between Wynyard and Barangaroo and beneath the Western Distributor, the site is subject to existing impacts with high volumes of noise and illumination. Notwithstanding this, the introduction of the sign will contribute to the illuminated elements within the current character of the immediate surround. It should be noted that the proposed signage will not exceed the illumination levels specified in SEPP 64. Refer to the updated Lighting Assessment at Attachment B for further details including vertical illuminance.</p> <p>Vertical illuminance is a measure of general light spill onto the property. The levels are calculated at the face of the building, in the vertical plane, facing perpendicular to the building. The standard only addresses direct illumination levels, as these can be readily and reliably calculated. Indirect illumination is a result of light reflected off the ground, and other surfaces and will change depending on things like the colour of the building, the colour of clothes people are wearing, whether trees have leaves etc. Indirect illumination can therefore not reliably be calculated.</p>
<p>The Public Benefit Statement does not demonstrate how the local community would benefit from the display of the advertising signs, as required by the Transport Corridor Outdoor Advertising and Signage Guidelines.</p>	<p>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.</p> <p>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.</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.</p>
Heritage Council NSW	
<p>It is noted that the listed significance of the adjacent Big House Hotel notes its prominent location, its Edwardian presentation, and association with the Sydney Harbour foreshore. It is also noted that contemporary development along Sussex Street has already diminished the historic streetscape character of the locality with visual clutter in the form of overhead vehicular and pedestrian bridges.</p>	<p>It has been assessed that the area surrounding the Big House Hotel and the project area includes varied architecture and character. The Big House Hotel is surrounded by modern buildings and structures, including the pedestrian bridge that the proposed sign is to be installed upon. No specific viewsheds to and/or from the Big House Hotel have been noted as specifically adding to the heritage significance of the structure that will be impacted by the proposed sign installation. Refer to the addendum Statement of Heritage Impact at Attachment A.</p>
<p>The size of the digital illuminated signage panels measuring approximately 40sqm each are noticeably large and would add to the visual clutter of the locality and would also alter pedestrian experience. It is considered that the panel located on the northern face of the pedestrian bridge would have an adverse impact upon the setting and curtilage of the Former Big House Hotel, especially the reflected glare from the panel upon the elevation after sunlight hours. It is therefore, recommended that consideration should be given to making the signage panel along the northern face of the pedestrian bridge externally illuminated and reducing its size considerably.</p>	<p>External illumination is discouraged through the SEPP 64 and the Transport Corridor Outdoor Advertising and Signage Guidelines, with internally illuminated signage preferred. External lighting elements can also detract from the sign itself and create a further maintenance burden due to their external nature being more prone to weather impacts. Refer to the illumination report lodged with the original DA and the addendum at Attachment B.</p>

Submission Comment	Response
The digital panel located to the southern face of the pedestrian bridge, may also result in an impact, however noting the streetscape and limited visual proximity and relationship with the hotel, it is considered that the proposed sign should be supported provided its size is reduced to limit its visual impact.	It is noted that this sign faces south away from the adjacent heritage items and as such will be limited in terms of its visual impact given its frontage facing the existing Western Distributor structure.
City of Sydney	
<p>The City of Sydney wishes to object to this proposal on the grounds of:</p> <ul style="list-style-type: none"> added visual clutter to the streetscape and detrimental impact upon the setting of the adjoining heritage listed Sussex Hotel (item I1953); and questionable application of Clause 16 Transport Corridor Land under State Environmental Planning Policy (SEPP) No. 64 – and the ability to permit general advertising. 	<p>The pedestrian bridge does not currently have any existing signage located on its elevation; therefore the proposed signage will not block or obstruct the views of any other signs within the area nor will it create visual clutter to the streetscape. There is a lack of existing advertising signs in the immediate visual locality, and the original SOHI identified the overall impact of the proposed sign to be minor due to the surrounding area being relatively modern and the sign being installed on a modern bridge structure. Refer to the Heritage Addendum at Attachment A.</p> <p>Refer to previous response regarding the application of Clause 16 of the SEPP 64.</p>
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 specifics 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:

- Residential amenity impacts to the units on the upper floors of 26 Sussex Street, Sydney;
- Visual impact of the northern sign;
- Illumination impact of the northern sign;
- Impact on the architectural integrity of the pedestrian bridge;
- Heritage impact concerns;

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

Table 2 Response to Public Submissions

Public Submissions (agglomerated by topic trends)	
Residential Amenity Impacts	
<ul style="list-style-type: none"> 26 Sussex Street contains a residential terrace which has not been considered in the application documents and will experience extreme negative impacts as a result of the proposal. On page 7 of the Evaluation of Lighting Impact by Lighting, Art and Science it states that 'there were no residences identified to have a direct view of the proposed signs'. These western windows are the only windows I have with any outlook because the view from my southern windows has been completely blocked by the Wynyard Walk bridge. 	<p>It is not possible to undertake a formal assessment from the identified residential dwelling due to this being private land, however these concerns are noted. Notwithstanding, further assessment has been completed and is included within the Lighting Assessment at Attachment B.</p> <p>The proposed sign on the northern side of the bridge sits flat against its elevation and as such is not anticipated to introduce any further bulk into the outlook from these windows given the existence of the bridge itself.</p>

Public Submissions (agglomerated by topic trends)	
Visual Impact	
<ul style="list-style-type: none"> The signs will most adversely affect my 3 level residential unit comprising the upper 3 to 5 of my 5 level building at 26 Sussex Street. It will be an eyesore from all of my western facing windows. These windows are the only ones to receive direct sunlight and the sign would constitute a major obstruction to the outlook from all these windows. The sign will adversely affect the amenity of the area and make my premises less attractive to customers. The huge northern sign is less than 9 metres horizontal distance from my shopfront door 	<p>While the signs will result in a change to the locality, this is considered consistent with the ever evolving commercial nature of this part of the CBD which has undergone extensive changes over recent years with Barangaroo development as well as Wynyard Walk and other commercial developments resulting in a higher pedestrian activity and economic landscape, fuelling Sydney's position as a global city and being one of the major the economic power houses of the country. Additional view montages have been prepared using the City Model to provide an indication of the amended views from the property with the proposed shield. As seen in Section 3.2 Viewpoint 1 has been mitigated by the proposed shield, with Viewpoint 2 and 3 less impacted as a person is not looking directly at the sign when standing or sitting at the window. Persons would need to look down to view the sign, and as such, from these viewpoints, screening along the top of the sign is not considered warranted.</p>
Illumination	
<ul style="list-style-type: none"> The illuminated northern bridge sign will dominate the outlook from living room windows. It is also apparent that the sign will have a significant impact on light spill into the dwelling. The size, intensity of lighting and proximity of the sign are all incompatible with being located so near to an existing residence. This alone warrants outright refusal of the proposal. If the assessment is to continue, it is incumbent upon the applicant to address the extreme impact upon 26 Sussex Street in both the SEE and the Evaluation of Lighting Impact. The effect will be worse at night, when the bright, flickering sign will badly affect the amenity of the surrounding area. The situation would be worse at night, when flickering lights from the ever-changing sign will shine directly into my living areas, making them impossible to occupy without totally screening the western windows to all light and outlook. An ever-changing, flickering, deliberately bright and distracting digital sign will be intentionally distracting and annoying. It will not relate to the street lamps and will place the immediate area into dangerous shadow, particularly when people are temporarily 'blinded' by the brighter signs. 	<p>The proposed advertising signage does not exceed the illumination levels governed by SEPP 64. Whilst some light spill may affect the internal areas of the subject dwellings at the Sussex Hotel, the illumination impacts of this light spill will be minor. It is also important to note that under no circumstances will any flashing, pulsating or moving images will be portrayed on the advertisements. They will remain as static, illuminated images only and the illumination levels will only be noticeable after daylight hours. During daylight hours the illumination levels will not be noticeable and the sign will appear as a static board, similar to other advertising boards across the LGA. It is noted that the surrounding area has evolved overtime to be a high activity commercial hub where new developments and transportation projects have helped re-shape this part of Sydney into a new mixed-use, walkable and productive part of the Sydney CBD. Refer to the below additional assessment on illumination and the potential condition to be applied. Refer to the illumination report at Attachment B.</p> <p>The signage is not proposed to be a moving sign with no flickering, given its transition time of less than 0.1 seconds.</p> <p>In order to respond to the concerns raised, the signage design has been amended to incorporate a 1.5m shield along the signs eastern edge on the northern side of the bridge, to reduce the impact of the signage illumination. Refer to Attachment C for details.</p>
Impact on the pedestrian bridge	
<ul style="list-style-type: none"> The proposal is inconsistent with the architectural design of the bridge and would be detrimental to the pedestrian experience and the public domain surrounding the bridge. A reduction in streetscape quality will also impact unreasonably on the heritage appeal of both The Sussex Hotel and the residential terrace. The installation of large signs along most of the bridge's length will change its appearance from being a lightweight structure with aesthetically clean lines to a heavy and solid structure with a bulky visual appearance. While the signs are proposed to fit with the rectangular shape of the bridge's glazing, it is at odds with its materiality and design intent. 	<p>The proposed signs will be mounted to the elevations of the bridge, maintaining clearance for vehicles and not protruding above the existing structure. Whilst the signs may reduce the transparency of the glazed elements of the bridge, it will not eliminate them completely and thus an interpretation and appreciation of the architectural elements of the bridge will remain. A pedestrian using the bridge will still be provided with a line of sight along the bridge towards Barangaroo, King Street Wharf in a western direction and the Sussex Hotel and broader CBD in the eastern direction.</p> <p>Additionally, the bridge is owned by Railcorp (TAHE), the State Governments public asset ownership entity.</p>

Public Submissions (agglomerated by topic trends)	
<ul style="list-style-type: none"> The Wynyard Walk Pedestrian bridge is a major entrance to Barangaroo. This is where tourists, workers and shoppers can appreciate the presentation of this entrance that they are about to enter the special precinct of Barangaroo. The proposed digital signs will create a negative impression of Barangaroo and pollute the appearance of the pedestrian sign. The only reason for proposing these huge and intrusive advertising signs is for making money. There are many other railway sites which are more appropriate for advertising without the need to destroy the gateway to Barangaroo, as presently proposed by these huge 'Las Vegas' signs. Advertising in this location is entirely unnecessary. The sign will destroy the appearance of the Wynyard Walk Bridge when viewed from outside my shop. 	<p>The revenue raised by these type of signs are used to maintain and enhance rail infrastructure across the Sydney Trains network and are fully reported for public viewing in the Sydney Trains Annual Report.</p>
Heritage Impacts	
<ul style="list-style-type: none"> The Sussex Hotel is located in 20-24 Sussex Street which is a state listed heritage item. The proposed signs will impede sightlines to and from that building and impact upon the visual curtilage of the heritage listed pub and its streetscape. The proposed sign will thereby distract from the view of The Sussex Hotel when looking along Sussex Street in either direction. Of greater concern, the signs will obstruct sightlines to the Hotel from the pedestrian bridge and when looking north along Sussex Street. The installation of large illuminated signage that will be clearly seen from inside public areas of the Hotel and the beer garden which is an intrusion into the Hotel's space that only offers the potential for negative impacts on trade. The proposed signs will adversely affect our hotel, both commercially and aesthetically. The south facing sign would obscure and distract from our heritage building for anyone approaching along Sussex Street from the south. The north facing sign would be a distracting eyesore, visible from all of our western windows and from our nearly completed rooftop garden on level 5. Our hotel has been adversely affected by COVID-19 virus problems. We are currently involved in extensive renovations intended to enhance the attractiveness of our hotel for whenever we will be able to re-open on a commercially viable basis. It is ironic that we are currently involved in expensive conservation works and repairs to our heritage listed facades, required by the authorities as part of our renovations DA. Now Sydney Trains wants to install two large commercial digital advertising signs which will do irreparable damage to the amenity of the surrounding area and the buildings heritage values. The DA on the heritage impacts states that there are "no physical impacts on any heritage items". This is simply not true. The proposed signs will have a major detrimental impact on the adjacent state heritage listed Sussex Hotel building, including the privately owned residential property at 26 Sussex Street, less than 8 metres from the northern sign. 	<p>The surrounding area has been physically altered overtime as part of the natural evolution of the built form in this part of Sydney including the developments at Barangaroo, the overhead western distributor and harbour bridge approach overpass and the construction of Wynyard Walk. The Heritage Impact Statement says:</p> <p><i>"due to the existing setting of the hotel via construction of surrounding buildings, walking bridge and railway infrastructure, combined with the imposing nature of the building, and the potential for easy removal of the signage should it be necessary, it is determined that the impacts on the aesthetic significance will be minimal."</i></p> <p>Additionally, comments were received from The Heritage Council NSW that did not object to the installation of the sign but rather provided advice regarding the reduction of the size of the sign in this location, noting that the surrounding area has undergone significant change, all of which have contributed to an evolving and very urban streetscape character.</p> <p>The signs are unlikely to be visible from the key areas of the Sussex Hotel, as it is unlikely to be visible from the internal area of the ground floor and it is also likely to be mostly concealed from the northern garden due to the perimeter fencing, umbrellas and physical distance of patrons sitting in this space from the subject site. The same can be said for the new rooftop space at Level 5, it is likely that patrons occupying this space will not be looking down over the building to the streetscape and will instead be enjoying the views of Barangaroo.</p> <p>It is acknowledged that the signs will have somewhat of an impact on the setting of the hotel as an item of heritage, however it is very unlikely that it will disturb patrons and the operations of the pub. The signs will have no physical impacts on the fabric of the Sussex Hotel building. As the sign could be removed at any point and there would be no resulting lasting physical impact to the Big House Hotel, the proposed works do not present physical impacts.</p> <p>NGH have provided additional commentary regarding the proposals acceptability from a heritage standpoint. Please refer to the Heritage Addendum Letter at Attachment A.</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 Heritage

NGH has provided a response to the comments received during the exhibition phase of the project approval for the installation of a digital super sign on the pedestrian overpass over Sussex Street in the West CBD, Sydney. Further analysis of the works has concluded that the overall heritage impact of the works is minor and that the findings and recommendations of the original NGH SOHI (2020) remain valid. Please refer to the Heritage Addendum at **Attachment A**, in response to the comments received by the submissions as outlined above.

3.2 Visual Impact

It is noted that the Department's letter states that "the proposal does not appear compatible with surrounding land use" for two main reasons:

1. "significant adverse amenity impacts to the adjacent residential property at 26 Sussex Street which were not considered in the DA"
2. "significant adverse visual impacts, including to the setting and sightlines of the adjacent heritage item (the former 'New Hunter River Hotel', currently known as the Sussex Hotel) and to the character and appearance of the existing Wynyard Walk pedestrian bridge".

The second reason is relevant to the VIA.

Intrinsic to VIA is determination of whether likely impact is significant. Under the GLVIA3 methodology and that of the "Guideline for landscape character and visual impact assessment: (TfNSW, 2020), significance is determined based on two criteria: sensitivity and magnitude.

While magnitude was assessed as being noticeable, sensitivity was assessed as being low. The main reasons for this include:

3. the eclectic nature of the setting (ie, the visual catchment)
4. while electric, a strong presence of buildings and structures (eg, the Western Distributor) of substantial scale and contemporary design
5. most people in the visual catchment are travelling through the area, and as such having a relatively low level of interest or attention in views or visual amenity.

This gives a low significance of visual impact.

In their submission, the Heritage Council provides a level of support for this position, stating that "contemporary development along Sussex Street has already diminished the historic streetscape character of the locality with visual clutter in the form of overhead vehicular and pedestrian bridges".

Heritage, including setting and sightlines, is a relevant consideration for sensitivity. On this matter, we originally and continue to defer to the opinion of NGH as heritage experts. As with the original assessment, following consideration of submissions NGH has concluded that the "the overall heritage impact of the works is minor". Had this assessment being different, the sensitivity rating would likely have increased.

It is noted that submissions assert that the proposal will adversely affect the character and appearance of the existing Wynyard Walk pedestrian bridge. It is understood that while the bridge has a particular design intent, its lack of designation for protection by any relevant authority suggests it does not cross a threshold of value worthy of

additional levels of protection. It is also considered that maintaining the totality of existing sightlines for users of the bridge (who are likely to in the main be workers travelling between Wynyard Station and offices at Barangaroo) to Sussex Street or the Sussex Hotel is a matter of significance.

Considerations on the private domain, including matters of outlook, are excluded from these comments and are most appropriately addressed by the planners. While not a full assessment, given that the scope of impact on private views under *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 is related to view loss or blocking, it is unlikely that a significant finding would be made applying these criteria.

Additional montages have been prepared noting the views provided by the submissions, to indicate the mitigation measure of the proposed 1.5m shield on the eastern side of the northern facing sign. As seen below, Viewpoint 1 has been mitigated by the proposed shield, with Viewpoint 2 and 3 less impacted as a person is not looking directly at the sign when standing or sitting at the window. Persons would need to look down to view the sign, and as such, from these viewpoints, screening along the top of the sign is not considered warranted.



Figure 1 Viewpoint Locations

Source: Ethos Urban



Figure 2 Existing view from Level 2 (Viewpoint 1)

Source: Owner photo

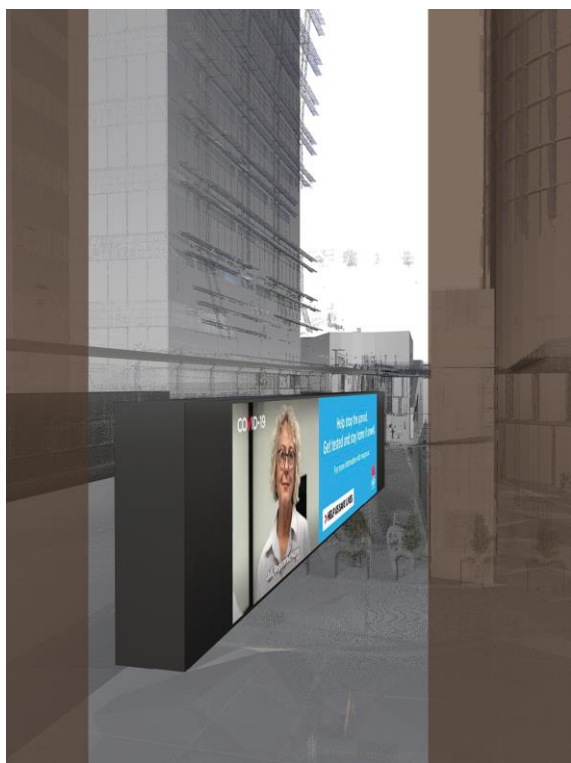


Figure 3 Previous signage view from Level 2 (Viewpoint 1)

Source: Ethos Urban

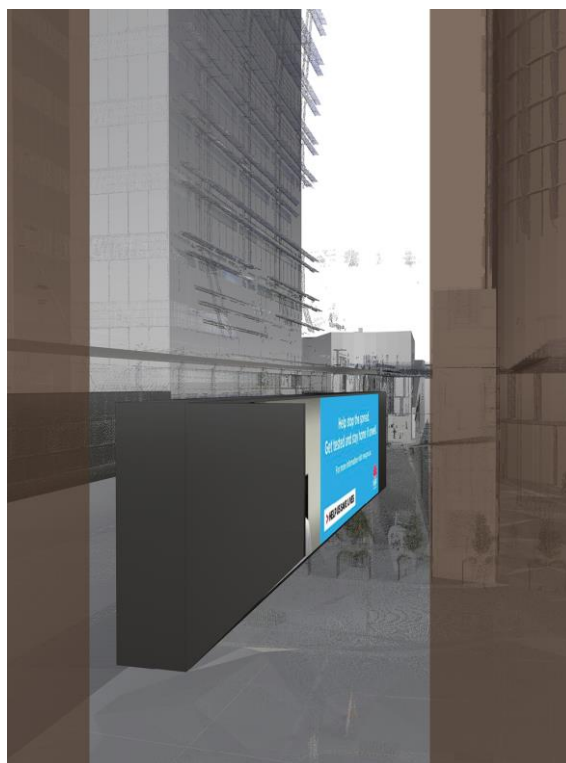


Figure 4 Amended sign view from Level 2 (Viewpoint 1)

Source: Ethos Urban



Figure 5 Existing view from Level 3 (Viewpoint 2)

Source: Owner photo



Figure 6 Previous signage view from Level 3 (Viewpoint 2)

Source: Ethos Urban

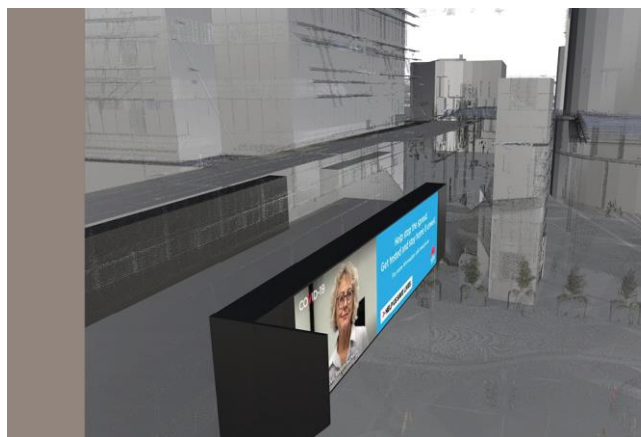


Figure 7 Amended sign view from Level 3 (Viewpoint 2)

Source: Ethos Urban



Figure 8 Existing view from rooftop terrace (Viewpoint 3)

Source: Owner photo



Figure 9 Previous signage view from rooftop terrace (Viewpoint 3)

Source: Ethos Urban



Figure 10 Proposed shield view from rooftop terrace (Viewpoint 3)

Source: Ethos Urban

3.3 Lighting

As outlined in the Lighting Report submitted with the original application (with further detail provided in **Attachment B**, an addendum lighting report, the site sits within Zone 2 in terms of luminance levels under the NSW Transport Corridor Advertising and Signage Guidelines. This requires maximum luminance levels at certain times of day. It is noted that a previously approved application for digital signage (DA7468 for the City West Link at Lilyfield) contains two conditions relating to luminance levels (reproduced below).

Permitted Luminance Levels

A16 The luminance levels of the LED advertising screen must comply with the following levels:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	Maximum Output (6000 cd/m ²)
Day Time Luminance	6000 cd/m ²
Morning and Evening, Twilight and Inclement Weather	500 cd/m ²
Night Time	As provided in the finalised <i>Draft Transport Corridor Outdoor Advertising and Signage Guidelines</i>

Note: Luminance means the objective brightness of the surface of the screen as measured by a photometer, expressed in candelas per square meter (cd/m²).

A17 Notwithstanding the requirements of Condition A16 above, the luminance levels of the LED advertising screen be set at the following levels for a trial period of 12 months from the commencement of use of the sign:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	Maximum Output (6000 cd/m ²)
Day Time Luminance	6000 cd/m ²
Morning and Evening, Twilight and Inclement Weather	700 cd/m ²
Night Time	350 cd/m ²

At the conclusion of the trial period luminance levels must revert to the levels specified in Condition A16.

You are required to advise the Secretary of the date of commencement of use of the sign.

Sydney Trains are open to having a similar condition of consent imposed which would allow for a trial period of luminance levels, before submitted a report addressing the outcomes of that report and its on-site impacts.

3.4 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 funds raised from advertising signage (including the proposed sign) will be clearly specified and identified 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 above as well as the amended documentation/ plans provided addresses the requirements raised by DPIE in their letter dated 23 December 2020.

Yours sincerely,



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