

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	Development Application
<b>Application number and project name</b>	DA 23/15294 Installation of a new digital advertising monopole sign on the corner of Pacific Highway and Government Road, Hornsby
<b>Applicant</b>	Sydney Trains
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Director, Transport and Water Assessments, 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 conditions.

A copy of the development consent and conditions is available [here](#)

A copy of the Department's Assessment Report is available [here](#).

### Date of decision

22 July 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;
- the relevant matters set out in s.7.13 of the *Biodiversity Conservation Act 2016*;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- 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 *State Environmental Planning Policy (Industry and Employment) 2021* and is consistent with NSW Government policies including the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017);
- 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 consent authority has imposed conditions relating to compliance with applicable Australian Standards, construction standards and certification, environmental considerations, and maintenance requirements;
- the issues raised by government agencies and 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 24 November 2023 until 7 December 2023 (14 days) on the NSW Planning Portal. The Department also notified surrounding landholders in writing. Two unique community submissions were received, both of which objected to the proposed development.

The Department also notified Hornsby Shire Council in writing. The Council did not provide a response.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker include illumination, visual amenity and road safety impacts. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<p><b>Illumination</b></p> <ul style="list-style-type: none"> <li>Light spill of a night-time onto nearby residences impacting on amenity and sleep</li> </ul>	<p>The display of advertisements of a nighttime has the potential to result in light spill onto nearby residences.</p> <p>The Applicant indicated that it would curfew the sign between 11:00 pm and 6:00 am to reduce illumination impacts in response to community submissions. The Department supports this approach as it's consistent with the relevant Australian Standards for nighttime curfews.</p> <p><b>Conditions</b></p> <ul style="list-style-type: none"> <li>Curfew on the operation of the signage from 11:00 pm to 6:00 am, seven days a week.</li> <li>The signage be programmed to align with the maximum nighttime (on dark) luminance level of 250 cd/m<sup>2</sup>.</li> <li>A luminance strength audit is undertaken within six months of the proposed signage being operational.</li> </ul>
<p><b>Visual amenity impacts</b></p> <ul style="list-style-type: none"> <li>Disruption of views from residences</li> </ul>	<p>The proposed signage will be visible from residences at 135-157 and 208-226 Pacific Highway. The visual impact will be more prominent of an evening when it is dark as the sign will contrast the vegetative backdrop.</p> <p>The proposed signage will be replacing an existing static advertising sign and will not significantly alter the visual quality of the landscape which is dominated by road and rail infrastructure, Westfield and high-density residential development.</p> <p>Commercial signage is common in the locality with a number of retail logos prominently displayed on the nearby Westfield complex. There is also advertising signage on the nearby rail overbridge. As such, the proposal would not be introducing an uncommon element into the commercial district.</p> <p><b>Conditions</b></p> <ul style="list-style-type: none"> <li>A curfew on the hours of operation.</li> <li>Prohibition of message sequencing.</li> <li>Prohibitions on advertising content including the use of flashing or flickering lights.</li> <li>Limits on illumination levels.</li> </ul>
<p><b>Road safety</b></p> <ul style="list-style-type: none"> <li>Potential for driver distraction resulting in an increased risk of accidents</li> </ul>	<p>The Department engaged an accredited traffic safety specialist, DC Engineering, to review the Applicant's Digital Sign Safety Assessment and provide advice on road safety concerns.</p> <p>The Applicant undertook a traffic survey (volume and speed) in response to the issues raised in the review and by the Department. The results of the survey were used to reassess the safe stopping sight distance. The revised assessment indicated that the proposed signage would only be three metres within the safe stopping sight distance and outside of a driver's line of sight due to its placement and orientation.</p> <p>The signage is unlikely to increase safety risks to pedestrians and cyclists. However, based on the close proximity of two schools and visibility of the sign from a school zone, the Department has taken a</p>

	<p>precautionary approach and recommended restrictions on the operation of the sign during school zone hours to minimise the potential for driver distraction.</p> <p><b>Conditions</b></p> <ul style="list-style-type: none"> <li>• A Road Safety Assessment is to be undertaken between 12-18 months after the proposed signage is operational. If any safety matters are identified, rectification works must be undertaken and no advertisements can be displayed until the works are complete.</li> <li>• The proposed signage must be switched to a fixed-display during school zone operating hours.</li> </ul>
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