

Notice of decision – DA 22/14353, 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 22/14353 PAN-278835 Construction and operation of one single sided free standing monopole digital advertising sign on the north-western side of the Princes Highway, 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

17 October 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 29 November 2022 until 12 December 2022 (14 days) and received eight unique submissions, including six public submissions all objecting to the project, comments from Transport for NSW (TfNSW) and advice from DPE Water.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include visual impacts including illumination impacts, road safety and public benefits. Other issues are addressed in the Department's Assessment Report.

Issue	Consideration
<p><i>Visual Impact and Illumination impacts</i></p> <ul style="list-style-type: none"> • Large and an eyesore • Not in keeping with the character of the Pymble locality • Window louvres will not sufficiently obscure the sign • Not acceptable to have 24-hour illumination • Night time light pollution and flickering lights in the bedrooms 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Following the submissions, the Applicant amended the proposal to include a curfew period of 11.00pm and 6.00am daily when the sign would be completely shut down. It also updated the landscape plans to include new trees and shrub plantings which will assist with screening the sign from residential properties. • The Department considers the proposed sign is acceptable as viewed from the context of the Pacific Highway transport corridor and Pymble commercial centre as it is consistent with the character of those areas where signage is typical. It does not create visual clutter and it would not obscure or compromise important views, or dominate the skyline. • Subject to conditions to ensure appropriate landscape screening, the Department considers the proposed sign is acceptable as viewed from the adjoining residential area as: <ul style="list-style-type: none"> ○ the sign would be viewed in the context of / with a background of the Pacific Highway and the Pymble commercial centre where signage is reasonably expected to be located and which includes bright street lighting, moving lights from vehicles and the illumination of the Pymble commercial centre. ○ As outlined in the Applicant's SEE and Lighting Impact Assessment, the signage would comply with the relevant Australian standards and guidelines pertaining to illumination impacts. ○ once the landscaping is established, views of the sign will be partially screened so that the sign would not be a dominant visual element in the outlook from the residential apartments; ○ the proposed landscaping will make a significant contribution to the landscape character of the area as viewed from the residential apartments and will assist with screening views of the Pacific Highway traffic generally, resulting an overall improvement to the outlook from the apartments in the long term. <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> • A condition to amend the Landscape Plan to include planting of large trees to further screen the sign from view from the residential area. • Conditions to limit illumination levels, including for local lighting conditions and particular times of day & night, in accordance with the Guidelines and Australian Standards and to switch off the sign between 11.00pm and 6.00am.
<p><i>Road Safety</i></p> <ul style="list-style-type: none"> • Tricky bend on approach to the sign along the Pacific Highway • Pymble Hotel entry/exit is located only a few meters after the sign 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant provided a Traffic Safety Assessment (TSA) that assessed the proposal against the Guidelines, The Industry and Employment SEPP and Austroads Guide to Road Design. • The TSA assessed the signage exposure distance and road accident history in proximity to the Site and considered the proposal would not have significant impact on road or pedestrian safety. The TSA finds that the proposed sign will not be located near any driver decision points and the risk for distracting drivers at critical times is assessed as low. • TfNSW, as the Roads Authority responsible for road safety on the Pacific Highway, reviewed the application and did not raise any concerns regarding road safety. It provided concurrence to the proposal subject to the proposal complying with the Guidelines and recommended conditions regarding display requirements, illumination and dwell times.

	<ul style="list-style-type: none"> The Department is satisfied that subject to conditions, the proposal complies with the Guidelines and concludes the proposed signage would not have a negative impact on road safety. <p>Conditions/Response</p> <ul style="list-style-type: none"> Standard conditions in relation to dwell times, sign content, and illumination to ensure ongoing compliance during the operation of the sign with the safety requirements of TfNSW and the Guidelines. Condition requiring a Road Safety Check to be carried out after 12 months of the signage operation but within 18 months of the sign's installation. A condition requiring the sign to be switched to a fixed display during the school zone hours of the school zone located on Avon Road.
<p>Public Benefit</p> <ul style="list-style-type: none"> Waste of taxpayers' money that could be used to help fund the hospital system 	<p>Assessment</p> <ul style="list-style-type: none"> The proposal would provide safety messaging to the public and that the signage can provide live traffic and accident updates. Further, revenue from the advertising would be used to fund improvements to the Railway System, resulting in a saving to taxpayers. The public benefit statement provides clear evidence of the benefit to the local community and therefore complies with the requirements of the Guidelines. <p>Conditions/Response</p> <ul style="list-style-type: none"> a condition requiring a record of the revenue received by Sydney Trains in its Annual Reports including how the revenue has been applied to provide a public benefit. Conditions requiring the availability for the display of customer promotion and event messages for 5 minutes per hour arranged by TfNSW and the display of emergency messaging overriding commercial advertising where required.
<p>Property Values</p> <ul style="list-style-type: none"> loss of property value as a result of the proposed signage 	<p>Assessment</p> <ul style="list-style-type: none"> Impact on property values is not a planning consideration under the EP&A Act. Notwithstanding, the Department has undertaken a detailed merit assessment of the proposal and is satisfied it would not result in any unreasonable amenity impacts. <p>Conditions/Response</p> <ul style="list-style-type: none"> No response required