

27 March 2020

Mr Anthony Witherdin  
Director, Key Sites Assessments  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Attention: Amy Watson, Key Sites Assessments

Dear Mr Witherdin

### **Response to Hunters Hill Council's Submission**

#### **New Digital Advertising Signage – Church Street Overpass above Burns Bay Road, Hunters Hill (DA10082)**

This Response has been prepared for JCDecaux on behalf of Transport for NSW (TfNSW) (the Applicant) to address a further submission by Hunters Hill Council dated 10 March 2020 following the exhibition of the Response to Submissions (RtS) on the above development application (DA 10082).

We note that the key issues raised in the Council's submission are generally consistent with issues previously raised in the Council's original submission dated 13 November 2019.

We note that the issues raised in Councils' original submissions have been comprehensively addressed in the RtS.

This further response reinforces the assessment and conclusions within the RtS and the SEE that the proposed digital advertising signs:

- are appropriate for the site being within a road corridor
- will result in acceptable impacts on heritage items or conservation areas
- will result in acceptable lighting impacts
- will result in acceptable visual impacts especially from residential properties including 12 Church Street, Hunters Hill

Notwithstanding, we have carefully reviewed Council's further submission and have provided a response in **Attachment A**.

In addition, we have provided a letter from JCDecaux to Hunters Hill Council which seeks to provide additional public benefit above and beyond the requirements of SEPP 64 and the Guidelines.

We understand that this unique proposed arrangement with Council acknowledges the site has been used from time to time for informal community messaging. Although we are unaware of any approvals in place for these messages, JCDecaux is prepared to strengthen its current public benefit offer in the circumstance of the case. This is letter is provided in **Attachment B**.

We trust that this response provides sufficient information required for the DPIE to finalise its assessment and the determination of the application.

Please do not hesitate to contact Rebecka Groth, Senior Planner on (02) 8459 7510 or via email at [rebecka@keylan.com.au](mailto:rebecka@keylan.com.au) should you wish to discuss any aspect of this project.

Yours sincerely



Michael Woodland BTP  
Director

Attachments:

**Attachment A:** Response to Hunters Hill Council submission

**Attachment B:** Letter from JCD to Hunters Hill Council

Attachment A

Response to Further Submission received from Council (DA 10082)

Ref.	Agency & issue raised to the RtS	Response
B	Hunters Hill Council	
B1	<p><i>I refer to my earlier letter in response to the public exhibition of application for the installation of signage at the above location and I note the Response to Submissions prepared for the applicant by Keyplan Consulting Pty Ltd dated 20 February 2020.</i></p> <p><i>Please be advised that Council is in total opposition to the amended plans, as recently forwarded to Council, accompanying the relevant Development Application of Transport for NSW (the former Roads and Maritime Services) for the Church Street Overpass, Hunters Hill, due to following reasons that:</i></p> <ol style="list-style-type: none"> <li><i>1. The plans as amended on 16 December 2019 are still totally unacceptable in that the reduction in size is so minor as not to make any noticeable difference to what will be seen by drivers and passengers using Burns Bay Road and the on and off ramps for the overpass, and, hence, is not justified for a development approval in Council's opinion.</i></li> </ol>	<p>This issue was addressed in the RtS dated 20 February 2020.</p> <p>The proposed changes to the signage reduces the overall dimensions proposed. The revised plans are provided in Appendix G of the RtS.</p>
B2	<ol style="list-style-type: none"> <li><i>2. The proposed LED signs will intrude into views to and from the Gladesville Bridge when travelling along Burns Bay Road in both southbound and northbound directions and will have adverse impacts on the setting of the Bridge and the associated way. In this regard, the "...historical and contemporary relationships..." with the bridge and "...views to and from..." the bridge will suffer adverse setting impacts.</i></li> </ol>	<p>This issue was addressed in response B3 in the RtS and is reproduced below:</p> <p>The comments provided on behalf of the Heritage Council of NSW advises:</p> <p><i>...The signs proposed for either side of the Church Street overpass are not considered to have any adverse impact on the identified State values of the Gladesville Bridge as they would be too distant, except potentially in glimpses when travelling across the bridge, to generate a negative visual impact</i></p>

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		<p><i>Similarly, the cultural landscape of The Priory is separated from the Church Street overpass and the identified values are unlikely to be impacted by the proposed signs. Whilst the signs may be partially visible from some parts of the curtilage, they will not obstruct significant views to important elements within the SHR curtilage.</i></p> <p><i>The signs would have no physical impacts on either SHR items in the vicinity...</i></p> <p>The Applicant's heritage advice (<b>Attachment D</b>) also confirms that the proposed signs are acceptable from a heritage perspective as detailed in the relevant extract below:</p> <p><i>...There are only distant views to and from the Gladesville Bridge an SHR item and the proposed signage.</i></p>
B3	<p>3. <i>Since the overpass bridge and Burns Bay Road bridge are appurtenant structures and part of the 'way' associated with the State heritage Register (SHR) listed Gladesville Bridge, the impacts on the setting are considered to be detrimental. Despite the fact that the signs will not be within the SHR curtilage of the Bridge as indicated on State Heritage Register Plan 2625, they will nonetheless be visibly intrusive within the setting of the State heritage listed Gladesville Bridge.</i></p>	<p>This issue was addressed in response B2 in the RtS and is reproduced below:</p> <p>The heritage advice also confirms that the proposed signs are acceptable from a heritage perspective as detailed below in the extract from the report provided by Urbis:</p> <p><i>...As the Council affirms in its submission, the subject site is distant from the SHR listed Gladesville Bridge (Listing Number 01935). The Church Street overpass is also distant from the northern boundary of the defined curtilage of the SHR. (See Figure 1). The Statement of Significance for Gladesville Bridge makes no reference to the appurtenant structures and roadways and are not included as part of the curtilage.</i></p> <p><i>There is no sight line from the identified northern boundary of the curtilage of the SHR item to the subject site. There is no view of the outwards bound (south) side of the Church Street bridge</i></p>

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		<p><i>approach along the Burns Bay Road on the outward run until Tarban Creek Bridge.</i></p> <p><i>The proposed signage on the Church Street Bridge will have no detrimental impact on the heritage significance of the SHR item and its curtilage and setting.</i></p> <p><i>As the Gladesville Bridge, an SHR item, is some distance from the subject site this was not included in the HIS...</i></p> <p>The supplementary heritage advice in <b>Appendix D</b> includes Figure 1 to demonstrate the State Heritage Register Curtilage for the Gladesville Bridge and the proximate heritage items, heritage conservation and landscape conservation area. The Figure shows the Gladesville Bridge is some distance from the subject site.</p>
B4	<p>4. <i>It is considered that the proposal is contrary to Regulation 17(3)(a) of SEPP No.64 - Advertising and Signage in that the proposal is not acceptable in terms of its impacts not being compatible with the amenity and visual character of the surrounding area and, hence, is not permitted in this location.</i></p>	<p>This issue was addressed in response B4 in the RtS and is reproduced below:</p> <p>Clause 17 of SEPP 64 applies to advertisements with a display area greater than 20m<sup>2</sup> or higher than 8 metres above the ground.</p> <p>Sub-clause (3) of clause 17 states that a consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:</p> <p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts.</p> <p>The Applicant has provided the consent authority (DPIE) with a SEE that addresses the impacts of the development and provides an assessment against the criteria set out in Schedule 1 of SEPP 64 (refer Section 4.3.1 of the SEE) This included an assessment of the proposal on the character of the surrounding area, views</p>

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		<p>and vistas. The findings of the Schedule 1 assessment found that the proposed digital advertising signs:</p> <ul style="list-style-type: none"> <li>• are compatible with the existing character of the area (being an established road corridor) and is not expected to have any adverse impacts on the future character of the area</li> <li>• will not obscure or detract from the amenity or visual quality of any special areas</li> <li>• will not compromise important views, dominate the skyline or reduce the quality of vistas</li> <li>• will not protrude above any building, structures or tree canopies and will not protrude above the existing pedestrian safety barriers located on either side of the overpass</li> </ul>
B5	<p>5. <i>The signs are deemed to be and designed to be distractive to motorists using this classified road and may significantly obstruct views of motorists on the Burns Bay Road exit ramps and will distract their attention away from the road as they approach the overpass.</i></p>	<p>This issue was addressed in response B5 in the RtS and is reproduced below:</p> <p>The DA was accompanied with a Signage Safety Assessment (SSA) prepared by WSP (Appendix 5 of the SEE) which confirmed that the proposed signage is acceptable on road safety grounds as detailed in the relevant extract detailed below:</p> <p><i>...Stopping Sight Distance (SSD) is defined in the Guide to Road Design, Part 3: Geometric Design (Austroads, 2016) as: ‘the distance to enable a normally alert driver, travelling at the design speed on wet pavement, to perceive, react and brake to a stop before reaching a hazard on the road ahead’.</i></p> <p><i>The SSD along Burns Bay Road is derived using a formula prescribed in the Guide to Road Design, Part 3 which uses the posted speed limit of the road, road gradient and other road characteristics. Accordingly, Burns Bay Road’s SSD is 103 metres.</i></p>

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		<p><i>No intersections, merge points, pedestrian or cyclist crossings or traffic control devices are located within the 103 metres SSD of the proposed signs location.</i></p> <p><i>The Church Street off-ramps in both directions, start outside the SSD and their respective directional signage are readable prior to the proposed advertising signs being readable. Therefore, the signs wouldn't distract a driver while diverging to these off-ramps.</i></p> <p><i>The signs would not distract a driver from an intersection or emergency vehicle access point given that the proposed signs would not be located within the SSD requirements of any of these features...</i></p>
B6	<p><i>6. The proposal will effectively remove the non-advertising banners which are currently in high demand for short exposure period opportunity for community groups including schools and Council itself, to promote their own special and regular community based events locally. This impact is likely to lead to their demise as they could ill afford to commercially advertise with banners and the like elsewhere.</i></p>	<p>This issue was addressed in response B6 in the RtS and is reproduced below:</p> <p>The Applicant is not aware of any approvals for these community signs. Should the application be approved, the Applicant will explore opportunities with Council to use any downtime for the purposes of displaying community messages.</p> <p>In addition, TfNSW has included as part of its public benefit offer for the digital advertising screens to be used for the display of road safety messages for a minimum of 5 per cent of all advertising time and for the signs to be made available for use by TfNSW in the event of a 'threat to life' emergency (refer to the Public Benefit Statement in Appendix 1 of the SEE).</p> <p>Further to the above commitments, we note that JCDecaux has formalised its offer to provide additional public benefit measures to offset the removal of any informal community messaging (Attachment B).</p>
B7	<p><i>7. The proposed illuminated advertising sign to be placed on the northern side of the Church Street overpass will as a matter of course be detrimental to</i></p>	<p>This issue was addressed in response B7 in the RtS and is reproduced below:</p>

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	<p><i>the amenity of the residents living in the residential flat building on the north eastern corner of Church Street and Durham Street even if the light is not direct into the windows of this building.</i></p>	<p>A supplementary VIA has been prepared as part of the RtS for 12 Church Street, Hunters Hill and is included at Attachment C.</p> <p>The VIA undertakes an assessment of the potential visual impacts in the context of SEPP 64 and related guidelines. The VIA concludes that the proposed sign on the northern elevation of the overpass is unlikely to result in unacceptable visual impacts from 12 Church Street due to the surrounding topography, existing mature vegetation and positioning of the sign.</p> <p>Further, the VIA found that the sign on the southern elevation of the overpass would not be visible from 12 Church Street due to its placement and orientation.</p>
B8	<p>8. <i>The illuminated advertising sign that is proposed to be installed on southern side of the overpass will detrimentally appear in the foreground views to Hunters Hill (Heritage Item No.1479 (the Hunters Hill Hotel), when viewed from Durham Street, which provides pedestrian egress from the nearby Tarban Creek bridge. Despite the comment from or on behalf of the Heritage Council of NSW, the assessment by Council's experienced and long standing Heritage Adviser is very much to the contrary.</i></p>	<p>This issue was addressed in response B8 in the RtS is reproduced below:</p> <p>The heritage advice prepared to accompany the RtS (refer <b>Attachment D</b>) confirms that the proposed signs are acceptable from a heritage perspective as detailed in the relevant extract below:</p> <p><i>...The Urbis view analysis concludes there is no sight line to the Hunters Hill Hotel (Item 1479) from Durham Street. A visual assessment was undertaken in the preparation of the HIS. Views were examined from the adjoining roads and pedestrian pathways north and south of the Church Street bridge. Mature tree plantings along the Burns Bay Road corridor screen views to and from the subject site.</i></p> <p><i>Urbis assesses there is minimal detrimental visual impact on views of the Hunters Hill Hotel (1479) from the proposed signs ...</i></p>
B9	<p>9. <i>The residents in the existing residential flat building located on the north eastern corner of Church Street and Durham Street will have the 24 hour light from the signs detrimentally affecting their amenity.</i></p>	<p>This issue was addressed in response B9 in the RtS and is reproduced below:</p>



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		<p>The DA was accompanied with a Lighting Assessment Report prepared by Electrolight (Appendix 6 of the SEE) which confirmed that the signs are acceptable from an illumination perspective as detailed in the relevant extract from their report:</p> <ul style="list-style-type: none"> <li>• <i>...The proposed signage has been found to comply with all relevant requirements of AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting</i></li> <li>• <i>The proposed signage has been found to comply with all the relevant requirements of SEPP 64 Transport Corridor Outdoor Advertising &amp; Signage Guidelines.</i></li> <li>• <i>In complying with the above requirements, the proposed signage should not result in unacceptable glare nor should it adversely impact the safety of pedestrians, residents or vehicular traffic. Additionally, the proposed signage should not cause any reduction in visual amenity to nearby residences or accommodation...</i></li> </ul> <p>The RtS is accompanied by further advice from Electrolight (<b>Attachment E</b>) which confirms that (<b>BOLD</b> our emphasis):</p> <p><i>...The proposed signage complies with the Transport Corridor Outdoor Advertising and Signage Guidelines (SEPP 64) and AS4282 Control of the Obtrusive effects of outdoor lighting. This means that, as defined under the standards, <b>there will not be a reduction in amenity to residential properties or obtrusive glare to motorists which could impact upon traffic safety...</b></i></p>
B10	10. <i>The proposal is contrary to the aims of Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<p>This issue was addressed in response B10 in the RtS and is reproduced below:</p> <p>The aims of the <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> (SREP) are addressed in <b>Attachment F</b> of this RtS.</p>

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		Consideration of the SREP finds that the proposal is unlikely to be visible from the waterway (Lane Cove River) or impact the efficient operation of Burns Bay Road.
B11	11. <i>The Statement of Environmental Effects as prepared for the application, does not properly or adequately address the criteria for formal assessment as set out in Schedule 1 of the State Policy.</i>	<p>This issue was addressed in response B11 in the RtS and is reproduced below:</p> <p>It is understood that this comment is in relation to Schedule 1 Assessment Criteria under SEPP 64.</p> <p>A detailed assessment of the requirements listed under Schedule 1 of SEPP 64 is provided at Sections 4.3.1 and 4.3.2 of the SEE and within Appendix 4 of the SEE.</p> <p>It is noted that the DPIE has not requested further clarification with regards to the assessment provided in the SEE.</p>
B12	12. <i>The proposal would not be in the public interest and will create an undesirable precedent for other such signs over public roads and waterways</i>	<p>This issue was addressed in response B12 in the RtS and is reproduced below:</p> <p>Noted. The SEE outlines the significant public benefits associated with the proposal in accordance with the Guidelines. TfNSW has included as part of its public benefit offer for the digital advertising screens to be used for the display of road safety messages for a minimum of 5 per cent of all advertising time and for the signs to be made available for use by TfNSW in the event of a 'threat to life' emergency (refer the Public Benefit Statement at Appendix 1 of the SEE).</p>
B13	13. <i>The justification for the signs economically as contained in the letter to Council of 29 January 2020 from the principal manager, ministerial correspondence of Transport NSW is not acceptable in that it does not answer the concerns raised in reason No.6 of Councils earlier response to this development application. There are community groups other than Council that have a long term interest in the need to maintain promotional banners on the bridge balustrades for non-profit measures. All of these</i>	<p>Noted.</p> <p>This issue was addressed in response B6 in the RtS and is reproduced below:</p> <p>The Applicant is not aware of any approvals for these community signs. Should the application be approved, the Applicant will</p>

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	<p><i>banners to be hung on the overpass have to be licensed by the former RMS (now TfNSW).</i></p>	<p>explore opportunities with Council to use any downtime for the purposes of displaying community messages.</p> <p>In addition, TfNSW has included as part of its public benefit offer for the digital advertising screens to be used for the display of road safety messages for a minimum of 5 per cent of all advertising time and for the signs to be made available for use by TfNSW in the event of a 'threat to life' emergency (refer to the Public Benefit Statement in Appendix 1 of the SEE).</p> <p>Further to the above commitments, we note that JCDecaux has formalised its offer to provide additional public benefit measures to offset the removal of any informal community messaging (Attachment B)</p>
B14	<p><i>14. Council has carried out pedestrian safety studies at the road ramps leading on an off the Church street overpass and this new signage could be a further detrimental factor in reducing such safety problems identified in the RMS blackspot program.</i></p>	<p>The SEE and RtS demonstrates that the proposal is supported by a SSA which confirms that the proposed signage is acceptable on road safety grounds in accordance with SEPP 64 and relevant guidelines (refer to response B5 in the RtS).</p>
B15	<p><i>Council is very much of the view that the Minister should appoint a Design Review Panel notwithstanding that the applicant may be of the view that such an action is not required in this instance. No proper argument has been given as to why such a process should not be put into place. Council and the community at large needs this assessment to be properly and comprehensively documented to justify the response comments and conclusions as set out in the Response to Submissions dated 20 February 2020.</i></p>	<p>This issue was addressed in response B13 in the RtS and is reproduced below:</p> <p>Noted. The SEE outlines the significant public benefits associated with the proposal in accordance with the Guidelines as detailed in the response to B12 above.</p> <p>As addressed in the SEE, the Minister may appoint a Design Review Panel, however the Applicant considers this is not required in this instance.</p>