

Notice of decision – DA 23/5550, Digital Advertising Signage, Heathcote

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 23/5550 PAN-330119 Construction and operation of one single sided free standing monopole digital advertising sign on railway land adjacent to the Princes Highway, Heathcote
Applicant	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

30 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 23 June until 6 July 2023 (14 days) and received three public submissions, including two unique submissions objecting to the project, as well as comments from Council 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 visual impacts and illumination impacts. Other issues are addressed in the Department's Assessment Report.

Issue	Consideration
<p><i>Visual Impacts</i></p> <ul style="list-style-type: none"> Due to the large size of the sign and proximity to 1 Wilson Parade, the proposal would adversely affect the enjoyment of the outlook from 1 Wilson Parade. 	<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 included an illumination baffle at the eastern end of the sign to reduce light spill and visibility of the advertising to 1 Wilson Parade. The Department considers that the illumination baffle and curfew proposed by the Applicant will assist with mitigating the impacts from the illuminated display. However, the sign structure itself may result in some material visual impacts to the cottage, dominating what is currently an open westerly outlook from the premises overlooking the railway corridor. However, subject to conditions to provide some appropriate landscaping to partially screen and soften the views of the sign structure, the Department is satisfied the sign would not significantly impact the amenity of the cottage at 1 Wilson Parade. <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> Conditions requiring some landscaping between the sign and the cottage to partially screen and soften the views of the sign structure.
<p><i>Illumination Impacts</i></p> <ul style="list-style-type: none"> Illumination from the sign will be visible from residential apartments located on Princes Highway and 1 Wilson Place 24-hour operation for the display of the sign and illumination impact to residents. An illumination of level of 250cd/m² should apply from 10pm at night to protect the amenity of neighbouring premises. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> A revised proposal and revised Lighting Impact Assessment Report was submitted by the Applicant in response to the submissions received. The RtS included a curfew on operating hours of the sign (between 11pm and 6am) and the inclusion of an illumination baffle at the eastern edge of the sign to mitigate impacts. An assessment of illumination impacts has been undertaken by the Department and it is considered that illumination impacts associated with the proposed signage would be acceptable as the proposal would comply with the maximum luminance stipulated in the Guidelines, and the lux limit in the Australian Standards (including an illumination level of only 200cd/m² for the night time period to 11pm). Further, the illumination is found not to result in any unacceptable glare or detract from the amenity of the locality. <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> Conditions of consent are recommended to ensure the sign operates only between 6.00am and 11.00pm daily, and complies with the relevant luminance levels at other times of day,