

Development consent

Section 80(1) (a) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



David Gainsford
Acting Executive Director,
Key Sites and Industry Assessments

Sydney 15th January 2016

SCHEDULE 1

Application No.:	DA 7153
Applicant:	APN Outdoor Pty Limited on behalf of Sydney Trains
Consent Authority:	Minister for Planning
Land:	Rail bridge over M4 Motorway, Homebush
Development:	<p>Alterations and digital conversion of an existing advertising structure, comprising the:</p> <ul style="list-style-type: none">• removal of the existing steel frame and advertising light box mounted to east face of rail bridge;• installation of a new steel support structure measuring 3.3 metres x 15.68 metres (51.74 m²) including colour bond cladding and APN logo box; and• installation of a new east facing digital light emitting diode (LED) advertising screen used for the display of general advertising, with a screen size of 3.20 metres x 12.58 metres (40.26m²).

NOTES RELATING TO THE DETERMINATION OF DA 7153

Responsibility for other approvals / agreements

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

Appeals

The Applicant has the right to appeal to the Land and Environment Court under section 97 of the *Environmental Planning and Assessment Act 1979*. The right to appeal is only valid, for a development application, within **6 months** after the date on which the Applicant received this notice.

Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

DEFINITIONS

Adopted Signage Guidelines	<i>Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines</i> , dated July 2007 (or its successor)
Advisory Notes	Advisory information relating to the consent but do not form part of this consent
Applicant	APN Outdoor Pty Ltd on behalf of Sydney Trains
Application	The development application and the accompanying drawings plans and documentation described in Condition A1.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Council	Auburn City Council
Date of Consent	The date the consent was signed by the Minister for Planning (or delegate)
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6pm to 10pm
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Subject Site	The site as described in Schedule 1.

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

Development Description

- A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.

Development in Accordance with Plans

- A2 The development shall be in accordance with the development application DA 7153 submitted by the Applicant on 13 May 2015, and in accordance with the Statement of Environmental Effects, including appendices titled '*Alterations and digital conversion of third party advertising sign on the railway bridge crossing above the M4 Motorway*' prepared by Urban Concepts dated May 2015, the response to submissions prepared by APN Outdoor dated 7 September 2015 and in accordance with the following plans, except for:

- i) any modifications which are Exempt of Complying Development;
- ii) any modifications as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- iii) any modifications required by the conditions of this consent.

Preliminary Plans prepared by Dennis Bunt Consulting Engineers Pty Ltd			
Job No.	Dwg No.	Name of Plan	Date
14022	A02	Existing General Arrangement & Site Plan	Jan 2015
14022	A03	Proposed General Arrangement & Site Plan	Jan 2015

Inconsistency between documents

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Limits of approval

- A4 This consent will lapse five years from the date of consent unless the building works associated with the project have physically commenced.

Duration of Consent

- A5 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 consent.

Note: A new Development Application must be submitted prior to that date for assessment and determination if it is intended to continue the use beyond the cessation date.

Advertisements - Dwell Time

- A6 Static digital advertisements are to be displayed on the digital LED screen for a minimum dwell time of 45 seconds

The sign is subject to a 12 month trial period as outlined in Condition A17.

Advertisements - Transition Time

- A7 The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second (refer to Condition A17).

Advertisements Generally

A8 Advertisements displayed on the LED advertising screen must be in accordance with the guidelines for sign content outlined in Section 3.4 of the *Transport Corridor Outdoor Advertising and Signage Guidelines*, dated July 2007.

Advertisements – Static Advertisements

A9 Advertisements displayed on the LED advertising screen must be displayed in a completely static manner, without any motion, for the approved dwell time in Condition A6.

Advertisements – Message Sequencing

A10 Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

Advertisements – Traffic Control Device or Driving Instructions

A11 Advertisements displayed on the LED advertising screen must not be capable of being mistaken:

- i) for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device; or
- ii) as text providing driving instructions to drivers.

Advertisements – Dazzle or Distract Drivers

A12 Advertisements displayed on the LED advertising screen must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.

Advertisements – Text

A13 Advertisements displayed on the LED advertising screen must minimise the amount of text and information displayed (for example no more than a driver can read at a short glance). Text should preferably be displayed in the same font and size (Condition A8 provides further guidance).

Display of Road Safety and Emergency Messages

A14 The LED advertising screen shall be available for 5% of all advertising time each year for the display of road safety messages by arrangement with RMS and Transport for NSW. Additionally, the LED advertising screen shall be made available for use in the event of a 'threat to life' emergency to allow emergency messaging to override the commercial advertising.

Permitted Luminance Levels

A15 The luminance levels of the LED advertising screen must comply with Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and the below table:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	Maximum Output (7000 cd/m ²)
Day Time Luminance	6000 cd/m ²
Morning and Evening, Twilight and Inclement Weather	700 cd/m ²
Night time	350 cd/m ²

Note: Luminance means the objective brightness of the surface of the screen as measured by a photometer, expressed in candelas per square meter (cd/m²).

Note: Refer to Condition A17.

Electronic Log

- A16 An electronic log of the signs activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the signs activity in case of a complaint.

Trial Period

- A17 Notwithstanding Condition A5 of the approval, the dwell time (Condition A6), transition time (Condition A7) and the permitted luminance levels of the LED screen (Condition A15), the proposal is subject to a 12 month trial period.

The trial period commences from the commencement of operation of the sign and concludes after 12 months. The Applicant shall provide the Secretary with a written notice of the commencement of operation of the LED screen. Prior to the trial period concluding (not prior to 3 months from the trial period concluding, but at least 2 weeks from the trial period concluding), the Applicant must seek:

- i) The Secretary's written approval to continue operating the LED screen for the remaining duration of consent outlined in Condition A5 for the dwell time (Condition A6), transition time (Condition A7) and the permitted luminance levels of the LED screen (Condition A15); or
- ii) In the event that new Adopted Signage Guidelines are released within the 12 month trial period which establish different operating parameters for the dwell time (Condition A6), transition time (Condition A7) and the permitted luminance levels of LED screen (Condition A15), the Secretary's written approval for the ongoing use of the LED screen consistent with the Adopted Signage Guidelines for the remaining duration of consent outlined in Condition A5. Any consideration of the request will take into consideration any information provided by the Applicant regarding the operation of the LED screen during the trial period, as well as the relevant Adopted Signage Guidelines.

To avoid doubt, provided the Applicant lodges the request at least 2 weeks from the trial period concluding, the Applicant can continue to operate the sign beyond the trial period at the operating parameters in Conditions A6, A7 and A15 until it obtains the Secretary's written approval in i) and ii) above.

Road Safety Check

- A18 A road safety check which focuses on the effects of the placement and operation of the signs must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs' installation. The road safety check must be carried out by an independent RMS accredited road safety auditor. A copy of the report is to be provided to the RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the Applicant.

Development near Busy Roads

- A19 The sign must comply with all requirements of the NSW Department of Planning Development Near Rail Corridors and Busy Roads –Interim Guidelines, December 2008' (DNRCBR 2008).

Wind Loading

- A20 The approved sign must meet wind loading requirements as specified in Australian Standard AS 1170.1 and AS 1170.2.

Reflectivity

A21 The visible light reflectivity from the proposed LED screen and materials used on the signage structure shall not exceed 20 per cent and shall be designed so as to minimise glare.

Prescribed Conditions

A22 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long Service Levy

A23 For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal notices

A24 Any advice or notice to the consent authority shall be served on the Secretary.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Payment of Levy Fee

- B1 Payment of the prescribed Long Service Levy Fee is to be made to Council prior to commencement of above ground works.

Services

- B2 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.

Structural Details

- B3 Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) any relevant clauses of the BCA;
 - b) the development consent; and
 - c) approved drawings and specifications.

Construction Management Plan

- B4 Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Roads and Maritime for approval. The CMP shall address, but not be limited to, the following matters where relevant:
- a) environmental and safety risk assessment;
 - b) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - c) contact details of site manager;
 - d) safety, including preparation of a safe work method statement;
 - e) 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);
 - f) waste management;
 - g) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*; and
 - h) flora and fauna management.

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.

Contact Telephone Number

- B5 Prior to the commencement of the works, the Applicant shall forward to the Council a 24 hour telephone number to be operated for the duration of the construction works.

Notice of Commencement of Works

B6 The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the subject site.

Road Occupancy Licence

B7 Prior to commencement of works, a Road Occupancy Licence shall be obtained from the Transport Management Centre of Roads and Maritime Services for any works that impact on traffic flows on the M4 Motorway during construction activities.

Westconnex

B8 Prior to commencement of works, the Applicant shall liaise with Westconnex in relation to the proposed works and coordinate with the Westconnex road works where necessary.

PART C – DURING CONSTRUCTION

Approved Plans to be On-site

- C1 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

C2

- a) A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA, Structural Engineer and contact details, including contact phone number.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

Protection of Trees

- C3 All trees on the subject site are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Displaced vegetation

- C4 Any trees or significant vegetation that is lost or damaged as a result of the installation or operation of the advertising signage structure is to be relocated or replaced in a suitable location near to its original position to the satisfaction of the Certifying Authority.

Hours of Work

- C5 The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
- 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 is required outside these hours by the Police, RMS 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; and
 - iii) variation is approved in advance in writing by the Secretary or his nominee.

Construction Noise Management

- C6 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)*. All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved by the Secretary.
- C7 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*.

Work Cover Requirements

- C8 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 Work Cover requirements.

Hoarding Requirements

- C9 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

- C10 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.

Discovery of Aboriginal Heritage

- C11 If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH are to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

PART D – PRIOR TO COMMENCEMENT OF USE

Maintenance Plan

- D1 Prior to the commencement of use, a Maintenance Plan detailing the process for maintenance and changing sign content is to be prepared and submitted to the Department and Council. The Plan shall address, but not be limited to, the following matters, where relevant.
- a) environmental and safety risk assessment;
 - b) hours of work/inspections of sign (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - c) contact details of site manager;
 - d) safety, including preparation of a safe work method statement;
 - e) traffic management, including details of the location of parking for vehicles associated with the operation (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
 - f) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*;
 - g) removal of graffiti; and
 - h) maintenance of vegetation immediately surrounding the sign.

Road Damage

- D2 The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be met in full by the Applicant/developer.

Structural Inspection Certificate

- D3 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
 - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Removal of Existing Signs

- D4 Prior to the commencement of use, the existing signs on the western face of the railway bridge (over eastbound travel lanes) and the western face of the disused railway bridge (over westbound travel lanes) shall be permanently removed.

PART E - POST COMMENCEMENT OF USE

Maintenance

- E1 Regular maintenance of the approved advertising structures shall be undertaken in accordance with approved Maintenance Plan under Condition D1. Signs are to be inspected regularly to identify any damage from storms, graffiti or the like.

Advertising Signage Content

- E2 The approved advertising structures must not have or use:
- a) flashing lights;
 - b) animated display or simulated movement;
 - c) complex displays that hold a drivers attention beyond “glance appreciation”;
 - d) displays resembling traffic signs or signals, or giving instructions to traffic by using words such as ‘halt’ or ‘stop’; and
 - e) a method of illumination that distracts or dazzles.

Signage content must also comply with all conditions contained in Part A of this consent and be in accordance with the road safety guidelines for sign content, set out in Section 3.4 of the Department of Planning and Environment's *Transport Corridor Outdoor Advertising and Signage Guidelines*, dated July 2007.

Location of Certain Names and Logos

- E3 The name or logo of the person who owns or leases the approved advertisement may appear only in the bottom right hand corner of the advertising structure and must be no greater than 0.25m² in size.

Removal of Graffiti

- E4 The owner/manager of the site or sign must be responsible for the removal of all graffiti from the advertisement within 48 hours of notification.

Public Way to be Unobstructed

- E5 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

Advertising Revenue/Public Benefit

- E6 The total amount of outdoor advertising revenue received each year by Sydney Trains must be recorded in its financial accounts and Annual Reports. The Annual Reports must also outline how revenue has been applied to provide a public benefit in the areas of transport safety, amenity improvements or other public works.

ADVISORY NOTES

Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

Other Approvals and Permits

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

Responsibility for Other Consents / Agreements

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

Movement of Trucks Transporting Waste Material

AN4 The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the subject site, prior to the commencement of the removal of any waste material from the subject site.

Temporary Structures

AN5

- a) An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN6 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia 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* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* 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 an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the

Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Site Contamination Issues During Construction

AN8 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Cost of Works

AN 9 The works (construction and operation) shall be at no cost to Council and Roads and Maritime Services.

Indemnity

AN10 Council and Roads and Maritime Services are to be suitably indemnified against any claim for works within the road reserve.