

24 April 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 and Submissions
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 27 March 2025 in relation to the above modification application (DA 22/5186 MOD 1).

This response should be read in conjunction with the following attachments:

- **Attachment A:** Response to matters raised by Council
- **Attachment B:** Updated Arboricultural Impact Assessment, prepared by Synertree Pty Ltd and dated 11 April 2025
- **Attachment C:** Line of Sight Plan prepared by DBCE
- **Attachment D:** Biodiversity Impact Assessment, prepared by écologique and dated 27 March 2025

A detailed response to the submission from Sutherland Shire Council (Council) dated 25 March 2025 is provided in the table at **Attachment A**.

One of the key issues raised by Council in their submission was potential biodiversity impacts due to the proposed modification application. We note that a Biodiversity Impact Assessment (BIA) was submitted to DPHI on 28 March 2025, which Council did not have the benefit of reviewing prior to finalising their submission. The BIA confirms that the proposal will not result in any significant impacts on any threatened ecological communities or species.

An updated Arborist Impact Assessment (AIA) is provided which confirms that trees 3 and 4 will now be retained, as requested by Council. Consequently, only 9 Category A trees will be removed (reduced from 11 Category A trees).

We trust that this submission provides all information required to facilitate 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 matters raised by Council
Attachment B: Updated Arboricultural Impact Assessment
Attachment C: Line of Sight Plan prepared by DBCE
Attachment D: Biodiversity Impact Assessment

Attachment A

Response to matters raised by Council

Ref.	Council Comment	Response
1	Council records indicate that the site is mapped as Greenweb Support Areas (to which Chapter 39 of Sutherland Shire DCP 2015 applies) and powerful owl sightings have been observed within the adjacent property. The Greenweb seeks to conserve and enhance Sutherland Shire's bushland and biodiversity by identifying and appropriately managing key areas of bushland habitat and establishing and maintaining interconnecting linkages and corridors. It is disappointing to see that Chapter 39 has not been addressed within the Planning Statement submitted with the proposal.	- The controls of Chapter 39 from the Sutherland Shire DCP are noted. A BIA has been prepared (Attachment D) and confirms that the proposal will not result in a significant impact on any threatened ecological communities or species. - The BIA also confirms that the subject site is considered unlikely to provide habitat of any importance to threatened species. - In addition, the development has been further updated to minimise tree removal. The previous version of the AIA included the removal of trees 3 and 4. However, the AIA has been updated to retain these trees which facilitates the retention of additional tree canopy cover.
2	Council officers have reviewed the proposal and, in view of the above, and nature of the amendment, questions the justification provided within the Applicant's planning statement with respect to whether this application meets the tests for minimal environmental impact under s.4.55(1A). It is Council's view that the tree removal is significant, with 11 of the trees being identified within the Arborist report as 'important' and that the application would be better assessed under s.4.55(2). This would afford valuable community feedback to be obtained and considered in relation to this significant modification to the development.	- The proposed modification application is considered to have minimal environmental impact. Reasons for this are outlined below: - The BIA confirm that the impacts of the proposed works of the modification will not result in any significant impacts on surrounding biodiversity. - The Arborist Impact Assessment has been updated to confirm that only 9 Category A trees will be removed. This has been reduced from 11 due to the retention of Category A trees 3 and 4. - The impact of tree removal is expected to have minimal effects on any nearby receivers, noting: 14 to 20 Tilba Place provide vegetation and fencing along their southern boundaries. In addition, dense landscaping is provided within the rail corridor land

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		to the south of these properties. The combination of these two elements provides substantial screening of the sign. Due to the topography of the area, 14 to 20 Tilba Place sit lower than the location of the sign. Further, primary living areas are located at ground level. Consequently, any potential views to the sign would be angled and would be substantially mitigated by the abovementioned landscaping/vegetative screening.
3	The area in question is identified as Greenweb Support Areas which carries requirements for retention and replacement of trees therein. In the first instance it is recommended that all trees are retained. In the alternative, every attempt should be made to reduce the extent of clearing. Council officer observations note that several trees do not appear to be within line of sight of the billboard, nor affected by the proposed work - in particular the Grey Gums (trees 3 and 4), and accordingly these trees should be retained.	- The updated Arboricultural Impact Assessment (Attachment B) confirms that trees 3 and 4 are to be retained. - The number of trees being removed is the minimum amount possible to both maximise line of sight and complete construction of the sign - A line of sight plan prepared by Dennis Bunt Consulting Engineers (Attachment C) confirms the view corridor that is required for the sign to be visible to commuters. - All trees nominated for clearing are either within the view corridor, or located at the base of the structure.
4	Should the application be recommended for approval we can offer and recommend that the following conditions be provided in response as well as replacement planting (8:1) within the corridor. This is to offset the tree removal (a total of 112 replacement trees) given the maturity of the trees to be removed. As the subject site is identified as being within a Greenweb Support Area, all new tree plantings must be indigenous species and 80% of understorey plants must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on council's website (www.sutherlandshire.nsw.gov.au) and search for	Noted.

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	<i>Native Plant Selector). Where planting cannot occur within the rail corridor, offsite planting can be offered via a deed of agreement with Council.</i>	
5	- The following condition is recommended for tree protection during works: DURING BUILDING WORK Tree protection during work While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: - the relevant requirements of AS-4970 Protection of trees on development sites. - Chapter 39 of Council's relevant development control plan (in force as at the date of determination of this consent) - the Arboriculture Impact Assessment prepared by Mathew Phillips of Synertree Pty Ltd dated 8th December 2023. Condition reason: To protect trees during the carrying out of site work. - There are noxious weeds on the site: Lantana sp. and Purple Morning Glory (<i>Impomoea indica</i>). Council staff request that these weeds should be removed as part of the works in the event that the application is approved.	Noted.