

**NSLPP MEETING 3 FEB 2021
ADDENDUM TO ITEM LPP04**

SUBJECT: LPP04: 275 ALFRED STREET NORTH, NORTH SYDNEY -
APPLICATION NO. DA 240/20
AUTHOR: HUGH SHOULDICE, ASSESSMENT OFFICER
DATE: 2 FEBRUARY 2021

This addendum report should be read in conjunction with the agenda item LPP04 concerning a proposal for the removal of three existing “BAYER” sky signs and the installation of three (3) “FIVEX” sky advertisement signs to the roof structure of an existing commercial building on land at 275 Alfred Street North, North Sydney.

A review of conditions attached to the report has identified several additional site-specific conditions which should be included for the Panel’s consideration.

CONSIDERATION

The Panel will note the planning history contained within the report refers to several preceding development applications, which apply to the site that have been determined by the NSW Land & Environment Court. The planning history for the site includes Class 4 declarations relating to the characterisation of the existing “BAYER” roof or sky advertisements.

In order that the Panel has full regard for the planning history, as well as the provisions of Statement Environmental Planning Policy No. 64 (SEPP 64), it is appropriate that further consideration be given to the provisions relating to the duration of development consents applying to the land as well as provision for inconsistency between consents.

DURATION OF CONSENTS – SEPP 64 & NSDCP 2013 PROVISIONS

Clause 14 of SEPP 64 was given consideration, whereby the assessment report mentioned a condition specifying a consent duration of 3 years, which is in line with existing DCP requirements of under Section 9.6 of NSDCP 2013. However, the condition mentioned in the assessment report has not been carried through to the recommended conditions, nor has it had regard for the duration for the development consent which currently applies to the existing “BAYER” signs.

The provisions of Clause 14 of SEPP (64) provide that:

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*

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- (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.*

Provision P7 in Part B, Section 9.6 in NSDCP 2013 specifies the following:

“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.”

Section 9.6 of NSDCP 2013 specifies a lesser period than the 15 years indicated in subclause 1(a) in Clause 14 of the SEPP, which would otherwise enable Council to reduce the duration of this consent.

However, a reduction of consent terms from 15 years to 3 years would be unreasonable given the preceding consent duration for signage of a similar form and other comparable signage approvals within the North Sydney CBD which generally provide for a period of between 10-15 years for similar signage forms.

However, considering the prominent location of the proposed sky advertisement and emerging changes in the local area, including the recent strategic review of the subject site, North Sydney CBD and Milsons Point skylines, it is considered to be appropriate that a 10-year consent period be adopted. A 10-year consent period would allow sufficient time for the sign to be revised and replaced.

In order to enable a reasonable consent duration and to clarify the scope of any consent granted under this application the following additional conditions are recommended.

SITE SPECIFIC CONDITIONS***Separate DA***

A#. *A separate development application is required to be lodged for any changes to the design, size, height, colour or external form of the existing signage including any change relating to:*

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

(Reason: *To clarify the scope of development approval is for the use of the existing roof sign*)

Time-limited Consent

A#. *This consent shall cease to be in force on the expiration of 10 years after the date on which the consent becomes effective and operates in accordance with Section 8.13 of the Environmental Planning and Assessment Act 1979. Should the owner of the site wish to extend this period, a new development application shall be lodged with Council prior to the cessation of the current consent. This requirement shall be included in any future lease agreements for the new signage lot.*

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(Reason: To satisfy the provisions of SEPP No. 64 – Advertising and Signage)

Inconsistency between development consents

I#. In the event of any inconsistency between this consent and any preceding development consent concerning roof or sky advertisements, the requirements of this consent shall prevail to the extent of the inconsistency.

(Reason: To ensure the performance of the development in accordance with all relevant conditions of development consent and to provide for inconsistency between consents)

RECOMMENDATION:

1. **THAT** the Panel note this addendum and incorporate the above conditions in the determination.

SIGNED _____

David Hoy, Team Leader Assessments