

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Anthony Witherdin
Director
Key Sites Assessments

Sydney: 21 February 2024

SCHEDULE 1

Application Number:	DA 10649
Applicant:	Sydney Trains
Consent Authority:	Minister for Planning and Public Spaces
Site:	Railway overpass over the M2 Motorway, Epping
Development:	Installation and operation of one digital advertising sign on the eastern elevation of the rail overpass across the M2 Motorway in Epping and associated works.

DEFINITIONS

Applicant	Sydney Trains or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Hornsby Shire Council and Parramatta City Council
Daytime	All periods except morning and afternoon twilight and night-time
Demolition	The deconstruction and removal of the signage on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the SEE and RtS including the works and activities comprising construction, operation and post commencement of use as modified by the conditions of this consent.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in this development consent.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Night-time	All periods except daytime and morning and afternoon twilight
Operation	The carrying out of the approved purpose of the development upon completion of construction.

Operator	The person or company responsible for the carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
RtS	The Applicant's response to issues raised in submissions received in relation to the application and by the Department of Planning, Industry and Environment for consent for the development under the EP&A Act.
RMS	Roads and Maritime Services. Any references to Roads and Maritime Services will be legally taken to mean TfNSW automatically.
SEE	Statement of Environmental Effects, prepared by Sydney Trains, dated December 2020
Subject site	The site as described in Schedule 1
TfNSW	Transport for NSW (RMS)

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the Statement of Environmental Effects and Response to Submissions;
 - (d) in accordance with the approved plans and reports in the tables below:

Design Drawings by Ethos Urban			
Drawing No.	Sheet No.	Name of Plan	Date
A-5.1	DA.01	Site Plan & General Arrangement 1	30 November 2020
Technical Report	Revision	Author	Date
Statement of Environmental Effects	A	Ethos Urban	2 December 2020
Heritage Advice	-	NGH	31 August 2020
Digital Signage Safety Assessment	V01	The Transport Planning Partnership	1 December 2020
Visual Impact Assessment	V03	Ethos Urban	7 December 2020
Structural Feasibility Statement	-	Northrop	12 October 2020
Evaluation of Lighting Impact	-	Lighting, Art and Science	21 September 2020
Statement of Public Benefit	-	Sydney Trains	7 October 2020
Response to Submissions	-	Ethos Sydney	22 April 2021
Response to Submissions – additional traffic response	-	The Transport Planning Partnership	14 April 2021

Response to Submissions – additional lighting response	-	Lighting, Art and Science	22 April 2021
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- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

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

EVIDENCE OF CONSULTATION

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

DURATION OF CONSENT

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

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

PRESCRIBED CONDITIONS

- A8. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LEGAL NOTICES

- A9. Any advice or notice to the consent authority shall be served on the Planning Secretary.

APPLICABILITY OF GUIDELINES

- A10. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A11. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

DEVELOPMENT NEAR BUSY ROADS

- A12. 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).

STRUCTURAL ADEQUACY

- A13. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

WIND LOADING

- A14. The approved sign must meet wind loading requirements as specified in Australian Standard AS 1170.1: Structural Design Actions – Permanent, Imposed and Other Actions and AS 1170.2:- Structural Design Actions – Wind Actions.

OPERATION OF PLANT AND EQUIPMENT

- A15. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

ELECTRONIC LOG

- A16. An electronic log of the sign's activities must be maintained by the operator for the duration of the development consent and be available to the consent authority and Sydney Trains to allow a review of the signs' activity in case of a complaint.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A17. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A19. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REFLECTIVITY

- A21. 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.

MINIMUM CLEARANCE

- A22. The sign must be contained wholly within the extent of the overpass structure. No reduction to the existing road clearance between the road surface and the lowest point of the overpass is permitted.

ROAD SAFETY AUDIT

- A23. The Applicant shall prepare an independent Road Safety Assessment (RSA) after 12 months of operation of the digital signage but within 18 months of the sign's installation. The road safety check must be carried out by an independent TfNSW accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to the Planning Secretary and TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the Applicant.
- A24. In the event the findings and/or recommendations of the RSA cannot be addressed by the Applicant to the satisfaction of TfNSW, the sign is to be removed. TfNSW reserves the right to re-assess the site using an independent TfNSW accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between TfNSW and the sign owner and operator.

TFNSW CONDITIONS

- A25. The proposed signage shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017.
- A26. The signage shall not hinder driver sightlines to critical road infrastructure. Additionally, the signage must not distract a driver from or reduce the visibility and effectiveness of directional signs, traffic signals, other traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.
- A27. The proposed signage and illumination levels are in accordance with relevant guidelines and standards.

END OF PART A

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

PAYMENT OF LEVY FEE

- B1. Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

END OF PART B

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. The Planning Secretary must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

COMPLIANCES

- C3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

SERVICES

- C4. The Applicant shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Where areas are disturbed as a result of the provision of services to the development, these areas should be restored to the satisfaction of the asset owner.

STRUCTURAL DETAILS

- C5. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the TfNSW engineers' structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
 - (a) any relevant clauses of the BCA;
 - (b) the development consent; and
 - (c) approved drawings and specifications.

FALL ARREST SYSTEM

- C6. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the TfNSW engineers' details of the 'fall arrest' system that is intended to prevent the sign structure fall on traffic should it be impacted by high vehicles.

CONSTRUCTION MANAGEMENT PLAN

- C7. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Department and Council. The CMP shall address, but not be limited to, the following matters where relevant:
 - (a) environmental and safety risk assessment;
 - (b) noise management in accordance with the Interim Construction Noise Guidelines (Department of Environment and Climate Change, 2009)
 - (c) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - (d) contact details of site manager;
 - (e) safety, including preparation of a safe work method statement;
 - (f) traffic management, including details of the location of any site compound, haulage routes and parking for vehicles associated with the construction (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
 - (g) waste management;
 - (h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - (i) flora and fauna management.

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

ROAD OCCUPANCY LICENSE

- C8. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Cropley Drive or the M2 Motorway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

A Road Occupancy Permit (ROP) must be obtained from any relevant Council for the occupation of any part of the footpath or road at or above on Local or Regional Roads including for the carrying out of work, storage of building materials and the like. A ROP can be obtained through the relevant Council, prior to carrying out the construction/restoration works.

END OF PART C

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

SITE NOTICE

- D2. A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority, Structural Engineer and contact details, including contact phone number. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A 1) with any text on the notice to be a minimum of 30 point type size;
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

CONSTRUCTION HOURS

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - (b) between 8:00 am and 1:00 pm, Saturdays;
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
 - (c) it is required in accordance with a Road Occupancy Licence or at the direction of the Transport Management Centre (TMC).
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

CONSTRUCTION NOISE MANAGEMENT

- D7. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).
- D8. Any noise generated during the construction of the development must not be offensive noise within the meaning of *the Protection of the Environment Operations Act, 1997*.

SAFE WORK NSW REQUIREMENTS

- D9. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Safe Work NSW requirements.

HOARDING REQUIREMENTS

- D10. The following hoarding requirements shall be complied with:
- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - (b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

- D11. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

TFNSW SUPERVISION

- D12. The installation of the signage on the overpass must be completed by a TfNSW registered consultant and in accordance with TfNSW requirements. Any works on a TfNSW overpass must be supervised by an authorised TfNSW contractor.

END OF PART D

PART E PRIOR TO COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE

- E1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

MAINTENANCE PLAN

- E2. Prior to the commencement of use, a Maintenance Plan detailing the process for maintenance and changing sign content is to be prepared and submitted to the Department and Council. The Plan shall address, but not be limited to, the following matters, where relevant:
- (a) environmental and safety risk assessment;
 - (b) hours of work/inspections of sign (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - (c) contact details of site manager;
 - (d) safety, including preparation of a safe work method statement;
 - (e) traffic management, including details of the location of parking for vehicles associated with the operation (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
 - (f) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - (g) removal of graffiti; and

ROAD DAMAGE

- E2. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant.

STRUCTURAL INSPECTION CERTIFICATE

- E3. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the Department and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

END OF PART E

PART F POST COMMENCEMENT OF USE

MAINTENANCE

- F1. Regular maintenance of the approved advertising structures shall be undertaken in accordance with the Maintenance Plan under **Condition D1**. The sign is to be inspected regularly to identify any damage from storms, graffiti or the like.

ADVERTISING SIGNAGE CONTENT

- F2. The approved advertising structures must not have or use:
- (a) flashing or flickering lights or content
 - (b) electronically changeable messages
 - (c) animated display, moving parts or simulated movement
 - (d) complex displays that hold a driver's attention beyond "glance appreciation"
 - (e) displays resembling traffic signs or signals, or giving instructions to traffic by using colours and shapes (e.g. red, amber or green circles, octagons, crosses or triangles or shapes or other patterns) that imitate a prescribed traffic control device
 - (f) text providing driving instructions to drivers e.g. 'halt', 'stop' or the like
 - (g) a method of illumination that distracts or dazzles.
 - (h) message sequencing designed to make a driver anticipate the next message across images
 - (i) technology that interacts with vehicle-electronic devices or mobile devices.

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

- F3. Advertisements displayed on the LED advertising screen must:
- (a) be displayed in a completely static manner, without any motion, for the approved dwell time in **Condition F4**.
 - (b) minimise the amount of text and information displayed (for example no more than a driver can read at a short glance). Text shall be displayed in the same font and size.

ADVERTISEMENTS – DWELL TIME

- F4. Static digital advertisements are to be displayed on the digital LED with a dwell time of 25 seconds.

ADVERTISEMENTS – TRANSITION TIME

- F5. The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second.

PERMITTED LUMINANCE LEVELS – LED SCREEN

- F6. The luminance levels of the LED advertising screen must comply with Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and the below table:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	8000 cd/m ²
Daytime Luminance	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	500 cd/m ²
Night-time	102 cd/m ²

- F7. The LED advertising screen must include a light sensor to be capable of automatically adjusting the luminance levels.
- F8. The luminance difference between successive advertising images must not exceed 30% in accordance with AS 4282-2019.

DISPLAY OF ROAD SAFETY AND EMERGENCY MESSAGES

- F9. The LED advertising screen must be available for a minimum 5% of all advertising time each year for the display of road safety messages by arrangement with TfNSW. Additionally, the LED advertising screen shall be made available for use in the event of a 'threat to life' emergency to allow emergency messaging to override the commercial advertising.

LOCATION OF CERTAIN NAMES AND LOGOS

- F10. The name or logo of the person who owns or leases the approved advertisement may appear only in the bottom of the advertising structure and must be no greater than 0.25 m² in size.

REMOVAL OF GRAFFITI

- F11. The owner/manager of the site or sign must be responsible for the removal of all graffiti from the advertisement within 48 hours of notification.

ADVERTISING REVENUE/PUBLIC BENEFIT

- F12. The total amount of outdoor advertising revenue received each year by TfNSW must be recorded in its financial accounts and Annual Reports. The Annual Reports must also outline how revenue has been applied to provide a public benefit in the in the areas of transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

ADVERTISEMENT CONTENT GENERALLY

- F13. Advertisements displayed on the LED advertising screen must be in accordance with the guidelines for sign content outlined in Section 3.6 of the Transport Corridor Outdoor Advertising and Signage Guidelines, dated November 2017.

LUMINANCE STRENGTH AUDIT

- F14. Within six months of the commencement of operation of the development, or as otherwise directed by the Planning Secretary, the Applicant must prepare and submit a luminance audit. The audit must:
- (a) be prepared to the satisfaction of the Planning Secretary
 - (b) be carried out by a suitably qualified lighting engineer in accordance with the current version of:
 - (i) NSW Transport Corridor Outdoor Advertising and Signage Guidelines; and
 - (ii) AS4282- 2019 Control of the Obtrusive Effects of Outdoor Lighting
 - (c) test and determine the luminance of the development during each of the lighting conditions in **Conditions F6 and F8**.
 - (d) identify any discrepancies between the luminance levels tested as part of the audit and the luminance levels allowed by this development consent
 - (e) include a comparison of the developments performance as required by the conditions of this consent against the electronic log required under **Condition A16**.
 - (f) detail the steps taken to correct any exceedances of the luminance of the development
 - (g) provide the audit report to compliance@planning.nsw.gov.au and via the major projects portal.
- F15. In the event the luminance audit in Condition F14 identifies the development has exceeded the luminance levels in **Condition F6** at any time, or as otherwise directed by the Planning Secretary, the Applicant must:
- (a) reduce the luminance levels to a level that:
 - (i) complies with the levels specified in **Condition F6**; or
 - (ii) complies with the levels that may be directed by the Planning Secretary
 - (b) notify the Department in writing of the change to luminance levels and confirm the new levels form part of the development's operation.

END OF PART F

ADVISORY NOTES

APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

OTHER CONSENTS AND PERMITS

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

RESPONSIBILITY FOR OTHER CONSENTS AND AGREEMENTS

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

MOVEMENT OF TRUCKS TRANSPORTING WASTE MATERIAL

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

DISABILITY DISCRIMINATION ACT

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

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

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