

Original signed by: David Hoy on 27/4/18
Date determined: 19/4/18
Date operates: 27/4/18
Date lapses: 27/4/23

Mirvac Real Estate Pty Ltd
Level 28, 200 George Street
SYDNEY NSW 2000

D420/17
MD1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
ROADS ACT 1993, AND LOCAL GOVERNMENT ACT 1993 AS APPLICABLE**

Notice to Applicant of Determination of a Development Application

Pursuant to Section 4.18 of the Act, notice is given that Development Application No. **420/17** proposing **to extend consent for existing roof business identification signage** on land described as **101-103 Miller Street, North Sydney** has been determined under delegated authority by the granting of consent subject to the conditions below. Where indicated, approval is also granted for works on public roads under the provisions of Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993. An index of conditions is also attached on the last page of this Notice.

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Dated	Issue	Title	Drawn by	Received
GNA_2055_3	18 September 2008	-	-	Real Serve	22 January 2018
GNA 2060_1	8 October 2008	-	-	Gleeson Neon Advertising	22 November 2017
GNA 2061_1	8 October 2008	-	-	Gleeson Neon Advertising	22 November 2017
GNA 2062_1	8 October 2008	-	-	Gleeson Neon Advertising	22 November 2017

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Separate DA

- A2. Approval is granted for “business identification signs”, as defined in North Sydney Local Environmental Plan 2013. No consent is granted or implied for any displays in the nature of an “advertisement” or for any “advertising structures” as defined in the North Sydney Local Environmental Plan 2013.

A separate development application is required to be lodged for any changes to the signage in relation to:

- (a) Enlargement of Display area;
- (b) Signage content;
- (c) Animation, flashing, changing, scrolling and/or moving imagery.

(Reason: To clarify the scope of development approval including to ensure that the approved signage is inextricably linked to the building’s occupancy and remains “business identification signage” rather than “advertisement” or general advertising)

Time Limited Consent

- A3. This consent shall cease to be in force on 3 August 2037 and operates in accordance with Clause 83 of the Environmental Planning and Assessment Act 1979. Should the owner of the site wish to extend this period, a new development application shall be lodged with Council prior to the cessation of this consent.

(Reason: To ensure that the signs identify Genworth as a tenant of the building and so as not to become advertising signs.)

Automated Timing Device

- A4. An automated timing device must be used at all times to control the hours of illumination of the signs in accordance with condition I1 – Hours of Illumination.

(Reason: To ensure signage illumination does not interfere with residential amenity)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation

Building Code of Australia

- F1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

Occupation Certificate

- F2. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

I. On-Going / Operational Conditions

Hours of Illumination

- I1. All illuminated signs approved by this consent must cease illumination between 1am and 7am.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Signage Illumination Intensity

- I2. The sign(s) must be installed and used at all times in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood, including any regional catchment or the harbour.
- (b) The level of illumination and/or lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.
- (c) The signage illumination must not flash, scroll or contain any animation or moving imagery.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

No Illumination

- I3. No consent is given or implied for any form of illumination or floodlighting to the sign on the western elevation.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Signage Consent

- I4. The signage must identify a major tenant of the building. Should the building occupancy change so that the sign(s) no longer identify a major building tenant, this consent will cease.

(Reason: To ensure that the signs identify Genworth as a major tenant of the building and so that they do not become advertising signs.)

Maintenance of Signage Structure

- I5. The signage must be maintained at all times to a structurally sound condition.

(Reason: To ensure that structures are maintained to an acceptable standard and that they do not become a potential public hazard).

DATE OF DETERMINATION:

DATE FROM WHICH CONSENT OPERATES:

DATE CONSENT LAPSES:

ADVISINGS

Notes

- (a) Council is always prepared to discuss its decisions, and in this regard please do not hesitate to contact Michael Doyle. However, if you wish to pursue your rights of appeal in the Land and Environment Court pursuant to Section 8.7 of the Act, you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing, and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 4.55 of the Environmental Planning & Assessment Act 1979.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

- (c) Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The review must be completed within six (6) months after the date of receipt of this Notice of Determination. If you intend to lodge a request for a review it is recommended that the request, together with payment of the appropriate fees, is lodged as early as possible in order to allow sufficient time for notification, assessment, reporting, etc, prior to the expiration of the 6 month review period. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.
- (d) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) Relevant approvals must be obtained under the provisions of Section 138 of the Roads Act, 1993 for any works on public roads which are not the subject of this consent.
 - (ii) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (iii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iv) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6 (2) (a) of the Act.
- (e) The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.

(f) **Sydney Water Requirements**

You are advised that any building works may also require prior approval from Sydney Water. Further details can be obtained from the Sydney Water website at www.sydneywater.com.au.

(g) **Telecommunications**

Please consult a suitably qualified telecommunications company with a licence issued by the Australian Communications & Media Authority (www.acma.gov.au or 1800 226 667).

(h) **Dial before you dig**

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or further information on underground utility services for any excavation areas may be found on www.1100.com.au.

Council’s officers can provide these services, and further information, including a copy of the terms of agreement and fee schedule, can be obtained by telephoning Council’s Customer Service Centre on **9936 8100**.

Please note that all building work must be carried out fully in accordance with the development consent and conditions of approval and it is an offence to carry out unauthorised building work or building work that is not in accordance with Council’s approval.

An offence under the Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$110,000 and \$11,000 respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require the building to be erected fully in accordance with the development consent.

On the spot penalties will be imposed for works which are carried out in breach of this consent, or without consent.

An amended development application is required to be submitted to and approved by Council, and a Construction Certificate is to be obtained from the Council or an Accredited Certifier, prior to commencement of any variations from the approved plans and conditions of approval.

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)

INDEX OF CONDITIONS

	Page No.
A. <i>Conditions that Identify Approved Plans</i>	
A1. Development in Accordance with Plans/documentation	1
A2. Separate DA	2
A3. Time Limited Consent	2
A4. Automated Timing Device	2
F. <i>Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation</i>	
F1. Building Code of Australia	2
F2. Occupation Certificate	3
I. <i>On-Going / Operational Conditions</i>	
I1. Hours of Illumination	3
I2. Signage Illumination Intensity	3
I3. No Illumination	3
I4. Signage Consent	4
I5. Maintenance of Signage Structure	4