

4 November 2022

Kieran Thomas
Director, Regional Assessments
NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Michael Doyle (michael.doyle@dpie.nsw.gov.au)

Dear Mr Thomas,

**Response to Submissions and Request for Information
Digital Advertising Sign – Pacific Highway, Pymble (DA22/5184)**

This letter has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of Sydney Trains (the Applicant) to address the Department of Planning and Environment's (DPE) request for a Response to Submissions (RtS) and Request for Additional Information (RFI) dated 10 August 2022 and 23 September 2022 in relation to Development Application (DA22/5184).

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

- **Attachment A:** Response to issues raised by DPE
- **Attachment B:** Response to other submissions
- **Attachment C:** Arboricultural Impact Assessment
- **Attachment D:** Structural Feasibility Statement
- **Attachment E:** Amended Architectural Plans
- **Attachment F:** Servicing Statement

The response reinforces the findings of the SEE and supporting information, that the proposed digital advertising sign:

- will not adversely impact on the amenity of nearby residential or sensitive receivers
- demonstrates compliance and meets the objectives of Chapter 3 and Schedule 5 of the Industry and Employment SEPP
- will result in acceptable lighting, road safety, vegetation, and visual impacts
- will be structurally sound
- will provide a public benefit to the community

We trust that this response provides sufficient information required for DPE to finalise its assessment and approve the application.

Please do not hesitate to contact Padraig Scollard on 8459 7508 or via email at padraig@keylan.com.au should you wish to discuss any aspect of this project.

Yours sincerely



Michael Woodland BTP MPIA
Director

Attachments:

- Attachment A: Response to issues raised by DPE
- Attachment B: Response to public submissions
- Attachment C: Arboricultural Impact Assessment
- Attachment D: Structural Feasibility Statement
- Attachment E: Amended Architectural Plans
- Attachment F: Servicing Statement

Attachment A

Response to issues raised by DPE

Ref.	Issues raised	Response
1	<p><i>Surrounding vegetation: The siting of the proposed sign is further north than the existing sign and is moving closer to existing vegetation, including a tree. As such:</i></p> <ul style="list-style-type: none"> <i>provide clarification whether the proposal will require removal or pruning of any vegetation surrounding the sign</i> <i>submit an Arboriculture Report, prepared by a suitably qualified person, assessing the impact of the proposal (including construction works) on any trees in vicinity of the sign.</i> 	<p>The location of the proposed sign is slightly further north than the existing sign. As such, the 3 trees are required to be removed to facilitate the development.</p> <p>An Arboricultural Impact Assessment has been prepared by Naturally Trees and included at Attachment C to review the 3 trees to be removed and any other trees likely to be impacts in the vicinity of the sign.</p> <p>The assessment finds the subject trees demonstrate very low retention value and are suitable for removal. Furthermore, it is noted these trees are listed as exempt from Councils tree preservation order.</p> <p>Based on the above findings, it is considered the proposed works and removal of trees will have no adverse impact on the character and amenity of the local area.</p>
2	<p><i>Servicing: Provide clarification whether electricity and telecommunication services are available to service the proposal and whether any connection works are required</i></p>	<p>A Servicing Statement has been prepared by WSP and provided at Attachment F to clarify the proposal's access to services.</p> <p>The proposed sign will have an electricity supply from the existing Ausgrid LV Overhead pole.</p> <p>The existing supply is to be upgraded to supply the required demand.</p> <p>During the detailed design, connection of load application to be submitted to Ausgrid to confirm the available load for the existing pillar and supply point.</p>
3	<p><i>Overhang of road reserve: Table 1 of the Statement of Environment Effects indicates that the proposal will partially overhang the road reserve. However, the architectural plans indicate that the proposed sign will be wholly located within the land zoned SP2 Railway Infrastructure. Clarification is sought whether any part of the sign will be located in the road reserve.</i></p>	<p>The proposed sign will be wholly located within land zoned SP2 Railway Infrastructure.</p> <p>The proposed sign will be relocated slightly further north from the Pacific Highway and existing retaining wall as detailed in the amended plans in Attachment E. The proposed site plan identifies the sign will not overhang the road reserve.</p>
4	<p><i>A structural feasibility statement prepared by a suitably qualified expert which:</i></p>	<p>A Structural Feasibility Statement has been prepared by Dennis Bunt Consulting Engineers is provided at Attachment D.</p>

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	<ul style="list-style-type: none"> assesses and determines the structural feasibility of the proposed signage; addresses the structural requirements for the proposed signage including height, required supporting structures, self-weight of the required post and total weight of the signage and structure; assesses the wind loading for the site and any requirements as a result; and provides any recommendations from the expert, including methodology for excavation and construction 	<p>The statement identifies:</p> <ul style="list-style-type: none"> the proposed sign including materials and footings demonstrates structural integrity the sign will be supported by 3 steel columns fixed to a concrete footing and cantilever vertically upwards approximately 2m the weight of the structure including the 3D box, the digital screen, the cladding and the support columns will approximately 5 tonnes the sign will be designed for a wind load for region A, terrain category 2.5 and a 50 year design life accordance with AS1170.2 <p>Recommendations outlined in the statement include:</p> <ul style="list-style-type: none"> the existing pile footings are to be reused if possible, or replaced with similar but larger footings depending on the structural engineer's calculations a structural engineer to assess whether the existing footings can be reused or new larger piles required a geotechnical report is commissioned to provide information on the soil profile a services search is undertaken if new pile footings are required <p>Based on the above report, the proposal will be structurally sound in this location.</p>
5	<p>Amended plans that:</p> <ul style="list-style-type: none"> include an eastern elevation, and which thereby show the maximum proposed depth of excavation; note the depth and extent of proposed excavation and retaining; or note the width of any proposed new footings/base; include details of any new pilings required to support the proposed signage; and include details of any new materials of the proposed signage, structure and retaining walls 	<p>Amended plans are provided at Attachment E</p> <p>Note, no new footings/base are proposed, and the existing footings/base will be used for the structure as detailed on the amended plans</p>

Attachment B

Response to Submissions

Ref.	Submission	Response
TfNSW		
1	<i>TfNSW has reviewed the submitted application and provides concurrence under section 138 of the Roads Act 1993 subject to conditions (outlined in the letter) being included in any approval issued by the Department.</i>	Noted. The Applicant has reviewed the proposed conditions of consent provided by TfNSW and has no objections.
Public Submissions		
1	<i>As a nearby office owner, no objections are raised in respect of this application, however, please do consider any adverse amenity impacts upon the nearest residential receptors (1022 and 1026-1028 Pacific Highway) in detail in your assessment report.</i>	<p>It is noted the SEE and accompanying consultant reports provide an assessment against the residential receptors located at 1022 and 1026-1028 Pacific Highway.</p> <p>The lighting impact assessment indicates the sign will not result in unacceptable glare or adversely impact on the amenity of these nearby residences in accordance with the Guidelines.</p> <p>Additionally, a thorough visual impact assessment has been conducted as part of the DA. The visual impact assessment sought to identify any potential visual impacts from these 2 residential properties.</p> <p>The visual impact assessment finds that the proposal will be of a smaller size to the existing illuminated sign and is considered to have a minor and acceptable impact on the surrounding area.</p>
2	<p><i>I am submitting this response, objecting to DA 22/5184, as the owner and resident of Unit XXX at the affected address on the basis of reduced amenity for this property from the proposed development.</i></p> <p><i>The proposed location of the digital billboard is directly visible from the north facing main living spaces including a bedroom in this property. Windows and balconies where this proposed replacement billboard will be directly visible from are highlighted below.</i></p>	The proposed structure is considered to be a smaller and an improved outcome for the site and surrounding receptors when compared to the existing sign at the site, particularly in regard to the impacts on the residential properties located on the western side of the Pacific Hwy.

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	<p><i>The statement of environment effects (220325 KEYLAN Sign 19 Pymble SEE) claims that the proposal results in “Positive visual impacts”. As one of the “sensitive receivers within the visual catchment of the sign” I disagree strongly with this statement on the basis of the following points;</i></p> <ul style="list-style-type: none"> <i>The static billboard in place does not change colour or composition, minimising how noticeable the image is from living and bedroom spaces. The proposed digital billboard will be a negative distraction on visual amenity as it cycles through different projected colours and images that are noticeably different every 10 seconds, drawing significant attention towards the billboard.</i> <i>the existing static billboard is lit during evening hours, however this is no information provided about the existing light levels and how the proposed development changes this impact. In order to claim a positive impact, the onus should be on the applicant to show a reduction in brightness across evening hours in addition to any size changes. Obtrusive light is a key component of the assessment criteria however the change from the current state is not assessed and should be assumed to have negative impact unless shown otherwise.</i> <i>There is insufficient foliage or elevation to restrict any meaningful visibility of this billboard from this property, meaning that this proposed change will impact directly on amenity. The “dense vegetation” claimed in the statement of environment effects should not be considered as a mitigating factor.</i> <i>Having a digital, ever changing billboard visible from living spaces in this property will detract from property valuation, placing an unfair burden on the current owners who will be</i> 	<p>The below sections provide a detailed response to each issue raised in the submission.</p> <p>The proposed structure is 6% smaller than the existing advertising structure.</p> <p>The proposed digital signage is illuminated using LEDs installed within the front face. The brightness of the LEDs will 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.</p> <p>As noted, the proposed illumination and brightness will be automatically reduced during evening and night time hours. Additionally, the signage structure will have a curfew of 11pm, at which time the LED brightness will be even further reduced until 6 am.</p> <p>This technology is not currently seen in the existing signage structure, and therefore should not cause any reduction to the amenity of nearby residences.</p> <p>It is noted that there is existing mature vegetation at nearby residential properties that could potentially restrict visibility towards the proposed sign.</p> <p>Despite of this, illuminance calculations were undertaken assuming that there were no obstructions present.</p> <p>In addition, the LIA outlines that the illuminance levels for nearest residences complies with the maximum AS4282 limit which is 10 lux for pre-curfew and 2 lux for post-curfew.</p> <p>The proposed sign will be of a high-quality design and finishes and is considered an overall improvement when compared to the existing signage. The proposed sign will only display static images which will have a dwell time</p>

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	<i>financially disadvantaged from this change should the property be put up for sale in future.</i>	<p>of 25 seconds. There will be a 0.1 second transition time between images which will appear instantaneous.</p> <p>Impacts on property values is not a planning consideration.</p>
	<ul style="list-style-type: none"> <i>The existing southbound digital billboard has had a number of instances in the past 2 years where the automatic brightness reduction has failed, leaving the billboard in daytime brightness mode overnight. Despite complaints to the billboard operator, fixes were not implemented for between 3-5 days. There is risk that this will occur with this proposed development, with no material deterrent for the billboard operator to prevent this occurring or to fix it quickly, further impacting on residents in affected buildings.</i> 	<p>Noted. The Applicant is committed to attending to any complaints raised relating to the sign and structure. The Applicant will be responsible for ensuring any issues i.e., illumination error or damage to the sign are resolved as soon as possible after notification.</p> <p>The Applicant will accept this as a condition of consent.</p>
	<ul style="list-style-type: none"> <i>In light of the above, I am putting forward that the digital advertising sign is shown to have a direct adverse impact on the amenity of surrounding property and therefore the DA warrants rejection.</i> 	<p>It is considered the submitter's concerns have been adequately addressed above.</p>

Attachment C

Arboricultural Impact Assessment

Attachment D

Structural Feasibility Statement

Attachment E
Amended Plans

Attachment F
Servicing Statement