

# Development Consent

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

As delegate of 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

**David Gainsford**  
**Deputy Secretary**  
**Development Assessment**

Sydney

28 June 2023

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	DA 22/5186
<b>Applicant:</b>	Transport Asset Holding Entity of NSW / Sydney Trains
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 2 DP 1183944
<b>Development:</b>	Construction and operation of a new single sided monopole digital advertising sign on the northern side of the Princes Highway, Loftus.

FOR INFORMATION

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA22/5186-MOD-1	28 May 2025	Director Transport Assessments	Allow the removal of trees and other vegetation identified as necessary for construction and operation of the approved development.

FOR INFORMATION

## DEFINITIONS

<b>Applicant</b>	Transport Asset Holding Entity of NSW / Sydney Trains or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>Certifying Authority</b>	A person who is authorised by or under Part 6 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Sutherland Shire Council
<b>Day time</b>	All periods except morning and afternoon twilight and night time
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the SEE and RtS including the works and activities comprising construction, operation and post commencement of use as modified by the conditions of this consent
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Guidelines</b>	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in this development consent
<b>Material harm</b>	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Night time</b>	The period from 10pm to am on Monday to Saturday and 10pm to 8am on Sundays and public holidays

## CONSOLIDATED CONSENT

<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>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>RMS</b>	Roads and Maritime Services. Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically
<b>SEE</b>	Statement of Environmental Effects prepared by Keylan Consulting (on behalf of TfNSW) dated March 2022
<b>Subject site</b>	The site as described in Schedule 1
<b>TfNSW</b>	Transport for NSW

# CONSOLIDATED CONSENT

## 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 Response to Submissions;
  - (d) in accordance with the approved plans and reports in the tables below:

Plans prepared by Dennis Bunt Consulting Engineers Pty Ltd			
DWG No.	Rev	Name of Plan	Date
DA01	B	Proposed Digital Sign General Arrangement & Site Plan	11/01/2022
DA02	C	Proposed Digital Sign General Arrangement & Site Plan	27/10/2022
Survey Plans prepared by LTS			
Job No.	Rev	Name of Plan	Date
51585 001DT	-	Plan Of Detail & Levels At Proposed Signage Location - Princes Highway, Loftus, Sheet 1 of 2	17/11/2021
51585 001DT	-	Plan Of Detail & Levels At Proposed Signage Location - Princes Highway, Loftus, Sheet 2 of 2	17/11/2021
<u>Tree management plan prepared by Synertree Pty Ltd</u>			
<u>TMP-03</u>	<u>C</u>	<u>Impact Appraisal</u>	<u>11/04/2025</u>

Technical Report	Rev	Author	Date
Statement of Environmental Effects	1	Keylan Consulting Pty Ltd	25/3/2021
Digital Signage Safety Assessment	3	The Transport Planning Partnership	23/03/2022
Lighting Impact Assessment	C	Electrolight Australia Pty Ltd	22/03/2022
Statement of Public Benefit	-	Transport Sydney Trains	21/03/2022

## CONSOLIDATED CONSENT

Response to Submissions and Request for Information	-	Keylan Consulting Pty Ltd	03/11/2022
Utilities and Services Investigation	-	WSP	11/10/2022
Biodiversity Impact Assessment	2	Écologique	11/08/2022
Structural Feasibility Statement	-	Dennis Bunt Consulting Engineers Pty Ltd	14/10/2022
<b>Statement of Environmental Effects</b>	-	<b>Keylan Consulting Pty Ltd</b>	<b>13/01/2025</b>
<b>Biodiversity Impact Assessment</b>	<b>3</b>	<b>Écologique</b>	<b>27/03/2025</b>
<b>Arboricultural Impact Assessment</b>	<b>3</b>	<b>Synertree Pty Ltd</b>	<b>11/04/2025</b>

- 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(d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition **A2(d)**, 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.
- A6. This consent does not approve:
- (a) vegetation or tree removal **with the exception of the 13 trees listed for removal in the Arboricultural Impact Assessment listed in condition A2(d). Tree removal works must be in accordance with the Tree Management Plan in the Arboricultural Impact Assessment.**
  - (b) works associated with the installation of any electricity or telecommunications cables to service the site.

**A modification** ~~Separate development~~ application(s) must be lodged, and consent obtained, for the above works (except where consent is not required under an Environmental Planning Instrument or exempt and complying development applies).

### Evidence of Consultation

- A7. 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

- A8. 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

- A9. All new structures, and any alterations or additions to existing structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA. All structural works must be designed and certified by a suitability qualified and practising structural engineer and a suitability qualified and practising geotechnical engineer.

**Note:** Under Part 6 of the EP&A Act, Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the Building Code of Australia.

## Wind Loading

- A10. The approved sign must meet wind loading requirements as specified in Australian Standard AS 1170.1: Structural Design Actions – Permanent, Imposed and Other Actions (as adopted by the BCA) and AS 1170.2:- Structural Design Actions – Wind Actions (as adopted by the BCA).

## Reflectivity

- A11. 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

- A12. 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

- A13. 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.
- A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## Incident Notification, Reporting and Response

- A15. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

## Prescribed Conditions

- A16. The Applicant shall comply with all relevant prescribed conditions of development consent under Part4, Division 2 of the EP&A Regulation.

## Non-Compliance Notification

- A17. The notification The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A18. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance



- A19. 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

- A20. 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

- A21. The proposed sign design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 requirements.

## Advertisements Generally

- A22. Advertisements displayed on the LED advertising screen must be in accordance with the guidelines for sign content outlined in Section 3.6 of the Transport Corridor Outdoor Advertising and Signage Guidelines, dated November 2017.

## Advertisements – Dwell Time

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

## Advertisements – Transition Time

- A24. The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second.

## Permitted Luminance Levels

- A25. The luminance levels of the LED advertising screen must comply with Australian Standard AS 4282-2019 Control of the obtrusive effects of outdoor lighting, and the below table:

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	150 cd/m <sup>2</sup>

- A26. 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.
- A27. The LED advertising screen must include a light sensor to be capable of automatically adjusting the luminance levels in accordance with Condition A25.

## Advertisements – Static Advertisements

- A28. Advertisements displayed on the LED advertising screen must be displayed in a completely static manner, without any motion, for the approved dwell time in condition **A23**.

## Advertisements - Text

- A29. Advertisements displayed on the LED advertising screen must minimise the amount of text and information displayed (for example no more than a driver can read at a short glance). Text shall be displayed in the same font and size (further guidance provided in condition **A31**).

## Advertisements – Message Sequencing

- A30. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

## Advertisements – Traffic Control Device Or Driving Instructions

- A31. Advertisements displayed on the LED advertising screen must not be capable of being mistaken:
- (a) for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device; or
  - (b) as text providing driving instructions to drivers.

## Advertisements – Interactive Technology

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

## Advertisements – Dazzle Or Distract Drivers

- A33. Advertisements displayed on the LED advertising screen must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.

## Display Of Road Safety And Emergency Messages

- A34. The LED advertising screen shall be available for 5 minutes per hour for the display of customer promotion and event messages by arrangement with TfNSW and Sydney Trains at no cost to TfNSW. Additionally, the LED advertising screen shall be made available for use, at no cost, to allow emergency messaging to override the commercial advertising.

*Note: the emergency messaging, including station emergency situations, major disruptions to the rail network and Threat-to-life alerts by NSW Government Emergency and Police Agencies, are not included in the 5 minutes per hour*

## Road Safety Check

- A35. The Applicant must prepare an independent Road Safety Assessment (RSA) after 12 months of operation of the digital signage but within 18 months of the sign's installation. The road safety check must be carried out by an independent TfNSW accredited road safety auditor and in accordance with the RMS Guidelines for Road Safety Audit Practices. A copy of the report is to be provided to TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the Applicant.
- A36. In the event the findings and/or recommendations of the RSA cannot be addressed by the Applicant, the sign is to be removed at no cost to TfNSW.

## Electronic Log

- A37. An electronic log of the sign's activities must be maintained by the operator for the duration of the development consent and be available to the consent authority and TfNSW to allow a review of the signs' activity in case of a complaint.

## Legal Notices

- A38. Any advice or notice to the consent authority shall be served on the Planning Secretary.

## National Park Access

- A39. The Royal National Park is not to be used to gain access to the development site or for the storage of materials, equipment, workers' vehicles or machinery at any time during construction or operation of the development.

**END OF PART A**

## PART B PRIOR TO COMMENCEMENT OF WORKS

### Notification Of Commencement

- B1. The Planning Secretary must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Compliances

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

### Road Occupancy Licence

- B4. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

### Structural Details

- B5. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the TfNSW engineers structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
  - (a) any relevant clauses of the BCA;
  - (b) the development consent;
  - (c) approved drawings and specifications; and
  - (d) approved drawings and specifications as part of the Crown Certification process.
- B6. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the TfNSW engineers details of the 'fall arrest' system that is intended to prevent the sign structure fall on traffic should it be impacted by high vehicles.

### Construction Management Plan

- B7. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Department and Council. The CMP shall address, but not be limited to, the following matters where relevant:
  - (a) Environmental and Safety Risk Assessment;
  - (b) noise management in accordance with the Interim Construction Noise Guidelines (Department of Environment and Climate Change, 2009)
  - (c) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
  - (d) contact details of site manager;
  - (e) safety, including preparation of a Safe Work Method Statement;
  - (f) traffic management, including details of the location of any site compound, haulage routes and parking for vehicles associated with the construction (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
  - (g) waste management;
  - (h) tree protection measures as per the tree protection plan as required by condition **B12** (as required);
  - (i) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
  - (j) flora and fauna management.

## CONSOLIDATED CONSENT

The CMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CMP, the consent shall prevail.

### Payment Of Levy Fee

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

### Sedimentation

- B9. Prior to commencement of work on the site for each stage of the development, erosion and sedimentation control measures are to be installed and operational.

### Geotechnical Engineering Report

- B10. Prior to the commencement of works, a Geotechnical Engineering Report, prepared by a suitably qualified person, must be submitted to the Certifying Authority for approval detailing any special building practices required for construction of the proposed development. A copy of the approved Geotechnical Engineering Report must be submitted to the Department for information.

### Shoring

- B11. Prior to the commencement of works, detailed plans of the shoring for the footing installation must be submitted to the Certifying Authority for approval. The plans must be prepared by a suitably qualified practicing structural engineer to ensure no adverse impacts to the rail track underpass culvert wall.

### Tree Protection

- B12. Prior to the commencement of any works, a Tree Protection Plan prepared in accordance with *Australian Standard AS 4970-2009 'Protection of Trees on Development Sites'* must be submitted and approved by the Certifying Authority.

The Plan must:

- (a) be prepared by a qualified Arborist;
- (b) identify all trees surrounding the location of construction activities;
- (c) detail protection measures for trees identified in condition **B12(b)**, **with the exception of those identified for removal in the Arboricultural Impact Assessment listed in condition A2(d)**, to ensure they are retained during construction and operation of the development;
- (d) show the Tree Protection Zones for retained vegetation, amelioration measures if works are to be undertaken within the tree protection zone; and
- (e) identify any stockpiling areas.

**Tree protection works must be consistent with the Method Statement in the Arboricultural Impact Assessment listed in condition A2(d).**

END OF PART B

## PART C DURING CONSTRUCTION

### Approved Plans To Be On-Site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department or Council.

### Site Notice

C2.

- (a) A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Structural Engineer and contact details, including contact phone number.
- (b) The notice(s) is to satisfy all but not be limited to, the following requirements:
  - (i) minimum dimensions of the notice are to measure 841mm x 594mm (A 1) with any text on the notice to be a minimum of 30 point type size;
  - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

### Construction Hours

- C3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive
  - (b) between 8:00 am and 1:00 pm, Saturdays.
- C4. No work may be carried out on Sundays or public holidays.
- C5. Works may be undertaken outside these hours where:
- (a) the delivery of materials or works is required outside these hours by the Police, TfNSW or other authorities;
  - (b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
  - (c) it is required in accordance with a Road Occupancy Licence or at the direction of the Transport Management Centre (TMC).
- C6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### Implementation Of Management Plan

- C7. The Applicant must carry out the construction of the development in accordance with CMP required by condition **B7**.

### Construction Noise Management

- C8. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).
- C9. Any noise generated during the construction of the development must not be offensive noise within the meaning of *the Protection of the Environment Operations Act, 1997*.

## Construction Dust Management

- C10. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C11. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces

## Safe Work NSW Requirements

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

## Hoarding Requirements

- C13. The following hoarding requirements shall be complied with:
- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - (b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

## No Obstruction Of Public Way

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

## TfNSW Supervision

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

## Excavation

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

## Vibration Criteria

- C17. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time)

## Tree Protection

- C18. Protective fencing shall be installed prior to commencement of any works in accordance with the Tree Protection Plan approved under condition **B12**.
- C19. The storage of any debris, materials or machinery is not to occur within the drip line of any protected vegetation.



## Unexpected Finds Protocol – Aboriginal Heritage

C20. In the event that surface disturbance identifies a new Aboriginal object:

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

## Unexpected Finds Protocol – Historic Heritage

C21. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

## Tree Protection During Construction

**C22. During construction, tree protection measures must be maintained in accordance with the relevant provisions of:**

- (a) ***AS-4970: Protection of trees on development sites***
- (b) ***Chapter 39 of Sutherland Shire Development Control Plan 2015; and***
- (c) ***the Arboricultural Impact Assessment listed in condition A2(d).***

## Tree Replacement

**C23. Where trees are removed, replacement trees must:**

- (a) **be provided at a ratio of at least 2:1;**
- (b) **be endemic species and selected from Sutherland Shire Council's 'Native Plant Selector' available on council's website;**
- (c) **meet the requirements for quality tree stock specified in the *AS2303:2018: Tree Stock for Landscape Use*;**
- (d) **be of a minimum pot size of 100 litres;**
- (e) **be located within 100 metres of the signage structure and where possible, positioned to provide screening of the sign from nearby residents; and**
- (f) **be planted prior to commencement of operation.**

## Revegetation Management Plan

**C24. A Revegetation Management Plan must be prepared by a suitably qualified and experienced person in native revegetation. The Plan must be prepared and submitted to the Department prior to commencement of operation of the sign. The Plan must address, but not be limited to:**

- (a) **details on the species to be planted on-site, ensuring that at least 80% of new understorey plants are endemic species selected from Sutherland Shire Council's 'Native Plant Selector';**
- (b) **a description of the routine monitoring and maintenance measures to manage the planted vegetation to ensure the success of the revegetation outcomes;**

## CONSOLIDATED CONSENT

- (c) weed management, including measures to ensure regeneration of weeds does not occur and imported fill, topsoil or landscaping material is free of weeds; and
- (d) measures for stabilising the cleared area and preventing soil erosion in the revegetated area.

The Revegetation Management Plan must be implemented.

### Nest Boxes

C25. Existing nest boxes must be removed prior to tree felling. The nest boxes must be relocated within one week of removal and within 50 metres of the felled trees. Removal and relocation must be in the presence of an ecologist.

### Works Near Power Lines

C26. All works adjacent to the overhead power lines must be undertaken in accordance with Work Near Overhead Power Lines: Code of Practice (WorkCover, 2006).

C27. Replacement trees must be planted at a distance so that when full size, they are outside the minimum clearance distance from the power lines, as outlined in NS220 Overhead Design Manual (Ausgrid, 2020 as amended on 26/06/2024).

END OF PART C



## PART D PRIOR TO COMMENCEMENT OF USE

### Notification of Commencement of Use

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

### Protection Of Public Infrastructure

- D2. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### Maintenance Plan

- D3. Prior to the commencement of use, a Maintenance Plan is to be prepared and submitted to the Department and Council. The Plan shall address, but not be limited to, the following matters, where relevant.
- (a) Environmental and Safety Risk Assessment;
  - (b) hours of work/inspections of sign (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
  - (c) contact details of site manager;
  - (d) safety, including preparation of a Safe Work Method Statement;
  - (e) traffic management, including details of the location of parking for vehicles associated with the operation (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
  - (f) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; **and**
  - ~~(g) removal of graffiti; and~~
  - ~~(h) maintenance and management of vegetation.~~

### Road Damage

- D4. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant.

### Structural Inspection Certificate

- D5. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the Department and the Council after:
- (a) the site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

**END OF PART D**

## PART E ONGOING CONDITIONS

### Maintenance

- E1. Regular maintenance of the approved advertising structures shall be undertaken in accordance with the Maintenance Plan under condition **D3**. The sign is to be inspected regularly to identify any damage from storms, graffiti or the like.
- E2. All costs associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

### Advertising Signage Content

- E3. The approved advertising structures must not have or use:
- (a) flashing or flickering lights or content
  - (b) electronically changeable messages
  - (c) animated display, moving parts or simulated movement
  - (d) complex displays that hold a driver's attention beyond "glance appreciation"
  - (e) displays resembling traffic signs or signals, or giving instructions to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'
  - (f) a method of illumination that distracts or dazzles
  - (g) floodlighting or the like
  - (h) dominant use of colours red or green
  - (i) technology that interacts with vehicle-electronic devices or mobile devices.

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

### Wiring

- E4. Any wiring to approved signage must be contained behind the sign or otherwise concealed so that wiring is not visible from a public place.

### Location Of Certain Names And Logos

- E5. The name or logo of the person who owns or leases the approved advertisement may appear only in the logo space attached to the bottom centre of the advertising structure as shown in the plans listed in condition **A2** and must be no greater than 0.25 m<sup>2</sup> in size.

### Removal Of Graffiti

- E6. 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

- E7. The total amount of outdoor advertising revenue received each year by Sydney Trains must be recorded in its financial accounts and Annual Reports. The Annual Reports must also outline how revenue has been applied to provide a public benefit in the areas of transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

### Revegetation Management

- E8. Ongoing management of revegetation works must be undertaken in accordance with the Revegetation Management Plan under condition C24.**

END OF PART E

## ADVISORY NOTES ADVISORY NOTES

### Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021* (as amended).

### Other Consents And Permits

AN2. The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other consents under Section 68 (Consents) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

### Responsibility For Other Consents And Agreements

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### Movement Of Trucks Transporting Material

AN4. The Applicant must notify the TfNSW Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting material from the subject site, prior to the commencement of works.

### Disability Discrimination Act

AN5. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the *Building Code of Australia* which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### Commonwealth Environment Protection And Biodiversity Conservation Act 1999

AN6.

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