

Notice of decision – Digital Advertising Signage on the City West Link, Lilyfield

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 22/9255, Digital Advertising Signage on the City West Link, Lilyfield
Applicant	Transport Asset Holding Entity of NSW (Sydney Trains)
Consent Authority	Minister for Planning and Public Spaces

Decision

The Deputy Secretary, Development Assessment 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, Housing and Infrastructure's Assessment Report is available [here](#).

Date of decision

22/04/2024

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* 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;
- The Department has implemented a condition of consent requiring the height of the sign to be further reduced by at least 1.2 metres. The Department considers this change would reduce visual impacts to neighbouring residential properties, as well as impacts on views of the city skyline from the western approach of the City West Link to an acceptable level
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent;
- all revenue generated by the proposal would be reinvested into the Sydney Trains network, providing an appropriate public benefit; 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 19 August 2022 to 15 September 2022 (28 days) and received 21 submissions, including advice from two government agencies, one objection from Council and 18 objections from members of the public.

In response to the submissions, the Applicant submitted additional information which was made publicly available. The Department received an additional 22 submissions from previous submitters during the assessment process.

The key issues raised in public submissions and by Council and considered in the Department's Assessment Report and by the decision maker include site suitability, visual impacts, illumination impacts, road safety, public benefits, devaluation of property, cumulative impacts, compliance with legislation and consultation.

Issue	Consideration
Site suitability <ul style="list-style-type: none"> the site, situated nearby to residents is unsuitable, noting Sydney Trains has extensive infrastructure whereby similar signs could be located away from residential areas the proposal compounds existing impacts of the City West Link road corridor on surrounding residents the site is in close proximity to existing digital advertising signage the sign is too large and protrudes above the skyline. 	Assessment <ul style="list-style-type: none"> In response to concerns raised in community submissions, the Applicant proposed to relocate the sign 18m to the west along the City West link so that it would be located directly opposite the Pretoria Street cul-de-sac which is screened by a large acoustic wall and dense mature vegetation, amended the design of the sign to lower it by 500mm, and angled the signage panels to ensure they are splayed and oriented towards the road corridor rather than residential dwellings. To address the concerns raised, the Department recommends a condition be imposed, requiring the height of the sign to be further reduced by at least 1.2 metres. This could be achieved by reorienting the sign to a landscape format, lowering the signage structure, or reducing the overall size of the sign. Although this change would not eliminate the visibility of the sign from neighbouring properties, the Department considers that it would strike a reasonable balance between minimising the visual impacts as much as possible while at the same time permitting feasible advertising signage at this location. Subject to the amended design, the Department considers, on balance, the revised location of the proposed signage is acceptable as: <ul style="list-style-type: none"> while the proposed sign would be located in a residential/non-commercial area, it would be integrated into its primary setting comprising a rail corridor located next to a major arterial road the proposed sign would not result in any unreasonable visual impact on adjoining residences or the public domain, subject to conditions lowering its height, reducing its luminance levels and extending its curfew period the sign would not result in visual clutter as other existing advertising signs are located between 300m and 450m away and due to the curved nature of the road would not all be in a driver's field of view at the same time the sign is not located within the safe stopping distance of an intersection and there are no other identified traffic or road safety concerns. Conditions <ul style="list-style-type: none"> The Department has recommended a condition of consent requiring the Applicant to redesign the sign to reduce its height by a minimum of 1.2 metres to reduce visual impacts to residential properties.
Illumination impacts <ul style="list-style-type: none"> impacts resulting from the illumination of the sign including sleep disturbance and harm to night-time amenity from light spill concerns that the lighting impact assessment did not adequately consider 	Assessment <ul style="list-style-type: none"> In response to concerns raised in community submissions, the Applicant agreed to a lighting curfew from 10pm to 6am where the sign would be completely turned off (no illumination), a further 50% reduction in the night-time luminance of the eastbound face to 100 cd/m² and proposed design improvements including a splayed structure which would ensure the signage panels are angled towards the transport corridor to control light spill and minimise impacts to residential properties.

<p>individual residences located near the proposed sign</p> <ul style="list-style-type: none"> concerns that the illumination curfew would be removed post approval 	<ul style="list-style-type: none"> The Department considers the illumination of the amended sign on surrounding residential properties would be low and acceptable as: <ul style="list-style-type: none"> the proposal would comply with the luminance criteria set out in the Guidelines and has been further reduced during the limited night-time period to mitigate impacts to surrounding residential properties it would have no illumination impacts to surrounding residents during the 10pm to 6am curfew period it is located in an urban area, along a major road, where other night-time light sources, including street lighting, provide a medium level brightness the proposed illumination levels during the morning, evening, inclement weather and night-time periods align with the most sensitive Zone 4 criteria in the Guidelines to protect the amenity of surrounding residential properties it complies with the relevant lux and threshold increment requirements under AS4282 and would not result in adverse light impacts any proposed amendments to the illumination curfew would require a modification to the proposed development which would be notified to the surrounding community, publicly exhibited and assessed on its merits by the Department. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department has recommended conditions imposing the illumination curfew between 10pm and 6am and imposing the luminance restrictions during morning, evening, night-time and twilight and inclement weather which comply with the Guidelines.
<p><i>Visual impact</i></p> <ul style="list-style-type: none"> visual impact for road users viewing the city, views from the public domain and from surrounding residential properties visual impacts would reduce the amenity of the area the revised Property Assessment is inaccurate as it was prepared with images taken at ground level, whilst views from the affected properties are above ground level, and the exact location of the signage is not specified the density of the screening vegetation varies throughout the year 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In response to concerns raised in community submissions, the Applicant proposed to relocate the sign 18m to the west along the City West link so that it would be located directly opposite the Pretoria Street cul-de-sac which is screened by a large acoustic wall and dense mature vegetation, amended the design of the sign to lower it by 500mm, and angled the signage panels to ensure they are splayed and oriented towards the road corridor rather than residential dwellings. To address the concerns raised, the Department recommends a condition be imposed, requiring the height of the sign to be further reduced by at least 1.2 metres. This could be achieved by reorienting the sign to a landscape format, lowering the signage structure, or reducing the overall size of the sign. Although this change would not eliminate the visibility of the sign from neighbouring properties, the Department considers that it would strike a reasonable balance between minimising the visual impacts as much as possible while at the same time permitting feasible advertising signage at this location. Overall, the Department considers the visual impacts of the amended sign on surrounding residential properties would be low and acceptable as: <ul style="list-style-type: none"> requiring the sign to be reduced by a further 1.2m would appropriately reduce visual impacts on neighbouring residential properties, particularly views from the bedroom at 24 Pretoria Street, as well as impacts on views of the city skyline from the western approach of City West Link the sign is positioned directly opposite the Pretoria Street cul-de-sac to minimise view impacts to neighbouring properties the sign would sit more comfortably within the view of the city skyline from the western approach of City West Link and against the tree line from the eastern approach, significantly reducing its visual prominence in views from the public realm existing structures including dense vegetation and acoustic fencing would assist in obscuring views towards

	<p>the proposed sign from residential properties at 21 Pretoria Street located approximately 30 m away from the proposed sign (with view lines away from the proposed sign and towards Pretoria Street to the west) and 24 Pretoria Street</p> <ul style="list-style-type: none"> the north/south orientation of the most affected residential dwellings at 72 Brenan Street limit direct view lines towards the proposed sign and its visual prominence the sign would not obscure or compromise important views, dominate the skyline, or reduce the quality of vistas of any environmentally sensitive areas, heritage areas or open space as required under the Industry and Employment SEPP and associated guidelines the sign complies with the luminance criteria for the site and would be turned off from 10pm to 6am to minimise impacts on residential properties. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department has recommended a condition of consent requiring the Applicant to redesign the sign to reduce its height by a minimum of 1.2 metres to reduce visual impacts to residential properties.
<p><i>Road safety</i></p> <ul style="list-style-type: none"> the sign would present a traffic safety hazard by distracting road users safety impacts to vehicles entering and exiting the garage at 72 Brenan Street 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> TfNSW reviewed the Applicant's Signage Safety Assessment and did not raise any concerns regarding road safety, subject to the implementation of standard conditions regarding the preparation of an independent Road Safety Audit, increasing the minimum dwell time to 25 seconds and restrictions of signage content. The Department considers the design and location of the proposal would not result in any adverse pedestrian, cyclist or road safety impacts as: <ul style="list-style-type: none"> the increased dwell time of 25 seconds, recommended by TfNSW, would further reduce the distraction posed to drivers, and exceeds the minimum dwell time of 10 seconds under the Guidelines with a transition time (0.1 seconds) in accordance with the Guidelines the preparation of an independent Road Safety Assessment after 12 months and before 18 months of the operation to be reviewed by TfNSW would identify any safety impacts to the 72 Brenan Street driveway that would need to be rectified the proposed signage is consistent with the Guidelines, including its positioning and operation the sign is not located within the safe stopping distance of any intersections the site has a very low crash rate and the introduction of the sign is unlikely to result in any safety impacts to vehicles, pedestrians or cyclists the placement of the sign is located within a driver's ordinary field of view, and glancing to the sign will still permit recognition of movements and colour changes in the forward view. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department has recommended TfNSW's conditions of consent including a 25 second dwell time, to ensure the signage does not contain or use any method of illumination that distracts or dazzles drivers and requiring the Applicant to carry out a further road safety audit.
<p><i>Public benefit</i></p> <ul style="list-style-type: none"> the proposal would not benefit the local community public benefits are not clear the proposal should include compensation to the local community and beautification of the catchment area. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided a Public Benefit Statement which confirms the following public benefits: <ul style="list-style-type: none"> all revenue generated by the proposal would be reinvested into running the Sydney Trains network including improvement and maintenance programs, and supporting the next generation of transport solutions online

	<ul style="list-style-type: none"> the digital sign would be available for use by Sydney Trains, TfNSW and NSW Emergency Services to display safety or public awareness messages Sydney Trains may access the digital screens for up to 5 minutes per hour for Sydney Trains and TfNSW customer promotions and events at no cost. The Department is satisfied the proposal would result in sufficient public benefits as it would contribute to the improvement and maintenance of the train services and play an important role in helping to address traffic safety problems. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department has recommended conditions requiring Sydney Trains to record the revenue received in its Annual Reports and how the revenue has been applied to provide a public benefit.
<p><i>Devaluation of property</i></p> <ul style="list-style-type: none"> the proposal would decrease the value of surrounding properties particularly those that have full view of the signage. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In response to concerns raised in community submissions, the Applicant proposed to relocate the sign 18m to the west along the City West link so that it would be located directly opposite the Pretoria Street cul-de-sac which is screened by a large acoustic wall and dense mature vegetation, amended the design of the sign to lower it by 500mm, and angled the signage panels to ensure they are splayed and oriented towards the road corridor rather than residential dwellings. To address the concerns raised, the Department recommends a condition be imposed, requiring the height of the sign to be further reduced by at least 1.2 metres. This could be achieved by reorienting the sign to a landscape format, lowering the signage structure, or reducing the overall size of the sign. Subject to the amendments recommended by the Department, the proposal would not be significantly visible from surrounding residential properties as: <ul style="list-style-type: none"> existing structures including dense vegetation and acoustic fencing would assist in obscuring views towards the proposed sign from residential properties at 21 Pretoria Street (with view lines running east west away from the proposed sign and towards Pretoria Street) and 24 Pretoria Street the north/south orientation of the most affected residential dwellings at 72 Brenan Street limit direct view lines towards the proposed sign and its visual prominence. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department has recommended a condition of consent requiring the Applicant to redesign the sign to reduce its height by a minimum of 1.2 metres to reduce visual impacts to residential properties.
<p><i>Cumulative impacts (particularly with Westconnex)</i></p> <ul style="list-style-type: none"> cumulative impacts associated with the construction of Westconnex, including air quality and noise impacts which, when combined with the proposal, would lead to further reduction in amenity of the area. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has carefully considered and acknowledges the submissions raising cumulative impacts to residents due to development in the area. The Department has considered the amenity impacts of the proposal in relation to visual and illumination impacts and considers the impacts to neighbouring properties to be acceptable, subject to the implementation of the recommended conditions of consent. The air quality and noise impacts associated with the Westconnex project have been subject to separate planning assessment and approvals. The digital advertising signage proposal is not expected to result in significant cumulative impacts in terms of air quality and noise as these impacts would be limited to the construction period.
<p><i>Compliance with legislation</i></p> <ul style="list-style-type: none"> the proposal does not comply with Schedule 5 of the State Environmental Planning Policy (Industry and 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has recommended a condition of consent to require the Applicant to submit amended plans to reduce the height of the sign by a minimum of 1.2 metres.

<p>Employment) 2021, particularly regarding provisions relating to the compatibility of the signage with the surrounding residential area</p> <ul style="list-style-type: none"> the proposal does not comply with the zoning objectives of the SP2 zone in the Inner West Local Environmental Plan 2022. 	<ul style="list-style-type: none"> Subject to the amended design of the proposal, the Department considers the proposal complies with the requirements outlined in Schedule 5 of the Industry and Employment SEPP as it would not obscure or compromise important views, dominate the skyline, or reduce the quality of vistas of any environmentally sensitive areas, heritage areas or open space. The Inner West Local Environmental Plan 2022 is not the primary planning instrument governing the site. The proposal is located on land zoned Port and Employment under the State Environmental Planning Policy (Precincts) 2021. The Department has undertaken an assessment against the objectives of the Port and Employment Zone and concludes the proposal is generally consistent with these objectives.
<p><i>Consultation</i></p> <ul style="list-style-type: none"> the revised documentation provided by the Applicant was not sent directly to impacted residents 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The initial proposal was publicly exhibited on the Department's website for 28 days and surrounding landholders were notified in writing. Additional information provided by the Applicant was made publicly available on the Department's website. The Department also conducted a site visit to the proposed signage location and met with residents to discuss their concerns. All submissions received from the community have been considered by the Department in its assessment.