

# Modification of Development Consent

## *Section 4.55(1A) of the Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of development consent 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



**Director**  
**Transport and Water Assessments**

Sydney

28 May 2025

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### **SCHEDULE 1**

**Application No.:**

DA 22/5186

**Applicant:**

Sydney Trains / Transport Asset Holding Entity

**Consent Authority:**

Minister for Planning and Public Spaces

**Site:**

81R Wilson Parade, Heathcote  
Lot 2 DP 1183944

**Modification:**

DA 22/5186 Mod 1

Allow the removal of trees and other vegetation identified as necessary for construction and operation of the approved development.

## SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 – Part A, Terms of Consent A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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;
- (c) in accordance with the SEE and Response to Submissions;
- (d) in accordance with the approved plans and reports in the tables below:

| Plans prepared by Dennis Bunt Consulting Engineers Pty Ltd |          |  |                   |
|--|----------|--|-------------------|
| DWG No.  | Rev      | Name of Plan   | Date              |
| DA01   | B        | Proposed Digital Sign General Arrangement & Site Plan  | 11/01/2022        |
| DA02   | C        | Proposed Digital Sign General Arrangement & Site Plan  | 27/10/2022        |
| Survey Plans prepared by LTS                               |          |  |                   |
| Job No.  | Rev      | Name of Plan   | Date              |
| 51585 001DT  | -        | Plan Of Detail & Levels At Proposed Signage Location - Princes Highway, Loftus, Sheet 1 of 2 | 17/11/2021        |
| 51585 001DT  | -        | Plan Of Detail & Levels At Proposed Signage Location - Princes Highway, Loftus, Sheet 2 of 2 | 17/11/2021        |
| Tree management plan prepared by Synertree Pty Ltd         |          |  |                   |
| <u>TMP-03</u>  | <u>C</u> | <u>Impact Appraisal</u>  | <u>11/04/2025</u> |

| Technical Report                                    | Rev | Author                             | Date       |
|---|-----|------------------------------------|------------|
| Statement of Environmental Effects                  | 1   | Keylan Consulting Pty Ltd          | 25/3/2021  |
| Digital Signage Safety Assessment                   | 3   | The Transport Planning Partnership | 23/03/2022 |
| Lighting Impact Assessment                          | C   | Electrolight Australia Pty Ltd     | 22/03/2022 |
| Statement of Public Benefit                         | -   | Transport Sydney Trains            | 21/03/2022 |
| Response to Submissions and Request for Information | -   | Keylan Consulting Pty Ltd          | 03/11/2022 |
| Utilities and Services Investigation                | -   | WSP                                | 11/10/2022 |

|  |                 |  |                          |
|--|-----------------|--|--------------------------|
| Biodiversity Impact Assessment                   | 2               | Écologique                               | 11/08/2022               |
| Structural Feasibility Statement                 | -               | Dennis Bunt Consulting Engineers Pty Ltd | 14/10/2022               |
| <b><u>Statement of Environmental Effects</u></b> | <b><u>2</u></b> | <b><u>Keylan Consulting Pty Ltd</u></b>  | <b><u>13/01/2025</u></b> |
| <b><u>Biodiversity Impact Assessment</u></b>     | <b><u>3</u></b> | <b><u>Écologique</u></b>                 | <b><u>27/03/2025</u></b> |
| <b><u>Arboricultural Impact Assessment</u></b>   | <b><u>3</u></b> | <b><u>Synertree Pty Ltd</u></b>          | <b><u>11/04/2025</u></b> |

- (b) Schedule 2 – Part A, Limits of Consent A6 is amended by the insertion of the **bold and underlined words** and deletion of the ~~struck-out~~ words / numbers as follows:

A6. This consent does not approve:

- (a) vegetation or tree removal **with the exception of the 13 trees listed for removal in the Arboricultural Impact Assessment listed in condition A2(d). Tree removal works must be in accordance with the Tree Management Plan in the Arboricultural Impact Assessment.**
- (b) works associated with the installation of any electricity or telecommunications cables to service the site.

~~Separate development~~ **A modification** application(s) must be lodged, and consent obtained, for the above works (except where consent is not required under an Environmental Planning Instrument or exempt and complying development applies).

- (c) Schedule 2 – Part B, Tree Protection B12 is amended by the insertion of the **bold and underlined words** / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B12. Prior to the commencement of any works, a Tree Protection Plan prepared in accordance with Australian Standard AS 4970-2009 'Protection of Trees on Development Sites' must be submitted and approved by the Certifying Authority.

The Plan must:

- (a) be prepared by a qualified Arborist;
- (b) identify all trees surrounding the location of construction activities;
- (c) detail protection measures for trees identified in condition B12(b), **with the exception of those identified for removal in the Arboricultural Impact Assessment listed in condition A2(d).** to ensure they are retained during construction and operation of the development;
- (d) show the Tree Protection Zones for retained vegetation, amelioration measures if works are to be undertaken within the tree protection zone; and
- (e) identify any stockpiling areas.

**Tree protection works must be consistent with the Method Statement in the Arboricultural Impact Assessment listed in condition A2(d).**

- (d) After Schedule 2 – Part C condition C21, insert new conditions C22, C23, C24, C25, C26 and C27 as follows:

**Tree Protection During Construction**

**C22. During construction, tree protection measures must be maintained in accordance with the relevant provisions of:**

- (a) **AS-4970: Protection of trees on development sites;**

- (b) Chapter 39 of *Sutherland Shire Development Control Plan 2015*; and
- (c) the Arboricultural Impact Assessment listed in condition A2(d).

### **Tree Replacement**

C23. Where trees are removed, replacement trees must:

- (a) be provided at a ratio of at least 2:1;
- (b) be endemic species and selected from Sutherland Shire Council's 'Native Plant Selector' available on council's website;
- (c) meet the requirements for quality tree stock specified in the *AS2303:2018: Tree Stock for Landscape Use*;
- (d) be of a minimum pot size of 100 litres;
- (e) be located within 100 metres of the signage structure and where possible, positioned to provide screening of the sign from nearby residents; and
- (f) be planted prior to commencement of operation.

### **Revegetation Management Plan**

C24. A Revegetation Management Plan must be prepared by a suitably qualified and experienced person in native revegetation. The Plan must be prepared and submitted to the Department prior to commencement of operation of the sign. The Plan must address, but not be limited to:

- (a) details on the species to be planted on-site, ensuring that at least 80% of new understorey plants are endemic species selected from Sutherland Shire Council's 'Native Plant Selector';
- (b) a description of the monitoring and maintenance measures to manage the planted vegetation to ensure the success of the revegetation outcomes;
- (c) weed management, including measures to ensure regeneration of weeds does not occur and imported fill, topsoil or landscaping material is free of weeds; and
- (d) measures for stabilising the cleared area and preventing soil erosion in the revegetated area.

The Revegetation Management Plan must be implemented.

### **Nest Boxes**

C25. Existing nest boxes must be removed prior to tree felling. The nest boxes must be relocated within one week of removal and within 50 metres of the felled trees. Removal and relocation must be in the presence of an ecologist.

### **Works Near Power Lines**

C26. All works adjacent to the overhead power lines must be undertaken in accordance with *Work Near Overhead Power Lines: Code of Practice* (WorkCover, 2006).

C27. Replacement trees must be planted at a distance so that when full size, they are outside the minimum clearance distance from the power lines, as outlined in *NS220 Overhead Design Manual* (Ausgrid, 2020 as amended on 26/06/2024).

- (e) Schedule 2 – Part D, Maintenance Plan D3 is amended by the insertion of the **bold and underlined words** and the deletion of the ~~struck-out~~ words as follows:

### **Maintenance Plan**

D3. Prior to the commencement of use, a Maintenance Plan 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 the 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; **and**
- (g) removal of graffiti; ~~and~~
- (h) ~~maintenance and management of vegetation.~~

- (f) After Schedule 2 – Part E condition E7, insert new condition E8 as follows:

**Revegetation Management**

E8. Ongoing management of revegetation works must be undertaken in accordance with the Revegetation Management Plan under condition **C24**.

**End of modification**  
**(DA 22/5186 - MOD 1)**