

Development Consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Louise Densmore
Acting Director
Regional Assessments

Sydney

18 March 2025

SCHEDULE 1

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| Application Number: | DA 23/4918 |
| Applicant: | Mulpha Norwest |
| Consent Authority: | Minister for Planning and Public Spaces |
| Site: | Pedestrian overbridge across Old Windsor Road, Bella Vista and Glenwood |
| Development: | <ul style="list-style-type: none">• Continued use (for a period of up to 15 years) of the site for the display of two internally illuminated static advertising signs (consistent with signs previously approved on the site)• Removal of the two existing signs to enable structural repair works to the signs and bridge structure• Reinstalment of refurbished signs (or replacement with new identical signs) and concurrent installation of a new fall arrest system |

DEFINITIONS

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| Applicant | Mulpha Norwest or any person carrying out any development to which this consent applies. |
| Certifying Authority | A person who is authorised by or under Part 6 of the EP&A Act to issue Part 6 certificates. |
| Conditions of this consent | Conditions contained in Schedule 2 of this document. |
| Construction | All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent. |
| Department | NSW Department of Planning, Housing and Infrastructure |
| Development | The development described in the Schedule 1, as modified by the conditions of this consent. |
| Environment | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings. |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2021</i> |
| Feasible | What is possible and practical in the circumstances |
| Incident | An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent. |
| Land | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act. |
| Material harm | Harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment). |
| Minister | NSW Minister for Planning and Public Spaces (or delegate) |
| Non-compliance | An occurrence, set of circumstances or development that is a breach of this consent. |
| Operation | The carrying out of the approved purpose of the development from the date of consent. |
| Planning Secretary | Has the same meaning as the definition of the term in s1.4 of the EP&A Act, or nominee. |

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| Reasonable | Applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements. |
| Response to Request for Information (RFI) | The Applicant's response to requests for additional information for the development under the EP&A Act. |
| SEE | Statement of Environmental Effects prepared by Calibre dated 24 March 2023. |
| Subject site | The site as described in Schedule 1 |
| TfNSW | Transport for NSW |

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written requirements or directions of the Planning Secretary including in relation to:
 - (i) the environmental performance of the development;
 - (ii) any document or correspondence in relation to the development;
 - (iii) any notification given to the Planning Secretary under the terms of this consent;
 - (iv) any audit of the construction or operation of the development;
 - (v) the terms of this consent and compliance with the terms of this consent (including anything required to be done under this consent); and
 - (vi) the carrying out of any additional monitoring or mitigation measures.

In respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval;

- (c) in accordance with the approved drawings, plans and reports in the tables below:

| Drawings | | | |
|------------------|--------------|--|---------------|
| Sheet No. | Issue | Name of Plan | Date |
| S102 | - | AS-BUILT SURVEY PLAN / WORK AS EXECUTED DRAWING – SOUTH ELEVATION AND SECTIONS | 20 April 2023 |
| S119 | - | AS-BUILT SURVEY PLAN / WORK AS EXECUTED DRAWING – BRIDGE PLAN, SECTION AND ELEVATION | 20 April 2023 |
| S127 | - | AS-BUILT SURVEY PLAN / WORK AS EXECUTED DRAWING – SOUTH ELEVATION AND SECTIONS | 20 April 2023 |
| SK020603-1 | A | PEDESTRIAN BRIDGE SIGNAGE – FALL ARREST DETAIL | 06 June 2023 |

| Technical Report | Revision | Author | Date |
|--|-----------------|--------------------|---------------|
| Statement of Environmental Effects including annexures | Final | Calibre Consulting | 24 March 2023 |
| And as amended by subsequent Response to Request for Information including annexures | - | Egis Consulting | Various |

| Technical Report | Revision | Author | Date |
|--|----------|--------------------------------|------------------|
| Lighting Impact Assessment | A | Electrolight Australia Pty Ltd | 11 August 2022 |
| Lighting Compliance Report | A | Electrolight Australia Pty Ltd | 29 August 2022 |
| Structural Condition Assessment Norbrik Rd and Old Windsor Rd. Pedestrian Bridge – Sign Structures | 01 | CCSR Consulting Engineers | 15 December 2023 |
| Level 2 Inspection Report, Old Windsor Road Pedestrian Bridge, | - | Tonkin Consulting | 16 December 2024 |

- A3. The conditions of this consent and written requirements and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in and **Condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

DURATION OF CONSENT

- A4. This development consent is issued for a limited period of 15 years. The consent will cease to be in force/expire 15 years after the date of this consent.
- A5. The signs must be removed, and the site reinstated in accordance with the requirements of TfNSW within 6 months of the consent ceasing to be in force unless an alternative timeframe is agreed to by the Planning Secretary.

APPLICABILITY OF GUIDELINES AND STANDARDS

- A6. The approved signs and the supporting structures must meet all relevant Australian Standards, and any technical operational standards and requirements of TfNSW.
- A7. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this consent, unless otherwise approved by the Planning Secretary.
- A8. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline or a replacement of them.

WIND LOADING

- A9. The approved signs must meet wind loading requirements as specified in Australian Standard AS 1170.1: *Structural Design Actions – Permanent, Imposed and Other Actions* and AS 1170.2:- *Structural Design Actions – Wind Actions*.

REFLECTIVITY

- A10. The level of reflectance of the materials used and advertisements must meet the requirements specified in AS/NZS 1906.1:2017 *Retroreflective materials and devices for road traffic control purposes*.

OPERATION OF PLANT AND EQUIPMENT

- A11. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

DESIGN AND OPERATION

A12. The proposed signs must be designed and operated in accordance with the requirements set out in the Transport Corridor Outdoor Advertising and Signage Guidelines (Department of Planning and Environment, 2017) as described in the documents listed in **Condition A2** and amended by the conditions of this consent.

DEVELOPMENT NEAR BUSY ROADS

A13. The sign must comply with all requirements of the NSW Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A14. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after or within 24 hours of the Applicant becoming aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the date, time, location and nature of the incident.

NON-COMPLIANCE NOTIFICATION

A15. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A16. The notification required by **Condition A15** must identify the development and its application number, set out the condition of consent for which the development is non-compliant, the way in which the development does not comply, and the reasons for the non-compliance (if known), and what actions have been, or will be, undertaken to address the non-compliance.

A17. A non-compliance which has been notified as an incident under **Condition A14** does not need to also be notified as a non-compliance.

PRESCRIBED CONDITIONS

A18. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

LEGAL NOTICES

A19. Any advice or notice to the consent authority, must be served upon the Planning Secretary via email at information@planning.nsw.gov.au.

TfNSW REQUIREMENTS

A20. All works associated with the proposed signs, including maintenance activities, shall be at no cost to TfNSW

END OF PART A

PART B REPAIR AND / OR REPLACEMENT OF EXISTING SIGNS AND STRUCTURES

USE OF STRUCTURES TO CEASE

- B1. Within one month of the date of this consent, the use of the advertising structures must cease. The use of the structures may not re-commence until the matters in **Conditions B2** to **B4** have been satisfied.

STRUCTURAL REPAIR WORKS

- B2. Within three months of the date of this consent, all structural defects identified in the Structural Condition Assessment prepared by CCSR Consulting Engineers and dated 15-12-2023, are to be rectified in accordance with the recommendations of that report. Works are to include:
- (a) Removal of the two existing sign boxes; and
 - (b) Maintenance and repairs to the bridge structure in accordance with the *Structural Condition Assessment Norbrik Rd and Old Windsor Rd. Pedestrian Bridge – Sign Structures* prepared by CCSR Consulting Engineers and dated 15-12-2023 and where relevant, in accordance with the *Level 2 Inspection Report, Old Windsor Road Pedestrian Bridge*, prepared by Tonkin Consulting dated 16 December 2024; and
 - (c) Maintenance, repairs and refurbishment of the removed sign boxes in accordance with the *Structural Condition Assessment Norbrik Rd and Old Windsor Rd. Pedestrian Bridge – Sign Structures* prepared by CCSR Consulting Engineers dated 15-12-2023; OR
 - (d) Construction of new replacement sign boxes identical in size, design, materials and specifications to the removed sign boxes; and
 - (e) Re-installation of sign boxes.
- B3. In conjunction with the works required by Condition B2, a fall arrest system that is designed to prevent the sign box structures falling on the road is to be installed with the new or refurbished signs. Details of the system are to be submitted to TfNSW prior to installation.
- B4. Following completion of the works, certification from a structural engineer that the requirements of **Condition B2** and **Condition B3** have been met must be submitted to the Department and TfNSW.

NOTIFICATION OF COMMENCEMENT

- B5. The Planning Secretary must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

COMPLIANCES

- B6. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

SERVICES

- B7. The Applicant shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Where areas are disturbed as a result of the provision of services to the development, these areas should be restored to the satisfaction of the asset owner.

CONSTRUCTION MANAGEMENT PLAN

- B8. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to TfNSW and to the Planning Secretary for information. The CMP shall address, but not be limited to, the following matters where relevant:
- (a) environmental and safety risk assessment;
 - (b) noise management in accordance with the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)

- (c) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
- (d) contact details of site manager;
- (e) safety, including preparation of a safe work method statement;
- (f) traffic management, including details of the location of any site compound, haulage routes and parking for vehicles associated with the construction (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
- (g) waste management; and
- (h) external lighting in compliance with Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting;

The CMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CMP, the consent shall prevail.

ROAD OCCUPANCY LICENCE

- B9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

CONSTRUCTION HOURS

- B10. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (b) between 8:00 am and 1:00 pm, Saturdays;
- (c) no work on Sundays and public holidays;
- (d) Works may be undertaken outside these hours where:
 - (i) the delivery of materials or works is required outside these hours by the Police, TfNSW or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.
 - (iii) it is required in accordance with a Road Occupancy Licence or at the direction of the Transport Management Centre (TMC).

- B11. No work may be carried out on Sundays or public holidays.

- B12. Activities may be undertaken outside of these hours if required:

- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

- B13. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

CONSTRUCTION NOISE MANAGEMENT

- B14. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).

- B15. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* (NSW).

SAFE WORK NSW REQUIREMENTS

B16. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Safe Work NSW requirements.

HOARDING REQUIREMENTS

B17. The following hoarding requirements shall be complied with:

- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

B18. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

VIBRATION CRITERIA

B19. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
- (a) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time)

AIR QUALITY

B20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B21. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

IMPLEMENTATION OF MANAGEMENT PLAN

B22. The Applicant must carry out the construction of the development in accordance with CMP required by **Condition B8**.

DEMOLITION

B23. Demolition work must comply with the provisions of Australian Standard *AS 2601-2001 Demolition of Structures*. The demolition work plans required by *AS 2601-2001* must be accompanied by a written statement from a suitably qualified person, that the proposals contained in the demolition work plan comply with the safety requirements of the Standard. The demolition work plans and statement of compliance must be submitted to the Certifier before the commencement of works.

B24. Demolition involving asbestos must be undertaken in accordance with the *Work Health and Safety Act 2011* (NSW).

PART C USE OF SIGNAGE

RECOMMENCEMENT of USE

C1. Use of the advertising structures may re-commence upon satisfaction of **Conditions B2 to B4**.

FUTURE MAINTENANCE

- C2. Within six months of the date of this consent, and following completion of all structural defect works required by **Condition B2**, a Maintenance Plan must be prepared to address, but not be limited to, the following matters relating to maintenance over the remaining 14.5 years of this consent:
- (a) environmental and safety risk assessment;
 - (b) frequency of structural inspections and audits and the aspects to be inspected / audited;
 - (c) checklist of the items to be maintained and the frequency of maintenance;
 - (d) hours of work / inspections of the sign (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - (e) safety, including preparation of a safe work method statement;
 - (f) maintenance of external lighting in compliance *with AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*;
 - (g) removal of graffiti; and
 - (h) measures to treat any surface corrosion present on the signage structure.
- C3. Regular maintenance of the approved sign must be undertaken in accordance with the Maintenance Plan. The sign must be inspected regularly to identify damage from storms, graffiti, or the like.
- C4. A copy of the Maintenance Plan must be provided to the Planning Secretary on request.

LIGHTING

- C5. Sign boxes are to be internally illuminated with all lighting to comply with:
- (a) *AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*.
 - (b) Luminance Levels identified in The Lighting Impact Assessment Report prepared by Electrololight dated 11 August 2022 and The Lighting Compliance Report prepared by Electrololight dated 29 August 2022
 - (c) Luminance criteria for non-digital signs set out in Table 5 of the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017).

ADVERTISING SIGNAGE CONTENT

- C6. The images displayed on the sign must not contain and/or use:
- (a) flashing or flickering lights or content;
 - (b) electronically changeable messages;
 - (c) animated display, moving parts, or simulated movement, including through fade, dissolve, or vertical or horizontal scrolling;
 - (d) complex displays, including text and information which hold drivers' attention beyond "glance appreciation";
 - (e) displays resembling traffic control devices, by use of colour, shape or words, which could be construed as giving instruction to traffic, for example, red, amber or green circles, octagons, crosses, triangles, and words such as, "stop" or "halt";
 - (f) a method of illumination that distracts or dazzles; and
 - (g) dominant use of colours red or green.

Signage content must be in accordance with the road safety guidelines for sign content, set out in the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017).

WIRING

- C7. Wiring must remain contained behind the sign, or otherwise concealed, so that wiring is not visible from any public place.

LOCATION OF CERTAIN NAMES AND LOGOS

- C8. The name or logo of the entity who owns or leases the sign may appear only in a logo space at the bottom of the advertising structure, and must be no greater than 0.25 m² in size.

REMOVAL OF GRAFFITI

- C9. The owner/manager of the site or sign must remove all graffiti from the advertising structure within 48 hours of being notified that the sign has been vandalised.

END OF PART C

APPENDIX 1 ADVISORY NOTES

APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court of New South Wales, in the manner set out in the *Environmental Planning and Assessment Act 1979* (NSW), and the *Environmental Planning and Assessment Regulation 2021* (NSW).

OTHER CONSENTS AND PERMITS

AN2. The Applicant must apply to Council or to TfNSW, as required, for all necessary permits, including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other consents under Section 68 of the *Local Government Act 1993* (NSW), and Section 138 of the *Roads Act 1993* (NSW).

RESPONSIBILITY FOR OTHER CONSENTS AND AGREEMENTS

AN3. The Applicant is responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

DISABILITY DISCRIMINATION ACT

AN5. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* (NSW). No guarantee is given that the development complies with the *Disability Discrimination Act 1992* (Cth). The Applicant/owner is responsible to ensure compliance with this, and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not catered for in the minimum standards called up in the National Construction Code, which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4, provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth) currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6. The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) provides that a person must not take an action which has, will have, or is likely to have, a significant impact on, a matter of national environmental significance (NES matter), or Commonwealth land, without a consent from the Australian Environment Minister.

AN7. This application has been assessed in accordance with the *Environmental Planning & Assessment Act 1979* (NSW). The determination of this application has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Australian Department of Climate Change, Energy, the Environment and Water in order to determine the need, or otherwise, for a Commonwealth consent. The Applicant should not construe this issue of consent, as notification that the Commonwealth Act does not have application to the development. The Commonwealth Act may have application, and the Applicant should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.