

3 November 2022

Louise Densmore
Team Leader, Regional Assessments
NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Clay Logan
clay.logan@planning.nsw.gov.au
Dear Ms Densmore,

Response to Submissions and Request for Additional Information
Digital Advertising Signage, Princes Highway, Loftus (DA22/5186)

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 (DPE) request for a Response to Submissions (RtS) and Request for Additional Information (RFI) dated 10/08/2022 and 23 September 2022 in relation to Development Application (DA/22/5186).

A response to the matters raised in DPE's RFI is provided in the table at **Attachment A**.

Additionally, the application received a total of 4 agency submissions from TfNSW, NSW Environment and Heritage Group (EHG), Heritage NSW, and Sutherland Shire Council (Council). A response to the matters raised in the submissions is provided at **Attachment B**.

A further assessment of the proposal is provided in accordance with clause 6.5 of the *Sutherland Shire Local Environmental Plan 2015* (LEP) (**Attachment C**). This assessment concludes that the proposal is acceptable and warrants approval.

This response is also supported by amended plans and specialist's reports to support the application (**Attachments D-F**). These reports provide additional information to directly respond to issues raised by DPE, agencies and Council. This response reinforces the findings made within the SEE, that the proposed digital advertising sign:

- demonstrates compliance and meets the objectives of Chapter 3 and Schedule 5 of the Industry and Employment SEPP
- will result in acceptable lighting and visual impacts
- will not adversely impact surrounding ecological, environmental and heritage values
- 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 Pdraig 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 information requested from DPE
- Attachment B:** Response to the submissions received from Agencies
- Attachment C:** Assessment against Clause 6.5 of Sutherland Shire LEP 2015
- Attachment D:** Screening figures
- Attachment E:** Biodiversity Impact Assessment
- Attachment F:** Power Supply Feasibility Statement
- Attachment G:** Structural Feasibility Statement
- Attachment H:** Amended Architectural Plans

Attachment A

Response to Information requested by DPE

Ref.	Issue raised	Response
Issues raised 10 August 2022 (Letter 1)		
1	Surrounding vegetation	
	<ul style="list-style-type: none"> <i>Provide clarification whether the proposal will require removal or pruning of any vegetation surrounding the sign</i> 	<p>No trees or vegetation will be removed as a result of the proposed sign.</p> <p>In the unlikely event that minor pruning of trees is required these works will be undertaken in accordance with <i>AS4373-2007 Pruning Amenity Trees</i> to ensure suitable protection of existing trees.</p>
	<ul style="list-style-type: none"> <i>Submission of an Arboriculture Report, prepared by a suitably qualified person, assessing the impact of the proposal (including construction works) on the trees in vicinity of the sign.</i> 	<p>A Biodiversity Impact Assessment has been prepared by Ecologique and included at Attachment E.</p> <p>The report concludes that the proposal will not require any vegetation clearing. On this basis, it is considered an Arborist Report is not required.</p> <p>Notwithstanding, it is noted that all works will be carried out in accordance with <i>AS4970-2009 Protection of trees on development sites</i> to ensure suitable protection of existing trees during construction.</p>
2	Environmental Sensitive Land	
	<ul style="list-style-type: none"> <i>As noted in the Statement of Environmental Effects, the site is identified in the Sutherland Local Environmental Plan 2015 (LEP) as being environmentally sensitive land due to terrestrial biodiversity values. Provide a robust assessment against requirements of clause 6.5 of the LEP that is informed by an understanding of the biodiversity values of the site, including any native flora and fauna that may be present.</i> 	<p>A detailed assessment of the proposal against Clause 6.5 – Environmentally Sensitive Land (Terrestrial Biodiversity) of the <i>Sutherland Shire Local Environmental Plan (SSLEP 2015)</i> is provided at Attachment C.</p> <p>This detailed assessment concludes that the proposal remains consistent with Clause 6.5, as outlined in the SEE.</p>
3	Visual Impact	
	<ul style="list-style-type: none"> <i>Based on the information submitted, it is unclear whether the proposal will be visible from residential dwellings, including backyards of dwellings, north of the site. Provide a visual</i> 	<p>The proposed sign 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.</p>

Ref.	Issue raised	Response
	<i>analysis of the proposal from key residential properties, including photomontages or perspectives showing the proposed sign. Should the visual analysis identify potential visual impact, provide a visual impact assessment that addresses the impacts of the proposal on the existing catchment.</i>	<p>As shown in Figures 1 to 4 (Appendix D) 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.</p> <p>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.</p> <p>No views of the advertisement display will be possible.</p> <p>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.</p> <p>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. As such our assessment concludes that a supplementary visual impact assessment of the proposed advertising signage is not warranted under the SEPP.</p>
4	Servicing <ul style="list-style-type: none"> <i>Provide clarification whether electricity and telecommunication services are available to service the proposal and whether any connection works are required.</i> 	<p>WSP have undertaken a detailed analysis of the power supply options. This analysis is provided at Attachment F. The analysis finds the electrical load of the proposed digital advertising sign requires a service cable installed within the rail corridor.</p> <p>The cable route emanates from Wheatley Avenue dedicated public road reserves managed by Council, south along the rail corridor, and then diverts into the site to the west of the rail corridor.</p> <p>The supply to the advertising sign is via an isolation transformer to comply with supply arrangements to AMB (Sydney Trains) standards.</p>

Ref.	Issue raised	Response
Issues raised 23 September 2022 (Letter 2)		
5	Structural Feasibility <ul style="list-style-type: none"> A structural feasibility statement prepared by a suitably qualified expert which: <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>A Structural Feasibility Statement has been prepared by Dennis Blunt Consulting Engineers (DBCE) and included at Attachment G.</p> <p>The statement makes the following findings:</p> <ul style="list-style-type: none"> the sign demonstrates structural integrity including materials of the frame and details relating to the footings the sign will be self-supported by a single column bolted to a concrete footing that is approximately 5m² and 1.5m deep the wall of the footing should be shored to ensure there are no effects on the wall of the culvert during construction. the weight of the steel box including the digital screen and the cladding is approximately 5 tonnes. The weight of the steel support structure is approximately 6 tonnes. t the sign is to be designed for a wind load for region A, terrain category 2.5 and a 50 year design life in accordance with AS1170.2. <p>Based on the above technical assessment, the proposal is considered acceptable in this location in relation to structural feasibility.</p>
6	Amended Plans and Details <ul style="list-style-type: none"> Amended plans that notate: <ul style="list-style-type: none"> the depth and extent of proposed excavation; the width of the footings/base of the proposed signage structure; details of the pilings required to support the proposed signage; and details of the materials of the proposed signage and structure. 	<p>Additional architectural plans have been prepared to provide further details of the proposed advertising signage and associated structure as requested by DPE (Attachment H).</p> <p>This additional information will enable the DPE to finalise its assessment of the proposal.</p>

Attachment B

Response to Submissions (agencies and council)

We note there were no public submissions received during the exhibition period.

A total of 4 submissions were received on the proposal, including submissions from Transport for NSW, NSW Heritage and Environment Group, Heritage NSW and Sutherland Shire Council. The issues raised in these submissions are addressed in the table below.

Ref.	Issues raised	Response
A	Transport for NSW	
A1	<i>TfNSW has reviewed the submitted documentation and provides concurrence to the proposed digital signage, subject to the approval of the Department of Planning and Environment and the requirements being included in the development consent.</i>	Noted. The Applicant has reviewed the proposed conditions of consent provided by TfNSW and has no objections.
B	NSW Environment and Heritage Group	
B1	<i>No access to or works on park are to occur as part of this proposal unless authorisation is granted by NPWS under the National Parks and Wildlife Act 1974 (NPW Act) or the National Parks and Wildlife Regulation 2019. In particular, the park is not to be used to gain access to the development site or for the storage of materials, equipment, workers' vehicles or machinery at any time.</i>	Noted. The Applicant does not intend to access or work on any part of the National Park. The proposed works are wholly contained within the rail corridor. This issue will be accepted as a condition of consent.
B2	<i>The 'Developments adjacent to National Parks and Wildlife Service lands' (NPWS 2020) resource provides general guidance on the priority environmental considerations for impact assessments adjacent park. In assessing applications adjoining or adjacent park, EHG recommends that consent authorities use the guideline when assessing environmental impacts and assigning mitigation measures relevant to the scope of works proposed. It is anticipated the Minister for Planning (as the consent authority) would apply the guidelines in assessing this application</i>	As discussed, a <i>Biodiversity Impact Assessment</i> has been prepared. As part of the assessment, consideration of the guidelines for developments adjacent to NPWS lands (NPWS 2020) has been undertaken. An assessment of the proposal has concluded that the proposed sign is unlikely to result in a significant impact to wildlife and is considered to be a low-risk consequence. It is considered the supporting Biodiversity Impact Assessment is sufficient for DPE to undertake and finalise their assessment.

Ref.	Issues raised	Response
B3	<p><i>One assessment criteria contained in Schedule 5 of SEPP (Industry and Employment) 2021 is consideration 2, whether the proposal would detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas. The LIA does not identify that the signage would be sited adjacent Royal National Park and as a result does not assess whether the proposal would detract from the amenity or visual quality of this environmentally sensitive area reserved for natural conservation.</i></p> <p><i>For instance, the potential for glare to impact vistas south and southwest across the national park from the highway has not been considered in the assessment. The Statement of Environmental Effects does undertake a brief assessment (Section 4.2.1) against the assessment criteria, but that assessment is limited to the colour of the sign structure. Consequently, potential amenity impacts on vistas, or to users of Royal National Park or on wildlife are not considered.</i></p>	<p>A Biodiversity Impact Assessment has been prepared to assess the likely impacts of the sign on the nearby amenity and environmental sensitivity of the national park. The assessment finds:</p> <ul style="list-style-type: none"> • Vegetation immediately adjacent to the subject site is dominated by weeds growing on disturbed soils of the highway's embankments. Vegetation within the estimated visible range of the proposed sign is predominantly low-growing open eucalypt canopy with a dense shrub layer and an open ground cover of sedges and forbs. • Any resident fauna that use vegetation either side of the highway are likely to be tolerant of both noise and light pollution given the decades in which the highway and rail line has been operating. • It is considered likely that fauna species sensitive to noise and light pollution would prefer the adjacent vast expanse of National Park with more intact vegetation and habitat features available. • The visibility of the sign estimated along the highway is approximately 225m, which coincides with a 5 – 6m drop in elevation from the road to the National Park to the southeast and lateral distance of between 15-20m from the highway edge to the park's boundary. Thereby offering a vertical and lateral buffer zone to any habitat proximal to the edge, in addition to amenity impacts on vistas of the National Park. <p>Based on the above in accordance with the findings within the Biodiversity Impact Assessment, it is concluded the proposed sign is unlikely to result in a significant impact to wildlife and is considered to be a low-risk consequence.</p> <p>With regard to visual impacts from the Royal National Park, it is noted that the sign is located on the northern side of Princes Highway, approximately 25m from the boundary of the Park. This separation distance, together with the vegetation on the southern side of the</p>

Ref.	Issues raised	Response
		<p>road, which will provide visual screening, and the 5 – 6m drop in elevation from the road to the Road National Park will minimise view lines from the Park to the sign.</p> <p>Further, it is noted that the sign is located adjacent to the urban area of Loftus and Yarrawarra. Consequently, should glimpses of the sign be visible from the Park it will sit within the backdrop of these areas minimising its impact.</p> <p>Furthermore, 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.</p>
C	Heritage NSW	
C1	<p><i>A statement of heritage impact was not submitted with the application.</i></p> <p><i>It is noted that the subject site and the SHR item share the same Lot and DP description, however the SHR item only applies to a small area within the north-eastern extent of this allotment.</i></p> <p><i>Due to the distance between the subject site and the SHR item, no visual impacts are anticipated.</i></p>	<p>Noted. The proposed sign is substantially distanced from the SHR item and will not impose any adverse impacts on the heritage significance of this item.</p>
C2	<p><i>No information has been provided in relation to impacts upon potential historical archaeology. It is recommended that any approval for this project include the following condition to manage the unexpected discovery of historical archaeological information:</i></p> <p><i>Unexpected historical archaeological relics protection</i> <i>The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be</i></p>	<p>The proposed condition of consent is considered acceptable.</p>

Ref.	Issues raised	Response
	<i>notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery</i>	
D	Sutherland Shire Council	
	<p><i>Council has concerns in relation to traffic and safety impacts, including potential conflicts with users of the highway...</i></p> <p><i>The upward south-west 'glance' upwards head movement required to observe the proposed signage is an irregular movement for motorists given the proposed signage is located on the opposite side of the highway to those persons visually engaging with the sign, ie the sign is intended to be viewed by south-west bound road users but is on the far side of the north-east bound carriageway. The nature of signage content and should it change frequently, flicker, scroll, move etc. (as opposed to a static sign), level of illuminance, and total quantity of content (e.g., words pictures) will determine the 'degree' of distraction and time a motorist will view the sign and take their eyes off the road. The Page 2 signage has the potential to be a significant distraction and hazard to motorists in this regard</i></p>	<p>Noted, a detailed assessment of road safety was provided within the Digital Signage Safety Assessment prepared by TTPP and submitted with the original application. This assessment concluded that the proposal is acceptable in terms of road and safety requirements.</p> <p>The proposed sign will only display static images, which will have a dwell time of 25 seconds. There will be a 0.1 second transition time between the images, which will appear instantaneous.</p> <p>In addition, a Lighting Impact Assessment was prepared by Electrolight and provided with the original application. The assessment concluded the proposal is acceptable in terms of illumination and lighting.</p> <p>Furthermore, TfNSW has reviewed the DA including from a traffic and road safety perspective and has issued their concurrence.</p> <p>On the basis of the above, the proposed sign is not considered to impose a level of distraction for motorists and is acceptable from a road and safety perspective.</p>
	<i>The Department must be sure that the signage design and operational parameters ensures road safety and ensure an acceptable outcome particularly, when considering the locality and environmental characteristics.</i>	As discussed above and in the SEE, the proposal in its surrounding context is considered acceptable from a road safety perspective.
	<i>The sign is less than 25m from residential properties in Yarrawarrah. We recommend that the Department engage in community consultation with residents in the immediate visual catchment. Though the land is technically addressed as being in Loftus, it is far</i>	The proposed sign is not anticipated to result in adverse visual impacts on the residential dwellings and private open space to the north of the site, in Yarrawarrah.

Ref.	Issues raised	Response
	<i>more akin, and much more likely viewed by residents, as being in Yarrawarra</i>	<p>The visual impact assessment provided in the SEE and additional investigation included at Attachment A (Item 3) has found the proposal is acceptable from a visual impact perspective.</p> <p>Consideration of the surrounding environment, natural vegetative screening, siting of residential properties and the orientation of the proposed sign will ensure there are limited potential visual impacts on the nearby residential dwellings as a result of the proposed sign.</p>
	<i>The sign is directly opposite the Royal National Park, Australia's oldest National Park and a heritage item. We recommend the department consult with the National Parks and Wildlife Service, particularly in regard to the sign's visual impact and any possible affects upon wildlife that may be caused by illumination of the sign.</i>	<p>Noted, a submission was received from NSW Environment and Heritage Group regarding the NSW National Parks and Wildlife Service (NPWS) reserves.</p> <p>As discussed in the response to NSW EHG submission, our assessment concludes the proposal is not anticipated to result in adverse environmental impacts on the national park.</p> <p>It is also noted that the DA was reviewed by Heritage NSW and that no adverse heritage impacts were identified.</p>

Attachment C

Assessment against Clause 6.5 of SSLEP

Clause 6.5 of SSLEP	Comment
<p>(1) <i>The objective of this clause is to maintain terrestrial biodiversity by:</i></p> <p>(a) <i>protecting native fauna and flora, and</i></p> <p>(b) <i>protecting the ecological processes necessary for their continued existence, and</i></p> <p>(c) <i>encouraging the conservation and recovery of native fauna and flora and their habitats.</i></p>	<p>The proposed sign is considered to be consistent with the objectives outlined in Clause 6.5 of the SSLEP.</p> <p>The proposal does not involve the disturbance of any native flora and fauna.</p> <p>As detailed within the <i>Biodiversity Impact Assessment</i> the sign is unlikely to result in a significant impact to wildlife and is considered to be a low-risk consequence. Consequently, no adverse impacts on ecological process or habitats are anticipated.</p>
<p>(2) <i>This clause applies to land identified as “Environmentally Sensitive Land” on the Terrestrial Biodiversity Map.</i></p>	<p>The proposed sign is located on environmentally sensitive land.</p>
<p>(3) <i>In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—</i></p> <p>(a) <i>whether the development is likely to have—</i></p> <p>I. <i>any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p> <p>II. <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p>III. <i>any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p>IV. <i>any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p>(b) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>The proposed sign is not anticipated to have any adverse impacts on the ecological value of nearby flora and fauna.</p> <p>A Biodiversity Impact Assessment has been prepared by Ecologique (Attachment E). The report finds that vegetation within the immediate vicinity of the subject site appears to be highly degraded and dominated by weeds, which is typically expected due to edge effects from highways and railways.</p> <p>Further, the habitat available to the south-east of the subject site is substantially degraded and considered unlikely to provide habitat important to any threatened species.</p> <p>The above assessment of the proposal concludes that the sign is unlikely to result in a significant impact to wildlife and is considered to be a low-risk consequence.\</p> <p>The proposal incorporates sufficient mitigation measures to assist in minimising adverse impacts. These include:</p> <ul style="list-style-type: none"> • colour selection of the structure • 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>(4) <i>Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—</i></p>	<p>The proposed design and orientation of the sign is towards the road corridor, rather than towards surrounding areas of vegetation.</p> <p>As noted in the SEE, the proposed sign is designed and sited within an existing cleared</p>

Clause 6.5 of SSLEP	Comment
<p>(a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p>(b) <i>if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p>(c) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>	<p>area and does not require any vegetation removal. The proposed siting of the signage is considered to be appropriate in terms of the surrounding context.</p> <p>As the sign operates all night, it has been assessed against the more stringent post-curfew limits (i.e., between 11pm and 6am daily) and complies with all relevant requirements of <i>AS4282-2019 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>

Attachment D

Screening Figures



Figure 1: Aerial image demonstrating the sign location and dense landscaping to the south of properties on Tilba Place which will screen the sign



Figure 2: Existing vegetative screening – driving eastbound on Princes Hwy (Source: Keylan)



Figure 3: Existing vegetative screening – southbound Princes Hwy (Source: Google Maps)



Figure 4: Indicative sign location from no 18 and no 20 Tilba Place (Source: Google Maps)