

2 December 2022

David Gainsford
Deputy Secretary, Development Assessment
NSW Department of Planning and Environment
Locked Bag 5022, Parramatta NSW 2124

Attention: Keiran Thomas

Dear Keiran

**Application to modify DA 10660 – Digital Advertising Signage
Brian McGowan Bridge, Central Coast Highway Railway Corridor, Gosford**

This Modification Report is prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Sydney Trains* (Applicant) to accompany a request to modify Development Consent DA10660 under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed modification seeks to amend Condition A2 of DA 10660 to allow for the relocation of the pole section of the approved advertising signage structure by 4 metres to the north at ground level.

The pole structure will be relocated from the centre of the advertising panels to one end of the advertising panels. The location, orientation and size of the approved advertising panels are proposed to remain the same.

The modification will ensure the location of the pole structure does not interfere with Sydney Trains operations. Specifically, it will allow truck movements beneath the approved advertising signage.

1 Background

On the 14 April 2022, the Department of Planning and Environment (DPE) approved Development Consent (DA 10660) for the installation of a double-sided monopole advertising billboard on the Brian McGowan Bridge, Central Highway, Gosford. The approved development comprises:

- a west facing static panel
- a east facing digital panel
- signage support structures including framework, wiring, electrical and communications

The consent has not been previously modified.

2 Request to modify the Conditions of Consent

The following condition is proposed to be modified as outlined below (**BOLD strikethrough**):

Condition Title

Condition A2: The development may only be carried out:
 (a) in compliance with the conditions of this consent;
 (b) in compliance with all written directions of the Planning Secretary;
 (c) in accordance with the approved plans and reports in the tables below:

Concept Plans by Ethos Urban Arcadis				
Job no.	Sheet no.	Issue	Name of Plan	Date
2200249	A-22.1	B	Site Plan & General Arrangement	15 April 2021
10032068-28	DA-1	1	General Arrangement – Sheet 1	15 November 2022
2200249	A-22.2	B	Elevation & Photomontage	15 April 2021
10032068-28	DA-2	1	General Arrangement – Sheet 2	15 November 2022

3 Environmental Planning and Assessment Act 1979

The following section provides an assessment against the statutory environmental planning instruments relevant to the development. The section includes discussion and evaluation of the key issues and matters for consideration under Sections 4.55 and 4.15(1) of the EP&A Act.

It is noted, as the Applicant is a public authority, the subject application is a Crown Development Application pursuant to Part 4 Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

3.1 Section 4.55(1A) of EP&A Act

Section 4.55(1A) of the EP&A Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	<p>The proposed modification seeks a minor change to the location of the approved signage structure.</p> <p>The modification seeks to relocate the pole section of the structure by 4m to the north.</p>

Section 4.55(1A) Provision	Response
	The modification will allow for the erection of the sign in a location that does not interfere with Sydney Trains truck movements at ground level.
(b) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>The approved location, orientation and size of the advertising panels will remain unchanged.</p> <p>To allow this the pole structure where it attaches to the advertising panel will be the only part of the signage structure that changes.</p>
(c) <i>it has notified the application in accordance with:</i> <ul style="list-style-type: none"> i. <i>the regulations, if the regulations so require, or</i> ii. <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i> 	The application will be notified in accordance with the Regulations if required.
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	Any submissions made on this subject modification application will be duly considered and addressed by Keylan.

Table 1: Section 4.55(1A) Assessment

3.2 Section 4.55(3)

Section 4.55(3) of the EP&A Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The following section also includes a discussion and evaluation of the key issues and matters for consideration under Section 4.15(1) of the EP&A Act.

3.3 Section 4.15(1) Assessment

This section provides an assessment against Section 4.15(1) of the EP&A Act.

Provision	Comment
(a) <i>The provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	<p>The original Development Application addressed the development's level of compliance against relevant planning instruments, including:</p> <ul style="list-style-type: none"> • <i>Roads Act 1993</i> • <i>State Environmental Planning Policy (Gosford City Centre) 2018</i> • <i>State Environmental Planning Policy no.64 (Advertising and Signage) (SEPP 64)</i> • <i>Gosford City Centre Development Control Plan 2018</i> • <i>Transport Corridor Outdoor Advertising and Signage Guidelines (Signage Guidelines)</i> <p>The proposed modification remains consistent with the above planning instruments. An updated SEPP 64 assessment (Chapter 3 <i>State Environmental Planning Policy (Industry and Employment) 2021</i>) is provided at Appendix 3.</p>
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Not applicable.
(iii) <i>any development control plan, and</i>	The proposed modification remains consistent with the approved development's compliance with the relevant provisions of the Gosford City Centre Development Control Plan 2018.
(iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	No planning agreement or draft planning agreement has been entered into as part of this application.
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	The application is consistent with the relevant matters of the EP&A Regulations.
(v) <i>(Repealed)</i>	Not applicable.

Provision	Comment
<i>that apply to the land to which the development application relates,</i>	
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The request to modify the Development Consent DA 10660 will not result in any adverse environmental impacts and will facilitate the orderly economic use of the land below the sign at ground level by Sydney Trains vehicles.
<i>(c) the suitability of the site for the development,</i>	The site is suitable for the approved use for the reasons outlined in the original application DA 10660.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject modification application will be duly considered and addressed by Keylan.
<i>(e) the public interest.</i>	<p>This modification allows for a more appropriate location of the sign pole structure that will not interfere with Sydney Trains truck movements at ground level. The modification will allow the signage structure to be erected and therefore be able to contribute to an on-going revenue stream to Sydney Trains.</p> <p>This revenue stream will be used to support the rail network and related infrastructure in accordance with the public benefit test provisions identified in the Industry and Employment SEPP and the Transport Corridor Outdoor Advertising and Signage Guidelines as addressed in this modification and the original DA (DA 10660).</p>

Table 2: Section 4.15(1) Assessment

4 Environmental Planning Assessment

The proposed modification seeks to modify the original Development Consent (DA 10660) to move the location of the pole section of the signage structure by 4m to the north at ground level.

This modification is a result of ongoing consultation between JCDecaux and Sydney Trains. The modification will allow for the erection of the monopole structure in a location that does not interfere with Sydney Trains operational requirements including truck movements at ground level.

The proposed modification will not lead to any environmental impacts and should be supported based on:

- the advertising signage involves a minor relocation of the approved sign by only 4m
- the proposed modification will not lead to any additional visual, illumination or traffic impacts from the approved signage (DA 10660)
- the proposed new location provides for the orderly function of Sydney Trains vehicles at ground level below the sign

- the modification will allow for the erection of a signage structure that provides an on-going revenue stream to Sydney Trains that is used to support the rail network and related infrastructure in accordance with the public benefit test provisions identified in the Industry and Employment SEPP and the Signage Guidelines

5 Conclusion

This Modification Report supports a request to modify DA 10660 by way of minor amendment to the location of the pole section of the monopole structure.

The proposed modification will not result in any adverse environmental impacts and will facilitate the orderly economic use of the land below the sign at ground level by Sydney Trains vehicles.

Based on the assessment in this letter, we consider that the applicant has shown good cause for DPE to modify the consent as requested. Please do not hesitate to contact Michael Woodland (02 8459 7506 or michael@keylan.com.au) if you wish to discuss any aspect of this report.

Yours sincerely



Michael Woodland BTP MPIA
Director

Appendix 1	Development Consent (DA 10660)
Appendix 2	Amended Architectural Plans
Appendix 3	SEPP and Guidelines Assessment
Appendix 4	Public Benefit Statement
Appendix 5	Land Owners Consent