

# 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

30 October 2023

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### SCHEDULE 1

<b>Application Number:</b>	DA 23/5550
<b>Applicant:</b>	Transport Asset Holding Entity of NSW (TAHE)
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 5 DP 1184025 Railway Land, Heathcote
<b>Development:</b>	Installation of a new digital advertising sign within the railway corridor and removal of one existing static sign

## DEFINITIONS

<b>Applicant</b>	Transport Asset Holding Entity of NSW (TAHE) 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>	Sutherland Shire Council
<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>Feasible</b>	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>	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 and Public Spaces (or delegate)
<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>	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>Response to Request for Information (RFI)</b>	The Applicant's response to 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 Sydney Trains) dated 12/05/2023.
<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, 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:

<b>Design Drawings by Dennis Bunt Consulting Engineers Pty Ltd</b>				
<b>Job No.</b>	<b>Sheet No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
22038	DA01	H	Proposed Digital Sign General Arrangement & Site Plan	16/03/23
22038	DA02	H	Proposed Digital Sign General Arrangement & Site Plan	16/08/23

<b>Technical Report</b>	<b>Revision</b>	<b>Author</b>	<b>Date</b>
Statement of Environmental Effects, Digital Advertising Signage Princes Highway Heathcote	1	Keylan Consulting Pty Ltd	12/05/2023
Industry and Employment SEPP & Transport Corridor Advertising and Signage Guidelines Assessment	-	Keylan Consulting Pty Ltd	May 2023
Visual Impact Assessment - Digital Advertising Signage Princes Highway, Heathcote	2	Keylan Consulting Pty Ltd	18/09/2023
Proposed Digital Sign Traffic Safety Assessment	003	Bitzios Consulting	25/08/2023
Amended Lighting Impact Assessment, Outdoor Signage at Princes Highway Heathcote NSW	D	Electrolight Australia Pty Ltd	31/08/23
Heritage Impact Statement	-	Weir Phillips	April 2023
Public Benefit Statement	-	Transport for NSW Sydney Trains	19/04/2023
Response to Submissions	-	Keylan Consulting Pty Ltd	26/07/2023

Technical Report	Revision	Author	Date
Response to Request for Information	-	Keylan Consulting Pty Ltd	19/09/2023
Structural Feasibility Statement	-	Dennis Bunt Consulting Engineers Pty Ltd	24/10/2022

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.

#### 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.

**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. 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](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 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](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.
- A17. The notification required by **Condition A16** must identify the development and its application number, set out the condition of consent for which the development is non-compliant, the way in which the development does not comply, and the reasons for the non-compliance (if known), and what actions have been, or will be, undertaken to address the non-compliance.
- A18. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## DEVELOPMENT NEAR BUSY ROADS

- A19. The sign must comply with all requirements of the NSW Department of Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines*, December 2008 (DNRCBR 2008).

## 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 must 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 table below:

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 to 11.00pm	200 cd/m <sup>2</sup>
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 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. *Note: **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 – 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 five minutes per hour for the display of customer promotion and event messages, community information, and the promotion of services and tourism in the locality, by arrangement with TfNSW and Sydney Trains and at no cost to either, Sydney Trains, TfNSW, or the proponent of the community information, services or tourism.

A33. The LED advertising screen must be made available for use, at no cost, to allow emergency messaging to override any commercial advertising or other display.

*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 five minutes per hour under **Condition A32**.*

#### ROAD SAFETY ASSESSMENT

A34. 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 must be provided to TfNSW. The

Applicant must rectify any safety concerns that are identified by the auditor as relating to the operation, or installation of the sign .

- A35. In the event that the findings and/or recommendations of the RSA cannot be addressed by the Applicant, the sign must be removed, at no cost to TfNSW.

#### **ELECTRONIC LOG**

- A36. An electronic log of the signs' activities must be maintained by the operator at all times, for the duration of the development consent. The log must be made available, upon request, to the consent authority and TfNSW, to allow review of the signs' activity in the event of any complaint.

#### **LEGAL NOTICES**

- A37. Any advice, or notice to the consent authority, shall be served upon the Planning Secretary.

**END OF PART A**



## **PART B PRIOR TO COMMENCEMENT OF WORKS**

### **UPDATED LANDSCAPE PLANS AND LANDSCAPE MANAGEMENT**

- B1. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the Planning Secretary, landscape plans that include advanced plantings of locally endemic, native species (with a pot size of at least 100L for all trees, and 50L for all shrubs), that will assist to screen and soften the visual appearance of the sign (including not only its display area), as viewed from the windows and private, open space areas at No. 1 Wilson Parade.
- B2. 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, that details ongoing monitoring and maintenance measures to manage the proposed landscaping, including replacement of any plants that do not sufficiently assist to screen and soften the visual appearance of the sign.

### **NOTIFICATION OF COMMENCEMENT**

- B3. The Applicant must notify the Planning Secretary, in writing, of the dates of commencement of physical work and operation, at least 48 hours before those dates.
- B4. If the construction or operation of the development is to be staged, the Applicant must notify the Planning Secretary, in writing, at least 48 hours before the commencement of each stage, of the date of commencement, and a description of the development to be carried out in that stage.

### **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 that they carry out in for the development.

### **SERVICES**

- B6. The Applicant must comply with the requirements of any public authorities for the connection to, relocation of and/or adjustment of, the services affected by site preparation works for and the construction of the development. Any costs for relocation, adjustment or support of services must be the responsibility of the Applicant. Where areas are disturbed as a result of the provision of services to the development, those areas must be restored to the satisfaction of the asset owner.

### **STRUCTURAL DETAILS**

- B7. Prior to the commencement of construction of the development, a detailed geotechnical investigation and a services search must be carried out to inform the final design of the footings.

### **CONSTRUCTION MANAGEMENT PLAN**

- B8. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Planning Secretary and the Council for information. The CMP must 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 to 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., so that parked vehicles do not impede the movement of traffic or pedestrians in and around the site);
  - (g) waste management;
  - (h) external lighting in compliance with Australian Standard AS 4282-2019 *Control of the Obtrusive Effects of Outdoor Lighting*; and
  - (i) flora and fauna management.

The CMP must not include works which are not approved in the development consent, as described at 'Development' at Schedule 1. In the event of any inconsistency between the consent and the CMP, the consent prevails.

**PAYMENT OF LEVY FEE**

- B9. Any required payment of the relevant Long Service Levy Fee, must be made prior to the commencement of construction.

**ROAD OCCUPANCY LICENCE**

- B10. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre for any works which have the potential to affect traffic flows during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

**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 must be kept on the subject site at all times, and 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 site for the purposes of informing the public of project details, including, but not limited to, the details of the builder, structural engineer and their contact details, including phone number.
  - (b) The notice(s) must satisfy all, but not be limited to, the following requirements:
    - (i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1 size), with any text on the notice to be a minimum of 30 point type size;
    - (ii) the notice must be durable and weatherproof, and be displayed for the entirety of 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 complaints, must be displayed on the site notice; and
    - (iv) the notice(s) must be mounted at eye level, on the perimeter hoardings/fencing, and 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, is limited to the following:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
  - (b) between 8:00 am and 1:00 pm, Saturdays; and
  - (c) no work on Sundays and public holidays;
- C4. Activities may be undertaken outside of the hours specified in **Condition C3** if required:
- (a) by the NSW Police, TfNSW or a public authority, including 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) in accordance with a Road Occupancy Licence, or at the direction of the Transport Management Centre (TMC).
- C5. Notification of the activities specified in **Condition C4**, must be given to affected residents before undertaking the activities, or as soon as is practicable afterwards.

### CONSTRUCTION NOISE MANAGEMENT

- C6. The development must 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).
- C7. 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* (NSW).

### SAFE WORK NSW REQUIREMENTS

- C8. To protect the safety of work personnel and the public, the site must be adequately secured to prevent access by unauthorised personnel. Work must be conducted at all times in accordance with the relevant, SAFE WORK NSW requirements.

### HOARDING REQUIREMENTS

- C9. The following hoarding requirements must be complied with:
- (a) no third party advertising is permitted to be displayed on any hoarding or fencing; and
  - (b) the construction site manager must 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**

- C10. 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**

- C11. 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 on the object(s);
  - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the object(s);
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (which is managed by Heritage NSW, under the Department of Premier and Cabinet), and the management outcome for the site is to be included in the information provided to AHIMS;
  - (d) the Applicant must consult with the Aboriginal community representatives, archaeologists and Heritage NSW, to develop and implement management strategies for all objects/sites; and
  - (e) works may recommence only with the prior written approval of the Planning Secretary.

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

- C12. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice must be given to Heritage NSW and the Planning Secretary;
  - (b) depending on the possible significance of the finds, an archaeological assessment and management strategy may be required before further works can continue in that area, as determined by the Planning Secretary in consultation with Heritage NSW; and
  - (c) works may recommence only with the prior written approval of the Planning Secretary.

## **PROTECTION OF TREES**

- C13. For the duration of construction works, all trees within, and immediately adjacent to, the site boundaries must be protected at all times, 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.

## **VIBRATION CRITERIA**

- C14. Vibration caused by construction at any residence, or structure, beyond the boundaries of 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**

- C15. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C16. 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**

- C17. The Applicant must carry out the construction of the development in accordance with the sCMP required by **Condition B8**.

## DEMOLITION

- C18. 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 AS 2601-2001. The demolition work plans and statement of compliance must be submitted to the Certifier before the commencement of works.
- C19. 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

### LANDSCAPE WORKS

- D1. Prior to the commencement of operation, landscaping on the site must be completed in accordance with the plans required by **Conditions B1 and B2**.

### NOTIFICATION OF COMMENCEMENT OF USE

- D2. At least one month before the commencement of operation, the Applicant must notify the Planning Secretary in writing of the date of commencement of operation, or use of the development. If the operation of the development is to be staged, the Applicant must notify the Planning Secretary in writing, at least one month before the commencement of each stage, of the date of commencement, and of 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 of 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 must be prepared and submitted to the Planning Secretary and Council for information. The Plan must 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 the 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 of the development (i.e., parked vehicles must 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*; and
  - (g) removal of graffiti.

### REMOVAL OF EXISTING SIGN

- D5. Prior to the commencement of use, the existing static sign, located approximately 100 m north of the proposed sign, must be removed, including all parts of the structure and footings .

### ROAD DAMAGE

- D6. The cost of repairing any damage caused to Council assets or other public authority's assets, in the vicinity of the site, as a result of construction works associated with the development, must be met in full by the Applicant.

### STRUCTURAL INSPECTION CERTIFICATE

- D7. Prior to the commencement of use, a Structural Inspection Certificate or a Compliance Certificate must be obtained from a suitably qualified and practising structural engineer. The Certificate must detail that:
- (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 against those listed on the final Design Certificate/s.
- D8. A copy of the Structural Inspection Certificate or a Compliance Certificate completed under **Condition D7** must be, accompanied by an electronic set of final drawings and submitted to the Planning Secretary and Council for information:

*Note: Contact the Consent Authority for specific electronic format of the electronic set of drawings.*

**END OF PART D**

## PART E POST COMMENCEMENT OF USE

### OPERATION

- E1. Operating hours of the sign are restricted to between 6.00 am to 11.00 pm daily.

### MAINTENANCE

- E2. Regular maintenance of the approved sign must be undertaken in accordance with the Maintenance Plan required by **Condition D4**. The sign must be inspected regularly, in order to identify any damage from storms, graffiti, or the like.
- E3. All costs associated with the sign, including maintenance activities, must be at no cost to TfNSW.
- E4. Landscaping must be maintained, at all times, in accordance with the plans submitted under **Condition B1** and **Condition B2**.

### ADVERTISING SIGNAGE CONTENT

- E5. The images displayed on the sign must not contain and/or use:
- (a) flashing or flickering lights or content;
  - (b) electronically changeable messages;
  - (c) animated display, moving parts, or simulated movement, including though fade, dissolve, or vertical or horizontal scrolling;
  - (d) complex displays, including text and information which hold drivers' attention beyond "glance appreciation";
  - (e) displays resembling traffic control devices, by use of colour, shape or words, which could 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
  - (g) dominant use of colours red or green.

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

### WIRING

- E6. Any wiring must be contained behind the sign, or otherwise concealed, so that wiring is not visible from any public place.

### LOCATION OF CERTAIN NAMES AND LOGOS

- E7. The name or logo of the entity who owns or leases the sign may appear ,only in the middle centre of the advertising structure and must be no greater than 0.25 m<sup>2</sup> in size.

### REMOVAL OF GRAFFITI

- E8. 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

- E9. The Applicant must record the total amount of outdoor advertising revenue that it receives each year in its financial accounts and Annual Reports. The Annual Reports must outline how revenue has been applied to provide a public benefit for transport safety, amenity improvements, or other public works. The Annual Reports must list specific works to which the funds have been, or are to be, applied.

### ADJUSTMENT OF ILLUMINATION

- E10. The LED advertising screen must have adjustable luminance levels.

## END OF PART E



## APPENDIX 1 ADVISORY NOTES

### APPEALS

- AN1. The Applicant has the right to appeal to the Land and Environment Court of New South Wales, in the manner set out in the *Environmental Planning and Assessment Act 1979* (NSW), and the *Environmental Planning and Assessment Regulation 2021* (NSW).

### OTHER CONSENTS AND PERMITS

- AN2. The Applicant must apply to 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 of the *Local Government Act 1993* (NSW), and Section 138 of the *Roads Act 1993* (NSW).

### RESPONSIBILITY FOR OTHER CONSENTS AND AGREEMENTS

- AN3. The Applicant must be 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 to A18**), or where otherwise specified within the relevant condition in this consent, submission must be made in writing to [information@planning.nsw.gov.au](mailto: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. Prior to the commencement of works, the Applicant must notify the TfNSW Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting material from the site,.

### DISABILITY DISCRIMINATION ACT

- AN6. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* (NSW). No guarantee is given that the development complies with the *Disability Discrimination Act 1992* (Cth). The Applicant/owner is responsible to ensure compliance with this, and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) 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* (Cth) currently available in Australia.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN7.

- (a) The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) 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 Australian Environment Minister.
- (b) This application has been assessed in accordance with the *Environmental Planning & Assessment Act 1979* (NSW). The determination of this application has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Australian Department of Climate Change, Energy, the Environment and Water in order to determine the need, or otherwise, for a Commonwealth consent. The Applicant should not construe this issue of consent, as notification that the Commonwealth Act does not have application to the development. The Commonwealth Act may have application, and the Applicant 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, at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification must 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 opinion 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 details 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 of the incident addressing all requirements at 4. 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.