

Development Consent

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

As delegate for the Minister for Planning and Public Spaces, 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

17 October 2023

SCHEDULE 1

Application Number:	DA 22/14353
Applicant:	Transport Asset Holding Entity of NSW
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 2073 DP 1132828 Railway Land, Pymble
Development:	Construction and operation of one single sided free standing monopole digital advertising sign on the north-western side of the Princes Highway, Pymble.

DEFINITIONS

Applicant	Transport Asset Holding Entity of NSW or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifying Authority	A person who is authorised by or under Part 6 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Ku-ring-gai Council
Department	NSW Department of Planning and Environment
Development	The development described in the SEE and RtS including the works and activities comprising construction, operation and post commencement of use, as modified by the conditions of this consent.
Environment	All aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Feasible	What is possible and practical in the circumstances
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in this development consent
Material harm	Harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	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
Request for Additional Information	The Department of Planning and Environment's requests for additional information for the development under the EP&A Act

RFI Response	The Applicant's response to requests for additional information for the development under the EP&A Act
RMS	Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically
RtS	The Applicant's response to issues raised in submissions received in relation to the application and by the Department of Planning and Environment for consent for the development under the EP&A Act
SEE	Statement of Environmental Effects prepared by Keylan Consulting Pty Ltd (on behalf of Sydney Trains) dated 2 November 2022
Subject site	The site as described in Schedule 1
TfNSW	Transport for NSW

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the SEE, Response to Submissions (RtS) and Response to Request for Information (RFI Response);
- (d) in accordance with the approved plans and reports in the tables below:

Design Drawings prepared by Dennis Bunt Consulting Engineers Pty Ltd				
Job No.	Sheet No.	Issue	Name of Plan	Date
22098	DA01	F	Proposed Digital Sign General Arrangement & Site Plan	22/05/2023
22098	DA02	B	Footing Plan & Section	27/02/2023
Landscape Plan prepared by Scape Design				
Job No.	Sheet No.	Issue	Name of Plan	Date
SD52823	L.SK.01	D	Landscape Management Plan	27/06/2023

Technical Report	Revision	Author	Date
Statement of Environmental Effects, Digital Advertising Signage Pacific Highway Pymble	1	Keylan Consulting Pty Ltd	02/11/2022
Industry and Employment SEPP & Transport Corridor Advertising and Signage Guidelines Assessment	-	Keylan Consulting Pty Ltd	November 2022
Visual Impact Assessment - Digital Advertising Signage Pacific Highway, Pymble	1	Keylan Consulting Pty Ltd	02/11/2022
Proposed Digital Sign Traffic Safety Assessment	003	Bitzios Consulting	25/10/2022
Lighting Impact Assessment, Outdoor Signage at Pacific Highway Pymble NSW	B	Electrolight Australia Pty Ltd	25/10/2022
Heritage Impact Statement	-	Weir Phillips	September 2022
Public Benefit Statement	-	Transport for NSW Sydney Trains	23/07/2023
Arboricultural Impact Assessment	-	Naturally Trees	13/03/2023

Technical Report	Revision	Author	Date
Response to Submissions and Request for Additional Information	-	Keylan Consulting Pty Ltd	16/03/2023
Response to Request for Information	-	Keylan Consulting Pty Ltd	26/06/2023
Preliminary Geotechnical Assessment – Proposed Digital Signage, 939A Pacific Highway, Pymble	0	Douglas Partners	13/02/2023
Structural Feasibility Statement, Pacific Hwy Pymble NSW, Column Mounted P50 Signage	-	Dennis Bunt Consulting Engineers Pty Ltd	05/06/2023

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in **Condition A2(a)** above.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

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

EVIDENCE OF CONSULTATION

A6. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

DURATION OF CONSENT

A7. This development consent is issued for a limited period of 15 years. The consent will cease to be in force/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.

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

PRESCRIBED CONDITIONS

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

NON-COMPLIANCE NOTIFICATION

A16. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A17. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the 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.

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 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 ²
Day time	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	500 cd/m ²
Night time to 11.00pm	77 cd/m ²
11.00pm to 6.00am	No operation

A25. The average luminance difference between successive images must 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 A30** 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 – INTERACTIVE TECHNOLOGY

A31. The proposed sign must not incorporate technology that will interact with in-vehicle electronic devices or mobile devices.

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 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 ASSESSMENT

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 and in accordance with the RMS Guidelines for Road Safety

Audit Practices. 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.

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.

UPDATED LANDSCAPE PLANS AND LANDSCAPE MANAGEMENT

- B3. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the Planning Secretary updated landscape plans that update Plan L.SK.01 approved under **Condition A2** to:
- (a) include species of *Melaleuca styphelioides* or another suitable native species in the vicinity of the sign capable of reaching a mature height of at least 8 metres, in order to screen most of the sign from the nearby residential properties; and
 - (b) include advanced plantings with a pot size of at least 45L for all trees and 300mL for all shrubs.
- B4. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the Planning Secretary a Landscape Management Plan prepared by a suitably qualified expert to manage the revegetation and landscaping on site whilst the consent is active. The plan must:
- (a) describe how the initial landscaping will be managed, to avoid erosion and slip, and the not adversely impact on the structural integrity of the retaining walls, having regard to the steep nature of the site; and
 - (b) describe ongoing monitoring and maintenance measures to manage revegetation, including replacement of any plants that are not successfully established.

COMPLIANCES

- B5. 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

- B6. 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>

SERVICES

- B7. Prior to the commencement of construction, a services search is to be undertaken in the area affected by the proposed footing. 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

- B8. Prior to the commencement of construction, an intrusive site investigation and report is to be carried out by a geotechnical engineer in accordance with the recommendations in Section 9 of the Preliminary Geotechnical Assessment prepared by Douglas Partners and dated 13 February 2023.
- B9. Prior to the commencement of construction, the Applicant must submit to the Planning Secretary final structural drawings and a Structural Report, prepared and signed by a suitably qualified practicing Structural Engineer, which takes into account the findings of the Geotechnical Investigation required by **Condition B8** and confirms that the proposal, including the detailed design of the footings, can accommodate the load associated with the new digital signage.
- B10. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of TfNSW engineers structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- (a) any relevant clauses of the BCA;
 - (b) recommendations of the project's Geotechnical Engineer, including any recommendations following the detailed investigation required by **Condition B8**;
 - (c) the development consent; and

- (d) approved drawings and specifications as part of the Crown Certification process.

CONSTRUCTION MANAGEMENT PLAN

B11. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Planning Secretary 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), any necessary road closures and associated traffic management;
- (g) crane management details;
- (h) waste management; and
- (i) external lighting in compliance with Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

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

B12. Any required payment of the relevant Long Service Levy Fee is to be made prior to the commencement of construction.

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; and
- (b) between 8:00 am and 1:00 pm, Saturdays.

- C4. No work may be carried out on Sundays or public holidays.

- C5. Works may be undertaken outside these hours where:

- (a) the delivery of materials or works is required outside these hours by the Police, TfNSW or other authorities;
- (b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; 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.

IMPLEMENTATION OF MANAGEMENT PLAN

- C7. The Applicant must carry out the construction of the development in accordance with CMP required by **Condition B11**.

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. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

- C11. 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.

SAFE WORK NSW REQUIREMENTS

C12. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant SAFE Work NSW requirements.

HOARDING REQUIREMENTS

C13. The following hoarding requirements shall be complied with:

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

NO OBSTRUCTION OF PUBLIC WAY

C14. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

TFNSW SUPERVISION

C15. The installation of the signage shall be in accordance with TfNSW requirements. Installation of signage should be completed by a TfNSW registered consultant. Any works on a TfNSW asset should be supervised by an authorised TfNSW contractor.

EXCAVATION

C16. Where excavation works are to take place on the site, erosion and sediment control measures are to be implemented in accordance with *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the "Blue Book") published by Landcom, 2004.

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).

UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE

C18. 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 Planning and Environment 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

C19. 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.

PROTECTION OF TREES

C20. For the duration of construction works, all trees within and immediately adjacent to the site boundaries, other than Tree 1, must be protected at all times during construction in accordance with Council's tree protection requirements and the recommendations of the Arborist Report prepared by Naturally Trees, dated 13 March 2023. 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.

END OF PART C

PART D PRIOR TO COMMENCEMENT OF USE

NOTIFICATION OF COMMENCEMENT OF USE

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

LANDSCAPE WORKS

- D2. Prior to the commencement of use, landscaping on site must be completed in accordance with the Landscape Plans approved under **Condition B3** and **Condition B4**.

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.

MAINTENANCE PLAN

- D4. 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: 2019 Control of the Obtrusive Effects of Outdoor Lighting; and
 - (g) removal of graffiti.

ROAD DAMAGE

- D5. 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

- D6. 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 Certifying Authority 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 ONGOING CONDITIONS

OPERATION

- E1. Operating hours of the sign are restricted to 6am to 11pm daily.
- E2. The signage is to display a fixed display only during the operation of the school zone located on Avon Road.

MAINTENANCE

- E3. Regular maintenance of the approved advertising structures shall be undertaken in accordance with the Maintenance Plan under **Condition D4**. The sign is to be inspected regularly to identify any damage from storms, graffiti or the like.
- E4. All costs associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.
- E5. Landscaping must be maintained in accordance with the Landscape Plans approved under **Condition B3** and **Condition B4**.

ADVERTISING SIGNAGE CONTENT

- E6. The approved advertising structure and 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;
 - (g) floodlighting or the like;
 - (h) dominant use of colours red or green; or
 - (i) technology that interacts with vehicle-electronic devices or mobile devices.

Signage content must also comply with all conditions contained in Part A of this consent and be in accordance with the road safety guidelines for sign content, set out in Guidelines.

WIRING

- E7. 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

- E8. The name or logo of the person who owns or leases the approved advertisement may appear only in the advertising display area and must be no greater than 0.25 m² in size.

REMOVAL OF GRAFFITI

- E9. 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

- E10. The total amount of outdoor advertising revenue received each year by the Applicant must be recorded in its financial accounts and Annual Reports. The Annual Reports must also outline how revenue has been applied to provide a public benefit in the areas of transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

END OF PART E

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* (as amended).

OTHER CONSENTS AND PERMITS

- AN2. The Applicant shall apply to the Council or the relevant authority 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.

SUBMISSION OF POST-APPROVAL INFORMATION

- AN4. Where conditions of this consent require submission to be made to the Planning Secretary for information or approval, excluding matters relating to incident notification, reporting and response (**Condition A14**), non-compliance notification (**Conditions A16-A18**) or where otherwise specified within the relevant condition in this consent, submission is to be made in writing to information@planning.nsw.gov.au. The submission must identify the development (including the development application number and the name of the development if it has one) and the relevant condition.

MOVEMENT OF TRUCKS TRANSPORTING MATERIAL

- AN5. 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

- AN6. 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

AN7.

- (a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without a consent from the Commonwealth Environment Minister.
- (b) This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth consent and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary via compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given even if the Applicant fails to give the notification required under **Conditions A12, A13, A14, A15, A16, A17 and A18** 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.