



Legge and Legge Architects Pty Ltd
Suite LG 3a, 275 Alfred Street North
NORTH SYDNEY NSW 2060

D369/22
KRR (CIS)

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

Development Application Number:	369/22
Land to which this applies:	275 Alfred Street North, North Sydney Lot No.: 1 DP: 546856
Applicant:	Legge and Legge Architects Pty Ltd
Proposal:	Continued operation of existing, 60-second dwell time LED advertising sign between the hours of 7.00am and 11.00pm with illumination and animation restrictions
Determination of Development Application:	Subject to the provisions of Section 4.17 of <i>the Environmental Planning and Assessment Act 1979</i> , approval has been granted subject to conditions in the notice of determination.
Date of Determination:	18 May 2023
Reasons for Approval	The development application has been assessed against the <i>North Sydney Local Environmental Plan 2013</i> and the <i>North Sydney Development Control Plan 2013</i> . As detailed throughout the report, the application complies with a majority of the criteria and provisions outlined in the SEPP (Industry and Employment) 2021, Transport Corridor Outdoor Advertising and Signage Guidelines, North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013.
Consent to operate from:	18 May 2023
Consent will lapse on:	18 May 2028

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 18 May 2028.

How community views were taken into account:

A total of two submissions were received raising issues relating to light spill and energy efficiency. These matters can be adequately addressed by conditions of consent.

Review of determination and right of appeal:

Within six 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

18 May 2023

DATE



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

(i) **Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979* ("the Act") and the provisions of the *Environmental Planning and 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).

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.

INDEX OF CONDITIONS

	Page No.
A. <i>Conditions that Identify Approved Plans</i>	
A1. Development in Accordance with Plans/Documentation	6
A2. Terms of Consent	6
A3. Further Consent for Change to Signage Required	6
A4. Time-limited Consent	6
A5. TfNSW Conditions	7
I. <i>Ongoing/Operational Conditions</i>	
I1. Hours of Illumination	7
I2. Sign Content, Minimum Display Period, and Operation	7
I3. Signage Illumination Intensity	8
I4. Roof Top Lighting	8
I5. Inconsistency between Development Consents	9

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.	Description	Prepared by	Dated
A01	A	Site Plan	Legge & Legge Architects	24/10/2022
A02	A	West Elevation	Legge & Legge Architects	24/10/2022

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

Terms of Consent

- A2. Approval is granted for the continued operation of the wall advertisement sign on the western face of the existing commercial office building at No. 275 Alfred Street, North Sydney.

No approval is granted or implied for any additional signs or works not covered by this consent.

(Reason: To ensure that the terms of the consent are clear)

Further Consent for Change to Signage Required

- A3. Separate and further consent is required to be obtained for any change to the design, size, height, colour or external form of the approved signage including any change relating to:

- (a) Enlargement/alteration of signage area;
- (b) Any change to signage content;
- (c) Any change to illumination restrictions contained within this consent Animation.

No approval is granted or implied for any additional works not covered by this consent.

(Reason: To ensure that the terms of the consent are clear)

Time-limited Consent

- A4. This consent shall cease to be in force on the expiration of 15 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.

(Reason: To satisfy the provisions of SEPP (Industry and Employment) 2021)

TfNSW Conditions

A5. The following requirements from TfNSW shall apply:

1. Signage display shall not contain:
 - a) Flashing lights
 - b) Animated display, moving parts or simulated movement.
 - c) A method of illumination that unreasonably distracts or dazzles.
 - d) 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.
 - e) Text providing driving instructions to drivers.
2. The proposed luminance levels should be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.
3. The design and construction of signage structures shall be in accordance with relevant Australian Standards.
4. Construction and maintenance activities shall be undertaken wholly within the private property of the site.
5. All works associated with the proposed sign, including maintenance activities shall be at no cost to TfNSW.

(Reason: To ensure the ongoing operation of the signage is consistent with TfNSW conditions and does not result in adverse impacts to drivers or residents within the LGA)

I. Ongoing/Operational Conditions

Hours of Illumination

11. All illuminated signs approved by this consent must cease illumination between the hours of [11.00pm and 7.00am daily.

(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)

Sign Content, Minimum Display Period, and Operation

12. The electronic variable message sign shall be configured in a manner which enables messages to be displayed in full colour and in either graphic or text formats, and shall have or use the following:
 - The sign display shall be fixed or static for the whole of a minimum 60 second display period for each message;
 - Fade-in/ fade-out methodology to be utilised at the message change-over, with interval at the change-over of the message to commence with a black background fading into and out of the advertisement;
 - The change over time to be no more than 2 seconds;

- No animated or scrolling display, any flashing lights, moving parts or simulated movement shall be permitted (i.e., the sign display shall be fixed or static for the whole of the minimum 60 second display period for each message);
- Shall not have an excessive or unreasonable level of illumination that results in glare or distracts or dazzles, and the level of illumination shall be varied to take account of ambient light levels;
- At least half of the messages shall display community information such as weather or major events not being general advertising related to a corporate entity or product;
- Wording of the sign messages must not cause offence, must not be discriminatory in terms of the Anti-Discrimination Act 1977, must not be for tobacco products, or for alcoholic products, and must satisfy the Code of Ethics of the Australian Association of National Advertisers.

(Reason: To ensure continuation of use of the sign is consistent with the preceding consent DA217/08 information is displayed effectively with minimal visual clutter, to minimise distraction to motorists, and protect the amenity of the locality)

Signage Illumination Intensity

13. 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)

Roof Top Lighting

14. Lighting on rooftop or podium level areas must not be illuminated between 11:00 pm and 7:00 am. The design and placement of the lighting must:
- (a) be directed away from any residential dwelling;
 - (b) not create a nuisance or negatively affect the amenity of the surrounding neighbourhood; and
 - (c) comply with AS4282-1997 control of obtrusive effects of outdoor lighting.

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

Inconsistency between Development Consents

15. In the event of any inconsistency between this consent and any preceding development consent concerning the existing wall sign on the western elevation of the building, 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)