615 Great Western Highway, Greystanes

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: 2016/374/1

Application lodged	6 September 2016
Applicant	Mecone Pty Ltd on behalf of EI Media
Owner	Gregg Ritchie
Application No.	2016/374
Description of Land	615 Great Western Highway, Greystanes (Lot 44, DP 833604)
Proposed Development	Erection of twin sided digital advertising sign
Site Area	16,100.3m²
Zoning	**IN2 Light Industrial**Error! Not a valid filename.
Disclosure of political donations and gifts	Nil disclosure
Heritage	No
Issues	No

SUMMARY

1. Development Application (DA) 2016/374/1 was received on 6 September 2016 for *the erection of a twin sided digital advertising structure.*

2. The DA was referred to RMS and the Department of Primary Industries (DPI) Office of Water on 13 September 2016. RMS concurrence was received on 28 November 2016 and the DPI Office of Water has raised no objections to the proposal as indicated via e-mail correspondence dated 25 October, 2016.

3. The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 30 days from 21 September to 21 October 2016. A copy of the proposal was also referred to Blacktown Council for comment. No submissions were received.

   The application was subsequently renotified to include additional properties in the vicinity from the 22 December, 2016 to the 27 January, 2017. No submissions were received.

4. On 13 January 2017, Council received an irrevocable letter of offer to enter into a Voluntary Planning Agreement (VPA), from the 'developer', Kevin Malouf of EI Media. In this instance, the consideration of the VPA is linked to the DA assessment regime under *State Environmental Planning Policy (SEPP) 64 – Advertising and Signage*. In accordance with Clause 13(3) of SEPP 64, an "arrangement" for the provision of public benefits (consistent with the SEPP 64 Advertising Guidelines) is required to be entered into prior to the grant of any consent. The proposal does not involve any negative financial implications for Council and will not be taken into consideration for Section 94 purposes. The offer was referred to Council's strategic planning, property,

community services, media and road safety sections and no objections were raised by Council's officers.

5. The application is recommended for conditional approval subject to the conditions as nominated within the attached schedule, including a deferred commencement condition for the preparation and execution of the VPA (subject to separate Council approval) after 28 days notification in accordance with the terms of the Letter of Offer prior to the operation of any consent.

REPORT

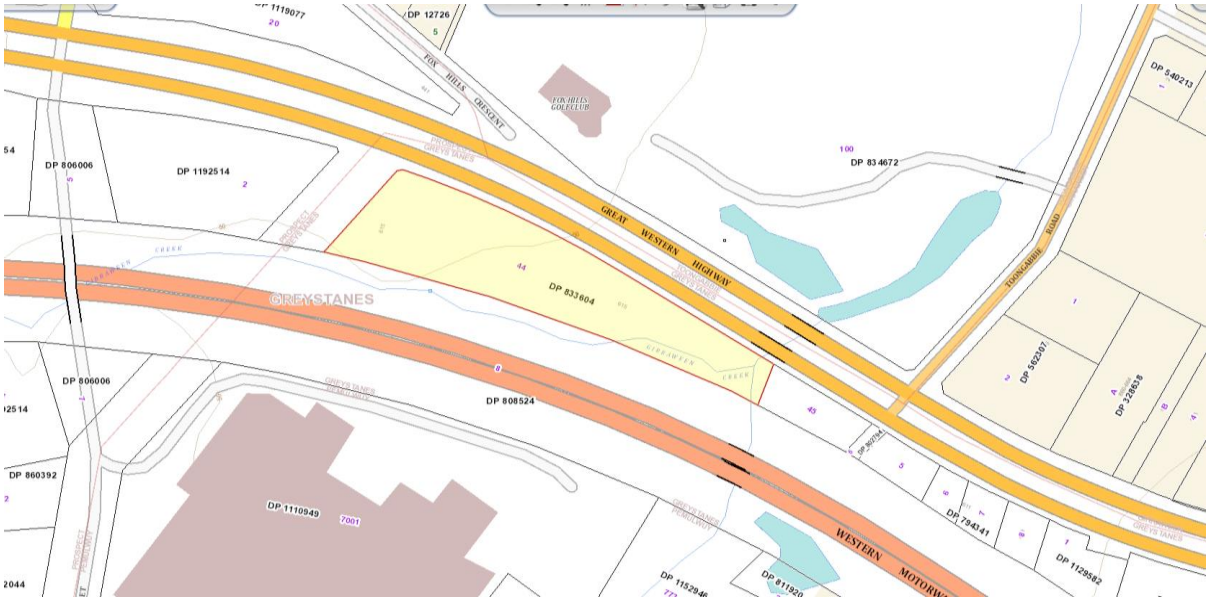
Introduction

Subject Site and Surrounding Area

The subject site is known as 615 Great Western Highway, Westmead, and is legally described as Lot 44 in Deposited Plan 833604. The site is located on the southern side of Great Western Highway within the IN2 Light Industrial zone. The site is an irregular parcel located between the Great Western Highway and the M4 Motorway with a total site area of 16,100.3m². The site currently contains a temporary moveable advertising structure and scattered vegetation. The land is flood affected and contains natural and concrete lined sections of Girraween Creek draining from the west and south, respectively, towards the north-eastern corner of the site. The land is not within an environmentally sensitive area, heritage area or waterway and as such, the proposal is not prohibited under SEPP 64.

Adjoining development includes a single storey dwelling house to the east, Fox Hills golf course to the north (zoned RE2 Private Recreation under Blacktown LEP 2015) and industrial properties to the north-east and south.

Locality Plan



Shaded site is 615 Great Western Highway, Greystanes (Locality)

Aerial Plan

615 Great Western Highway, Greystanes (Aerial)

Photo from Street View

615 Great Western Highway, Greystanes

Description of the Proposed Development

Council has received a DA for the erection of a twin sided digital advertising structure adjacent to, and visible from, the Great Western Highway. The proposal involves:

- removal of the temporary moveable advertising structure (as noted within the Road Safety Assessment prepared by Arrb Group Consultants);
- construction of a free standing twin sided digital advertising structure on a single pole with an overall height of 7m, a clearance of 4m from the ground and a front setback of 2m from the property boundary;
- 11m wide by 3m high digital Electronic Static Display advertising signs on the eastern and western sides of the structure with a total display area of 66m^2;
- the display of static images with a 'dwell' time of no less than 30 seconds westbound and 55 seconds eastbound, before changing to a new image with a transition time of 0.1 seconds or less;
- associated landscaping works;
- a maximum lifespan of 15 years from the operative date of any consent; and
- an irrevocable letter of offer to enter into a VPA for the provision of public benefits in connection with the display of the advertisement in the form of advertising slots to Council and other public authorities to address important road safety issues and community announcements as well as an annual monetary contribution of $6,000 per annum towards local amenity improvements. The applicant accepts the imposition of a condition of consent to enter into a VPA in accordance with the letter of offer pursuant to section 93I(3) of the *Environmental Planning and Assessment Act 1979*.

History

Date	Action
02/09/2016	Previous Development Application 2016/267 for the erection of a twin sided digital advertising structure was refused by Council under delegated authority due to insufficient information.
06/09/2016	The Development Application was lodged as an integrated development application requiring concurrent approval under the Water Management Act 2000 from the Department of Primary Industries Office of Water.
13/09/2016	The Development Application was referred to Council's internal departments for review. External referrals were sent to the RMS and Department of Primary Industries Office of Water.
21/09/2016 to 21/10/2016	The Application was placed on public notification for 30 days. No submissions were received by Council.
25/10/2016	Department of Primary Industries Office of Water advised no objections to the proposal.
17/11/2016	Additional information submitted to Council, addressing the deferral letter dated 28 October 2016.
28/11/2016	RMS provided concurrence subject to conditions.
22/12/2016 to 27/01/2017	The application was renotified from the 22 December, 2016 to 27 January, 2017. During this period no submissions were received.
13/01/2017	Formal irrevocable letter of offer to enter into a VPA submitted to Council, addressing the deferral email dated 20/12/16 to satisfy the

	requirements of Clause 13(3) of SEPP 64.
01/03/17	Application referred to CIHAP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Mecone Pty Ltd dated 5 September 2016 in support of the application.

Contact with Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and been in regular contact with the applicant, developer and owner throughout the assessment process.

Internal Referrals

Landscaping Officer

The Application was referred to Council's Landscaping Officer for comment who has raised no objections to the proposed development, subject to conditions of consent which have been imposed within the draft conditions of consent.

Traffic Engineer

The Application was referred to Council's Traffic Engineer for comment who has raised no objections to the proposed development.

Strategic Planning

The Application was referred to Council's Strategic Planning section for comment who has raised no objections to the proposed development or material public benefits offer.

Community Services Officer

The Application was referred to Council's Community Services Officer for comment who has raised no objections to the proposed material public benefits offer.

Property Services Officer

The Application was referred to Council's Property Services Officer for comment who has raised no objections to the proposed material public benefits offer.

Planning Comments

The provisions of any Environmental Planning Instruments (EP & A Act, s79C(1)(a)(i))

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

(a) State Environmental Planning Policy No. 64 – Advertising and Signage

A comprehensive assessment and compliance table is attached to this report in Appendix A which demonstrates the development proposal's compliance with SEPP 64 and associated Guidelines.

The SEE submitted with the DA provides an assessment of the proposal against the objectives of the Policy and the assessment criteria specified in Schedule 1. The DA has also been accompanied by a Road Safety Assessment prepared by Arrb Group Consultants, a Lighting Impact Report prepared by Electrolight, a Visual Impact Analysis prepared Mecone and a Photomontage. Based on the information submitted, it is considered that the proposal satisfactorily addresses relevant matters such as design quality, road safety, landscaping, road safety, lighting and views and vistas and as such, satisfies the objectives of the Policy and the assessment criteria specified in Schedule 1.

Clause 13(3) of SEPP 64 requires an arrangement to be entered into for the provision of public benefits where signage is greater than 20sqm and within 250m of, and visible from, a classified road. In this instance, the proposal is set back 2m from the Great Western Highway and visible from both the eastbound and westbound approaches. The developer seeks to provide ongoing public benefits, consistent with the SEPP 64 Advertising Guidelines, which are of a lesser scale given the proposal is located on private land and not within a transport corridor on public land.

The Guidelines require a public benefit test, being an assessment of how the local community will benefit as a result of the advertisement, if an advertisement requires RMS concurrence. Section 4.2 of the Guidelines allows both monetary and 'in-kind' contributions (such as use of the advertising structure from time to time for promotion of community events or public safety announcements) as appropriate public benefits. Any monetary contributions are to fund a public benefit works program developed in partnership with the RTA and/or Ministry for Transport in relation to public transport matters. Both council and RTA and/or Ministry for Transport will identify and prioritise projects in the LGA that require investment in transport safety, public transport or amenity improvements that are in addition to the core activities and services provided by the council.

In this regard, an irrevocable letter of offer to enter into a VPA for the provision of public benefits in connection with the display of the advertisement has been submitted by the applicant as a part of the DA. The public benefits include an allocation of advertising slots to Council and other public authorities to address important road safety issues and community announcements at no cost as well as an annual monetary contribution of $6,000 towards local amenity improvements for the lifespan of the development. Council officers have reviewed the offer and raise no objections to the proposal. The applicant accepts the imposition of a condition of consent to enter into a VPA in accordance with the letter of offer pursuant to section 93I(3) of the *Environmental Planning and Assessment Act 1979*. Accordingly, a deferred commencement condition is recommended for the preparation, notification and execution of the VPA in accordance with the terms of the Letter of Offer prior to the operation of any consent.

Clause 14 limits the lifespan of any advertising structure to 15 years from the date of operation of the consent or a lesser period if in the opinion of the consent authority the area is undergoing change and the advertising structure would be inconsistent with that change. Whilst the land is currently undeveloped and may be developed for light industrial purposes in the future, it is not considered that the advertising structure would not be inconsistent with that change if it occurs. Therefore, a condition will be imposed limiting the operation of the consent to a maximum of 15 years from the operational date of any consent.

Clause 17 identifies the development as "advertised development" as the sign is greater than 20m² or 8m above ground. The DA has been advertised in accordance with Section 79A of the Act.

Clause 18 also applies to the development as the signage is greater than 20m² and within 250m of and visible from a classified road, the Great Western Highway. Clause 18 also states that a consent authority must not consent to any signage to which the clause applies without concurrence from Roads and Maritime Services (RMS). The application was referred to the RMS for concurrence. The RMS granted concurrence subject to conditions, dated 28 November 2016.

It is noted that the Department of Planning is currently undertaking a review of SEPP 64 and the SEPP 64 Guidelines (2007). As part of the review, new Draft SEPP 64 Guidelines have been developed which include new criteria relating specifically to digital LED signs in transport corridors. These new criteria represent the most up-to-date framework for the operation of LED outdoor advertising screens in transport corridors. Noting the immediate proximity and visibility of the proposal from Great Western Highway, it is considered appropriate to apply the Draft SEPP 64 Guidelines in the assessment of the subject application.

The Draft SEPP 64 Guidelines prescribe a 'dwell time' of 25 seconds for the display of advertisements on digital LED signs towards roads where the speed limit is 80 km/h or above, and prescribe a 'transition time' between advertisements of no longer than 0.1 seconds. The Draft SEPP 64 Guidelines also specify that advertisements must be displayed in a completely static manner and must not include message sequencing, flashing, flickering, and must not be capable of being mistaken for a traffic control device or as text providing instructions to drivers. Suitable conditions of consent will be imposed to ensure compliance with these requirements.

Local Environmental Plans

(a) Holroyd Local Environmental Plan (LEP) 2013

The proposed development is defined as an 'advertising structure' under the provisions of Holroyd Local Environmental Plan (LEP) 2013, which is permitted with consent under the IN2 – Light Industrial zoning applying to the land.

The proposed overall height of 7m complies with the maximum 26m height of building limit under Clause 4.3 of Holroyd LEP 2013.

The provisions of any draft Environmental Planning Instruments (EP & A Act s79C(1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

The provisions of any Development Control Plans (EP & A Act s79C(1)(a)(iii))

(a) Holroyd Development Control Plan (DCP) 2013

Holroyd Development Control Plan (DCP) 2013 commenced on 5 August 2013. The Holroyd DCP 2013 provides guidance for the design and operation of development within Holroyd to achieve the aims and objectives of Holroyd LEP 2013.

The proposed development complies with the provisions of Holroyd DCP 2013 and is considered acceptable from an environmental planning view point.

A comprehensive assessment and compliance table is attached to this report in **Appendix B** which demonstrates the development proposal's compliance with the relevant planning controls that are applicable to the site.

79C(1)(a)(iiia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

As noted previously, there is a formal offer to enter into a Voluntary Planning Agreement (VPA) associated with the subject Application. The proposal will provide material public benefits in the form of road safety messages and community announcements at no cost as well as annual contributions for local amenity improvements for the lifespan of the development. A 'Schedule A' deferred commencement condition will be imposed for the VPA to be prepared and entered into (subject to separate Council resolution) after 28 days notification prior to the operation of any consent.

The provisions of the Regulations (EP & A Act s79C(1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the E P & A Regulations, 2000.

79C(1)(a)(v) - any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979)*

There is no Coastal Zone Management Plan applicable for the Greystanes area.

The Likely Environmental, Social or Economic Impacts (EP & A Act s79C(1)(b))

The likely impacts of the development have been considered in the assessment of the application and are considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The proposal is not within an environmentally sensitive area, heritage area or waterway. The proposal is considered satisfactory with regard to relevant matters such as design

quality, landscaping, road safety, lighting and views and vistas subject to the imposition of suitable conditions of consent to satisfactorily control the development.

The suitability of the site for the development (EP & A Act s79C(1)(c))

The site is zoned IN2 light industrial zoning and the proposal is permitted with consent. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP & A Act s79C(1)(d))

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Part E - Public Participation of Holroyd DCP 2013, the proposal was originally publicly exhibited for a period of 30 days between 21 September 2016 and 21 October 2016. No submissions were received by Council.

The application was subsequently renotified to include additional properties in the vicinity from the 22 December, 2016 to the 27 January, 2017. No submissions were received.

The public interest (EP& A Act s79C(1)(e))

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the attachment, will have no significant adverse impacts on the public interest.

Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 64 – Advertising and Signage, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and is considered to be satisfactory.

Report Recommendation:

1. **That Development Application No. 2016/374 for the erection of a twin sided digital advertising sign be approved, subject to conditions within the draft Notice of Determination provided at Attachment 1.**

2. **That Cumberland Council prepare and execute a Voluntary Planning Agreement with the applicant in accordance with the terms of the Letter of Offer prior to the operation of any consent.**

Attachments:

1. Development Assessment Compliance Table
2. Draft Notice of Determination
3. Architectural Plans (provided under separate cover)
4. Letter of Offer to enter into a VPA (provided under separate cover)
5. RMS concurrence (provided under separate cover)
6. Locality Map (provided under separate cover)

DOCUMENTS ASSOCIATED WITH REPORT C004/17

Attachment 1

Development Assessment Compliance Table

APPENDIX A

State Environmental Planning Policy No. 64 – Advertising and Signage

The relevant objectives and provisions of State Environmental Planning Policy No. 64 – Advertising and Signage have been considered in the following assessment table:

Schedule 1 Assessment Criteria	
Criteria	**Comment**
1 Character of the area • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is considered to be compatible with the existing character of the area which is a heavily trafficked road corridor with varied land uses and land zonings.
2 Special areas • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? **3 Views and vistas** • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers?	The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas. The proposal does not obscure or compromise any important views. The proposed structure will reach a maximum height of 7m above ground and is therefore not expected to dominate the skyline or reduce the quality of vistas. This has been assessed within the SEE, particularly taking into account views from the adjacent Fox Hills Golf Club and the watercourse. The rights of other advertisers are respected and not compromised.
4 Streetscape, setting or landscape • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management?	The scale, proportion and form of the proposed 7m high billboard advertising structure is considered appropriate for the setting, given the Great Western Highway is up to 8 lanes in this location. The tree canopies and surrounding building structures are in general compatible with or higher than the proposed signage structure. Minor ongoing landscaping management will be required to attend to the proposed landscaping at the base of the

	structure.
5 Site and building • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal will reach a height of 7m and have individual screen areas of 33sqm. This is considered appropriate in the context of the site, which is undeveloped but features large trees, and the surrounding area.
6 Associated devices and logos with advertisements and advertising structures • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	A steel frame and maintenance gantry will allow for access and maintenance.
7 Illumination • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew?	Illumination impacts have been assessed generally within Electrolight's Lighting Impact Assessment. This has shown that illumination will not result in an unacceptable glare, affect the safety of pedestrians, vehicles or aircraft, detract from the amenity of residential land, and is line with the requirements of the Guidelines.
8 Safety • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	A Road Safety Impact Report (for both westwards and eastwards traffic) has been prepared by Arrb which has provided a number of recommendations to ensure road safety is not reduced as a result of the proposal. This includes specific advertising dwell times of 30s (westbound) and 55s (eastbound) and the adoption of graduated transition of colour/brightness/contrast from one advertising display to the next.

APPENDIX B

Holroyd Development Control Plan 2013

The relevant objectives and provisions of Holroyd Development Control Plan 2013 have been considered in the following assessment table:

No.	Clause	Comment	Yes	No	N/A
PART F – ADVERTISING AND SIGNAGE					
7	Sign Specifications				
	Illuminated Signs				
	C1. The maximum luminance for illuminated advertising signs must not exceed the following levels:-	Electrolight have prepared a Lighting Impact Assessment to accompany the DA which responds to illumination requirements, generally covered by SEPP 64 and the Guidelines.	☒	☐	☐
	C2. Where a sign is externally illuminated by flood or concealed lighting, such lighting must be directed solely on the advertisement, and its surrounds, and shielded so that glare does not extend beyond the advertisement.	As noted above, the proposal will not result in unacceptable glare.	☒	☐	☐
	C3. Illuminated signs or signs of a reflective nature must: a) be displayed and located in a manner that does not cause glare; b) not otherwise dazzle or distract drivers of vehicles; and c) not adversely affect the amenity the surrounding area.	Electrolight have confirmed that the proposed signage will not result in unacceptable glare nor will it adversely impact the safety of pedestrians, residents or vehicular traffic.	☒	☐	☐
	C4. Illuminated signs on land adjacent to residential zones, or on existing non-conforming uses in residential zones, must not unduly affect the amenity of adjoining residences.	The proposed signage will not cause any reduction in visual amenity to nearby residences or accommodation.	☒	☐	☐
	Pole and Pylon Signs				
	C5. A pole or pylon sign must: a) not project over the boundary of the premises; b) where illuminated, include a timer to be fitted to extinguish illumination between certain hours at Council's discretion; c) not have a sign panel underside less than 2.6 metres above ground but more than 0.9 metres above ground; d) have a height and dimensions having regard to e) the character of the	The proposed signage does not extend over the property boundary, can be fitted with a timer to extinguish illumination, and has a height and dimensions which are generally appropriate for the surrounding area which is predominantly defined by its road corridor usage. The pole height will not exceed 12m and the sign will not exceed 15m. More	☒	☐	☐

No.	Clause	Comment	Yes	No	N/A
	surrounding area, i) the amenity of surrounding land uses, ii) the landscape quality of the area, iii) driver safety and iv) the circumstances of the case; f) not have a pole exceeding 12 metres in height, when measured from natural ground level adjacent to the base of the pole to the underside of the sign; g) not exceed 15 metres in height to the highest point of the sign; h) not exceed one (1) sign per site; i) be securely fixed and stable; and j) be maintained in a structurally adequate and safe condition at all times.	than one advertising sign per site is proposed, however this is a twin-sided structure (with a advertisements facing east and west) so only one advertisement would be visible at a time. The sign will be securely fixed and stable and be structurally adequate and in a safe condition at all times.			
	C6. Flag poles for the purpose of displaying flags with company name and/or logo must to not: • exceed one pole per premises; • exceed a height of 15 metres; • exceed a flag or flags exceeding 28m2 in area; • allow the flag underside to fly less than 2.6 metres above the ground level surrounding the pole.	Not applicable	☐	☐	☒

DOCUMENTS ASSOCIATED WITH REPORT C004/17

Attachment 2

Draft Notice of Determination

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

DEFERRED COMMENCEMENT

Pursuant to Section 81 of the Act, Council has granted "deferred commencement" to your Development Application described as follows:

PROPERTY:	Lots 44, DP 833604
STREET ADDRESS:	615 Great Western Highway, Greystanes
DEVELOPMENT CONSENT NO:	2016/374/1
DECISION:	Cumberland Independent Hearing and Assessment Panel
DATE FROM WHICH CONSENT OPERATES:	TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE 'A'
DATE OF EXPIRY OF CONSENT:	TBA
PROPOSED DEVELOPMENT:	Removal of existing moveable advertising structure and erection of twin-sided digital advertising structure

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland City Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PURSUANT TO SECTION 80(3) OF THE ACT, THIS CONSENT IS NOT TO OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE 'A' CONDITIONS HAVE BEEN SATISFIED.

SCHEDULE "A"

Consent to the removal of existing moveable advertising structure and erection of twin-sided digital advertising structure shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

Please note that this consent shall lapse if the approved development is not physically commenced by the "date of expiry of consent" shown on the front page of this document. It is therefore in your interest to attend to the following matters as soon as possible. When Council is satisfied that Schedule "A" has been complied with, a letter will be issued advising of the "date from which Consent operates".

Voluntary Planning Agreement

1. Pursuant to section 93I(3) of the Environmental Planning and Assessment Act 1979, a voluntary planning agreement shall be prepared at no cost to Council in accordance with the terms of the Letter of Offer from EI Media, dated 13 January 2017, and executed by the developer and Council after 28 days notification prior to the operation of the consent.

SCHEDULE "B"

This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule "A" and has notified the applicant in writing of the date from which the consent operates.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.

2. Development shall take place in accordance with the attached endorsed plans:

   - Signage Plan prepared by EI Media, Drawing No. HEDD13051601, Sheet 1 of 1, Edition 7, dated 13 April 2016;
   - Road Safety Assessments prepared by Arrb Group Ltd, Project No.'s PRS-16-054-4 and PRS-16-054-5, both dated May 2016;
   - Lighting Impact Assessment prepared by Electro Light, Ref. No. 1631.1, Revision A, dated 25 May 2016; and
   - RMS correspondence, Reference SYD16/01339, dated 28 November 2016;
   - A Waste Management Plan as required by Condition 18 of this consent;

   a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

   Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
   (a) Sydney Water Corporation Limited
   (b) Integral Energy
   (c) Natural Gas Company
   (d) A local telecommunications carrier

   regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

6. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.
   The footing system is to be designed by a practising professional structural engineer.

7. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

General

8. The existing moveable advertising structure shall be removed prior to the installation of the approved development. No approval is expressed or implied for the concurrent use of any signage.

9. Any relevant requirements of the Voluntary Planning Agreement to be entered into prior to the operation of this consent shall be implemented.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

Payment of Bonds, Fees and Long Service Levy

10. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Damage Deposit

11. A cash bond/bank guarantee of **$5,701.10** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note: - The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property, unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

12. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Landscape Inspection Fee

13. Payment of a **$88** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Required Submissions to Certifying Authority

14. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any Sydney Water wastewater and water mains, stormwater drains and/or easement.

    A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

    Please refer to the website www.sydneywater.com.au.

15. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

16. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

17. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

18. A Waste Management Plan in accordance with Part A of the Holroyd Development Control Plan 2013 is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

19. 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).

Details to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

20. The approved sign must meet wind loading requirements as specified in Australian Standard AS 1 170.1 and AS 1 170.2. Details to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

21. 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. Details to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Salinity

22. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

PRIOR TO WORKS COMMENCING

The following conditions are to be complied with prior to any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

23. The person having the benefit of the development consent, not the principal contractor (builder), must: -

a) Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.

b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

24. The person having the benefit of the Development Consent must:-

(a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

(b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.

(c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Photographic Record of Council Property – Damage Deposit

25. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Notification to Relevant Public Authority

26. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

27. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

28. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and

(c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of $1,100).

Prohibited Signage

29. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

30. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

31. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Tree Protection Conditions

32. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the attached Guidelines and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to

any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

Footpaving, Kerbing and Guttering

33. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

34. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Toilet Facilities

35. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
a) Must be a standard flushing toilet, and
b) Must be connected:
   i) To a public sewer,
   ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
   iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
   iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

DURING CONSTRUCTION

The following conditions are applicable during construction:-

Endorsed Plans & Specifications

36. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

37. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

38. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.

39. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.

40. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

41. i) Any asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-

(a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

(b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).

Note: The person responsible for disposing of the above asbestos waste is to telephone the EPA on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

42. Any approved Waste Management Plan must be implemented and complied with during all stages of works on site.

43. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.
In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

44. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

Salinity

45. Building works are not to proceed until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/Site Works

C.

46. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

Tree Protection

47. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

48. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

Road Works and Footpaving

49. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".

50. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Underground Cabling

51. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

Underground Power Connection

52. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Vehicle Cleansing

53. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Additional Information during Demolition/Construction

54. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.

Cranes

55. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approval, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to the installation of any such cranes.

PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:-

Certificates/Documentary Evidence

56. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Landscaping/Tree Protection

57. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

General

58. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

Lighting

59. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

General

60. The approved advertising structure shall be maintained in good repair at all times. Signs are to be regularly inspected to identify any damage, graffiti or the like.

61. This lifespan of the approved advertising structure is limited to a period of 15 years from the date of operation of consent. The advertising structure shall be removed and the land restored to original condition if separate development consent is not obtained for extended use beyond the cessation date.

62. The following Roads and Maritime Services (RMS) requirements shall be implemented at all times:

a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion. Including no flashing or scrolling of message. (d) below.

b) 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.

c) The image must not be capable of being mistaken:

(i) 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
(ii) as text providing driving instructions to drivers.

d) Dwell times for image display are:

(i) 10 seconds for areas where the speed limit is below 80km/h, or
(ii) 25 seconds for areas where the speed limit is 80km/h or over.

e) The transition time between messages must be no longer than 0.1 seconds.

f) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.

g) The amount of text and information supplied on a sign should be kept to a minimum (for example no more than a driver can read at a short glance). Text should preferably be displayed in the same font and size. Table 5 in Section 3 Transport Corridor Outdoor Advertising and Signage Guidelines.

h) At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign.

i) Any sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.

j) Luminance levels must comply with the requirements in the Table below;

Table : LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS

LUMINANCE LEVELS - Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter (cd/m2). Levels differ as digital signs will appear brighter when light levels in the area are low. Luminance levels should comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting which recommends the following levels:

Lighting Condition	*Zone 1*	*Zones 2 and 3*	*Zone 4*	
Full Sun on face of Signage	No limit	Maximum Output	Maximum Output	
Day Time Luminance		6000 cd/m2	6000 cd/m2	
Morning and Evening Twilight and Inclement Weather		700 cd/m2	500 cd/m2	
Night Time		350 cd/m2		

Zone 1 covers areas with generally very high off-street ambient lighting, e.g. display centres similar to Kings Cross, central city locations

Zone 2 covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights.

Zone 3 covers areas with generally medium off-street ambient lighting e.g. small to medium shopping/commercial centres.

Zone 4 covers areas with generally low levels of off-street ambient lighting e.g. most rural areas, many residential areas.

ADVISORY NOTES

Other Necessary Approvals

A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
   (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
   (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Local Environmental Plan 2013, Part 3 *"Exempt and Complying Development"*.
   (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
   (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

   NOTE: * If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.

C. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

   It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission

of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a)of the Act, prior to the commencement of any work on site. Council can provide this service for you.

F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

G. DEMOLITION

(a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures.*
(b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
(c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
(d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
(e) On completion of demolition the site is to be left in a clean and tidy condition.
(f) Holroyd City Council has a Tree Management Order which applies to the entire City of Holroyd. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Holroyd City Council.
(g) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
(h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
(i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

H. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to **"Banks"** and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

I. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting

structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

J. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

K. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the Dividing Fences Act. You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed. The Dividing Fences Act is administered by the Department of Lands who can act as a mediator in disputes. For further information please refer to the following information on Council's website:
www.holroyd.nsw.gov.au/building_and_development/local_plans_and_policies/dividing_fences