

Modification 1 of Digital Advertising Signage, Loftus

Part 4 Development Application Modification Assessment Report (DA 22-5186-Mod-1)

May 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 1 of Digital Advertising Signage, Loftus (DA 22-5186-Mod-1)
Assessment Report

Published: May 2025

Cover: Subject site (Source: Biodiversity Impact Assessment, 2025)

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of a modification to the approved development application for Digital Advertising Signage located adjacent to the Princes Highway, Loftus. The Applicant for the modification is Sydney Trains / Transport Asset Holding Entity of NSW. The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations and offsets, and provides a view on whether the impacts are, on balance, acceptable, and
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

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1 Introduction

1.1 The proposal

On 28 June 2023, Sydney Trains / Transport Asset Holding Entity of NSW (the Applicant) sought and was granted consent for the installation and operation of a single sided, freestanding monopole digital advertising billboard adjacent to the Princes Highway, Loftus. The approved signage is in the Sutherland Shire local government area.

The original development application (DA22/5186) did not propose, and was not granted consent for, the removal of vegetation within the development site. The Applicant is seeking to modify the consent to allow for the removal of 13 trees in proximity of the approved signage footprint. The statement of environmental effects (SEE) states that this modification is necessary to construct the approved advertising structure.

1.2 Project location

The site is located on the northern side of the Princes Highway at Loftus, within the existing railway corridor. The site is legally described as Lot 2 DP 1183944 and includes existing railway tracks, a segment of the Princes Highway and associated railway infrastructure.

Immediately surrounding and to the north of the site is a vegetation strip with mature trees, and shrubs and grasses. Beyond the vegetation is residential development. To the northeast is a water supply reservoir, electricity substation, oval and residential properties (**Figure 1**).

To the east of the site is the Princes Highway and dense vegetation associated with the Royal National Park. Immediately south of the proposed development site is the South Coast rail line, passing by way of an underpass bridge beneath the Princes Highway. To the south, separated by the Princes Highway, is the Royal National Park. To the immediate west of the site is the Princes Highway and vegetation.



Figure 1 | Local context map (Source: DA 22-5186 Assessment Report)

2 Proposed modification

2.1 Modification overview

The proposed modification involves the removal of 13 trees and undergrowth in the vicinity of the approved advertising sign. Tree clearing is required to enable construction of the approved signage structure and ensure that the line of sight to the signage from the Princes Highway southbound is not obstructed.

This will require changes to conditions A2, A6(a) and B12 as follows

- A2 – addition of a tree removal plan to the list of plans and an aboricultural impact assessment to the list of technical reports
- A6(a) – addition of wording to allow the proposed removal of 13 trees, and
- B12(b) – addition of wording to exempt trees designated for removal from tree protection measures.

The requested changes as proposed by the Applicant to the conditions is shown as *italicised and underlined* in **Table 1**.

Table 1 | Key aspects of the modification

Proposed modified condition of consent – proposed changes are *italicised and underlined*

Condition 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

Proposed modified condition of consent – proposed changes are *italicised and underlined*

51585 001DT	-	Plan Of Detail & Levels At Proposed Signage Location - Princes Highway, Loftus, Sheet 2 of 2	17/11/2021
<u>Tree Removal Plan prepared by Syner Tree Urban Arboriculture</u>			
-	-	<u>TMP01-Tree Removal Plan</u>	<u>8/12/2023</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
<u>Arboricultural Impact Assessment</u>	-	<u>Syner Tree Urban Arboriculture</u>	<u>8/12/2023</u>

Condition A6

This consent does not approve:

- (a) vegetation or tree removal with the exception of trees listed to be removed in the Arboricultural Impact Statement (AIA) prepared by Syner Tree Urban Arboriculture dated December 2023) and (i) in accordance with the Tree Management Plan in the AIA and (ii) unless the offset strategy mentioned in the AIA results in five trees planted for every one tree removed
- (b) works associated with the installation of any electricity or telecommunications cables to service the site

Separate development 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).

Condition 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, *with the exception of those identified for removal in the Arboricultural Impact Statement prepared by Syner Tree Urban Arboriculture dated December 2023;*
- (c) detail protection measures for trees identified in condition B12(b) 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.

The applicant provided updated supporting documents since lodging the modification. This is reflected in the documents listed in Condition A2(d) of the recommended conditions (**Appendix D**).

The Applicant's requested changes to condition A6 have not been adopted in their entirety as the Department is of the opinion that only those trees identified for removal should be approved for felling as the impacts of any additional tree removal has not been assessed.

The Department has also recommended that condition B12 include a requirement that tree protection works must be consistent with the Method Statement in the Applicant's Arboricultural Impact Assessment.

The proposed modification proposes only limited landscaping and offsetting for tree removal. The Department is of the opinion that additional revegetation is required and has included conditions to this effect (Conditions C23 and C24). The Department has also recommended additional requirements for tree protection (Conditions B12 and C22) and removal of existing nest boxes (Condition C25). Requirements for works adjacent to the existing power lines have also been included (Conditions C26 and C27).

3 Statutory context

3.1 Scope of modification and assessment pathway

Details of the scope of the modification and legal pathway under which modification is sought are provided in **Table 2** below.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	<p>The proposal is a section 4.55 (1A) modification</p> <p>The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minimal environmental impact as the proposal involves minor modifications to an approved project and would not significantly increase the environmental impacts of the development as approved,</p> <p>The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.</p>
Consent Authority	<p>Minister for Planning and Public Spaces</p> <p>The Minister was the consent authority for the approved development application. Section 4.55(1A) of the EP&A Act provides for a consent authority to modify a consent if it is of minimal environmental impact. As such, the Minister is the consent authority for the modification application.</p>
Decision-maker	<p>Director, Transport and Water Assessments</p> <p>Under the Instrument of Delegation dated 9 March 2022, the functions and powers of the Minister to determine a modification under section 4.55(1A) of the EP&A Act, may be delegated where:</p> <ul style="list-style-type: none">• the relevant local council has not made a submission by way of an objection;• the modification application is not made by a person who has disclosed a reportable political donation in connection with the modification application;• there are no public submissions in the nature of objections.

Consideration	Description
	The proposed modification meets the terms of this delegation. As such, the Director, Transport and Water Assessments has the delegated authority to determine the modification request.
Permissibility	<p>Permissible with consent</p> <p>The site is zoned SP2 Railway Infrastructure under the <i>Sutherland Shire Local Environmental Plan 2015</i> (Sutherland Shire LEP).</p> <p>Section 3.14 of <i>State Environmental Planning Policy (Industry and Employment) 2021</i>(Industry and Employment SEPP) states that despite the provisions of any environmental planning instrument (EPI), or section 3.8 of the Industry and Employment SEPP, the display of an advertisement by or on behalf of Sydney Trains on a railway corridor is permissible with development consent. Railway corridor is defined in section 3.2 of the Industry and Employment SEPP to include land zoned for railway purposes under an EPI.</p> <p>The proposed signage and necessary tree removal works are on land zoned SP2 Rail Infrastructure Facilities and so would be on a railway corridor. As such, the development is permissible with consent.</p>

3.2 Mandatory matters for consideration

3.2.1 Section 4.55 of the EP&A Act considerations

Section 4.55(1A) of the EP&A Act sets out when a consent authority can modify a consent. The Department's consideration of these matters is detailed in **Table 3**.

Table 3 | Matters for consideration under s. 4.55(1A) of the EP&A Act

Matters for consideration under section 4.55(1A)	Department's consideration
(a) Whether the proposed modification is of minimal environmental impact	The proposed modification is considered to be of minimal environmental impact and would not involve significant impacts outside the approved development.
(b) Whether the development to which the consent as modified related is substantially the same development	The development, as proposed to be modified, is considered substantially the same development for which the consent was originally granted.

Matters for consideration under section 4.55(1A)	Department's consideration
(c) Whether notification has occurred, and any submissions have been received	The modification application was not notified or advertised as there was no mandatory requirement for this to occur in the EP&A Act, <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) or the Department's <i>Community Participation Plan</i> (November 2019). The Department did make the modification application publicly available on the Department's website on 11 February 2025.
(d) Any submission made concerning the proposed modification has been considered	The modification request was not exhibited or notified for public comment.

3.2.2 Matters of consideration required by section 4.15(1) of the EP&A Act

In determining the modification, the consent authority must take into consideration the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application (refer section 4.55(3) of the EP&A Act). The Department's consideration of these matters is shown in **Table 4**.

Table 4 | Matters for consideration section 4.15(1) of the EP&A Act

Matter for consideration	Department's assessment
(a) the provisions of — (i) any environmental planning instrument, and	Satisfactorily complies. The relevant EPIs are the Industry and Employment SEPP, <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) and Sutherland Shire LEP. The Department's consideration of the EPIs is provided in Section 3.2.4 and in Appendix B (Table B-3 and Table B-4) . The Department is satisfied that the proposed modification generally complies with the relevant provisions of the SEPP.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent	There are no applicable proposed environmental planning instruments.

Matter for consideration	Department's assessment
<p>authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p>	
<p>(iii) any development control plan, and</p>	<p>The relevant development control plan (DCP) is the Sutherland Shire DCP 2015. The Department is satisfied that the proposed modification generally complies with the relevant provisions of the DCP, as addressed in Appendix B, Table B-5.</p>
<p>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</p>	<p>The Applicant has not entered into a planning agreement under section 7.4 of the EP&A Act.</p>
<p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</p>	<p>The Department has assessed the proposed modification in accordance with all relevant matters prescribed by the Regulations, the findings of which are contained in this report.</p> <p>Subject to any other references to compliance with the EP&A Regulation cited in this Assessment Report, the requirements for fees (Part 15, Schedule 4) have been complied with.</p>
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the modification proposal in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.</p>
<p>(c) the suitability of the site for the development</p>	<p>The proposed modification does not adversely impact on surrounding uses and is considered to be a suitable development at that location.</p>
<p>(d) any submissions made in accordance with this Act or the regulations</p>	<p>The modification application was not exhibited and there were no submissions.</p>

Matter for consideration	Department's assessment
(e) the public interest	<p>The proposed modification is required to enable the construction and operation of the approved advertising signage structure.</p> <p>Revenue generated from advertising would be reinvested into the train network. The signage will also display road safety messaging. As such, approval of the proposed works is in the public interest.</p>

Section 4.55(3) also requires the consent authority to take into consideration the reasons for the granting of the consent that is sought to be modified. The Department has considered the findings and recommendations of the Department's Assessment Report for DA22-5186 and is satisfied that the key reasons for the granting of consent continue to apply to the development as proposed to be modified.

3.2.3 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in **Appendix B, Table B-1**.

As a result of the analyses in **Table B-1**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

3.2.4 State Environmental Planning Policies

The Department considered the relevant provisions of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) and *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) in its assessment of the original development application (DA22-5186). This modification application involves minor changes to the project involving the removal of trees and undergrowth. The Department has considered the proposed modification against the relevant provisions of the Industry and Employment SEPP (**Table B-3**) and Transport and Infrastructure SEPP (**Table B-4**) and is of the opinion that the modification is consistent with both SEPPs.

3.2.5 Sutherland Shire Local Environmental Plan 2015

The approved development was assessed against the relevant requirements of the Sutherland Shire LEP and was considered compatible with the site zoning – SP2 Infrastructure – and the objectives of this zone (see **Table 2**) The proposed modification is required to facilitate the construction of the proposed development.

The development site is located on land classified as Environmentally Sensitive - Terrestrial Biodiversity under section 6.5 of the Sutherland Shire LEP. The objectives of this zone are to protect native flora and fauna and ecological processes necessary for their continued existence and encourage their, and their habitats, conservation and recovery.,

The Applicant has undertaken an assessment of the impact of the proposed clearing and concluded that the works will not have a significant impact on threatened species or their habitats. In addition, no threatened species have been recorded in the small patch of vegetation to be removed.

Revegetation and replacement tree planting will be required (refer **Section 5.1**) as part of the approval, providing additional native flora and habitat.

3.2.6 Sutherland Shire Development Control Plan 2015

The Department considered the relevant provisions of the Sutherland Shire DCP in its assessment of the original development application. The relevant section of the DCP with respect to the proposed modification is Chapter 39 Natural Resource Management. The Department has considered the proposed modification against the objectives and controls of Chapter 39 of the DCP and is satisfied that it generally complies with these (refer **Appendix B, Table B-5**).

3.2.7 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all modifications of a development consent to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

The Applicant has assessed the impact of the removal of the trees and other vegetation on biodiversity values. The Department acknowledges that the removal will not impact on threatened species or their habitats and that the existing vegetation is degraded and highly modified. As such, the Department is of the opinion that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application. Section 5.1 details the Department's consideration of biodiversity impacts.

4 Engagement

4.1 Exhibition of the modification

There are no mandatory exhibition requirements for Section 4.55(1A) modifications under the EP&A Act, EP&A Regulation or the Department's *Community Participation Plan* (November 2019). As such, the modification application was not publicly exhibited. The Department did make the modification application publicly available on the Department's website on 11 February 2025.

4.2 Notification of the modification

The Department notified Sutherland Shire Council of the application and sought comment.

Notification was also provided to Ausgrid as the proposed modification is immediately adjacent to an easement for electricity purposes (refer section 2.48 of the Transport and Infrastructure SEPP).

Notification was also provided to TfNSW / Sydney Trains as it is the relevant rail authority.

4.2.1 Summary of advice received from government agencies

Ausgrid advised that there are overhead powerlines in the vicinity of the development. It stated that it is the responsibility of the developer to verify and maintain minimum clearances during construction in accordance with the relevant statutory requirements. A link to Ausgrid's advice is provided in **Appendix C**.

TfNSW did not provide any comments.

4.2.2 Summary of council submission

Sutherland Shire Council provided comments on the proposed modification (**Appendix C**). Concerns raised included:

- the Statement of Environmental Effects does not address Chapter 39 of the Sutherland Shire DCP 2015, in which the site is mapped as Greenweb Support Areas
- replacement planting to offset tree removal should be at a ratio of 8:1, and
- vegetation clearing should be avoided or minimised as much as possible. Council identified two Grey Gums (trees 3 and 4) which should be retained as they do not appear to be within the line of site of the signage.

Council recommended several conditions regarding tree protection and weed management, should the modification application be approved.

4.3 Request for further information

On 3 February 2025, the Department requested the Applicant provide further information to address biodiversity and visual impacts and confirm the extent of vegetation clearing (refer **Appendix A**).

The Applicant provided an updated biodiversity impact assessment which included a test of significance. This test concluded that the site did not contain any threatened ecological communities, species or important habitat for threatened species, and the proposed modification is unlikely to result in a significant impact to wildlife.

The Applicant also addressed the potential impact of vegetation removal on the visual amenity of the nearby residential dwellings at Tilba Place, Yarrawarrah as these would be most affected by any vegetation removal.

In addition, the response to the request for information included an updated Arboricultural Impact Assessment which illustrated which trees would be removed and revised the extent of proposed vegetation clearing from 14 trees to 15 trees.

On 27 March 2025, the Department asked the Applicant to provide further information to address Council's comments and concerns regarding tree removal. The Applicant responded by providing another updated Arboricultural Impact Assessment which revised the extent of proposed vegetation clearing to 13 trees. The updated assessment confirmed that trees 3 and 4, whose removal was questioned by Council in its submission, would be retained. A Line of Site plan was provided to justify the removal of identified trees within the view corridor.

5 Assessment

The Department considers that the two main impacts associated with the proposed modification are impacts on biodiversity and the visual amenity of nearby residents.

5.1 Biodiversity

The proposed clearing of trees and vegetation will not significantly impact threatened species.

The site is on a highway embankment within the railway corridor. The vegetation being cleared is highly degraded and modified and does not comprise a threatened ecological community nor is it representative of a naturally occurring plant community type. Further, the Applicant's biodiversity assessment indicates that no threatened species have been identified on the site. In addition, the proposal is not likely to have an adverse effect on the life cycle of any threatened species such that a viable local population of these species is likely to be placed at risk of extinction. The Applicant's biodiversity assessment also indicates that the site is likely to only support urban tolerant, non-threatened fauna species.

The site is not located on the NSW Biodiversity Values Map which identifies land with high biodiversity value that is particularly sensitive to clearing and development impacts. Seven of the trees to be removed are either dead, dying, diseased or declining. Two are not native. The Department has recommended conditions requiring tree replacement at a ratio of 2:1 and landscaping with endemic species. This would improve biodiversity values as there would be more native trees and vegetation and it would be of good condition.

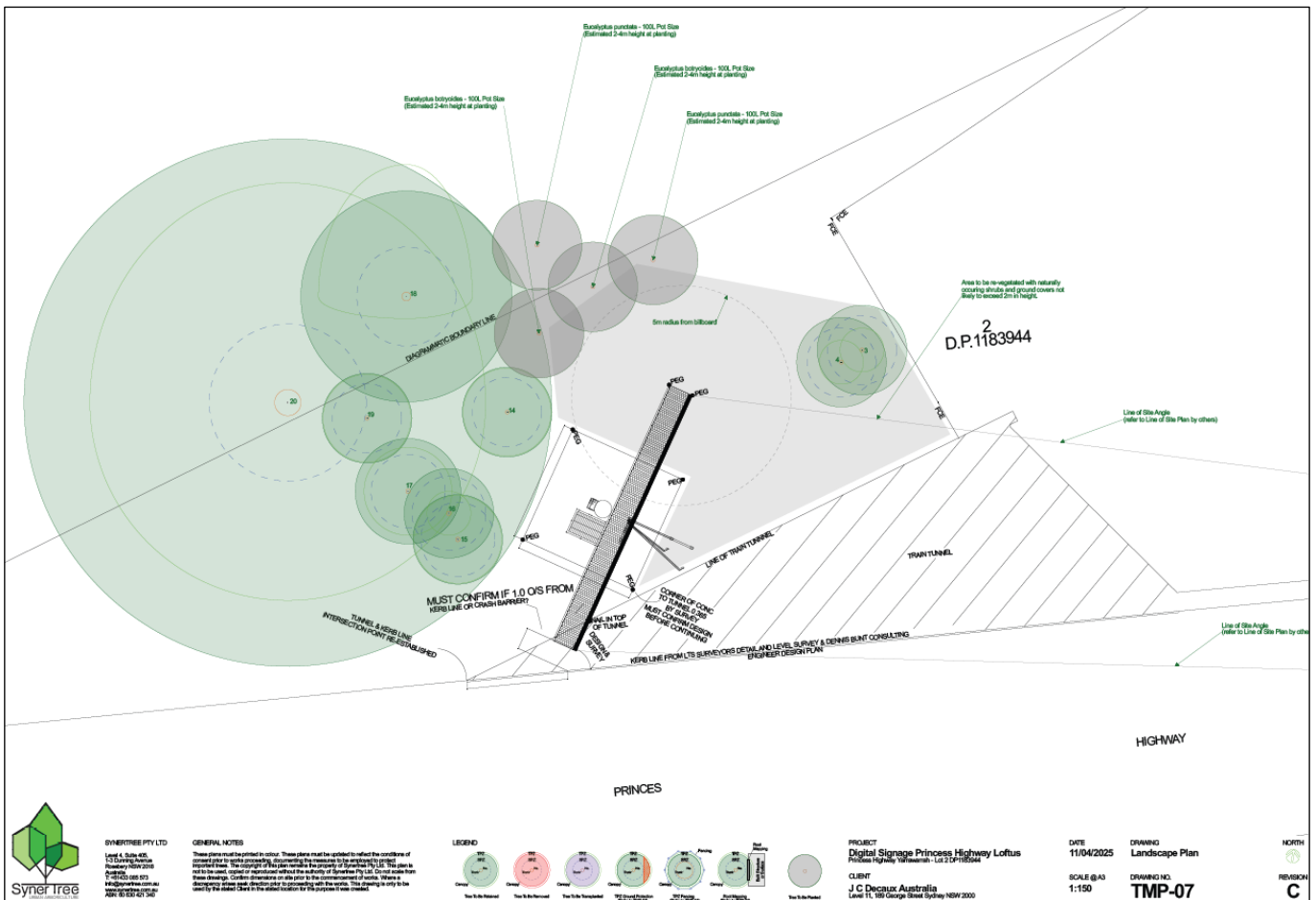
The Applicant has minimised the extent of vegetation clearing necessary for the construction and operation of the approved advertising signage.

The proposed modification, as amended, has reduced the total tree removal from 15 to 13 trees, to retain two grey gums as requested by Council. Following installation of the signage, the cleared area would be remediated and replanted with native shrubs and ground cover. The Department is satisfied that the proposed extent of vegetation clearing has been limited to that necessary for earthworks, line of sight requirements, or encroachment into the structural root zones by the signage structure.

Removed trees must be replaced at a ratio of 2:1 and landscaping must be undertaken to compensate for vegetation removal.

The Applicant proposes to plant four 100 litre eucalyptus trees to compensate for the removal of trees from the site and provide screening from nearby residences (refer **Figure 2**).

Figure 2 | Proposed landscape plan (Source: Aboricultural Impact Assessment, 2025).



The Department considers that planting four trees does not compensate for the removal of 13 trees. Sutherland Shire Council recommended a replacement ratio of 8:1. This is higher than the 2:1 ratio for tree replacement on private land nominated in its DCP (Chapter 39, section 4.15). Consistent with the DCP and the Department's approach on compensating for tree removal, a replacement planting of 2:1 has been recommended. The Department has also recommended that all new tree plantings are endemic.

The Aboricultural Impact Assessment recommends that the area in front of the billboard be remediated and replanted with shrubs and groundcovers that reach a maximum height of two metres. This has been reinforced in the conditions with a requirement that 80% of understorey plants are endemic species.

The Department has also recommended the Applicant prepare a Revegetation Management Plan which details the species of new plantings, and the monitoring and maintenance measures to manage the planted vegetation to ensure the success of the landscaping. Further, the recommended conditions include a requirement to undertake weed management of the landscaped area. The approved signage structure is located in an area mapped by Sutherland Shire Council as a

‘Greenweb Support Area’. The Department considers that the recommended tree replacement plantings and requirements for landscaping would provide ancillary bushland habitat consistent with the aim of Council’s Greenweb Support Area, which is to provide landscape treatments, maximise habitat values and minimise disruption to fauna connectivity (refer **Appendix B, Table B-5**).

Nest boxes will be relocated to provide habitat for animals that rely on tree hollows

The trees that will be removed do not contain hollows. A neighbouring resident has installed a number of nest boxes on the site. No fauna was observed using the nest boxes during the site survey by the Applicant’s specialist ecological consultant. The consultant has recommended that any nest boxes affected by tree felling should be removed in the presence of an ecologist. The Department has recommended this as a condition of approval along with a requirement for the ecologist to be present for the relocation of the nest boxes.

5.2 Visual Amenity

Proposed removal of vegetation would not significantly increase visual amenity impacts on adjoining properties

Visibility of the sign is expected to be largely restricted to the road corridor (motorists travelling east and west) as the sign has been designed and positioned to face traffic travelling westbound on the Princes Highway. Tall and dense vegetation surrounding the site between the signage structure and the closest residential properties on Tilba Place will assist in screening direct views towards the signage structure from most properties.

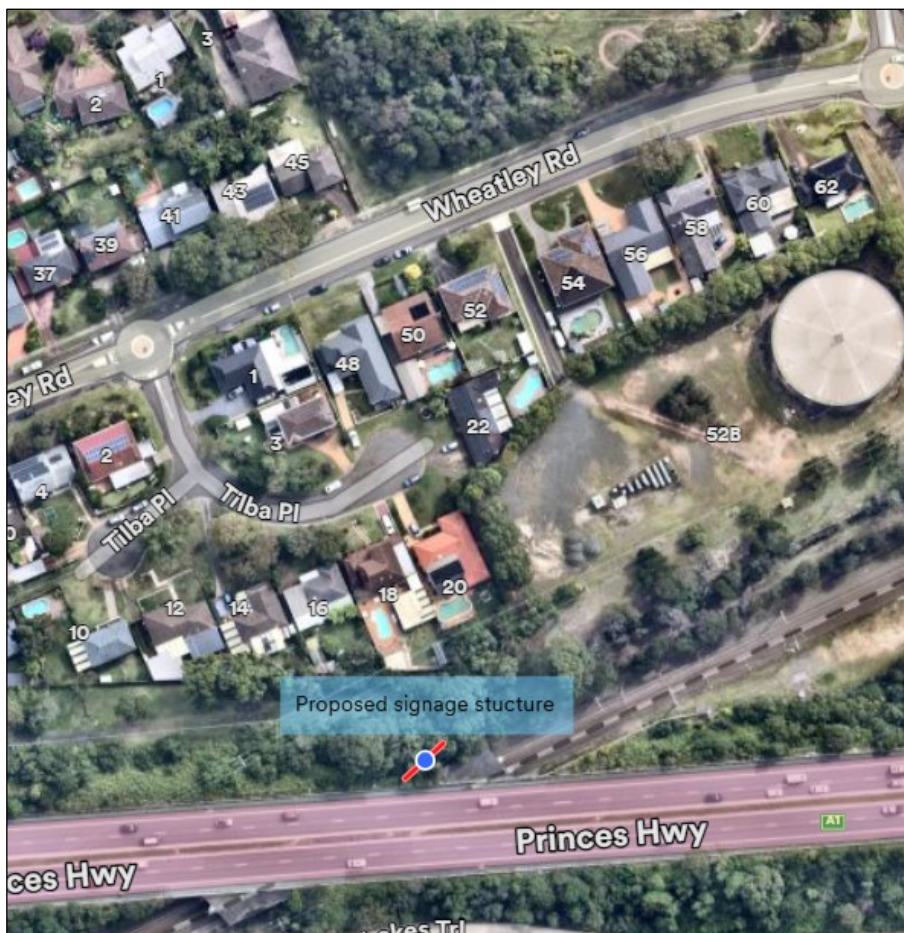
An inspection of the site was undertaken by Department staff on 15 April 2025 to better understand the potential impact of the proposed tree removal on the amenity of nearby residents in Tilba Place and Wheatley Road. The following observations were made:

- No. 22 Tilba Place is orientated in such a direction that residents would be unlikely to have views of the signage structure and views are likely to be obscured by existing vegetation in the line of sight to the signage structure
- views of the signage structure from No. 20 Tilba Place are likely to be obscured by the dense vegetation along the rear property boundary
- the side /rear of the signage structure is likely to be visible from the side windows on the first floor of No.18 Tilba Place
- views of the signage structure from No.s 12, 14 and 16 Tilba Place are likely to be obscured by the vegetation along the rear property boundary and adjacent to the rail corridor

- filtered views (through trees) of the rear of the signage structure are likely from the first floor of No. 10 Tilba Place
- views of the side of the signage structure are likely from No. 3 Tilba Place and 48 Wheatley Road
- filtered views of the side of the signage structure are likely from No.'s 54-62 Wheatley Road, and
- views from No 52 and 50 are likely to be obstructed by No.s 22 and 20 Tilba Place.

The location of the abovementioned properties is shown in **Figure 3**.

Figure 3 | Location of properties with potential views of the signage structure following tree removal (Source: Nearmap, 2025)



As noted above, the properties to be most affected by the removal of trees will be No.s 3, 10 and 18 Tilba Place and 48 Wheatley Road. Although the signage structure will be visible, the visual impact is considered acceptable as:

- views will be limited to the side and/or rear of the structure

- the level of impact will be dissipated by distance (approximately 100 metres to 10 Tilba Place, approximately 45 metres to No.18 and approximately 100 metres to No. 3 Tilba Place and 48 Wheatley Road), and
- the signage pole and ancillary supporting structure will be in Colorbond pale eucalypt to integrate into the remaining vegetation.

5.3 Other Issues

As noted in Section 4.2, the Department notified Ausgrid of the modification application as the proposed tree felling works are adjacent to an easement for electricity purposes. Ausgrid made a number of recommendations relating to adherence to relevant codes of practice and maintaining minimum clearance distances to the existing power lines. The Department has included these in the recommended conditions of consent.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development, advice from government authorities, and the local council.

If approved, the modification would enable the Applicant to remove vegetation necessary to facilitate the construction and operation of the advertising signage approved in the original DA.

The Department has recommended a number of conditions to manage impacts associated with vegetation removal. These include requirements for landscaping and tree replacement.

The Department has formed the opinion that the proposed modification is acceptable as:

- it complies with relevant statutory provisions and remains consistent with the EP&A Act
- it is required to facilitate the construction and operation of the approved development
- it will not significantly affect threatened species or ecological communities or their habitats, and
- removal of the vegetation will not result in significant adverse impacts on the visual amenity of nearby residents.

As such, the Department recommends the modification application should be approved, subject to the recommended conditions.

7 Recommendation

It is recommended that the Director, Transport and Water Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies the consent** for the Digital Advertising Signage, Loftus (DA22/5186) subject to the conditions in the attached instrument of modification, and
- signs the attached instrument of modification (**Appendix D**).

Recommended by:



Daniel Neely

Para Planner

Transport and Water Assessments

Recommended by:



Mary Garland

Team Leader

Transport and Water Assessments

8 Determination

The recommendation is **adopted** by:



Glenn Snow

Director

Transport and Water Assessments

Glossary

Abbreviation	Definition
BC Act	<i>Biodiversity and Conservation Act 2016</i>
BDAR	Biodiversity development and assessment report
ESD	Ecologically sustainable development
Council	Sutherland Shire Council
Department	Department of Planning, Housing and Infrastructure
DCP	Development control plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
Industry and Employment SEPP	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
Planning Systems SEPP	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
Sutherland Shire DCP	<i>Sutherland Shire Development Control Plan 2015</i>
Sutherland Shire LEP	<i>Sutherland Local Environmental Plan 2015</i>

Abbreviation	Definition
TAHE	Transport Asset Holding Company NSW
TfNSW	Transport for NSW
Transport and Infrastructure SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>

Appendices

Appendix A – Requests for information

The Department's requests for information and responses from the Applicant can be viewed at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/modification-digital-advertising-signage-princes-highway-loftus-da225186-mod-1>.

Appendix B - Statutory considerations

The Department's assessment has included detailed consideration of the relevant statutory requirements. These include:

- the objects of the Act listed in section 1.3 of the EP&A Act (refer **Table B-1**)
- the matters listed under section 4.15(1) of the EP&A Act (**Table 4**)
- Division 4.6 of the EP&A Act (**Table B-2**), and
- relevant EPIs and DCP (**Table B-3**, **Table B-4** and **Table B-5**).

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table B-1** below.

Table B-1 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<ul style="list-style-type: none">• The proposed modification would enable the construction and installation of an approved advertising signage, which would provide social and economic benefits by generating revenue which will be re-invested into the Sydney Trains network.• The Department's recommended conditions requiring tree replacement and landscaping with endemic flora species, and ongoing management of the revegetated area, is consistent with the objective of promoting a better environment by proper management.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The potential environmental impacts of the proposed modification have been considered by the Department. It is considered that the proposed works will not increase the impact on biodiversity values as the vegetation to be removed is not of high value and no threatened flora or fauna species will be impacted.</p> <p>The proposed development is unlikely to have significant impacts on the social or economic</p>

Object	Consideration
	<p>environment and will generate funds for investment into the rail network.</p> <p>As such, the Department considers that the proposed modification would not adversely impact on the biophysical or social environments, and that the principals of ESD have been appropriately considered.</p>
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none"> • The proposal involves the orderly and economic use of land through the utilisation of land adjacent to a major road and railway corridor.
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> • Not applicable - The proposed development does not directly contribute to delivery and maintenance of affordable housing.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> • The Applicant has undertaken a test of significance to determine whether the proposed modification is likely to significantly affect threatened species or ecological communities, or their habitats in accordance with section 7.3 of the BC Act. The test concluded that there would be no significant impact on the life cycle of any threatened species (refer Section 5.1).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> • The proposed modification would not adversely impact on heritage.
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> • The Department considers the proposed modification would not result in unacceptable built form impacts.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> • Not applicable - The proposed modification is not for an occupiable building.

Object	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	<ul style="list-style-type: none"> The Department referred the proposed modification to relevant government agencies and Sutherland Shire Council and invited them to comment. The Department has given due consideration to their advice.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	There are no mandatory exhibition requirements for Section 4.55(1A) modifications under the EP&A Act, EP&A Regulation or the Department's <i>Community Participation Plan</i> (November 2019). As such, the modification application was not publicly exhibited. The Department did make the modification application publicly available on the Department's website on 11 February 2025.

Division 4.6 of the EP&A Act

Division 4.6 of the EP&A Act addresses Crown developments and applies to modifications made by the Crown in the same way it applies to an application for development consent (refer section 4.35, EP&A Act). **Table B-2** sets out the Department's consideration of Division 4.6.

Table B-2 | Matters for consideration under Division 4.6 of the EP&A Act

Matter	Consideration
Section 4.32 Definitions	
(1) In this Division — ... Crown development application means a development application made by or on behalf of the Crown.	The Applicant and landowner is a public authority, and the modification application is considered to be a Crown application.
Section 4.33 Determination of Crown development applications	
(1) A consent authority (other than the Minister) must not —	
(a) refuse its consent to a Crown development application, except with the approval of the Minister, or	The Department recommends the modification application be approved, subject to the recommended conditions (Appendix D).
(b) impose a condition on its consent to a Crown development application, except	The Minister is the consent authority.

Matter	Consideration
with the approval of the applicant or the Minister.	The Department forwarded the recommended conditions to the Applicant on 22 May 2025. The Applicant accepted the conditions on 27 May 2025.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs and DCP were considered as part of the assessment of this proposal:

- *State Environmental Planning Policy (Industry & Employment) 2021* (Industry and Employment SEPP) – **Table B-3**,
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) – **Table B-4**,
- Sutherland Shire LEP, and
- Sutherland Shire DCP – **Table B-5**.

Industry and Employment SEPP

Table B-3 | Industry and Employment SEPP compliance assessment

Section	Criteria	Comments	Complies
Part 3.1 Preliminary			
3.1 Aims, objectives etc (1) This Chapter aims — (a) to ensure that signage (including advertising) —	(i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish	The signage is generally consistent with the objectives. It is located in a rail corridor and provides an effective means of communication along a motorway. The modification application does not propose any changes to the approved physical signage structure or displayed content. The Department has recommended conditions requiring replacement tree planting and revegetation to mitigate potential amenity impacts.	Yes

Section	Criteria	Comments	Complies
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Part 3.2 Signage generally

3.6 Granting of consent to signage A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied —	(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	The Department considers the proposed modification generally complies with the objectives of this policy and the assessment criteria in Schedule 5, as detailed in this Table.	Yes
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Schedule 5 Assessment criteria

1. Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The Department is satisfied that the proposed modification is necessary for the construction and operation of the approved signage. The proposed works are compatible with the character of the railway corridor and adjacent road corridor.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
2. Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas,	The site is not located within, nor detracts from, any environmental sensitive, natural, conservation, open space, waterway or rural landscapes. The site is located near a residential area. However, the proposed removal of vegetation would not significantly increase visual amenity impacts on adjoining properties, as discussed in Section 5 .	Yes

Section	Criteria	Comments	Complies
	natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The Department has recommended conditions requiring revegetation and tree replacement to compensate for the loss of existing vegetation and lessen any visual impacts.	
3. Views and vistas	Does the proposal obscure or compromise important views?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
	Does the proposal dominate the skyline and reduce the quality of vistas?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
	Does the proposal respect the viewing rights of other advertisers?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
4.Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The Applicant has minimised the extent of vegetation clearing necessary for the construction and operation of the approved advertising signage. Following installation of the signage, replacement endemic trees would be planted in the rail corridor and the cleared area would be remediated and replanted with 80% endemic shrubs and ground cover.	Yes
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A

Section	Criteria	Comments	Complies
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
	Does the proposal screen unsightliness?	Refer to the Department's assessment of the original development application (DA22-5186)	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<p>The approval for the development application acknowledged that the signage would slightly protrude above tree canopies.</p> <p>The modification involves the removal of 13 trees in the vicinity of the approved signage. However, substantial tree canopy cover would be retained along the motorway and rail corridor and adjacent to nearby residential properties. The signage structure will be painted pale eucalypt green to reduce the contrast between the pole and surrounding vegetation.</p>	Yes
	Does the proposal require ongoing vegetation management?	The Department has recommended conditions requiring the preparation of a revegetation management plan and ongoing maintenance of on-site vegetation.	Yes
5. Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	<p>The compatibility of the signage structure within the site context was considered as part of the Department's assessment of the development application.</p> <p>The extent of proposed vegetation clearing has been minimised and will be mitigated by the required replacement planting and landscaping.</p>	Yes
	Does the proposal respect important	The modification respects important features of the site by minimising the extent of proposed vegetation	

Section	Criteria	Comments	Complies
	features of the site or building, or both?	clearing and providing replacement plantings and landscaping, consistent with Council's comments.	
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
6. Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
7. Illumination	<p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the</p>	Refer to the Department's assessment of the original development application (DA22-5186).	N/A

Section	Criteria	Comments	Complies
	<p>illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>		
8. Safety	<p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	Refer to the Department's assessment of the original development application (DA22-5186).	N/A
Part 3.3 Advertisements			
Section 3.11(2)(b) and 3.11(3)	The advertising structure has been assessed in accordance with the assessment criteria in the Guidelines	<p>The "Guidelines" is the document <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017). Section 1.6.3 addresses modification applications and states that they need to address the digital signage criteria in Section 2.5.8 and Section 3 of the Guideline.</p> <p>The proposed modification does not affect the type, location, design or operation of the digital signage structure. As such, there are no relevant criteria to address.</p> <p>The public benefit was assessed as part of the approved development application and the proposed modification does not affect this matter.</p>	

Transport and Infrastructure SEPP

Table B-4 | Transport and Infrastructure SEPP compliance assessment

Clause	Criteria	Comments	Complies
Subdivision 2 Development likely to affect an electricity transmission or distribution network			
2.48 Determination of development applications – other development	<p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must –</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>	<p>The Department notified Ausgrid as the proposed modification is immediately adjacent to an easement for electricity purposes (see Section 4.2).</p> <p>The Department has recommended a condition requiring that the Applicant undertake clearing and replacement planting works in accordance with the code of practice and standard for working near power lines.</p>	Yes
Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements			
2.98 Development adjacent to rail corridors	<p>(2) Before determining a development application for development to which this section applies, the consent authority must –</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration –</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p>	<p>The Department notified Transport for NSW / Sydney Trains as the proposed modification potentially requires vegetation clearing within 5 metres of railway corridor electricity lines (see Section 4.2).</p> <p>TfNSW / Sydney Trains did not provide a response.</p>	Yes

Clause	Criteria	Comments	Complies
	(ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.	The project remains consistent with the Department's consideration of the relevant aspects of the <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> undertaken for the original development application (DA22-5186).	Yes

Sutherland Shire DCP 2015

The proposed development is located on land that, consequent to Section 4.15(3)(c) of the EP&A Act, the consent authority must consider the requirements of the Sutherland Shire DCP. As noted in **Section 3.2.5**, the only part of the Sutherland Shire DCP of relevance to the modification application is Chapter 39. The Department's consideration of this chapter is provided in **Table B-5**.

Table B-5 | Sutherland Shire DCP assessment

Provision	Complies	Considerations
1.1 Objectives for all Greenweb areas		
1.1.1 Prevent direct loss of habitat in core and support areas by requiring the retention or restoration of areas of habitat in a size and configuration that will enhance long term sustainability.	Yes	The subject site is mapped as a Greenweb Support area in the Sutherland Shire DCP. The modification application has minimised the extent of proposed vegetation clearing. The Department has recommended conditions requiring replacement trees and groundcover, ongoing weed management and landscaping maintenance.
1.1.2 Prevent fragmentation of bushland by requiring the landscaped component of a site to function as a wildlife corridor, linking proximate areas of habitat.	Yes	The Department has recommended conditions requiring the preparation of a revegetation management plan and for replacement landscaping to consist of at least 80% endemic plants.
1.1.3 Improve the function of riparian zones and foreshores as natural areas so that they provide linkages and corridors between areas of habitat.	N/A	Not applicable as the site is not located in proximity to a riparian zone or foreshore.
1.1.4 Minimise weed invasion and spread by requiring appropriate landscape treatment within Greenweb areas.	Yes	The Department has recommended conditions requiring ongoing weed management and replacement landscaping consisting of at least 80% endemic plants.

Provision	Complies	Considerations
1.1.5 Require revegetation of habitat or corridor, so as to compensate for detrimental impacts accruing from the development of land.	Yes	Consistent with Sutherland Shire's DCP and the Department's approach on compensating for tree removal, a replacement planting of 2:1 has been recommended. The Department has also recommended that all new tree plantings are endemic, as recommended by Council.
1.1.6 Utilise landscaped area to re-establish corridors in urban areas through the establishment of canopy and groundcover links across properties.	Yes	The Aboricultural Impact Assessment recommends that the area in front of the billboard be remediated and replanted with shrubs and groundcovers that reach a maximum height of two metres. This has been reinforced in the conditions along with a requirement that 80% of understorey plants are endemic species.
1.2 Controls for All Greenweb Areas		
1.2.1 Greenweb areas are to be landscaped with species indigenous to the Sutherland Shire. Trees and landscaping should be provided in a form and configuration that maintains and enhances the core habitat and vegetated linkages.	Yes	The Department has recommended that all new tree plantings are endemic, as recommended by Council. The Aboricultural Impact Assessment recommends that the area in front of the billboard be remediated and replanted with shrubs and groundcovers that reach a maximum height of two metres. This has been reinforced in the conditions along with a requirement that 80% of understorey plants are endemic species.
1.2.2 Development should contribute to the maintenance of local habitats and connectivity between bushland remnants.	Yes	The vegetation being cleared is highly degraded and modified and does not support threatened fauna species. The replacement plantings will assist in maintaining connectivity along the vegetation patch adjacent to the rail corridor. Next boxes have been installed by local residents and the Department has recommended that these be removed and reinstalled nearby in the presence of an ecologist.
1.2.3 Bushfire asset protection zones must not be in identified area of key habitat and corridors except in the case	N/A	

Provision	Complies	Considerations
of development or redevelopment of single dwellings and secondary dwellings on existing lots or alterations and additions to existing dwellings.		
1.2.4 Development should ensure that off-site impacts into adjoining bushland are minimised, such as weed invasion, increased runoff and stormwater pollutants.	Yes	The Department has recommended conditions requiring ongoing maintenance of replacement landscaping and weed management.
1.4 Controls for Greenweb Support Areas		
1.4.1 Development should, through its siting, design and landscape treatment, maximise habitat values and minimise disruption to connectivity through: a) continuous canopy and understorey planting along one boundary, or b) retention and revegetation of remnant bushland elements.	Yes	The proposed works would not increase the impact on habitat values as the vegetation to be removed is not of high value and no threatened flora or fauna species will be impacted. The Applicant has minimised the number of trees to be removed and will undertake revegetation as part of the works.
1.4.2 The required treatment will depend upon the scale of the bushland remnants linked by the land or the quality of the remnants to be retained on site.	Yes	The existing vegetation is degraded and unlikely to provide habitat for threatened species. The Department has recommended conditions requiring that all new tree plantings are endemic, and that 80% of understorey plants are endemic species, as recommended by Council.

Provision	Complies	Considerations
4. Tree and Bushland Vegetation		
<p>4.9.1 Objectives</p> <p>1. Prevent direct loss of habitat in core and support areas by requiring the retention or restoration of habitat in a size and configuration that will enhance long term sustainability.</p>	Yes	Consistent with Sutherland Shire's DCP and the Department's approach on compensating for tree removal, a replacement planting of 2:1 has been recommended. The Department has also recommended that all new tree plantings are endemic, as recommended by Council. In addition, shrubs and ground cover will be planted, providing habitat for small fauna.
2. Prevent fragmentation of bushland by requiring the retention or restoration of vegetation that contributes to the functioning of that area as a wildlife corridor, linking proximate areas of habitat.	Yes	The Applicant's biodiversity assessment indicates that the site is likely to only support urban tolerant, non-threatened fauna species. The Department has recommended conditions requiring replacement undergrowth and trees planting with endemic species listed on Council's Native plant selector.
3. Require the retention and/or restoration of vegetation on steeper slopes to assist in minimising slope instability and soil erosion.	Yes	The proposed modification involves minimal vegetation removal where required to construct the signage structure. The applicant will be required to plant shrubs and groundcover, minimising potential erosion.
4. Require restoration of degraded areas of habitat or corridor.	Yes	The Department has recommended replacement trees and undergrowth consist of endemic species selected from Council's Native plant selector.
5. Require the creation of a habitat or corridor so as to compensate for detrimental impacts accruing from development of land.	Yes	The Department has recommended that any nest boxes affected by tree felling should be removed in the presence of an ecologist. The Department has also recommended a requirement for the ecologist to be present for the relocation of the nest boxes.

Provision	Complies	Considerations
6. Re-establish corridors in established urban areas through canopy links across properties	Yes	The Department has recommended that replacement trees be provided within the rail corridor at a ratio of 2:1.
4.15 Replacement trees		
<p>1. Where Council consents to the removal of an existing tree or bushland in accordance with this section, it will require the replanting of species on the land the subject of the application at the following rates. Replacement tree species will be specified by Council and will be indigenous species of a type suitable for the site.</p> <p>Single Dwellings Development 4:1</p> <p>Dual Occupancy, Medium, High Density 8:1</p> <p>Application to remove tree private property (No proposed development) 2:1 on private land or 4:1 on public land by Deed of agreement</p> <p>Industrial and commercial development 8:1 Subdivision 8:1</p>	Yes	Consistent with the DCP and the Department's approach on compensating for tree removal, a replacement planting of 2:1 has been recommended. The Department has also recommended that all new tree plantings are endemic, as recommended by Council.
2. Where the land can gain views of waterways replacement species will	N/A	The site is not located in proximity to waterways.

Provision	Complies	Considerations
consist of open form species to allow views to be gained through the canopy.		
3. Replacement trees are to be cared for by the landowner until established to a size which is covered by the controls for tree and bushland vegetation i.e. diameter of 100mm or more measured at 500mm above ground level.	Yes	The Department has recommended the Applicant prepare a revegetation management plan which details the species of new plantings, and the ongoing management and maintenance measures for landscaping works to ensure the success of the landscaping. Further, the recommended conditions include a requirement to undertake ongoing weed management of the landscaped area.
4. Consideration may be given to vary the replacement ratios specified in 4.15.1 where a proponent enters into an agreement under the Biodiversity Offset Scheme in accordance with the Biodiversity Conservation Act.	N/A	The applicant has not entered into an agreement under the Biodiversity Offset Scheme.
4.16 Controls for the Protection of Trees and Bushland during Construction	Yes	The Applicant's Arboricultural Impact Assessment outlines measures for tree protection. In addition, the Department has recommended tree protection measures as part of the conditions of approval.
1. Where viable canopy trees or remnant bushland exist on a site, development shall be carefully designed and sited so that the removal of valuable trees and bushland is minimised.	Yes	The proposed modification, as amended, has reduced the total tree removal from 15 to 13 trees, to retain two grey gums, as requested by Council. The Department is satisfied that the proposed extent of vegetation clearing has been limited to that necessary for earthworks, line of sight requirements, or encroachment into the structural root zones by the signage structure.

Provision	Complies	Considerations
2. Where no construction works are proposed, any existing indigenous undergrowth is to be retained.	Yes	The proposed extent of vegetation removal is limited to the area required for construction.
3. All construction works (including the installation of services, site sheds, buildings and stockpile materials and rubbish) shall be located outside the tree protection zone (in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites) of the trees and bushland areas to be retained. This requirement also applies to street trees and trees on adjoining land.	Yes	The Applicant has provided a tree management plan confirming that fencing would be installed during construction to protect the areas of bushland and trees not proposed to be removed. Following installation of the signage, the cleared area would be remediated and replanted with native shrubs and ground cover.
<p>4. For the purpose of subclause 3:</p> <p>a. consideration of the tolerance of individual species to disturbance may modify the minimum acceptable distance from that shown in this table.</p> <p>B. minimum distance refers to the location of the tree protection fence when measured from the centre of the tree trunk at 1.4m above ground level to protective fencing.</p> <p>C. with appropriate precautions, temporary site works may occur within the protected area.</p>	Yes	Tree protection works will be implemented to protect vegetation not earmarked for removal. The Department has also recommended additional tree protection measures. No temporary works are proposed within protected areas.

Provision	Complies	Considerations
D. the use of under boring techniques at depths below 600mm, is required to be retained to minimise the impacts of installation of service conduits, pipelines or the like on trees and bushland.		
5. An arborist, horticulturalist or bush regenerator may be required to undertake and supervise works on or near areas of bushland or individual trees required to be retained.	Yes	As per the Arboricultural Impact Assessment prepared by Synertree and dated 11 April 2025, a suitably qualified arborist must inspect and certify the tree protection measures and supervise all works within a TPZ.
6. Temporary fencing and siltation control measures shall be provided between site works and any trees or bushland on or adjacent to the site required to be retained.	Yes	As per the Arboricultural Impact Assessment, the TPZ will be installed and maintained in accordance with AS 4970-2009.
7. Surface and ground water flows to bushland areas and individual trees shall be maintained in their natural state.	N/A	There are no surface and ground water flows to the site and trees that are not required to be cleared will be maintained in their natural state.
8. The position and alignment of foundations and underground services shall be designed and located to avoid the severing of tree roots greater than 50mm in diameter.	N/A	No new foundations or ground services are being constructed as part of the modification application.

Provision	Complies	Considerations
9. Developments are to be designed to ensure that existing natural ground levels within Tree Protection Zones are maintained. Cut and fill within such areas is not permitted.	Yes	Tree protection fencing will be installed on the perimeter of the tree protection zone. The Applicant does not propose to undertake construction activities within the tree protection zone.
10. Development should maintain vegetative cover on slopes greater than 18 degrees.	Yes	As per the tree management plan, replacement landscaping will be planted in the cleared area following construction of the signage.
4.17 Controls for the Elimination of Weeds		
1. Sites that contain priority or environmental weeds listed in Clause 4.3 shall have these weeds removed in such a manner as to ensure that native vegetation is not destroyed. Ongoing management of the land must ensure that regeneration of such weeds does not occur.	Yes	The Department's recommended conditions require the Applicant to document and implement weed management measures, including those to mitigate weed regeneration.
2. Any imported fill or topsoil or other landscaping material to be used at the development site shall be free of priority and environmental weeds.	Yes	The recommended conditions require the Applicant to ensure any imported fill, topsoil or landscaping material is free of weeds.
3. Areas which have undergone weed removal shall be stabilised and rehabilitated to prevent erosion and loss	Yes	The recommended conditions require the Applicant to implement measures to prevent soil erosion.

Provision	Complies	Considerations
of sediment in accordance with the provisions for environmental site management in Sutherland Shire Environmental Specification 2020 Environmental Site Management.		

Appendix C – Council and government authority advice

Sutherland Shire Council's response and the advice from authorities can be viewed at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/modification-digital-advertising-signage-princes-highway-loftus-da225186-mod-1>.

Appendix D – Recommended instrument of modification

The instrument of modification can be viewed at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/modification-digital-advertising-signage-princes-highway-loftus-da225186-mod-1>.