

NOTICE OF DETERMINATION

Application Number: DA2009/0492

APPLICATION DETAILS

Applicant Name and Address: Diadem Pty Ltd
Level 3, 473 Bourke Street
MELBOURNE VIC 3000

Land to be developed (Address): Lot 2 SP 20037
2/26 Howard Avenue
Dee Why NSW

Proposed Development: Erection of signage for "Coles" supermarket

DETERMINATION - APPROVED

Made on (Date): 11 September 2009

Consent to operate from (Date): 11 September 2009

Consent to lapse on (Date): 11 September 2012

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site plan 01A	26.3.09	<i>Diadem</i>
Sign 01	26.3.09	<i>Diadem</i>
Sign 03a	26.3.09	<i>Diadem</i>
Sign 04	26.3.09	<i>Diadem</i>
Sign 05a	26.3.09	<i>Diadem</i>
Sign 07a	26.3.09	<i>Diadem</i>

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. Limitation of Development Consent for Signage

Pursuant to the provisions of State Environmental Planning Policy No 64—Advertising and Signage this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates

Reason: Statutory requirement under State Environmental Planning Policy No 64—Advertising and Signage.

3. Building Code of Australia

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

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE



4. Limitation of Approved Signage

Signs 02 and 06 are not approved and are not to be erected and shall be removed from the Construction Certificate plans.

Reason: Requirement to control excess advertising signs

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

5. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

6. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: Legislative requirement for the naming of the PCA

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. General Requirements

Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

8. Excess Signage

All redundant signs on the exterior building are to be removed.



Reason: Requirement to control excess advertising sign structures

9. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

10. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets.

11. Tree Pruning

Any tree pruning necessary the approved construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards. Trimming of the *She Oak* trees on Dee Why Parade shall be limited to 1.0 metre below the bottom edge of the sign light box (Sign 7)

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: To ensure protection and longevity of existing trees.

12. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

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.

13. Concealed Wiring

All wiring to the under awning sign shall be concealed within the fabric of the building and in the support structure of the sign.

Reason: To ensure that wiring is not exposed to potential vandalism and reduce visual clutter

14. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.



Reason: To ensure the proper management of public land.

15. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any *WorkCover Authority* requirements.

Reason: To ensure the health and safety of the community and workers on the site.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

16. Occupation/Final Certificate Required

An Interim Occupation / Final Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building new works.

Note: In issuing an Interim Occupation / Final Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

Reason: To ensure compliance with the conditions and provisions of the Environmental Planning and Assessment Act.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

17. Illumination

The lighting within the signs above awning level is to be switched off at night time after closing time for “Coles” supermarket on the subject premises.

Reason: Amenity and energy conservation.



Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed _____ on behalf of the consent authority

Signature _____
Name Alex Keller

Date _____