

28 March 2025

Mary Garland
Team Leader, Transport and Water Assessments
NSW Department of Planning, Housing and Infrastructure
12 Darcy Street,
Parramatta NSW 2150

Attention: Daniel Neely (daniel.neely@dpie.nsw.gov.au)

Dear Ms Garland,

**Response to Request for Information
DA 22/5186 MOD 1 - Digital Signage on Princes Highway, Loftus**

This letter has been prepared by *Keylan Consulting Pty Ltd* (Keylan) for JCDcaux on behalf of *Sydney Trains* (the Applicant) in response to the Department of Planning, Housing and Infrastructure's (DPHI) letter dated 3 February 2025 in relation to the above modification application (DA 22/5186 MOD 1).

A response to the issues raised in the DPHI 's letter is detailed in the table at Attachment A. This response should be read in conjunction with the following attachments:

- Attachment B: Biodiversity Impact Assessment prepared by Ecologique
- Attachment C: Arboricultural Impact Assessment, prepared by Synertree Pty Ltd
- Attachment D: Tree Management Plan, prepared by Synertree Pty Ltd

We trust that this submission provides all information required to enable DPHI to progress its assessment to enable the application to be determined.

Please do not hesitate to contact Lauren Donohoe, Senior Planner on (02) 8417 4081 if you wish to discuss any aspect of this submission.

Yours sincerely

Padraig Scollard

Padraig Scollard BA MRUP
Associate

Attachment A

Response to issues raised by DPHI

Ref.	Department Issue	Response
A	Biodiversity	
A1	<ul style="list-style-type: none"> The Department notes that the modification request indicates that a new test of significance is not required to support the modification application as a Biodiversity Impact Assessment was undertaken in 2022. The Department is of an opinion that this assessment cannot be relied on as: <ul style="list-style-type: none"> the assessment was limited to a desktop study and impacts were assessed on the basis that no vegetation would be removed the assessment only addressed fauna and vegetation communities - it did not identify or assess individual flora species, and there is the potential for the structure and condition of the vegetation communities to have changed since the biodiversity impact assessment was undertaken two and a half years ago. 	<ul style="list-style-type: none"> An updated Biodiversity Impact Assessment has been prepared by Ecologique (Attachment B) The Biodiversity Impact Assessment provides a Test of Significance. The findings of this assessment conclude that the subject site does not contain any TECs, or habitat of any importance for threatened species that have been recorded from the search area. Ultimately, the report finds <i>that the proposed sign is unlikely to result in a significant impact to wildlife and is considered to be a low-risk consequence.</i> A detailed response to each issue raised by DPHI is included in the Biodiversity Impact Assessment. Further, an updated Arboricultural Impact Assessment has been prepared by Synertree Pty Ltd (Attachment C).
A2	<ul style="list-style-type: none"> An Arboricultural Impact Assessment has been provided as part of the modification application documentation. The report indicates that 14 trees will be removed as part of the development. Appendix 3 of the assessment report lists the trees to be removed. However, not all trees have been defined at the species level. 	<ul style="list-style-type: none"> The Arboricultural Impact Assessment confirms that 15 trees are recommended to be removed. The Tree Management Plan prepared by Synertree Pty Ltd (Attachment D) details the tree species levels.
A3	<ul style="list-style-type: none"> Section 7.17 of the Biodiversity Conservation Act 2016 (BC Act) addresses the modification of planning approvals and indicates that a biodiversity development assessment report (BDAR) is not required to be submitted if the consent authority is satisfied that the modification will not increase the impact on biodiversity values. The Department is not in a position to determine whether the modified proposal will increase the impact on biodiversity values as not all of 	

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	<i>trees have been identified to species level and there have been no inspections for fauna or fauna habitat in the area. In addition, it is not known whether any shrubs / undergrowth or groundcover would be removed during the clearing and, if so, what species would be impacted.</i>	
A4	<ul style="list-style-type: none"> A test of significance must be undertaken and submitted as part of the modification application to determine whether the proposed works are likely to significantly affect threatened species or ecological communities, or their habitats and to support why a biodiversity development assessment report is not required. Section 7.3 of the Biodiversity Conservation Act 2016 sets out the test for determining whether a proposed development is likely to significantly affect threatened species or ecological communities, or their habitats. 	
B	Visual impacts of the modification	
B1	<ul style="list-style-type: none"> Consistent with the requirements of section 100(f) of the Environmental Planning and Assessment Regulation 2021 the modification application must address the expected impacts of the modification. The modification assessment does not address the potential impacts of the proposed tree clearing on the visual amenity of residents located immediately to the north of the sign. In particular, it is not known if the clearing works will result in residents having a direct line of sight to the sign as any natural screening provided by the trees would be removed. The visual impacts must be assessed. 	<ul style="list-style-type: none"> The proposed modification is not anticipated to result in adverse visual impacts on the residential dwellings and private open space to the north of the site, in particular those located on Tilba Place, Yarrawarrah. The proposed modification seeks the removal of 15 trees, which still ensures the retention of a significant number tree and vegetation planting along the rail corridor. These remaining trees and vegetation assist in obscuring views towards the proposed sign from nearby residential properties. The Arboricultural Impact Assessment acknowledges that many of the residential properties have mature trees / plants to the rear (near the signage), which assist in obscuring views towards the proposed sign. The proposed modification is consistent with the findings of the approved DA, which concluded:

Ref.	Department Issue	Response
		<p><i>There is existing, dense mature vegetation located between the proposed sign and the rear of the residential properties on Tilba Place. This landscaping assists in screening any direct views towards the existing railway, highway and also the proposed sign. In addition, the proposed sign is sited and oriented to face east. Consequently, any potential sightlines towards the sign from residential dwellings to the north will only be of the rear of the signage structure. No views of the advertisement display will be possible. Any potential views towards the sign will be further softened by the proposed 'eucalypt' green colour selection, as detailed within the architectural plans. The proposed colour selection will ensure the sign blends into the surrounding area.</i></p> <ul style="list-style-type: none"> On the basis of the above, there are negligible potential visual impacts as a result of the proposed sign on the residential properties to the north of the site
C	Clearing	
C1	<ul style="list-style-type: none"> <i>Please confirm if only the 14 trees would be removed or if shrubs and groundcover would also be cleared. Please show the extent of any other vegetation clearing on a scaled figure and annotate the species names. Please also provide a current photograph of the site and on the photograph mark all of the vegetation that will be cleared.</i> 	<ul style="list-style-type: none"> The Arboricultural Impact Assessment confirms that 15 trees are recommended to be removed. The Assessment clarifies that all vegetation (including trees, shrubs and ground covers) located in front of the proposed signage will be cleared due to earthworks, line-of-sight requirements or encroachment into the structural root zones of on-site trees. Photographs of the existing site condition are included within the Arboricultural Impact Assessment.
C2	<ul style="list-style-type: none"> <i>Please advise on measures to be taken to minimise the potential for soil erosion in the cleared area.</i> 	<ul style="list-style-type: none"> The Tree Management Plan provides a method statement, which outline measures to be implemented during the tree removal to minimise impacts.