

# Development Consent

## Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate for 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

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### SCHEDULE 1

<b>Application Number:</b>	DA 22/5184
<b>Applicant:</b>	Transport Asset Holding Entity of New South Wales / Sydney Trains
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Lot 2073 DP 1132828 Pacific Highway, Pymble
<b>Development:</b>	Demolition and removal of existing static advertising sign and installation of a new (single sided) digital advertising sign at Pacific Highway, Pymble

## DEFINITIONS

<b>Applicant</b>	Transport Asset Holding Entity of New South Wales / Sydney Trains or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>Certifying Authority</b>	A person who is authorised by or under Part 6 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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.
<b>Council</b>	Ku-ring-gai Council
<b>Day time</b>	All periods except morning and afternoon twilight and night time
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	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.
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Guidelines</b>	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
<b>Incident</b>	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
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in this development consent.
<b>Material harm</b>	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)
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Night time</b>	The period from 10pm to 7am on Monday to Saturday and 10pm to 8am on Sundays and public holidays.
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent

<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Operator</b>	The person or company responsible for the carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Reasonable</b>	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.
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Request for Additional Information</b>	The Department of Planning and Environment's requests for additional information for the development under the EP&A Act.
<b>RMS</b>	Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically.
<b>RtS</b>	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.
<b>SEE</b>	Statement of Environmental Effects prepared by Keylan Consulting Pty Ltd (on behalf of Transport Asset Holding Entity of New South Wales / Sydney Trains) dated 25/03/2022
<b>Subject site</b>	The site as described in Schedule 1
<b>TfNSW</b>	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 (RtS);
- (d) in accordance with the approved plans and reports in the tables below:

Survey Plans by LTS				
Job No.	Sheet No.	Issue	Name of Plan	Date
51567 001DT	1	-	Plan of Detail and Levels at Proposed Signage Location -Pacific Highway, Pymble	11/11/2021
51567 001DT	2	-	Plan of Detail and Levels at Proposed Signage Location -Pacific Highway, Pymble	11/11/2021
Design Drawings by Dennis Bunt Consulting Engineers Pty Ltd				
Job No.	Sheet No.	Issue	Name of Plan	Date
21270	DA01	C	Existing General Arrangement & Site Plan	27/10/2022
21270	DA02	E	Existing General Arrangement & Site Plan	27/10/2022

Technical Report	Revision	Author	Date
Statement of Environmental Effects, Digital Advertising Signage Pacific Highway Pymble	2	Keylan Consulting Pty Ltd	25/03/2022
Industry and Employment SEPP & Transport Corridor Advertising and Signage Guidelines Assessment	-	Keylan Consulting Pty Ltd	March 2022
Proposed Digital Sign Traffic Safety Assessment, project PS932	4	Bitzios Consulting	22/03/2022
Lighting Impact Assessment, Outdoor Signage at Pacific Highway Pymble NSW (Outbound)	D	Electrolight Australia Pty Ltd	22/03/2022
Public Benefit Statement	-	Transport Sydney Trains	21/03/2022
Response to Submissions and Request for Information	-	Keylan Consulting Pty Ltd	4/11/2022

Technical Report	Revision	Author	Date
Digital Advertising Sign – Pacific Highway, Pymble (DA22/5184)			
Arboricultural Impact Appraisal and Method Statement, Pacific Hwy Pymble NSW, ref. JCDecaux Australia Pty Ltd_AIA and MS – 20/09/2022	-	Naturally Trees	20/09/2022
Structural Feasibility Statement, Pacific Hwy Pymble NSW Supersite led	-	Dennis Bunt Consulting Engineers Pty Ltd	25/10/2022
Pymble- LV Power Supply Proposed Option statement, ref. PS131796-WSP-SYD-DSB-ELE-LTR-000002 RevA.docx	-	WSP	3/11/2022

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.

A6. Removal of trees 1 and 7 (as identified in the Arboricultural Impact Appraisal and Method Statement under **Condition A2**) forms part of this development consent, however this consent does not approve other tree removal (including tree 6). Should any tree removal other than T1 & T7 be required once construction and engineering details for the development are finalised (as advised by a suitability qualified and practicing Arborist), either the subject development consent must be modified, or a separate development application(s) must be lodged, and consent obtained, for any tree removal other than T1 & T7 (except where consent is not required under an Environmental Planning Instrument or exempt and complying development applies).

#### EVIDENCE OF CONSULTATION

A7. 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

A8. This development consent is issued for a limited period of 15 years. The consent will cease to be in force/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

A9. 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. All structural works must be designed and

certified by a suitability qualified and practising structural engineer and a suitability qualified and practising geotechnical engineer.

**Notes:** *Under Part 6 of the EP&A Act, Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the Building Code of Australia.*

#### **WIND LOADING**

- A10. The approved sign must meet wind loading requirements as specified in Australian Standard AS 1170.1: Structural Design Actions – Permanent, Imposed and Other Actions (version as adopted by the BCA) and AS 1170.2:- Structural Design Actions – Wind Actions (version as adopted by the BCA).

#### **REFLECTIVITY**

- A11. 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**

- A12. 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**

- A13. 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.
- A14. 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**

- A15. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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**

- A16. 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**

- A17. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A18. 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 noncompliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A19. 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**

- A20. 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**

- A21. 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**

- A22. Static digital advertisements are to be displayed on the digital LED with a minimum dwell time of 10 seconds.

## ADVERTISEMENTS – TRANSITION TIME

- A23. 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

- A24. 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 <sup>2</sup>
Day time	6000 cd/m <sup>2</sup>
Morning and Evening Twilight and Inclement Weather	500 cd/m <sup>2</sup>
Night time Pre-Curfew (Until 11pm)	200 cd/m <sup>2</sup>
Night-time Post-Curfew (11pm - 6am)	140 cd/m <sup>2</sup>

- A25. The average luminance difference between successive images does not exceed 30% to ensure compliance with Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.
- A26. The LED advertising screen must include a light sensor to be capable of automatically adjusting the luminance levels in accordance with **Condition A24** above.

## ADVERTISEMENTS – STATIC ADVERTISEMENTS

- A27. 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 A22**. The sign must not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.

## ADVERTISEMENTS - TEXT

- A28. 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

- A29. 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

- A30. 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

- A31. 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

- A32. 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 either Sydney Trains or 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**

- A33. The Applicant shall prepare an independent Road Safety Assessment (RSA) after 12 months of operation of the digital signage but within 18 months of the sign's 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 TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the Applicant.
- A34. 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**

- A35. An electronic log of the signs' 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**

- A36. Any advice or notice to the consent authority shall be served on the Planning Secretary.

#### **DESIGN AND OPERATION**

- A37. The proposed sign design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 requirements.
- A38. Any obstruction of the traffic controlled signals elements and obscuring or compromising decision making points along Pacific Highway should be addressed.

#### **ADVERTISEMENTS – INTERACTIVE TECHNOLOGY**

- A39. The proposed sign must not incorporate technology that will interact with in-vehicle electronic devices or mobile devices.

**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 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 structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- (a) any relevant clauses of the BCA;
  - (b) Recommendations of the project's Geotechnical Engineer;
  - (c) the development consent; and
  - (d) approved drawings and specifications as part of the Crown Certification process.
- B6. Prior to the commencement of works, the Applicant must submit to the approval of the Planning Secretary a report, prepared and signed by a suitably qualified practicing Structural Engineer, which identifies that the existing footings can accommodate the load associated the new digital signage. In preparing the report, plans and specification of the existing footings are required to be reviewed. Should the existing footings be deemed to not provide adequate structural support for the digital sign, a report, prepared and signed by a suitably qualified practicing Structural Engineer should be provided, along with structural drawings, for the new footings for information for the Planning Secretary.

### CONSTRUCTION MANAGEMENT PLAN

- B7. 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 Guideline (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) tree protection measures as per the tree protection plan as required by **Condition B11** (as required);
  - (i) external lighting in compliance with Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting; and
  - (j) 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

- B8. Any required payment of the relevant Long Service Levy Fee is to be made prior to the commencement of construction.

#### ROAD OCCUPANCY LICENCE

- B9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

#### TREE REMOVAL AND PROTECTION

- B10. Removal of trees 1 and 7 (as identified in the Arboricultural Impact Appraisal and Method Statement under **Condition A2**) forms part of this development consent, however other tree removal (including tree 6) does not form part of this development consent. Should any tree removal other than T1 & T7 be required once construction and engineering details for the development are finalised (as advised by a suitability qualified and practicing Arborist), the development consent may need to be modified, or relevant approvals sought. Refer to **Condition A6** for further information.
- B11. A suitability qualified and practicing Arborist is required to assess the construction and structural details for the proposed sign and, as may be required, prepare a tree protection plan. The tree protection plan must form part of the Construction Management Plan as required by **Condition B7(h)**.

#### DEMOLITION

- B12. Prior to the commencement of any demolition, work plans required by AS 2601-2001 The Demolition of Structures (Standards Australia, 2001) must be prepared. The work plans must be accompanied by a written statement from a suitably qualified person that the work plans 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 for information.
- B13. A copy of the work plans, required by **Condition B12**, shall be forwarded to the Planning Secretary within seven days of submission to the Certifier.
- B14. 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:
    - (i) 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
    - (ii) diverting uncontaminated run-off around cleared or disturbed areas, and
    - (iii) preventing the tracking of sediment by vehicles onto roads, and
    - (iv) 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 Planning Secretary or Council.

### **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, 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. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials;
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (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.

### **CONSTRUCTION NOISE MANAGEMENT**

- C8. 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).
- C9. 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**

- C10. 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**

- C11. 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**

- C12. 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**

- C13. 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.

#### **UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE**

- C14. 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.

#### **UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE**

- C15. 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;
  - (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**

- C16. 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.

#### **PROTECTION OF TREES**

- C17. For the duration of construction works:
- (a) trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all trees immediately adjacent to the site boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council or TfNSW, as relevant to who the tree;

- (c) all trees on the site that are not approved for removal must be suitably protected during construction; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

#### **VIBRATION CRITERIA**

- C18. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and
  - (a) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time)

#### **AIR QUALITY**

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **IMPLEMENTATION OF MANAGEMENT PLAN**

- C21. The Applicant must carry out the construction of the development in accordance with CMP required by **Condition B7**.

#### **ROAD OCCUPANCY LICENCE**

- C22. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities.

#### **DEMOLITION**

- C23. 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.
- C24. Demolition involving asbestos must be undertaken in accordance with the *Work Health and Safety Act 2011 (NSW)*.

#### **END OF PART C**

## **PART D PRIOR TO COMMENCEMENT OF USE**

### **REMOVAL OF THE EXISTING SIGN**

- D1. Prior to the commencement of use, the existing sign must be removed.

### **NOTIFICATION OF COMMENCEMENT OF USE**

- D2. 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**

- D3. 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.

### **POST-CONSTRUCTION DILAPIDATION REPORT**

- D4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council for information

### **MAINTENANCE PLAN**

- D5. Prior to the commencement of use, a Maintenance Plan is to be prepared and submitted to the Planning Secretary and Council. The Plan shall address, but not be limited to, the following matters, where relevant.
- (a) environmental and safety risk assessment;
  - (b) hours of work/inspections of the sign (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
  - (c) contact details of site manager;
  - (d) safety, including preparation of a safe work method statement;
  - (e) traffic management, including details of the location of parking for vehicles associated with the operation (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
  - (f) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
  - (g) removal of graffiti.

### **ROAD DAMAGE**

- D6. 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**

- D7. A Structural Inspection Certificate or a Compliance Certificate must be obtained from a suitably qualified and practising structural engineer 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 Planning Secretary and the Council after:

- (a) the site has been periodically inspected and the structural engineer is satisfied that the structural works are 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 E**

## **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 D5**. 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 images displayed on the sign must not contain/use:
- (a) Flashing or flickering lights or content;
  - (b) electronically changeable messages
  - (c) animated display, moving parts or simulated movement
  - (d) complex displays including text and information that hold a driver's attention beyond "glance appreciation"
  - (e) displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'
  - (f) a method of illumination that distracts or dazzles, and/or
  - (g) dominant use of colours red or green.

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 middle centre of the ACM Sheet Colour Black 0.65m H x 12.53m L logo space band attached to the bottom of the advertising structure as shown in the plans listed in **Condition A2** and must be no greater than 0.25 m<sup>2</sup> 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 advertising structure 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.

### **ADJUSTMENT OF ILLUMINATION**

- E8. The LED advertising screen must be capable of having luminance levels adjusted.

## **END OF PART E**

## APPENDIX 1 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*.

### 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* 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 an 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](mailto: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 A13, A14, A15, A16, A17, A18 and A19** 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.