

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Keiran Thomas
Director
Regional Assessments

Sydney

16 May 2023

SCHEDULE 1

Application Number:	DA 22/5177
Applicant:	Transport Asset Holding Entity of New South Wales / TfNSW / Sydney Trains
Consent Authority:	Minister for Planning
Site:	Princes Highway, Bombo Lot 27 DP1188375
Development:	Demolish existing static sign and construct new digital (two sided) advertising sign

DEFINITIONS

Applicant	Transport Asset Holding Entity of New South Wales (TAHE) / TfNSW / Sydney Trains or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Kiama Municipal Council
Day time	All periods except morning and afternoon twilight and night time
Department	NSW Department of Planning and Environment
Development	The development described in the SEE and RtS including the works and activities comprising construction, operation and post commencement of use as modified by the conditions of this consent.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in this development consent.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Night time	The period from 10pm to 7am on Monday to Saturday and 10pm to 8am on Sundays and public holidays.

Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Operator	The person or company responsible for the carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
RtS	The Applicant's response to issues raised in submissions received in relation to the application and by the Department of Planning and Environment for consent for the development under the EP&A Act.
RMS	Roads and Maritime Services. Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically.
SEE	Statement of Environmental Effects prepared by Keylan (on behalf of TfNSW) dated March 2022
Subject site	The site as described in Schedule 1
TfNSW	Transport for NSW

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- 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	27/10/2022
DA02	D	Proposed Digital Sign General Arrangement & Site Plan	27/10/2022
Survey Plans prepared by LTS			
Job No.	Rev	Name of Plan	Date
51579 001DT	-	Plan Of Detail & Levels At Proposed Signage Location - Princes Highway, Bombo, sheet 1 of 2	15/11/2021
51579 001DT	-	Plan Of Detail & Levels At Proposed Signage Location - Princes Highway, Bombo, sheet 2 of 2	15/11/2021

Technical Report	Rev	Author	Date
Statement of Environmental Effects	2	Keylan Consulting Pty Ltd	25/03/22
Visual Impact Assessment	2	Keylan Consulting Pty Ltd	25/03/22
Response to Submissions	1	Keylan Consulting Pty Ltd	17/8/22
Response to Request for Information (DA22/5177) Digital Advertising Sign – Princes Highway, Bombo	-	Keylan Consulting Pty Ltd	3/11/22
Public Benefit Statement	-	Transport Sydney Trains	21/03/22

Illumination Impact Assessment	C	Electrolight Australia Pty Ltd	24/03/22
Digital Signage Safety Assessment	3	The Transport Planning Partnership	23/03/22
Structural Feasibility Statement, Princes Hwy, Bombo	-	Dennis Bunt Consulting Engineers Pty Ltd	14/10/22

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in **condition A2(a)** above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A5. This consent will lapse five years from the date of consent unless the signage works associated with the project have physically commenced.

EVIDENCE OF CONSULTATION

- A6. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for consent; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

DURATION OF CONSENT

- A7. This development consent is issued for a limited period of 15 years. The consent will cease to be in force and expire 15 years after the date of 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.

STRUCTURAL ADEQUACY

- A8. All new structures, and any alterations or additions to existing structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works

WIND LOADING

- A9. 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

- A10. 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.

OPERATION OF PLANT AND EQUIPMENT

- A11. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A12. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A13. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A14. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

PRESCRIBED CONDITIONS

- A15. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

NON-COMPLIANCE NOTIFICATION

- A16. The notification The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A17. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance
- A18. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

DEVELOPMENT NEAR BUSY ROADS

- A19. 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).

ADVERTISEMENTS GENERALLY

- A20. 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 – DWELL TIME

- A21. Static digital advertisements are to be displayed on the digital LED with a minimum dwell time of 25 seconds.

ADVERTISEMENTS – TRANSITION TIME

- A22. The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second.

PERMITTED LUMINANCE LEVELS

- A23. The luminance levels of the LED advertising screen must comply with Australian Standard AS 4282-2019 Control of the obtrusive effects of outdoor lighting, and the below table:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	Maximum Output cd/m ²
Day time	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	700 cd/m ²
Night time	250 cd/m ²

The average luminance difference between successive images is not to exceed 30% to ensure compliance with Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

The LED advertising screen must be capable of having luminance levels adjusted.

ADVERTISEMENTS – STATIC ADVERTISEMENTS

A24. 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 A21**. The sign must not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.

ADVERTISEMENTS - TEXT

A25. 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 A29** provides further guidance).

ADVERTISEMENTS – MESSAGE SEQUENCING

A26. 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

A27. 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 – NOT TO DAZZLE OR DISTRACT DRIVERS

A28. 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.

DISPLAY OF ROAD SAFETY AND EMERGENCY MESSAGES

A29. The LED advertising screen shall be available for 5 minutes per hour for the display of customer promotion and event messages by arrangement with TfNSW and Sydney Trains at no cost to TfNSW. Additionally, the LED advertising screen shall be made available for use, at no cost, to allow emergency messaging to override the commercial advertising.

Note: The emergency messaging, including station emergency situations, major disruptions to the rail network and threat-to-life alerts by NSW Government emergency and police agencies, are not included in the 5 minutes per hour

ROAD SAFETY AUDIT

A30. A road safety check which focuses on the effects of the placement and operation of the sign must be carried out in accordance with 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 TfNSW accredited road safety auditor. A copy of the report is to be provided to the TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the Applicant.

- A31. In the event the findings and/or recommendations of the RSA cannot be addressed by the Applicant, the sign is to be removed at no cost to TfNSW.

ELECTRONIC LOG

- A32. 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 TfNSW to allow a review of the signs' activity in case of a complaint.

LEGAL NOTICES

- A33. Any advice or notice to the consent authority shall be served on the Planning Secretary.

OPERATIONAL MANAGEMENT PLAN

- A34. Prior to the operation of the digital sign, the developer must prepare and obtain TfNSW acceptance to an Operational Management Plan for the sign which ensures the sensors proposed to detect car movements and to prevent the digital advertising from changing displays while a vehicle is awaiting to turnout from the Bombo Station commuter carpark are operating effectively.

The plan must detail initial setup and testing, ongoing inspection and testing frequency, reporting, processes to be followed when the sensors are not working and contact details of the operator of the sign to enable TfNSW or other parties to report any operational issues.

SENSOR MOVEMENTS

- A35. If the sensor to detect car movements within the Bombo Car park are not working or are performing poorly with low reliability, the north-facing panel will need to be programmed immediately (that day) so that the display changes only once per day during a time period with minimal traffic, e.g, between midnight and 3 am.

END OF PART A

PART B PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- B1. The Planning Secretary must be notified in writing of the dates of commencement of physical work (including demolition) and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

COMPLIANCES

- B3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

SERVICES

- B4. 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

- B5. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the TfNSW engineers structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
 - (a) any relevant clauses of the BCA;
 - (b) the development consent; and
 - (c) approved drawings and specifications
 - (d) approved drawings and specifications as part of the Crown Certification Process.

CONSTRUCTION MANAGEMENT PLAN

- B6. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared in consultation with Council and submitted to the Planning Secretary for information. The CMP shall address, but not be limited to, the following matters where relevant:
 - (a) environmental and safety risk assessment;
 - (b) noise management in accordance with the Interim Construction Noise Guidelines (Department of Environment and Climate Change, 2009)
 - (c) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - (d) contact details of site manager;
 - (e) safety, including preparation of a safe work method statement;
 - (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.

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.

PAYMENT OF LEVY FEE

- B7. Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

ROAD OCCUPANCY LICENSE

- B8. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

SEDIMENT AND EROSION

- B9. Prior to commencement of work on the site for each stage of the development, erosion and sedimentation control measures are to be installed and operational.

GEOTECHNICAL ENGINEERING REPORT

- B10. A Geotechnical Engineering Report being submitted to the Certifier for approval prior to works indicating the suitability of the land for the proposed development and detailing any special building practices required for construction of the proposed development. A copy of the approved Geotechnical Engineering Report is to be submitted to the Department.

DEMOLITION

- B11. Prior to the commencement of any demolition, work plans required by AS 2601-2001 The Demolition of Structures (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.
- B12. A copy of the demolition work plans required by required by **Condition B12**, shall be forwarded to the Department within seven days of submission to the Certifier.
- B13. Prior to the commencement of any demolition works, the Applicant must:
- (a) provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
 - (b) install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
 - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
 - (c) disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
 - (d) erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
 - (i) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (ii) could cause damage to adjoining lands by falling objects, or
 - (iii) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

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 consent 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 Certifying Authority.

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, Certifying Authority, 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 841mm x 594mm (A 1) 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.

CONSTRUCTION HOURS

- C3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive
 - (b) between 8:00 am and 1:00 pm, Saturdays.
- C4. No work may be carried out on Sundays or public holidays.
- C5. Works may be undertaken outside these hours where:
- (a) the delivery of materials or works is required outside these hours by the Police, TfNSW or other authorities.
 - (b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.
 - (c) it is required in accordance with a Road Occupancy Licence or at the direction of the Transport Management Centre (TMC).
- C6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLAN

- C8. The Applicant must carry out the construction of the development in accordance with CMP required by **Condition B6**.

CONSTRUCTION NOISE MANAGEMENT

- C9. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).
- C10. 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*.

CONSTRUCTION DUST MANAGEMENT

- C11. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (a) all materials shall be stored or stockpiled at the best locations.
 - (b) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs.
 - (c) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials.
 - (d) cleaning of footpaths and roadways shall be carried out regularly.
 - (e) rumble grids being installed at access points to the site.

SAFE WORK NSW REQUIREMENTS

- C12. 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 Safe Work NSW requirements.

HOARDING REQUIREMENTS

- C13. The following hoarding requirements shall be complied with:
- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - (b) 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

- C14. 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.

DISCOVERY OF ABORIGINAL HERITAGE

- C15. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
 - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
 - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
 - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
 - (e) works may only recommence with the written approval of the Planning Secretary.

DISCOVERY OF EUROPEAN HERITAGE

- C16. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary within 2 business days;

- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary

TFNSW SUPERVISION

C17. The installation of the signage shall be in accordance with TfNSW requirements. Installation of signage should be completed by a TfNSW registered consultant. Any works on a TfNSW asset should be supervised by an authorised TfNSW contractor.

EXCAVATION

C18. Where excavation works are to take place on the site, control measures in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom are to be undertaken to prevent erosion of soil

DEMOLITION

C19. Demolition work must comply with the provisions of Australian Standard AS 2601-2001 Demolition of Structures. The Demolition work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person, that the proposals contained in the Demolition work plan comply with the safety requirements of the Standard. The Demolition work plans and statement of compliance must be submitted to the Certifier before the commencement of works and a copy of this is to be submitted to the Department.

C20. Demolition involving asbestos must be undertaken in accordance with the Work Health and Safety Act 2011 (NSW). The removal of:

- (a) more than 10 m² of non-friable asbestos or asbestos containing material, must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- (b) friable asbestos of any quantity must be removed by a licensed removalist with a friable (Class A) asbestos removal licence.

C21. The licensed asbestos removalist must give notice to the regulator before work commences, in accordance with clause 466 of the Work Health and Safety Regulation 2011 (NSW).

END OF PART C

PART D PRIOR TO COMMENCEMENT OF USE

NOTIFICATION OF COMMENCEMENT OF USE

- D1. At least one month before commencement of operation, the date of commencement of the operation or use of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

PROTECTION OF PUBLIC INFRASTRUCTURE

- D2. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

MAINTENANCE PLAN

- D3. Prior to the commencement of use, a Maintenance Plan is to be prepared and submitted to the Department and Council. The Plan shall address, but not be limited to, the following matters, where relevant.
- (a) environmental and safety risk assessment;
 - (b) hours of work/inspections of 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.

ROAD DAMAGE

- D4. 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

- D5. 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 consent authority for specific electronic format) shall be submitted to the Department 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 D3**. The sign is to be inspected regularly to identify any damage from storms, graffiti or the like.
- E2. All costs associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

ADVERTISING SIGNAGE CONTENT

- E3. The approved advertising structures must not have or use:
- (a) flashing or flickering lights or content
 - (b) electronically changeable messages
 - (c) animated display, moving parts or simulated movement
 - (d) complex displays that hold a driver's attention beyond "glance appreciation"
 - (e) displays resembling traffic signs or signals, or giving instructions to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt', 'stop' or 'give way'
 - (f) a method of illumination that distracts or dazzles
 - (g) floodlighting or the like
 - (h) technology that interacts with vehicle-electronic devices or mobile devices.

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 Guidelines.

WIRING

- E4. Any wiring to approved signage must be contained behind the sign or otherwise concealed so that wiring is not visible from a public place.

LOCATION OF CERTAIN NAMES AND LOGOS

- E5. The name or logo of the person who owns or leases the approved advertisement may appear only in the logo space attached to the upper right-hand corner of the advertising structure as shown in the plans listed in **Condition A2** and must be no greater than 0.25 m² in size.

REMOVAL OF GRAFFITI

- E6. 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.

ADVERTISING REVENUE/PUBLIC BENEFIT

- E7. The total amount of outdoor advertising revenue received each year by the Applicant 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, listing specific works to which the funds have been or are to be applied.

END OF PART E

ADVISORY NOTES 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 2021* (as amended).

OTHER CONSENTS 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 consents under Section 68 (Consents) of the *Local Government Act 1993*, section 58 of the *Heritage Act 1977* or Section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS AND 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 MATERIAL

AN4. The Applicant must notify the TfNSW Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting material from the subject site, prior to the commencement of works.

DISABILITY DISCRIMINATION ACT

AN5. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

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 a consent 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 consent and you should not construe this grant of consent 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.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary via compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given even if the Applicant fails to give the notification required under **Conditions A12**, Error! Reference source not found., Error! Reference source not found., Error! Reference source not found., Error! Reference source not found., Error! Reference source not found. **and** Error! Reference source not found. or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.