

# Development consent

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

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney 19 January 2018

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## SCHEDULE 1

<b>Application No.:</b>	DA 8880
<b>Applicant:</b>	Roads and Maritime Services
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Bexley Road, Bexley (Existing Pedestrian Bridge between Kingsgrove Avenue and the M5 Motorway)
<b>Development:</b>	Conversion of existing signage to digital signage, comprising the: <ul style="list-style-type: none"><li>• removal of an existing static advertising sign</li><li>• installation of a new digital signage structure, which includes a total sign area of 47.5 m<sup>2</sup> (13.6 m wide x 3.49 m high) and a digital screen display area of 40.8 m<sup>2</sup> (12.4 m x 3.29 m) and</li><li>• installation of anti-graffiti mesh support structure.</li></ul>

## NOTES RELATING TO THE DETERMINATION OF DA 8880

### Responsibility for other approvals / agreements

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

### Appeals

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

### Legal Notices

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

## DEFINITIONS

Adopted Signage Guidelines Advisory Notes	<i>Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines</i> , dated July 2007 (or its successor) Advisory information relating to the consent but do not form part of this consent
Applicant Application	Roads and Maritime Services The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA Construction Certifying Authority	Building Code of Australia Any works, including earth and building works Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Council Date of Consent	Hornsby Shire Council The date the consent was signed by the Minister for Planning (or delegate)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department Evening EP&A Act Regulation Incident	Department of Planning and Environment or its successors The period from 6pm to 10pm <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister Night time	Minister for Planning, or nominee The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RMS	Roads and Maritime Services Division, Department of Transport or its successor

TfNSW  
Secretary  
Secretary's approval,  
agreement or  
satisfaction  
Subject Site

Transport for New South Wales  
Secretary of the Department of Planning and Environment  
A written approval from the Secretary (or nominee/delegate)

The site as described in Schedule 1.

## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### Development Description

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

#### Terms of Consent

A2 The Applicant, in acting on this consent, must carry out the development generally in accordance with the:

- a) development application DA 8880 submitted by the Applicant on 2 November 2017;
- b) Statement of Environmental Effects 'RMS Bexley Road, Bexley Digital Conversion of Existing Pedestrian Bridge Advertising Sign' prepared by Urban Concepts for oOh!media on behalf of NSW Roads and Maritime Services dated October 2017;
- c) the conditions of this consent and the following drawings, except for:
  - i. any modifications which are Exempt of Complying Development,
  - ii. any modifications as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA, and
  - iii. any modifications required by the conditions of this consent.

Design drawings prepared by Dennis Bunt Consulting Engineers				
Registration No.	Sheet No.	Issue	Name of Plan	Date
DS2017-002608	Sheet 1	2	General Arrangement	30/10/2017
DS2017-002608	Sheet 2	2	General Arrangement	30/10/2017

#### Inconsistency between documents

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

#### Limits of approval

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

#### Duration of Consent

A5 This development consent is issued for a limited period of 15 years after the occupation certificate has been issued. The consent will cease to be in force/expire 15 years after the date of occupation.

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

### **Advertisements - Dwell Time**

A6 Static digital advertisements are to be displayed on the digital LED screen for a minimum dwell time of 10 seconds.

### **Advertisements - Transition Time**

A7 The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second.

### **Advertisements Generally**

A8 Advertisements displayed on the LED advertising screen must be in accordance with the guidelines for sign content outlined in Section 3.6 of the *Transport Corridor Outdoor Advertising and Signage Guidelines*, dated November 2017.

### **Advertisements – Static Advertisements**

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

### **Advertisements – Message Sequencing**

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

### **Advertisements – Traffic Control Device or Driving Instructions**

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

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

### **Advertisements – Dazzle or Distract Drivers**

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

### **Advertisements – Text**

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

## Display of Road Safety and Emergency Messages

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

## Permitted Luminance Levels

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

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	6000 cd/m <sup>2</sup>
Day Time Luminance	6000 cd/m <sup>2</sup>
Morning and Evening, Twilight and Inclement Weather	700 cd/m <sup>2</sup>
Nighttime	200 cd/m <sup>2</sup>

## Road Safety Check

A16 A road safety check which focuses on the effects of the placement and operation of the sign must be carried out in accordance with Part 3 of the *RMS Guidelines for Road Safety Audit Practices* after a 12 month period of operation but within 18 months of the signs' installation. The road safety check must be carried out by an independent RMS accredited road safety auditor. A copy of the report is to be provided to the RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the Applicant.

## Electronic Log

A17 An electronic log of the sign's activities must be maintained by the operator for the duration of the development consent and be available to the consent authority and RMS to allow a review of the signs' activity in case of a complaint.

## Development Near Busy Roads

A18 The sign must comply with all requirements of the NSW Department of Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines*, December 2008 (DNRCBR 2008)

**Wind Loading**

A19 The approved sign must meet wind loading requirements as specified in *Australian Standard AS 1170.1: Structural Design Actions – Permanent, Imposed and Other Actions* and *AS 1170.2:- Structural Design Actions – Wind Actions*.

**Reflectivity**

A20 The visible light reflectivity from the proposed LED screen and materials used on the signage structure shall not exceed 20 per cent and shall be designed so as to minimise glare.

**Prescribed Conditions**

A21 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

**Long Service Levy**

A22 For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

**Legal notices**

A23 Any advice or notice to the consent authority shall be served on the Secretary.

**Minimum Clearance**

A24 A minimum 5.5 m clearance shall be provided between the road surface and the lowest point of the sign.

**END OF PART A**

## **PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE / COMMENCEMENT OF WORKS**

### **Payment of Levy Fee**

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

### **Services**

- B2 The Applicant shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Where areas are disturbed as a result of the provision of services to the development, these areas should be restored to the satisfaction of the asset owner.

### **Structural Details**

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

### **Construction Management Plan**

- B4 Prior to the commencement of works, a **Construction Management Plan (CMP)** shall be prepared and submitted to the Department and Council. The CMP shall address, but not be limited to, the following matters where relevant:
- a) environmental and safety risk assessment;
  - b) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
  - c) contact details of site manager;
  - d) safety, including preparation of a safe work method statement;
  - e) construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009);
  - f) traffic management, including details of the location of any site compound, haulage routes and parking for vehicles associated with the construction (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
  - g) waste management;
  - h) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*; and
  - i) flora and fauna management.



In the event of any inconsistency between the consent and the CMP, the consent shall prevail.

**Contact Telephone Number**

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

**Notice of Commencement of Works**

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

**END OF PART B**

## **PART C – DURING CONSTRUCTION**

### **Approved Plans to be On-site**

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

### **Site Notice**

- C2 a) A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA, Structural Engineer and contact details, including contact phone number.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
- i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

### **Hours of Work**

- C3 The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
- b) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
  - c) between 8:00 am and 1:00 pm, Saturdays; and
  - d) no work on Sundays and public holidays; or
  - e) works may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police, RMS or other authorities, or
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm, or

### **Work Cover Requirements**

- C4 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

### **Hoarding Requirements**

- C5 The following hoarding requirements shall be complied with:
- b) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - c) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- C6 The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

**END OF PART C**

## PART D – PRIOR TO COMMENCEMENT OF USE

### Maintenance Plan

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

### Road Damage

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

### Structural Inspection Certificate

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

**END OF PART D**

## **PART E - POST COMMENCEMENT OF USE**

### **Maintenance**

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

### **Advertising Signage Content**

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

Signage content must also comply with all conditions contained in Part A of this consent and be in accordance with the road safety guidelines for sign content, set out in Section 3.4 of the Department of Planning and Environment's *Transport Corridor Outdoor Advertising and Signage Guidelines*, dated November 20017.

### **Location of Certain Names and Logos**

- E3 The name or logo of the person who owns or leases the approved advertisement may appear only in the bottom right hand corner of the advertising structure and must be no greater than 0.25 m<sup>2</sup> in size.

### **Removal of Graffiti**

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

### **Public Way to be Unobstructed**

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

### **Advertising Revenue/Public Benefit**

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

**END OF PART E**

## **ADVISORY NOTES**

### **Appeals**

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

### **Other Approvals and Permits**

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

### **Responsibility for Other Consents / Agreements**

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

### **Movement of Trucks Transporting Waste Material**

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

### **Temporary Structures**

AN5

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

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN6

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for

Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

