

9 February 2024

Mary Garland
Team Leader, Transport and Water Assessments
NSW Department of Planning and Environment
Locked Bag 5022, Parramatta NSW 2124

Attention: Natalie Froud (natalie.froud@dpie.nsw.gov.au)

Dear Mrs Garland,

**Response to Submissions and Request for Information
Digital Advertising Signage – Pacific Highway, Hornsby (DA23/15294)**

This letter has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of Sydney Trains (the Applicant) to address the Department of Planning, Housing and Infrastructure (DPHI) request for a Response to Submissions (RtS) dated 8 December 2023 and Request for Information dated 22 December 2023 in relation to the above development application (DA23/15294).

This response should be read in conjunction with the following attachments:

- Attachment A: Response to submissions
- Attachment B: Response to request for information
- Attachment C: Digital Sign Safety Assessment
- Attachment D: Structural Feasibility Assessment
- Attachment E: Architectural Plans
- Attachment F: Operation and Maintenance Plan

The application received a submission from Transport for NSW (TfNSW), as well as three public submissions, noting one submission was a duplicate. No submission from Council was received. A response to the issues raised is provided at Attachment A.

The response reinforces the findings made within the Statement of Environmental Effects (SEE), that the proposed digital advertising sign is compatible regarding land use, and generally consistent with digital signage, road safety, illumination requirements and the public benefit test. Given this, the proposal:

- will not result in unacceptable amenity impacts to nearby residential dwellings
- will not result in adverse and unsafe traffic impacts
- is generally compliant with the assessment criteria within the:
 - *State Environmental Planning Policy (Industry and Employment) 2021*
 - *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*
- is appropriately located within the Hornsby Town Centre – an area identified by Council to have a highly urbanised character
- will significantly reduce the existing advertising display area at the site by 65% (or 27.48m²)



We trust that this RtS and RFI response provides sufficient information for DPHI to finalise its assessment and approve the application.

Please do not hesitate to contact Lauren Donohoe via email at lauren@keylan.com.au should you wish to discuss any aspect of this project.

Yours sincerely

Michael Woodland

Michael Woodland BTP MPA
Director

Attachment A

Response to submissions

Ref.	Issues raised	Response
1	<p><i>I object to the application on the following grounds.</i></p> <p><i>Sydney Trains proposes to install a new LED digital sign at the location described -additional digital advertising at this site will be an additional distraction to motorists at a site that has heavy traffic, often changing lanes for the next part of their journey. There should be no further advertising distraction in this area.</i></p> <p><i>I do not think the public benefit of additional revenue is sufficient to outweigh the potential distraction and danger of the proposed digital sign.</i></p> <p><i>I also object to the additional lighting - the light spillage for those living on Pacific Highway, in the apartments next to and opposite the proposed sign.</i></p> <p><i>I dont think any of the benefits described are sufficient to make up for the increased distraction and danger for motorists or for the light spillage for those living nearby</i></p>	<p>Road safety</p> <p>The Digital Signage Safety Assessment (DSSA) prepared by The Transport Planning Partnership (Appendix C) considers the road safety impacts of the proposal.</p> <p>The DSSA acknowledges that existing signage is located within the vicinity of the proposed digital sign. Importantly, the existing signage has not resulted in any considerable road safety issues to date, evidenced by only one minor road incident recorded within the most recent crash data between 1/01/2017 – 31/12/2021.</p> <p>The SSDA concludes that the proposed sign and its location is an acceptable road safety outcome given the:</p> <ul style="list-style-type: none"> • proposed digital sign satisfactorily addresses the relevant standards and requirements. • proposed digital sign will not obstruct and/or reduce visibility of any traffic control devices, signage, road alignment or cyclists • proposed digital sign will not overlap/impact visibility of existing signage • minimal crash rate within the vicinity of the existing static sign and proposed digital sign <p>Importantly, we note that TfNSW have reviewed the proposal and have issued their General Terms of Approval.</p>

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		<p>Public benefit</p> <p>As noted above, the DSSA supports the location and installation of the proposed digital advertising signage and TfNSW have issued their General Terms of Approval.</p> <p>Direct public benefits have been outlined in the SEE and the accompanying Public Benefit Statement. As stated within the Public Benefit Statement, the installation of this sign will provide a valuable revenue stream to Sydney Trains which will continued to be used to support a number of improvements and maintenance programs in accordance with the public benefit test provisions identified in the Industry and Employment SEPP and the Guidelines.</p> <p>Lighting impacts</p> <p>As noted, the proposed luminance is compliant with the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> and relevant Australian Standards and therefore will not result in any unacceptable amenity impacts to nearby residents or accommodation.</p> <p>The Lighting Impact Assessment (LIA) accompanying the SEE has undertaken an assessment of the sign during the 'post-curfew' period (11pm to 6am), which is considered the most obtrusive nighttime period and generally when residents are trying to sleep.</p> <p>Lighting impacts on the nearest residential dwellings with potential views to the sign are assessed and the LIA concluded the sign demonstrates an acceptable level of compliance with the maximum nighttime illumination criteria specified.</p> <p>Furthermore, the brightness of the LEDs will be controlled to provide upper and lower thresholds as required, as well as automatically via a local light sensor to adjust to ambient lighting conditions. For example,</p>

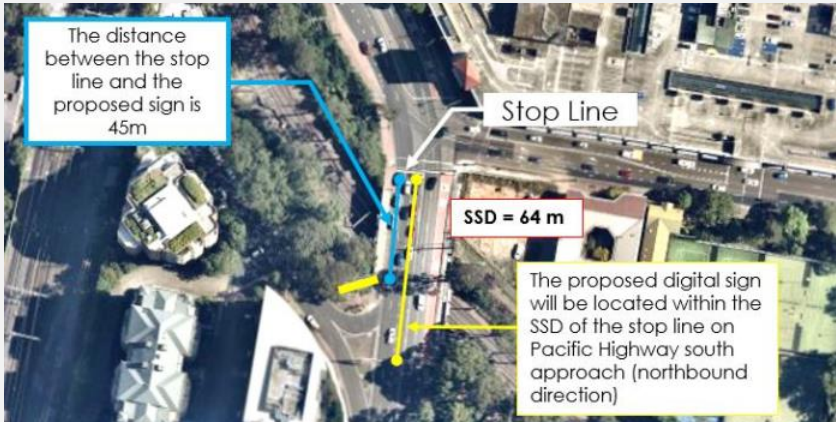
Ref.	Issues raised	Response
		the LEDs will be dimmed during darker hours, typically during the night or overcast days.
2	<p><i>To whom it may concern,</i></p> <p><i>I am objecting to the sign as I believe that it will be more disruptive to the residents at 135 Pacific Highway Hornsby than made out in the DA. This will affect me, and other apartments on that corner of government road being right on the corner and at a level that will have clear view of a constantly changing sign with bright colours. The DA says that it is "anticipated" to only effect the first two residential levels. Being on the third level, I find that it will also significantly effect my family also.</i></p> <p><i>* The building is listed as Mixed Use however, only a tiny proportion of the building is retail and the majority is residential.</i></p> <p><i>* Although it is quoted to be significantly smaller, the current billboard is static. The output of light is a constant and reflective rather than an emitting light that is changing up to 4 times a minute 24 hours a day.</i></p> <p><i>* Even if the view is not "Generally" front on as quoted, this emitting bright light will cause a high visual impact.</i></p> <p><i>* The constantly changing sign during sleeping hours will cause light pollution into bedrooms that are facing the sign directly. A static reflected light does not have that same impact as a bright light that is changing colours.</i></p> <p><i>We would like to beg the planning department to consider the residents that will have to endure this constantly changing sign. At the very least to limit its use during daylight hours only.</i></p> <p><i>Sincerely,</i></p>	<p>The LIA and Visual Impact Assessment (VIA) submitted as part of the DA assessed lighting and visual impacts on the residential dwelling at 135-137 Pacific Highway, Hornsby.</p> <p>Lighting impacts</p> <ul style="list-style-type: none"> As stated above, the LIA assessed the proposed signage against AS 4282-2019 <i>Control of the Obtrusive Effects of Outdoor Lighting</i>. Noting the digital signage will operate 24 hours a day, the LIA assessed the proposal against stringent post curfew limits to account for light spill between 11pm – 6am (AS4282 post curfew times) when residents are sleeping. It is concluded that the proposed development complies with the relevant standards. In complying with this criteria, it is determined that the sign will not result in unacceptable glare or adversely impact the safety of pedestrians, residents or vehicular traffic and will not unreasonably impact the visual amenity of nearby residences. <p>Visual impacts</p> <p>The VIA concludes the sign will not have unacceptable visual impacts for the following reasons:</p> <ul style="list-style-type: none"> Impacts on the amenity of lower-level dwellings are mitigated by the existing dense landscaping on the eastern side of the building façade which partially screens the sign from balconies and windows. The sign is orientated south towards Pacific Highway. Meaning residential dwellings generally will not have a direct view of the illuminated side of the sign.

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		<ul style="list-style-type: none"> It is anticipated apartments beyond 3 storeys are above eye level of the sign and therefore the proposed signage will not have an adverse impact as: <ul style="list-style-type: none"> signage will not obstruct any important views views from internal areas such as living rooms and bedrooms will be limited as they would be angled (i.e. as internal occupants would have to look down towards the sign, the floor slab will likely preclude views) <p>In addition to the above, a curfew will be implemented from 11pm – 6am in response to the submission. The proposed sign will be turned off during these hours, therefore, no adverse impacts on adjoining residents will occur.</p>
3	<p><i>To whom it may concern,</i></p> <p><i>I am objecting to the sign as I believe that it will be more disruptive to the residents at 135 Pacific Highway Hornsby than made out in the DA. This will affect me, and other apartments on that corner of government road being right on the corner and at a level that will have clear view of a constantly changing sign with bright colours. The DA says that it is “anticipated” to only effect the first two residential levels. Being on the third level, I find that it will also significantly effect my family also.</i></p> <p><i>* The building is listed as Mixed Use however, only a tiny proportion of the building is retail and the majority is residential.</i></p> <p><i>* Although it is quoted to be significantly smaller, the current billboard is static. The output of light is a constant and reflective rather than an emitting light that is changing up to 4 times a minute 24 hours a day.</i></p> <p><i>* Even if the view is not “Generally” front on as quoted, this emitting bright light will cause a high visual impact.</i></p>	<p>It is noted this is a repeat submission. A detailed response has been provided above.</p>

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	<p><i>* The constantly changing sign during sleeping hours will cause light pollution into bedrooms that are facing the sign directly. A static reflected light does not have that same impact as a bright light that is changing colours.</i></p> <p><i>We would like to beg the planning department to consider the residents that will have to endure this constantly changing sign. At the very least to limit its use during daylight hours only.</i></p>	

Attachment B

Response to matters raised by DPHI

Ref.	Matter raised	Response
A	Signage Safety Assessment	
A1	<p>Based on the information provided in the Signage Safety Assessment, the operating speed of the Pacific Highway is 60km and the safe stopping sign distance is 64m. The proposed digital sign is located 45m south of a signalised intersection this, the proposed signage is non-compliant with the Transport Corridor Outdoor Guidelines. Based on the information and examples provided in Section 3.3.1.3, parameters such as gradient and crash history impact signage safety. Please provide information regarding the gradient surrounding the proposed sign and any impact it may on stopping distances.</p>	<p>The DSSA has been amended and is provided at Attachment C.</p> <p>The amended DSSA includes information regarding the gradient and any potential impacts on stopping distances and concludes the proposed sign location is suitable. In summary:</p> <ul style="list-style-type: none"> The minimum safe stopping sight distance for a 60km/h speed zone is 64m. A site inspection was undertaken to assess the gradient of Pacific Highway on approach to the signals and was measured to be between 0.6% to -0.6%. The nearest signalised intersection at Edgeworth David Avenue is approximately 45m north of the proposed sign, approximately 20m short of the required safe stopping distance guidelines, see extract below. 

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		<ul style="list-style-type: none"> Notwithstanding, there are several examples of digital and static signs in Sydney which are situated within the minimum safe stopping distance and include: <ul style="list-style-type: none"> digital sign in King Georges Road, Beverly Hills digital sign in Pacific Highway, Gordon (which was subject to a Land and Environment Court proceeding where a TfNSW expert supported the proposed sign) static sign in Devlin Street, Ryde static sign in Parramatta Road, Auburn As outlined above, there are several instances where digital and static signs are located within the minimum safe stopping distance to traffic signals. Despite their noncompliance with the Transport Corridor Guidelines, they have not caused an unsafe level of distraction for motorists. As such, road safety assessments of digital signs should apply the Signage Guidelines as general principles rather than standards or warrants.
A2	<p><i>The Digital Sign Safety Assessment (Appendix 3 of Statement of Environmental Effects (SEE)) states that the existing sign has been approved and designed in accordance with Australian Standards AS 1170.1 and AS 1170.2 to meet requirements for wind loading.</i></p> <p><i>The current wind loading standard is AS/NZS 1170.2:2021 Structural design actions wind actions. It is not known whether the assessment was against the current standard or a superseded version. Please advise what version of the standard has been used.</i></p>	<p>The amended DSSA (Attachment C) confirms the digital sign has been designed in accordance with Australian Standards AS1170.1 and AS1170.2 to meet the requirements for wind loading, whilst having consideration for height of the sign boards when under maximum vertical deflection.</p>
A3	<p><i>If the assessment was not against the current standard, provide an amended assessment against this. Where the sign does not meet current standard requirements, detail what mitigation measures will be implemented to ensure that the requirements are met and that the sign is safe.</i></p>	<p>As stated above, the sign has been designed in accordance with AS1170.1 and AS1170.2.</p>

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B	Structural Feasibility Assessment	
B1	<i>Appendix 9 of the SEE, the Structural Feasibility Assessment, has not referenced the Australian Standard for steel structures, AS 4100:2020. This standard must be referenced when planning and proposing steel structures.</i>	<p>The Structural Feasibility Assessment has been amended and is provided at Attachment D.</p> <p>The revised assessment concludes the structural assessment of the sign has been done in accordance with AS 4100:2020 Steel Structures.</p>
B2	<i>Please confirm whether the current standard was adopted for the assessment. If not, provide an amended assessment that assesses structural feasibility in accordance with the current standard. Based on the amended assessment, consider whether mitigation measures are required to ensure that the sign is structurally sound and does not pose a safety issue. Any required measures must be included in the amended assessment.</i>	As stated above, the sign has been designed in accordance with AS 4100:2020.
C	Architectural Plans	
C1	<i>Architectural plans have been provided with the SEE (Appendix 2), however elements of the development are missing from these plans.</i>	Noted. Amended Plans have been prepared to include the requested information.
C2	<i>According to the SEE, a concrete pile will be installed to 8 metres below ground level. This has not been reflected in the architectural plans, please update the plans to reflect this.</i>	The Architectural Plans (Attachment E) have been amended to indicate the location of the concrete pile.
C3	<i>Further, the height of the retaining wall on site has not been recorded on the architectural plans. Please include this on the amended plans.</i>	As indicated on the Architectural Plans (Attachment E), the height of the retaining wall varies from 0.2m to 0.8m.
C4	<i>Section 3 of the Lighting Impact Assessment states that the signage includes baffles which will mitigate light upwards, please ensure this is reflected on the architectural plans and outlined within the SEE.</i>	The Architectural Plans (Attachment E) have been amended to identify the location of the baffle. Refer to Elevation Plan B.
D	Arboricultural Impact Appraisal and Method Statement	
D1	<i>The Arboricultural Impact Appraisal and Method Statement indicates that no trees will be removed. However, it is not clear as to whether pruning of amenity trees will be required. Please confirm whether or not pruning would be carried out. If pruning will be</i>	No pruning is proposed as the sign is outside of the tree protection zone and canopy areas.

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	<i>undertaken, provide justification for this along with details on the number of trees to be pruned and a figure illustrating which trees would be pruned.</i>	
E	Statutory Planning Framework	
E1	<i>Table 5, Page 27 of the SEE – Provision (a)(iv) states that the application is consistent with the relevant matters of the EP&A Regulations. Please provide details on what the relevant matters are and how the application is consistent.</i>	<p>The proposal is compliant with the relevant matters of the <i>Environmental Planning and Assessment Regulation 2021</i> as outlined below:</p> <p>Part 3, Division 1:</p> <ul style="list-style-type: none"> • <i>Clause 23 Persons who may make development applications</i> <ul style="list-style-type: none"> ○ the DA accompanies written consent from the owner of the land • <i>Clause 24 Content of development applications</i> <ul style="list-style-type: none"> ○ the proposal is in the approved form, contains the relevant information and paid the relevant fees ○ it is presumed DPE, as the consent authority have given Council a copy of the DA • <i>Clause 25 information about concurrence or approvals</i> <ul style="list-style-type: none"> ○ concurrence is not explicitly required as part of the DA • <i>Clause 36 Consent authority may request additional information from the application</i> <ul style="list-style-type: none"> ○ the applicant has appropriately responded to all RFI requests • <i>Clause 294 Crown development</i> <ul style="list-style-type: none"> ○ the proposal is on behalf of a public authority and therefore clause 294(a) applies
E2	<i>Table 6, Page 31 of the SEE – Item 6 does not address if any safety devices, platforms or lighting devices have been designed as an integral part of the signage or structure on which it is to be displayed. The comments only refer to the logo being included and to content controls for signage (which does not form part of the consideration).</i>	<p>The proposal does not include any safety devices, platforms or lighting devices as the sign will be serviced from the front and will use an Elevated Work Platform and external light for repairs and maintenance.</p>

Ref.	Matter raised	Response
F	Maintenance	
F1	<i>Please provide details on the proposed maintenance regime for the sign.</i>	<p>An Operation and Maintenance Plan has been prepared by JCDecaux Australia and is provided at Attachment F.</p> <p>The OMP details the proposed maintenance regime for the sign. In summary the JCDecaux:</p> <ul style="list-style-type: none"> • <i>will endeavour to remove any graffiti within 4 hours (and no later than 1 day) of being notified.</i> • <i>ensure all electrical work is carried out by an accredited electrician typically 4 hours after being notified.</i> • <i>ensure structural condition monitoring will be carried out by an accredited structural engineer. JCDecaux will provide TfNSW a copy of the report within 7 days of each inspection.</i> • <i>ensure regular maintenance checks and cleaning as required.</i> • <i>have established an internal IT system to alert staff members that a scheduled inspection is due for a planned maintenance. The planned maintenance includes:</i> <ul style="list-style-type: none"> ○ <i>sign brightness inspections typically every 4 weeks</i> ○ <i>structural and electrical inspections every 12 months</i> • <i>will repair damage received through the 24 hour hotline ASAP within the times listed in the Fault Response Schedule. JCDecaux will review the hotline data base twice daily (after 9:30am and 2pm).</i>