

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, 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



Anthony Witherdin

Director

Key Sites Assessments

Sydney 17 March 2022

File: EF20/32460

SCHEDULE 1

Application Number:	DA 10648
Applicant:	Sydney Trains
Consent Authority:	Minister for Planning
Site:	Adjacent to Homebush Bay Drive Overpass, Rhodes
Development:	Erection and operation of one double-sided digital advertising monopole sign

DEFINITIONS

Accredited Certifier	The holder of a certificate of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Sydney Trains or any person carrying out any development to which this consent applies
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BCA	Building Code of Australia
Certifier	Means a Council or an accredited certifier
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Canada Bay Council
Daytime	All periods except morning and afternoon twilight and night-time
Demolition	The deconstruction and removal of any structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the SEE and RtS including the works and activities comprising construction, operation and post-commencement of use as modified by the conditions of this consent.
Environment	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 2000</i>
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in this development consent.
Material harm	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)
Minister	NSW Minister for Planning (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Night-time	All periods except daytime and morning and afternoon twilight
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee

Reasonable	Means 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.
RtS	The Applicant's response to issues raised in submissions received in relation to the application and by the Department of Planning and Environment for consent for the development under the EP&A Act.
SEE	Statement of Environmental Effects prepared by Ethos Urban (on behalf of Sydney Trains) dated 1 December 2020
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 approved plans in the table below:

Design Drawings by Ethos Urban			
Sheet No.	Issue	Name of Plan	Date
A-4.1	C	Site Plan & General Arrangement	19.10.21
A-4.2	C	Elevation, Section and Photomontage	19.10.21

Technical Report	Reference	Author	Date
Statement of Environmental Effects	2200249 Version No. A1	Ethos Urban (on behalf of Sydney Trains)	1 December 2020
Response to Submissions	2200249	Ethos Urban (on behalf of Sydney Trains)	29 April 2021
Further Response to Submissions	2200249	Ethos Urban (on behalf of Sydney Trains)	25 November 2021
Signage Safety Assessment	20406 V02	The Transport Planning Partnership	1 December 2020
Addendum Traffic Assessment	20406	The Transport Planning Partnership	25 November 2021
Addendum Photomontages	-	Ethos Urban	No Date
Structural Feasibility Statement	SY201496-SL04-B	Northrop Consulting Engineers	12 October 2020
Public Benefit Statement	-	Sydney Trains	7 October 2020
Evaluation of Lighting Impact	L164K_R04_P3_Site 4 - Rhodes	Lighting, Art + Science	11 March 2021
Addendum Evaluation of Lighting Impact	L164K_R04_Rhodes 211015	Lighting, Art and Science	15 October 2021
Preliminary Geotechnical Assessment	99739.00 R.001.Rev0	Douglas Partners	17 July 2020
Report on Limited Preliminary Site (Contamination) Investigation	99739.01. R.001.DftA	Douglas Partners	27 April 2021

- 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)** above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)** or **A2(d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **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 it is registered on the NSW planning portal unless the works associated with the development have physically commenced.

EVIDENCE OF CONSULTATION

- A6. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for consent; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

DURATION OF CONSENT

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

Note: a new Development Application must be submitted prior to that date for assessment and determination if it is intended to continue the use beyond the cessation date.

STRUCTURAL ADEQUACY

- A8. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

LONG SERVICE LEVY

- A9. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

DEVELOPMENT EXPENSES

- A10. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

WIND LOADING

- A11. The approved signs 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

- A12. 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

- A13. 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

- A14. 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.
- A15. 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

- A16. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

PRESCRIBED CONDITIONS

- A17. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A19. 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.
- A20. 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

- A21. 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).

COMPLIANCE WITH TRANSPORT CORRIDOR OUTDOOR ADVERTISING AND SIGNAGE GUIDELINES 2017

- A22. The design and operation of the signs shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 requirements.

SIGNAGE GENERALLY

- A23. The signage must not obstruct any traffic controlled signals or other traffic signs along Homebush Bay Drive.

ADVERTISEMENTS GENERALLY

- A24. 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

- A25. Static digital advertisements are to be displayed on the digital LED with a dwell time of 15 seconds.

ADVERTISEMENTS – TRANSITION TIME

- A26. The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second.

Note: Refer to Condition A26

PERMITTED LUMINANCE LEVELS

- A27. The luminance levels of the LED advertising screen must comply with Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and the below table:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	No limit
Daytime Luminance	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	700 cd/m ²
Nighttime	350 cd/m ²

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 A25**.

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 (**Condition A31** provides further guidance).

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 (see also **Condition F2**).

ADVERTISEMENTS – DAZZLE OR DISTRACT DRIVERS

- A32. 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

- A33. The LED advertising screen must be available for a minimum 5 per cent of all advertising time each year for the display of road/rail and other public safety messages by arrangement with TfNSW. Additionally, the LED advertising screen shall be made available for use in the event of a 'threat to life' emergency to allow emergency messaging to override the commercial advertising.

ROAD SAFETY CHECK

- A34. A road safety check which focuses on the effects of the placement and operation of the sign must be carried out in accordance with the RMS Guidelines for Road Safety Audit Practices after a 12-month period of operation but within 18 months of the signs' installation. The road safety check must be carried out by an independent TfNSW accredited road safety auditor. 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.

ELECTRONIC LOG

- A35. 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.

COSTS AND MAINTENANCE

- A36. All costs associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

LEGAL NOTICES

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

END OF PART A

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

SERVICES

- B1. The Applicant shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Where areas are disturbed as a result of the provision of services to the development, these areas should be restored to the satisfaction of the asset owner.

STRUCTURAL DETAILS

- B2. Prior to the commencement of construction, the Applicant shall submit to the Certifier 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; and
 - (c) approved drawings and specifications.

CONSTRUCTION MANAGEMENT PLAN

- B3. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Certifier. The CMP shall address, but not be limited to, the following matters where relevant:
- (a) environmental and safety risk assessment;
 - (b) hours of work (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 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);
 - (f) dust, erosion and sediment control;
 - (g) waste management;
 - (h) contamination and unexpected finds, which must be developed considering the findings of the Report on Limited Preliminary Site (Contamination) Investigation (Ref: 99739.01. R.001.DftA) (dated 27 April 2021) prepared by Douglas Partners.
 - (i) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - (j) flora and fauna management.

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.

GEOTECHNICAL REPORT

- B4. Prior to the commencement of construction, a detailed Geotechnical Investigation must be prepared by a suitably qualified and experienced practitioner, and a copy provided to the Certifier. The report must be generally consistent with the *Preliminary Geotechnical Assessment*, Ref: 99739.00 R.001.Rev 0, prepared by Douglas Partners, dated 17 July 2020. The recommendations of the report are to be implemented during the course of the works.

PAYMENT OF LEVY FEE

- B5. Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

END OF PART B

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. 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.
- C2. 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

- C3. 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.

END OF PART C

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. 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, Council or the Certifier.

SITE NOTICE

- D2. 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, Certifier, Structural Engineer and contact details, including contact phone number.

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 (A1) 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

- D3. 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;
 - (c) no work on Sundays and public holidays;
 - (d) Works may be undertaken outside these hours where:
 - (i) the delivery of materials or works is required outside these hours by the Police, TfNSW or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

CONSTRUCTION NOISE MANAGEMENT

- D7. 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).
- D8. 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*.

WORK COVER REQUIREMENTS

- D9. 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 Work Cover requirements.

HOARDING REQUIREMENTS

- D10. 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

- D11. 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.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

- D12. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and Heritage NSW must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- D13. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and Heritage NSW must be informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from Heritage NSW is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- D14. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

ROAD OCCUPANCY LICENCE

- D15. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre for any works that may impact on traffic flows on Homebush Bay Drive during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

HAZARDOUS WASTE REMOVAL

- D16. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines. The Applicant must ensure that works are undertaken so that cross-contamination of the site does not occur.
- D17. Removal of any other hazardous materials must be undertaken by a suitably licensed contractor.

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- D18. The Applicant must implement the Unexpected Finds Protocol for the duration of construction. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified and works must cease in the immediate area of the find. Works must not recommence on site until the Planning Secretary confirms works can recommence.

END OF PART D

PART E PRIOR TO COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE

- E1. 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

- E2. Prior to the commencement of use, a Maintenance Plan detailing the process for maintenance and changing sign content 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;
 - (g) removal of graffiti; and
 - (h) maintenance of vegetation immediately surrounding the sign.

ROAD DAMAGE

- E3. 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

- E4. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier 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 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 have been checked with those listed on the final Design Certificate/s.

END OF PART E

PART F POST COMMENCEMENT OF USE

MAINTENANCE

- F1. Regular maintenance of the approved advertising structures shall be undertaken in accordance with the Maintenance Plan under **Condition E2**. The sign is to be inspected regularly to identify any damage from storms, graffiti or the like.

ADVERTISING SIGNAGE CONTENT

- F2. 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 control device by use of colour, shape or words that can be construed as giving instruction to traffic for example red, amber or green circles, octagons, crosses, triangles and words such as 'halt' or 'stop';
 - (f) a method of illumination that distracts or dazzles; or
 - (g) dominant use of colours red or green.

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 the Guidelines.

LOCATION OF CERTAIN NAMES AND LOGOS

- F3. The name or logo of the person who owns or leases the approved advertisement may appear only in the bottom right hand corner of the advertising structure/advertising display area and must be no greater than 0.25 m² in size.

REMOVAL OF GRAFFITI

- F4. The owner/manager of the site or sign must be responsible for the removal of all graffiti from the advertisement within 48 hours of notification.

ADVERTISING REVENUE/PUBLIC BENEFIT

- F5. The total amount of outdoor advertising revenue received each year by TfNSW must be recorded in its financial accounts and Annual Reports. The Annual Reports must also outline how revenue has been applied to provide local public benefits (including within the Canada Bay LGA) in the areas of transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

END OF PART F

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 2000* (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 WASTE MATERIAL

- AN4. The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the subject site, prior to the commencement of the removal of any waste material from the subject site.

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.

USE OF MOBILE CRANES

- AN6. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied and submitted to the Certifier:
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
 - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of the relevant road authority will create minimal traffic disruptions; and
 - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the relevant road authority, will create significant traffic disruptions.
 - (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.00 am without the prior approval of the relevant authority.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN7. 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 an consent from the Commonwealth Environment Minister.
- AN8. This application has been assessed in accordance with the EP&A Act. 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 Agriculture, Water and the Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

END OF ADVISORY NOTES