

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



Andrew Beattie
A/Director
Transport and Water Assessments

Sydney

25 November 2024

SCHEDULE 1

Application Number:	DA 24/4524
Applicant:	Transport for NSW
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 4 DP574549
Development:	Continued use of an existing static advertising sign, Homebush Bay Drive, Homebush West, for a further 15-year period.

DEFINITIONS

Applicant	Transport NSW 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.
Council	Strathfield Council
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the SEE and RtS including the works and activities comprising construction, operation and post commencement of use, 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
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, 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	Is harm that: <ul style="list-style-type: none"> a) involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission, other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people, or b) results in actual 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).

Note This definition excludes “harm” that is either authorized under this consent or any other statutory approval.

Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.

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 upon completion of construction.

Planning Secretary Planning Secretary under the EP&A Act, or nominee

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.

SEE Statement of Environmental Effects prepared by Keylan Consulting Pty Ltd dated 14/06/2024.

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 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)
 - vi. the carrying out of any additional monitoring or mitigation measures.

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

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

Design Drawings by JCDecaux				
Sheet No.	Drawing No.	Name of Plan	Date	Revision
1 of 2	131123-1/2	Plan & Elevation	13 November 2023	29 May 2024
2 of 2	131123-2/2	Plan & Elevation	13 November 2023	29 May 2024

Technical Report	Revision	Author	Date
Statement of Environmental Effects	Final V2	Keylan Consulting Pty Ltd	14 June 2024
Signage Safety Assessment	V04	The Transport Planning Partnership	3 June 2024
Lighting Impact Assessment	B	Electrolight Australia	22 November 2023
Public Benefit Statement	-	Transport for NSW	25 October 2023
Structural Feasibility Statement	-	Dennis Bunt Consulting	12 April 2024
SEPP and Signage Guidelines Assessment	-	Keylan Consulting Pty Ltd	

A3. The conditions of this consent 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**Error! Reference source not found.. In

the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2** Error! Reference source not found., 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 period of 15 years. The consent will cease to be in force / expire 15 years after the date of this 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 of this consent.

APPLICABILITY OF GUIDELINES

A5. The approved sign and the supporting structure must meet all relevant Australian, and any technical operating standards and requirements of TfNSW.

A6. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A7. 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, protocol, Standard or policy, or a replacement of them.

DESIGN AND OPERATION

A8. The proposed sign design and operation must be in accordance with the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning, 2017) and as described in the documents listed in Condition A2 and amended by the conditions of consent.

STRUCTURAL ADEQUACY

A9. All new structures, and any alterations or additions to existing structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA. All structural works must be certified by a suitability qualified and practising structural engineer and a suitability qualified and practising geotechnical engineer.

Notes: Under Part 6 of the EP&A Act, Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the Building Code of Australia.

WIND LOADING

A10. The approved sign must meet wind loading requirements as specified in Australian Standard AS 1170.1:2002 Structural Design Actions – Permanent, Imposed and Other Actions (version as adopted by the BCA) and AS 1170.2:2021 - Structural Design Actions – Wind Actions (version as adopted by the BCA).

REFLECTIVITY AND GLARE

A11. 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.

A12. The signage structure must be orientated in a manner that does not create headlight reflection or glare in a driver's line of sight.

OPERATION OF PLANT AND EQUIPMENT

A13. 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
- (b) operated in a proper and efficient manner.

DEVELOPMENT NEAR BUSY ROADS

A14. 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).

LOCATION OF CERTAIN NAMES AND LOGOS

A15. The name or logo of the entity who owns or leases an advertisement or the sign must:

- (a) Be located within:
 - (i) the advertisement or advertising display area, or
 - (ii) within a strip below the advertisement that extends for the full width of the advertisement if the advertising display area has no border or surround; and.
- (b) Be no greater than 0.25 sq metre in area.

A16. The Applicant (or operator) must replace the existing logo with a logo that meets the size and location requirements specified in **Condition A15** within three months of the date of this consent, unless an alternative timeframe is agreed to by the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A17. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after, or within 24 hours of, the Applicant becomes 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 and location and nature of the incident.

NON-COMPLIANCE NOTIFICATION

A18. 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.

A19. The notification required by **Condition A18** 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.

A20. A non-compliance which has been notified as an incident under **Condition A17** does not need to also be notified as a non-compliance.

PRESCRIBED CONDITIONS

A21. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

LEGAL NOTICES

A22. Any advice, or notice to the consent authority, must be served upon the Planning Secretary via email at information@planning.nsw.gov.au.

END OF PART A

PART B - USE OF SIGNAGE

MAINTENANCE

- B1. Within one month of the date of this consent, a Maintenance Plan must be prepared to address, but not be limited to, the following matters:
- (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, including the management of ground cover beneath and immediately surrounding the signage structure within the subject site
 - (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
 - (h) measures to treat any surface corrosion present on the signage structure
- B2. Regular maintenance of the approved sign must be undertaken in accordance with the Maintenance Plan required by **Condition B1**. The sign must be inspected regularly, in order to identify any damage from storms, graffiti, or the like.
- B3. A copy of the maintenance plan required by **Condition B1** must be provided to the Planning Secretary on request.

VEGETATION MANAGEMENT

- B4. Nothing in this consent permits the removal of vegetation within the subject site and vegetation outside the site boundary.

ADVERTISING SIGNAGE CONTENT

- B5. 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 though 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
 - (g) dominant use of colours red or green.

Signage content must also comply with all conditions in **Part A** of this consent and 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).

LIGHTING

- B6. All signage floodlights must be fitted with baffles, in accordance with AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting. The baffles must be installed within three months of the date of this consent unless an alternative timeframe is agreed to by the Planning Secretary.
- B7. All signage floodlights must meet 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).

WIRING

- B8. Any wiring must be contained behind the sign, or otherwise concealed, so that wiring is not visible from any public place.

REMOVAL OF GRAFFITI

B9. The owner/manager of the site or sign must be responsible for the removal of all graffiti from the advertising structure within 48 hours of notification.

ADVERTISING REVENUE/PUBLIC BENEFIT

- B10. The Applicant must record the total amount of outdoor advertising revenue that it receives each year in its financial accounts and Annual Reports. The Annual Reports must outline how revenue has been applied to provide a public benefit for transport safety, amenity improvements, or other public works. The Annual Reports must list specific works to which the funds have been, or are to be, applied.
- B11. The advertising structure must be made available for no less than 28 days each calendar year for the display of road safety messages at no cost to TfNSW, inclusive of TfNSW public notices/campaigns. The Applicant must maintain a log of what the advertisement(s) was and for how long it was displayed. The log must be maintained for the duration of the development consent. The log must be made available to the Planning Secretary on request, and within seven days of the request being made.

END OF PART B

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 and/or TfNSW (where relevant) 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 must be solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

MOVEMENT OF TRUCKS TRANSPORTING MATERIAL

- AN4. Prior to the commencement of works, the Applicant must notify the TfNSW Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting material from the site.

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 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* (Cth) currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

- (a) 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.
- (b) 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.