

Notice of decision – DA 22/6650 Digital Advertising Signage, Pyrmont

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 22/6650 / PAN-223010 Digital Advertising Signage, Corner of Saunders Street and Miller Street, Pyrmont
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 and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces 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 Council during consultation have been considered and adequately addressed through changes to the project and the recommended conditions of consent (where applicable). No submissions were received from community members; and
- weighing all relevant considerations, the project is in the public interest.

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

The Department exhibited the Development Application, including the Statement of Environmental Effects, from 29 July 2022 to 25 August 2022 (28 days). The application was exhibited on the Department's website, and the adjoining landholders, Heritage NSW, City of Sydney Council (Council) and Transport for NSW (TfNSW) were notified in writing.

The Department received one submission from Council in their capacity as the local council, advice from TfNSW and General Terms of Approval from Council in their capacity as delegate for Heritage NSW. No issues were raised by the community and no public submissions were received during the exhibition period.

The key issues raised by Council and considered in the Department's Assessment Report and by the decision maker include:

<i>Issue</i>	<i>Consideration</i>
Public Benefit <ul style="list-style-type: none"> Compliance with both clause 13(2) of the Industry and Employment SEPP and section 3.16.7.2 (9) of the Sydney Development Control Plan 2012 (SDCP 2012) regarding dedicating 10% of display times to the City of Sydney 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In the Applicant's Public Benefit Statement (PBS), Sydney Trains commits to reinvest all revenue from the proposal into running the Sydney Trains network and funding network improvements and maintenance programs. It will also make available to Sydney Trains and TfNSW five minutes per hour of advertising display time for their customer promotions and events at no cost. The Applicant also provided legal advice on Council's public benefit requirement which concluded that the provisions of the Industry and Employment SEPP, as well as the Guidelines, are the primary source of assessment criteria for the display of advertisements in transport corridors. The legal advice also noted that the proposal achieves permissibility through the Industry & Employment SEPP, and therefore, the SDCP 2012, which primarily relates to permissible development in the SLEP 2012, should be afforded little weight. The Department notes that clause 3.16.7.2(9c) of the SDCP 2012 outlines other public benefits that may be provided in lieu of the advertising time required for Council which include the provision of community services, community infrastructure or public domain enhancements. Noting the measures identified in the PBS, the Department is satisfied that the Applicant has addressed both the public benefit requirement of the Industry and Employment SEPP and Clause 3.16.7.2(9c) of the SDCP 2012 <p><i>Conditions/Response</i> Conditions include:</p> <ul style="list-style-type: none"> revenues from the proposal to be recorded advertising time be provided for customer promotions and events.
Impact to Trees <ul style="list-style-type: none"> Protection of trees within 5m of proposal including Council trees Modification of plans to include tree locations, tree numbers, tree protection zones (TPZ) and structural root zones (SRZ) areas Preparation of Pruning Specification Plan prior to pruning of trees 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes that the Applicant's Arboricultural Impact Appraisal and Method Statement (Arboricultural Report) includes a Tree Management Plan identifying trees located within 5m of the proposed sign. The Department is satisfied that subject to compliance with recommended protection measures identified in the Arboricultural Report and if required, a Pruning Specification Plan, the proposal would not have adverse impacts on surrounding trees. <p><i>Conditions/Response</i> Conditions include:</p> <ul style="list-style-type: none"> tree protection works be undertaken in accordance with the Arboricultural Report preparation of Pruning Specification Plan prior to any pruning works.
Heritage Impacts <ul style="list-style-type: none"> Applicant's SEE did not note the need to obtain approval under the Heritage Act. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant's response to submissions, included an updated SEE discussing the need for approval under Section 58 of the Heritage Act. The Department notes that General Terms of Approval (GTA) were granted for the application by Council, as delegate of Heritage NSW,

and is satisfied that the application will not have significant physical or visual impacts on heritage items in the area, subject to the recommended conditions.

Conditions/Response

- the Department has included the GTAs as part of the consent.