

# Development Consent

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

I, the Director, Regional Assessments, as delegate for the Minister for Planning, 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

**Application Number:** DA 22/6650  
**Applicant:** Sydney Trains  
**Consent Authority:** Minister for Planning  
**Site:** Corner Saunders and Miller Streets, Pyrmont  
Lot 94 DP 858635  
**Development:** Installation and display of one new digital advertising sign at the corner of Saunders Street and Miller Street, Pyrmont

## DEFINITIONS

<b>Applicant</b>	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>	City of Sydney 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 2000 (now 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>Request for Additional Information</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>RMS</b>	Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically.
<b>SEE</b>	Statement of Environmental Effects prepared by Urbis (on behalf of Sydney Trains) dated 20/06/2022
<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 approved plans and reports in the tables below:

Job No.	Sheet No.	Issue	Name of Plan	Author	Date
21254	DA 01	D	Proposed digital sign, general arrangement & site plan	Dennis Bunt Consulting Engineers Pty Ltd	03.11.2022
21254	DA 02	F	Proposed digital sign, general arrangement & site plan	Dennis Bunt Consulting Engineers Pty Ltd	03.11.2022
21254	DA 03	B	Proposed digital sign, general arrangement & site plan	Dennis Bunt Consulting Engineers Pty Ltd	03.11.2022
21027	003	C	Material finishes and Renders-sheet 03	Tzannes	31.01 2022
	1 of 2	I	Survey Plan showing details of sign location Corner of Miller St and Saunders St	C.M.S Surveyors Pty Limited	12.12.2021
	2 of 2	I	Survey Plan showing details of sign location Corner of Miller St and Saunders St	C.M.S Surveyors Pty Limited	28.10.2021
33288332	-	-	Survey Plan and Images of Sewer	Sydney Water Corporation- <i>Survey Plan Urbis - Images of Sewer</i>	13.12.2022

Technical Report	Revision	Author	Date
Statement of Environmental Effects		Urbis	20.06.2022

Technical Report	Revision	Author	Date
Digital Sign Traffic Safety Assessment	V04	The Transport Planning Partnership	06.05.2022
Plan of Management	-	Urbis	10.05.2022
Heritage Impact Statement	-	Weir Phillips Heritage and Planning	April 2022
Lighting Impact Assessment	D	Electrolight Australia Pty Ltd	19.04.2022
Public Benefit Statement	-	Sydney Trains	23.03.2022
Visual Impact Assessment	A	Urbis	April 2022
Legal Advice on Public Benefit	-	Addisons	29.09.2022
Preliminary Geotechnical Assessment	0	Douglas Partners	27.10.2022
Arboricultural Impact Appraisal and Method Statement	-	Naturally Trees	25.11.2022
Structural Feasibility Statement	-	Dennis Bunt Consulting Engineers Pty Ltd	08.12.2022
Services Statement	A	WSP	02.12.2022
Response to Submissions - 1	-	Urbis	10.11.2022
Response to Submissions - 2	-	Urbis	14.12.2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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
  - 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:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for consent; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - 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/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. 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**

- 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 (version as adopted by the BCA) and AS 1170.2:- Structural Design Actions – Wind Actions (version as adopted by the BCA).

## **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](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**

- A15. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## **NON-COMPLIANCE NOTIFICATION**

- A16. The Department 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.
- 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 noncompliance (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).

## **DESIGN AND OPERATION**

A20. The proposed sign design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 requirements.

A21. Any obstruction of the traffic controlled signals elements and obscuring or compromising decision making points along Pacific Highway should be addressed.

## **ADVERTISEMENTS GENERALLY**

A22. 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**

A23. Static digital advertisements are to be displayed on the digital LED with a minimum dwell time of 25 seconds.

## **ADVERTISEMENTS – TRANSITION TIME**

A24. 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**

A25. 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:

<b>Lighting Conditions</b>	<b>Permitted Luminance</b>
Full Sun on Face of LED Advertising Screen	6000 cd/m <sup>2</sup>
Day time	6000 cd/m <sup>2</sup>
Morning and Evening Twilight and Inclement Weather	600 cd/m <sup>2</sup>
Night time	350 cd/m <sup>2</sup>

A26. 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.

A27. The LED advertising screen must be capable of having luminance levels adjusted.

## **ADVERTISEMENTS – STATIC ADVERTISEMENTS**

A28. 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 A23. The sign must not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.

## **ADVERTISEMENTS - TEXT**

A29. 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 A31 provides further guidance).

## **ADVERTISEMENTS – MESSAGE SEQUENCING**

A30. 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**

A31. 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 – INTERACTIVE TECHNOLOGY**

A32. The proposed sign must not incorporate technology that will interact with in-vehicle electronic devices or mobile devices.

#### **ADVERTISEMENTS – DAZZLE OR DISTRACT DRIVERS**

A33. 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**

A34. 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 CHECK**

A35. 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 15-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. If the recommendation of the RSA cannot be addressed to TfNSW satisfaction, the digital sign may need to be removed.

#### **ELECTRONIC LOG**

A36. 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**

A37. Any advice or notice to the consent authority shall be served on the Planning Secretary.

#### **INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL – HERITAGE COUNCIL OF NSW**

A38. **THE GENERAL TERMS OF APPROVAL ISSUED BY THE HERITAGE COUNCIL OF NSW, DATED 6 SEPTEMBER 2021** are conditions of this consent **AS FOLLOWS:**

##### **APPROVED DEVELOPMENT**

1. Development must be in accordance with:
  - a) Architectural drawings prepared by Dennis Bunt Consulting Engineers, as listed below:

<b>Drawing No.</b>	<b>Description</b>	<b>Date</b>	<b>Rev</b>
Project Name	Saunders St & Miller St, Pyrmont, Portrait 50		
DA 01	Proposed digital sign, general arrangement & site plan- Existing Elevations A and B.	3/11/2022	D
DA 02	Proposed digital sign, general arrangement & site plan- Proposed Elevations A, B and C	3/3/2022	F
DA 03	Proposed digital sign, general arrangement & site plan- Proposed Site Plan	3/11/2022	B

- b) *Drawing Number 003/C, titled Material, finishes and Renders – sheet 3, prepared by Tzannes, dated 31/1/2022*
- c) *Heritage Impact Statement, Saunders Street and Miller Street, Pyrmont, prepared by Weir Phillips Heritage and Planning, dated April 2022.*
- d) *Statement of Environmental Effects titled, Pyrmont Western Distributor North (B) Advertising Billboard Signage, prepared by Ethos Urban, dated 2 February 2021.*
- e) *Structural Stability Statement, Saunders St and Miller St, Pyrmont, Sydney , 2009 – footing for the proposed Portrait 50 digital Signage, prepared by Denis Bunt, Consulting Engineers P/L, dated 8 December 2022.*

**Except as Amended** by the following general terms of approval:

#### **Rock Anchors to Stabilise Rock Face**

- 2. *If rock anchors are required to stabilize the rock face due to the installation of the proposed sign, the applicant is to advise the delegate of the Heritage Council of NSW in writing before any such installation, and to submit details of the location of the rock anchors and methodology for their installation prepared by a suitably qualified engineer. Such works are to be carried out in a manner that minimises new penetrations/fixings into the rockface.*

*Reason: In give clarity as to what is required if rock anchors are proposed to be installed to stabilize the rock face.*

#### **Site Protection**

- 3. *Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.*

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **Unexpected Historical Archaeological Relics**

- 4. *The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.*

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

#### **Aboriginal Objects**

- 5. *Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Department of Planning, Industry and Environment is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Planning, Industry and Environment has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.*

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

#### **Compliance**

- 6. *If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.*

*Reason: To ensure that the proposed works are completed as approved.*

**Section 60 Application**

7. *An application under section 60 of the Heritage Act 1977 must be submitted to the City of Sydney, and approved by the delegate of the Heritage Council of NSW, prior to work commencing.*

*Reason: To meet legislative requirements.*

**Advice**

*Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.*

**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.

### **ROAD OCCUPANCY LICENCE**

- B4. 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**

- B5. Tree removal does not form part of this development consent. Should any tree removal 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 separate approvals sought
- B6. Tree protection works for Trees 1 to 3, and all other trees within 5m of the proposed sign, must be carried out in accordance with *Appendix 4 Tree Protection Fencing and Signs* and *Appendix 5 Root Zone and Trunk Protection* of the Arboricultural Impact Appraisal and Method Statement.
- B7. If pruning works are required during the installation of the sign, a suitability qualified and practicing Arborist is required to prepare a Pruning Specification Plan for approval by the Planning Secretary prior to the pruning works being carried out. The Pruning Specification Plan must be in accordance with AS4373 Australian Standards "Pruning of Amenity Trees."
- B8. 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 conditions B13.

### **SERVICES**

- B9. 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.
- B10. Prior to commencement of works, the Applicant must submit for the approval of the Planning Secretary, documentation identifying the location of both the existing Sydney Water sewage pipe and any new electrical cables for the proposed sign, demonstrating that there will be no impact to the Sydney Water sewage pipe.

### **STRUCTURAL DETAILS**

- B11. 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.

## **CONSTRUCTION MANAGEMENT PLAN**

- B12. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Department and Council. The CMP shall address, but not be limited to, the following matters where relevant:
- (a) environmental and safety risk assessment;
  - (b) 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 B6 (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**

- B13. Any required payment of the relevant Long Service Levy Fee is to be made prior to the commencement of construction.

## **FURTHER GEOTECHNICAL INVESTIGATION**

- B14. Prior to commencement of works, the recommendations of Section 9 of the Preliminary Geotechnical Assessment, prepared by Douglas Partners dated 27 October 2022, must be undertaken. A report, prepared by a suitably qualified person, must be submitted for the approval of Planning Secretary that:
- (a) details the results of the further investigation required by Section 9 of the Preliminary Geotechnical Assessment, prepared by Douglas Partners dated 27 October 2022
  - (b) confirms that the construction works and the ongoing operation of the signage structure will not adversely impact on the stability of the rock face and rail cutting
  - (c) identifies the construction machinery and plant that can be used which will not impact the stability of the rock face and rail cutting
  - (d) identifies any changes in the required to the approved signage structure as a result of the above.
- B15. If amendments to the design of the sign are required as a result of B14, updated plans must be submitted for the approval of the Planning Secretary prior to works commencement of works.

## **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 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;
- (c) no work may be carried out on Sundays and public holidays;
- (d) Works may be undertaken outside these hours where:
  - (i) the delivery of materials or works is required outside these hours by the Police, TfNSW 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) it is required in accordance with a Road Occupancy Licence or at the direction of the Transport Management Centre (TMC).

- 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; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

- C6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### **IMPLEMENTATION OF MANAGEMENT PLAN**

- C6. The Applicant must carry out the construction of the development in accordance with CEMP required by Condition C8.

### **CONSTRUCTION NOISE MANAGEMENT**

- C7. 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).

C8. 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*.

#### **SAFE WORK NSW REQUIREMENTS**

C9. 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**

C10. 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**

C11. 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 HISTORICAL ARCHAEOLOGICAL RELICS**

C12. If unexpected archaeological deposits or relics are uncovered during work, excavation or disturbance of the area, work must stop immediately and conduct protocol as outlined in general terms of approval issued by Heritage NSW at condition A37, item 4.

#### **DISCOVERY OF ABORIGINAL HERITAGE**

C13. If Aboriginal objects and/or artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately and conduct protocol as outlined in general terms of approval issued by Heritage NSW at condition A37, item 5.

#### **TFNSW SUPERVISION**

C14. 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.

#### **ROAD OCCUPANCY LICENCE**

C15. 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.

#### **PROTECTION OF TREES**

C16. 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 is obtained from Council or TfNSW, as relevant to the tree location, 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 the tree location;
- (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**

- C17. 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
  - (b) 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)
- C18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C19. 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.

**END OF PART C**

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

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- D1. 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**

- D2. 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 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.
  - (f) parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
  - (g) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
  - (h) removal of graffiti.

### **ROAD DAMAGE**

- D3. 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**

- D4. 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 Department 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 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 D2. 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.

### **LOCATION OF CERTAIN NAMES AND LOGOS**

- E4. The name or logo of the person who owns or leases the approved advertisement may appear only in the bottom right hand corner of the advertising structure and must be no greater than 0.25 m<sup>2</sup> in size.

### **REMOVAL OF GRAFFITI**

- E5. 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**

- E6. The total amount of outdoor advertising revenue received each year by Sydney Trains 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**

- E7. The LED advertising screen must be capable of having luminance levels adjusted.

**END OF PART E**

## ADVISORY NOTES

### APPEALS

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

### OTHER 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.