

Development consent

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

I grant consent to the development application referred to in Schedule A, subject to the conditions in Schedules B and C.

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.



Director
Metropolitan and Regional Projects North
Major Projects Assessment
Department of Planning and Infrastructure

Sydney

6th July

2012

SCHEDULE A

Application No.:

DA 024-05-2011

Applicant:

Blacktown Venue Management Limited

Consent Authority:

Minister for Planning and Infrastructure

Land:

Blacktown International Sportspark, Eastern Road,
Rooty Hill (Lot 1 DP1145826)

Development:

Construction and erection of two double sided, single pole, front lit advertising structures and for the display of advertisements within Blacktown International Sportspark.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Blacktown Venue Management Limited, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition B1.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Blacktown City Council
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director	A written approval from the Director- General (or nominee/delegate)
General's approval, agreement or satisfaction	Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
SEE	Statement of Environmental Effects titled Blacktown Olympic Park Advertising Proposal prepared by Stuart J Hill Pty Ltd, dated 14 January 2011, as amended on 30 April 2012
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Incident	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	Minister for Planning and Infrastructure, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Subject Site	Blacktown International Sportspark, Eastern Road, Rooty Hill (Lot 1 DP1145826
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

SCHEDULE B

ADMINISTRATIVE CONDITIONS

Development Description

B1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule A.

Development in Accordance with Plans

B2 The Applicant shall carry out the project generally in accordance with the:

- a) *Statement of Environmental Effects, Blacktown Olympic Park Advertising Proposal*, prepared by *Stuart J Hill Pty Ltd*, on behalf of *Blacktown Venue Management Limited* and dated 14 January 2011.
- b) Submissions response prepared by *Creative Planning Solutions*, on behalf of *Blacktown Venue Management Limited* and dated 25 November 2011.
- c) *Stage 3 - Road Safety Audit*, prepared by *TAR Technologies* dated April 2012.
- d) following drawings, except for:
 - i) any modifications which are Exempt' or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by DesignInc			
Drawing No.	Revision	Name of Plan	Date
SDA00	Rev A	LOCATION PLAN FOR SIGNAGE 1 AND 2	27.03.12
SDA01	Rev A	SIGNAGE 1 M7 MOTORWAY NEAR ATHLETICS STADIUM	27.03.12
SDA02	Rev A	SIGNAGE 2 CORNER OF EASTERN ROAD AND ENTRY TO AFL STADIUM CAR PARK	27.03.12

Inconsistency between documents

B3 If there is any inconsistency between the plans and documentation referred to above and the most recent document shall prevail to the extent of the inconsistency. However, 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

B4 This consent will lapse five years from the date of consent unless the building works associated with the project have physically commenced.

Use for a nominated period

B5 This development application consent is issued for a limited period of 15 years. The consent will expire 15 years after the determination date in Part A Schedule 1 of the consent.

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

Illumination

- B6 The illumination of the approved advertising structures must be in accordance with Section 3.2.5 and Table 4 of the Department of Planning and Infrastructure's Transport Corridor Outdoor Advertising and Signage Guidelines, dated July 2007.

Wind Loading

- B7 The approved advertisement must meet wind loading requirements as specified in Australian Standard AS 1170.1 and AS 1170.2.

Prescribed Conditions

- B8 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Director General as Moderator

- B9 Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

- B10 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

- B11 Any advice or notice to the consent authority shall be served on the Director-General.

SCHEDULE C

PERFORMANCE CONDITIONS

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Erosion and Sedimentation Control

- C1 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Payment of Levy Fee

- C2 Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

Services

- C3 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 telecommunications facility. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant.

Flooding

- C4 Prior to the issue of a Construction Certificate the Applicant shall prepare a report from a professional engineer experienced in Hydraulics, for any construction contained within the 1:100 Floodplain, demonstrating that the development will not increase flood hazard or damage to other properties or adversely affect them in any way and that the structure can withstand the force of flooding.

PRIOR TO COMMENCEMENT OF WORKS

Structural Details

- C5 Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) the relevant clauses of the BCA,
 - b) the development consent, and
 - c) drawings and specifications comprising the Construction Certificate.

Construction Management Plan

- C6 Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Department and to the Council, prior to commencement of work. The Plan shall address, but not be limited to, the following matters where relevant:
- a) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation),
 - b) contact details of site manager,

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- c) traffic management, including details of the location of 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),
 - d) noise and vibration management,
 - e) waste management,
 - f) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting, and
 - g) flora and fauna management.

The CMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CMP, the consent shall prevail.

Illumination and Reflectance

- C7 The light sources for the illumination of the front lit advertising structures must focus solely on the signs and must not have a light source visible to passing motorists with a light output greater than that of a 65W incandescent bulb. The level of reflectance of the advertising structures and its content is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian Standard AS/NZS 1906.1:2007. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifier prior to the commencement of works.

Contact Telephone Number

- C8 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.

DURING CONSTRUCTION

Erosion and Sediment Control

- C9 All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Approved Plans to be On-site

- C10 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

C11

- 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 and Structural Engineer.
- 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 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

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- 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.

Protection of Trees

C12 All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Displaced vegetation

C13 Any trees or significant vegetation that is lost as a result of the advertising signage structures is to be relocated or replaced in a suitable location near to its original position to the satisfaction of the Certifying Authority.

Hours of Work

C14 The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:

- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive,
- b) between 8:00 am and 1:00 pm, Saturdays,
- c) no work on Sundays and public holidays,
- d) Works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) Variation is approved in advance in writing by the Director General or his nominee.

Construction Noise Management

C15 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Road Damage

C16 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/developer prior to the issue of any Occupation Certificate.

POST OCCUPATION

Maintenance

C17 Regular maintenance of the approved advertisement shall be undertaken in accordance with current approved maintenance programs. Signs are to be inspected regularly to identify any damage from storms, graffiti or the like. Annual electrical inspections and structural audits are also to be completed.

Advertising Signage Content

C18 The approved advertising structures must not have or use:

- a) flashing lights,
- b) electronically changeable messages,
- c) animated display, moving parts or simulated movement,
- d) complex displays that hold a drivers attention beyond "glance appreciation",
- e) displays resembling traffic signs or signals, or giving instructions to traffic by using words such as 'halt' or 'stop', and
- f) a method of illumination that distracts or dazzles.

Signage content must be in accordance with the road safety guidelines for sign content, set out in Section 3.4 of the Department of Planning and Infrastructure's Transport Corridor Outdoor Advertising and Signage Guidelines, dated July 2007.

Location of Certain Names and Logos

C19 The name or logo of the person who owns or leases the approved advertisement may appear only within the advertising display area and must not be greater than 0.25m².

Removal of Graffiti

C20 The owner/manager of the site or sign must be responsible for the removal of all graffiti from the advertisement within 48 hours of notification.

ADVISORY NOTES

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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN4

- 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 Environmental Planning & Assessment Act, 1979. 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.

Site contamination issues during construction

AN5 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

AN6 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

AN7 If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.