

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.



Glenn Snow
Director
Transport Assessments

Sydney

22 July 2024

SCHEDULE 1

Application Number:	DA23/15294
Applicant:	Sydney Trains
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 1023 DP1192060 Corner of Government Road and Pacific Highway, Hornsby
Development:	Demolition of existing static billboard signage, installation and use of new digital advertising within the vegetated area on the corner of Government Road and Pacific Highway, Hornsby.

DEFINITIONS

Applicant	Sydney Trains or any person carrying out any development to which this consent applies.
Assessment Report	<i>Installation and Use of Digital Advertising Signage – Corner of Pacific Highway and Government Road, Hornsby, Part 4 Development Application (DA 23/15294) – Assessment Report</i> (Department of Planning, Housing and Infrastructure, June 2024)
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 infrastructure permitted by this consent.
Council	Hornsby Shire Council
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the Statement of Environmental Effects and technical reports listed in Condition A2 , including the works and activities comprising construction, operation and post commencement of use, as modified by the conditions of this consent.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Feasible	What is possible and practical in the circumstances
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.
LED	Light-emitting diode
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). Note: For the purposes of this definition, material harm excludes incidents captured by work health and safety reporting requirements.
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 (i.e. use of the signage for the display of advertisements) upon completion of construction.
Operator	The person or company responsible for the carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee.
Reasonable	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.
RSA	Road Safety Assessment
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 requirements or directions of the Planning Secretary including in relation to -
 - (i) the environmental performance of the development,
 - (ii) any document or correspondence in relation to the development,
 - (iii) any notification given to the Planning Secretary under the terms of this consent,
 - (iv) any audit of the construction or operation of the development,
 - (v) the terms of this consent and compliance with the terms of this consent (including anything required to be done under this consent), and
 - (vi) the carrying out of any additional monitoring or mitigation measures; and
 - (c) in accordance with the approved plans, drawings and reports in the tables below.

Design Drawings by Dennis Bunt Consulting Engineers				
Job No.	Sheet No.	Issue	Name of Plan	Date
23084	1 of 3	C	EXISTING SIGN GENERAL ARRANGEMENT & SITE PLAN	12 January 2024
23084	2 of 3	E	PROPOSED SIGN GENERAL ARRANGEMENT & SITE PLAN	12 January 2024
23084	3 of 3	A	FOOTING PLAN & SECTION	12 January 2024
Design Drawings by CMS Surveyors Pty Ltd				
Survey Instruction	Sheet No.	Issue	Name of Plan	Date
21449	1 and 2 of 2	1	SURVEY PLAN SHOWING SITE DETAILS AT PROPOSED SIGNAGE SITE CNR GOVERNMENT RD AND PACIFIC HIGHWAY, HORNSBY, NSW, 2077	16 May 2023

Technical Report	Revision	Author	Date
Statement of Environmental Effects	2	Keylan	20 October 2023
Arboricultural Impact Appraisal and Method Statement	-	Naturally Trees	20 July 2023
Public Benefit Statement	-	Transport for NSW	15 September 2023
Lighting Impact Assessment	E	Electrolight Australia	18 October 2023
Visual Impact Assessment	2	Keylan	20 October 2023
Structural Feasibility Statement	-	Dennis Bunt Consulting Pty Ltd	12 January 2024
Response to Submissions and Request for Information Letter	-	Keylan	9 February 2024
Response to Submissions	-	Keylan	February 2024
Response to Matters Raised by DPHI	-	Keylan	February 2024
Digital Sign Safety Assessment	V04	The Transport Planning Partnership	1 February 2024
Operational and Maintenance Plan	-	JC Decaux	February 2024
Consultant Advice Letter	-	Electrolight Australia	19 March 2024
Response to Request for Information Letter	-	Keylan	16 April 2024
Response to Issues Raised by DPHI	-	Keylan	April 2024
Response to Department of Planning, Housing and Infrastructure Letter	-	The Transport Planning Partnership	16 April 2024
Attachment 4 of Response to The Transport Planning Partnership DPHI Letter: Survey Results	-	The Transport Planning Partnership	April 2024
Test of Significance Report	2	Environmental Services and Education Australia x écologique	3 May 2024

- A3. The conditions of this consent and written requirements 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 and **Condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A4. This consent will lapse five years from the date of the consent unless the works associated with the project have physically commenced.
- A5. This consent does not approve:

- (a) tree removal; and
- (b) electrical and telecommunication works and services associated with the installation and operation of the development.

***Note:** Separate consent/approval may be required for the above activities (except where consent/approval is not required under an environmental planning instrument or, exempt and complying development applies).*

DURATION OF CONSENT

- A6. 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 seek approval to continue the use beyond the cessation date.*

PRESCRIBED CONDITIONS

- A7. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

LEGAL NOTICES

- A8. Any advice, or notice to the consent authority, must be served upon the Planning Secretary via email at information@planning.nsw.gov.au. This does not apply to notifications and reports required to be submitted under **Condition A19, A21, B1 and E13**.

APPLICABILITY OF GUIDELINES AND STANDARDS

- A9. The sign and the supporting structure must meet all relevant Australian Standards, and any technical operational standards and requirements of TfNSW and Sydney Trains.
- A10. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as the date of this consent, unless otherwise approved by the Planning Secretary.
- A11. 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 or a replacement of them.

DESIGN AND OPERATION

- A12. The sign must be designed and operated in accordance with the requirements set out in the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017) (unless as otherwise permitted by consideration of any non-compliances in the Assessment Report), and the documents listed in **Condition A2** as amended by the conditions of this consent.
- A13. The sign must comply with all requirements of the NSW Department of Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines*, December 2008.

STRUCTURAL ADEQUACY

- A14. 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 National Construction Code, and any applicable Australian Standards. All structural works must be designed and certified by a suitably qualified and practicing structural engineer and a suitably qualified and practicing 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. Part 6 of the EP&A Act also requires the Applicant to obtain construction and occupation certificates for the proposed building works.

WIND LOADING

- A15. The sign must meet wind loading requirements as specified in Australian Standard AS 1170.1: *Structural Design Actions – Permanent, Imposed and Other Actions* and AS 1170.2: *Structural Design Actions – Wind Actions*.

REFLECTIVITY AND GLARE

- A16. The level of reflectance of the materials used and advertisements must meet the requirements specified in AS/NZS 1906.1:2017 *Retroreflective materials and devices for road traffic control purposes*.
- A17. The signage structure must be orientated in a manner that does not create headlight reflection or glare in a driver's line of sight.

LOCATION OF CERTAIN NAMES AND LOGOS

- A18. The name or logo of the entity who owns or leases the sign may appear only in the bottom right-hand corner below the area that will be used to display advertisements, as shown in the architectural plans listed in **Condition A2**) of the advertising structure and must be no greater than 0.25 m² in size.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A19. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after or within 24 hours of the Applicant becoming 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 date, time, location and nature of the incident.

COMPLIANCES

- A20. 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 respect of the development.

NON-COMPLIANCE NOTIFICATION

- A21. 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.
- A22. The notification required by **Condition A21** 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, including the timeframe for implementing the actions .

A23. A non-compliance which has been notified as an incident under **Condition A19** does not need to also be notified as a non-compliance.

EVIDENCE OF CONSULTATION

A24. 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 approval or information prior to construction commencing; and
- (b) provide details of the consultation undertaken including -
 - (i) the dates of the consultation,
 - (ii) the nature of the consultation,
 - (iii) the outcome of that consultation, matters resolved and unresolved,
 - (iv) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has attempted to address any matters not resolved, and
 - (v) the reasons that any matters have not been resolved.

END OF PART A

PART B - PRIOR TO COMMENCEMENT OF CONSTRUCTION

NOTIFICATION OF COMMENCEMENT

- B1. The Applicant must notify the Planning Secretary of the date of commencement of construction at least one month prior to commencing construction. The notification must be provided in writing via email to compliance@planning.nsw.gov.au.

STRUCTURAL DETAILS

- B2. Prior to the commencement of construction, the Applicant must submit details of the sign, and structural drawings prepared and signed by a suitably qualified practicing Structural Engineer, to Sydney Trains' (or TfNSW, as relevant) Delegated Design Authority for review. The drawings must comply with:
- (a) any relevant clauses of the National Construction Code;
 - (b) any relevant Australian Standards;
 - (c) the development consent;
 - (d) approved drawings and specifications, and.
 - (e) any TfNSW and Sydney Trains requirements.
- B3. The Applicant must provide evidence of review comment closeout or 'No Objection' from the Delegated Design Authority referred to in **Condition B2** to the Planning Secretary for information at least one month prior to construction commencing.

CONSTRUCTION MANAGEMENT PLAN

- B4. Prior to the commencement of construction, a Construction Management Plan (CMP) must 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 measures that will be implemented to meet the noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009);
 - (c) hours of construction (to ensure minimal disruption to any surrounding residential amenity and traffic operation);
 - (d) contact details of site manager;
 - (e) proposed safety measures, including preparation of a safe work method statement;
 - (f) traffic and access management aspects, including parking for vehicles associated with the construction and any traffic lane or footpath closures and alternative routes if closures are required;
 - (g) waste management;
 - (h) external lighting in compliance with Australian Standard *AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*;
 - (i) details of the location and operation of any site construction compounds and material laydown areas;
 - (j) fauna management; and
 - (k) vegetation management plan.

The CMP must not include works which are not approved in the development consent. In the event of any inconsistency between the consent and the CMP, the consent prevails.

ROAD OCCUPANCY LICENCE

- B5. A Road Occupancy Licence must be obtained from the Transport Management Centre for any works which have the potential to affect traffic flows during construction.

COMPLIANCE WITH STANDARDS AND TfNSW AND SYDNEY TRAIN REQUIREMENTS

- B6. Prior to the commencement of construction, the Applicant must consult with the responsible officers in TfNSW and Sydney Trains to ensure that the proposed sign complies with any TfNSW and/or Sydney Trains relevant technical, construction and operational guidelines, policies and written technical directions.

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 (including structural plans approved by TfNSW engineers) 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 or the Certifying Authority.

SITE NOTICE

- C2. A site notice(s) must 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 Applicant and their contact details, the details of the builder and structural engineer and their contact details, including their phone number. The notice(s) must satisfy all, but not be limited to, the following requirements:
- (a) 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;
 - (b) the notice must be durable and weatherproof, and be displayed for the entirety of the construction period;
 - (c) detail the approved hours of construction;
 - (d) include 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; and
 - (e) be mounted at eye level, on the perimeter hoardings/fencing, and state that unauthorised entry to the subject site is not permitted.

The site notice must be displayed for the duration of construction.

IMPLEMENTATION OF CONSTRUCTION MANAGEMENT PLAN

- C3. The Applicant must carry out the construction of the development in accordance with the CMP required by **Condition B4**.

CONSTRUCTION HOURS

- C4. Construction, including the delivery of materials to and from the site, is restricted 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.
- C5. Activities may be undertaken outside of the hours specified in **Condition C4** 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 .
- C6. Notification of the activities specified in **Condition C5** (apart from **C5(b)**), must be given to affected residents before undertaking the activities. In the case of emergency work, notification must be given at the time or as soon as is practicable afterwards.

CONSTRUCTION NOISE MANAGEMENT

- C7. 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).

VIBRATION CRITERIA

- C8. 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 4150-3:2016-12 20 Structural vibration - Effects of vibration on structures* (German Institute for Standardisation; and
 - (b) for human exposure, the acceptable vibration values set out in *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated, or replaced, from time to time).

DUST MANAGEMENT

- C9. The Applicant must take all reasonable steps to minimise dust generation during all works authorised by this consent, including emission of windblown or traffic-generated dust.
- C10. During construction, the Applicant must ensure that:
- (a) all motor vehicles hauling soil / sand to or from the site, have their loads covered;
 - (b) motor vehicles associated with the development do not track dirt onto the public road network;
 - (c) if dirt is tracked onto the public road network it is immediately cleaned; and
 - (d) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

PROTECTION OF TREES AND VEGETATION

- C11. All construction and ground disturbance works must be carried out under the supervision of a qualified practicing arborist to ensure no damage to trees or structural root zones occur as a result of the works.
- C12. All trees identified within the *Arboricultural Impact Appraisal and Method Statement* (trees 1, 2, 4, 5, 6, 7 and 8) must be protected at all times during construction works, using the protection and preventative measures detailed in the Appraisal and Method Statement and in accordance with *Hornsby Shire Council's Development Control Plan Section 1B.6 Tree and Vegetation Preservation*.
- C13. 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 under the canopy or the limit of the former protective fencing, whichever is the greater.
- C14. If pruning works are required during the installation of the sign, a suitably qualified and practicing Arborist is required to prepare a Pruning Specification Plan prior to the pruning works being carried out. The Pruning Specification Plan must be in accordance with *AS4373 Australian Standards Pruning of Amenity Trees*. The Pruning Specification Plan must be implemented.

WIRING

- C15. Any wiring must be contained behind the sign, or otherwise concealed, so that wiring is not visible from any public place.

NO OBSTRUCTION OF PUBLIC WAY

- C16. 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.

- C17. Pedestrian access must be maintained at all times along Pacific Highway and Government Road. Where access cannot be maintained, alternative pedestrian access must be implemented prior to the disruption. Adequate signage and directions must be provided prior to, and for the duration of, any access disruption.
- C18. Access for emergency vehicles along Pacific Highway and Government Road must be maintained at all times, despite any requirements of any Road Occupancy Licence.
- C19. In the event that a road or lane closure is required by a Road Occupancy Licence, appropriate alternative routes need to be identified and signposted for road users prior to, and for the duration of, the closure.

PROTECTION OF PUBLIC INFRASTRUCTURE

- C20. The Applicant must advise the relevant public authority of any damage caused to their infrastructure in writing and within 24 hours of creating the damage. Unless the Applicant and the relevant 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.

The infrastructure must be repaired / replaced to the satisfaction of the relevant public authority within a timeframe agreed to by the relevant public authority.

UTILITY SERVICES

- C21. The Applicant must comply with the requirements of relevant utility providers in regard to the connection to, relocation and/or adjustment of any utility services affected by the construction of the development. The Applicant must pay the full costs associated with any relocation, adjustment or protection of utility services associated with the development. Where areas are disturbed as a result of utility works for the development, these areas should be restored to the satisfaction of the landowner. The Applicant must repair or pay the full cost of the restoration works.

END OF PART C

PART D - PRIOR TO COMMENCEMENT OF USE

NOTIFICATION OF COMMENCEMENT OF USE

- D1. 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.

MAINTENANCE PLAN

- D2. Prior to the commencement of use, the Applicant must prepare a Maintenance Plan. The Plan must address / include, but not be limited to, the following matters.
- (a) an environmental and safety risk assessment;
 - (b) details on the frequency of structural inspections and audits and the aspects to be inspected / audited;
 - (c) a checklist of the items to be maintained and the frequency of maintenance, including the management of vegetation (e.g. pruning) and weeds on-site;
 - (d) the hours and frequency of inspections and routine preventative maintenance of the sign (to ensure minimal disruption of any surrounding residential amenity and traffic operations), including inspections to identify damage from storms and graffiti;
 - (e) contact details of the site manager;
 - (f) safety, including preparation of a safe work method statement;
 - (g) traffic management, including details of the location of parking for vehicles associated with the maintenance of the development;
 - (h) external lighting in compliance with *AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*; and
 - (i) removal of graffiti, including timeframes for removal.

A copy of the Maintenance Plan must be provided to the Planning Secretary on request.

STRUCTURAL INSPECTION CERTIFICATE

- D3. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of operation. A copy of the Certificate with an electronic set of final must be submitted to the Planning Secretary and the Council prior to the commencement of use and after:
- (a) the site has been inspected during construction and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate/Compliance Certificate have been checked against those listed on the final Design Certificate/s.

Note: Contact Council and the Department for details on the specific electronic format for the electronic set of drawings.

END OF PART D

PART E – DURING AND POST COMMENCEMENT OF USE

MAINTENANCE

- E1. The Maintenance Plan required by **Condition D2** must be implemented and regular maintenance must be undertaken in accordance with the Plan.
- E2. Parked vehicles associated with maintenance activities must not at no time impede the movement of traffic or pedestrians in and around the site.

ADVERTISING SIGNAGE CONTENT

- E3. The advertisements and any other images displayed on the LED advertising screen 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 through fade, dissolve, or vertical or horizontal scrolling;
 - (d) video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts;
 - (e) complex displays, including text and information which hold drivers' attention beyond "glance appreciation";
 - (f) patterns, symbols or displays that resemble traffic signals or may result in the advertisement being mistaken for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles, or shapes or patterns;
 - (g) text providing instruction to drivers such as, "stop" or "halt" or the like;
 - (h) a method of illumination that distracts or dazzles;
 - (i) technology that interacts with in-vehicle electronic devices or mobile devices; and
 - (j) dominant use of the 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 signage content set out in *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017).

ADVERTISEMENTS – TEXT

- E4. Advertisements displayed on the LED advertising screen must:
 - (a) minimise the amount of text and information displayed (for example no more than a driver can read at a short glance); and
 - (b) use text in the same font and size on any one advertisement.

ADVERTISEMENTS – DWELL TIME

- E5. Static digital advertisements are to be displayed on the digital LED with a minimum dwell time of 15 seconds.
- E6. Static digital advertisements are to be displayed on the digital LED with a static fixed-display during school zone operating hours of 8:00 – 9:30 am and 2:30 – 4:00 pm on school days.

ADVERTISEMENTS – TRANSITION TIME

- E7. The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second.

ADVERTISEMENTS – MESSAGE SEQUENCING

- E8. 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.

LIGHTING CURFEW

- E9. The sign must be turned off (no illumination) from 11:00 pm to 6:00 am seven days a week.

PERMITTED LIGHTING LEVELS

- E10. The LED advertising screen must not exceed 50% of the maximum vertical illuminance limit, the maximum threshold increment and the maximum upward light ratio for A4 zones in *Australian Standard AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*, and must comply with the luminance levels in the table below:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	No Limit
Day time	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	700 cd/m ²
Nighttime	250 cd/m ²

- E11. The LED advertising screen must include a light sensor capable of automatically adjusting the luminance levels to comply with the requirements of **Condition E10**.

LUMINANCE STRENGTH AUDIT

- E12. Within six months of the commencement of operation of the sign, or as otherwise directed or agreed to by the Planning Secretary, the Applicant must undertake a luminance audit. The audit must:
- be carried out by a suitably qualified lighting engineer in accordance with the current version of -
 - NSW Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017), and
 - AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*;
 - test and determine the luminance of the development during each of the lighting conditions in **Condition E10**;
 - identify any discrepancies between the luminance levels tested as part of the audit and the luminance levels allowed by this development consent;
 - include a comparison of the developments performance as required by the conditions of this consent against the electronic log required under **Condition E23**; and
 - detail the steps taken to correct any exceedances of the luminance of the development.

- E13. The results of the luminance audit must be documented in a report and the audit report submitted to the Planning Secretary for information within one month of undertaking the audit, unless an alternative timeframe is approved by the Planning Secretary. The audit report should be submitted via email to compliance@planning.nsw.gov.au.
- E14. In the event the luminance audit required by **Condition E12** identifies the development has exceeded the luminance levels in **Condition E10** at any time, unless otherwise approved by the Planning Secretary, the Applicant must reduce the luminance levels to a level that:
- (a) complies with the levels specified in **Condition E10**; or
 - (b) complies with the levels and/or curfews that may be directed by the Planning Secretary.

REMOVAL OF GRAFFITI

- E15. The owner/manager of the site or sign must remove all graffiti from the advertising structure in accordance with the timeframes specified in the Maintenance Plan required by **Condition D2**.

ADVERTISING REVENUE/PUBLIC BENEFIT

- E16. 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 provide details on 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 from this project have been, or are to be, applied. The Annual Reports must be made available to the Planning Secretary upon request.

DISPLAY OF COMMUNITY, ROAD SAFETY AND EMERGENCY MESSAGES

- E17. The LED advertising screen must be available for five minutes every hour that the sign is operational for the display of road safety messages, transport information, and community information and events, by arrangement with Sydney Trains and at no cost to Sydney Trains, or the proponent of the information or messages. This may include, but not be limited to, information about construction projects that impact on road conditions.
- E18. The LED advertising screen must be made available for use in the event of a 'threat to life' or other emergency and to allow emergency messaging to override any commercial advertising or other display. The LED advertising screen must be made available for use for emergency messaging at no cost.

Note: The emergency messaging, including major disruptions to the road and rail network and Threat-to-life alerts by NSW Government Emergency and Police Agencies, are not included in the five minutes of advertising referred to in **Condition E17**.

ROAD SAFETY ASSESSMENT

- E19. The Applicant must undertake an independent Road Safety Assessment (RSA) between 12-18 months after the sign is operational. The RSA must be carried out by an independent, TfNSW accredited, road safety auditor. A copy of the RSA must be provided to TfNSW within two weeks of the RSA being completed.
- E20. The Applicant must rectify any safety concerns that are identified by the auditor in the RSA. Rectification works must be undertaken within one month of the RSA being provided to TfNSW or within an alternative timeframe agreed to by TfNSW and approved by the Planning Secretary.
- E21. The sign must not display any advertisements until such time that all of the safety concerns have been rectified.
- E22. In the event that the findings and/or recommendations of the RSA cannot be addressed by the Applicant, the sign must not display any advertisements and the advertising structure must be removed within one month of the RSA having been submitted to TfNSW, unless an alternative timeframe for removal is approved by the Planning Secretary.

ELECTRONIC LOG

- E23. An electronic log of the sign activities must be maintained by the operator at all times, for the duration of the development consent. The electronic log must include, but not be limited to, details on the following:
- (a) the advertisement displayed;
 - (b) the advertisement sponsor/operator;
 - (c) the dates and time each advertisement commenced and ended;
 - (d) the preceding and following advertisements;
 - (e) the ambient light levels detected at the sign; and
 - (f) the luminance levels that the advertisements were displayed at.
- E24. The electronic log must also include the following information on the messaging specified in **Condition E17**:
- (a) the community information or event, or promotion for services or tourism in the locality, or road safety or transport information displayed;
 - (b) the sponsor/operator of the messaging;
 - (c) the dates that each message was displayed; and
 - (d) the time each message commenced and ended.
- E25. The electronic log must be made available, upon request, to the Planning Secretary, TfNSW and Sydney Trains, to allow review of the sign activity in the event of any complaint or road safety issues.

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 and/or TfNSW (as relevant) 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.

MOVEMENT OF TRUCKS TRANSPORTING MATERIAL

- AN4. Prior to the commencement of works, the Applicant must notify the TfNSW Traffic Management Centre of the heavy vehicle route(s) to be followed by heavy vehicles transporting material from the site.

DISABILITY DISCRIMINATION ACT

- AN5. 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 National Construction Code, 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

- AN6. 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.
- AN7. 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.