



NORTH SYDNEY COUNCIL

Council Chambers
6 September 2023

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday 13 September 2023.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

THERESE MANNS
GENERAL MANAGER

BUSINESS

LPP01: Land adjacent to 63 Willoughby Road, Crows Nest - DA 93/23

Applicant: JCDecaux Australia Trading Pty Ltd
Report of Annelize Kaalsen of AK Planning

This development application seeks approval for the installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising. The digital freestanding advertising panel will be located within the road reserve adjoining No. 63 Willoughby Road, Crows Nest (Ernest Place) Generally, development for which the land owner is the Council, is reported to the North Sydney Local Planning Panel (NSLPP) and the application attracted more than 10 unique public submissions. In addition, the Council-Related Development Conflict of Interest Management Policy requires that the determination of an application for Council-related development be determined by the Local Planning Panel. **Accordingly, the application requires determination by NSLPP under the Minister's Directions and Council's Policy.**

The site is zoned MU1 Mixed Use pursuant to the NSLEP 2013. The proposal is defined as an *'advertising structure'* which is a form of *'signage'* pursuant to Clause 1.4 of the NSLEP 2013. Signage is a permissible use with consent within the MU1 Mixed Use zone.

The notification of the application attracted **fourteen (14) submissions** including from the Wollstonecraft Precinct committee and the Lavender Bay Precinct Committee. In summary the submissions raised particular concerns with respect to visual clutter; detracting from the character of the local villages; distracting to motorists and pedestrian; intrusive on public space; the need for adding additional advertising in the LGA; lose public amenity and undo good place-making work done in Ernest Place. The assessment has considered these concerns as well as the performance of the application against State and Council's planning requirements.

The subject site is not listed as a heritage item but is located within the vicinity of a heritage item (Federation Gothic, Northside Baptist Church). Councils Heritage Officer does not support the advertising panel noting that it will be a visual intrusion to the setting of the heritage item. *"It is considered to draw attention away from the heritage facades and the established character of Ernest Place as a community place"*. Accordingly, the proposed advertising panel is considered to impact on the significance of the heritage item adversely and materially in the vicinity of the site.

The application was referred to the Transport for NSW who advised that the proposed advertising panel does not require concurrence as it is not located along a classified road. The Road Safety Assessment accompanying the application notes that pedestrians walking westbound out of Ernest Place to cross Willoughby Road will have their sight lines to southbound travelling vehicles obscured by the proposed panel. *"This has the potential to result in pedestrians stepping out onto the road without realising a vehicle is travelling southbound resulting in pedestrian / vehicle conflicts"*. The location of the digital freestanding advertising panel is not supported, and it is recommended by both the heritage and road safety assessments that it be relocated. The application does not satisfy the objective of Chapter 3 - Clause 3.1(10(a) of the SEPP (Industry and Employment) 2021 and it is not acceptable in terms of its impacts nor does it satisfy the land use compatibility criteria of the Transport corridor outdoor advertising and signage guidelines; it fails to satisfy Clause 5.10 of the North Sydney LEP 2013 and Section 9 and Section 13.4 of the North Sydney DCP 2013.

As such, following this assessment, and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, it is recommended that the proposed development be **refused** for the reasons as set out in this report.

Recommending

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, refuse Development Application No. 93/23 for the installation and operation of a freestanding advertising structure for the purposes of Council communication and third-party advertising on land adjacent to 63 Willoughby Road, Crows Nest, for the following reasons:-

1. Not considered to be in the public interest or suitable for the subject site

The proposed development is not considered suitable for the subject site nor in the public interest.

Particulars:

- a) The proposed development detracts from the significance of the adjoining heritage listed building and surrounding streetscape and public open space setting and is considered to be unsuitable for the subject site contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended)
- b) A total of fourteen (14) public submissions were received against the application raising particular concerns about visual clutter; detracting from the character of the local villages; distracting to motorists and pedestrian; intrusive on public open space; the need for adding additional advertising in LGA; lose public amenity and undo good place-making work done in Ernest Place.
- c) The cumulative effect of the non-compliances with State and Councils controls, particularly the adverse impact on the heritage significance of the adjoining heritage item; inconsistency with the established character of Ernest Place as a community place and pedestrian safety the application is not considered to be in the public's interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

2. Failing to satisfy Chapter 3 and Schedule 5 of SEPP (Industry and Employment) 2021

The proposal is not acceptable in terms of its impacts.

Particulars:

- a) The proposal fails to be consistent with the objective of Chapter 3 Clause 3.1(1)(a)(i) of the SEPP for the following reasons:-
 - its proximity to a heritage item will detract from the amenity or visual quality of the heritage item, and
 - the proposed advertising panel is not considered compatible with the existing or desired future character of Ernest Place / public open space.
- b) Failing to satisfy 1 Character of the area; 2 Special area; 3 Views and Vistas and 4 Streetscape setting of Schedule 5 of the Industry SEPP;
- c) Failing to satisfy 8. Safety of Schedule 5 of SEPP (Industry and Employment) 2021, as pedestrians sightlines to southbound travelling vehicles will be obscured by the proposed panel resulting in pedestrian / vehicle conflicts.
- d) Failing to satisfy the land use compatibility criteria of the transport corridor outdoor advertising and signage guidelines.

3. Failing to satisfy Clause 5.10 of the NSLEP 2013

Particulars:

- a) Out of character with the special area (heritage curtilage and setting) compromising the vista towards the heritage item
- b) The proposed advertising pillar will be a visual intrusion to the setting of the heritage item, drawing attention away from the heritage facades and the established character of Ernest Place as a community place.
- c) The freestanding advertising panel will render the streetscape less authentic and subject to commercialism. Advertising in the context of the heritage listed church will therefore detract from the established character of Ernest Place.

4. Inconsistent with Section 9 of NSDCP 2013**Particulars:**

- a) the proposal does not satisfy the General objectives of Section 9.1 specifically O2; O3 and O7
- b) Inconsistent with Section 9.5 Location
- c) Inconsistent with Section 9.8 Pedestrian and road safety
- d) Inconsistent with section 9.11 Specific sign type, specifically Provisions P14; P17; P20; P24; P26 and P27.

5. Inconsistent with Section 13.4 of NSDCP 2013**Particulars:**

The proposal is inconsistent with O1 and will detract from the streetscape setting of the heritage listed Northside Baptist church as it will introduce visual clutter and will dilute the established character of Ernest Place.

LPP02: Land adjacent to 79-81 Berry Street, North Sydney) – DA 96/23

Applicant: JCDecaux Australia Trading Pty Ltd

Report of Annelize Kaalsen of AK Planning

This development application seeks approval for the installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising. The digital advertising panel will be located within the road reserve adjoining No. 79-81 Berry Street, North Sydney.

Generally, development for which the land owner is the Council, is reported to the North Sydney Local Planning Panel (NSLPP) and in this case the nature of the application may be considered “contentious” due to the public interest. In addition, the Council-Related Development Conflict of Interest Management Policy requires that the determination of an application for Council-related development be determined by the Local Planning Panel. **Accordingly, the application is referred to the NSLPP for determination.**

The site is zoned SP2 Infrastructure “classified road” pursuant to the NSLEP 2013. The proposal is defined as an ‘*advertising structure*’ which is a form of ‘*signage*’ pursuant to Clause 1.4 of the NSLEP 2013. Signage is listed as an additional permitted use under Schedule 1 of the NSLEP 2013.

The notification of the application attracted **Four (4) submissions**. In summary the submissions raised particular concerns with respect to impeding the movement of pedestrians; potential distraction to motorists; detracting from the character of the local area and none of the panels feature anything in connection with local community. The assessment has considered these concerns as well as the performance of the application against State and Council’s planning requirements.

The application was referred to the Transport for NSW who advised that the proposed advertising panel was considered appropriate and recommended conditions of consent.

The digital advertising panel will not result in unacceptable glare and it will not detract from the amenity of any residence or other form of accommodation as defined by AS 4282- 2019 Control of the Obtrusive Effects of Outdoor Lighting. The proposed panel as designed, operated, and installed in accordance with the Lighting Impact Assessment, will comply with all relevant requirements of:-

- AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting, State Environmental Planning Policy (Industry and Employment) 2021 (Schedule 5 - Clause 7 Illumination), and
- the Transport Corridor Outdoor Advertising & Signage Guidelines 2017.

The proposed digital advertising panel would not impact on the view lines of an approaching drivers, nor will it reduce the safety of any public road and satisfies the relevant criteria and provisions of:-

- Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017); and
- North Sydney Development Control Plan 2013 (Section 9.11 – Controls for Specific Sign Types).

The proposed panel would not obstruct or reduce the visibility and effectiveness of directional signs, traffic signals, prescribed traffic control devices, regulatory signs, or obscure information about the road alignment. An unobstructed path of travel will remain available for pedestrians.

The proposed advertising panel is commensurate with the design and operational expectations and requirements of environmentally sustainable public connectivity infrastructure in established urban locations. Following this assessment and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions of consent.

Recommending

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment exercising the functions of Council as the consent authority, and **approve** Development Application No. 96/23 for the installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising on land adjacent to 79-81 Berry Street, North Sydney , subject to the attached conditions of development consent and site specific conditions below:-.

Time-limited Consent

- A4. This consent shall cease to be in force on the expiration of 3 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 & Employment) 2021)

Design Changes (maximum height)

C1. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The digital advertising panel must have a maximum height of 2.6m as measured from the finished footpath level to the top most point of the panel.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls)

Design Changes (Panel location)

C2. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- An alternative location of proposed sign shall be proposed that provides minimum distance of 1500mm from COT of adjacent Platanus sp. street tree immediately to the south of the proposed sign location and any required excavation. The sign must still be located a minimum of 600mm from the kerb.

(Reason: Protection of existing environmental infrastructure and community assets)

Signage Illumination Intensity

11. 1) The sign(s) must be installed and used at all times in accordance with the Lighting Impact Assessment prepared by Electro Light dated 10 February 2023; and
- 2) The 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)

LPP03: Adjacent to 306 Military Road, Cremorne - DA 102/23

Applicant: JCDecaux Australia Trading Pty Ltd

Report of Annelize Kaalsen of AK Planning

This development application seeks approval for the installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising. The digital advertising panel will be located within the road reserve adjoining No. 306 Military Road, Cremorne.

Generally, development for which the land owner is the Council, is reported to the North Sydney Local Planning Panel (NSLPP) and because the application attracted more than 10 unique public submissions. In addition, the Council-Related Development Conflict of Interest Management Policy requires that the determination of an application for Council-related development be determined by the Local

Planning Panel. **Accordingly, the application requires determination by NSLPP under the Minister's Directions and Council's Policy.**

The site is zoned SP2 Infrastructure "classified road" pursuant to the NSLEP 2013. The proposal is defined as an '*advertising structure*' which is a form of 'signage' pursuant to Clause 1.4 of the NSLEP 2013. Signage is listed as an additional permitted use under Schedule 1 of the NSLEP 2013.

The notification of the application attracted **eleven (11) submissions**. In summary the submissions raised particular concerns with respect to distraction to motorists; risk of impeding the movement of pedestrians; detracting from the character of the local village; lack of community benefit; visual clutter and compliance with P14 of Section 9.11 of NSDCP 2013. This report had regard for the concerns raised as well as the performance of the application against State and Council's planning requirements.

The subject site is not listed as a heritage item but is located within the vicinity of a number of heritage items (located in excess of 100m away). The proposed advertising panel will not materially impact on the heritage items in the vicinity of the site. The application was referred to the Transport for NSW who advised that the proposed advertising panel was considered appropriate and recommended conditions of consent.

The digital advertising panel will not result in unacceptable glare, and it will not detract from the amenity of any residence or other form of accommodation as defined by AS 4282- 2019 Control of the Obtrusive Effects of Outdoor Lighting. The proposed panel as designed, operated, and installed in accordance with the Lighting Impact Assessment, will comply with all relevant requirements of:-

- AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting, State Environmental Planning Policy (Industry and Employment) 2021 (Schedule 5 - Clause 7 Illumination), and
- the Transport Corridor Outdoor Advertising & Signage Guidelines 2017.

The proposed digital advertising panel would not impact on the view lines of an approaching drivers, nor will it reduce the safety of any public road and satisfies the relevant criteria and provisions of:-

- Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017); and
- North Sydney Development Control Plan 2013 (Section 9.11 – Controls for Specific Sign Types).

The proposed panel would not obstruct or reduce the visibility and effectiveness of directional signs, traffic signals, prescribed traffic control devices, regulatory signs, or obscure information about the road alignment. An unobstructed path of travel will remain available for pedestrians.

The proposed advertising panel is commensurate with the design and operational expectations and requirements of environmentally sustainable public connectivity infrastructure in established urban locations. Following this assessment and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions of consent.

Recommending

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment, and **approve** Development Application No. 102/23 for the installation and operation of a freestanding advertising structure for the purposes of Council communication and third-party

advertising adjacent to 306 Military Road, Cremorne, subject to following site specific conditions and attached standard conditions of consent:-

Time-limited Consent

A4. This consent shall cease to be in force on the expiration of 3 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 & Employment) 2021)

Design Changes (maximum height)

C1. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The digital advertising panel must have a maximum height of 2.6m as measured from the finished footpath level to the top most point of the panel.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls)

Design Changes (Panel Location)

C2. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The location of proposed sign shall be moved west by an approximate distance 800mm, such that no excavation or construction shall be permitted within 2300mm of COT of the adjacent Platanus sp. street tree immediately to the west of the proposed sign location. The sign must still be located a minimum of 600mm from the kerb.

(Reason: Protection of existing environmental infrastructure and community assets)

Signage Illumination Intensity

11. 1) The sign(s) must be installed and used at all times in accordance with the Lighting Impact Assessment prepared by Electro Light dated 10 February 2023; and
- 2) The 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)

Fixed display (school zone hours)

12. The digital advertising panel must be switched to a fixed display during school zone hours in accordance with criteria as the set out in 2017 Transport Outdoor Advertising and Signage Guidelines Table 3.

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

LPP04: Adjacent to 476 Miller Street, Cammeray - DA104/23

Applicant: JCDecaux Australia Trading Pty Ltd

Report of Annelize Kaalsen of AK Planning

This development application seeks approval for the installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising. The digital advertising panel will be located within the road reserve adjoining No. 476 Miller Street, Cammeray.

Generally, development for which the land owner is the Council, is reported to the North Sydney Local Planning Panel (NSLPP). In addition, the Council-Related Development Conflict of Interest Management Policy requires that the determination of an application for Council-related development be determined by the Local Planning Panel. **Accordingly, the application requires determination by NSLPP under this policy.**

The site is zoned SP2 Infrastructure “classified road” pursuant to the NSLEP 2013. The proposal is defined as an ‘*advertising structure*’ which is a form of ‘*signage*’ pursuant to Clause 1.4 of the NSLEP 2013. Signage is listed as an additional permitted use under Schedule 1 of the NSLEP 2013.

The notification of the application attracted **nine (9) submissions**. In summary the submissions raised particular concerns with respect to distraction to motorists; risk of impeding the movement of pedestrians; detracting from the character of the local village; lack of community benefit; visual clutter and compliance with P14 of Section 9.11 of NSDCP 2013. This report had regard for the concerns raised as well as the performance of the application against State and Council’s planning requirements.

The application was referred to the Transport for NSW who advised that the proposed advertising panel was considered appropriate and recommended conditions of consent.

The digital advertising panel will not result in unacceptable glare, and it will not detract from the amenity of any residence or other form of accommodation as defined by AS 4282- 2019 Control of the Obtrusive Effects of Outdoor Lighting. The proposed panel as designed, operated, and installed in accordance with the Lighting Impact Assessment, will comply with all relevant requirements of:-

- AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting, State Environmental Planning Policy (Industry and Employment) 2021 (Schedule 5 - Clause 7 Illumination), and
- the Transport Corridor Outdoor Advertising & Signage Guidelines 2017.

The proposed digital advertising panel would not impact on the view lines of approaching drivers, nor will it reduce the safety of any public road and satisfies the relevant criteria and provisions of:-

- Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017); and
- North Sydney Development Control Plan 2013 (Section 9.11 – Controls for Specific Sign Types).

The proposed panel would not obstruct or reduce the visibility and effectiveness of directional signs, traffic signals, prescribed traffic control devices, regulatory signs, or obscure information about the road alignment. An unobstructed path of travel will remain available for pedestrians.

The proposed advertising panel is commensurate with the design and operational expectations and requirements of environmentally sustainable public connectivity infrastructure in established urban locations. Following this assessment and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions of consent.

Recommending

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment, and **approve** Development Application No. 104/23 for the installation and operation of a freestanding advertising structure for the purposes of Council communication and third-party advertising adjacent to 476 Miller Street, Cammeray subject to following site specific conditions and attached standard conditions of consent:-

Time-limited Consent

A4. This consent shall cease to be in force on the expiration of 3 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 & Employment) 2021)

Design Changes (maximum height)

C1. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The digital advertising panel must have a maximum height of 2.6m as measured from the finished footpath level to the top most point of the panel.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls)

Design Changes (Panel Location)

C2. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The location of proposed sign shall be moved south by a minimum distance of 600mm. The sign must still be located a minimum of 600mm from the kerb

(Reason: Protection of existing environmental infrastructure and community assets)

Signage Illumination Intensity

I1. 1) The sign(s) must be installed and used at all times in accordance with the Lighting Impact Assessment prepared by Electro Light dated 10 February 2023; and

- 2) The 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)

Fixed display (school zone hours)

12. The digital advertising panel must be switched to a fixed display during school zone hours in accordance with criteria as the set out in 2017 Transport Outdoor Advertising and Signage Guidelines Table 3.

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