

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 and Water Assessments

Sydney

15 April 2024

SCHEDULE 1

Application Number:	DA23/15505
Applicant:	Sydney Trains
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 31 DP 1086586 Rail overbridge across Castlereagh Road, Penrith.
Development:	Installation and use of a new digital advertising sign on the northern side of the rail overbridge over Castlereagh Road, Penrith.

DEFINITIONS

Applicant	Sydney Trains 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 infrastructure permitted by this consent.
Council	Penrith City Council
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the Statement of Environmental Effects 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: <ul style="list-style-type: none"> 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.

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.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
SEE	Statement of Environmental Effects prepared by Keylan Consulting Pty Ltd dated 1 November 2023.
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; and
 - (d) in accordance with the approved plans and reports in the tables below.

Design Drawings by Dennis Bunt Consulting Engineers				
Job No.	Sheet No.	Issue	Name of Plan	Date
23072	1	C	PROPOSED DIGITAL SIGN GENERAL ARRANGEMENT & SITE PLAN	31 May 2023
22347	1 and 2 of 2	1	SURVEY PLAN SHOWING SITE DETAILS AT PROPOSED BRIDGE-MOUNTED SIGNAGE LOCATION CASTLERAECH HIGHWAY	26 April 2023

Technical Report	Revision	Author	Date
Statement of Environmental Effects Digital Advertising Signage Castlereagh Road, Penrith (including appendices)	2	Keylan Consulting Pty Ltd	1 November 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 A3(a)**.
- 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 the documents listed in **Condition A2(c)** and **Condition A2(d)**.

LIMITS OF CONSENT

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

A6. This consent does not approve:

- (a) vegetation or tree removal; and
- (b) works associated with the installation of any electricity or telecommunications cables to service the site.

Note: *Separate development application(s)/approvals and consent/approval must be obtained for the above works (except where consent is not required under an Environmental Planning Instrument or, exempt and complying development applies) where required.*

STANDARDS

- A7. The approved sign and the supporting structure must be designed and built to meet all relevant Australian Standards, and any technical, construction and operational standards or requirements of TfNSW and Sydney Trains.
- A8. Any reference to Australian Standards in either the Applicant's SEE, or in the Department's Assessment Report or conditions of consent, is taken to be a reference to the latest updated version of the relevant Australian Standard and must be applied by the Applicant as if the latest version at the date of consent has been referenced.

EVIDENCE OF CONSULTATION

- A9. 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.

DURATION OF CONSENT

- A10. 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

- A11. 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, and any applicable Australian Standards. All structural works must be designed and certified by a suitability qualified and practicing structural engineer and a suitability qualified and practicing 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

- A12. The approved 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

- A13. The visible light reflectivity from the LED screen and materials used on the signage structure must not exceed 20 per cent and must be designed to minimise glare.

MINIMUM CLEARANCE

- A14. The sign must not reduce the existing road clearance between the road surface and the lowest point of the rail overbridge.

OPERATION OF PLANT AND EQUIPMENT

- A15. 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

- A16. 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.
- A17. 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

- A18. 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.

PRESCRIBED CONDITIONS

- A19. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

NON-COMPLIANCE NOTIFICATION

- A20. 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.
- A21. The notification required by **Condition A20** 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.
- A22. A non-compliance which has been notified as an incident under **Condition A18** does not need to also be notified as a non-compliance.

DEVELOPMENT NEAR BUSY ROADS

- A23. The sign must comply with all requirements of the NSW Department of Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines*, December 2008.

DESIGN AND OPERATION

- A24. The proposed sign design and operation must be 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.

ADVERTISEMENTS GENERALLY

- A25. 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* (Department of Planning and Environment, 2017).

ADVERTISEMENTS – DWELL TIME

- A26. Static digital advertisements must be displayed on the digital LED with a minimum dwell time of 10 seconds.

ADVERTISEMENTS – TRANSITION TIME

- A27. 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

- A28. The luminance levels of the LED advertising screen must comply with Australian Standard AS 4282-2023 *Control of the Obtrusive Effects of Outdoor Lighting*, and 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
Night-time	350 cd/m ²

- A29. The average luminance difference between successive images must not exceed 20 per cent to ensure compliance with Australian Standard AS 4282-2023 *Control of the Obtrusive Effects of Outdoor Lighting*.
- A30. The LED advertising screen must include a light sensor capable of automatically adjusting the luminance levels to comply with the requirements of **Condition A28**.

ADVERTISEMENTS – STATIC ADVERTISEMENTS

- A31. 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 A26**. The sign must not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.

ADVERTISEMENTS – TEXT

- A32. 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). The text must be the same font and size on all of the advertisements.

Note: **Condition A34** provides further guidance.

ADVERTISEMENTS – MESSAGE SEQUENCING

- A33. 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

- A34. 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

- A35. The proposed sign must not incorporate technology that will interact with in-vehicle electronic devices or mobile devices.

DISPLAY OF COMMUNITY, ROAD SAFETY AND EMERGENCY MESSAGES

- A36. The LED advertising screen must be available for five minutes per hour for the display of community information and events, and the promotion of services and tourism in the locality, by arrangement with Sydney Trains and at no cost to Sydney Trains, or the proponent of the community information, services or tourism.
- A37. The LED advertising screen must be available for 5 per cent of all advertising time each year for the display of road safety messages and transport information by arrangement with Sydney Trains. This may include, but not be limited to, information about construction projects that impact on road conditions. Additionally, the LED advertising screen must be made available for use in the event of a 'threat to life' emergency to allow emergency messaging to override any other commercial advertising.
- A38. 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 railway 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 percent of advertising referred to in **Condition A37**.

ROAD SAFETY ASSESSMENT

- A39. 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. The Applicant must rectify any safety concerns that are identified by the auditor. 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. The sign must not display any advertisements until such time that all of the safety concerns have been rectified.
- A40. 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 being submitted to TfNSW, unless an alternative timeframe for removal is approved by the Planning Secretary.

ELECTRONIC LOG

- A41. 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 Planning Secretary and Sydney Trains, to allow review of the signs' activity in the event of any complaint. The log must

include, but not be limited to, details on the following:

- (a) the advertisement displayed;
- (b) the time each advertisement commenced and ended;
- (c) the preceding and following advertisements;
- (d) the ambient light levels detected at the sign; and
- (e) the luminance levels that the advertisements were displayed at.

LOCATION OF CERTAIN NAMES AND LOGOS

A42. The name or logo of the entity who owns or leases the sign may appear, only in the bottom left-hand corner (as shown in plans) of the advertising structure and must be no greater than 0.25 m² in size.

LEGAL NOTICES

A43. Any advice, or notice to the consent authority, must be served upon the Planning Secretary via email at information@planning.nsw.gov.au.

END OF PART A

PART B - PRIOR TO COMMENCEMENT OF CONSTRUCTION

NOTIFICATION OF COMMENCEMENT

- B1. The Applicant must notify the Planning Secretary, in writing via email, of the date of commencement of construction at least one month prior to commencing construction.
- B2. If the construction 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 a description of the development to be carried out in that stage.

COMPLIANCES

- B3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that they carry out in respect of the development.

STRUCTURAL DETAILS

- B4. Prior to the commencement of construction, the Applicant must submit details of the signage, and structural drawings prepared and signed by a suitably qualified practicing Structural Engineer, to TfNSW's (or Sydney Trains, as relevant) Delegated Design Authority for review. The drawings must comply with:
 - (a) any relevant clauses of the BCA;
 - (b) any relevant Australian Standards;
 - (c) the development consent;
 - (d) approved drawings and specifications, and.
 - (e) any TfNSW and Sydney Trains requirements.
- B5. The Applicant must provide evidence of comment closeout or 'No Objection' from the Delegated Design Authority referred to in **Condition B4** to the Planning Secretary for information at least one month prior to construction commencing.

FALL ARREST SYSTEM

- B6. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the TfNSW engineers details of the 'fall arrest' system that will be implemented to prevent the signage structure falling on traffic should the bridge be impacted by a high vehicle. Details on the fall arrest system must be submitted to TfNSW at least one month prior to the commencement of construction.

CONSTRUCTION MANAGEMENT PLAN

- B7. 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 management aspects, including parking for vehicles associated with the construction and any need for road traffic or pedestrian cycleway closure and alternative routes if closures are required;
- (g) waste management;
- (h) external lighting in compliance with Australian Standard *AS 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; and
- (j) fauna management.

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.

PAYMENT OF LEVY FEE

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

ROAD OCCUPANCY LICENCE

- B9. 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 activities.

Note: A Road Occupancy Licence can be obtained through
<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

COMPLIANCE WITH STANDARDS AND TfNSW AND SYDNEY TRAIN REQUIREMENTS

- B10. Prior to the commencement of construction, the Applicant must consult with the responsible officers in TfNSW and Sydney Trains to ensure that the proposed signage complies with any TfNSW/Sydney Trains relevant technical, construction and operational requirements.

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.

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 operational manager of the site, the details of the builder, 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) the approved hours of construction;
 - (d) 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
 - (e) 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 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.
- 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** (apart from **C4(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

- 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).

SAFE WORK NSW REQUIREMENTS

- C7. 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

- C8. 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.

WIRING

- C9. 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

- 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.
- C11. Pedestrian and cyclist access must be maintained at all times along the public way beneath the rail overbridge on Castlereagh Road unless closure is permitted by a Road Occupancy Licence. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.
- C12. Access for emergency vehicles beneath the rail overbridge across Castlereagh Road must be maintained at all times, despite any requirements of any Road Occupancy Licence. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.
- C13. In the event that road or pedestrian closure is required by a Road Occupancy Licence, appropriate alternative routes need to be identified and signposted for road users and pedestrians.

PROTECTION OF TREES

- C14. 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

- C15. 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
 - (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).

AIR QUALITY

- C16. 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.
- C17. During construction, the Applicant must ensure that:
- (a) all trucks entering or leaving the site with loads, have their loads covered;
 - (b) vehicles associated with the development do not track dirt onto the public road network;
 - (c) public roads used by construction vehicles are kept clean; and
 - (d) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

IMPLEMENTATION OF MANAGEMENT PLAN

- C18. The Applicant must carry out the construction of the development in accordance with the CMP required by **Condition B7**.

TRANSPORT FOR NSW SUPERVISION

- C19. The installation of the signage on the railway overbridge must be completed by a relevant TfNSW registered contractor and in accordance with relevant TfNSW requirements.

PROTECTION OF PUBLIC INFRASTRUCTURE

- C20. 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.

ASSET DAMAGE

- C21. The cost of repairing any damage caused to Council assets or other public authority's assets (including TfNSW's), in the vicinity of the site, as a result of construction works associated with the development, must be met in full by the Applicant. The Applicant must advise the asset owner of any damage in writing and within 24 hours of creating the damage. The damage must be repaired to the satisfaction of the asset owner and within a timeframe agreed to by the asset owner.

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, 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 and frequency of inspections and routine preventative maintenance 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
 - (f) parked vehicles associated with maintenance activities must not at no time impede the movement of traffic or pedestrians in and around the site;
 - (g) external lighting in compliance with *AS4282: 2023 Control of the Obtrusive Effects of Outdoor Lighting*; and
 - (h) removal of graffiti.

STRUCTURAL INSPECTION CERTIFICATE

- D3. Prior to the commencement of use, a Structural Inspection Certificate or a Compliance Certificate must be obtained from a suitably qualified and practicing structural engineer Chartered Professional Engineer (CP Eng). The Certificate must detail that:
- (a) the site has been periodically inspected during construction, and the structural engineer is satisfied that the structural works are deemed to comply with the National Construction Code and 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.
 - (c) a copy of the Structural Inspection Certificate or a Compliance Certificate completed under **Condition D3** must be accompanied by an electronic set of final drawings and submitted to the Planning Secretary and Council for information:

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

END OF PART D

PART E - POST COMMENCEMENT OF USE

MAINTENANCE

- E1. Regular maintenance of the approved sign must be undertaken in accordance with the Maintenance Plan required by **Condition D2**. The sign must be inspected regularly, in order to identify any damage from storms, graffiti, or the like.

ADVERTISING SIGNAGE CONTENT

- E2. The images displayed on the sign must not contain and/or use:
- (a) flashing or flickering lights or content;
 - (b) video display, animated display, moving parts, or simulated movement, including though fade, dissolve, or vertical or horizontal scrolling;
 - (c) complex displays, including text and information which hold drivers' attention beyond "glance appreciation";
 - (d) 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";
 - (e) a method of illumination that distracts or dazzles; and
 - (f) 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 *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017).

REMOVAL OF GRAFFITI

- E3. The owner/manager of the site or sign must remove all graffiti from the advertising structure within 48 hours of being notified that the sign has been vandalised.

ADVERTISING REVENUE/PUBLIC BENEFIT

- E4. 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 a detailed list of 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.

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 or TfNSW 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 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

AN6.

- (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.