

**Original signed by David Hoy on 28/6/2018**  
**Date determined 25/6/2018**  
**Date operates 28/6/2018**  
**Date lapses 28/6/2023**

Taylor Construction Group Pty Ltd  
Level 13, 157 Walker Street  
NORTH SYDNEY NSW 2060

D93/18  
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. **93/18** proposing **on-going use of roof top building identification signs with hours of illumination 7am – 10pm (Northern elevation) 7am – 1am (Eastern elevation)** on land described as **157 Walker 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.	Issue	Title	Date	Drawn By	Received
TAY-01	1	-	5 April 2018	OMG! (AU) Pty Ltd	6 April 2018
TAY-02	1	-	5 April 2018	OMG! (AU) Pty Ltd	6 April 2018
TAY-03	1	-	5 April 2018	OMG! (AU) Pty Ltd	6 April 2018

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

**RMS Conditions**

- A2. The development must comply with the following conditions of consent required by Roads & Maritime Services:
- (a) The sign shall be installed wholly within the property boundary;
  - (b) Light levels are to be consistent with Section 3.3.3 "Illumination and Reflectance" of Transport Corridor Outdoor Advertising and Signage Guidelines;

- (c) The sign shall not obstruct driver sight lines to traffic signal lanterns and road signage; and
- (d) All works/regulatory signage associated with the proposed development are to be at no cost to RMS.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Occupation Certificate, fully satisfy the above.

(Reason: Road safety)

### **Separate DA**

- A3. Approval is granted for “building identification sign”, 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 (including colour and finish);
- (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 “building identification signage” rather than “advertisement” or general advertising)

### **Compliance with luminance criteria**

- A4. A suitably qualified independent consultant must, at the applicant’s expense, measure the illumination intensity of the signs when erected, and shall submit to Council documentary evidence of compliance with the relevant criteria contained in the Department of Planning’s “*Transport Corridor Outdoor Advertising & Signage Guidelines*” (July 2007) and Australian Standard AS4282 – *Control of the Obtrusive Effects of Outdoor Lighting*, as pertains to residential amenity and:

- (a) under Australian Standard AS4282, the recommended maximum values of luminous intensity emitted by luminaires during curfewed hours for the northern sign; and
- (b) as referenced in the “Proposed Roof Top Sky Sign Lighting Analysis” dated 15/7/13, prepared by Webb Australia Group for both signs.

(Reason: Residential amenity)

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

**National Construction Code**

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

**Appointment of a Principal Certifying Authority (PCA)**

F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

**Occupation Certificate**

F3. 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. The signs shall comply with the following hours of illumination:

- (a) The sign on the northern elevation of the plant room shall only be illuminated between the hours of 7.00am and 8.00pm, seven days per week; and
- (b) The sign on the eastern elevation of the plant room shall only be illuminated between the hours of 7.00am and 1.00am, seven days per week.

The signage must be fitted with a timing device to automate the cessation of illumination during these times.

(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 or have any moving components.
- (d) The signage illumination must be adjustable so as to enable its level of illumination and/or lighting intensity to be reduced in the event of neighbouring complaint and/or nuisance.

(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)

### **Roof Top Lighting**

I3. The spotlights shall be directed to the sign on the northern and eastern elevations only and shall not be directed toward any residential premises.

(Reason: To ensure residential premises are not affected by inappropriate or excessive illumination)

### **Automated Timing Device**

I4. Automatic timing device(s) are to be fitted to the spotlights and must be used at all times to ensure compliance with the approved hours of illumination. Details demonstrating compliance are required to be submitted prior to the issue of an Occupation Certificate.

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

**Use of Renewable Energy**

- I5. The lessee of the signage space and/or the owner of the sign are to make best efforts to use renewable energy sources for the illumination of the signs.

(Reason: To reduce the environmental impact of lighting)

**Concealed Wiring**

- I6. All wiring for the spotlights associated with the signage shall be concealed within and/or behind the building parapet.

(Reason: To reduce visual clutter)

**Maintenance of Signage Structure**

- I7. The signage must be maintained at all times to a structurally sound condition.

(Reason: To reduce visual clutter)

**Time Limited Consent**

- I8. The signs may remain in place for a period of three (3) years only from the date from which this consent operates at which time they shall be removed from the building unless a further development consent is obtained prior to this time. Any application should be lodged 6 months prior to the expiry date.

(Reason: To ensure signage reflects use of the building, and amenity)

**Signage Consent**

- I9. 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 tenant of the building, this consent will cease.

(Reason: To ensure that the signs identify a major tenant of the building)

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](http://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](http://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](http://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)



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