

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 079-07-2009
(FILE NO. S09/01380-1)

INSTALLATION OF AN ILLUMINATED ADVERTISEMENT

I, the Executive Director, Major DA Assessments, as delegate for the Minister for Planning grant consent under delegated authority (dated 4 March 2009) to the carrying out of Development Application (DA 079-07-2009) under Part 4 of the *Environmental Planning and Assessment Act 1979*; subject to conditions and sign the Instrument of Consent.

The reasons for the imposition of conditions are:

- (1) To ensure that the signage and associated structures do not result in any significant adverse environmental impacts; and
- (2) To protect the public interest.



Chris Wilson
Executive Director
Major DA Assessments

Sydney, 10 ~~December~~ 2009

SCHEDULE 1

PART A—TABLE

Application made by:	Roads and Traffic Authority of New South Wales 101 Miller Street, North Sydney NSW 2060
Application made to:	Minister for Planning
Development Application:	DA 079-07-2009
On land comprising:	M4 Motorway – Eastern Creek (Northern side of M4 Motorway – Approximately 1.5km west of Reservoir Road exit) & Prospect (Western Elevation of Prospect Highway overbridge)
Local Government Area	Blacktown
For the carrying out of:	<p><u>Eastern Creek:</u> The construction of a advertising structure with a height of 3.35m including the installation of a 12.66m x 3.35m advertising sign on the western elevation of the structure.</p> <p><u>Prospect:</u> Mounting of a single 12.66m x 3.35m advertising sign on the western elevation of the Prospect Highway overbridge</p> <p>A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2</p>
Estimated Cost of Works	\$285,000
S.119 Public inquiry held:	No
BCA building class:	N/A
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	Date determination was made – see above
Date consent is liable to lapse	<p>This consent will lapse 15 years unless:</p> <ol style="list-style-type: none"> (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2 states otherwise, or (3) the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 079-07-2009

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 12 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 Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Applicant means Roads and Traffic Authority or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the Building Code of Australia.

Certifier has the same meaning as section 116G of the Act.

Council means Blacktown City Council.

DA No. 079-07-2009 means the development application and supporting documentation submitted by the Applicant on 16 July 2009.

Department means the Department of Planning or its successors.

Guidelines means the *Transport Corridor Outdoor Advertising And Signage Guidelines – Assessing Development Applications Under SEPP 64, July 2007*.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning.

Regulations means the Environmental Planning and Assessment Regulations 2000 (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 079-07-2009

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out of the development described in detail below:

1. Eastern Creek: The construction of a advertising structure with a height of 3.35m including the installation of a 12.66m x 3.35m advertising sign on the western elevation of the structure.

2. Prospect: Mounting of a single 12.66m x 3.35m advertising sign on the western elevation of the Prospect Highway overbridge.

A2 Development in Accordance with Plans

The development shall be in accordance with development application number 079-07-2009 submitted by the Applicant on 16 July 2009, and in accordance with the following:

Statement of Environmental Effects prepared by Stuart J Hill, dated 16 July 2009.			
Architectural (or Design) Drawings prepared by the Roads and Traffic Authority			
Drawing No.	Revision	Name of Plan	Date
SY T-12166.00_01	R0	Proposed new signage structure on Western M4 Motorway, Brabham Drive	22.05.09
SY T – 12166.00_02	R0	Proposed new signage structure on M4 Western Motorway & Prospect Highway Bridge.	22.05.09

except for:

- 1) any modifications as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- 2) otherwise provided by the conditions of this consent.

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4 Duration of Consent

This development application consent is issued for a limited period of 15 years. The consent will expire 15 years after the determination date in Part A Schedule 1 of the 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

A5 Flashing Illumination

The approved advertisement must be in accordance with Table 5 of the RTA's Road Safety Advisory Guidelines for Sign Content.

A6 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulations.

PART B —PRIOR TO COMMENCEMENT OF WORKS

B1 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- 1) the relevant clauses of the BCA;
- 2) the relevant development consent;
- 3) drawings and specifications comprising the Construction Certificate; and
- 4) the relevant Australian Standards listed in the BCA (Specification A1.3).

B2 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Certifier. The Plan shall address, but not be limited to, the following matters where relevant:

- 1) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
- 2) contact details of site manager;
- 3) traffic management, including details of the location of parking for vehicles associated with the construction (ie. Parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
- 4) noise and vibration management; and
- 5) waste management.

The Applicant shall submit a copy of the approved plan to the Department and to Council.

B3 Long Service Levy Payment

Construction is not to commence unless the required levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid (if applicable).

B4 Outdoor Lighting

The advertisement shall not release light above horizontal and shall comply with AS4282:1997 *Control of Obtrusive Effects of Outdoor Lighting* and – AS/NZS 1906.1:1993 (Retro reflective Materials & Devices for Roads Traffic Control Purposes). Details

demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifier prior to the commencement of works.

B5 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works. This telephone number is to be attended during the construction activities with diversion to a message service at other times.

PART C—DURING CONSTRUCTION

C1 Approved Plans to be On-site

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

C2 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Certifier and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- 1) 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;
- 2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- 3) 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
- 4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

C3 Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual and the *Protection of the Environment Operations Act 1997*.

C4 No materials on footpath

No materials, machinery, signs or vehicles used in or resulting from construction or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

C5 Construction Inspections

The building works where applicable must be inspected at the following stages during construction:

- Pre-commencement, and
- Completion

Compliance certificates verifying a satisfactory level of compliance must be lodged with the Certifier for each required inspection.

PART D—POST OCCUPATION

D1 Maintenance

Regular maintenance of the approved advertisement shall be undertaken in accordance with current RTA maintenance programs. Signs are to be inspected regularly to identify any damage from storms, graffiti or the like. Annual electrical inspections and structural audits are also to be completed.

D2 Advertising Revenue/Public Benefit

The total amount of outdoor advertising revenue received each year must be recorded by the RTA in its financial accounts and Annual Reports. The Annual Reports must also outline the RTA investments made each year on transport safety, amenity improvements or other public works listing specific works to which the funds have been or are to be applied.

D3 Wind Loading

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

D4 Location of certain names and logos

The name or logo of the person who owns or leases the approved advertisement may appear only within the advertising display area and must not be greater than 0.25m².

D5 Removal of graffiti

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.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifier prior to the commencement of works.

AN2 Compliance with Building Code of Australia

The Applicant is advised to consult with the Certifier about any modifications needed to comply with the BCA prior to the commencement of works.

AN3 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer. The Applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Certifier prior to the commencement of works.

AN4 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

AN5 Use of Mobile Cranes

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifier:

For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:

- a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
- b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.