

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Part 4 Development Application
Application number and project name	DA022-1843 Kissing Point Road, Digital Signage
Applicant	Sydney Trains
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under section 4.16 of the *Environmental Planning and Assessment Act 1979 (the Act)*, approved the application subject to conditions.

A copy of the determination is available [here](#)

A copy of the Department of Planning & Environment's assessment report is available [here](#)

Date of decision

30 November 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in Section 4.15 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* and the additional matters listed in the statutory context section of the Department's Assessment Report
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*
- the objects of the EP&A Act
- all information submitted with the development application
- the findings and recommendations in the Department's Assessment Report
- the submissions made concerning the development application
- the views of the community (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting the modification are as follows:

- the digital sign is permissible with consent and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through recommended conditions of consent, where relevant
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the development application from 13 April 2022 to 10 May 2022 (28 days) and received four submissions.

The key issues raised by the community in submissions and considered in the Department's Assessment Report and by the decision maker include those relating to potential amenity impacts.

<i>Issue</i>	<i>Consideration</i>
<ul style="list-style-type: none"> • accidents and fatalities that have occurred on the stretch of road • unreported speeding • the configuration, topography and curve of the road • location within a school zone and residential area, with a high number of pedestrian movements • weather conditions including fog • driver distraction. 	<p>The application is accompanied by a SSA, which concludes that the road environment along the relevant section of Kissing Point Road presents low-risk environment for the proposed sign and that the analysis shows that the installation of the sign would be acceptable from a road safety perspective.</p> <p>The Department is satisfied that the SSA has been prepared in accordance with industry standard requirements, including assessment against the Industry and Employment SEPP, the Guidelines, Austroads and consideration of TfNSW crash data.</p> <p>TfNSW have reviewed the SSA and raise no objections on road safety grounds subject to conditions.</p> <p>The Department is satisfied that the proposed sign:</p> <ul style="list-style-type: none"> • is consistent with the safety requirements of the Industry and Employment SEPP and the Guidelines • is not located within the safe stopping distance of a decision making or conflict point • will not obstruct or reduce visibility of any traffic control devices, signage, pedestrians or cyclists • will not give incorrect information on the alignment of the road • is not located in an area that has any recorded crash incidents in the most recent five-year period • is located within a low-risk environment and is acceptable from a road safety perspective. • will have an increased dwell time of 25 seconds (rather than 10 seconds) and be fixed during school hours <p>Recommended Conditions include those that:</p> <ul style="list-style-type: none"> • set the dwell time for the sign display to a minimum of 25 seconds • requires the sign display be fixed/ static (with no changing advertisements) during school zone hours • control the content of messages and the manner in which they displayed to ensure that drivers are not distracted • requires the Applicant to carry out a further road safety audit within 18 months of operation, which will be reviewed by TfNSW with any recommendations to be implemented by the Applicant • requires the Applicant to remove the sign if the TfNSW's audit recommendation cannot be implemented.