



NSLPP MEETING HELD ON 03/03/21

Attachments:

1. Site Plan
2. Approval Architectural Plans (DA198/20)
3. Notice of Determination (DA198/20)

ADDRESS/WARD: 425-429 Pacific Highway, Crows Nest

APPLICATION No: 198/20/2

PROPOSAL: Section 4.55 application to modify DA198/20 in respect of changes to Conditions G2 Time period for advertising' and I1 'Dwell Time and Curfew on Advertising'.

PLANS REF: N/A

OWNER:

[REDACTED]

APPLICANT: Legge & Legge Architects Pty Ltd

AUTHOR: Luke Donovan, Senior Assessment Officer

DATE OF REPORT: 19 February 2021

DATE LODGED: 14 January 2021

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) seeks to modify consent for alterations and additions to levels 4, 5 of a heritage listed commercial and retail building, changes to roof and changes to signage including the demolition of existing AGC sign, demolition of the existing advertising billboard structure and construction of new LED advertising sign.

The proposed modifications specifically relate to changes to Condition G2 'Time period for advertising' and Condition I1 'Dwell Time and Curfew on Advertising' in association with the approved LED advertising sign.

The application is reported to the North Sydney Local Planning Panel (NSLPP) for determination as the application is a Section 4.55 (2) which seeks changes to conditions that were modified by the Panel in its original determination.

Council's notification of the proposal has attracted no submissions.

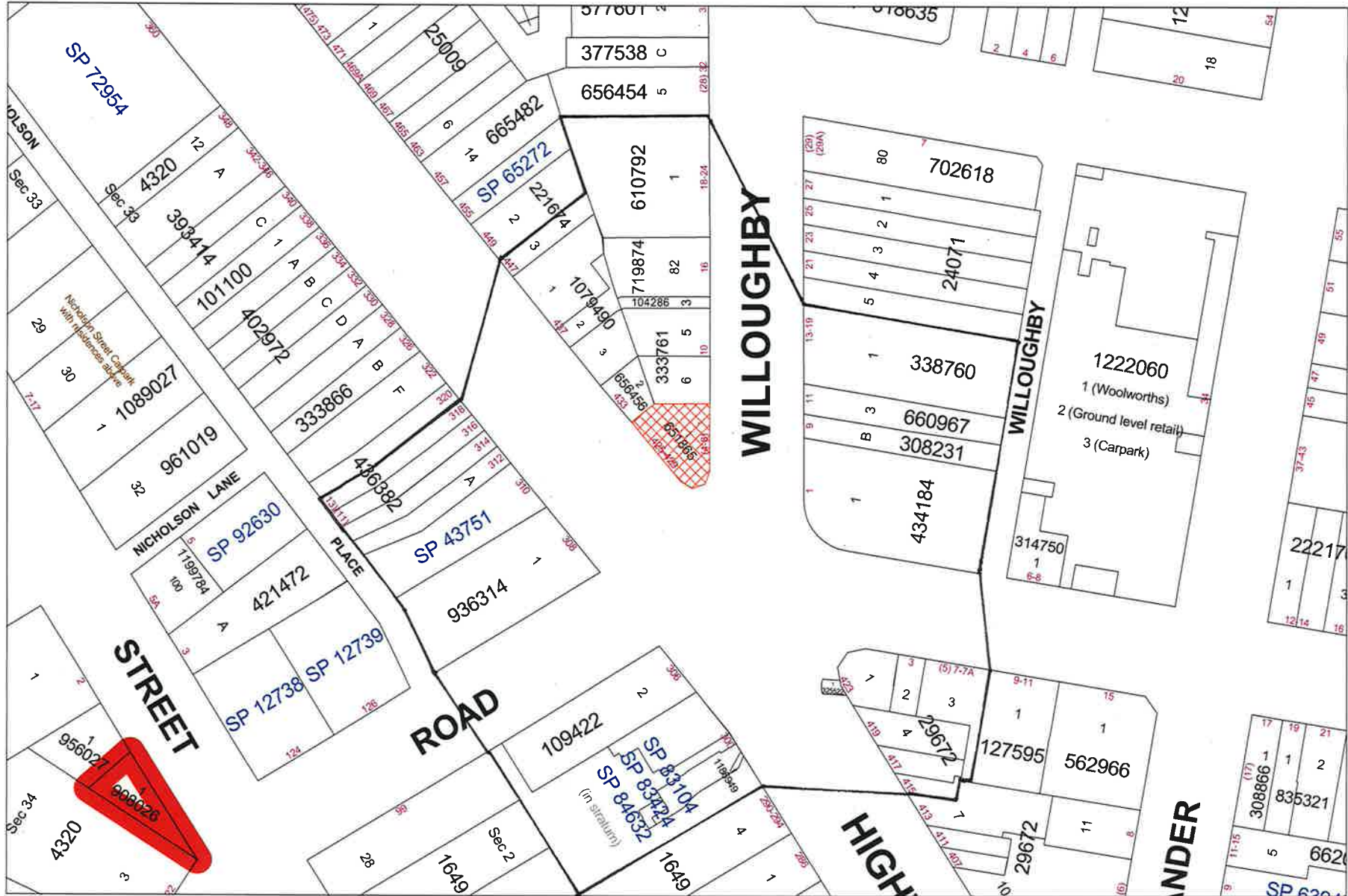
The proposed reduction in the dwell time for the LED advertising sign from 60 seconds (approved as part of condition I1(a)) to 25 seconds is considered reasonable noting that this proposed dwell time is greater than the minimum dwell time of 10 seconds specified in the Digital Sign Criteria of the Transport Corridor Outdoor Advertising and Signage Guidelines. Furthermore, Transport for NSW raised no objection with this originally proposed dwell time of 10 seconds.

In its reason for amending Condition G2 from 3 to 5 years, "*the Panel considers 5 years an appropriate time frame to reassess changes in the character of the area*". The original recommendation was for a three (3) year consent period.

The proposed increase in the consent duration for the display of advertising from 5 years to 15 years is however not supported. The recent changes to NSLEP 2013, specifically in respect of Clause 4.3 'Building Height' and the maximum building heights for the Crows Nest Station site would indicate that the area of Crows Nest will undergo change. An LED advertising sign located at the top of the subject building for a period of 15 years is unlikely to be consistent with this change in character which will likely be high density shop top housing developments to the north west of the site along Pacific Highway. A period of 5 years for the LED Advertising should therefore remain and the applicant advised to consider a s 4.55 application lodged closer to the lapsing of this consent to gauge the extent of change to the character of the Crows Nest.

It is recommended that approval only be granted to the reduction in dwell time to 25 seconds for the LED advertising sign and that no approval be granted to the change to the approved 5-year time period for the LED advertising sign.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal involves a modification to DA198/20 which granted consented for alterations and additions to levels 4, 5 of a heritage listed commercial and retail building, changes to roof and changes to signage including the demolition of existing AGC sign, demolition of the existing advertising billboard structure and construction of new LED advertising sign.

The proposal specifically relates to changes to Condition G2 'Time period for advertising' and Condition I1 'Dwell Time and Curfew on Advertising' in association with the approved LED advertising sign.

The proposed changes to the Conditions G2 and I1 are marked in bold and strikethrough below. **In effect, the applicant seeks to increase the time period for the new LED advertising screen from 5 to 15 years and reduce the dwell time associated with the advertising from 60 to 25 seconds. -**

Time Period for Advertising

G2. The LED advertising sign (southern elevation of level 5) is limited to a maximum of **five (5) fifteen (15)** years from the date of the occupation certificate for the sign. At the expiration of the **five (5) fifteen (15)** year period the sign must be switched off. Any extension beyond **five (5) fifteen (15)** years will be the subject of a separate application to Council.

(Reason: To ensure consistency with the NSDCP 2013 and to ensure the time period for advertising has regard to any future change to the Crows Nest Town Centre)

(Panel Reason: The Panel considers 5 years an appropriate time frame to reassess changes in the character of the area.)

Dwell Time and Curfew on Advertising

I1. a) The dwell time for the advertising on the LED sign (southern elevation at level 5 of the building) must be not less than **60-25** seconds.

b) The advertising on the LED sign must not change during the time that school zones along Pacific Highway are active (i.e. 8.00am-9.30am and 2.30pm-4.00pm on weekdays during School Terms). The content of advertising during school zone period is to be of a suitable content (excluding alcohol, gambling and cigarettes)

c) A curfew is to be placed on the advertising on the LED sign (southern elevation at level 5 of the building) between 11pm and 7am (every day of the year) The above requirements must be programmed into the sign to ensure compliance with the terms of this condition. The requirements of this condition may be subject to variation following the submission by the Applicant and an assessment of a modification application under Section 4.55.

(Reason: To protect existing and future residential amenity and to minimize safety impacts for motorists)

(Panel Reason: To cover the AM school zone)

STATUTORY CONTROLS

North Sydney LEP 2013

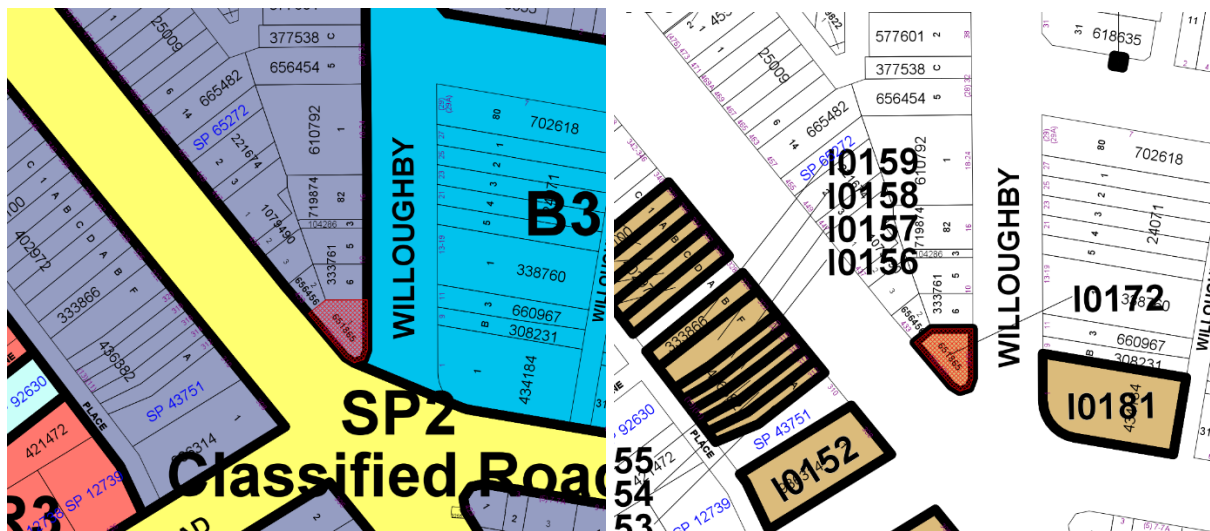
- Zoning – B4 Mixed Use
- Item of Heritage – Yes (IO172 ‘Willoughby House, former OJ Williams store’)
- In Vicinity of Item of Heritage – Yes (No. 1 Willoughby Road and No’s. 308, 312, 314, 316, 318, 320, 322, 324 and 326 Pacific Highway)
- Conservation Area - No

Environmental Planning & Assessment Act 1979 (as amended)

SREP (Sydney Harbour Catchment) 2005

SEPP No. 64 – Advertising and Signage

Local Development



Figures 1 and 2– Extract from zoning map and heritage map in NSLEP 2013

POLICY CONTROLS

NSDCP 2013

St Leonards Crows Nest 2036 Plan (2036 Plan)

DESCRIPTION OF LOCALITY

The subject site is identified as Lot 1 in DP651865 and is known as 425-429 Pacific Highway, Crows Nest. The site is irregular in shape and is located on the corner of Pacific Highway and Willoughby Road within the B4 Mixed use zone.



Figure 3 – Aerial photograph of the subject site and surrounding development (Source: IFM:Enquiry)

Located on the site is a four storey face brick commercial building and located above the brick parapet is a two storey metal clad structure occupying the northern part of the building. The ground level of the building has existing tenancies that have activation to both Willoughby Road and Pacific Highway. The basement level contains toilets and services with internal access via a staircase to the ground level tenancy. There are existing large building and advertising signs on both the northern and southern facades of the metal clad structure.



Figures 4, 5 and 6 – Existing building on the subject site – southern (left), eastern (middle) and northern (right) elevations of the building



Figure 7 – Southern elevation of the metal clad structure on the roof of the northern part of the building

Surrounding development is predominantly commercial, with the site being at the southern termination of the main retail strip in Crows Nest Town Centre on Willoughby Road. The site is directly opposite 423 Pacific Highway which contains a large ‘wrap around’ advertising sign above parapet level. The new Crows Nest Metro Station is located further to the north of the site.

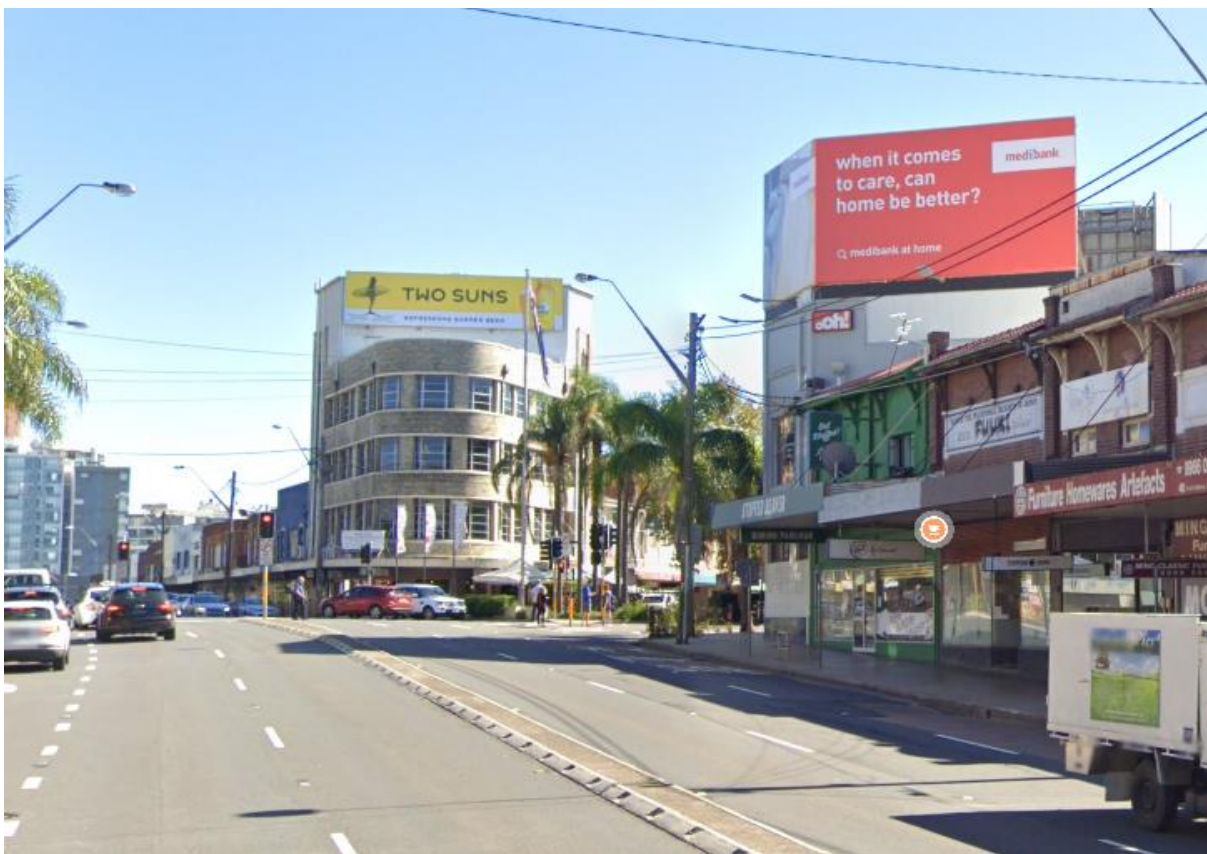


Figure 8 – Looking north from Pacific Highway towards subject site with signage above 423 Pacific Highway (on right)



Figure 9 – Looking south from Pacific Highway towards 423 Pacific Highway

RELEVANT HISTORY

Previous application

On 2 December 2020, the NSLPP granted consent to DA 198/20 for alterations and additions to levels 4, 5 of a heritage listed commercial and retail building, changes to roof and changes to signage including the demolition of existing AGC sign, demolition of the existing advertising billboard structure and construction of new LED advertising sign.

The Panel endorsed the Officer's report and recommendation for approval subject to the following amendments to the conditions. The Panel reasons are also noted below.

“G2 shall be amended to reference 5 years with an additional sentence at the end.

The following sentence is inserted at the end of this condition:

“The requirements of this condition may be subject to variation following the submission by the Applicant and an assessment of a modification application under Section 4.55.”

Panel Reason: The Panel considers 5 years an appropriate time frame to reassess changes in the character of the area.

II(b) is to include 8.00am to 9.30am weekdays.

Panel Reason: To cover the AM school zone.

Panel Reason: The Panel is satisfied that the proposal involving replacement of the existing sign with an LED sign presents improved heritage and visual amenity outcomes.

The Panel agrees with the Assessment Officer's report that the dwell time remain at 60 seconds due to the busy intersection and local road network. The Applicant has the ability in the future to submit a Section 4.55 modification application for this to be varied.

The Panel has amended the conditions to allow for a 5-year consent as opposed to 3 years and once again this is subject to extension through a modification application. An appropriate condition is to be imposed to require the content of advertising during School Zone periods to be of a suitable content (excluding gambling, alcohol and cigarettes). The conditions are to be amended accordingly to reflect the facilitative provisions of Section 4.55.

The relevant conditions are included within the notice of determination for DA198/20 and are copied below:

Time Period for Advertising

G2. The LED advertising sign (southern elevation of level 5) is limited to a maximum of five (5) years from the date of the occupation certificate for the sign. At the expiration of the five (5) year period the sign must be switched off. Any extension beyond five (5) years will be the subject of a separate application to Council.

(Reason: To ensure consistency with the NSDCP 2013 and to ensure the time period for advertising has regard to any future change to the Crows Nest Town Centre)

(Panel Reason: The Panel considers 5 years an appropriate time frame to reassess changes in the character of the area)

Dwell Time and Curfew on Advertising

I1 a) The dwell time for the advertising on the LED sign (southern elevation at level 5 of the building) must be not less than 60 seconds.

b) The advertising on the LED sign must not change during the time that school zones along Pacific Highway are active (i.e. 8.00am-9.30am and 2.30pm-4.00pm on weekdays during School Terms). The content of advertising during school zone period is to be of a suitable content (excluding alcohol, gambling and cigarettes)

c) A curfew is to be placed on the advertising on the LED sign (southern elevation at level 5 of the building) between 11pm and 7am (every day of the year) The above requirements must be programmed into the sign to ensure compliance with the terms of this condition. The requirements of this condition may be subject to variation following the submission by the Applicant and an assessment of a modification application under Section 4.55.

(Reason: To protect existing and future residential amenity and to minimize safety impacts for motorists)

(Panel Reason: To cover the AM school zone)

Current application

Date	Action
14/01/2021	The subject application was lodged through the NSW Planning Portal
29/01/21 to 12/02/2021	The subject application was notified to surrounding properties and the relevant precinct committees. No submissions were received.

SUBMISSIONS

The application was lodged to surrounding properties and the relevant to precinct committees between 29 January and 12 February 2021. No submissions were received.

REFERRALS

No referrals required for this application.

The subject application was not referred to Transport for NSW (TfNSW). This is because TfNSW provided concurrence and conditions to DA198/20 and the subject application does not seek to amend these conditions. Condition 4 as imposed by TfNSW which formed part of Condition B1 of the consent stated the following:

“4. The dwell times, transition time between messages and illumination levels should be in accordance with relevant guidelines and standards.”

The relevant guidelines referred to in Condition 4 above is the “Transport Corridor Outdoor Advertising and Signage Guidelines” (“Guidelines”). Section 2.5.8 ‘Digital signs’ of the Guidelines is applicable to the subject application. Table 3 outlines the relevant criteria for Digital signs. Of relevant to the subject application is criteria d. which is highlighted in red below:

Table 3: Digital Sign Criteria

Criteria	Applies to signs less than 20sqm	Applies to signs greater than or equal to 20sqm
a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	✓	✓
b. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	✓	✓
c. The image must not be capable of being mistaken: <ul style="list-style-type: none"> i. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device ii. as text providing driving instructions to drivers. 	✓	✓
d. Dwell times for image display must not be less than: <ul style="list-style-type: none"> i. 10 seconds for areas where the speed limit is below 80 km/h ii. 25 seconds for areas where the speed limit is 80km/h and over. 	✓	✓
e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	✓	✓

Figure 10 – Extract from the Guidelines

The subject LED advertising sign has an area greater than 20m². The site has a frontage to Pacific Highway wherein the speed limit is 60km/h. Therefore, based on this and having regard to criteria d, the dwell time must be not less than 10 seconds. The proposed dwell time is 25 seconds and therefore compliant with these criteria and the condition imposed by TfNSW.

CONSIDERATION

Council is required to assess the s4.55 application under the EPA Act 1979 (As amended) having regard to the following matters:

Section 4.55 (2)

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comments are provided on the above matters in section 4.55 (2) as follows:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

The application involves changes to conditions G2 and I1 which specifically relate to the dwell time and consent duration for the LED advertising sign that was approved as part of DA198/20. The application does not seek to change approved hours of operation for the sign, the size, materials or orientation of the approved sign or its level of illumination. Whilst the dwell time is proposed to be reduced this would not substantially change this aspect of the development as it would still remain as an LED advertising sign, albeit the content would change more regularly. Consequently, the proposal is considered to be “substantially the same” for which consent was originally granted

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

As detailed earlier within this report, the application did not need to be referred to TfNSW. The application does not seek to amend a condition that would have the effect of been inconsistent with the conditions imposed by TfNSW to DA198/20.

- (c) *Whether the application has been notified and, if so, were there any submissions*

The application was notified to adjoining properties and the Precinct under section 3.6 of the North Sydney Community Engagement Protocol inviting comment on the proposal. Council received no submissions.

Pursuant to section 4.55 (3) in the EPA Act 1979 (as amended) Council must also consider the matters that need to be addressed under section 4.15 (Evaluation) and the reasons for the original approval.

MATTERS FOR CONSIDERATION UNDER SECTION 4.15 (Evaluation)

SREP (Sydney Harbour Catchment) 2005

Having regard to the SREP (Sydney Harbour Catchment) 2005 and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's location in Crows Nest. As such, the development is acceptable having regard to the provisions contained within SREP 2005 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP No. 64 - Advertising & Signage

The definition of advertising and signage terms under the SEPP are identical to those under NSLEP 2013.

All advertising and signage proposals are required to comply with Parts 1 and 2 of the SEPP, including the Assessment Criteria under Schedule 1. As the proposed signage is an "advertising structure" under the SEPP, it also needs to comply with Parts 3 and 4 of the SEPP. In particular, the proposal would need to consider the provisions under clauses 8, 9, 11, 13, 14, 17, 18, 21 and 22. The subject application is a modification application and not a development application therefore a number of these clauses are not specifically applicable. Notwithstanding, the proposed LED advertising sign was considered in detail against these relevant clauses in the original assessment report and found to be generally satisfactory (*refer to Attachment 3*).

However, given the application seeks to amend the time period of the consent from 5 years to 15 years, Clause 14 of the SEPP is a specific matter for consideration.

Clause 14 of SEPP 64 is copied below:

14 Duration of consents

- (1) *A consent granted under this Part ceases to be in force:-*
 - (a) *on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or*
 - (b) *if a lesser period is specified by the consent authority, on the expiration of the lesser period.*

- (2) *The consent authority may specify a period of less than 15 years only if:-*
 - (a) *before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or*
 - (b) *the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or*
 - (c) *the specification of a lesser period is required by another provision of this Policy.*

Clause 14(2) permits a period of less than 15 years provided either (a), (b) or (c) are satisfied.

In respect of (a), Part 3 'Advertisements' of SEPP 64 commenced on 16/03/2001 and prior to NSDCP 2013 which came into effect on 13 September 2013. NSDCP 2001 (repealed) which had a similar 3-year time limit for advertising, came into effect on 21 February 2002. As is evident both NSDCP 2001 and NSDCP 2013 came into effect after SEPP 64. Clause 14(2)(a) is therefore not satisfied.

In respect of (b), the recent changes to NSLEP 2013, specifically in respect of Clause 4.3 'Building Height' and the maximum building heights for the Crows Nest Station site would indicate that the area of Crows Nest will undergo change. This change to building heights in the NSLEP 2013 aligns with the St Leonards and Crows Nest 2036 Plan. This is discussed in further detail below.

The NSLEP 2013 acknowledges that a change has occurred to this locality with the new Crows Nest Metro Station and this is reflected on the Height of Buildings map which permits a maximum height of RL 127, RL 155 and RL 180 for the sites comprising the over station development.



**North Sydney Local
 Environmental
 Plan 2013**

Height of Buildings Map -
 Sheet HOB_001

Maximum Building Height (m)	
A	1
I	8.5
K	10
L	11
M	12
N	13
O1	15
O2	16
Q1	19.15
Q2	20
S	24
T1	25
T2	26
U1	30
U2	33
W1	40
W2	42
X	49
Y	50
Z	56
AD	132
AF	180
Area 1	Refer to Clause 4.3A

Figure 11 – Extract from the NSLEP 2013 ‘Height of Buildings’ map – red mark up represents the subject site

The southern site permits a maximum height of RL 155 or 18 storeys and is located only 115m to the north west of the subject site. The Stage 1 concept SSD Application (SSD9579) for a mixed use development was approved by DPIE on 23 December 2020. A copy of the building envelope diagrams (as a context view) which formed part of this consent are copied below. The close relationship between the proposed buildings and the subject site (in red mark up) are apparent.

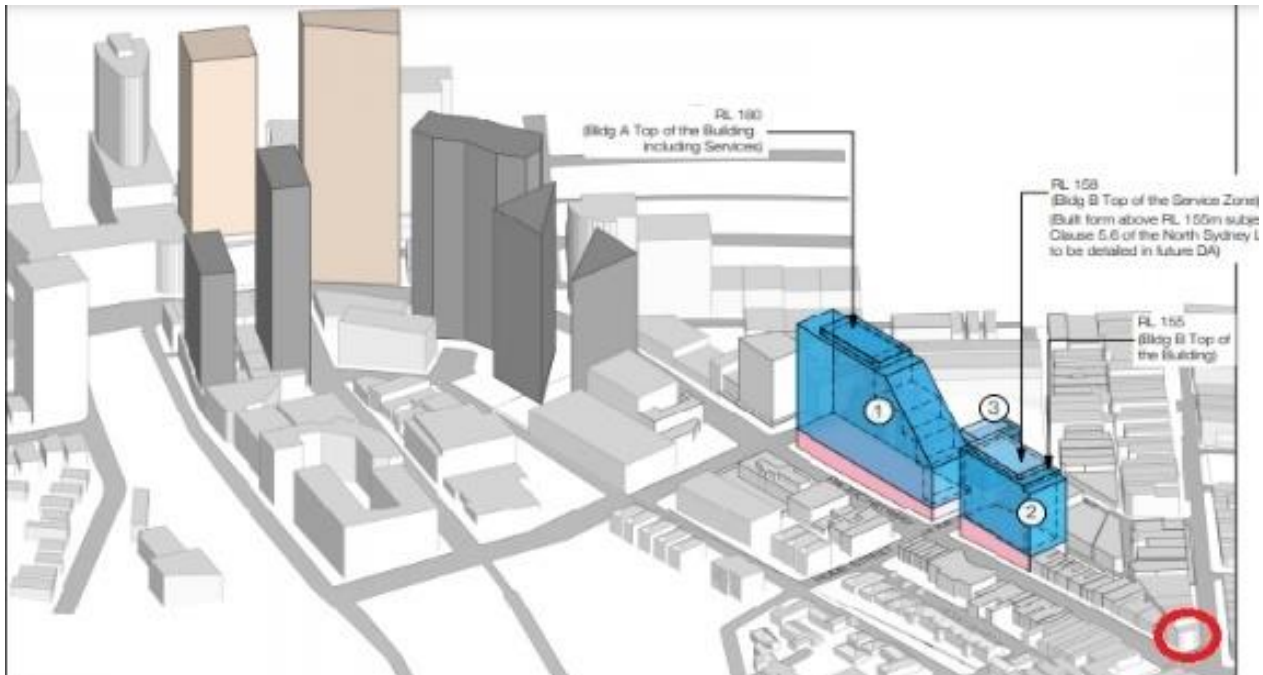


Figure 12A– Building Envelope Diagrams (context view) approved as part of SSD 9579

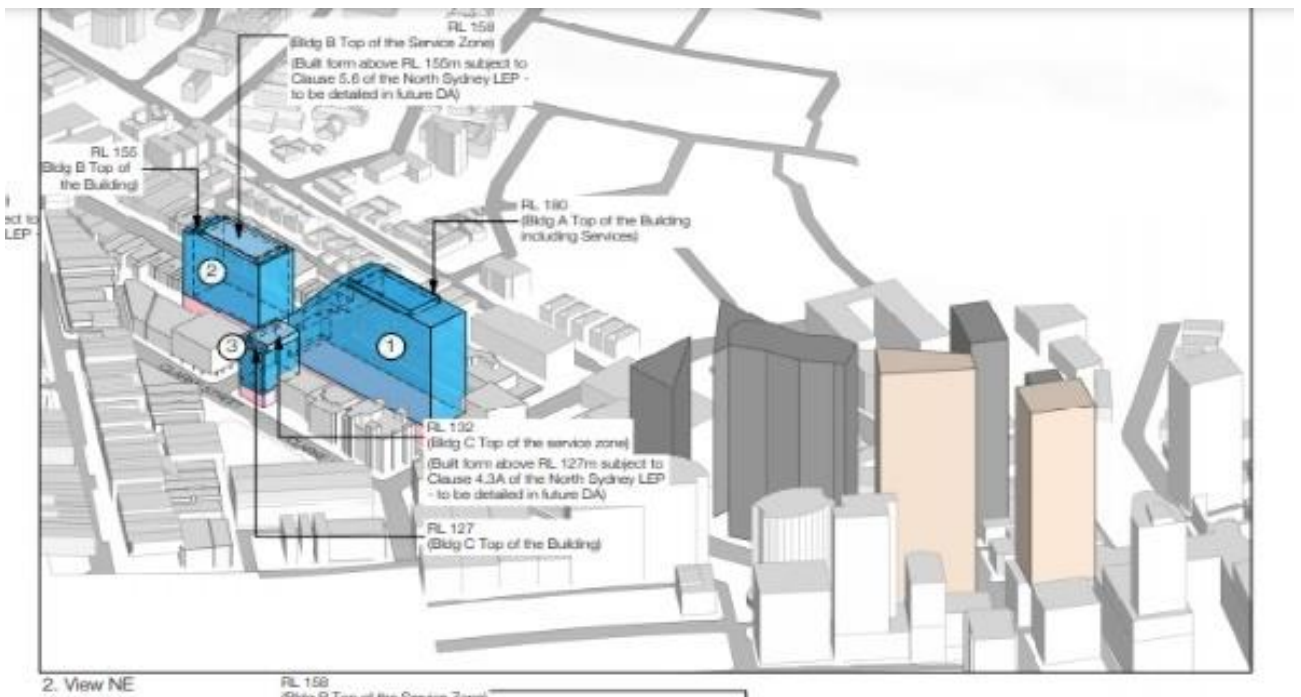


Figure 12B– Building Envelope Diagrams (context view) approved as part of SSD 9579

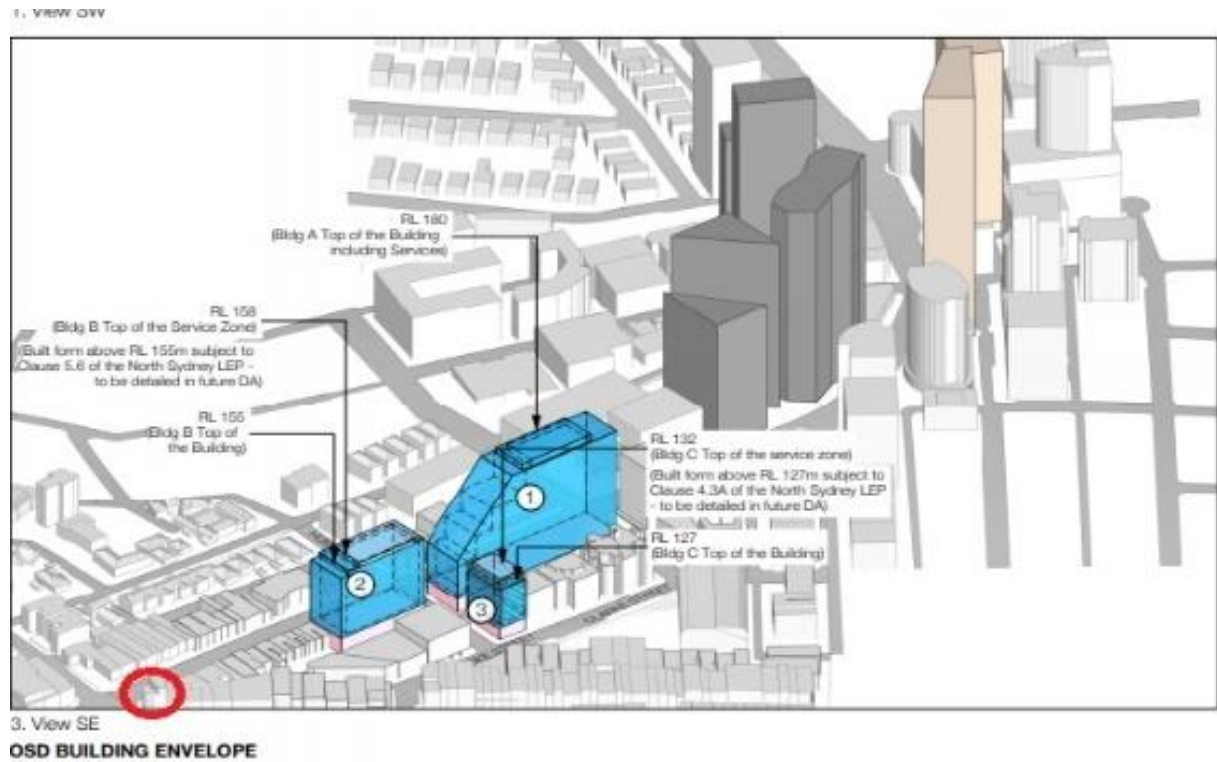


Figure 12C– Building Envelope Diagrams (context view) approved as part of SSD 9579

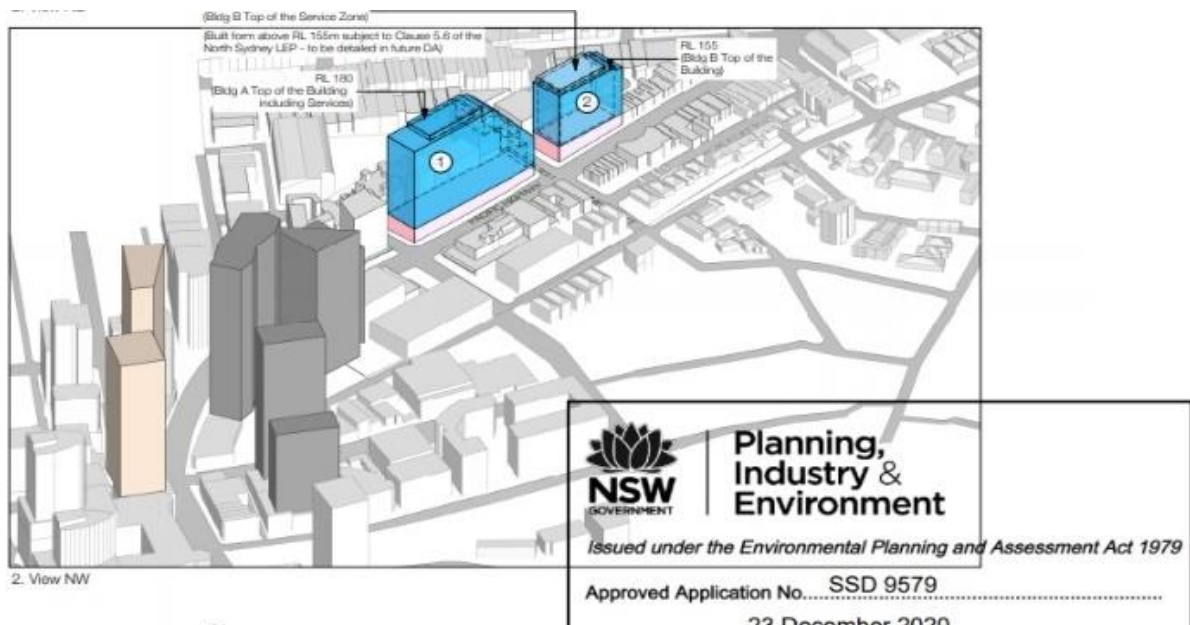


Figure 12D – Building Envelope Diagrams (context view) approved as part of SSD 9579

As a consequence of this recent SSD approval it is clear that this area of Crows Nest, which the subject site is a part of, is undergoing change and this is reflected in the NSLEP 2013 which has increased the heights of these sites forming the Crows Nest Metro Station. Whilst the building heights of other nearby sites have not changed in NSLEP 2013, it is considered only a matter of time before planning proposals are lodged and gateway determinations given which provide increased yield on these sites consistent with the Crows Nest and St Leonards 2036.

As a result of the increase in building heights to the Crows Nest Station sites while still retaining the same B4 Mixed Use zoning it is clear that shop top housing developments will likely form part of this section of Crows Nest. An LED advertising sign located at the top of the subject building for a period of 15 years is unlikely to be consistent with this change in character which will likely be shop top housing developments to the north west of the site along Pacific Highway. It is highly likely that sites immediately to the south will be developed to heights of 16+ storeys within the life of a 5-year consent. A period of 5 years for the LED advertising should therefore remain and the applicant should consider a s 4.55 application lodged closer to the lapsing of this consent to gauge the extent of change to the character of the Crows Nest.

In respect of (c), there are no other provisions within SEPP 64 that require a period of less than 15 years for advertising.

Clause 14(2)(b) of SEPP 64 is satisfied in the opinion of the Assessment Officer and it is therefore open to the Panel to impose a consent period of less than 15 years. A consent period of 5 years as approved is considered reasonable.

Transport Corridor Outdoor Advertising and Signage Guidelines

In respect of Section 2.5.8 'Digital Signs' the proposal for a 25 second dwell time complies with criteria d. as set out in Table 3 of the Guidelines. This is discussed in greater detail earlier within this report. It is noted that the subject application does not seek a change to the TfNSW requirements in Condition B1 or Condition I1 in respect of (b) and (c) which stated that advertising on the LED sign must not change during the time that school zones along Pacific Highway are active and that there is a 11pm to 7am curfew on the advertising.

Whilst the LED advertising sign faces a busy intersection, a 25 second dwell time is considered acceptable noting that it complies with the minimum dwell time in the Guidelines. Furthermore, an independent RMS-accredited road safety auditor must carry out a road safety check between 12 and 18 months of the signs installation and any safety concerns rectified by the applicant. So, if a safety concern is identified and directly linked with the dwell time the road safety auditor may insist on a greater dwell time.

Section 2.5.10 'Residential amenity' in the Guidelines states that "*where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above.*" A lighting impact assessment report was submitted as part of the original application. The report concluded that illuminance levels at the nearby residential receivers would comply with the maximum AS4282 limits. Given that the sign will not result in any unreasonable impacts on existing residential amenity it is considered reasonable to permit a 25 second dwell time and maintain the approved curfew of 11pm to 7am.

The proposal does not seek a change to the deed of agreement condition requiring an in-kind contribution to be provided to Council in the form of free advertising.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

Permissibility

The subject site is zoned *B4 Mixed Use* under NSLEP 2013 and “advertising structures”, which fall under the group definition of “signage”, are permissible with consent in the *B4 Mixed Use* zone.

Objectives of the zone

The proposal is generally consistent with the relevant objectives of the B4 Mixed Use zone in that the LED advertising sign will contribute to the interest and vibrant mixed use centre. However, given the likely change to the character of Crows Nest as a result of the Crows Nest Metro Station and the 2036 Plan it is considered reasonable to maintain the duration of the consent as 5 years to ensure future amenity is preserved.

Part 4 – Principal Development Standards

STATUTORY CONTROL – North Sydney Local Environmental Plan 2013				
Site Area – 204.42m ²	Approved (under DA198/20	Proposed	Control	Complies
Mixed Use				
Building Height (cl.4.3) (max)	The top of approved advertising sign is at 21.4m	No change	10m	No change

Building Heights

The maximum building height for the site is 10m pursuant to Clause 4.3(2) of NSLEP 2013. The top of the approved LED advertising sign is 21.4m and non-compliant with the building height control. The written request submitted as part of DA198/20 seeking a variation to the maximum building height was considered to be well founded. The subject modification application does not seek a change to the height of the approved LED advertising sign.

7. Heritage Conservation

The proposed modifications to the LED advertising sign will not detract from the heritage significance of the site.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

Part B Section 9 of the DCP sets out requirements for advertising and signage. The proposed does not seek a change to the size, location, content or illumination of the approved LED advertising sign. These aspects were assessed as part of the original application and considered acceptable in the site circumstances. The proposal only relates to the duration of the consent and the dwell time therefore Part B, Section 9.6 ‘Restrictions’, specifically P7 and Part B, Section 9.8 ‘Pedestrian and Road Safety’, specifically P5 are the only relevant matter for consideration.

DEVELOPMENT CONTROL PLAN 2013		
<i>Advertising & signage</i>	<i>Complies</i>	<i>Comments</i>
<p>B9.6 Restrictions</p> <p>P7 Any consent granted by Council for advertising signs (i.e. not building identification or business identification signs) is valid for a maximum of three (3) years.</p>	No	<p>The original recommendation in the Officer's report was for the duration of the consent to be limited to 3 years consistent with P7. The Panel approved a duration of consent of 5 years and this was reflected in Condition G2. The applicant seeks to increase the duration of consent to 15 years. The applicant argues that 15 years is appropriate having regard to Clause 14 of SEPP 64.</p> <p>As detailed earlier within this report, the duration of consent should remain at 5 years given NSLEP 2013 acknowledges in its height of building map that there is to be change in Crows Nest as a result of the Crows Nest Metro Station. As a consequence of the over station development and its close proximity to the subject site, it is likely that there will be a significant uplift in the density of development surrounding the site with more shop top housing consistent with the B4 Mixed Use zoning and the 2036 Plan.</p> <p>An LED advertising sign at the top of the subject building for a period of 15 years is unlikely to be consistent with this change noting that there is likely to be significantly more residential components to these surrounding developments with potentially greater impact.</p>
<p>B9.8 Pedestrian & road safety</p> <p>P5 Signs must not be located where drivers and pedestrians require a higher level of concentration (e.g. major intersections).</p>	Yes	<p>Section 9.8 to the DCP seeks to ensure that signage does not adversely affect driver and pedestrian safety.</p> <p>The proposal is located at the signalised intersection of three significant classified roads and a local road. Due to these roads not intersecting at right angles, it requires higher levels of concentration by both pedestrians and drivers when approaching and using the intersection.</p> <p>The applicant originally proposed a dwell time of 10 which was considered to be inappropriate. The officer's original report recommended a dwell time of 60 seconds given the unique layout of the intersection. The applicant, as part of this application, recommends a dwell time of 25 seconds.</p> <p>Whilst it is acknowledged that it is a busy intersection the proposed dwell time of 25 seconds is greater than the minimum dwell time of 10 seconds stated in the Digital Sign criteria in Section 2.5.8 of the Guidelines. Furthermore, TfNSW raised no objection to the originally proposed dwell time of 10 seconds.</p> <p>Moreover, the lighting assessment report submitted with the original application states that <i>'In complying with the above requirements [dwell time of 10 seconds], the proposed signage should not result in unacceptable glare nor should it adversely impact the safety of pedestrians, residents or vehicular traffic.....'</i></p> <p>It is noted that an independent RMS-accredited road safety auditor must carry out a road safety check between 12 and 18 months of the signs installation and any safety concerns rectified by the applicant. So, if a safety concern is identified and directly linked with the dwell time the road safety auditor may insist on a greater dwell time.</p> <p>The applicant does not seek a change to Condition I1(b) which requires that the advertising on the LED sign must not change during the time that school zones along Pacific Highway are active.</p>

Relevant Planning Area (Crows Nest Town Centre)

Consideration has been given to Part C of NSDCP 2013 and in particular Section 3 of the Character Statement for the St Leonards/Crows Nest Planning Area and Section 3.2 for the Crows Nest Town Centre. It is noted that the five ways intersection in which the subject site is located is identified as a significant element. Advertising signage is not discussed within this character statement.

St Leonards Crows Nest 2036 Plan

The St Leonards Crows Nest Plan (“2036 Plan”) was finalised by the DOPIE on 29 August 2020 and provides a set of objectives, actions and recommendations to support the five themes from the Local Character Statement regarding Place, Landscape, Built Form, Land Use and Movement.

Whilst the Plan does not specifically address advertising signage it does examine indicative changes to the existing planning controls particularly in respect of building height and floor space ratio. As detailed earlier within this report there is likely to be a significantly increase in building height and floor space ratio with the sites surrounding the Crows Nest Metro Station which indicates a future change to the character of this area of Crows Nest. It is considered unlikely that an advertising sign at the top of the subject commercial building will be consistent with this change which will likely accommodate high density development in the form of shop top housing.



Figure 13 – Extract from the 2036 Plan in respect of indicative changes to floor space ratio. The red circle indicates the location of the subject site.



Figure 14 – Extract from the 2036 Plan in respect of indicative changes to building height. The red circle indicates the location of the subject site.

NORTH SYDNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The proposal does not generate a contribution.

REASONS FOR ORIGINAL APPROVAL

The original application was approved by NSLPP with the following reasons provided:

Panel Reason: The Panel is satisfied that the proposal involving replacement of the existing sign with an LED sign presents improved heritage and visual amenity outcomes.

The Panel agrees with the Assessment Officer's report that the dwell time remain at 60 seconds due to the busy intersection and local road network. The Applicant has the ability in the future to submit a Section 4.55 modification application for this to be varied.

The Panel has amended the conditions to allow for a 5-year consent as opposed to 3 years and once again this is subject to extension through a modification application. An appropriate condition is to be imposed to require the content of advertising during School Zone periods to be of a suitable content (excluding gambling, alcohol and cigarettes). The conditions are to be amended accordingly to reflect the facilitative provisions of Section 4.55."

It is reasonably clear that the panel, having considered the likely future character of the area for a period of 5 years represented a balance between the consent needs of the developer and the potential future needs of the community.

Section 4.55(3) of the Act states that *“the consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.”*

In respect of the original application, the consent authority formed the view *“that the dwell time remain at 60 seconds due to the busy intersection and local road network. The Applicant has the ability in the future to submit a Section 4.55 modification application for this to be varied.”* The applicant has lodged this application to, in part, vary this dwell time. It is agreed that the sign faces a busy intersection however the dwell time proposed of 25 seconds is greater than the minimum dwell time of 10 seconds specified in the digital sign criteria in the Guidelines. Furthermore, Transport for NSW raised no objection with this originally proposed dwell time of 10 seconds. A dwell time of 25 seconds is therefore considered acceptable. Moreover, in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices an independent RMS-accredited road safety auditor must carry out a road safety check between 12 and 18 months of the signs installation and any safety concerns rectified by the applicant.

The Panel also formed the view that the consent duration for the LED advertising sign was to increase from 3 years to 5 years *“and once again this is subject to extension through a modification application”*. The subject application seeks to increase the consent duration from 5 years to 15 years. The reasons advanced in the modified statement of environmental effects are noted however not necessarily agreed with. Clause 14(2)(b) of SEPP 64 is most relevant to the subject application and permits a period of less than 15 years for the display of advertising if -

“the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change.”

The relevant environmental planning instrument is the NSLEP 2013. The site is zoned B4 Mixed Use and has a maximum height control of 10m under NSLEP 2013. A number of the sites to the north along Willoughby Road and north west along Pacific Highway are currently similarly zoned B4 Mixed Use under the NSLEP 2013. However, the NSLEP 2013 acknowledges that a change has occurred to this locality with the new Crows Nest Metro Station and this is reflected on the Height of Buildings map which permits a maximum height of RL 127, RL 155 and RL 180 for the sites comprising the over station development. The southern site permits a maximum height of RL 155 or 18 storeys is located only 115m to the north west of the subject site. The Stage 1 concept SSD Application (SSD9579) for a mixed use development was approved by DPIE on 23 December 2020.

As a consequence of this recent SSD approval it is clear that this area, which the subject site is a part of, is undergoing change and this is reflected in the NSLEP 2013 which has increased the heights of these sites forming the Crows Nest Metro Station. Whilst the building heights of other nearby sites have not changed in NSLEP 2013, it is considered only a matter of time before planning proposals are lodged and gateway determinations given which provide increased yield on these sites consistent with the Crows Nest and St Leonards 2036.

As a result of the increase in building heights to the Crows Nest Station sites while still retaining the same B4 Mixed Use zoning it is clear that shop top housing developments will likely form part of this part of this section of Crows Nest. An LED advertising sign located at the top of the subject building for a period of 15 years is unlikely to be consistent with this change in character which will likely be shop top housing developments to the north west of the site along Pacific Highway. A period of 5 years for the LED Advertising should therefore remain and the applicant advised to consider s 4.55 application lodged closer to the lapsing of this consent to gauge the extent of change to the character of the Crows Nest.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	N/A
5. Traffic generation and Carparking provision	N/A
6. Loading and Servicing facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes
10. Section 89 LGA 93 including Clause 12 Consideration of Local Government (Approvals) Regulation 1993	Yes

PUBLIC INTEREST

The proposal is considered to be generally in the public interest subject to the retention of the approved 5-year consent duration for the LED advertising sign.

SUITABILITY OF THE SITE

The proposal would be located in a B4 Mixed Use zone where advertising signage is a permissible form of development. The proposed reduction in the dwell time from 60 seconds to 25 seconds is considered suitable for the subject site. However, the proposed increase to the consent duration from 5 years to 15 years is not considered suitable for the subject site given the likely changes to the character of Crows Nest within the next 5 years as a consequence of the Crows Nest Metro Station and approved over station development.

SUBMITTERS CONCERNS

No submissions received.

CONCLUSION

The proposed modifications have been assessed having regard to s.4.55 and s.4.15 of the EP & A Act 1979 (as amended).

The proposed reduction in the dwell time for the LED advertising sign from 60 seconds (approved as part of condition I1(a)) to 25 seconds is considered reasonable noting that this proposed dwell time is consistent with the Digital Sign Criteria of the Transport Corridor Outdoor Advertising and Signage Guidelines. Furthermore, Transport for NSW raised no objection with this originally proposed dwell time of 10 seconds. Moreover, in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices an independent RMS-accredited road safety auditor must carry out a road safety check between 12 and 18 months of the signs installation and any safety concerns rectified by the applicant.

The proposed increase in the consent duration for the display of advertising from 5 years to 15 years is however not supported. The recent changes to NSLEP 2013, specifically in respect of Clause 4.3 'Building Height' and the maximum building heights for the Crows Nest Station site would indicate that the area of Crows Nest is and will continue to undergo change.

An LED advertising sign located at the top of the subject building for a period of 15 years is unlikely to be consistent with this change in character which will likely be high density shop top housing developments to the north west of the site along Pacific Highway and devoid of advertising at the top (residential component) of the building. A period of 5 years for the LED Advertising should therefore remain and the applicant advised to consider a s 4.55 application lodged closer to the lapsing of this consent to gauge the extent of change to the character of the Crows Nest.

MANAGER'S COMMENT

It must be remembered that acceptance of electronic interchangeable signage on this site was heavily based on the existence of conventional billboard signage on the site. While it is appropriate to speculate what the likely outcome of an application to install new LED advertising, it is reasonable to assume that it would not have been supported in its current form, due to the heritage listing of the site and the foreseeable change of character of the locality

It is recommended that approval only be granted to the reduction in dwell time to 25 seconds for the LED advertising sign and that no approval be granted to the change to the approved 5-year time period for the LED advertising sign.

RECOMMENDATION

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel exercising the functions of Council grant **approval** to the modification of development consent DA198/20 dated 2 December 2020 only in respect of a modification to condition I1 to permit a reduction in the dwell time to 25 seconds for the display of advertising on the LED sign on land at 425-429 Pacific Highway, Crows Nest under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

1. To modify Condition I1 as follows:

Dwell Time and Curfew on Advertising

- I1
- a) The dwell time for the advertising on the LED sign (southern elevation at level 5 of the building) must be not less than ~~60~~**25** seconds.
 - b) The advertising on the LED sign must not change during the time that school zones along Pacific Highway are active (i.e. 8.00am-9.30am and 2.30pm-4.00pm on weekdays during School Terms). The content of advertising during school zone period is to be of a suitable content (excluding alcohol, gambling and cigarettes)
 - c) A curfew is to be placed on the advertising on the LED sign (southern elevation at level 5 of the building) between 11pm and 7am (every day of the year) The above requirements must be programmed into the sign to ensure compliance with the terms of this condition. The requirements of this condition may be subject to variation following the submission by the Applicant and an assessment of a modification application under Section 4.55.

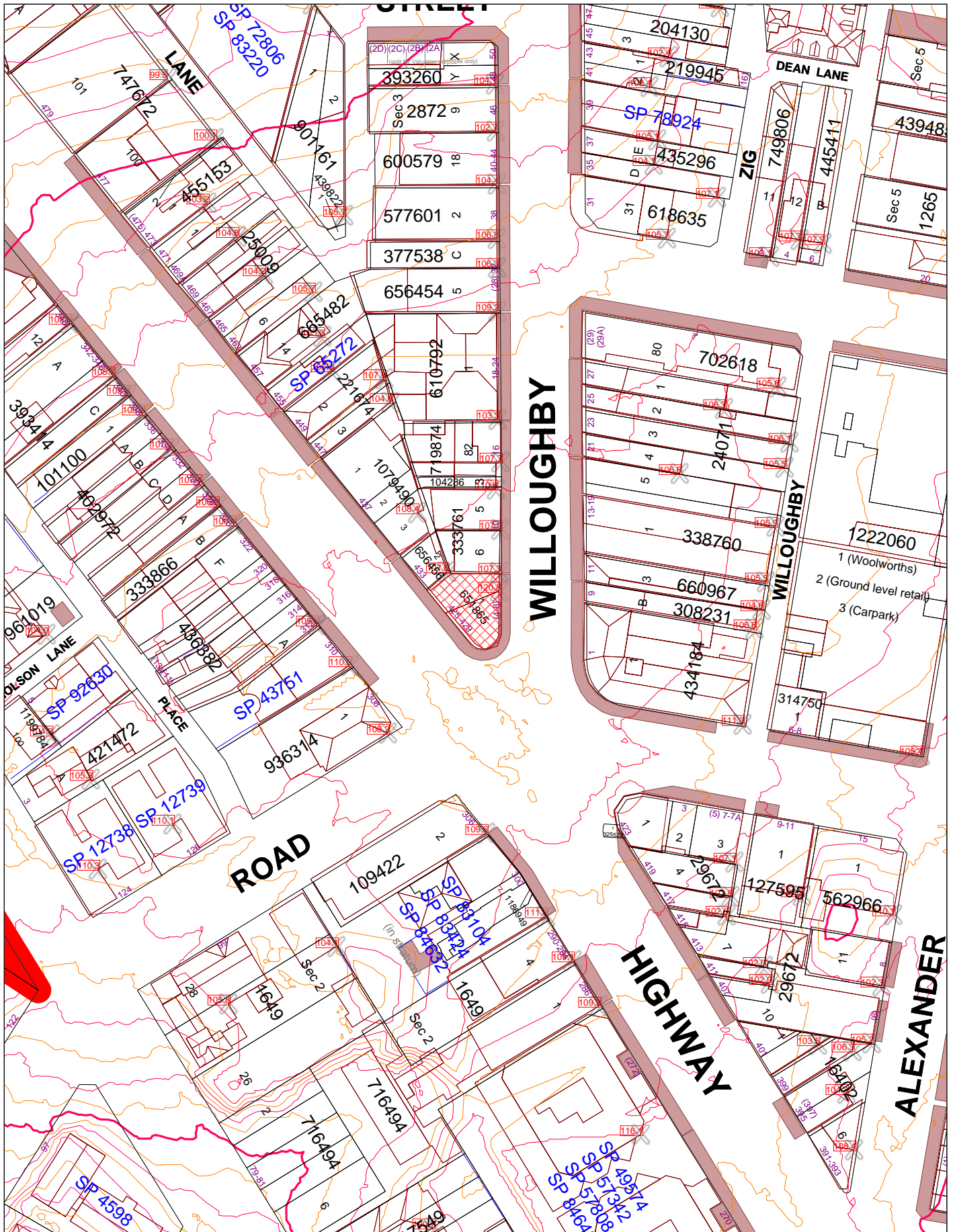
(Reason: To protect existing and future residential amenity and to minimize safety impacts for motorists)

2. No changes to the other conditions of consent relating to DA198/20

Luke Donovan
SENIOR ASSESSMENT OFFICER

David Hoy
TEAM LEADER (ASSESSMENTS)

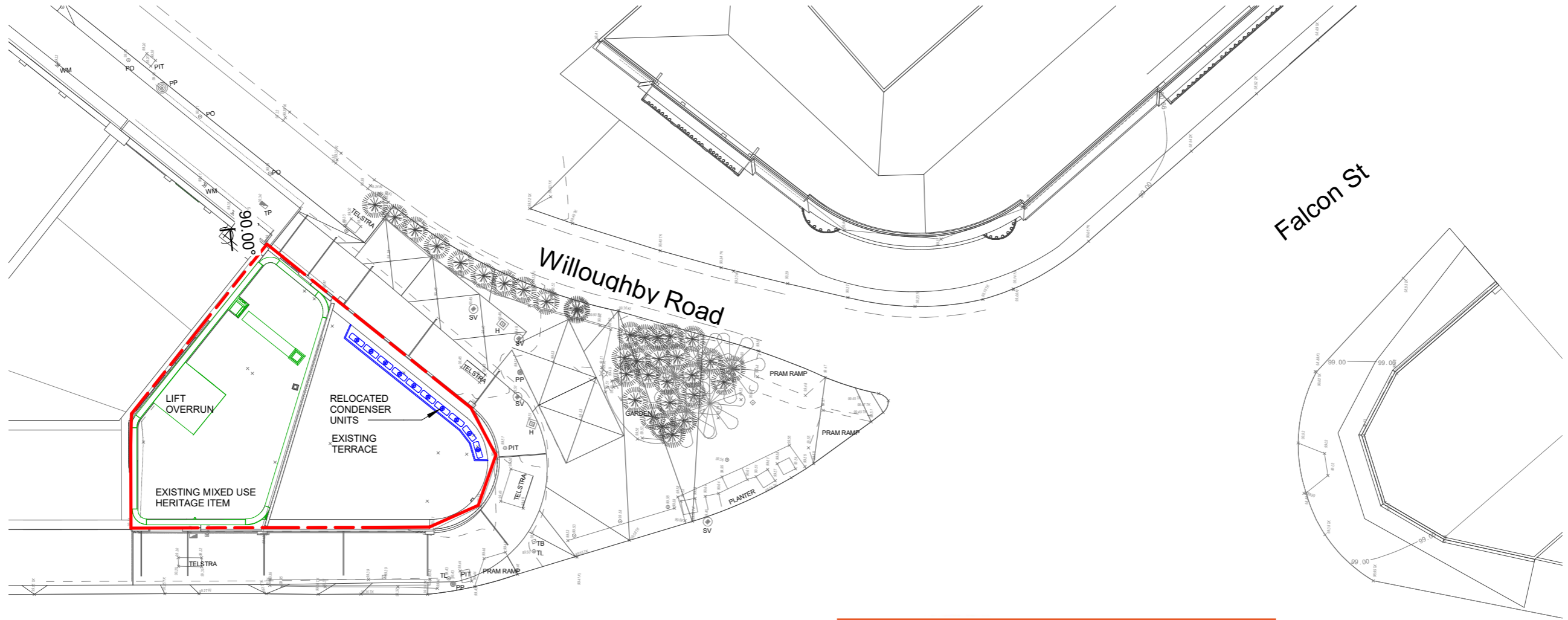
Stephen Beattie
MANAGER OF DEVELOPMENT SERVICES




North Sydney Council

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DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

DA No: 198/20
Date: 2/12/2020
Authorised by: L. Donovan

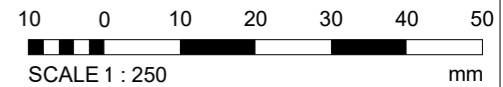
Pacific Highway

Pacific Highway

Shirley Road

1 SITE PLAN

1 : 250



Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
B Changed to office use on level 4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS		05.11.2020

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PROJECT
 Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065

DRAWING
SITE PLAN


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DATE	DRAWN	SCALE
18/06/20	JB	1 : 250 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA002
STATUS	REVISION	
DA	C	

DRAWING SHOWS EXISTING BUILDING WITH THE DA 4/19 APPROVAL.

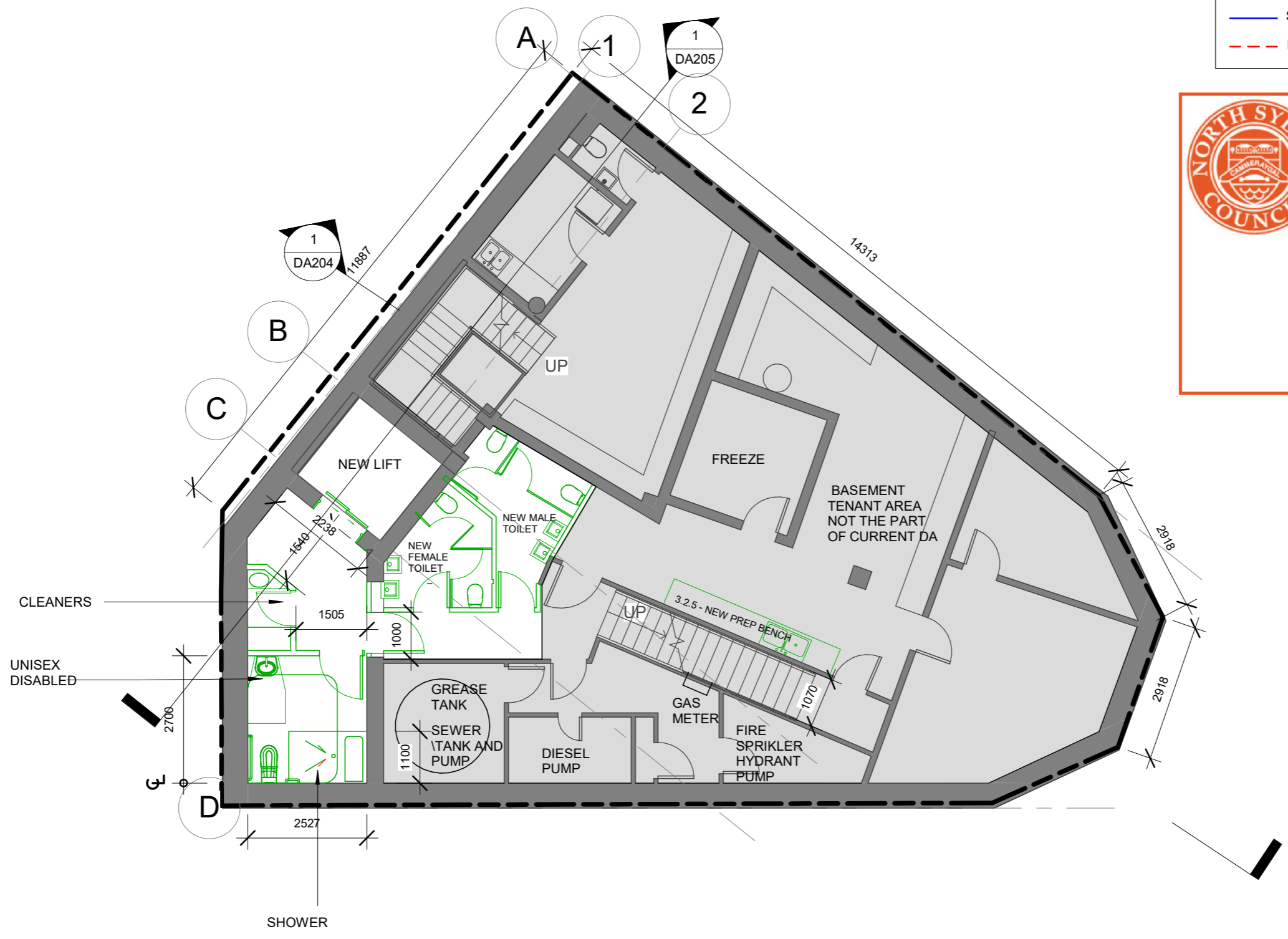
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	SOLID BLUE LINE SHOWS NEW WORK
	DOTTED RED LINE SHOWS DEMOLITION



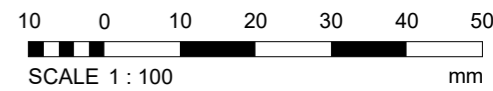
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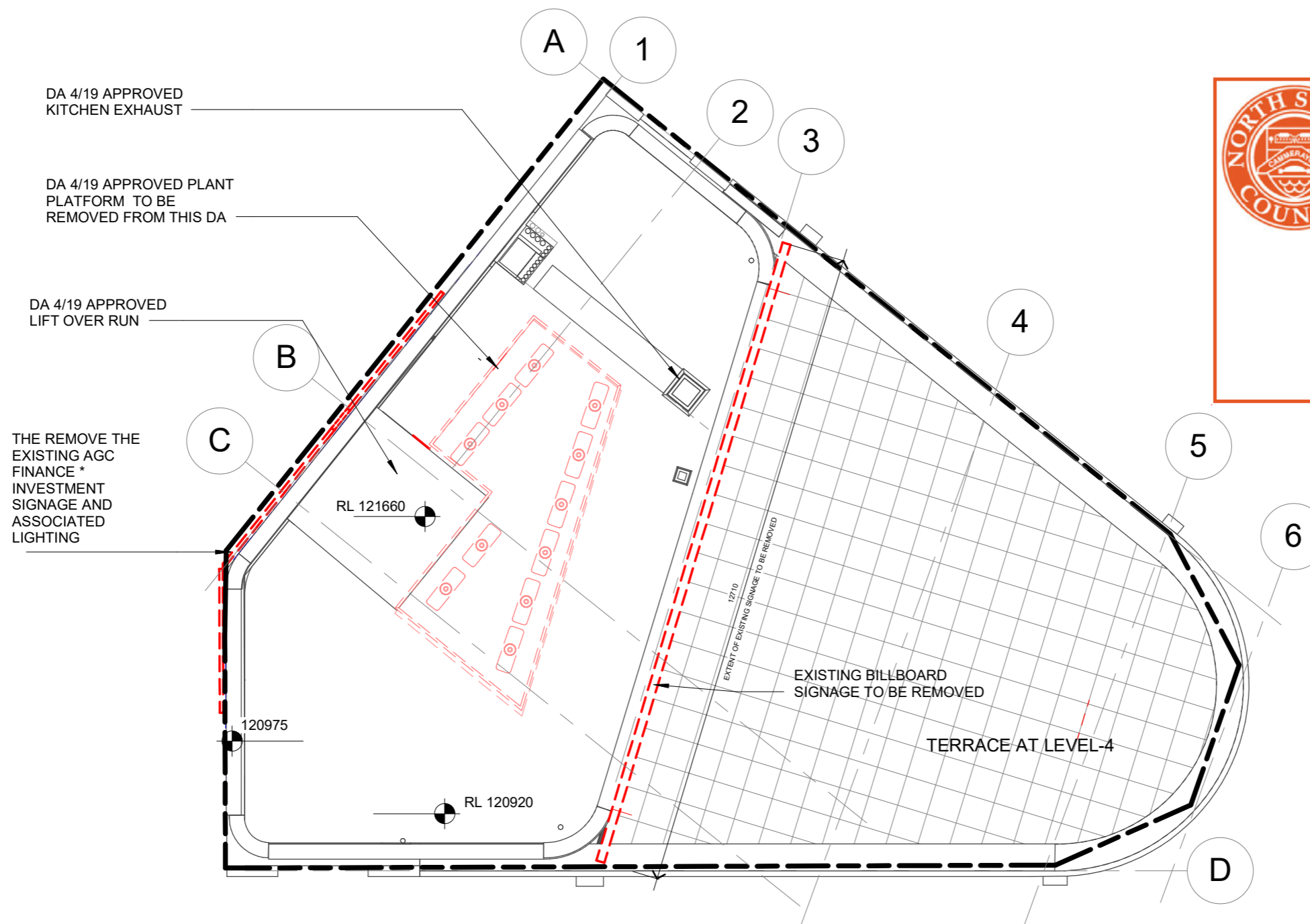

1 Basement (No proposed new works)
 1 : 100



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	C	Revised DA Issue		SS		05.11.2020						

DRAWING SHOWS EXISTING BUILDING WITH THE DA 4/19 APPROVAL.

DOTTED RED LINE SHOWS DEMOLITION

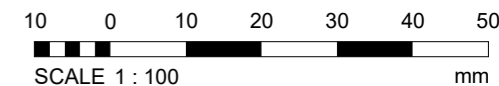



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Date: 2/12/2020
Authorised by:
L. Donovan

1 ROOF -DEMOLITION
1 : 100



Revisions	Drawn	Checked	Date
A DA Issue	SS		16.07.2020
C Revised DA issue	SS		05.11.2020

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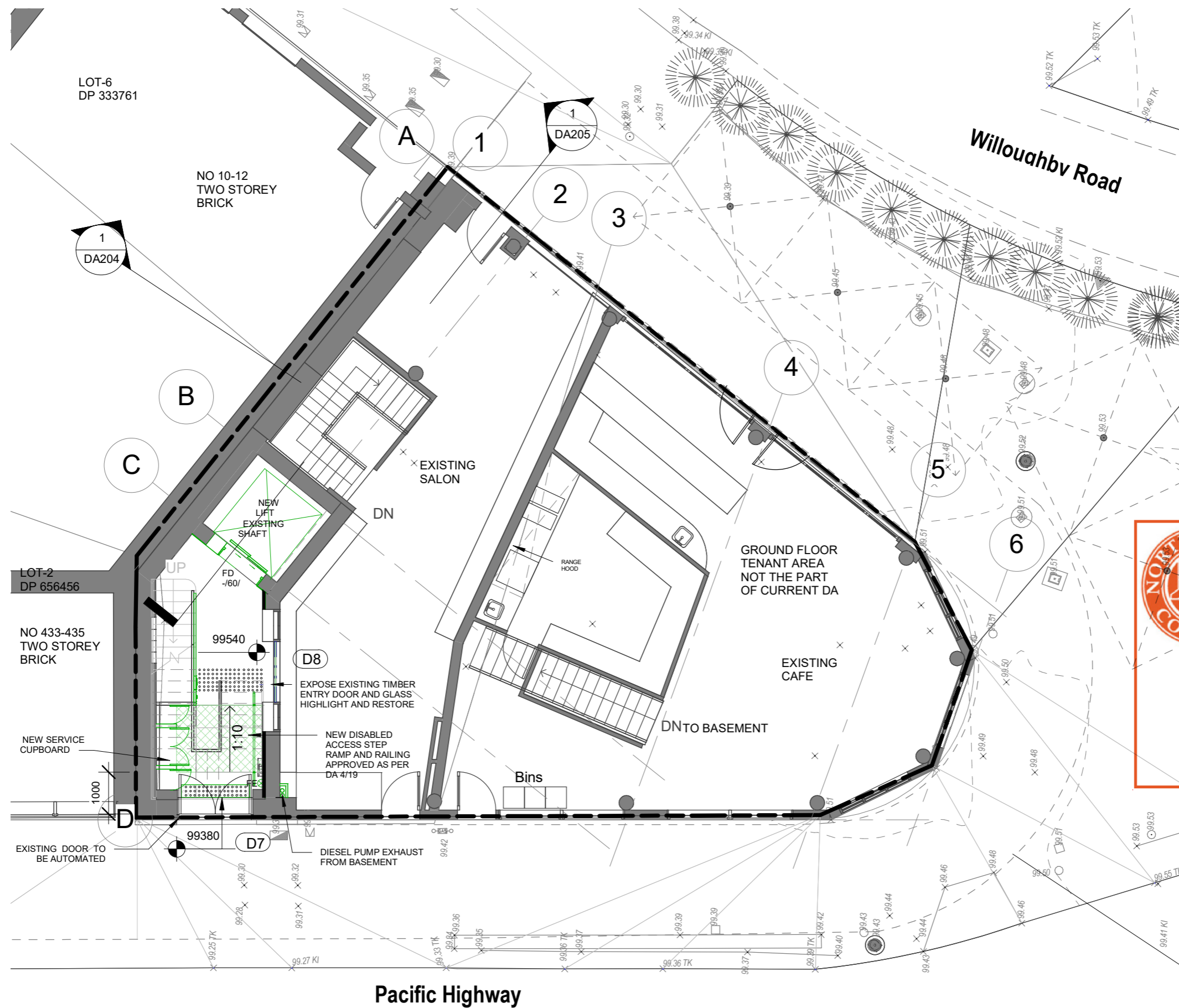
PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW

DRAWING
DEMOLITION PLAN

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16/07/20	SS	1 : 100 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA004
STATUS		REVISION.
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LEGEND

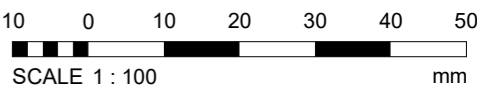
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- - - DOTTED RED LINE SHOWS DEMOLITION

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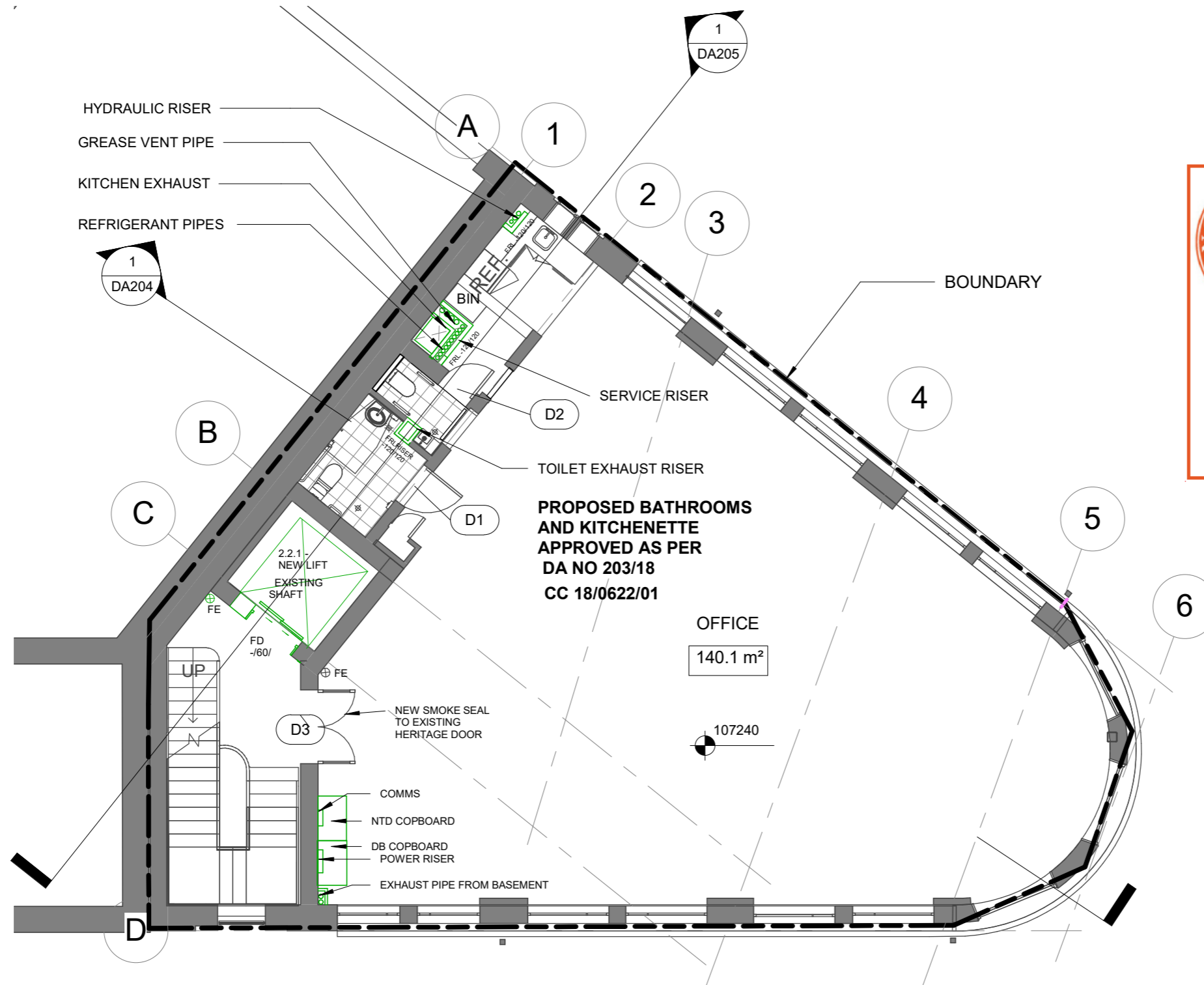
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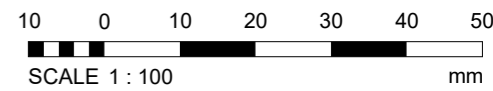



DEVELOPMENT APPLICATION APPROVED

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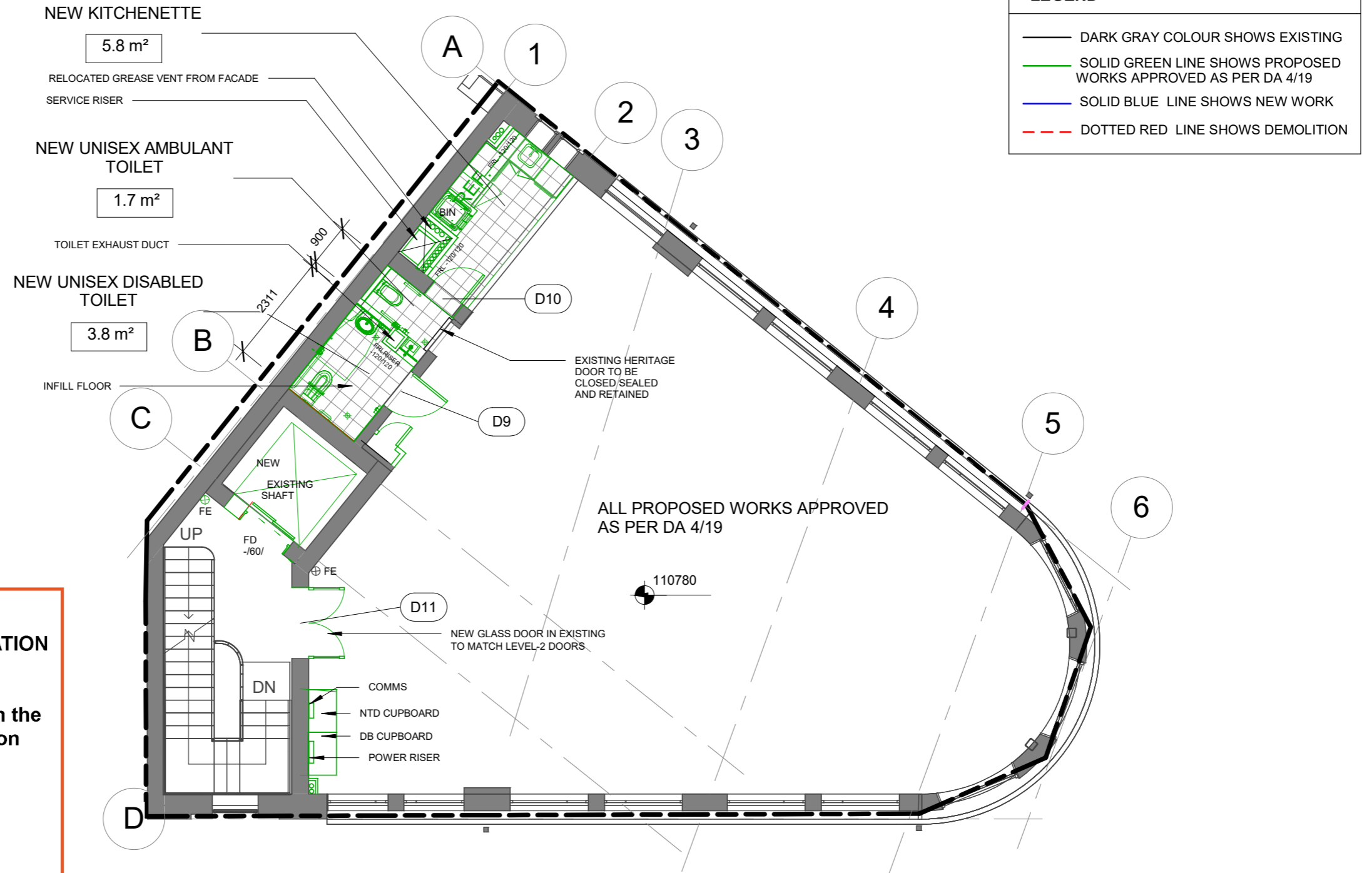
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1 LEVEL2 - (NO PROPOSED NEW WORKS)
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DRAWING SHOWS EXISTING BUILDING WITH THE DA 4/19 APPROVAL.



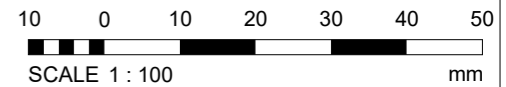
NORTH SYDNEY COUNCIL

DEVELOPMENT APPLICATION APPROVED

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Date: 2/12/2020
Authorised by: L. Donovan

1 LEVEL-3(NO PROPOSED NEW WORKS)
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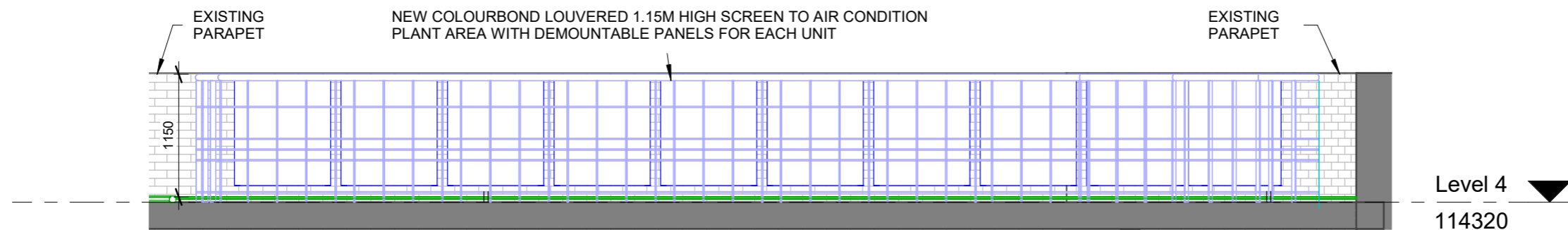
PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065

DRAWING
LEVEL-3 PLAN

LEGGE & LEGGE ARCHITECTS

SUITE LG 03A, 275 ALFRED STREET NORTH SYDNEY NSW
T: +61 2 8008 8578 E: info@leggeandleggearchitects.com.au

DATE	DRAWN	SCALE
18/06/20	SS	1 : 100 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA103
STATUS		REVISION.
DA		C

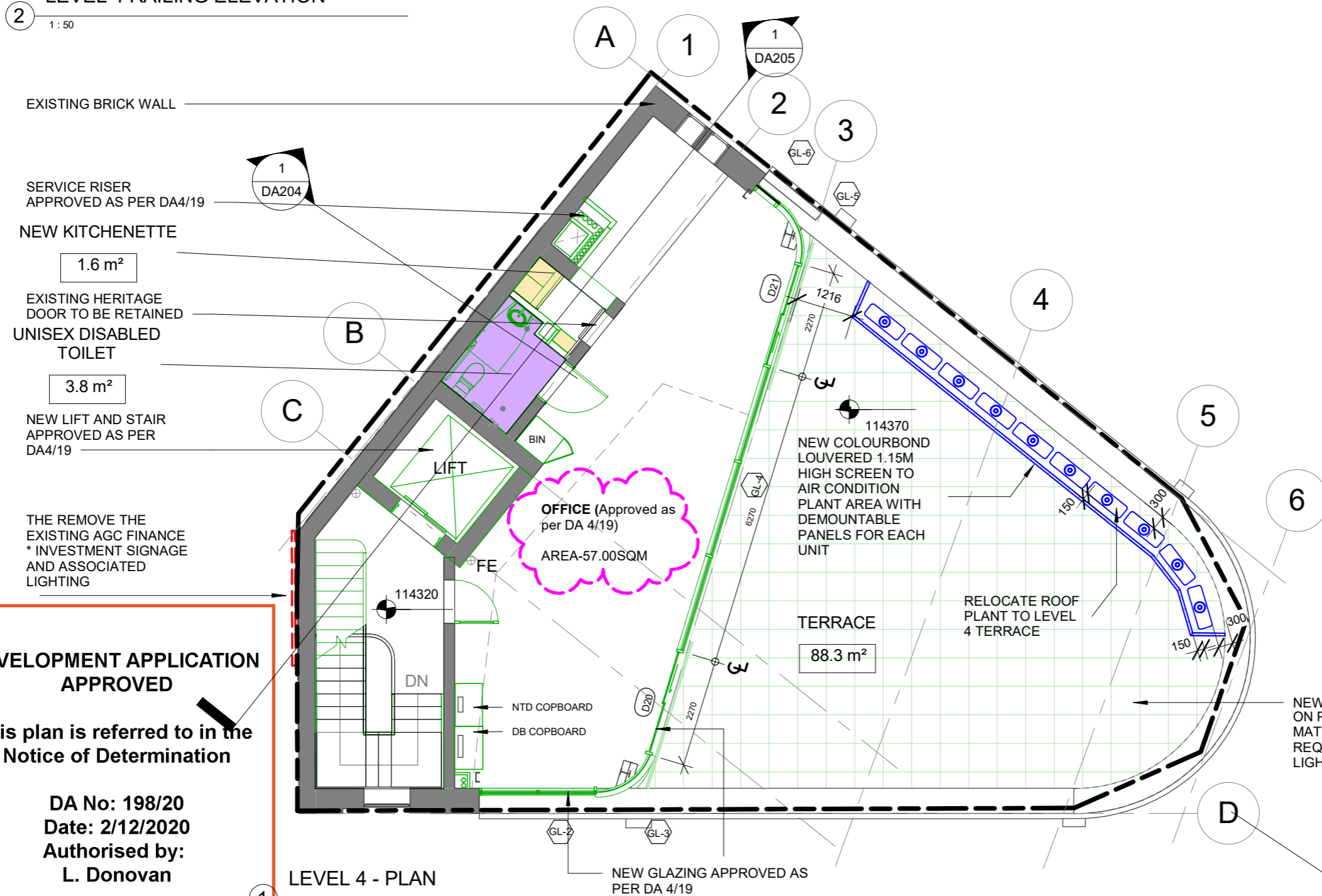


LEVEL 4 RAILING ELEVATION

2 1:50

PROPOSED WORKS COLOUR LEGEND

- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORK APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- DOTTED RED LINE SHOWS DEMOLITION
- YELLOW COLOUR SHOWS TIMBER
- PURPLE COLOUR SHOWS TILES



LEVEL 4 - PLAN

1 1:100

LEGEND

- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORKS APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- DOTTED RED LINE SHOWS DEMOLITION

NORTH SYDNEY COUNCIL

DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

DA No: 198/20
Date: 2/12/2020
Authorised by:
L. Donovan



Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
B Changed to office use on level 4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS	TL	05.11.2020

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PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065

DRAWING
PROPOSED WORKS ON LEVEL-4

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ARCHITECTS

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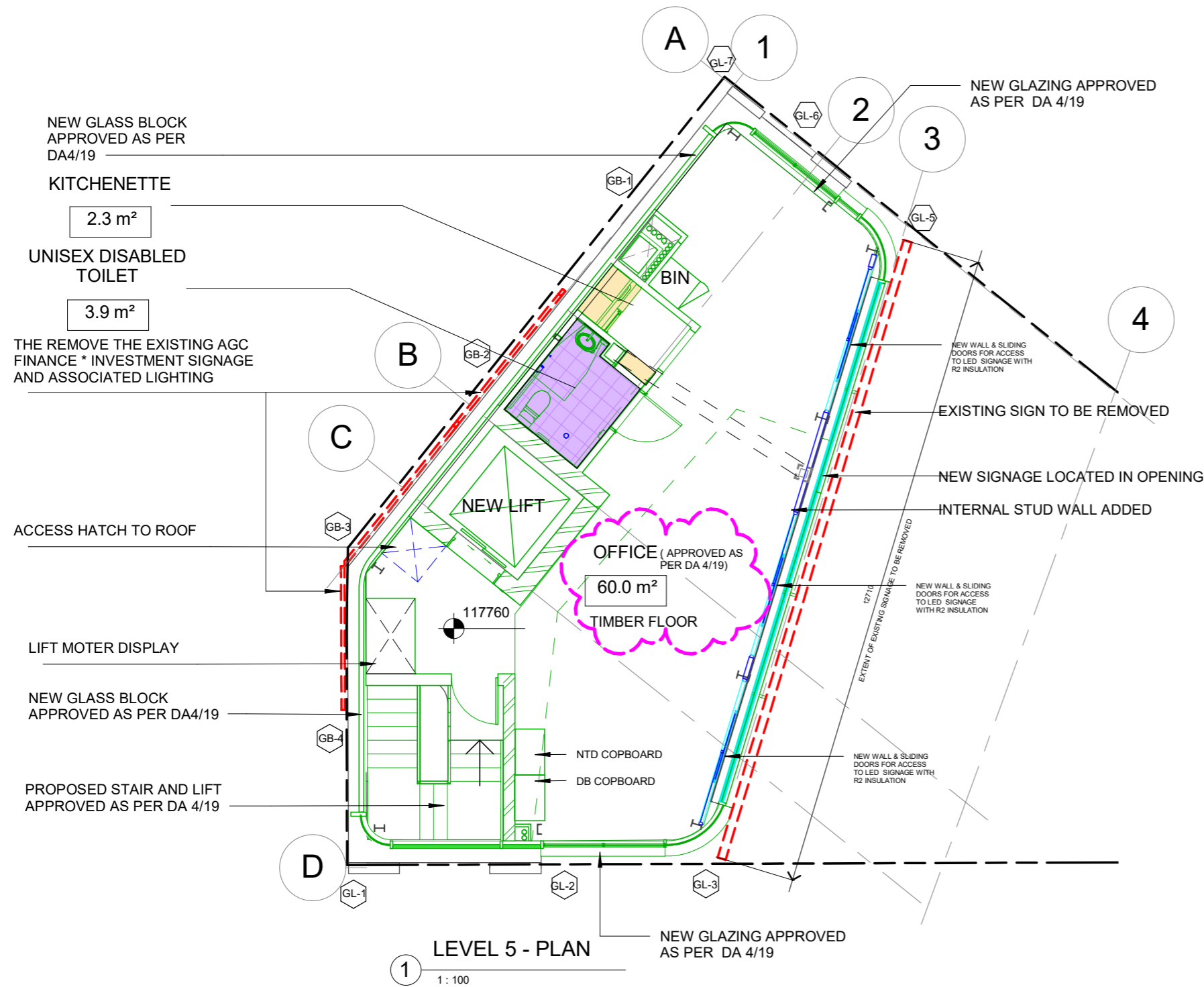
DATE	DRAWN	SCALE
18/06/20	SS	As indicated @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA104
STATUS		REVISION.
DA		C

PROPOSED WORKS COLOUR LEGEND


- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORK APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- DOTTED RED LINE SHOWS DEMOLITION
- YELLOW COLOUR SHOWS TIMBER
- PURPLE COLOUR SHOWS TILES

LEGEND

- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORKS APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- DOTTED RED LINE SHOWS DEMOLITION



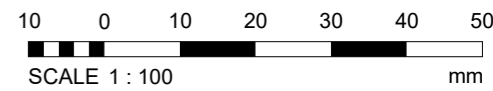
LEVEL 5 - PLAN
1 : 100



DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

DA No: 198/20
Date: 2/12/2020
Authorised by: L. Donovan



Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
B Changed to office use on level 4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS	TL	05.11.2020

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PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065


DRAWING
PROPOSED WORKS ON LEVEL 5

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ARCHITECTS

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DATE	DRAWN	SCALE
18/06/20	SS	1 : 100 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA105
STATUS		REVISION.
DA		C

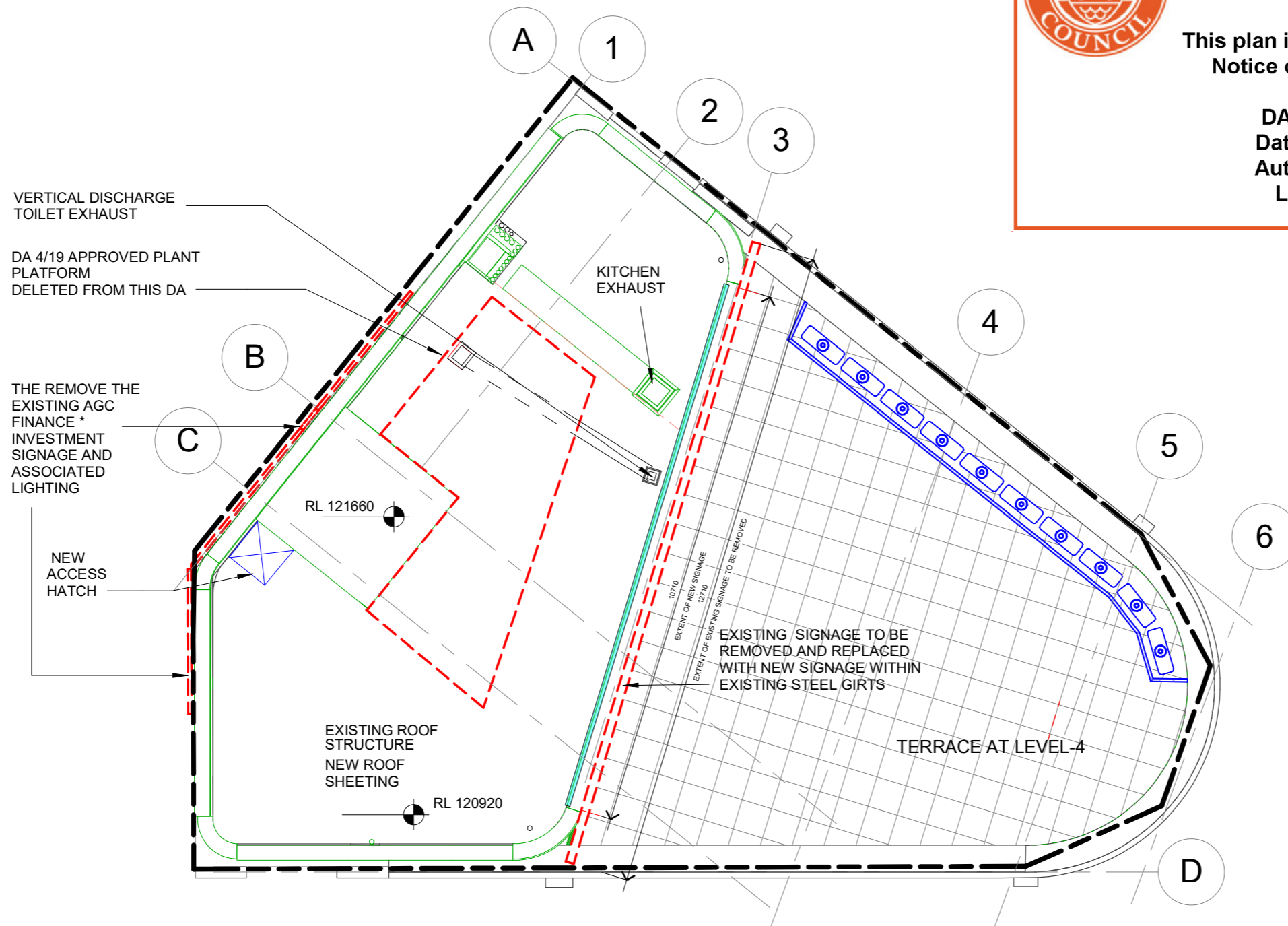
DRAWING SHOWS EXISTING BUILDING WITH THE DA 4/19 APPROVAL.



DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

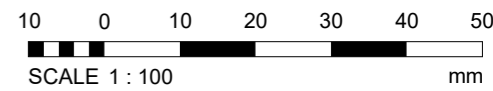
DA No: 198/20
Date: 2/12/2020
Authorised by: L. Donovan





LEGEND

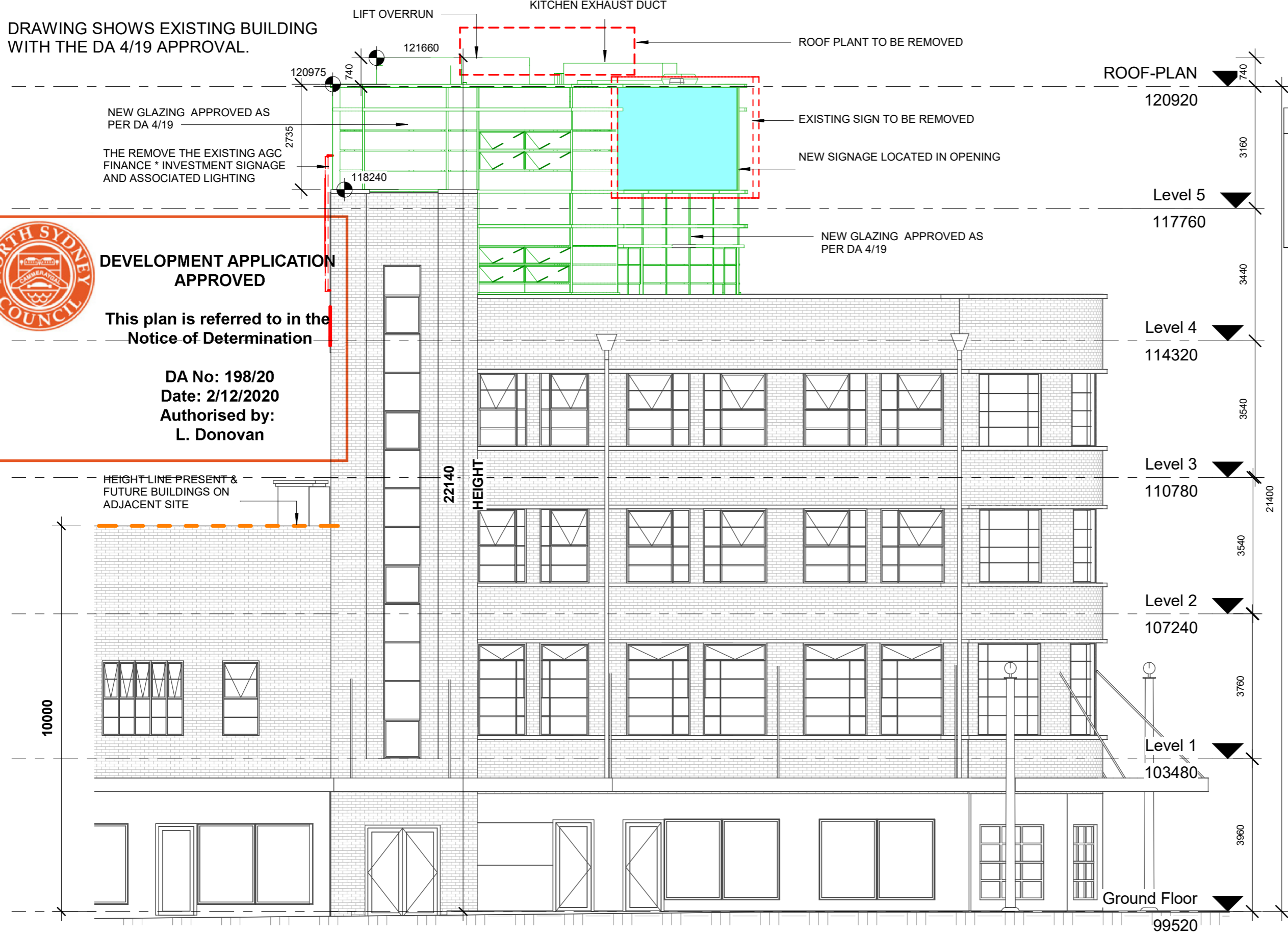
- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORKS APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- DOTTED RED LINE SHOWS DEMOLITION

1 ROOF - PLAN
1 : 100



	Revisions	Drawn	Checked	Date	© LEGGEANDLEGGE ARCHITECTS PTY LTD CONTENTS OF THIS DOCUMENT SHALL NOT BE COPIED WITHOUT THE WRITTEN APPROVAL OF LEGGEANDLEGGE ARCHITECTS DO NOT SCALE DRAWING, ALL WORKS SHALL BE CARRIED OUT FROM WRITTEN DIMENSIONS ONLY. BUILDER MUST CHECK ALL DIMENSIONS ON SITE AND ANY DESCRIPANCIES MUST BE REPORTED IMMEDIATELY TO THE ARCHITECTS	PROJECT Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065 DRAWING ROOF PLAN	 SUITE LG 03A, 275 ALFRED STREET NORTH SYDNEY NSW T: +61 2 8008 8578 E: info@leggeandleggearchitects.com.au	DATE	DRAWN	SCALE	
	A	DA Issue	JB &SS					18.06.2020	18/06/20	SS	1 : 100 @A3
	B	Changed to office use on level4 and 5 as per DA 4/19	SS					27.10.2020	PROJECT NO.	CLIENT	DWG NO.
	C	Revised DA issue	SS	TL				05.11.2020	20009	425-429 Pacific Highway Pty Limited	DA106
					STATUS		REVISION.				
					DA		C				

DRAWING SHOWS EXISTING BUILDING WITH THE DA 4/19 APPROVAL.



NEW GLAZING APPROVED AS PER DA 4/19

THE REMOVE THE EXISTING AGC FINANCE * INVESTMENT SIGNAGE AND ASSOCIATED LIGHTING

ROOF PLANT TO BE REMOVED

EXISTING SIGN TO BE REMOVED

NEW SIGNAGE LOCATED IN OPENING

NEW GLAZING APPROVED AS PER DA 4/19

ROOF-PLAN

120920

Level 5

117760

Level 4

114320

Level 3

110780

Level 2

107240

Level 1

103480

Ground Floor

99520

LEGEND	
	DARK GRAY COLOUR SHOWS EXISTING
	SOLID GREEN LINE SHOWS PROPOSED WORKS APPROVED AS PER DA 4/19
	SOLID BLUE LINE SHOWS NEW WORK
	DOTTED RED LINE SHOWS DEMOLITION



DEVELOPMENT APPLICATION APPROVED

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DA No: 198/20
Date: 2/12/2020
Authorised by:
L. Donovan

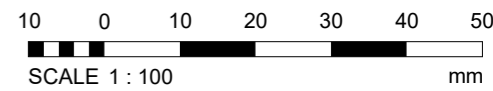
HEIGHT LINE PRESENT & FUTURE BUILDINGS ON ADJACENT SITE

22140
HEIGHT

10000

WEST ELEVATION

1
1: 100



Revisions	Drawn	Checked	Date
A DA Issue	JB &SS		18.06.2020
C Revised DA Issue	SS	TL	05.11.2020





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PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065
DRAWING
PACIFIC HIGHWAY - WEST ELEVATION

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DATE	DRAWN	SCALE
18/06/20	JB	1 : 100 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA200
STATUS		REVISION.
DA		C

DRAWING SHOWS EXISTING BUILDING WITH THE DA 4/19 APPROVAL.

LEGEND	
	DARK GRAY COLOUR SHOWS EXISTING
	SOLID GREEN LINE SHOWS PROPOSED WORKS APPROVED AS PER DA 4/19
	SOLID BLUE LINE SHOWS NEW WORK
	DOTTED RED LINE SHOWS DEMOLITION

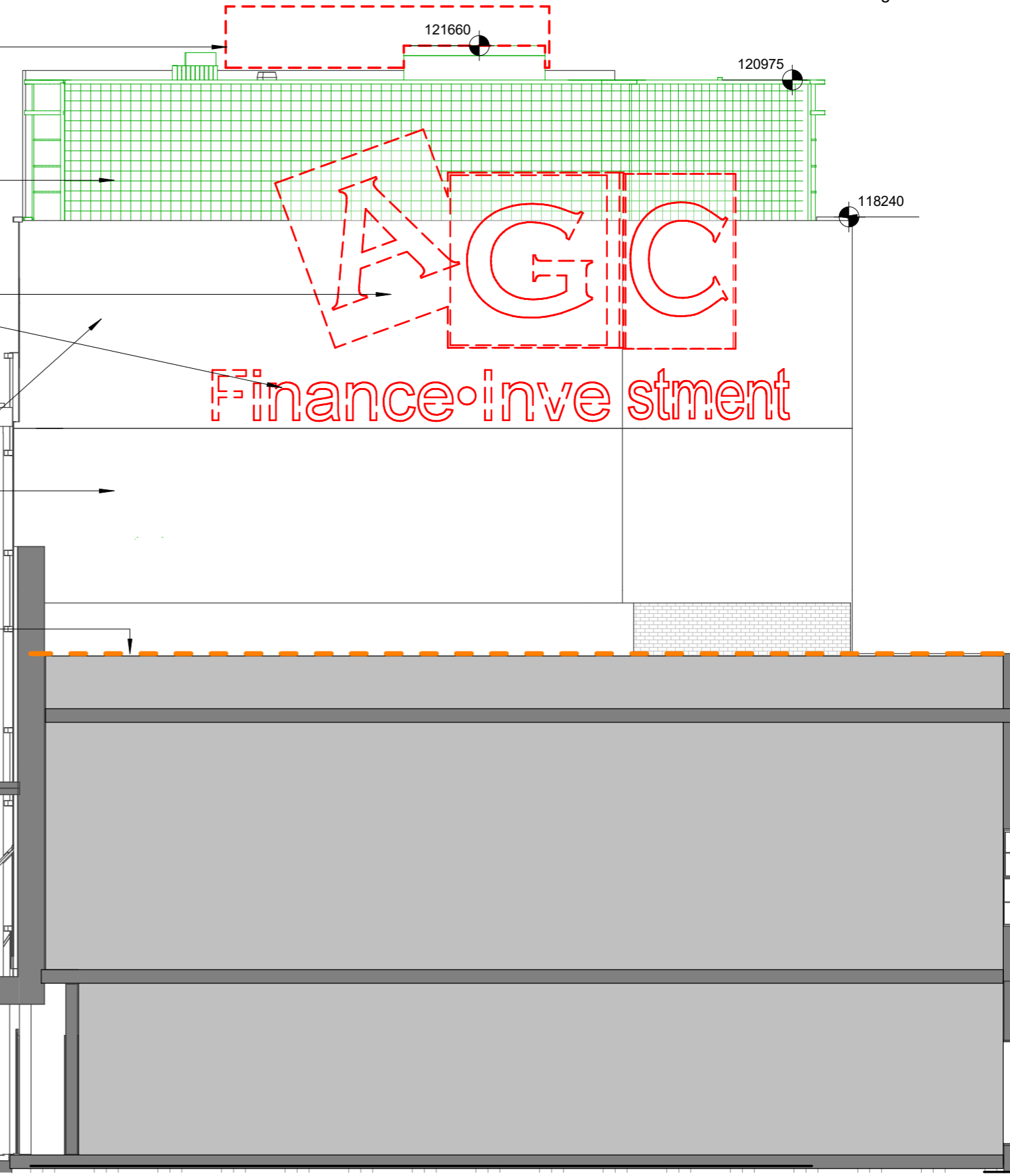
ROOF PLANT ROOM TO BE REMOVED

NEW GLASS BLOCKS APPROVED AS PER DA 4/19

THE REMOVE THE EXISTING AGC FINANCE * INVESTMENT SIGNAGE AND ASSOCIATED LIGHTING

EXISTING BRICK WALL

HEIGHT LINE PRESENT & FUTURE BUILDINGS ON ADJACENT SITE





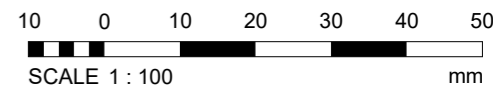
DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

DA No: 198/20
Date: 2/12/2020
Authorised by: L. Donovan

WILOUGHBY ROAD

1 NORTH ELEVATION
1 : 100



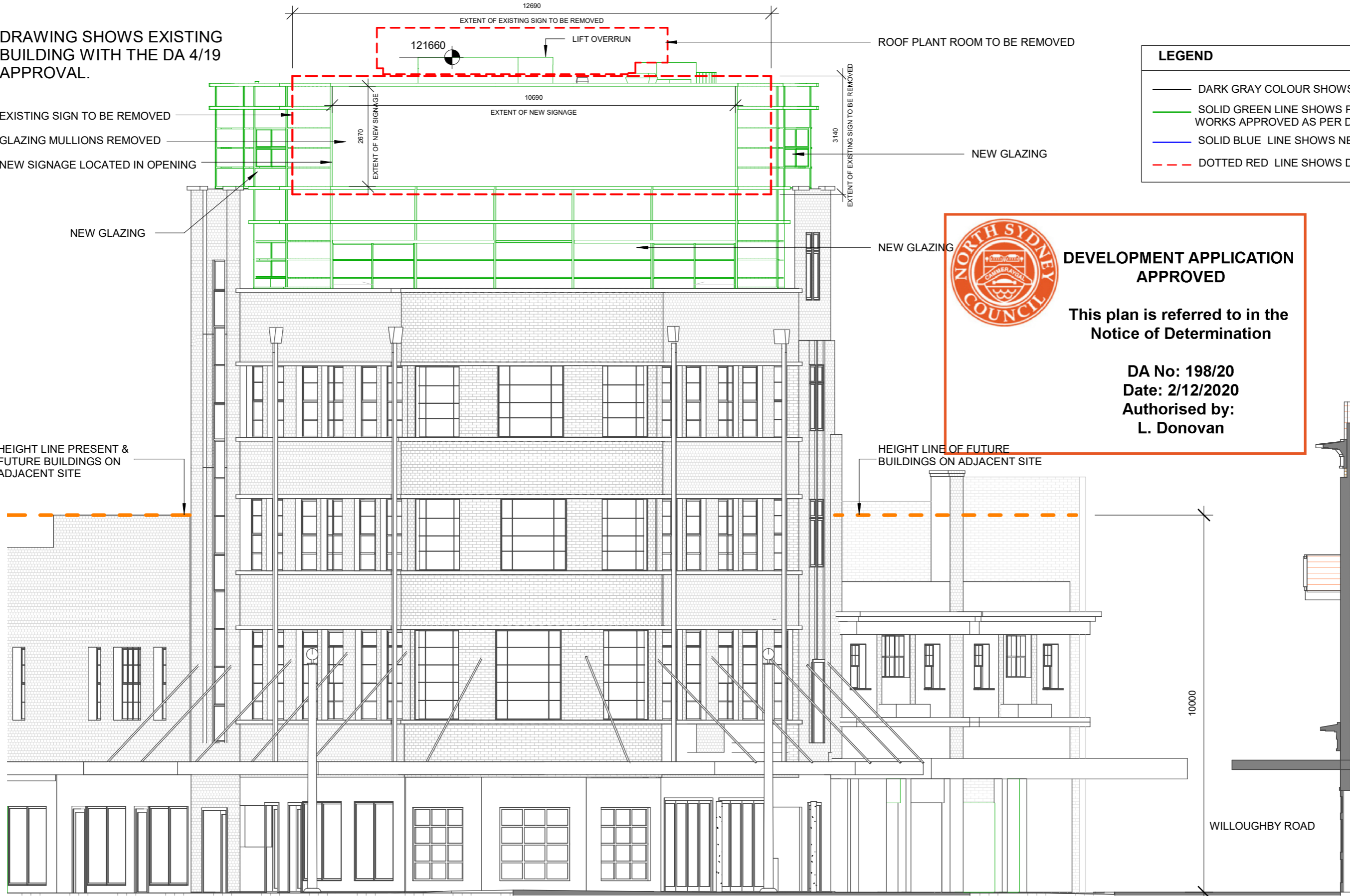
Revisions	Date	Drawn	Checked	Date	CONTENTS OF THIS DOCUMENT SHALL NOT BE COPIED WITHOUT THE WRITTEN APPROVAL OF LEGGEANDLEGGE ARCHITECTS	PROJECT	LEGGE & LEGGE ARCHITECTS	DATE	DRAWN	SCALE
A	18.06.2020	JB & SS		18.06.2020	DO NOT SCALE DRAWING, ALL WORKS SHALL BE CARRIED OUT FROM WRITTEN DIMENSIONS ONLY. BUILDER MUST CHECK ALL DIMENSIONS ON SITE AND ANY DESCRIPANCIES MUST BE REPORTED IMMEDIATELY TO THE ARCHITECTS	Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065	LEGGE & LEGGE ARCHITECTS	18/06/20	JB	1 : 100 @A3
C	05.11.2020	SS	TL	05.11.2020				PROJECT NO.	CLIENT	DWG NO.
							SUITE LG 03A, 275 ALFRED STREET NORTH SYDNEY NSW T: +61 2 8008 8578 E: info@leggeandleggearchitects.com.au	20009	425-429 Pacific Highway Pty Limited	DA201
								STATUS		REVISION.
								DA		C

DRAWING SHOWS EXISTING BUILDING WITH THE DA 4/19 APPROVAL.


EXISTING SIGN TO BE REMOVED
GLAZING MULLIONS REMOVED
NEW SIGNAGE LOCATED IN OPENING

NEW GLAZING

HEIGHT LINE PRESENT & FUTURE BUILDINGS ON ADJACENT SITE



LEGEND	
	DARK GRAY COLOUR SHOWS EXISTING
	SOLID GREEN LINE SHOWS PROPOSED WORKS APPROVED AS PER DA 4/19
	SOLID BLUE LINE SHOWS NEW WORK
	DOTTED RED LINE SHOWS DEMOLITION



DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

DA No: 198/20
Date: 2/12/2020
Authorised by: L. Donovan

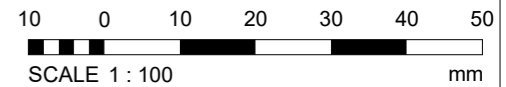
HEIGHT LINE OF FUTURE BUILDINGS ON ADJACENT SITE

10000

WILLOUGHBY ROAD

SOUTH ELEVATION

1
1 : 100



Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
C Revised DA Issue	SS	TL	05.11.2020

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PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065

DRAWING
SOUTH ELEVATION

LEGGE & LEGGE
ARCHITECTS

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DATE	DRAWN	SCALE
18/06/20	JB	1 : 100 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA203
STATUS	REVISION.	
DA	C	

R3 INSULATION

GLASS BLOCK WALL APPROVED AS PER DA 4/19

NEW UNISEX DISABLED TOILET APPROVED AS PER DA 4/19

NEW UNISEX DISABLED TOILET APPROVED AS PER DA

LEVEL 1 AMINITY APPROVED DA APPLICATION (DA 35/19)

ROOF-PLAN

120920

PROPOSED WORKS COLOUR LEGEND

- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORK APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- DOTTED RED LINE SHOWS DEMOLITION
- YELLOW COLOUR SHOWS TIMBER
- PURPLE COLOUR SHOWS TILES

Level 5

117760

Level 4

114320



DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

Level 3

110780

DA No: 198/20

Date: 2/12/2020

Authorised by:

L. Donovan

Level 2

107240

Level 1

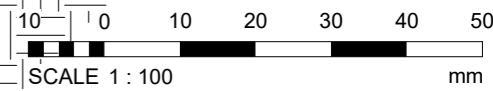
103480

Ground Floor

99520

Basement

96080



SCALE 1 : 100 mm

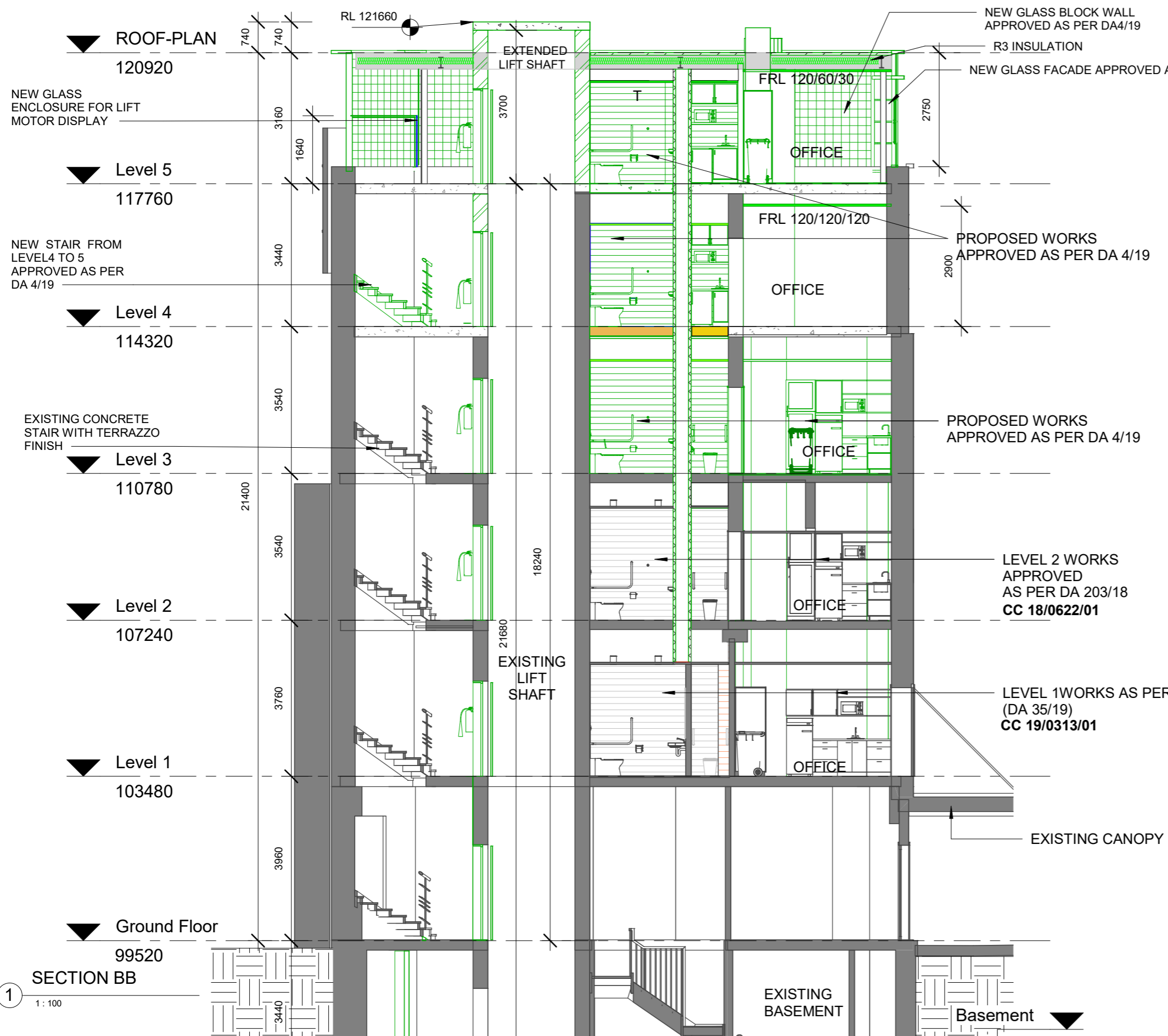
Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
B Changed to office use on level 4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS	TL	05.11.2020

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PROJECT Proposed addition and alteration to Level 4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065
 DRAWING SECTION AA

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DATE	DRAWN	SCALE
18/06/20	SS	1 : 100 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA204
STATUS	REVISION.	
DA	C	



NORTH SYDNEY COUNCIL

DEVELOPMENT APPLICATION APPROVED

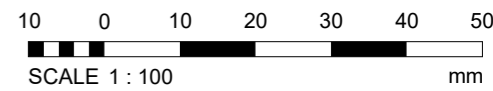
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DA No: 198/20
Date: 2/12/2020
Authorised by: L. Donovan

PROPOSED WORKS COLOUR LEGEND

- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORK APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- DOTTED RED LINE SHOWS DEMOLITION
- YELLOW COLOUR SHOWS TIMBER
- PURPLE COLOUR SHOWS TILES

1
1:100



Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
B Changed to office use on level 4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS		05.11.2020

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PROJECT: Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065

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DRAWING: SECTION BB

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DATE	DRAWN	SCALE
18/06/20	SS	1 : 100 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA205
STATUS		REVISION.
DA		C



DEVELOPMENT APPLICATION APPROVED

This plan is referred to in the Notice of Determination

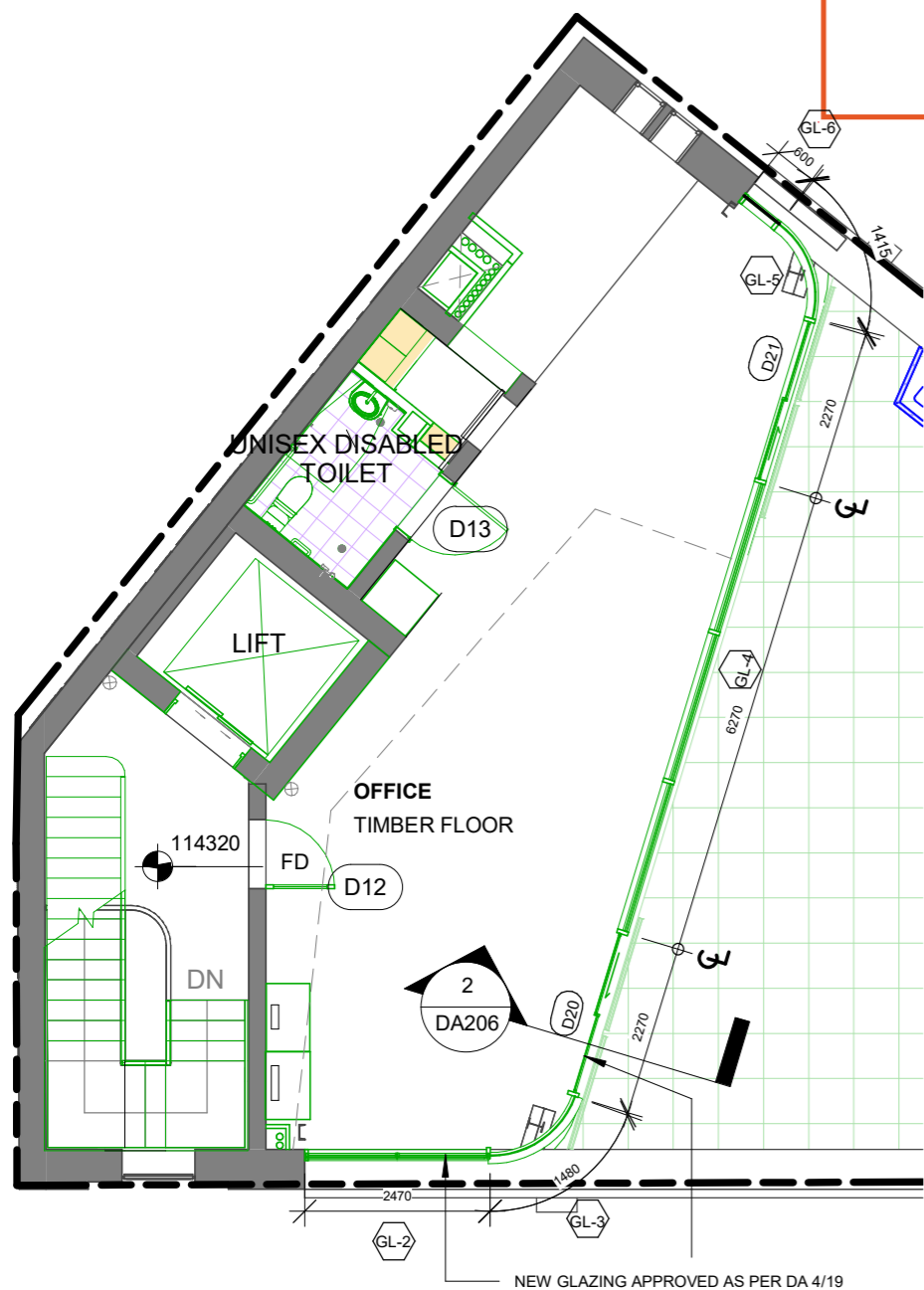
DA No: 198/20
Date: 2/12/2020
Authorised by:
L. Donovan

LEGEND

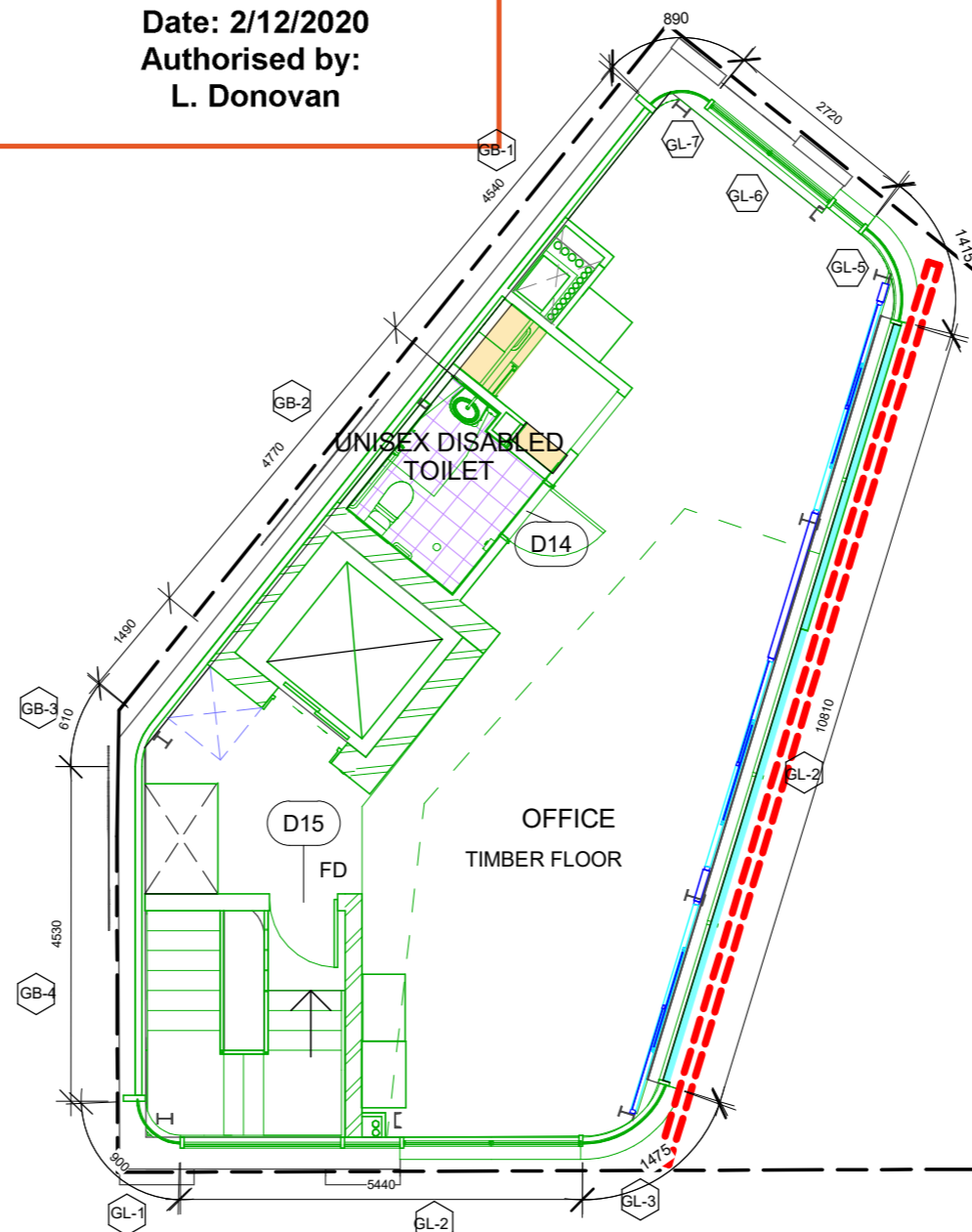
- DARK GRAY COLOUR SHOWS EXISTING
- SOLID GREEN LINE SHOWS PROPOSED WORKS APPROVED AS PER DA 4/19
- SOLID BLUE LINE SHOWS NEW WORK
- - - DOTTED RED LINE SHOWS DEMOLITION

LEGEND

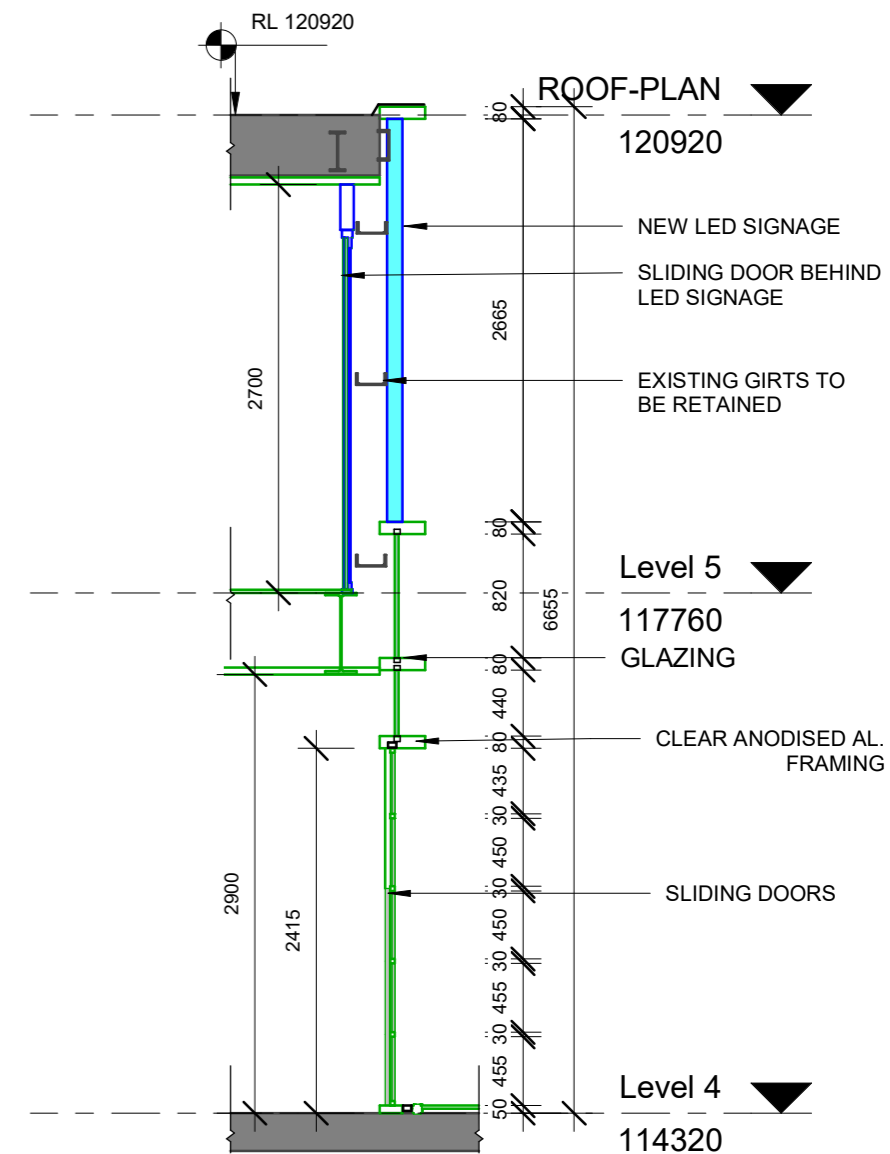
- FD - FIRE DOOR
- GL - GLAZING
- GB - GLASS BLOCK
- W - WINDOW
- D - DOOR



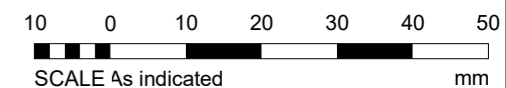
3 LEVEL 4
1:100



1 LEVEL 5
1:100



2 Glazing Section
1:50



Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
B Changed to office use on level 4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS	TL	05.11.2020

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PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065
DRAWING
GLAZING SCHEDULE-1

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SUITE LG 03A, 275 ALFRED STREET NORTH SYDNEY NSW
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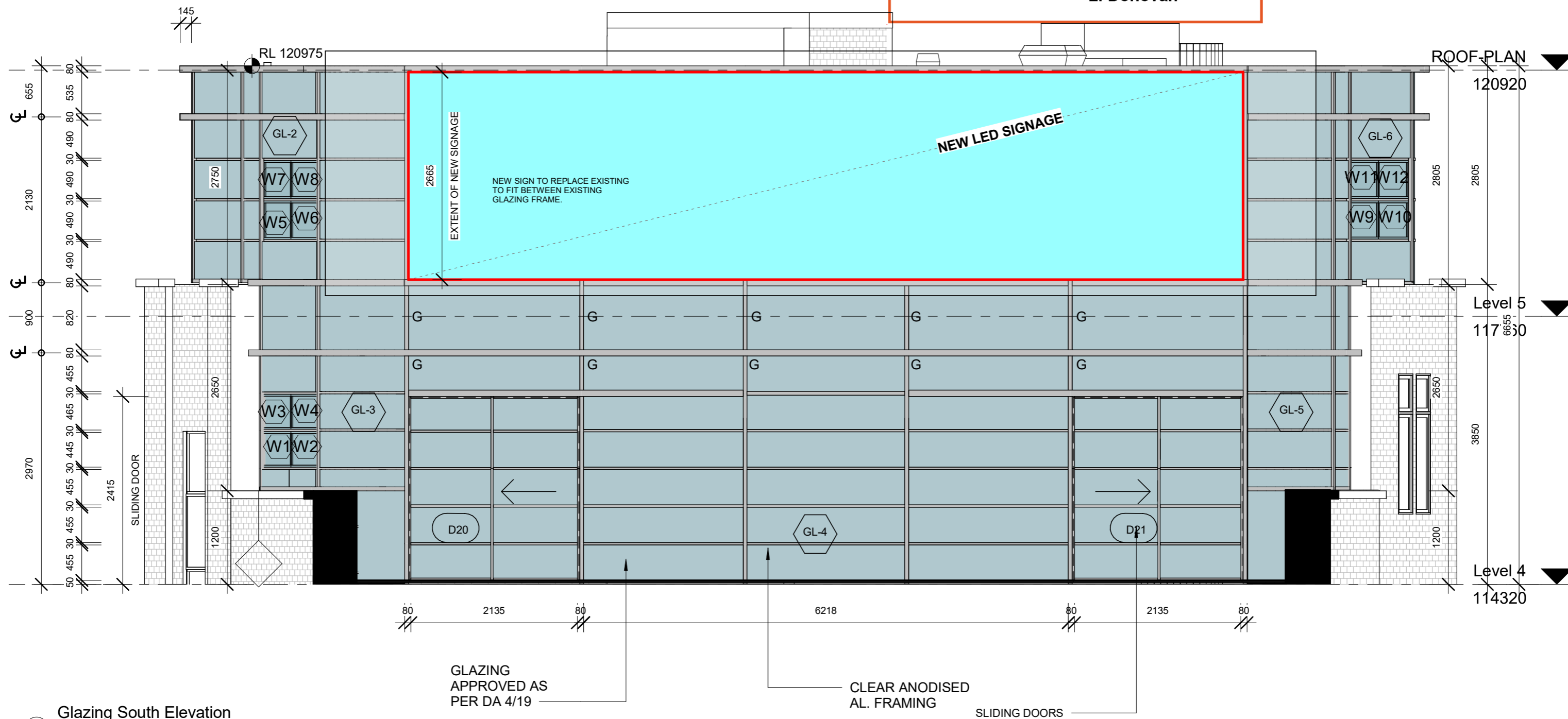
DATE	DRAWN	SCALE
180620	SS	As indicated
PROJECT NO.	CLIENT	@A3
20009	425-429 Pacific Highway Pty Limited	DWG NO. DA206
STATUS		REVISION.
DA		C



**DEVELOPMENT APPLICATION
APPROVED**

**This plan is referred to in the
Notice of Determination**

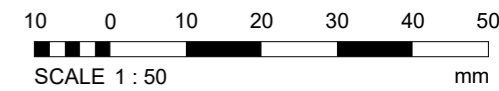
**DA No: 198/20
Date: 2/12/2020
Authorised by:
L. Donovan**



Glazing South Elevation

1

1:50



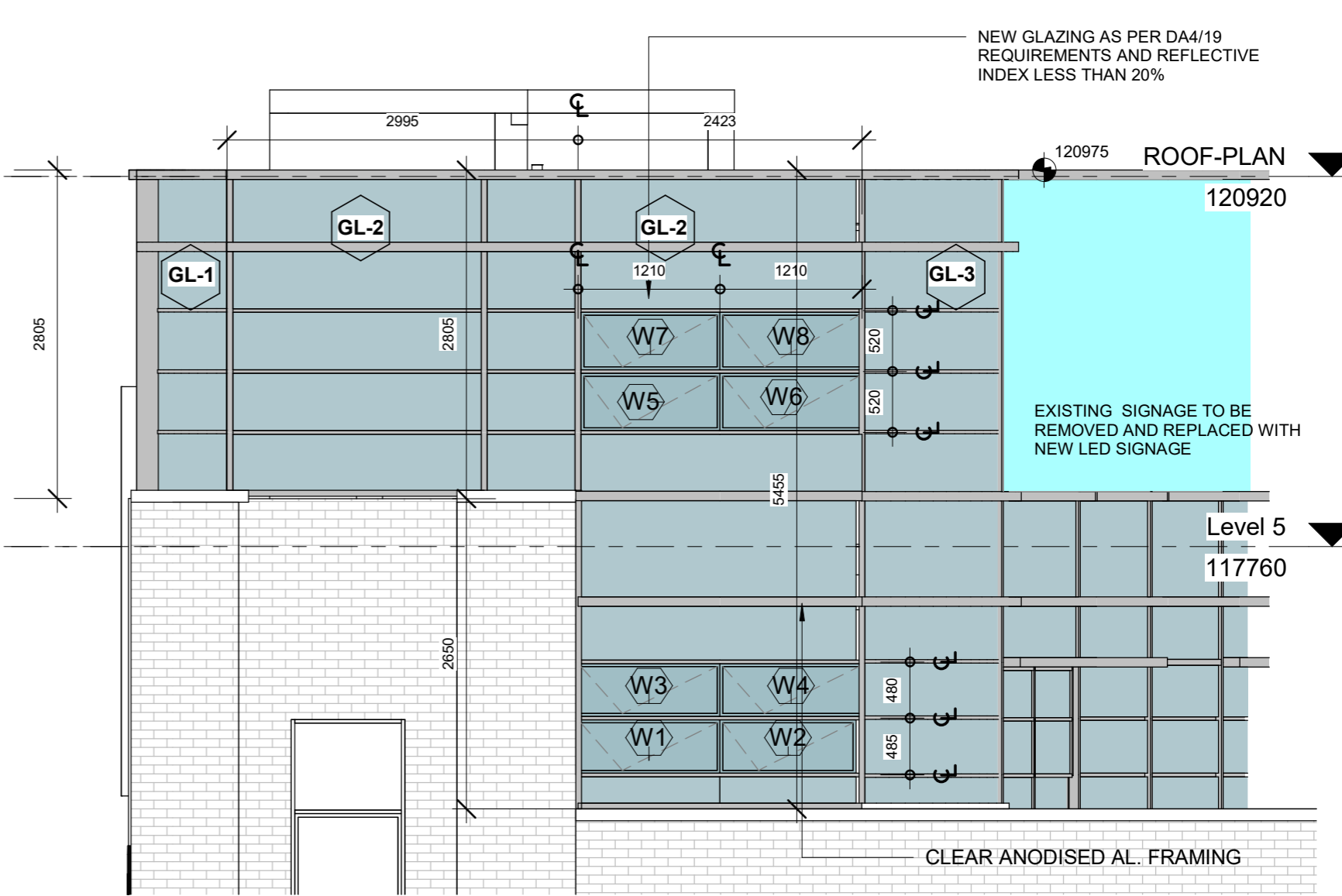
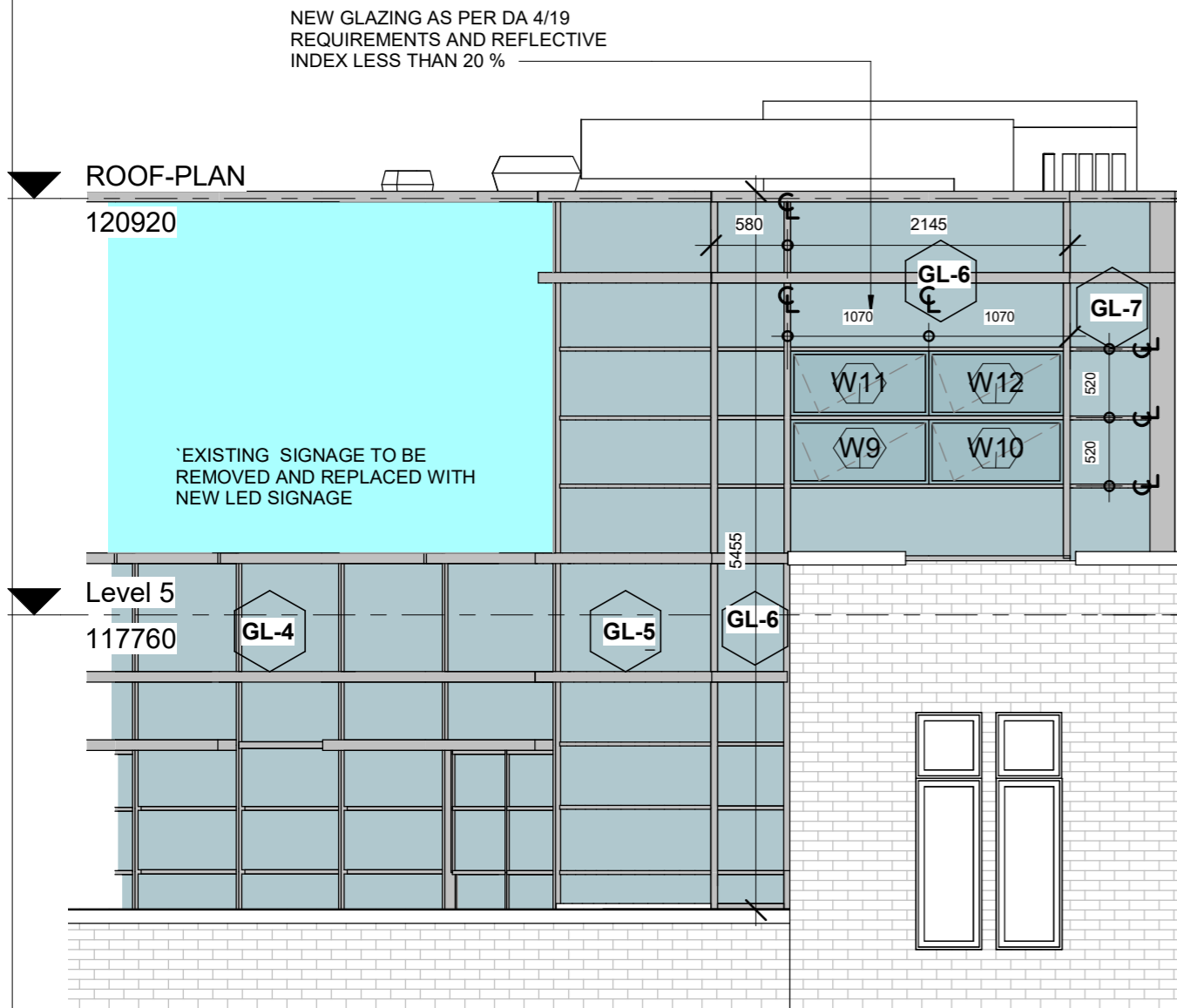
Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
C Revised DA Issue	SS	TL	05.11.2020

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PROJECT
 Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065
 DRAWING
GLAZING SCHEDULE-2

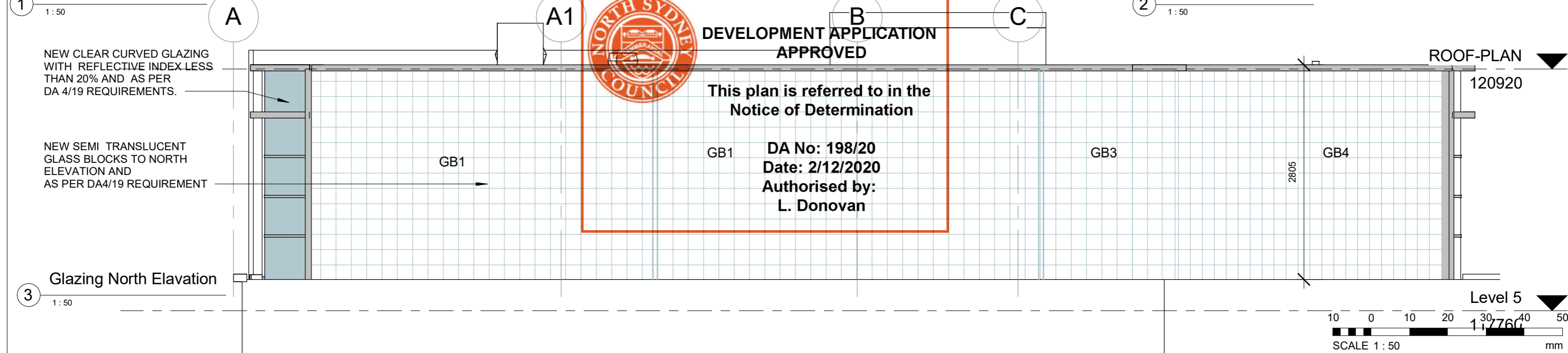
LEGGE & LEGGE
 ARCHITECTS
 SUITE LG 03A, 275 ALFRED STREET NORTH SYDNEY NSW
 T: +61 2 8008 8578 E: info@leggeandleggearchitects.com.au

DATE	DRAWN	SCALE
180620	TW	1:50 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA207
STATUS		REVISION.
DA		C



1 Glazing East Elevation
1:50

2 Glazing West Elevation
1:50



3 Glazing North Elevation
1:50

Revisions	Drawn	Checked	Date
A DA Issue	JB & SS		18.06.2020
B Changed to office use on level 4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS	TL	05.11.2020

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PROJECT
 Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065
 DRAWING
 GLAZING SCHEDULE-3

LEGGE & LEGGE
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DATE	DRAWN	SCALE
180620	SS	1:50 @A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA208
STATUS		REVISION.
DA		C



**DEVELOPMENT APPLICATION
APPROVED**

**This plan is referred to in the
Notice of Determination**

**DA No: 198/20
Date: 2/12/2020
Authorised by:
L. Donovan**

PAINT FINISH TO LIFT OVERRUN
TO MATCH BASE BUILDING
SILLS /LINTELS/PARAPET CAPPING

-DULUX "COTTONTAIL"
OR APPROVED

NEW SEMI TRANSLUCENT
GLASS BLOCK AS PER
APPROVED DA 4/19

NEW CLEAR CURVED
GLAZING WITH EFLECTIVITY
INDEX LESS THAN 20%
AS PER APPROVED DA 4/19

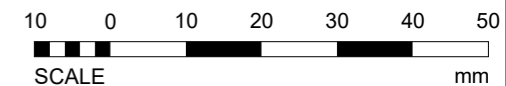
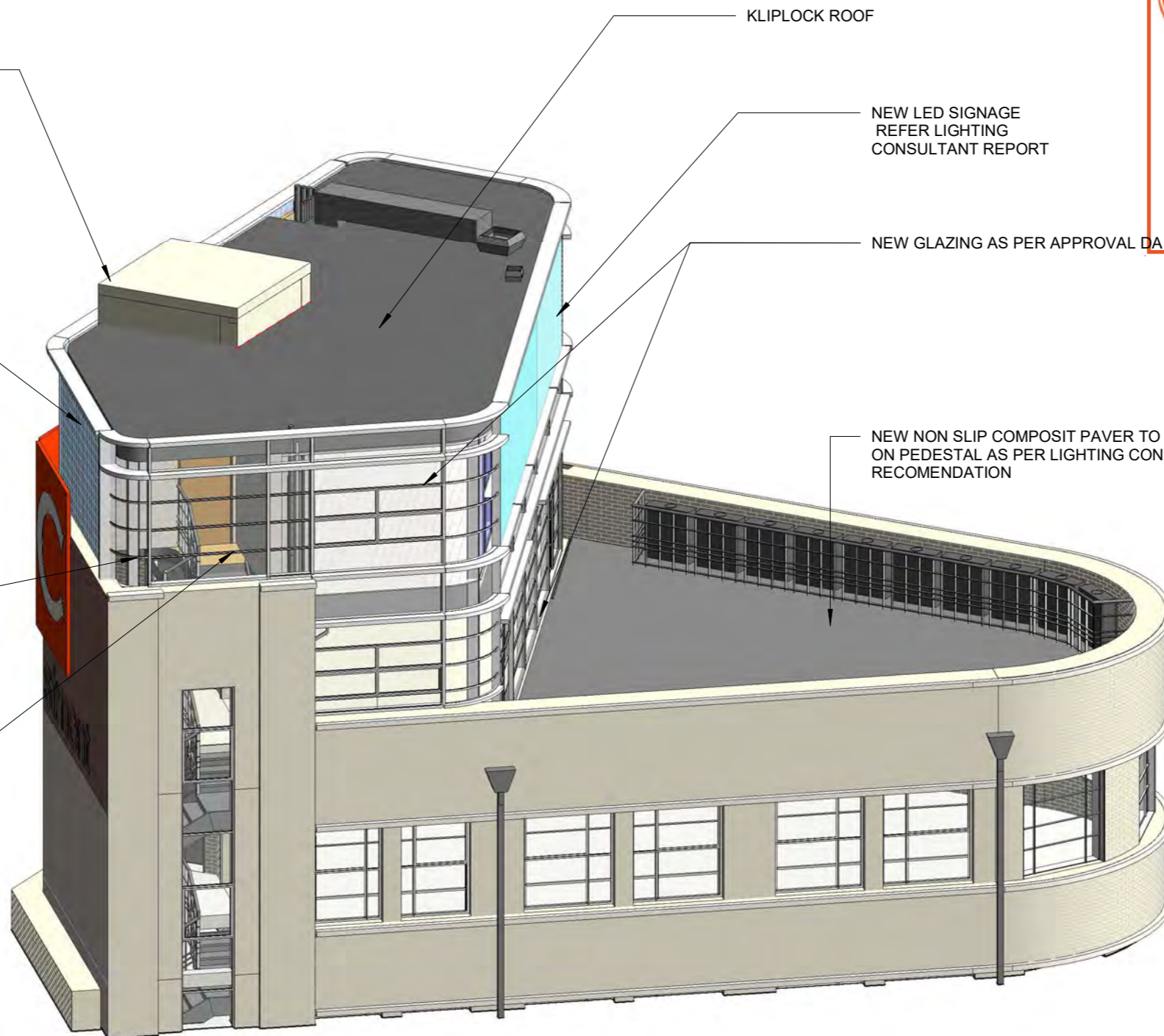
NEW FACADE FRAMING TO
EAST SOUTH AND WEST -
CLEAR ANODISED
ALUMINIUM FINISH

KLILOCK ROOF

NEW LED SIGNAGE
REFER LIGHTING
CONSULTANT REPORT

NEW GLAZING AS PER APPROVAL DA 4/19

NEW NON SLIP COMPOSIT PAVER TO TERRACE
ON PEDESTAL AS PER LIGHTING CONSULTANT
RECOMENDATION



Revisions	Drawn	Checked	Date
A DA Issue	JB &SS		16.07.2020
B Changed to office use on level4 and 5 as per DA 4/19	SS		27.10.2020
C Revised DA issue	SS	TL	05.11.2020

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PROJECT
Proposed addition and alteration to Level-4 and 5 and replace the existing Signage Panel with new LED Signage Panel at 429- 425 Pacific Highway -DP651865, Crows Nest, NSW 2065
DRAWING
Colour, Finishes and Material

LEGGE & LEGGE
ARCHITECTS
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DATE	DRAWN	SCALE
180620	SS	@A3
PROJECT NO.	CLIENT	DWG NO.
20009	425-429 Pacific Highway Pty Limited	DA210
STATUS		REVISION.
DA		C



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ABN 32 353 260 317

Legge & Legge Architects Pty Ltd
Suite LG3A, 275 Alfred Street
NORTH SYDNEY NSW 2060

D198/20
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – Approval**

Development Application Number: 198/20

Land to which this applies: 425-429 Pacific Highway, Crows Nest
Lot No.: 1, DP: 651865

Applicant: Legge & Legge Architects Pty Ltd

Proposal: Alterations and additions to levels 4, 5 of a heritage listed commercial and retail building, changes to roof and changes to signage including the demolition of existing AGC sign, demolition of the existing advertising billboard structure and construction of new LED advertising sign.

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 2 December 2020. Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination

Date of Determination: 2 December 2020

The Panel is satisfied that the proposal involving replacement of the existing sign with an LED sign presents improved heritage and visual amenity outcomes.

Reason for approval: The Panel agrees with the Assessment Officer's report that the dwell time remain at 60 seconds due to the busy intersection and local road network. The Applicant has the ability in the future to submit a Section 4.55 modification application for this to be varied.

The Panel has amended the conditions to allow for a 5-year consent as opposed to 3 years and once again this is subject to extension through a modification application.

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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An appropriate condition is to be imposed to require the content of advertising during School Zone periods to be of a suitable content (excluding gambling, alcohol and cigarettes).

Consent to operate from: 10 December 2020

Consent will lapse on: 10 December 2025

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite by 10 December 2025.

How community views were taken into account:

The subject application was notified to adjoining properties and the relevant Precinct Committees for 14 days where a number of issues were raised that have been addressed in this report.

The submissions received by Council were addressed in the NSLPP report (see Council's website: https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/NSLPP/2020/2_December_2020)

Review of determination and right of appeal:

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Plans endorsed by the consent authority – please refer to condition A1

Endorsed for and on behalf of North Sydney Council

10/12/2020
DATE



Signature on behalf of consent authority
LUKE DONOVAN
SENIOR ASSESSMENT OFFICER

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or *AS/NZS* means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act* 1989.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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.	Rev No.	Description	Prepared by	Dated
DA002	C	Site Plan	Legge & Legge Architects	5/11/2020
DA003	C	Basement Floor	Legge & Legge Architects	5/11/2020
DA004	C	Demolition Plan	Legge & Legge Architects	5/11/2020
DA100	C	Ground Floor Plan	Legge & Legge Architects	5/11/2020
DA101	C	Level -1 Plan	Legge & Legge Architects	5/11/2020
DA102	C	Level -2 Plan	Legge & Legge Architects	5/11/2020
DA103	C	Level -3 Plan	Legge & Legge Architects	5/11/2020
DA104	C	Proposed Work on Level -4	Legge & Legge Architects	5/11/2020
DA105	C	Proposed Works on Level -5	Legge & Legge Architects	5/11/2020
DA106	C	Roof Plan	Legge & Legge Architects	5/11/2020
DA200	C	Pacific Highway - West Elevation	Legge & Legge Architects	5/11/2020
DA201	C	North Elevation	Legge & Legge Architects	5/11/2020
DA202	C	Willoughby Road - East Elevation	Legge & Legge Architects	5/11/2020
DA203	C	South Elevation	Legge & Legge Architects	5/11/2020
DA204	C	Section AA	Legge & Legge Architects	5/11/2020
DA205	C	Section BB	Legge & Legge Architects	5/11/2020
DA206	C	Glazing Schedule -1	Legge & Legge Architects	5/11/2020
DA207	C	Glazing Schedule -2	Legge & Legge Architects	5/11/2020
DA208	C	Glazing Schedule -3	Legge & Legge Architects	5/11/2020
DA210	C	Colour, Finishes and Material	Legge & Legge Architects	5/11/2020

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

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

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

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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No Demolition of Extra Fabric

A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

B. *Matters to be Completed before the lodgement of an Application for a Construction Certificate*

Transport for NSW

- B1. 1) The proposed sign should not obstruct sight distance to critical road infrastructure, any regulatory signs, and not reduce the visibility and effectiveness of directional signs, traffic signals, other traffic control devices, regulatory signs or advisory signs or to obscure information about the road alignment.
- 2) The signage shall not hinder driver sightlines.
- 3) The signage displays shall not contain/use:
- Flashing lights.
 - Animated display, moving parts or simulated movement.
 - A method of illumination that unreasonably distracts or dazzles.
 - Images that may imitate a prescribed traffic control device, for example red, amber or green circles, octagons or other shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device.
 - Text providing driving instructions to drivers
- 4) The dwell times, transition time between messages and illumination levels should be in accordance with relevant guidelines and standard, except as amended by other conditions of this consent.
- 5) TfNSW reserves the right to remove the proposed signage on road safety grounds, at no cost to TfNSW.
- 6) TfNSW has previously resumed & dedicated a strip of land as road along the Pacific Highway frontage of the subject property. All buildings and structures including signage (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.
- 7) A construction zone will not be permitted on Pacific Highway.
- 8) All works/regulatory signposting associated with the proposed development, including maintenance activities, shall be at no cost to TfNSW.

(Reason: To satisfy the requirements of Transport for NSW)

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)*

Conservation Policy

- C1. Prior to the issue of any construction certificate, a conservation management policy for the building detailing the conservation works that will be undertaken as part of this consent must be submitted to Council and the Principal Certifying Authority.

(Reason: To ensure conservation works are documented and implemented as part of the works)

Staging of Works

- C2. Prior to the issue of any Construction Certificate associated with this consent, a construction certificate must be issued and physical building works commenced to levels 4 and 5 of the building consistent with the previous consent (DA4/19) on the site.

Council must receive written confirmation that a construction certificate has been issued and physical building works commenced to levels 4 and 4 of the building consistent with the previous consent (DA4/19) on the site.

(Reason: To ensure the orderly development of the land and to ensure the heritage benefits associated with the previous consent are enacted before works commence in relation to the subject consent).

Deed of Agreement

- C3. The applicant and the Council must enter into a Deed of Agreement in relation to the lease of the advertising (display) time associated with the LED sign on the southern façade of level 5 of the building at 425-429 Pacific Highway, Crows Nest.

The instrument(s) prepared for the lease of the proposed advertising (display) time associated with the LED sign on the southern façade of level 5 of the building is (are) to include:

- a) Details of the “in-kind” contribution, by free adverting time to North Sydney Council to “Promote a service, tourism in the locality, community information or emergency messages.”;
- b) Details relating to the percentage of display time to be used by Council for advertising time. A minimum of 5% of the advertising time in a 12-month period must be dedicated to Council; and
- c) The cost associated with the display time for Council must be borne by the owner of the site and not Council.

Prior to the issue of any Construction Certificate, the Deed of Agreement and any associated documentation shall be prepared, executed and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining advice, the cost and expense of negotiating the terms and conditions of the lease, producing documents or otherwise facilitating the preparation, execution and registration of the required documents. The Deed must bind all successors in title and shall only be subject to variation at the discretion of the Council.

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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Locality in this condition includes the North Sydney LGA.

An annual log documenting the total public benefit advertising (in terms of display time) is to be submitted to Council each year by 30 June.

(Reason: To ensure public access and proper management of land)

Dilapidation Report Damage to Public Infrastructure

- C4. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C5. A photographic survey and dilapidation report of adjoining properties (nos. 433 Pacific Highway and Willoughby Road, Crows Nest) detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Structural Adequacy of Existing Building

- C6. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate.

The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Waste Management Plan

- C7. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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Colours, Finishes and Materials (Heritage Items)

- C8. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item)

No External Service Ducts

- C9. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

Location of Plant

- C10. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the designated area on the level 4 terrace of the building. Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Noise from Plant and Equipment

- C11. The use of all plant and equipment installed on the premises must not:
- a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver . The modifying factor adjustments in the EPA Noise Policy for Industry shall be applied.
 - b) Cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

**RE: 425-429 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT CONSENT NO. 198/20**

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“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Security Deposit/ Guarantee Schedule

- C12. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Footpath Damage Bond	\$2,000.00
TOTAL BONDS	\$2,000.00

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Signage design - Control of the Obtrusive Effects of Outdoor Lighting

- C13. The signage must be designed in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

Existing lighting structures and fixtures

- C14. Prior to the issue of any construction certificate, the existing ‘up-lighting’ fixtures and associated structures in connection with the existing AGC and billboard signage must be indicated on the plans to be removed.

(Reason: To remove redundant lighting and structures from the facades and terrace of the existing building)

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D. Prior to the Commencement of any Works (and continuing where indicated)

AGC Sign

D1. Prior to the removal of the AGC sign an archival recording of this sign must be submitted to Council and the Principal Certifying Authority.

(Reason: To provide a historical record of heritage significant fabric on site for archival purposes)

Public Liability Insurance – Works on Public Land

D2. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application)

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

Commencement of Works Notice

D3. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

Cigarette Butt Receptacle

E1. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Parking Restrictions

E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works.

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The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads".

If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

(Reason: Public Safety)

Removal of Extra Fabric

- E4. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Noise and Vibration

- E5. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

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Applicant's Cost of Work on Council Property

- E6. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

Special Permits

- E7. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours' notice is required for any permit: -

1) **On-street mobile plant**

E.g. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours

E8. Building construction and works must be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- a) "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- b) "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- c) "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

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

Out of Hours Work Permits

E9. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk.**

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Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Site Amenities and Facilities

E10. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

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

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Health and Safety

- E11. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan.

Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

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

Prohibition on Use of Pavements

- E12. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Plant & Equipment Kept Within Site

- E13. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

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)

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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)

Construction Certificate

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued 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

- F4. 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)

Critical Stage Inspections

- F5. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Demolition

- F6. Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Protection of Public Places

- F7. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.

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- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

Site Sign

- F8. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Staging of Works

- G1. Prior to the operation of the digital advertising signage and prior to the issue of any occupation certificate associated with this consent, the works approved as part of the previous consent (DA4/19) relating to levels 4 and 5 of the building must be completed and an occupation certificate issued for these works.

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Council must receive written confirmation that an occupation certificate/s has been issued for the previous consent (DA4/19) on the site.

(Reason: To ensure the orderly development of the land and to ensure the heritage benefits associated with the previous consent are enacted before an occupation certificate is issued in relation to the subject consent)

Time Period for Advertising

G2. The LED advertising sign (southern elevation of level 5) is limited to a maximum of five (5) years from the date of the occupation certificate for the sign. At the expiration of the five (5) year period the sign must be switched off. Any extension beyond five (5) years will be the subject of a separate application to Council.

(Reason: To ensure consistency with the NSDCP 2013 and to ensure the time period for advertising has regard to any future change to the Crows Nest Town Centre)

(Panel Reason: The Panel considers 5 years an appropriate time frame to reassess changes in the character of the area.)

Infrastructure Repair and Completion of Works

G3. Prior to the issue of any Occupation Certificate any and all works relating to the development:

- a) in the road reserve must be fully completed; and
- b) to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Noise Certification

G4. Prior to issue of the any Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

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Damage to Adjoining Properties

- G5. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Compliance with Certain conditions

- G6. Prior to the issue of any Occupation Certificate Condition C3 (Deed of Agreement) must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

I. On-Going / Operational Conditions

Dwell Time and Curfew on Advertising

- I1. a) The dwell time for the advertising on the LED sign (southern elevation at level 5 of the building) must be not less than 60 seconds.
- b) The advertising on the LED sign must not change during the time that school zones along Pacific Highway are active (i.e. 8.00am-9.30am and 2.30pm-4.00pm on weekdays during School Terms). The content of advertising during school zone period is to be of a suitable content (excluding alcohol, gambling and cigarettes)
- c) A curfew is to be placed on the advertising on the LED sign (southern elevation at level 5 of the building) between 11pm and 7am (every day of the year)

The above requirements must be programmed into the sign to ensure compliance with the terms of this condition.

The requirements of this condition may be subject to variation following the submission by the Applicant and an assessment of a modification application under Section 4.55.

(Reason: To protect existing and future residential amenity and to minimize safety impacts for motorists)

(Panel Reason: To cover the AM school zone)

Noise and Vibration Impact

- I2. The on-going use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

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Signage Illumination Intensity

- I3. 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.
 - 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.

(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)