

26 July 2023

Trent Wink
Team Leader, 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 Wink,

Response to Submissions
Digital Advertising Signage - Princess Highway, Heathcote (DA 23/5550)

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) dated 11 July 2023 in relation to Development Application (DA 23/5550).

We note that the application received submissions from Sutherland Shire Council (Council) and Transport for NSW (TfNSW), as well as three public submissions.

A response to the issues raised by agencies is provided at **Attachment A** while a response to the issues raised in the public submissions is provided at **Attachment B**.

This RtS reinforces the findings made within the SEE, that the proposed digital advertising sign:

- will not unreasonably impact the amenity of nearby areas, in keeping with the provisions of the Industry and Employment SEPP (SEPP) and Guidelines
- will not result in unacceptable lighting and visual impacts on nearby residential receivers, including 1 Wilson Parade
- is consistent in scale with its immediate setting on a busy corridor with existing advertising signage

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

Please do not hesitate to contact Lauren Donohoe on 8417 4081 or via email at lauren@keylan.com.au should you wish to discuss any aspect of this project.

Yours sincerely



Michael Woodland BTP MPA
Director

Attachments:

Attachment A: Response to the submissions received from TfNSW and Council

Attachment B: Response to the submissions received from the public

Attachment A

Response to Submissions received from Council and TfNSW

Ref.	Agency and issues raised	Response
A	Sutherland Shire Council	
A1	<p><i>A review of the application shows that the sign will be oriented to the southwest. A review of Council's mapping shows that a number of dwelling house are located to the south and southwest. The closest dwelling is located less than 45m of the sign.</i></p> <p><i>Section 5.2.2 of the Statement of Environmental Effects details that 'post-curfew' hours are between 11pm to 6am and this is the period when residents are trying to sleep. When assessing development proposals involving sensitive receptors in close proximity to busy roads and rail corridors, Section 2.100(3)(a) from the TISEPP and Section 3 from the NSW Department of Planning's Development Near Rail Corridors and Busy Roads – Interim Guideline requires an applicant to implement measures to minimise impacts of noise intrusion to any bedroom in residential accommodation between 10pm to 7am, daily.</i></p>	<p>Section 2.100 of the Transport and Infrastructure SEPP only applies to the following types of development:</p> <ul style="list-style-type: none"> <i>residential accommodation,</i> <i>a place of public worship,</i> <i>a hospital,</i> <i>an educational establishment or centre-based child care facility.</i> <p>As noted, advertising signage is not listed, and therefore Section 2.100 of the Transport and Infrastructure SEPP does not apply to the proposal.</p> <p>Furthermore, the proposed signage will not have any operational noise impacts as there will be no sound emitted from the structure.</p> <p>As addressed within the SEE, all works will be undertaken in accordance with DPE's <i>Development near railways and busy corridors Guideline</i>.</p>
A2	<p><i>While the sign will not emit noise, light spill from the continual illumination and periodic changes to sign content is highly likely to have impacts to the adjoining and nearby dwellings and the same level of amenity protection must be provided to residents.</i></p>	<p>A Lighting Impact Assessment (LIA) was undertaken by Electrolight to accompany the DA. The LIA concluded that light spill from the illumination of the sign and changes to sign content will have an acceptable impact on the adjoining and nearby dwellings.</p> <p>Additionally, the LIA finds the proposed illumination is acceptable as it is well below with the AS4282 standards.</p> <p>The proposed sign is oriented towards the road corridor and beyond this, the E1 Local Centre, which comprises of the Heathcote Motel, carpark, and IGA. Therefore, limiting any direct view lines to/from residential dwellings.</p>

Ref.	Agency and issues raised	Response
A3	<p><i>Therefore, a precautionary approach must be adopted and the lowest illuminance level of 250cd/m2 (refer to Section 5 from the Lighting Impact Assessment prepared by Electro Light, Ref: 3023.27 dated 31 April 2023) must commence from 10pm, not 11pm, which aligns with Section 2.100 and the interim guideline.</i></p> <p><i>Clause 7, Schedule 5 Assessment Criteria from SEPP (Industry and Employment) 2021 requires the illumination of signage not detract from the amenity of any residence or other forms of residential accommodation. The adoption of an earlier night time curfew period of 10pm will ensure minimal amenity impacts and compliance with this assessment obligation.</i></p>	<p>Notwithstanding the above, the 'post curfew' period will be further extended, and night time lighting illuminance will commence from 10pm rather than 11pm.</p> <p>To ensure certainty, the Applicant is willing to accept the above as a condition of consent.</p>
B	Transport for NSW	
B1	<p><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></p>	<p>Noted. The Applicant has reviewed the proposed conditions of consent provided by TfNSW and has no objections.</p>

Attachment B

Response to public submissions

A total of three public submissions were received on the application. The issues raised in the submissions are addressed in the table below.

Ref.	Issues raised	Response
A	Public submissions	
1	<i>Please don't install this sign, it's a terrible place to put it- there's lots of people in the area who will be affected by the light pollution- that will be on 24 hours a day! They can literally install it a bit further down near a service station or something where there is a lot of light already! The sign will be right opposite my unit and will completely disrupt my sleep- it's already pretty bad but having moving lights all the time coming through the curtains is a nightmare. If you care about your constituents, please don't do this.</i>	<p>As addressed above, the LIA provides an illuminance assessment of nearby dwellings and calculation of the amount of illuminance (measured in Lux) that the properties are likely to receive from the signage during night time operation.</p> <p>The proposed signage has been found to comply with all relevant requirements of AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>In complying with the above requirements, the proposed signage should not result in unacceptable glare, nor should it adversely impact the safety of pedestrians, residents, visitors or vehicular traffic.</p> <p>In addition, the Applicant is willing to accept an earlier reduction in luminance, commencing from 10pm (rather than 11pm).</p>
2	<p><i>I am the owner of No. 1 Wilson Parade, Heathcote, a Heritage Listed property known as The Gatekeeper's Cottage. My objection is:</i></p> <ol style="list-style-type: none"> <i>1. Its proposed location of this Digital Advertising Signage and the proximity to my property;</i> <i>2. Its size of almost 50 sq. m.</i> <i>3. The 24hour operation of intermittent illumination.</i> <p><i>In Keylan's Statement of Environmental Effects, and the illustration on Page 8, it would seem it's possible to locate such signage some 100 - 200 meters further North as there is no vegetation. In the proposed location such signage would have a very negative impact on the enjoyment of any outlook from my front verandah and, indeed, from western</i></p>	<p>A Heritage, Visual and Lighting Impact Assessments were undertaken as part of the DA package to determine potential impacts on the residential dwelling located at 1 Wilson Parade.</p> <p>The Visual Impact Assessment (VIA) concluded that the proposed sign will not be directly viewed from the dwelling at 1 Wilson Parade.</p> <p>The VIA acknowledges that although the proposed signage structure will be visible from the residential dwelling, it will be sufficiently separated from the dwelling by the intervening railway corridor, landscaping and associated fencing. Further, the sign is orientated towards the south-west and will not directly face 1 Wilson Parade as this dwelling is orientated towards the north-east.</p> <p>Additionally, the Heritage Impact Statement (HIA) also confirms the proposed sign will have minimal and acceptable impact on this item.</p>

Ref.	Issues raised	Response
	<p><i>windows, especially at night. I trust you will appreciate and favourably consider the relocation of the signage, if, indeed it is to go ahead.</i></p>	<p>The LIA provided an illuminance assessment to detect the effect (if any) of the light spill from the proposed signage during the 'post-curfew' period (11 pm to 6 am). The result of the assessment confirms that the proposal is consistent with the applicable 'post curfew' illuminance limits established under AS 4282-2019 with no light spill from the proposal onto the dwelling at 1 Wilson Parade.</p> <p>As noted above, the 'post curfew' period will be further extended, and night time lighting illuminance will commence from 10pm.</p> <p>The proposed scale of sign will be consistent with the immediate setting of the area. The sign is smaller than nearby existing signage, respective of the scale of surrounding buildings and is located on a busy commercial corridor with existing advertising signage.</p> <p>In light of the above, the potential impacts on 1 Wilson Parade are considered minimal and acceptable from a visual, heritage and lighting perspective.</p>
3	<p><i>I am the owner of No. 1 Wilson Parade, Heathcote, a Heritage Listed property known as The Gatekeeper's Cottage. My objection is:</i></p> <ol style="list-style-type: none"> <i>1. Its proposed location of this Digital Advertising Signage and the proximity to my property;</i> <i>2. Its size of almost 50 sq. m.</i> <i>3. The 24hour operation of intermittent illumination.</i> <p><i>In the Keylan's Statement of Environmental Effects, and the illustration on Page 8, it would seem it's possible to locate such signage some 100 - 200 meters further North as there is no vegetation. In the proposed location such signage would have a very negative impact on the enjoyment of any outlook from my front verandah and, indeed, from western windows, especially at night. I trust you will appreciate and favourably consider the relocation of the signage, if, indeed it is to go ahead.</i></p>	<p>It is noted this is a repeat submission. A detailed response has been provided above.</p>