

Original signed by: **Luke Donovan**      Dated: **10/8/2021**

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**  
**SECTION 4.55 APPLICATION 198/20/3 - APPROVAL**

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**Development Consent Number:**                      **198/20/3**

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

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**Applicant:**    Legge & Legge Architects Pty Ltd

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**Proposal:**    Section 4.55 application to modify DA 198/20 in respect  
of changes to Condition G2 'Time period for  
advertising' specifically a change from 5 years to 15  
years.

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The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 4 August 2021.

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. **198/20** and registered in Council's records as Application No. **198/20/3** relating to the land described as **425-429 Pacific Highway, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 August 2021, has been determined in the following manner: -

**1.    To modify Condition G2 of DA 198/20 as follows:**

**Time Period for Advertising**

G2. The LED advertising sign (southern elevation of level 5) is limited to a maximum of ten (10) years from the date of the occupation certificate for the sign. At the expiration of the ten (10) year period the sign must be switched off. Any extension beyond ten (10) years will be the subject of a separate application to Council.

(Reason:            The time period for advertising is limited to 10 years pursuant to Clause 14(2)(b) in SEPP 64. An LED advertising sign on this site for a time period longer than 10 years would be inconsistent with the change in character (in terms of building height and land use) within this area of Crows Nest.)

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**Reason for approval:**

The Panel is satisfied that a 10 year consent in the circumstances of this case is reasonable and after that time a further application may be submitted for a merits assessment having regard to the evolving character of this area.

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**How community views were taken into account:**

The application was lodged to surrounding properties and the relevant to precinct committees between 11 to 25 June 2021. No submissions were received.

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The conditions attached to the original consent for Development Application No. 198/20 by endorsed date of 2 December 2020 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Luke Donovan**. 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 & 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 & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
LUKE DONOVAN  
**SENIOR ASSESSMENT OFFICER**