

**NSLPP MEETING HELD ON 13/09/23****Attachments:**

1. Site Plan
2. Architectural Design Verification Statement
3. Heritage Impact Statement
4. Traffic Report

ADDRESS/WARD: Land adjacent to 63 Willoughby Road, Crows Nest

APPLICATION No: DA 93/23

PROPOSAL: Installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising

PLANS REF:

Draw No.	Draw Title	Date Received	Drawn by
	Site survey / site plan	28 March 2023	JCDecaux
	Typical Communication Panel Elevations	28 March 2023	JCDecaux
	Typical Perspective	28 March 2023	JCDecaux

OWNER: North Sydney Council is the registered owner of public road reserves within the North Sydney LGA

APPLICANT: JCDecaux Australia Trading Pty Ltd

AUTHOR: Annelize Kaalsen of AK Planning

DATE OF REPORT: 22 August 2023

DATE LODGED: 28 March 2023

AMENDED: No

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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.

LOCATION MAP



†  Property/Applicant  Submitters -  Properties Notified

DESCRIPTION OF PROPOSAL

Background

This development application seeks to deliver outdoor digital advertising opportunities across the North Sydney LGA in line with the *North Sydney Council Street Furniture and Outdoor Advertising Contract (the Street Furniture Contract)* which was awarded to JCDecaux on 5 April 2022.

“Implementation of the Street Furniture Contract will upgrade street furniture assets and deliver digital advertising services across the LGA and include the erection of small format digital signage assets, the upgrade of existing signage to new digital formats, and the delivery of digital communication panels (to which the subject DA relates). The intention of this project is to modernise the streetscape of the LGA and provide public benefits to the broader community”.

Source: Applicant’s SEE

Proposal

The application seeks approval for the installation and operation of a freestanding digital advertising and communication structure for the purposes of Council communication and third-party advertising.

The digital signage within the Communication Panel shall operate 24 hours a day. The communication panel provides the following components and features:-

- Structure comprising laminated glass screens, extruded aluminium frame, and stainless steel panel;
- on the front of the panel (side A) a portrait 75-inch digital display screen for display of third-party advertising content (930mm x 1650mm);
- on the rear of the panel (side b) a smaller portrait 32-inch digital display screen (‘live touch interface’) for display of Council / community advertising and information content, public transport information (wayfinding), and local points of interest (690m x 390mm);
- Remote monitoring / control of media player, modem, and screen functionality;
- Dwell time of 10 seconds per image;
- Instantaneous transition time of less than or equal to 0.1 second;
- Fixed static content electronic displays; and
- Integrated public Emergency Messaging System.

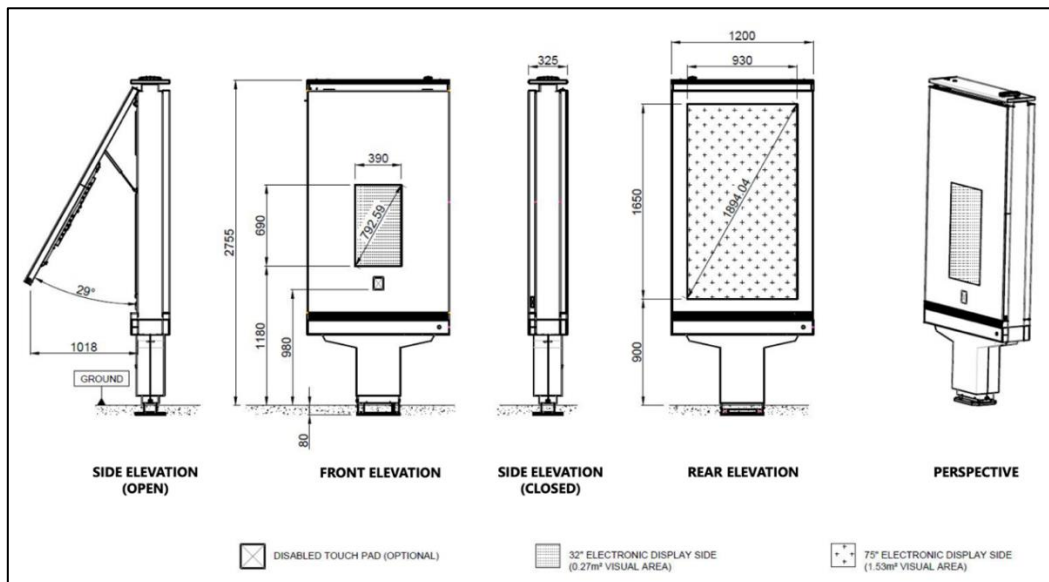


Figure 1: Proposed Advertising Panel

The applicant describes the proposed digital advertising panel as follows:

Construction work and maintenance

Construction works associated with the Panel will include minor excavation to expose the foundation and allow installation and connection of the new communication panel.

After installation is complete, the footpath paving will be reinstated to match its existing condition.

The panel will be cleaned regularly (as required) to ensure it is performing and displaying at full capacity.

Emergency Messaging system

JCDecaux has developed a web-based Emergency Messaging System which provides several features to assist in the information distribution and management of emergencies. These features include:-

- the ability to upload pre-prepared emergency messages and creative;
- the ability to select assets and form groups or networks (such as assets located in a particular suburb);
- automatic expiry function to deactivate emergency messaging and return to normal advertising displays;
- multiple emergency messages across multiple assets can be displayed simultaneously; and
- Full training will be provided by JCDecaux.

The web-based Emergency Messaging System will be integrated into the communication panel.

Content Management

All digital infrastructure integrated into the communication panel will be remotely monitored and controlled by JCDecaux staff via an internal content management software system. The content management system will have firewalls and security protocols in place to ensure the integrity of the digital advertising network.

JCDecaux is a member of the Outdoor Media Association (**OMA**) which is the peak body representing out-of-home advertising within Australia. As a tier one member of the OMA, JCDecaux is committed to complying with the following codes that regulate the content and placement of advertisements.

- OMA Code of Ethics
- OMA Alcohol Advertising Guidelines
- OMA Environment and Sustainability
- AANA Code of Ethics
- AANA Environmental Claims in Advertising and Marketing Code
- AANA Code for Advertising and Marketing in Communications for Children
- AANA Food and Beverages Advertising and Marketing Communications Code
- Alcohol Beverages Advertising Code
- Federal Chamber of Automotive Industry's Voluntary Code of Practice for Motor Vehicle Advertising

JCDecaux has an internal creative review process to ensure that advertisements do not breach any applicable code. This review process is undertaken prior to advertisements being displayed. This process will ensure that advertising content and the sequencing of imagery will not cause driver distraction.



Figure 2: Photomontage

STATUTORY CONTROLS

Environmental Planning & Assessment Act 1979 (as amended)

Roads Act 1993

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 – Vegetation in non-rural areas
- Chapter 6 – Water Catchment

SEPP (Resilience and Hazards) 2021

- Chapter 2 – Coastal Management
- Chapter 4 – Remediation of Land

SEPP (Transport & Infrastructure) 2021

SEPP (Industry and Employment) 2021
Transport Corridor Outdoor Advertising and Signage Guidelines 2017;
North Sydney LEP 2013

- Zoning – B4 Mixed Use
- Item of Heritage – No
- In Vicinity of Item of Heritage – Yes
 - No. 63 Willoughby Road, Crows Nest (I0182) Northside Baptist Church
- Conservation Area – No
- FSBL - No

Foreshore Development - No
Local Development

POLICY CONTROLS

North Sydney DCP 2013
North Sydney Local Contributions Plan 2020
Council-Related Development Conflict of Interest Management Policy

DESCRIPTION OF SITE AND SURROUNDING LOCALITY

The proposed freestanding digital advertising and communication structure is to be located within the road reserve in close proximity to No. 63 Willoughby Road, Crows Nest. The advertising panel will be located on the eastern side of Willoughby Road, immediately south of the Northside Baptist Church, and west of Ernest Place – see **Figure 3**.

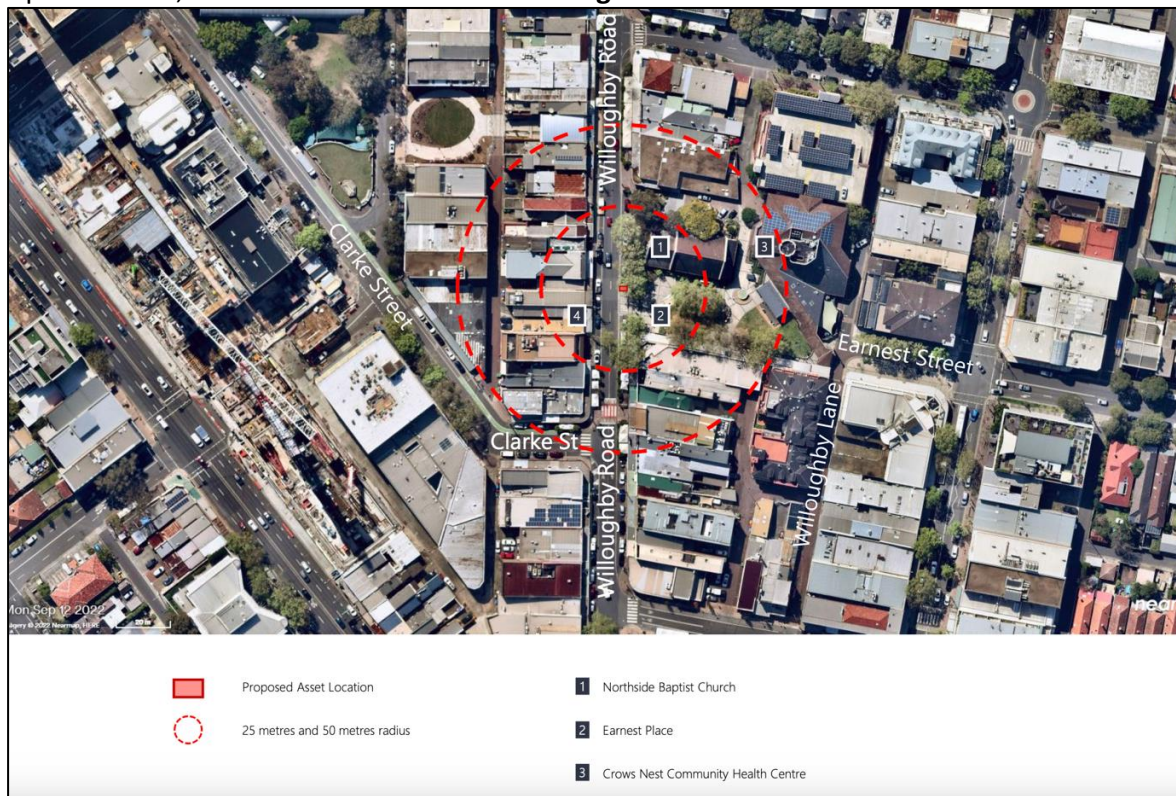
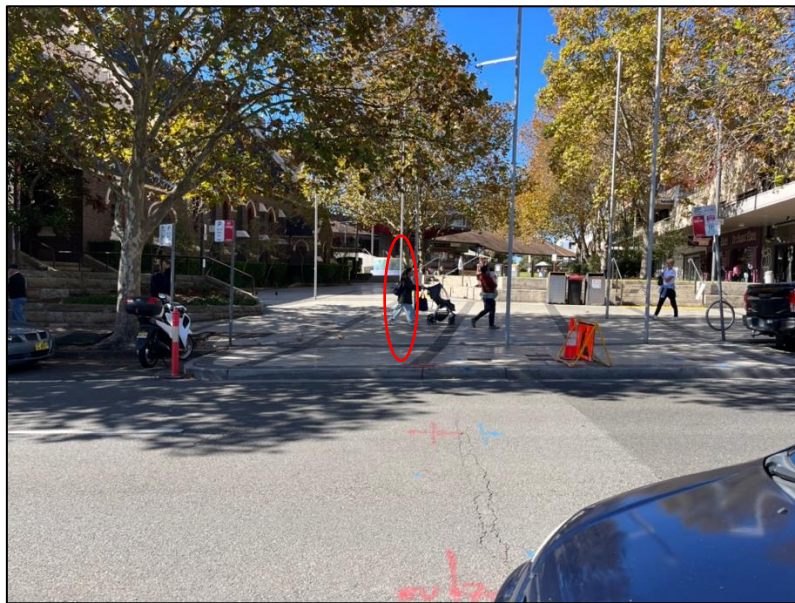


Figure 3: Location

Source: Applicants Design Verification Statement



***Photo 1: View from across Willoughby Road looking towards Ernest Place
Location of panel shown in red***



Photo 2: View of site looking north

Willoughby Road is a major thoroughfare connecting North Sydney with Crows Nest, Willoughby, and Chatswood and features a variety of restaurant, cafes, and speciality stores generating foot traffic.

RELEVANT HISTORY

The history of the subject development application is summarised below: -

28 March 2023	A Development Application (DA93/23) for the installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising was received by Council through the NSW Planning Portal.
21 April 2023 to 19 May 2023	The application was notified and attracted thirteen (13) submissions.
10 May 2023	A site visit was conducted.

INTERNAL REFERRALS

Development Engineer

Councils' development engineer reviewed the application and had no comments.

Environmental Health

The application is accompanied by a Lighting Impact assessment which had regard for the following criteria; Design Guidelines and Standards:-

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

Councils' Environmental Health Officer reviewed the application and had no comments.

Planning comment

Refer to the assessment against Schedule 5 of the Industry and Employment SEPP and Section 9 of the NSDCP within this report for further comments on light impact.

Heritage

The site is not heritage listed but is located within the vicinity of a heritage item. The application was considered by Councils heritage officer, which had the following comments:-

"The proposed advertising pillar will be a visual intrusion to the setting of the heritage item, particularly when brightly coloured content and/or dynamic advertising is displayed. It will draw attention away from the heritage facades and the established character of Ernest Place as a community place.

The advertising pillar and its associated content will render the streetscape less authentic and subject to commercialism. Heritage items have a sense of reliability, trustworthiness and constancy. This contrasts the very nature of advertising which is used to typically promote products that are of a transient nature such as fast fashion and fast food. Advertising in the context of the heritage listed church will therefore detract from the established character of Ernest Place.

*For these reasons, the proposal does **not** satisfy **clause 5.10 of NSLEP 2013***

*The proposal does not comply with the following controls in **Part B Section 9 of NSDCP 2013**:*

9.4 GENERAL CONTROLS - DESIGN, SCALE AND SIZE

Objectives O1 To ensure that signage does not detract from the architecture of existing buildings, streetscapes and vistas-

The proposed signage will visually detract from the architecture of the church by introducing visual clutter.

P3 Signage should be visually interesting and integrated with the architecture of the building-

The proposed pillar is not integrated with the architecture of the church in any way. It is recommended that it be re-located away from the church.

Free standing advertising panels

P17 Not located:

(a) on kerb blisters – The proposal does not comply as it will be located on a kerb blister.

*The proposal does not comply with the following control in **Part B Section 13.4 of NSDCP 2013***

Objectives O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting-

The proposal will detract from the streetscape setting of the church as it will introduce visual clutter and will dilute the established character of Ernest Place.

RECOMMENDATION

*The proposal is **not** supported. It is recommended that the pillar be re-located into a position that is integrated into the proposed new community centre and car park away from the church.*

Planning comment

The comments are noted, and the application is recommended for refusal.

EXTERNAL REFERRALS

Transport for NSW – Metro Corridor

The application is accompanied by a Road Safety Audit, having regard for driver distraction and pedestrian level of service.

The application was referred to TfNSW who noted as follows:-

“This digital advertising panel doesn't require statutory referral to TfNSW as this section of Willoughby Road is a local road and sign is not located in proximity to a driver decision making point.”

Planning comment

The comments are noted.

SUBMISSIONS

The proposal was notified to adjoining property owners seeking comment between **21 April 2023 and 19 May 2023**. A total of **fourteen (14)** submissions including from the Wollstonecraft Precinct committee and Lavender Bay Precinct Committee were received during the notification period.

The planning issues raised in the submissions are summarised below and addressed later in this report (refer to **SUBMITTERS CONCERNS**).

Basis of Submissions:-

- Visual clutter
- At odds with village feel of Crows Nest
- A blight on public space
- Distracting to motorists
- Pedestrian interference
- detracting from the character of the local villages
- none of the photo renditions features anything in connection with the local community
- intrusive on public space
- impact pedestrians
- obscure line of sight
- hazard to traffic and pedestrians
- the need for adding additional advertising in LGA
- lose public amenity
- undo good place-making work done in Ernest Place

MATTERS FOR CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), are assessed under the following headings:

Roads Act 1993

Pursuant to Section 7(4) of the Roads Act 1993, local Councils are the road authority for all public roads except for freeways, Crown roads, or any other public road declared to have another authority. Accordingly, Council can grant owners consent and are the consent authority for the subject proposal.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

Under Chapter 2 of this SEPP, the proposed development meets the aims and objectives of the SEPP because the application does not involve clearance of existing native vegetation and would have no material impacts on vegetation in the vicinity of the subject site.

Chapter 6 - Water Catchment

The proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's location not being in close proximity to the Harbour. As such, the development is acceptable having regard to the provisions contained within the SEPP.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is not mapped as being within the Coastal Environment Area as such the provisions of the SEPP do not apply.

Chapter 4 Remediation of Land

The provisions of Chapter 4 of the Policy require Council to consider the likelihood of land contamination and any remediation necessary to rehabilitate the site. Council's records indicate that the site has been used for the purposes of a pavement within the road reserve, as such is unlikely to contain any contamination; therefore, the requirements of SEPP have been satisfactorily addressed.

SEPP (Transport & Infrastructure) 2021

The proposal is considered acceptable having regard to Clause 2.119 development with frontage to classified road, of the SEPP (former clause 101 of SEPP (Infrastructure 2007) as there is no adverse impact on the safety, efficiency and ongoing operation of Military Road. In addition, TfNSW has provided concurrence to the proposal, subject to conditions which are included later in the condition set.

SEPP (Industry and Employment) 2021

Chapter 3 Advertising and signage

The communication panel is defined as a form of '*freestanding advertisement*' which is defined in the Industry and Employment SEPP as follows:

"Freestanding advertisement means an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports."

Clause 3.8 (Prohibited advertisements)

Clause 3.8 of the SEPP (Industry and Employment) identifies land use zones within which the display of advertisements is prohibited. The proposed advertising panel is not located within any of the listed prohibited zones. Accordingly, the display of an advertisement at this site is permissible with consent.

Clause 3.11 Matters for consideration

The SEPP (Industry and Employment) prevents a consent authority from granting development consent to display an advertisement unless the consent authority is satisfied that the signage is consistent with the objectives of Chapter 3 and satisfies the assessment criteria specified in Schedule 5 of the SEPP.

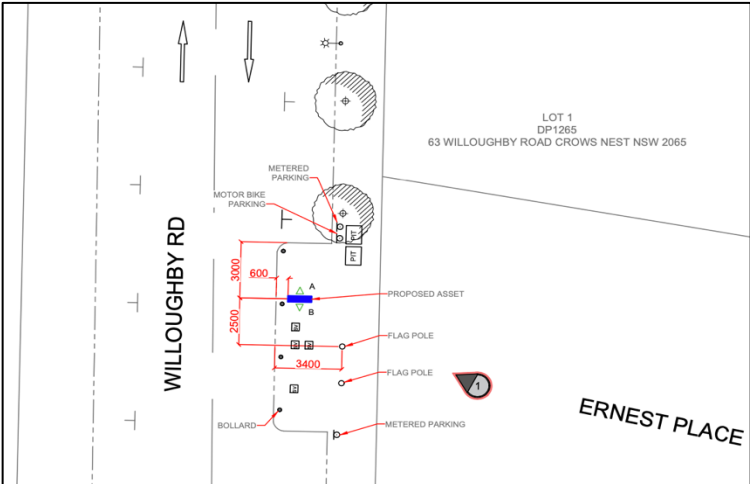
The proposal fails to be consistent with the objective of Chapter 3 Clause 3.1(1)(a)(i) of the SEPP for the following reasons:-

- 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.

The table below provides an assessment against Schedule 5 of the Industry and Employment SEPP.

Criteria	Comment	Comply
<p>1 Character of the Area <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i></p>	<p>The proposal advertising panel is not considered to be consistent with the existing particular theme for outdoor advertising within the Crows Nest Village, nor is it compatible with the existing and desired further character of the immediate area / public domain and heritage context.</p>	No
<p>2 Special Areas <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i></p>	<p>The panel is located 8m from the heritage listed Northside Baptist Church.</p> <p>The proposed advertising panel will detract from the amenity or visual quality of the surrounding heritage item and is not supported by the heritage officer.</p>	No
<p>3 Views and Vistas <i>Does the proposal obscure or compromise important views?</i> <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i> <i>Does the proposal respect the viewing rights of other advertisers?</i></p>	<p>The proposed advertising panel is considered to compromise or obscure important views and vistas towards the heritage item and reduce the quality of those vistas.</p>	No

<p>4 Streetscape, Setting or Landscape <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i> <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i> <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i> <i>Does the proposal screen unsightliness?</i> <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i> <i>Does the proposal require ongoing vegetation management?</i></p>	<p>The proposed location of the advertising panel is considered to be inappropriate.</p> <p>The existing signage in the surrounding areas predominately comprises business identification signage and tenancy advertisements on commercial buildings, some of which is illuminated. Notably existing signage is limited to building facades.</p> <p>The freestanding advertising panel in close proximity to the heritage item as well as the public open space detracts from the streetscape and open space setting.</p> <p>It is considered that in its proposed location the proposal will create visual clutter and reduce the quality of vistas towards the heritage item and open space in general.</p>	<p>No</p>
<p>5 Site and Building <i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i> <i>Does the proposal respect important features of the site or building, or both?</i> <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i></p>	<p>The free standing advertising panel in proximity to the heritage item as well as the public open space detracts from the streetscape and open space setting.</p> <p>The proposed advertising panel will detract from the characteristics of the open space and detract from the amenity or visual quality of the surrounding heritage item.</p>	<p>No</p>
<p>6 Associated Devices and Logos with Advertisements and Advertising Structures <i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i></p>	<p>No safety devices, platforms, or lighting devices are proposed. A JCDecaux logo is proposed in a discreet location at the bottom of the advertising screen and complies with Clause 3.18 – see below.</p>	<p>Yes</p>

<p>7 Illumination</p> <p><i>Would illumination result in unacceptable glare?</i></p> <p><i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i></p> <p><i>Would illumination detract from the amenity of any residence or other form of accommodation?</i></p> <p><i>Can the intensity of the illumination be adjusted, if necessary?</i></p> <p><i>Is the illumination subject to a curfew?</i></p>	<p>The proposed advertising panel is located within a mixed use area of Crows Nest. The area has a high level of existing night-time lighting, with light spill from buildings, illuminated signage, streetlighting and vehicles contributing to the local environment.</p> <p>The proposed advertising panel will comply with the relevant lighting criteria outlined in the NSW Transport Corridor Outdoor Advertising and Signage Guidelines and AS4282- 2019 Control of the Obtrusive Effects of Outdoor Lighting – as demonstrated in the Illumination Assessment Report and concurred with by Council’s Environmental officer.</p> <p>The AS4282 assessment involves reviewing the nearby residential dwellings and calculating the likely amount of illuminance (measured in Lux) that the properties are likely to receive from the signage during night-time operation. It is concluded that the site is compliant with the lighting limits.</p> <p>Accordingly, the advertising panel will not result in unacceptable glare. The proposed signage will also 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.</p> <p>The panel is comprised of illuminated LEDs installed within the faces to display content. The brightness of the LEDs shall be controlled automatically to provide upper and lower thresholds, via a light sensor to adjust to the ambient lighting conditions.</p> <p>As concluded in the Lighting Impact Assessment, the proposed structure complies with the limits required during curfewed operation under AS4282. As such no additional illumination curfew is required.</p> <p>Any illumination impacts caused to road users can be managed via condition.</p>	<p>Yes</p>
<p>8 Safety</p> <p><i>Would the proposal reduce the safety for any public road?</i></p> <p><i>Would the proposal reduce the safety for pedestrians or bicyclists?</i></p> <p><i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i></p>	<p>The Road Safety Assessment assesses the proposed panel in relation to the potential distraction to drivers, potential impact on pedestrians, and general findings. The RSA assesses the impacts of the communication panel against relevant criteria and provisions of:</p> <ul style="list-style-type: none"> • Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017); and • North Sydney Development Control Plan 2013.  <p>Figure 4: Location of advertising panel</p> <p>Pedestrian Sight Lines</p>	<p>No</p>

	<p>The proposed panel is located at the end of the Ernest Place on a kerb that extends adjacent to the vehicular parking lane. The kerb extension acts as an informal pedestrian crossing for pedestrians travelling between Ernest Place and the western side of Willoughby Road.</p> <p>The Road Safety Assessment assesses notes that pedestrians walking westbound out of Ernest Place to cross Willoughby Road will have their sight lines of southbound travelling vehicles obscured by the proposed panel. <i>“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”.</i></p> <p>The Road and Safety Assessment Report recommends:- <i>“relocate the proposed communication panel a minimum of 2.5m from the kerb to allow for adequate pedestrian sight lines to oncoming traffic.</i></p> <p>Unfortunately locating the panel further away may resolve sightlines but will render the panel even closer to the heritage listed church as well as the public open space (Ernest Place) and outdoor dining areas. It would also reduce pedestrian footpath widths and be in direct conflict with pedestrian path of travel.</p> <p>Accordingly, the site is not considered suitable for the proposed advertising panel.</p> <p>Motorist Sight Lines Willoughby Road is generally a straight road in this location and does not have any significant decision points on approach to the proposed panel. The major display side of the panel faces southbound traffic and is generally obscured by parked cars on approach. Therefore, the proposed panel will not adversely impact a driver travelling along Willoughby Road.</p> <p>Sight Lines for Motorcycle Parking Zone A motorcycle parking zone is located immediately to the north of the proposed panel which has the potential to block the sight lines for motorcyclists to oncoming northbound traffic when leaving the parking space. The sight lines available are presented in Figure 4 and Figure 5 of the Road Safety Assessment. It shows that a motorcyclist would be able to see to the raised pedestrian crossing which is located approximately 40m to the south while still within the parking lane. It is expected that northbound traffic would travel slowly over the raised pedestrian crossing such that 40m of sight line is sufficient for a motorcyclist to safely observe gaps in approaching traffic.</p> <p>It is considered that the panel has the potential to obscure pedestrian line of sight, resulting in pedestrians potentially stepping onto the road without realising a vehicle is traveling southbound. Accordingly, the location of the panel is not supported.</p>
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Clause 3.12 duration of consents

Clause 3.12 of SEPP (Industry and Employment) 2021 provides that development consents issues under Part 3.3 of the SEPP are time limited in accordance with the following:-

- (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*
 - 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 Chapter.*

A time limited consent is applicable as advertising is proposed. Section 9.6 Restrictions of NSDCP 2013 provision P7 restricts consents for advertising signs for a maximum of three (3) years.

A condition of consent can be included limiting the display of the advertising panel to 3 years consistent with the NSDCP 2013 should the application be worthy of support.

Division 3 Particular advertisements

Clause 3.18 Location of certain names and logos

This clause provides that the name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area and not greater than 0.25 sqm.

The JCDecaux logo at the bottom of the advertising panel is measured at 200mm x 40mm totalling 0.008sqm, complying with Clause 3.18 – refer to **Figure 6**.



Figure 5: Perspective of JCDecaux logo

Freestanding Advertisements

Clause 3.21(1) of the SEPP applies to 'freestanding advertisements' and provides that the consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures, or tree canopies, when viewed from ground level.

The proposal is compliant with Clause 3.21(1) in that the advertising panel is located at street level and does not protrude above the dominant skyline.

Transport Corridor Outdoor Advertising and Signage Guidelines

The Transport Corridor Outdoor Advertising and Signage Guidelines (the Guidelines) outline the best practice for the planning and design of outdoor advertisements in transport corridors in relation to format, size, and mode of signs.

The Guidelines complement the provisions of Chapter 3 of the Industry and Employment SEPP.

The table below allows for an assessment of the proposed advertising structure against the General requirements for signage under the Guidelines.

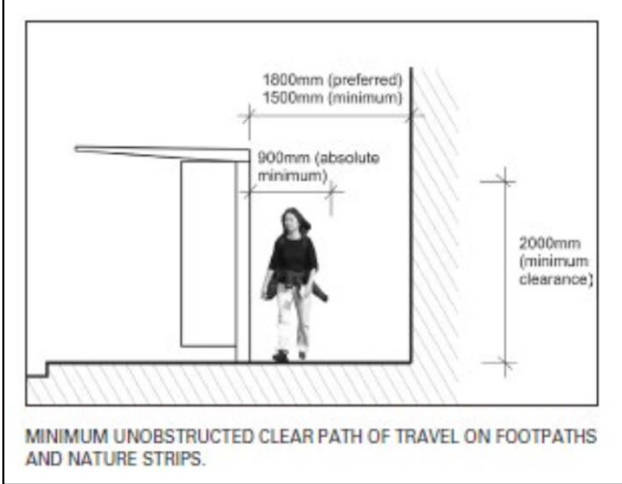
Criteria	Comment	Complies
Section 1 Land Use Compatibility Criteria – Transport Corridor Advertising		
<i>The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.</i>	The proposed advertising panel is located within the MU1 Mixed Use Zone. The proposal is consistent with the commercial intent and objectives of this zone.	Yes
<p><i>Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:</i></p> <ul style="list-style-type: none"> • <i>Environmentally sensitive area</i> • <i>Heritage area (excluding railway stations)</i> • <i>Natural or other conservation area</i> • <i>Open space (excluding sponsorship advertising at sporting facilities in public recreation zones)</i> • <i>Waterways</i> • <i>Residential areas (but not including a mixed residential and business zone, or similar zones)</i> • <i>Scenic protection area</i> • <i>National park or nature reserve</i> 	The site is located within proximity to a Heritage Item (although not a heritage Conservation area) as well as open space (Ernest Place).	No

<p>Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.</p>	<p>The advertising panel allows for a maximum height of 2.755m above footpath level. It does not protrude above the skyline however it is considered to compromise or obscure important views and vistas towards the heritage item and reduce the quality of those vistas.</p>	<p>No</p>
<p>Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance</p>	<p>The proposed advertising panel will detract from the amenity and visual quality of the surrounding heritage item and is not supported by the heritage officer.</p>	<p>No</p>
<p>Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspect of a landscape, industrial sites or infrastructure such as railway lines or power lines.</p>	<p>The advertising panel is located within the context of heritage item and public open space of Ernest Place. The Panel is not considered to be consistent with the context of the surrounding open space.</p>	<p>No</p>
<p>Chapter 2 Design Issues 2.5 Site Specific Structural Criteria</p>		
<p>The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.</p>	<p>The advertising panel will be constructed of high-quality and durable materials and finishes, being:</p> <ul style="list-style-type: none"> • Laminated glass screens; • Extruded aluminium frames; and • Stainless steel panels (powder-coated). <p>The communication panel incorporates modern and interactive touch screen technology showcasing design excellence and high spec innovation.</p>	<p>Yes</p>
<p>The advertising structure should be compatible with the scale, proportion and other characteristics of the site, building or structure on which the proposed signage is to be located.</p>	<p>The design of the advertising panel is not considered to be compatible with the existing context of open space characteristics and it will be a visual intrusion to the setting of the heritage item.</p>	<p>No</p>
<p>The advertising structure should be in keeping with important features of the site, building or bridge structure.</p>	<p>The proposed advertising panel is considered to distract from important features of the surrounding environment.</p>	<p>No</p>

The placement of the advertising structure should not require the removal of significant trees or other native vegetation	The proposal does not require the removal of significant trees or other native vegetation.	Yes
The advertisement proposal should incorporate landscaping that complements that advertising structure and is in keeping with the landscape and character of the transport corridor.	The proposed advertising panel will be installed within road reserves (hardstand paving) and therefore will not incorporate landscaping.	Yes
Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed	The electronic display screen is equipped with integrated safety devices to monitor power loss; as well as in-built light adjustment sensors to adjust brightness. These are an integral part of the structure.	Yes
Illumination of advertisements must comply with the requirements of Section 3.3.3	The proposal is capable of achieving compliance with Section 3.3.3 of the Guidelines as demonstrated in the Lighting Impact Assessment report.	Yes
Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The Lighting Impact Assessment concludes that the signage is capable of compliance with relevant illumination levels to avoid adverse light spillage.	Yes
2.5.4 Freestanding Advertisements Criteria		
The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1km.	The advertising panel does not protrude above the skyline or surrounding building heights, nor will it protrude over any vegetation surrounding the sign. When viewed from ground level within a visual catchment of 1km, the structure will not protrude above any dominant skylines, including any buildings, infrastructure, or tree canopies.	Yes
For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.	Not applicable as the panel does not exceed 45sqm in size.	N/A

<p>Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts.</p>	<p>The proposal is not located within a transport corridor but rather adjoining a local road.</p>	<p>Yes</p>
<p>2.5.8 Digital Signs</p>		
<p>Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d).</p>	<p>The content will be static with a dwell time of 10 seconds per image.</p>	<p>Yes</p>
<p>Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.</p>	<p>Conditions of consent can be imposed to not include complex displays including text and information that may hold a drivers attention beyond “glance appreciation”, should the application be worthy of support.</p>	<p>Yes</p>
<p>The image must not be capable of being mistaken:</p> <ul style="list-style-type: none"> • For a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patters that may result in the advertisement being mistaken for a prescribed traffic control device. • As text providing driving instructions to drivers. 	<p>Conditions of consent for the display to not resemble traffic control devices can be included should the application be worthy of support.</p>	<p>Yes</p>
<p>Dwell times for image display must not be less than:</p> <ul style="list-style-type: none"> • 10 seconds for areas where the speed limit is below 80 km/h • 25 seconds for areas where the speed limit is 80 km/h and over. 	<p>The proposed advertising panel will have a dwell time of 10 seconds per image and an instantaneous transition time of less than or equal to 0.1 second.</p>	<p>Yes</p>

<p>The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.</p>	<p>The panel allows for an instantaneous transition time of less than or equal to 0.1 seconds.</p>	<p>Yes</p>
<p>Luminance levels must comply with the requirements in Section 3 below.</p>	<p>Refer to Section 3 below.</p>	<p>Yes</p>
<p>The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.</p>	<p>Conditions of consent can be included to limit colouring or flickering / flashing content should the application be worthy of support.</p>	<p>Yes</p>
<p>The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).</p>	<p>Conditions of consent consistent limiting the amount of text can be imposed should the application be worthy of support.</p>	<p>Yes</p>
<p>Any sign that is within 250m, of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.</p>	<p>The proposed advertising panel is not within 250m of a school zone.</p>	<p>N/A</p>
<p>2.5.10 Residential amenity</p>	<p>To determine if the proposed digital advertising panel complies with the Vertical Illuminance limit the lighting impact assessment calculated the Residential Exclusion Zone (REZ) as per AS4282 – as per Appendix D of the ElectroLight report. As no residential properties fall within the identified REZ no curfew operations are required and the panel will not cause unreasonable residential amenity impacts.</p>	<p>Yes</p>
<p>Section 3 Advertisement and road Safety</p>		
<p>3.2 Sign location criteria</p>		
<p>Additional road clearance criteria for footpath/nature strip signs: To ensure adequate clearance for pedestrian and wheel chair access, the sign must be positioned so that an absolute minimum envelope of 900mm x 1800mm x 2000mm (clearance) of unobstructed clear path of travel is maintained for the entire length of the advertising structure (see figure below).</p>	<p>The panel is to be located on an isolated area of the footpath more than 1.9m width and a clearance of more than 2m with no awning above.</p>	<p>Yes</p>

	 <p style="text-align: center;">Figure 6: Road clearance criteria Source: Transport corridor guide p.38</p>	
<p>3.2.2 Line of sight 3.2.3 Proximity to decision making points and conflict points 3.2.4 Sign spacing</p>	<p>Willoughby Road is generally a straight road in this location and does not have any significant decision points on approach to the proposed communication panel. The panel will not impact or obstruct the required driver sight lines.</p> <p>However pedestrians walking westbound out of Ernest Place to cross Willoughby Road will have their sight lines of southbound travelling vehicles obscured by the proposed communications panel.</p>	<p>No</p>
3.3 Sign Design and Operation Criteria		
<p>Dwell time and transition time Dwell time for image display must not be less than:</p> <ul style="list-style-type: none"> • 10 seconds for areas where the speed limit is below 80km/h. • 25 seconds for areas where the speed limit is 80km/h and over. 	<p>Dwell time of 10 seconds per image.</p>	<p>Yes</p>
<p>The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.</p>	<p>Instantaneous transition time of less than or equal to 0.1 second.</p>	<p>Yes</p>
<p>Illumination and reflectance Luminance levels must comply with the requirements in Table 6</p>	<p>The lighting impact assessment accompanying the application demonstrate compliance with Table 6 – Refer to State Environmental Planning Policy (Industry and Employment) 2021 Schedule 5 - Clause 7 Illumination within the body of this report.</p>	<p>Yes</p>

North Sydney LEP 2013

1. Permissibility

The subject site is zoned B4 Mixed Use (now MU1) under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) – refer to **Figure 7**.

The proposal is defined as an ‘advertising structure’ which is a form of ‘signage’ pursuant to Clause 1.4 of the NSLEP 2013.

NSLEP 2013, defines the relevant terms as follows:-

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of signage—see the definition of that term in this Dictionary.

Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
 - (b) a building identification sign,
 - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

Signage is listed as a permissible use with consent under the MU1 Mixed Use zone.



Figure 7: MU1 Mixed Use



Figure 8: Heritage Map

2. MU1 Mixed Use Zone Objectives

The objectives of the MU1 zone are:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The development generally satisfies the objectives of the MU1 zone as it allows for interactive information and communication infrastructure that is compatible with the diversity of existing uses.

3. Provisions of NSLEP 2013

The application has been assessed against the relevant numeric controls in NSLEP 2013 and DCP 2013 as indicated in the following compliance tables.

Clause	Proposed	Complies
Clause 4.3 Height of buildings Surrounding premises = 40m	The proposed panel has a maximum height of 2.755m	Yes
Clause 4.4 FSR	N/A	N/A
Clause 5.10 Heritage Conservation	<p>The proposed site of the proposed advertising panel is not heritage listed however it is located within the vicinity of a heritage item – refer to Figure 6.</p> <p><i>The proposed advertising pillar will be a visual intrusion to the setting of the heritage item, particularly when brightly coloured content and/or dynamic advertising is displayed. It will draw attention away from the heritage facades and the established character of Ernest Place as a community place.</i></p> <p><i>The advertising pillar and its associated content will render the streetscape less authentic and subject to commercialism. Heritage items have a sense of reliability, trustworthiness and constancy. This contrasts the very nature of advertising which is used to typically promote products that are of a transient nature such as fast fashion and fast food. Advertising in the context of the heritage listed church will therefore detract from the established character of Ernest Place.</i></p> <p>For these reasons, the proposal does not satisfy clause 5.10 of NSLEP 2013</p>	No

4. North Sydney DCP 2013

The North Sydney Development Control Plan (**DCP**) sets out detailed design controls that apply to the proposed advertising structure.

Specifically, Section 9 of the DCP addresses controls and services for signage and advertising in the LGA.

DEVELOPMENT CONTROL PLAN 2013 – Part B		
Section 9- Advertising and Signage		
Control	Comply	Commercial
9.1 General Objectives		
<p><i>O1 is designed, sized and positioned in a consistent manner;</i></p> <p><i>O2 does not detract from significant views, vistas and sensitive streetscapes;</i></p> <p><i>O3 adds character to the streetscape and complements the architectural style and use of buildings;</i></p> <p><i>O4 minimises visual clutter or environmental degradation through proliferation;</i></p> <p><i>O5 minimises the potential for adverse impacts on sky glow from the illumination of signs;</i></p> <p><i>O6 conveys the advertiser’s messages or images without causing an adverse social impact upon the community; and</i></p> <p><i>O7 Minimises impacts upon the safety of drivers and pedestrians.</i></p>	No	<p>The proposed freestanding advertising panel is considered to detract from significant views and vistas toward the sensitive heritage listed building failing to satisfy O2.</p> <p>The freestanding advertising panel fails to compliment the architectural style of the heritage listed building inconsistent with O3.</p> <p>Moreover, it has the potential to adversely impact on sightlines for pedestrians failing to satisfy O7.</p>
9.4 General Controls – Design Scale and Size		
<p>P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.</p> <p>P7 Signage must not dominate the skyline or protrude above any parapet or eaves.</p> <p>P8 Signage must not cover any window, other opening or significant architectural features of the building.</p> <p>P10 Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.</p>	Yes	<p>The proposed freestanding digital advertising panel is not attached to a building; rather it will be installed within the road reserve of Willoughby Road.</p> <p>The size and dimensions of the panel is not considered to dominate the skyline or protrude above any parapets or eaves. The proposed advertising panel does not cover any windows, openings, or any other significant architectural features of any surrounding buildings.</p> <p>When viewed from the ground level within a visual catchment of 1km, the structure will not protrude above the dominant skylines.</p>

9.5 Location		
<p>P2 The preferred location for signage is identified in the relevant character statement in Section 9.2.</p> <p>P3 Signage should be located such that they do not unreasonably obstruct accessible paths of travel for pedestrians.</p> <p>P4 Signage should be located such that they do not obscure a driver's or pedestrian's sightlines, especially in the vicinity of intersections, traffic control devices or driveways.</p> <p>P5 Provide signs that respect the viewing rights of other advertisers</p>	No	The proposed advertising panel is located such that it will obscure pedestrian's sightlines inconsistent with P4 and it is considered inconsistent in the context of the heritage listed church, detracting from the established character of Ernest Place.
Section 9.6 Restrictions		
<p><i>P1 Signage, other than exempt development, business identification signage or building identification signage is not permitted in the following areas:</i></p> <p><i>(a) Residential zones (R2, R3 and R4 zones),</i></p> <p><i>(b) E2 - Environmental Conservation zone,</i></p> <p><i>(c) RE1 - Recreational Area zone,</i></p> <p><i>(d) RE2 – Private Recreation zone, and</i></p> <p><i>(e) Heritage conservation areas</i></p>	Subject to Condition	The proposed panel is not located within a residential zone; Environmental Conservation zone; Recreational area zone; Private recreational zone or a heritage conservation zone
<p><i>P6 Where provided, the name or logo of the person who owns or leases an advertisement must be integrated into the advertising display area and not exceed 0.25m2 in area.</i></p>	Yes	The JCDecaux logo measures 0.008sqm complying with P6.
<p><i>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</i></p>	Subject to condition	Should the application be considered worthy of support and approved, a condition of consent would be included limiting the display of the advertising panel to 3 years consistent with P7 of the NSDCP 2013.

Section 9.7 Content		
<p>O1 To minimise the social impact of advertising in the public interest.</p> <p>P1 All advertising must comply with the requirements of the Australian Association of National Advertisers' Code of Ethics and Outdoor Media Association's Code of Ethics.</p>	Yes	<p>The proposal is consistent with the commercial nature of the locality and adjoining sites.</p> <p>The proposed signage does not result in major social impacts. The proposed signage complies with the Australian Association of National Advertisers Code of Ethics and Outdoor Media Association's Code of Ethics and thus complies with Provision 1.</p>
Section 9.8 Pedestrian and Road Safety		
<p>O1 To ensure that signage does not adversely affect driver and pedestrian safety</p>	No	<p>The panel is not considered to satisfy the assessment criteria of Schedule 5 of the Industry and Employment SEPP (specifically criteria 8 Safety – refer to assessment above within this report).</p>
Section 9.10 Illumination		
<p>O1 To ensure that the local amenity is preserved with appropriate levels of illumination.</p>	Yes	<p>The Lighting Impact Assessment assesses the proposed communication panel against AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting. The AS4282 assessment involves reviewing the nearby residential dwellings and calculating the likely amount of illuminance (measured in Lux) that the properties are likely to receive from the signage during night-time operation.</p> <p>It is concluded that the proposal can comply with the lighting limits.</p>
Section 9.11 Controls for Specific sign types (Freestanding Advertising Panels)		
<p>P14 Limited to land within the North Sydney Centre as identified by NSLEP 2013</p>	No	<p>The proposed advertising panel is not located within the North Sydney Centre failing to satisfy O1 having an adverse impact on the quality of vistas towards the heritage item and the adjoining public open space streetscape.</p>
<p>P15 Min. setback of 600mm to kerb line of any road</p>	Yes	<p>The panel is setback 600mm from the kerb.</p>
<p>P16 Must maintain a minimum unobstructed width of 2m across any footpath along the Pacific Highway and Miller Street and 1.5m on any other street or laneway.</p>	Yes	<p>The panel allows for an unobstructed width of 1.9m across the footpath.</p>
<p>P17 Not located: (a) on kerb blisters; (b) Within 10m of an unsignalised intersection, of the departure side of a marked pedestrian crossing or pedestrian refuge; and (c) Within 20m of a signalised intersection, the approach to a marked pedestrian crossing or pedestrian refuge, a bus zone, the entrance of a railway station, reported pedestrian accident.</p>	No	<p>The panel is located on a kerb blister.</p>

<p>P18 A minimum clearance of 900mm is maintained between any freestanding advertising structure and trees and garden plots, public seating, rubbish bins, bicycle hoops, parking signs, parking meters and power poles.</p>	<p>Yes</p>	<p>The panel is located in excess of 3m from the nearest street tree according to the plans. The panel is also a minimum of 900mm from existing parking signs.</p>
<p>P19 Freestanding advertising structures are not be located in front of any ground floor business premises tenancy capable of being used for a food and drink establishment with any associated outdoor dining area.</p>	<p>Yes</p>	<p>The panel is not located in front of a ground floor business premises /tenancy that is capable of being used for a food and drink establishment with any associated outdoor dining area.</p>
<p>P20 Freestanding advertising structures are not permitted to be located directly on that part of a footpath located directly adjacent to a heritage item.</p>	<p>No</p>	<p>The panel is located directly on that part of the footpath located directly adjacent to a heritage item.</p>
<p>P24 Any such advertising on publicly owned land must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.</p>	<p>No</p>	<p>It is considered that the proposed advertising panel could provide for public benefit in that the 'live touch interface' digital screen is capable of displaying community advertising, Council content, public transport information, and local points of interest.</p> <p>The Panel also includes a public emergency messaging system which can display messages regarding road safety for vehicles and pedestrians or other public awareness matters.</p> <p>The proposed panel is commensurate with the design and operational expectations and requirements of environmentally sustainable public connectivity infrastructure in established urban locations.</p> <p>However its location in proximity to the public open place will have an adverse impact on the character of Ernest Place and will diminish its public benefit.</p>
<p>P25 The display area of a message on a freestanding advertising panel is limited 1.2m wide x 2.0m in height.</p>	<p>Yes</p>	<p>Side A = 930mm x 1.65m Side B = 690m x 390mm</p>
<p>P26 Freestanding advertising structures are not to exceed any overall height of 2.6m above existing ground level.</p>	<p>No</p>	<p>The panel measures a total height of 2.75m.</p>
<p>P27 Any cumulative impacts or visual clutter created by the proposed signage.</p>	<p>No</p>	<p>The surrounding area is characterised by building identification signage affixed to building facades.</p> <p>It is considered that the freestanding advertising panel will impact on the visual setting of the heritage item, particularly when brightly coloured content and/or dynamic advertising is displayed. It will draw attention away from the heritage facades and the established character of Ernest Place as a community place.</p>

Part B Section 2 - Commercial and Mixed-Use Development		
B2.2 Function		
Diversity of activities, facilities, opportunities & services	Yes	The proposal does not impact the population in terms of age, gender, household type and size, education, income and employment, including households with children, households on low to moderate incomes, households with aged or disabled persons
B2.3 Environmental criteria		
B2.3.4 Reflectivity		
Reflectivity O1 To minimise the impacts by reflected light and solar reflectivity from buildings on pedestrians and motorists.	Yes	Refer to State Environmental Planning Policy (Industry and Employment) 2021 Schedule 5 - Clause 7 Illumination within the body of this report.
B2.3.5 Artificial illumination		
Artificial illumination O1 To minimise the impact of artificial illumination on the amenity of residents and pedestrians. B3–Commercial Core 1.00am	Yes	Refer to State Environmental Planning Policy (Industry and Employment) 2021 Schedule 5 - Clause 7 Illumination within the body of this report.
B2.4 Quality built form		
Context O1 To ensure that the site layout and building design responds to the existing characteristics, opportunities and constraints of the site and within its wider context (adjoining land and the locality).	No	The subject site is located within the Crows Nest Town Centre. The proposed freestanding advertising panel is not considered to be consistent with the existing particular theme for outdoor advertising within the Crows Nest Village, nor is it compatible with the existing and desired further character of the immediate area. The proposed advertising panel will detract from the characteristics of the open space and detract from the amenity or visual quality of the surrounding heritage item.
B2.4.12 Nighttime appearance		
P2 Decorative elements or prominent architectural features of a building should be illuminated, but only where they do not result in adverse impacts upon nearby residents.	Yes	The proposed new signage will not adversely impact neighbouring residents.
B2.5 Quality Urban Environment		
B2.5.3 Illumination		
O1 To ensure the safety of pedestrians in the public domain after dusk.	Yes	Refer to State Environmental Planning Policy (Industry and Employment) 2021 Schedule 5 - Clause 7 Illumination within the body of this report.

PART C LOCALITY STATEMENTS

Crows Nest Town Centre

Ernest Place is identified as a community identity / icon within Crows Nest. The subject site directly adjoins Ernest Place as well as the heritage listed Northside Baptist Church.

Existing signage in Crows Nest is limited to small scale business identification signs (under awnings; facias and projecting walls signs). The proposed freestanding advertising panel is not considered to be consistent with the existing particular theme for outdoor advertising within the Crows Nest Village, nor is it compatible with the existing and desired further character of the immediate area. The proposed advertising panel will detract from the characteristics of the open space and detract from the amenity or visual quality of the surrounding heritage item.

It is considered not to satisfy Section 3.2.2.3 Public spaces and as it fails to allow for facilities P1(d) which improve the public domain in accordance with Councils public domain style manual and design codes.

SECTION 7.12 CONTRIBUTIONS

Section 1.3.2 of North Sydney Local Infrastructure Contributions Plan 2020 sets out what development which is exempted from the need to pay a contribution under the plan. This includes development with a cost of less than \$100,000.00. As the cost of work is only \$50,000.00 no contribution is payable.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping / Open Space Provision	N/A
5. Traffic generation and Car parking provision	N/A
6. Loading and Services Facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	N/A
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The issues raised by the submissions are summarised below and addressed with planning comments:-

- ***Visual clutter***

Comment:

It is considered that in its proposed location the freestanding advertising panel will create visual impact which will reduce the quality of vistas towards the heritage item and open space in general and is recommended for refusal.

- ***Detracting from the character of the Cross Nest village***

Comment

The proposal panel is not considered to be consistent with the existing particular theme for outdoor advertising within the Crows Nest Village, nor is it compatible with the existing and desired further character of the immediate area. Accordingly, the application is not supported and recommended for refusal.

- ***Blight on public open space***
- ***Lose public amenity***
- ***Undo good place-making work done in Ernest Place***

Comment:

The free standing advertising panel in proximity to the heritage item as well as the public open space detracts from the streetscape and open space setting. It will draw attention away from the heritage facades and the established character of Ernest Place as a community place and is not supported.

- ***Disruptive to pedestrians***
- ***Risk of impeding the movement of pedestrians***

Comment

The panel has the potential to obscure pedestrian line of sight, resulting in pedestrians potentially stepping onto the road without realising a vehicle is traveling southbound. Accordingly, the location of the panel is not supported.

- ***Risk distracting to motorist***
- ***Adverse road safety impacts***
- ***Potential to distract attention of motorists***

Comment

The application is accompanied by a Roads Safety Assessment outlining compliance with the relevant criteria for potential distraction to drivers. Refer to the assessment criteria specified in Schedule 5 of the Industry and Employment SEPP within the body of this report.

- ***None of the photo renditions features anything in connection with the local community***
- ***Lack of community benefit***
- ***Unwanted private advertising***
- ***Need for such a structure***
- ***Proposal is totally unnecessary***

Comment

Refer to public benefit within the body of this report. In summary the proposed location of the freestanding digital advertising panel is not considered to have an overall public benefit and is recommended for refusal.

SITE SUITABILITY

The proposed development detracts from the significance of the adjoining heritage listed building and surrounding streetscape and public open space setting.

Unfortunately locating the panel further away may resolve sightlines but will render the panel even closer to the heritage listed church as well as the public open space (Ernest Place) and outdoor dining areas. It would also then be in direct conflict with pedestrian direct path of travel.

As such the application is considered not suitable for the site, contrary to Section 4.15(c) of the EP&A Act.

HOW THE COMMUNITY VIEWS WERE TAKEN INTO CONSIDERATION

The application was notified in accordance with the Council Community Engagement Protocol from 21 April 2023 until 19 May 2023. The application is to be referred to the North Sydney Local Planning Panel given the potential contention surrounding public benefit.

PUBLIC INTEREST

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).

CONCLUSION AND REASONS

The proposed application has been assessed against the *SEPP (Industry and Employment) 2021* as well as the *transport corridor outdoor advertising and signage guidelines*; *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan 2013* and other relevant State Planning Policies and found to be unsatisfactory having regard for the land use compatibility criteria and safety concerns.

The proposed freestanding advertising panel is considered to detract from significant views and vistas toward the adjoining heritage listed Northside Baptist church, moreover it fails to compliment the architectural style of the heritage listed building.

The free standing panel detracts from the adjoining streetscape and public open space setting inconsistent with the established character of Ernest Place as a community place.

In addition, the panel has the potential to obscure pedestrian line of sight, resulting in pedestrians potentially stepping onto the road without realising a vehicle is traveling southbound. Accordingly, the location of the panel is not supported.

Having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended), the proposal is unsatisfactory and is recommended for refusal.

RECOMMENDATION

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

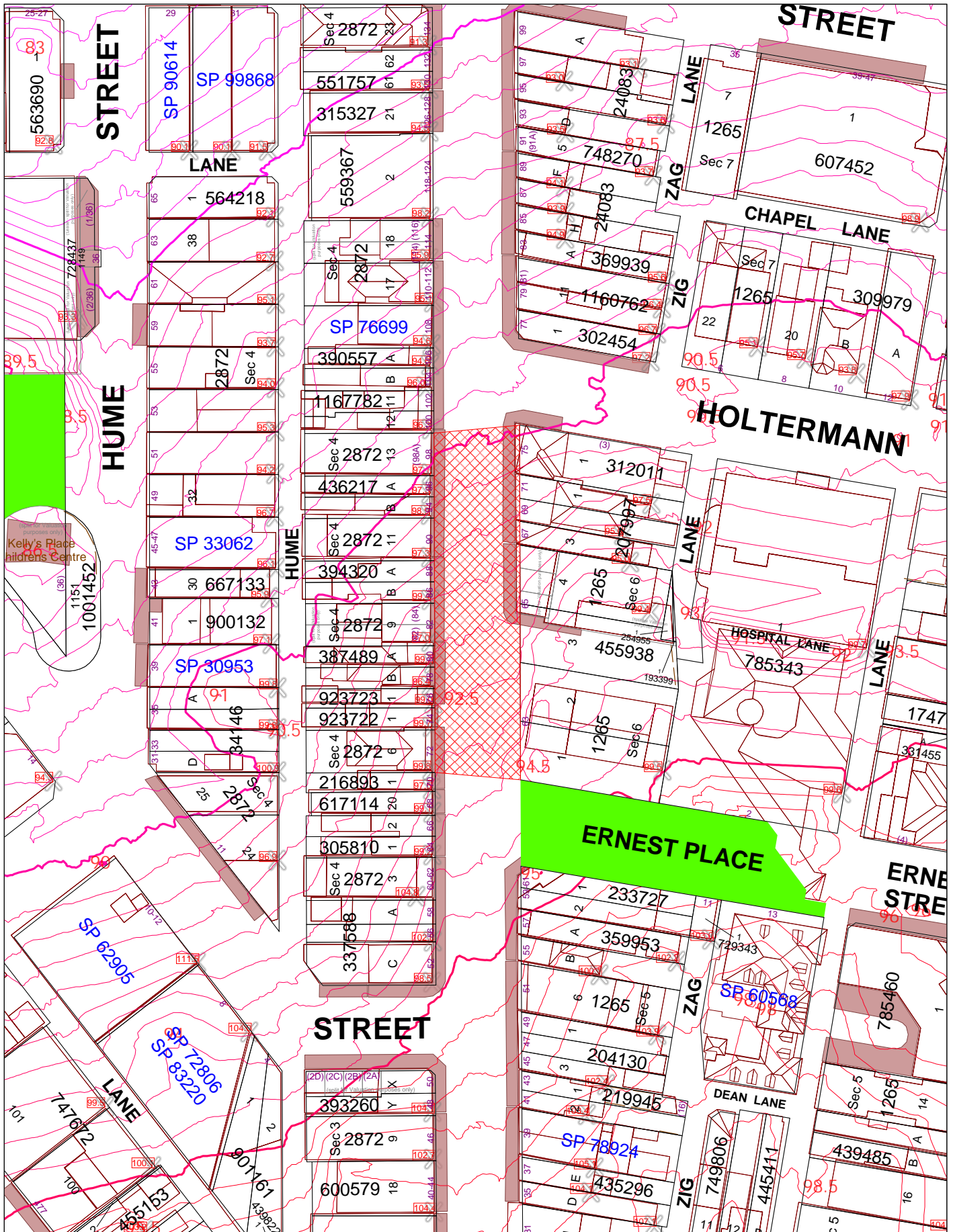
Particulars:

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.

Annelize Kaalsen
INDEPENDENT ASSESSMENT OFFICER

Stephen Beattie
MANAGER DEVELOPMENT SERVICES

This report has been revised for quality and completeness only. The content and recommendation is unchanged to that of the Independent Assessment Officer.



North Sydney Council

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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

Scale: 1:1200 approx.





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JCDecaux

63 Willoughby Rd
Crows Nest



Artist: Brooke Sutton

Acknowledgement of Country

JCDecaux would like to acknowledge the traditional owners of the land the Cammeraygal People and pay our respects to their Elders past, present and emerging.

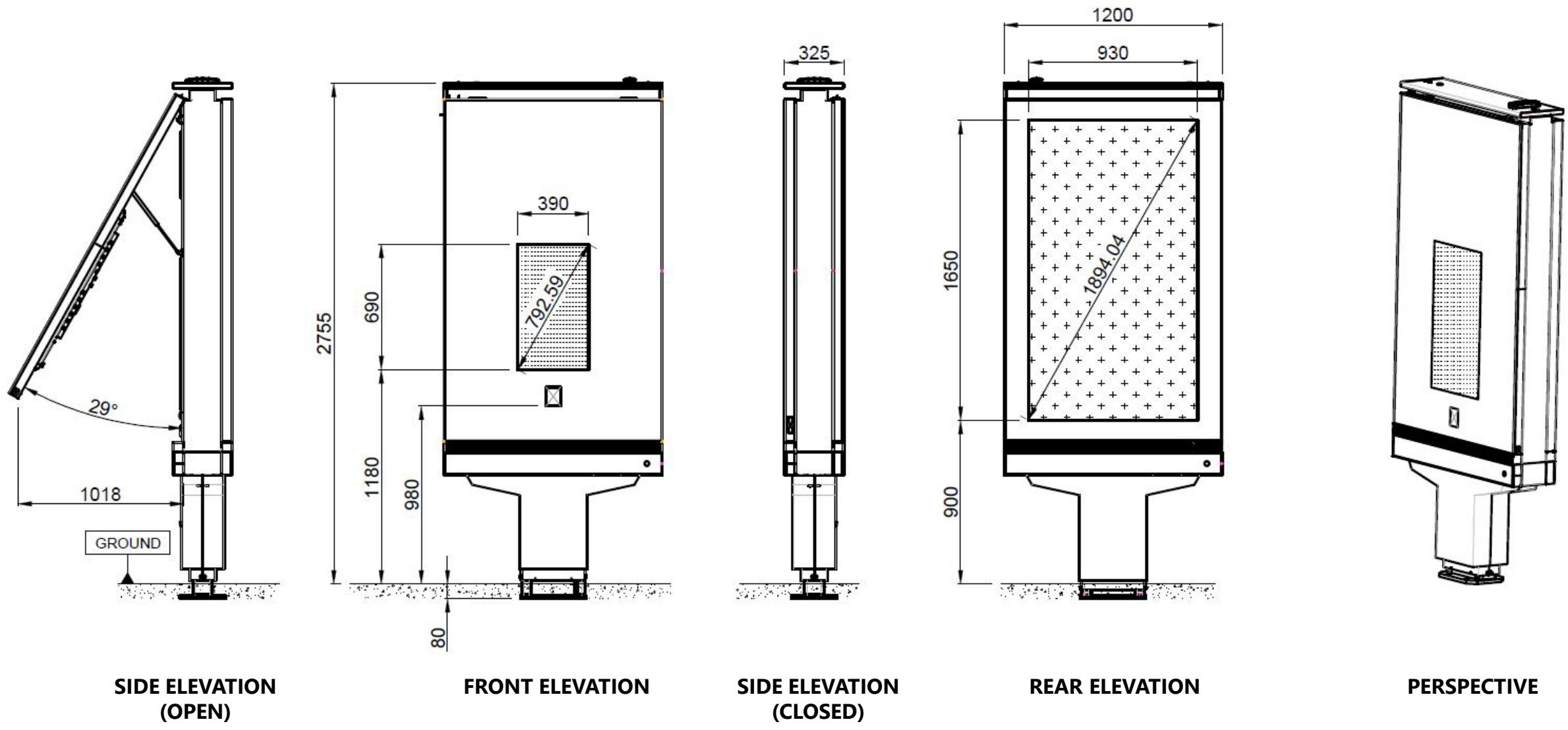


Proposed Asset Location





25 metres and 50 metres radius

- 1 Northside Baptist Church
- 2 Earnest Place
- 3 Crows Nest Community Health Centre
- 4 Retail Shops Fronting Willoughby Road



 DISABLED TOUCH PAD (OPTIONAL)

 32" ELECTRONIC DISPLAY SIDE
(0.27m² VISUAL AREA)

 75" ELECTRONIC DISPLAY SIDE
(1.53m² VISUAL AREA)

Notes: All measurements are in millimeters unless stated otherwise

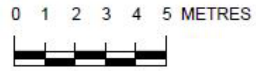
COMMUNICATIONS PANEL



- 1 Laminated glass screens, extruded aluminum frames and stainless steel panels powder-coated with JCD7002 Chain Metal Gris (Grey)
- 2 100% powered by renewable energy, direct or by credits where not available
- 3 Electronic Screen on rear of structure will display third party content
- 4 Electronic screen on rear able to display Emergency Messaging System when triggered by approved authorities.
- 5 32" electronic screen on front of structure will only display Council's Live Touch interface, connecting community to information and events
- 6 Remote monitoring/control of media player, modem and screen functionality
- 7 Glass on both electronic screens are vandal resistant with anti-reflective safety
- 8 Single leg footing cast in fastenings in concrete and replaced public domain
- 9 Designed and manufactured according to ISO 9001, ISO 14001 certifications and Australian Standards

NOTES:

1. CONSTRUCTION TO BE UNDERTAKEN IN ACCORDANCE WITH THE REQUIREMENTS OF AS1428.1-4 DESIGN FOR ACCESS AND MOBILITY.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE.



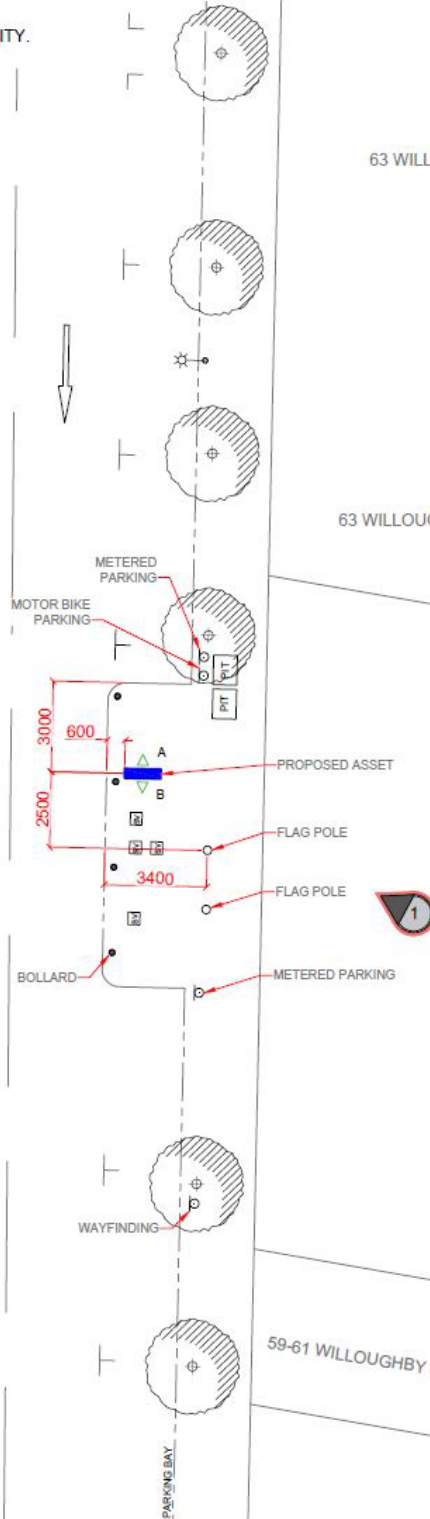
PROPOSED ASSET:

1 X DOUBLE SIDED DIGITAL COMMUNICATIONS PANEL
 SIDE A - DISPLAY ADVERTISING
 SIDE B - DISPLAY COMMUNITY CONTENT

LEGEND:

- STREET PHOTO LOCATION
- PROPOSED ASSET
- DISPLAY DIRECTION
- FIRE HYDRANT
- PROPOSED HARDSTAND
- COMMS PIT
- GAS PIT
- WATER PIT
- POWER PIT
- TRAFFIC LIGHT
- SIGN POST
- STREET LIGHT
- OVERHEAD POLE
- ELECTRIC PILLAR
- DIRECTIONAL TGS
- WARNING TGS
- BERM / NATURE / GARDEN
- TREE

WILLOUGHBY RD



LOT 2
 DP1265
 63 WILLOUGHBY ROAD CROWS NEST NSW 2065

LOT 1
 DP1265
 63 WILLOUGHBY ROAD CROWS NEST NSW 2065

LOT 1
 DP233727
 59-61 WILLOUGHBY ROAD CROWS NEST NSW 2065

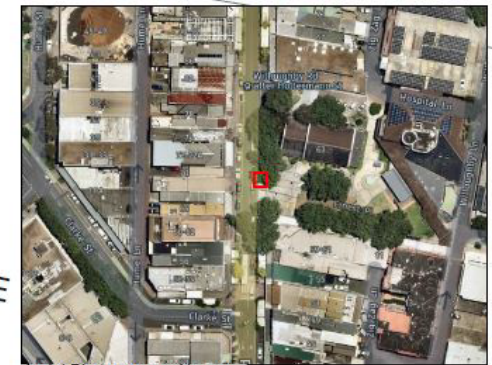
LOT 2
 DP233727

ERNEST PLACE

Proposed Location (red) - Do not scale from Photos



Street Photo source: Google



Aerial Photo source: Nearmap



Existing
South View



Proposed
Third Party Content Advertising



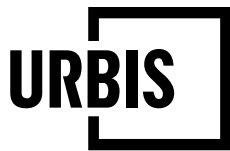
Existing
North View



Proposed
Council's Live Touch Community content

The logo graphic consists of a white L-shaped line that starts with a vertical segment on the left, then turns 90 degrees to the right to form a horizontal segment. The text 'JCDecaux' is positioned to the right of the vertical segment, partially overlapping the horizontal segment.

JCDecaux



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

20 February 2023

Attn: Council Heritage Advisor
North Sydney Council,
200 Miller Street,
North Sydney 2060

To whom it may concern,

HERITAGE IMPACT STATEMENT - CP003 63 WILLOUGHBY ROAD, CROWS NEST

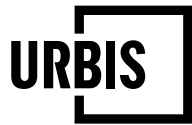
1. BACKGROUND & LOCATION

Urbis has been engaged by JCDecaux to prepare this Heritage Impact Statement for Asset no. CP003, involving a new communications panel on the eastern side of Willoughby Road, located near Ernest Place and to the north of the intersection of Clarke Street, Crows Nest ('subject site'). This application seeks approval for the construction of a new double-sided digital communications panel on the subject site. One side of the panel is proposed to be used for advertising, and the other is designated for community content (council information, maps etc.). The proposal is detailed in Section 6 of this report.



Figure 1 – Aerial imagery of Crows Nest, approximate location of the subject site indicated.

Source: Nearmap, 2022 with Markup by JCDecaux.



2. HERITAGE CONTEXT

The subject site is not a listed heritage item. It is, however, located in close proximity to the following heritage items, as outlined below.

Table 1 – Heritage items in the vicinity

Item name	Address	Listing
Northside Baptist Church	32 Willoughby Road, Crows Nest	North Sydney Local Environmental Plan 2013, I0182

The above heritage context is demonstrated in the New South Wales Planning Portal below.

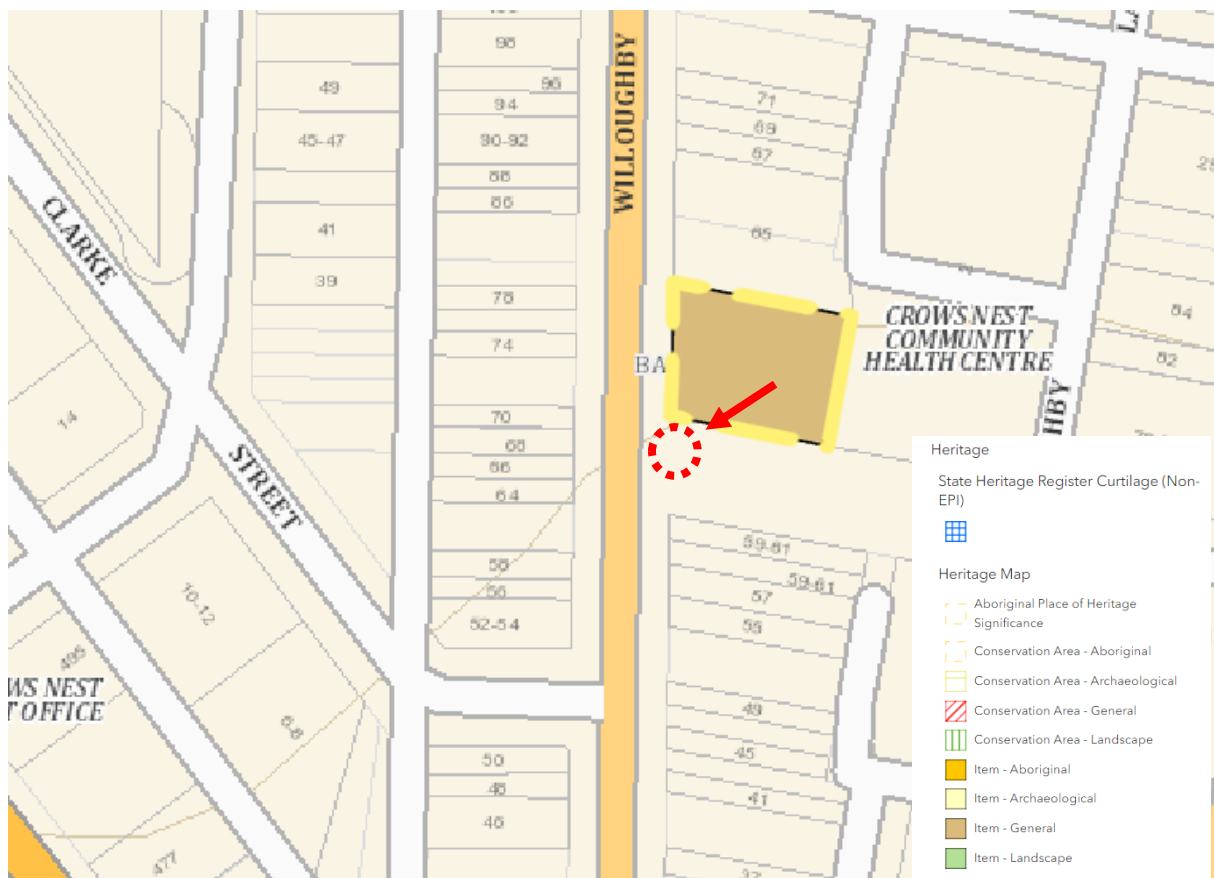
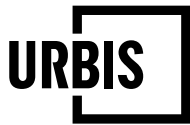


Figure 2 - Extract from N.S.W. Planning Portal, approximate location of the subject site indicated.

Source: N.S.W. Planning Portal



3. SITE DESCRIPTION

The proposed location of the new digital communications panel is adjacent to Ernest Place at the eastern side of Willoughby Road, Crows Nest. Willoughby Road is a major thoroughfare connecting North Sydney with Crows Nest, Willoughby and Chatswood.

The proposed signage will be located on the eastern side of Willoughby Road, immediately south of the Northside Baptist Church, and west of Ernest Place and its associated commercial tenancies. Ernest Place is largely paved with a raised lawn area to the east of the subject site and this portion of Willoughby Road features street plantings.

The built character of the area includes the Northside Baptist Church heritage item, which is an early 20th century brick church to the northeast of the proposed communication panel location. Opposite the subject site and to the south on Willoughby Road are rows of early 20th century commercial stores with shoptop units.



Figure 3 - View south along Willoughby Road towards the subject site.

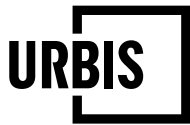


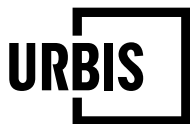
Figure 4 - View north along Willoughby Road towards the subject site showing the Northside Baptist Church and street plantings

4. HISTORICAL OVERVIEW

Willoughby Road was established in the late 1800s leading from the Pacific Highway to Willoughby and Mowbray Road. The Northside Baptist Church “was founded in 1886 on land donated from the Berry Estate”. The original Church building was constructed in 1900 as a small brick church, with the current Church building constructed in 1909. The original portion remained in use as a Church hall until the 1970s when it was demolished. Additional extensions to the Church were undertaken in 1965.¹

1943 historical imagery (see below) shows that the current pedestrian plaza to the south of the Baptist Church was originally part of Ernest Place which connected to Willoughby Road. The northern side of Ernest Place featured street plantings and to the east of the Church were a series of Federation and/or Inter-War dwellings.

¹ Heritage NSW, n.d. 'Northside Baptist Church.' Accessed online: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180961>



In the 1970s Ernest Place was still used for vehicles, however in the 1980s the area was converted to a pedestrian plaza and was closed to vehicles. At this time, the current Library was constructed and the plaza paved.



Figure 5 - Extract from 1943 aerial, the subject site is indicated in red. Adjacent heritage items are noted in yellow.

Source: SIX Maps 2022

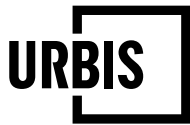
5. STATEMENT OF SIGNIFICANCE

The following statements of significance for the items in the vicinity of the subject site have been reproduced from the relevant inventory forms from the NSW State Heritage Inventory.

5.1.1. Northside Baptist Church

Important local church which is a fine example of the Federation Gothic style, in important central location in Crows Nest.²

² NSW State Heritage Inventory, Statement of Significance for Northside Baptist Church, via. <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180961>



6. PROPOSED WORKS

The proposal seeks to install a new double-sided digital communications panel. The panel comprises double-sided aluminium framed 32" electronic screen with single-leg footings. One screen will display third-party information (i.e. advertising), and the other will display North Sydney Council's Live Touch interface, connecting the community to information and events. The sign is proposed to the public domain area of contemporary paving. The below extracts of the CP003 Design Report prepared by JCDecaux in 2022 indicate the presentation of the panels.

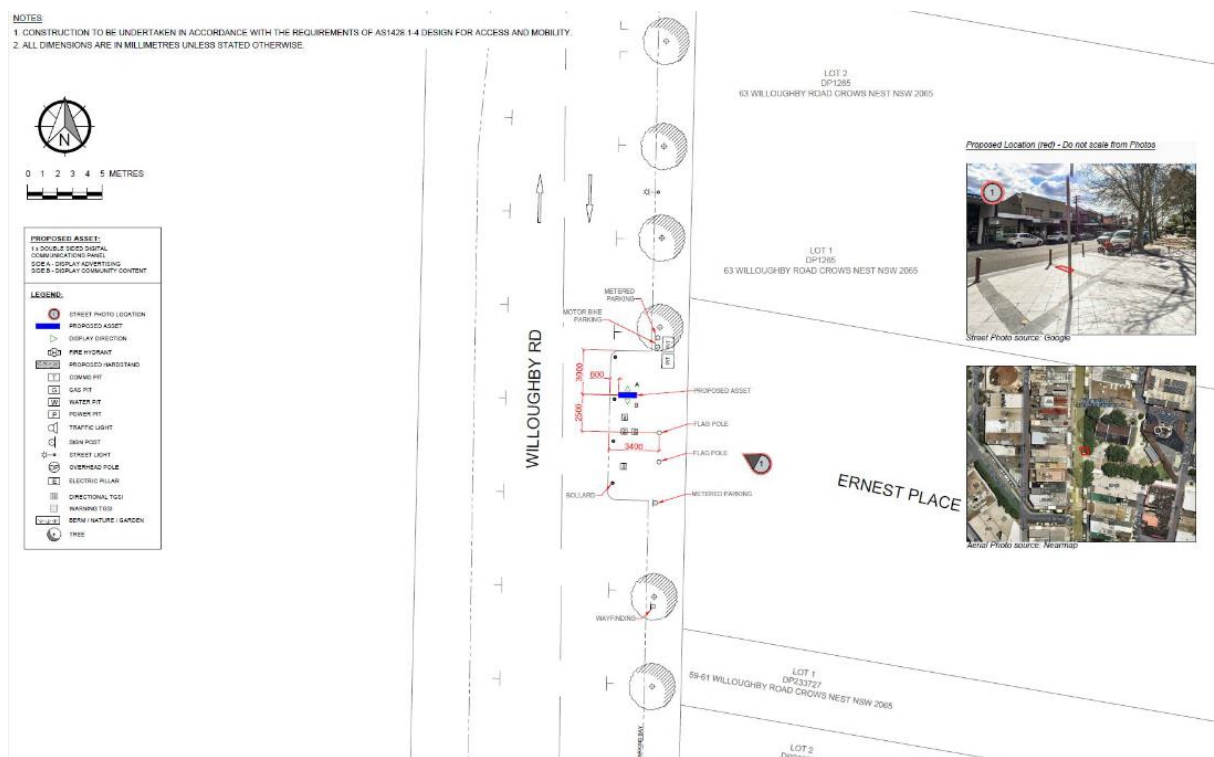
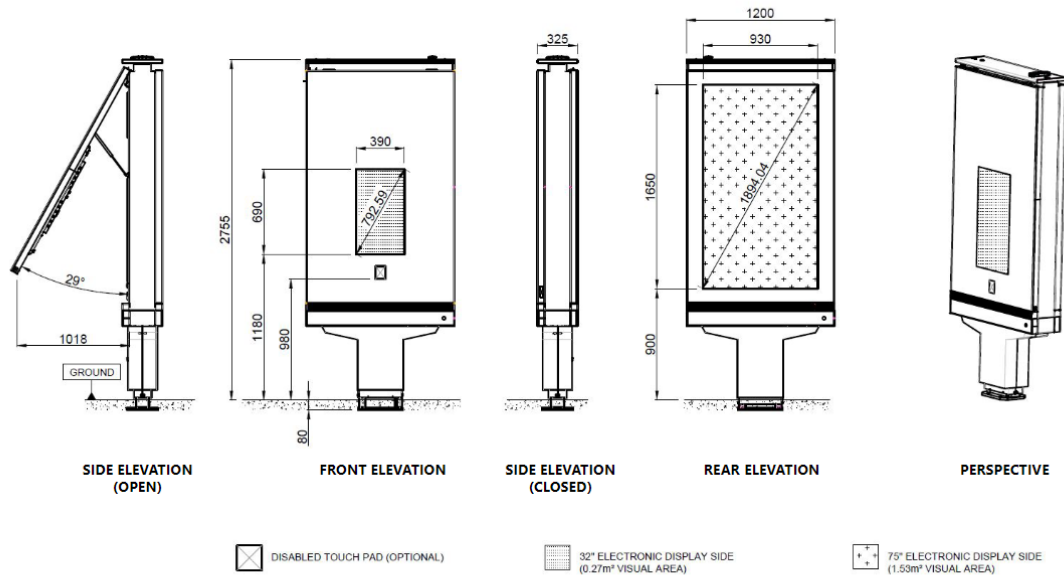
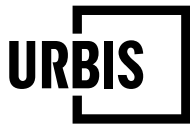


Figure 6 - Extract from drawing documentation, Asset CP003.

Source: JCDecaux



Notes: All measurements are in millimeters unless stated otherwise

Figure 7 - Extract of communication panel plans, showing dimensions.

Source: JCDecaux, 2022.



Figure 8 – Proposed view south along Willoughby Road.

Source: JCDecaux, 2022.



Figure 9 – Proposed view north along Willoughby Road.

Source: JCDecaux, 2022.



7. IMPACT ASSESSMENT

The proposed works are assessed to be of a minor nature for the reasons outlined in the discussion below. The proposal generally aligns with the intentions and heritage-related provisions contained in the following instruments:

- North Sydney LEP. 2013; and
- The Heritage NSW. Guidelines for Statements of Heritage Impact.

The proposal requires no physical intervention to surrounding heritage items. The proposal is limited to the public domain and is well set back from significant landscaping elements of the Northside Baptist Church and its associated built features. As such, the works would not have any physical impact to the Northside Baptist Church heritage item, nor would the works impact views to or from heritage items, or the character of the area. The proposed works seek to construct a new digital sign with a single-leg footing into contemporary paving and concrete slabs. The works would require minimal intrusion into the existing materials, which are of no identified heritage significance.

The sign is proposed to a densely built thoroughfare in Crows Nest. There are several 3-4 storey commercial and retail buildings within the vicinity. This portion of Willoughby Road also features existing street lighting, signage and furniture, such as phone booths and seating. Therefore, the new signage would be read as part of a suite of existing elements of a similar character and the visual effect resulting from the new signage is considered inconsequential.

Additionally, any additional light generated from the digital signage is considered insignificant and would have no adverse effects on the overall significance of the neighbouring heritage items.

The subject site remains adequately separated from the significant fabric associated with the adjacent heritage items and is at no risk of impacting existing streetscapes. The proposed works would, therefore, not concern significant heritage fabric and would not have an adverse visual impact on the surrounding heritage items, as identified in Section 5 above.

8. CONCLUSION

The proposed works are considered minor in nature and will not adversely impact the heritage significance of identified heritage items, with all works limited to contemporary fabric. The proposed works are considered to have no impact on the overall significance of the existing heritage context and are recommended for approval.

Kind regards,

A handwritten signature in black ink that reads "Sarah Hawkins". The signature is written in a cursive, flowing style.

Sarah Hawkins
Senior Consultant
+61 2 8233 7614
shawkins@urbis.com.au



3 March 2023

Reference: 220728.CP003FC

JCDecaux Australia & New Zealand
 Level 6, 1 York Street
 Sydney NSW 2000
 Attention: Cordelia Maxwell-Williams

**ROAD SAFETY AUDIT FOR THE
 PROPOSED ADVERTISING COMMUNICATIONS PANEL
 AT 63 WILLOUGHBY ROAD, CROWS NEST**

Dear Cordelia,

Reference is made to your request to provide a Road Safety Audit for the proposed installation of an Advertising Communications Panel at 63 Willoughby Road, Crows Nest. Proposed plans are depicted in **Annexure A** for reference.

1 PROJECT OVERVIEW

Project	Proposed Advertising Communications Panels
Audit Reference	220728.CP003
Audit Stage	Stage 2 Concept Design
Client	JCDecaux Australia & New Zealand
Project Manager(s)	JCDecaux Australia & New Zealand (Cordelia Maxwell-Williams)
Roads Authorities	Transport for NSW (TfNSW) North Sydney Council
Lead Auditor	Craig M ^c Laren
Audit Team	<ul style="list-style-type: none"> • Lead Auditor Mr Craig M^cLaren (Level 3) Road Safety Auditor identification 02-0263 • Team Member Mr Daniel Walker (Level 1) Road Safety Auditor identification 02-1453 • Team Member Mr Aaron Tomlins (Level 1) Road Safety Auditor identification 02-1623
Initial Meeting	N/A
Any previous audit conducted	No

2 Site Investigations

A site inspection was undertaken between 8:40AM – 5:30PM and 7:30PM – 8:30PM on Tuesday 11 October 2022 to observe the road layout and the surrounding area with respect to the proposed communications panel. The weather was fine throughout the duration of the inspection period.

3 Investigations and General Findings

The site location and general findings of this Road Safety Audit are outlined in the following subsection. The design of the structure and advertisement locations is presented in **Annexure A**.

3.1 63 Willoughby Road, Crows Nest – Communication Panel CP003

The location and communications panel details are presented in **Table 1** below.

TABLE 1: COMMUNICATIONS PANEL CP003 SITE DETAILS

Location	63 Willoughby Road, Crows Nest
GPS Coordinates	-33.825594 151.200931
Communications Panel Reference Number	CP003
Advertisement Type	Digital
Classified Road on Frontage	No
Visible from a School Zone	No

The approximate location of the proposed communications panel is shown in **Figure 1**. The location, dimensions and position of the structure and advertising material are shown in **Annexure B**.



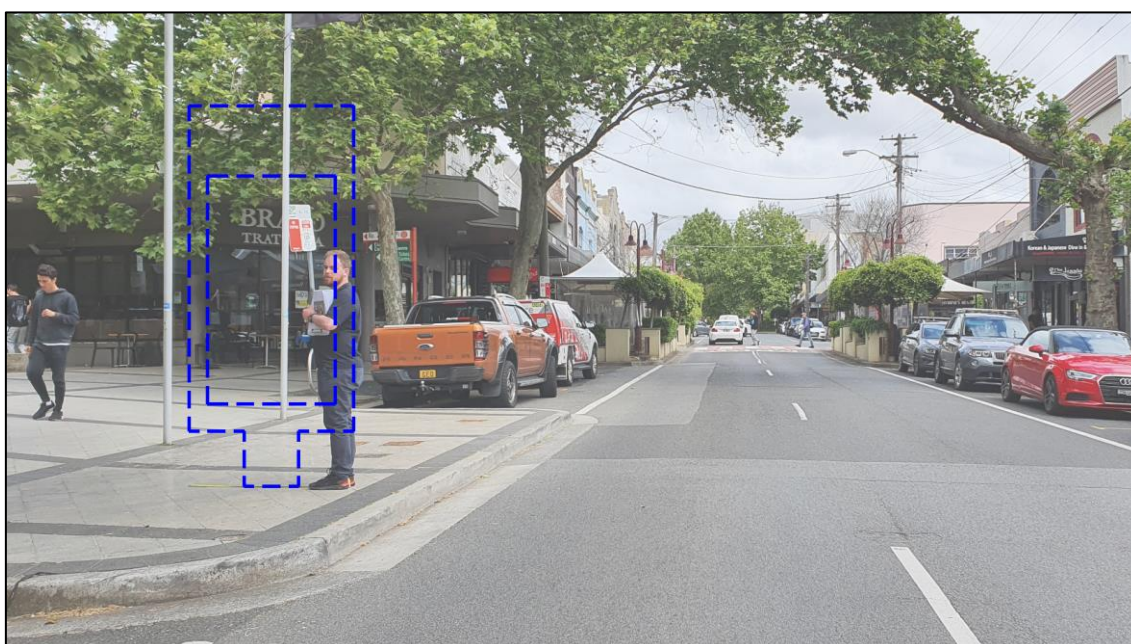
FIGURE 1: PROPOSED COMMUNICATIONS PANEL CP003

3.1.1 Pedestrian Sight Lines

The proposed communication panel is located at the end of the Ernest Place pedestrian mall and on a kerb that extends adjacent to the vehicular travel lane. The kerb extension acts as an informal pedestrian crossing location for pedestrians travelling between Ernest Place and the western side of Willoughby Road. Pedestrians walking westbound out of Ernest Place to cross Willoughby Road will have their sight lines to southbound travelling vehicles obscured by the proposed communications panel when close to the vehicular travel lane. 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. It is recommended to relocate the proposed communication panel a minimum of 2.5m from the kerb to allow for adequate pedestrian sight lines to oncoming traffic.

3.1.1 Driver View Along Willoughby Road

The approximate size and location of the proposed advertisement sign as viewed from the position of a southbound driver along Willoughby Road is presented in **Figure 2**.



■ Approximate communication panel location

FIGURE 2: PROPOSED COMMUNICATION PANEL VIEW FROM SOUTHBOUND DRIVER

As shown above, Willoughby Road is generally a straight road in this location and does not have any significant decision points on approach to the proposed communication panel. The major display side of the panel faces southbound traffic and is generally obscured by parked cars on approach as shown in **Figure 3**. Therefore, the proposed panel will not adversely impact a driver travelling along Willoughby Road.

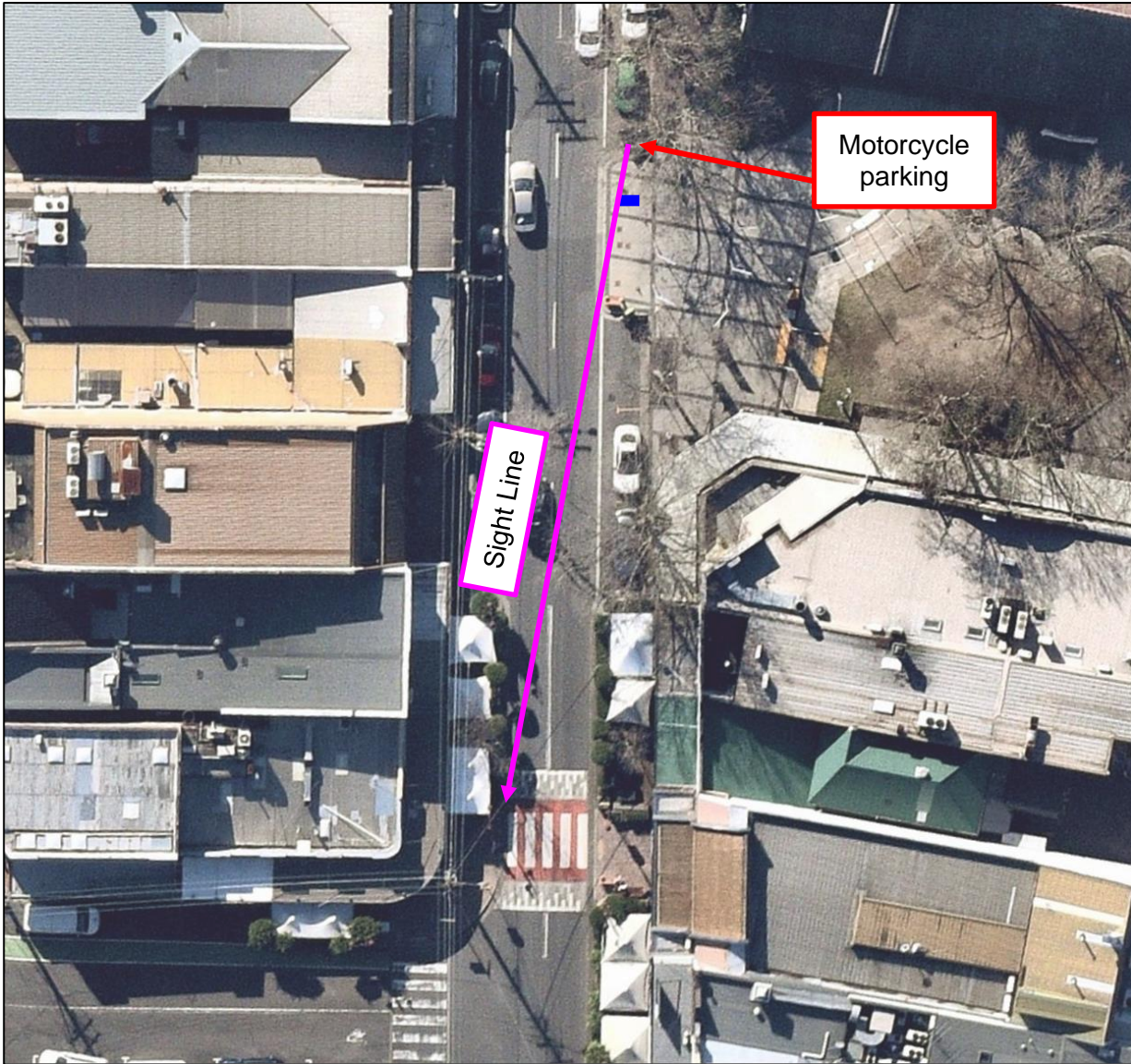


■ Approximate communication panel location

FIGURE 3: PROPOSED COMMUNICATIONS PANEL VIEW FROM WILLOUGHBY ROAD SOUTHBOUND

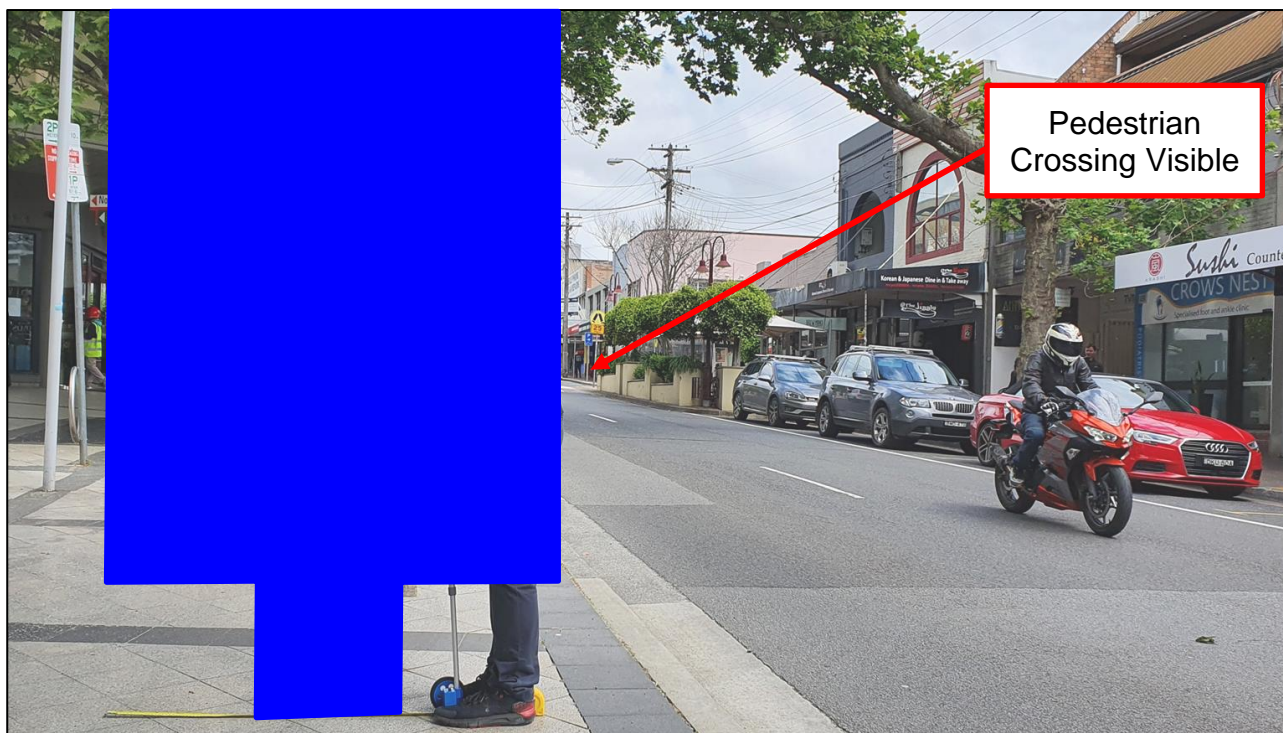
3.1.2 Sight Lines for Motorcycle Parking Zone

A motorcycle parking zone is located immediately to the north of the proposed panel which has the potential to block the sight lines for motorcyclists to oncoming northbound traffic when leaving the parking space. The sight lines available are presented in **Figure 4** and **Figure 5** and show that a motorcyclist would be able to see to the raised pedestrian crossing which is located approximately 40m to the south while still within the parking lane. It is expected that northbound traffic would travel slowly over the raised pedestrian crossing such that 40m of sight line is sufficient for a motorcyclist to safely observe gaps in approaching traffic. Indeed, the SSD requirement for a vehicle travelling 40km/h is 35m which is expected to be greater than the typical travel speed across the pedestrian crossing.



■ Approximate communication panel location

FIGURE 4: SIGHT LINE AVAILABLE FOR MOTORCYCLE PARKING SPACE



■ Approximate communication panel location

FIGURE 5: VIEW TO THE SOUTH FROM MOTORCYCLE PARKING SPACE

3.1.3 Pedestrian Level of Service

The proposed communication panel is located on an isolated area of the footpath and as such will have no impact on residual footpath widths, with the useable footpath width and associated pedestrian level of service remaining relatively unchanged. Considering the above an assessment against the *TfNSW Walking Space Guide July 2020* is unnecessary.

3.1.4 General Findings

The following points provide general findings as identified by the Auditing team.

- There are no bus stops that are affected by the proposed communication panel location.
- The proposed communication panel does not impact the view lines of an approaching driver to any regulatory signage or traffic control.
- The proposed communication panel has no impact on service utilities.
- The criteria set out in *2017 Transport Outdoor Advertising and Signage Guidelines Table 3* shall be complied with for advertising display.
- The proposed communication panel is located greater than 20m away from the approach side of a marked pedestrian crossing as required by *North Sydney Development Control Plan 2013 – Section 9.11 Controls for Specific Sign Types – Clause P17(c)*.
- Side B of the communication panel is smaller in size, and located on the opposite side of the road (i.e. to the right hand side of the road when approaching from the north) such that there will be no impact to approaching drivers from the north.

4 State Environmental Planning Policy (Industry and Employment)

Reference is made to the *State Environmental Planning Policy (Industry and Employment) 2021 Schedule 5 Clause 8* which outlines a number of assessment criteria relevant to advertisement signage. Relevant criteria that have not been specifically addressed above are addressed below:

Would the proposal reduce the safety for any public road?

As assessed in **Section 3**, it has been found that the proposed digital sign with a dwell time of 10s will have no adverse impact on any of the adjacent public roads for all public road users.

Would the proposal reduce the safety for pedestrians or bicyclists?

The proposed signage will be installed in accordance with the *Transport Corridor Outdoor Advertising and Signage Guidelines November 2017* and as such will not result in reduced safety for pedestrians or bicyclist.

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

The proposed communication panel has the potential to result in pedestrians stepping out onto the road without realising a vehicle is travelling southbound resulting in pedestrian / vehicle conflicts. It is recommended to relocate the proposed communication panel a minimum of 2.5m from the kerb to allow for adequate pedestrian sight lines to oncoming traffic.

5 North Sydney Development Control Plan 2013

Specific requirements for free standing advertising panels are provided in *North Sydney Development Control Plan 2013 – Section 9.11 Controls for Specific Sign Types*. An assessment of the relevant traffic and pedestrian safety requirements within the DCP requirements is presented in **Table 2** below.

TABLE 2: NORTH SYDNEY DEVELOPMENT CONTROL PLAN

DCP Requirement	Does the Proposed Communication Panel Achieve the DCP Requirement?
P15 Minimum setback of 600mm from the kerb line of any road or laneway.	Yes
P16 Must maintain a minimum unobstructed width of 2m across any footpath along the Pacific Highway and Miller Street and 1.5m on any other street or laneway.	Yes
P17 Not located: (a) on kerb blisters;	No – panel should be relocated away from kerb extension
(b) Within 10m of an unsignalised intersection, of the departure side of a marked pedestrian crossing or pedestrian refuge; and	Yes
(c) Within 20m of a signalised intersection, the approach to a marked pedestrian crossing or pedestrian refuge, a bus zone, the entrance of a railway station, reported pedestrian accident.	Yes
P18 A minimum clearance of 900mm is maintained between any freestanding advertising structure and trees and garden plots, public seating, rubbish bins, bicycle hoops, parking signs, parking meters and power poles.	Yes
P19 Freestanding advertising structures are not be located in front of any ground floor business premises tenancy capable of being used for a food and drink establishment with any associated outdoor dining area.	Yes

Please contact Mr. Daniel Walker or the undersigned on 02 9521 7199 should you require further information or assistance.

Yours faithfully,

M^cLaren Traffic Engineering



Craig M^cLaren

Director

BE Civil, Grad Dip (Transport Engineering), MAITPM, MITE

RPEQ 19457


RMS Accredited Level 3 Road Safety Auditor [1998]

RMS Accredited Traffic Management Plan Designer [2018]



**ANNEXURE A: PROPOSED COMMUNICATIONS PANEL
DESIGN
(2 SHEETS)**

Technical Specifications: Communications Panel


<p>The MRI 75"/32" free standing Communication Panel features a 75" digital advertising display unit with an interactive 32" wayfinding digital screen on the reverse side with 6 apps, enhancing "The Smart City Experience"</p>	<p>Glass 75"</p> <ul style="list-style-type: none"> • The MRI 75 Inch LCD digital display incorporates shard, tamper and vandal resistant anti-reflective safety/cover glass. • Active screen size: 75" (diagonal) 	<p>Glass 32"</p> <ul style="list-style-type: none"> • The 32 Inch LiveTouch LCD digital display incorporates a capacitive layer • Active screen size: 32" (diagonal)
<p>Visual</p>  <p>Overall Dimensions</p> <ul style="list-style-type: none"> • Height = 2770 mm • Width = 1200 mm • Depth = 321 	<p>Screen Features 75"</p> <ul style="list-style-type: none"> • Input Power: 85-264 VAC, 50/60 Hz • Power consumption: Typ. 1200 W / Max 1400 W • Dust/Water Proofing IP56 Design • Panel resolution: 3480X2160 Ultra HD • Contrast ration: 5000:1 • Maximum Luminance up to 3500 nits • Typical Luminance 2000/2500 nits daytime, 200/250 nits night time. • GeoVu Luminance: Automatic backlight brightness adjustment, based on display location, time of day, and daily local weather conditions • Remote monitoring/control of media player, modem and screen functionality • Automatic system status alerts 	<p>Screen Features 32"</p> <ul style="list-style-type: none"> • Input Power: 100 V ~ 240 V, 50 /60 Hz • Power consumption: Typ. 160 W/ Max 270 W • Dust/Water Proofing IP56 Design • Panel resolution: 1080X1920 Full HD • Contrast ration: 3000:1 • Maximum Luminance up to 2500 Nits • Typical Luminance 2000 daytime, 200/250 nits night time. • Remote monitoring/control of media player, modem and screen functionality • Automatic system status alerts

Technical Specifications: Communications Panel

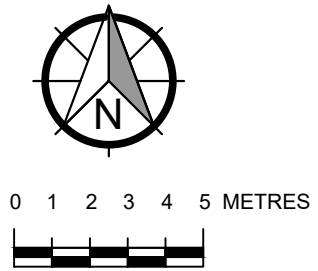
<p>Structure</p> <ul style="list-style-type: none"> • The Ad Case is fitted with a 75" screen with a black seraphic border on one side and a 32" interactive digital LiveTouch screen with black seraphic border on the other side. • Treated steel upright plinth constructed to desired height with mounting points for bolting by J-bolts. • The upright plinth is powder coated to suit the colour of the unit. <p>Mounting</p> <ul style="list-style-type: none"> • The MRI 75" free standing display is designed as a stand-alone unit • It is fitted with power connection and data duct and earth tail. • Power Supply to be taken from nearest POS (e.g. street lights or substation) 	<p>Options</p> <p>The Free-Standing Unit has the options to incorporate a variety of multi-media such as:</p> <ul style="list-style-type: none"> • Embedded PC or space to embed a custom PC and/or interface • Wayfinding with 4G/5G Comms • 6 x Wayfinding Apps <p>Inclusivity and Accessibility</p> <ul style="list-style-type: none"> • 32" touch screen located at 1100mm from the ground, • It can be accessed by all when fitted with a touch sensitive pad at 900mm. <p>Standards</p> <p>Designed and manufactured according to ISO 9001 and ISO 14001 certifications. Conforming to Australian standards</p>	<p>Materials & Protection</p> <ul style="list-style-type: none"> • Foot and structural casing constructed with Hot dip galvanized steel. • Cladding and doors constructed with aluminium profiles and treated with Chromate conversion* + Epoxy Primer**. • 75" glass, Clear toughened & laminated • 32" glass, Clear toughened <p>* Free from hexavalent chromium ** Special treatment against corrosion before painting</p>
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










**ANNEXURE B: 63 WILLOUGHBY ROAD, CROWS NEST –
COMMUNICATIONS PANEL CP003
(1 SHEET)**

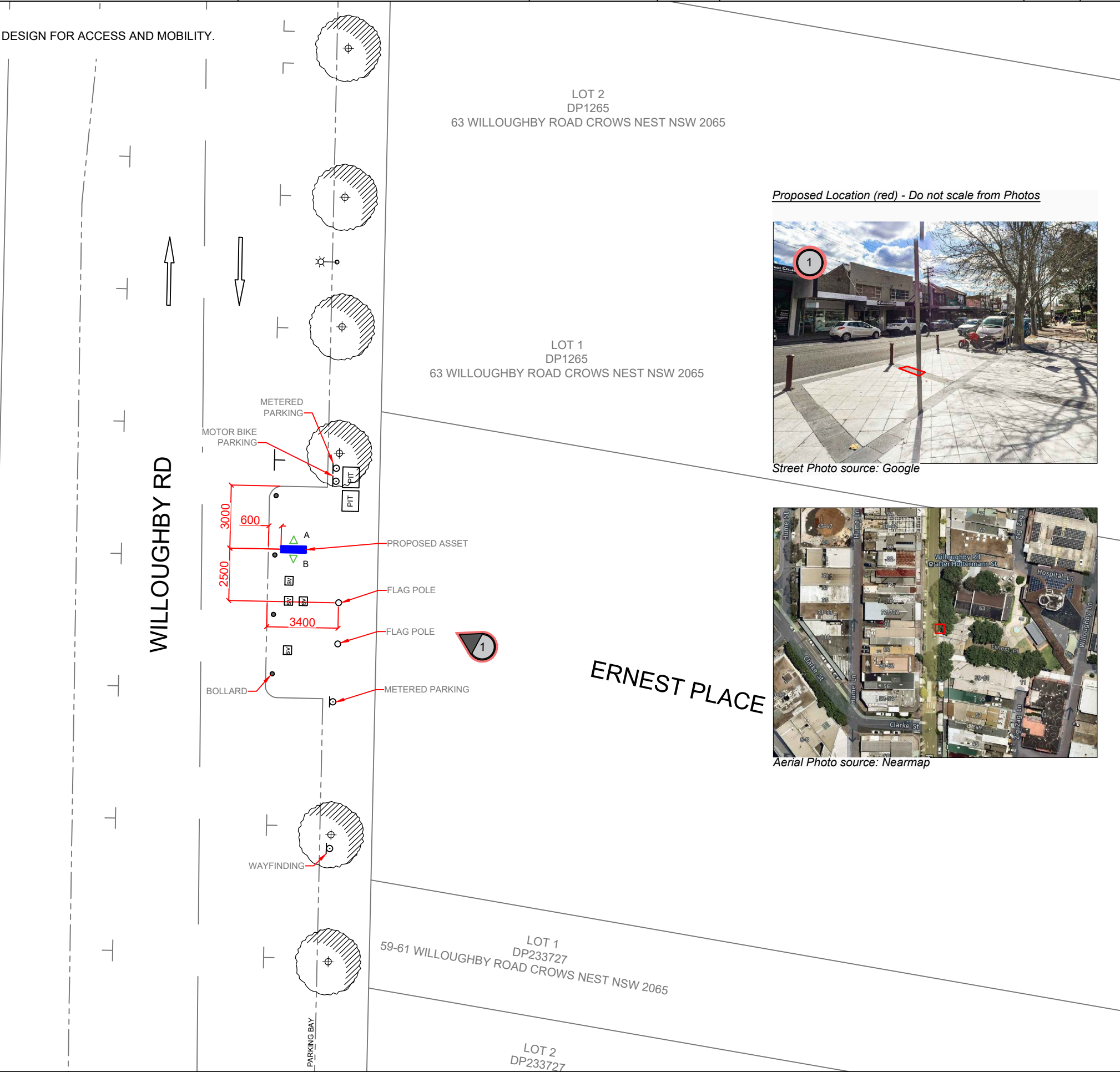
ASSET NO. CP003	 JCDecaux Australia Pty Ltd Units 2 & 3, 182 -190 Euston Rd Alexandria NSW 2015 T: 02 9557 6555 F: 02 9557 6982	PROJECT TITLE	DATE 25/09/2020	REV NO.	REVISION NOTE	DATE	DRAWN
MAIN STREET 63 WILLOUGHBY RD, CROWS NEST		NORTH SYDNEY COUNCIL COMMUNICATIONS ASSET DEVELOPMENT PLAN	SCALE 1:200 (A3)	-	PRELIMINARY SITE SURVEY	25/09/20	AC
BEFORE (AFTER) OUTSIDE / OPP HOLTERMANN ST			DRAWN AC		ADDITIONAL DETAIL	27/10/22	AC
LATITUDE, LONGITUDE -33.825594, 151.200931		© This drawing and design is protected by copyright and may not be copied or used without the written approval of JCDecaux Australia Pty Ltd	CHECKED				
ROAD DIRECTION SB		SURVEY NO: NS-TS-018	REVISION A				

NOTES:
 1. CONSTRUCTION TO BE UNDERTAKEN IN ACCORDANCE WITH THE REQUIREMENTS OF AS1428.1-4 DESIGN FOR ACCESS AND MOBILITY.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE.



PROPOSED ASSET:
 1 x DOUBLE SIDED DIGITAL COMMUNICATIONS PANEL
 SIDE A - DISPLAY ADVERTISING
 SIDE B - DISPLAY COMMUNITY CONTENT

- LEGEND:**
-  STREET PHOTO LOCATION
 -  PROPOSED ASSET
 -  DISPLAY DIRECTION
 -  FIRE HYDRANT
 -  PROPOSED HARDSTAND
 -  COMMS PIT
 -  GAS PIT
 -  WATER PIT
 -  POWER PIT
 -  TRAFFIC LIGHT
 -  SIGN POST
 -  STREET LIGHT
 -  OVERHEAD POLE
 -  ELECTRIC PILLAR
 -  DIRECTIONAL TGS
 -  WARNING TGS
 -  BERM / NATURE / GARDEN
 -  TREE



Proposed Location (red) - Do not scale from Photos



Street Photo source: Google



Aerial Photo source: Nearmap