

Notice of decision – DA 22/5184, Signage, Digital Advertising Signage Conversion, Pymble

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

Application type	Development Application
Application number and project name	DA 22/5184 / PAN-209450 / 22054066 Signage, Digital Advertising Signage Conversion, Pymble
Applicant	Transport Asset Holding Entity of New South Wales (TAHE) / Sydney Trains or any person carrying out any development to which the consent applies
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

16 May 2023

Reasons for decision

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

- the relevant matters listed in section 4.15 of the Act 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 2021*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (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 consent to the development application are as follows:

- the project is permissible with development consent under the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) and is consistent with NSW Government policies including the *Transport Corridor Outdoor Advertising and Signage Guidelines* (the Guidelines) with the aim to achieve best practice for the planning and design of outdoor advertisements in transport corridors. The proposal supports this aim by ensuring the proposal does not have any significant impacts on the surrounding area;
- 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. Residential amenity and safety impacts have been addressed through conditions referenced in Attachment 1;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent (where applicable; and
- weighing all relevant considerations, the project is in the public interest.

- **Attachment 1 – Consideration of Community Views**

The Department exhibited the Development Application for the project, including the Statement of Environmental Effects, from 10 May 2022 until 6 June 2022 (28 days) and from 15 June 2022 to 28 June 2022 (14 days) and received three unique submissions, including one objection to the project, one comment on the project, and comments from Transport for NSW (TfNSW).

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include residential amenity and safety impacts. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
Residential Amenity <ul style="list-style-type: none"> • The levels of brightness of the existing sign, and whether the proposal will reduce brightness, is unknown. The automatic brightness reduction of the existing sign has failed in the past. Change in advertisements will draw attention. 	Assessment <ul style="list-style-type: none"> • Sight of the sign from the nearest residence will be obscured by future vegetation, existing topography and traffic upon the Pacific Highway across 45m distance. The sign will not dominate the skyline or setting, and the sign will not obscure or compromise important views. The sign will include a light sensor and automatically dim in response to light conditions. The application demonstrates that the sign will comply with illumination requirements and dwell & advertisement-transition times requirements within the Industry and Employment SEPP, the Guidelines and Australian Standards. Conditions/Response <ul style="list-style-type: none"> • Conditions limit illumination levels, including for local lighting conditions and particular times of day & night, in accordance with the Guidelines and Australian Standards.
Road Safety <ul style="list-style-type: none"> • The proposed signage has potential to distract drivers. 	Assessment <ul style="list-style-type: none"> • There is a very long viewing, relatively straight northbound approach to the sign, meaning drivers approaching the site have a direct view of the sign in the same direction as the road alignment. The approach does not require rapid, complex decision making, and the sign does not affect traffic control devices, signage or hazards. • The sign includes a 10 second dwell time with a transition of no more than 0.1 seconds in accordance with the Guidelines. • TfNSW provided concurrence subject to the proposal complying with the Guidelines and recommended conditions regarding display requirements, dwell times, a Road Occupancy Licence for any construction activities that may affect traffic flows, and costs thereof. Conditions/Response <ul style="list-style-type: none"> • Conditions disallow the display of information that can be confused with road signals, disallow movement within advertisements, specify dwell- and transition- times, and require a Road Safety Check to be carried out after 12 months of the signage operation but within 18 months of the sign's installation.