



Legge and Legge Architects Pty Ltd
Se 2G, 275 Alfred Street North
NORTH SYDNEY NSW 2060

D369/22
KRR (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 369/22/2 - APPROVAL**

Development Consent 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: Modification of DA369/22 to alter the approved development description and modify the dwell time of the signage of the content of the approved sign from, 60-seconds to 10 seconds between the hours of 7.00 am and 11.00 pm with illumination and animation restrictions

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **369/22** and registered in Council's records as Application No. **369/22/2** relating to the land described as **275 Alfred Street North, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **18 May 2023**, has been determined in the following manner:

1. Development Approval Description

The description of development is to be updated to read as follows:

"Continued operation of the existing LED advertising sign between the hours of 7.00 am and 11.00 pm with illumination and animations restrictions."

2. The following changes to Condition I2 as follows:

Sign Content, Minimum Display Period, and Operation

11. 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 10 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 10 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)

The development application has been assessed against the *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan 2013*.

Reasons for Approval:

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.

How community views were taken into account:

No submissions have been received for the duration of the assessment.

The conditions attached to the original consent for Development Application No. **369/22** by endorsed date of **18 May 2023** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Mr Kim Rothe**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.

- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of *the Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of *the Environmental Planning and Assessment Act, 1979* (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of *the Environmental Planning and Assessment Act*.

Endorsed for and on behalf of North Sydney Council

4 March 2024

DATE

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