



# **Attachment 1 to Item 2.1.1.**

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## **Recommended Conditions of Consent**

Date of meeting: 15 February 2024  
Location: Audio-Visual Link  
Time: 10am



## **Local Planning Panel Recommended Conditions**

**Application Number:**

**Proposal Details:** Signage - Removal of Existing Signage and Construction of a Digital Advertising Structure

**Legal Description:** Lot 9 DP 1149340

**Property Address:**

**Applicant:**

**Owner:** Hawkesbury City Council

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## **General Conditions**

### **1. Approved Plans and Supporting Documentation**

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

<b>Drawing Reference No.</b>	<b>Drawing Description</b>	<b>Prepared by</b>	<b>Issue No.</b>	<b>Date</b>
-	Site Plan (masterplan)	Eimedia	-	29/01/2024
-	Site Plan	Eimedia	-	29/01/2024
-	Elevation	Eimedia	-	30/01/2024

b) Document Reference:

<b>Document Title</b>	<b>Reference</b>	<b>Prepared By</b>	<b>Date</b>
Flood Risk Assessment	-	Henry & Hymas	09/12/2022
Geotechnical Report	GG10730.001	Green Geotechnics	29/08/2022
SOEE	-	Eimedia	15/09/2022
Road Safety Assessment	1142	ARRB	12/09/2022
Endeavour Energy submission letter	DA0014/23	Environmental Services team	25/01/2022

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

### **2. Works Must Not Commence Until a Construction Certificate is Issued**

Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifier is appointed; and
- c) a Notice of Commencement is lodged with Council.

Note: If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

### 3. **Appointment of a Principal Certifier**

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
  - (i) name and licence number of the builder/contractor undertaking the construction works; or
  - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
  - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
  - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
  - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
  - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
  - (ii) notified the Principal Certifier of the appointment of the principal contractor;
  - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

### 4. **Part 6 Certificates Required**

The accredited certifier must provide copies of all Part 6 Certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

### 5. **Occupation Certificate Required Prior to The Use Of The Building**

The building must not be occupied or used prior to the issuing of an Occupation Certificate by

the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of any Occupation Certificate must be submitted to Council within two days of its issue.

**6. Commencement of the Use of the Land**

The approved use of the sign must not commence until all relevant conditions of this consent have been complied with and an Occupation Certificate/Compliance Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

**7. Note: Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used. **Works on Public Land - Not Permitted Without Approval****

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.

**8. Excavation - No Material to be Removed**

No excavated material, including soil, is to be removed from the site.

**9. Prescribed Conditions - Compliance with National Construction Code**

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

**10. Archaeology - Discovered During Excavation**

As required by the *Heritage Act 1977*, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

**11. Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) Heritage NSW must be advised of the discovery.

All necessary approvals from the Heritage NSW must be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the *National Parks and Wildlife Act 1974*.

**12. Protection of trees**

No trees on the subject site are to be removed or trimmed without prior approval.

**13. TfNSW Requirements**

1. The proposed digital sign is to operate with a dwell time of 60 seconds.
2. The images displayed on the sign must not contain/use:
  - a. Flashing or flickering lights or content;
  - b. Animated displays, moving parts or simulated movement;
  - c. Complex displays that hold a driver's attention beyond "glance appreciation";
  - d. Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instructions to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt';
  - e. A method of illumination that distracts or dazzles;
  - f. Dominant use of colours red or green.
3. Apart for the 60 second dwell time, the digital sign for its operation must comply with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (refer to Section 2.5.8, Table 3 and Section 3.3) and relevant Australian Standards, as amended from time to time.

In accordance with Table 3: Digital Sign Criteria point (o) of the Transport Corridor Outdoor Advertising and Signage Guidelines a road safety assessment is required to be undertaken and submitted to TfNSW for review after a 12 month period of operation but within 18 months of the signs installation. The road safety assessment must be carried out by an independent TfNSW-accredited road safety auditor who did not contribute to the original application documentation and provide an analysis of the crash data pre and post installation.

Should the road safety assessment indicate that there has been no reduction in road safety because of the operation of the sign, TfNSW may be amenable to the dwell time being reduced to 25 second dwell time pending on the outcome of the independent TfNSW-accredited road safety audit accompanied as part of a modified application being submitted to the relevant Planning Authority.

**14. Endeavour Energy Requirements.**

The approved development is to be carried out and operated in accordance with the email submission and associated documentation prepared by Cornelis Duba OBO Endeavour Energy dated 25/01/2023.

## **Prior to the Issue of Construction Certificate**

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate. 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.

The Accredited Certifier may require a Compliance Certificate to address particular matters below.

**15. Long Service Levy Payment**

The payment of a long service levy as required under Part 5 of the *Building and Construction*

*Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

Note: All building and construction work costing \$250,000 and above are subject to the payment of a Long Service Levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most councils.

#### 16. **Traffic Management Plan**

A detailed Traffic Management Plan must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate indicating how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:

- a) construction access to the site is to be solely from Industry Road;
- b) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
- c) all loaded vehicles entering or leaving the site must have their loads covered;
- d) the proposed method of access to and egress from the site for vehicles is to be safe and practical; and
- e) any associated Traffic Control Plans prepared by an appropriately qualified person in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites'.

Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved by Roads and Maritime Services before incorporation into the Construction Management Plan.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

#### 17. **Public Safety - Clear Pedestrian Sight Lines**

Clear pedestrian sight lines are to be provided at the driveway entry in accordance with Figure 3.3 of Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking'. This requires that there be no boundary/retaining wall, fence or landscaping higher than 900 millimetres within a 2.5 metres by 2 metres sight triangle at each side of the entryway to the site. Any walls/fences/landscaping are to be adjusted in order to comply with this requirement.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

#### 18. **Traffic Control Plan**

A Traffic Control Plan prepared in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to commencement of any works, for approval.

Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved by Roads and Maritime Services before submission to Council for approval.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

19. **Section 7.12 (Monetary) Contributions**

A contribution under Section 7.12 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

a) Contribution Required

In accordance with Council's Section 7.12 (previously S94A) Contributions Plan 2015, a monetary contribution (indexed at the time of payment) must be paid to Council for the amount specified below.

b) Amount of Contribution

The amount of the contribution is \$869.00

This fee is based on the supplied value-of-works of \$173,800.00

The contribution amount detailed in (b) will be indexed at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics (Table 6401.0).

Contributions must be receipted by Council and evidence of payment submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 7.12 contribution payable is to be based on the revised value of works.

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre in order to assist in recalculation of the contribution amount.

20. **External Lighting - Design and Installation**

All external lighting associated with the development must be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting must be the minimum level of illumination necessary and must comply with Australian Standard AS 4282 - 'Control of the Obtrusive Effects of Outdoor Lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of the Construction Certificate.

21. **Flood Prone Land - Flood Compatible Construction**

All buildings must have flood compatible structural components up to and including the 100 year Average Recurrence Interval (ARI) flood level. The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the building/structure to withstand the forces of floodwater.

A written specification of the proposed materials to be used must be provided to the Accredited Certifier prior to the issue of a Construction Certificate.

Note: Advice on suitability of materials for use on flood liable land can be found in the publication 'Reducing Vulnerability of Buildings to Flood Damage' (Chapter 4.3 - Construction Materials).

22. **Flood Prone Land - Engineers Certification**



The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.3 metres AHD (Australian Height Datum).

An engineer's certificate must be provided deeming compliance with the following requirements during a 100 year ARI flood event:

- a) Debris: Damage to the proposed structure/s sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. This includes securing of utilities and equipment including tanks, A/C units and similar;
- b) Structural Soundness: Any part of the structure will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris; and
- c) Foundations: The footing system must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The Engineers Certificate must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

### 23. **Structural Engineers Design - Concrete and Structural Steel**

A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Accredited Certifier prior to issue of Construction Certificate.

## Prior to Any Works Commencing on Site

### 24. **Principal Certifier - Details**

The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

### 25. **Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

### 26. **Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and

- b) details of the name, address and licence details of the Builder.

**27. Prescribed Conditions - Shoring and Adequacy of Adjoining Property**

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**28. Principal Certifier Site Sign**

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 Certifier for the work;
- 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
- c) stating that unauthorised entry to the work site is prohibited.

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.

**29. Safety Fencing**

The site is to be secured by a fence, in accordance with Safework NSW requirements, to prevent unauthorised access during the period of all works.

**30. Protection of Adjoining Public Land**

The public land adjoining the site must not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like.

No access for vehicles, machinery or goods to the site must be gained across public land (other than the road reserve) without a prior written approval from Council.

**31. Construction Certificate - Required Prior to Commencement of Works**

A Construction Certificate as specified in this consent is required prior to the commencement of work on the site.

**32. Demolition - General**

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';

- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
  - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
  - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures must be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight docket, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

### 33. **Restriction of Site Access to Prevent Unauthorised Material**

The property entry and exit points must be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of

waste and potentially contaminated material whilst fill material is being imported or managed on site.

**34. Erosion and Sediment Control for Minor Development**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

**35. Sydney Water - Endorsement of Approved Plans**

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifier prior to the commencement of works.

## **During Construction**

**36. Out of Hours Work Permits**

Where it is necessary for works to occur outside the hours approved by this consent, an application must be made to Council for a temporary approval for extended hours. If approval is issued the development must be carried out in accordance with any requirements of that approval.

Note: For the continuation of extended hours you will be required to lodge a modification application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**37. Construction Hours**

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police 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; and
  - (iii) a variation is approved in advance in writing by Council.

**38. Site Management During Construction**

The following requirements relating to site management apply during and immediately following construction:

- a) All materials and equipment must be stored wholly within the work site unless an

approval to store them elsewhere is held.

- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

**Note:** In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.

### 39. **Loading and Unloading During Construction**

The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

### 40. **Critical Stage Inspections**

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.

**Note:** Critical stage inspections are required to be carried out in accordance with Clause 162A

of the *Environmental Planning & Assessment Regulation 2000*.

**41. Traffic Management - Installation of Devices**

Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.

**Prior to the commencement of Use**

**42. Engineers Structural Certification - Signage Structure**

All structurally designed structures are to be certified on completion by a suitably qualified and experienced Structural Engineer. Certification is to be provided to the Accredited Certifier.

**43. Ambient lighting**

The approved sign is to be fitted with an ambient light sensor or other such monitoring device to ensure that drivers are not affected by unsightly glare.