

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

1. Site Plan
2. Architectural Design Verification Statement

ADDRESS/WARD: Land adjacent to 79-81 Berry Street, North Sydney)

APPLICATION No: DA96/23

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 August 2023	JCDecaux
	Typical Communication Panel Elevations	28 August 2023	JCDecaux
	Typical Perspective	28 August 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: 10 July 2023

DATE LODGED: 28 March 2023

AMENDED: 28 August 2023

RECOMMENDATION: Approval

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 advertising panel will be located within the road reserve adjoining No. 79-81 Berry Street, North Sydney.

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

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

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

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

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

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

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

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

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

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

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.

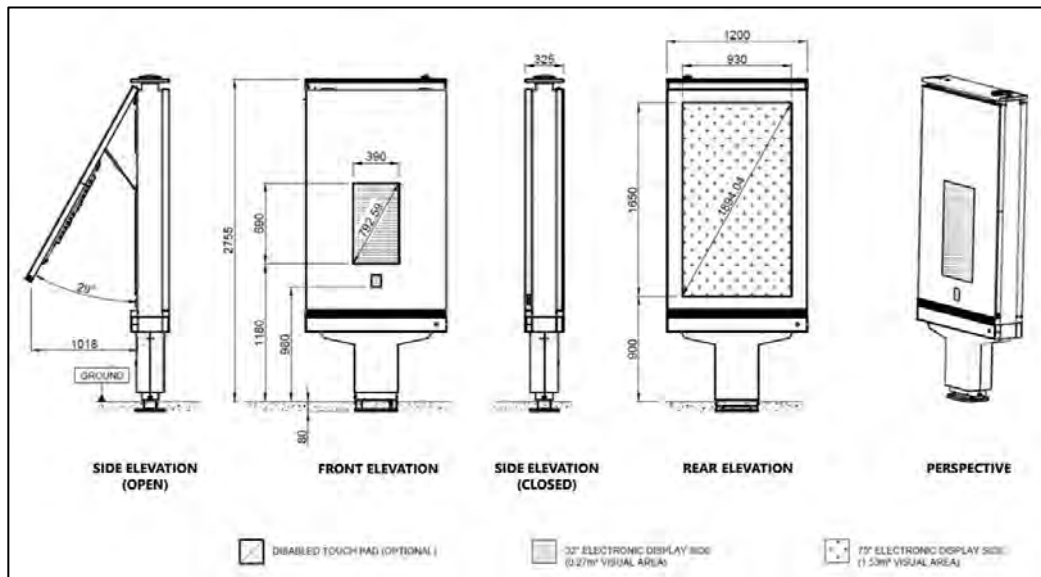


Figure 1: Proposed Advertising Panel

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.

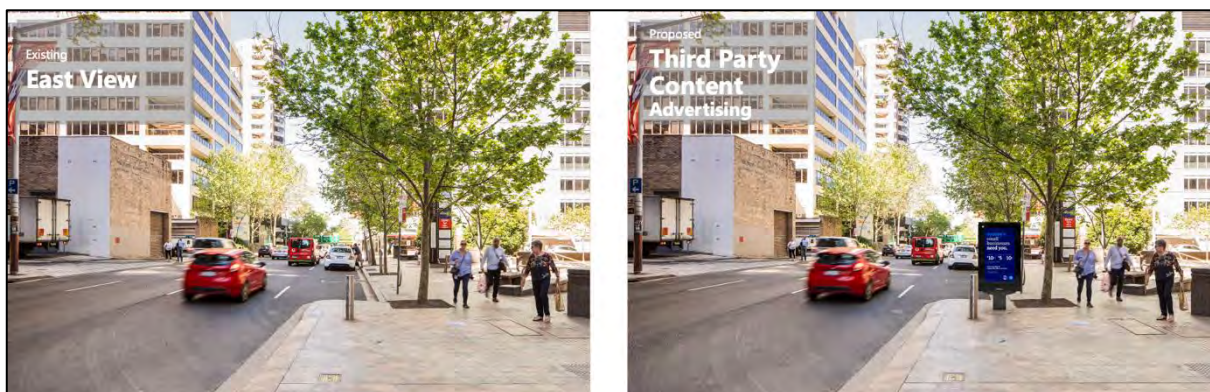


Figure 2: Photomontage (existing and proposed east view)

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

- Chapter 3 Advertising and signage
- Schedule 5

Transport Corridor Outdoor Advertising and Signage Guidelines 2017;

North Sydney LEP 2013

- Zoning – SP2 Infrastructure “classified road”
- Item of Heritage – No
- In Vicinity of Item of Heritage – Yes
 - No. 583 Pacific Highway, St Leonard’s (I1034) Former Marco Building
- 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. 79-81 Berry Street, North Sydney. The advertising panel will be located on the southern side of Berry Street, at the intersection with Denison Street – see **Figure 3**.

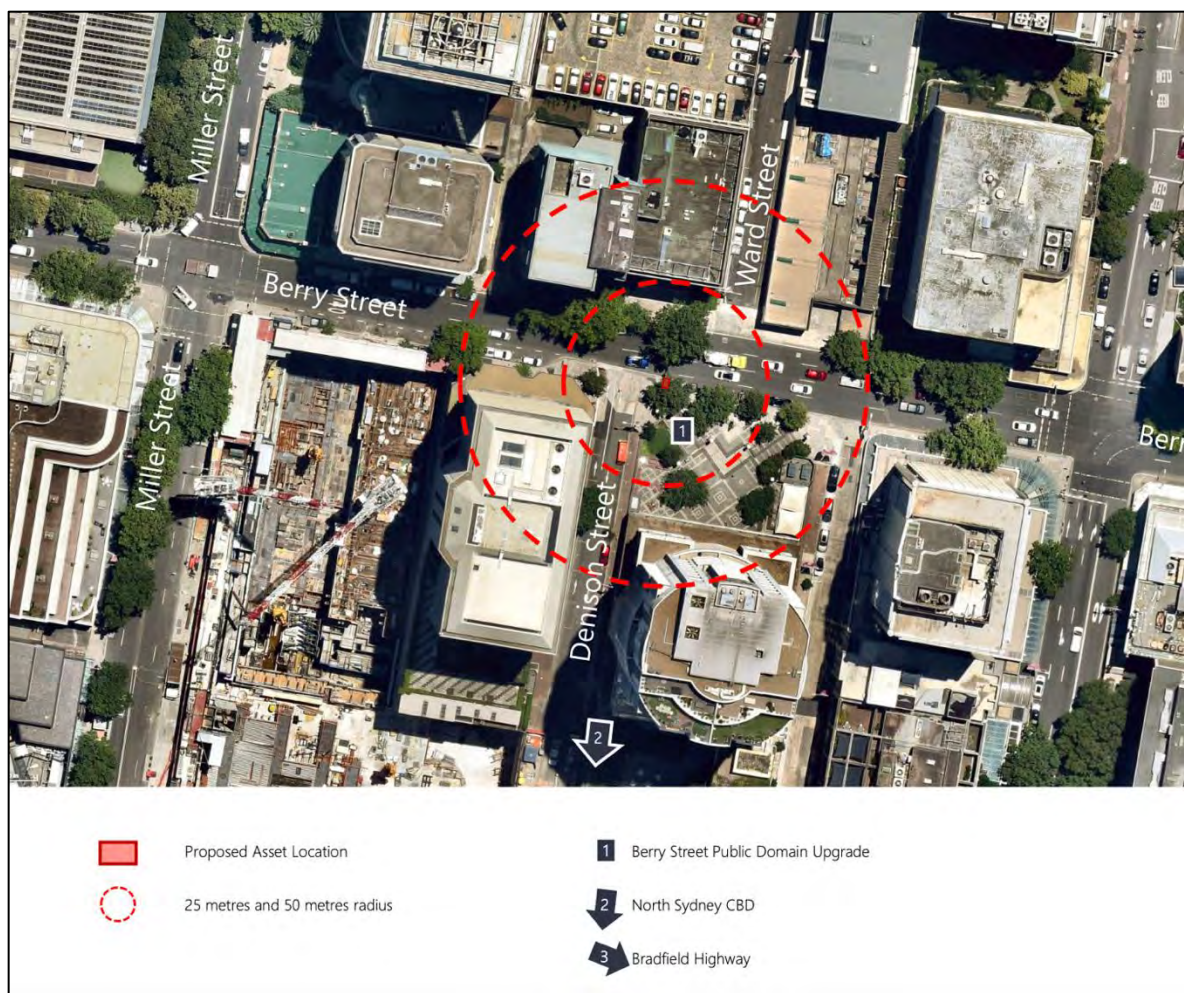


Figure 3: Location

Source: Applicants Design Verification Statement



Photo 1: Location of Advertising Panel as seen from Dennison Street



Photo 2: Location of Advertising Panel looking west



Photo 3: Location of panel looking east

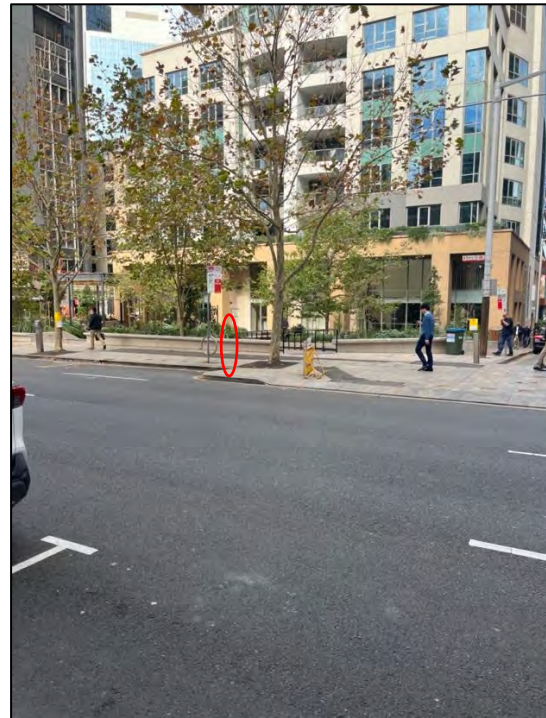


Photo 4: Location of Panel from across Berry Street

Berry Street is a major arterial road that runs through North Sydney, connecting the North Sydney CBD with the Warringah Freeway and the City.

The panel is in close proximity to Nos. 79-81 Berry Street an apartment building , with the recently completed Berry square at the street edge. A number of commercial buildings as well as retail shops, cafes, and restaurants are located within the vicinity of the site. The site is within walking distance of North Sydney train station and multiple bus stops, creating foot traffic throughout the surrounding environment.

RELEVANT HISTORY

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

28 March 2023	A Development Application (DA96/23) 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 four (4) submissions
17 May 2023	TfNSW for concurrence was received.
31 May 2023	A site visit was conducted.
28 August 2023	Amended Plans received with additional details provided

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.

Traffic Engineer

Council's Traffic Engineer noted that the application is not supported and requires "a footpath width of at least 2m".

Planning Comment

The proposed Advertising Panel is not located within the direct pedestrian path of travel. Rather it is located on an isolated footpath extension adjoining existing parking bays along Berry Street. The existing footpath remains obstacle free with a width of 4m.

Moreover, the recently completed Berry square allows for additional footpath width in the immediate surrounding area. Additionally, the location of the Panel is also outside of the future planned pedestrian crossing, linking Ward Street Civic Plaza with the rest of North Sydney CBD. For these reasons the location of the panel is considered appropriate as it does not impede on pedestrian path of travel and an appropriate footpath width remains.

Refer to the assessment against Schedule 5 of the Industry and Employment SEPP and **Figure 6** within this report for more comments on pedestrian impacts.

Landscape Officer

Councils Landscape Officer reviewed the proposal and provided the following comments:

The proposed footings shall encroach within the SRZ of the adjacent Platanus sp. street tree immediately to the south of the proposed sign location, and the installation in the proposed location cannot be supported. It is unclear where mains power will be accessed from, and therefore what impact there may be as a result of connection to same, though it is assumed likely that connection will be made via trench to point designated as "ID 1486" on documents lodged.

The following conditions shall be required:

- *An alternative location of proposed sign shall be proposed that provides minimum distance of 1,500mm from COT of adjacent Platanus sp. street tree immediately to the south of the proposed sign location and any required excavation.*
- *No excavation or construction shall be permitted within 1500mm of COT of the adjacent Platanus sp. street tree immediately to the north of the proposed sign location. This tree shall be protected and retained as part of the development consent in accordance with AS 4970-2009.*
- *Protection of trees on development sites, no canopy pruning shall be permitted.*
- *Sensitive construction techniques including hand excavation, & flexible location of footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No connection to electricity or any other underground services shall be directed through the TPZ of any protected tree.*

Planning comments

The above conditions have been included in the draft conditions of development consent.

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 prepared by McLaren Traffic Engineers.

The application was referred to TfNSW for concurrence under Section 138 of the Roads Act 1993. TfNSW raised no objection to the application subject to the following Conditions of consent:-

1. *The proposed signs design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) requirements.*
2. *The image displayed on the sign must not contain/ use:*
 - *Flashing or flickering lights or content.*
 - *Animated displays, moving parts or simulated movement.*
 - *Complex displays including text and information that hold a driver's attention beyond "glance appreciation".*
 - *Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'.*
 - *A method of illumination that distracts or dazzles.*
 - *Dominant use of colours red or green.*
3. *Dwell times between displays shall be no shorter than 10 seconds.*
4. *The Applicant shall prepare an independent Road Safety Assessment (RSA) after 18 months of operation of the digital signage. The RSA should provide a formal assessment of the safety performance of the sign.*
5. *A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Berry Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplinLogin.jsf>.*

Planning comment

The comments are noted, and conditions of consent were included within the recommendation.

SUBMISSIONS

The proposal was notified to adjoining property owners seeking comment between **21 April 2023 and 19 May 2023**. A total of **four (4)** submissions were received during the notification period.

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

Basis of Submissions:-

- Impeding the movement of pedestrians;
- Potential distraction to motorists;
- Detracting from the character of the local area;
- None of the panels feature anything in connection with local community.

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.

Transport for NSW has granted concurrence under Section 138 of the Roads Act.

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 materials 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 Berry Street. 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 is consistent with the objectives of Chapter 3 of the SEPP for the following reasons:-

- The proposed advertising panel is compatible with the urban visual character of the North Sydney CBD;
- The proposal is considered compatible within its local context, provides effective communication whilst being of a high quality design and finish;
- The proposed panel allows for Council communication as well as third-party advertising, whilst minimising unacceptable glare ("dazzle") to ensure the safety for vehicles, motorists, and pedestrians;

- The proposal provides public benefits as the ‘live touch interface’ digital screen can display community advertising Council content, public transport information, and local points of interest. The structure integrates a public emergency messaging system which can display messages regarding road safety for vehicles and pedestrians or other public awareness matters; and
- The signage positively contributes to the surrounding environment by providing a contemporary and high-quality interactive form of digital signage within the LGA and that will not result in visual clutter.

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

Criteria	Comment	Comply
<p>1 Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed advertising panel is considered to be compatible with the desired future character of the North Sydney CBD.</p> <p>The proposal complements the highly urbanised nature of the predominantly high to medium-high rise commercial and mixed commercial and residential development area.</p> <p>There are five main urban blocks within the North Sydney CBD with a series of plazas, squares and laneways to create a varied and rich pedestrian urban environment. The site adjoins Berry Square whilst Berry street is considered a commercial interaction edge as defined in the North Sydney CBD public domain strategy.</p> <p>Moreover, the site is along the main pedestrian route linking the Ward precinct with the rest of north Sydney CBD – see Figure 4</p> <div data-bbox="636 1162 1222 1877" data-label="Diagram"> </div> <p>Figure 4: Primary pedestrian “laneway link” route Source: North Sydney CBD Public Domain Strategy</p> <p>The advertising panel is considered to contribute to creating a vibrant and visually interesting streetscape with the locality as well as improving the public spaces and facilities especially within the Berry Square.</p>	<p>Yes</p>

<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 site is not within an environmentally sensitive area or within a heritage conservation area.</p> <p>The proposed advertising panel will not detract or disrupt the amenity or visual quality of the surrounding streetscape, land uses, or heritage item. The heritage item is located 77m to the west and the panel will have no visual impact on the significance of the item.</p>	<p>Yes</p>
<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 not considered to compromise or obscure important views, dominate the skyline, reduce the quality of vistas, or compromise viewing rights of other advertisers.</p>	<p>Yes</p>
<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 size, location and form of the proposed advertising panel is considered to be appropriate and compatible with the urban environment the North Sydney CBD. The surrounding streetscape is generally characterised by established urban uses, such as active street frontages (comprising retail, food and beverage, and commercial tenancies) as well as multi-storey commercial and residential buildings.</p> <p>The existing signage in the surrounding areas predominately comprises commercial, promotional and informational signage, some of which is illuminated. The predominate form of signage is that of business identification signage and tenancy advertisements on commercial buildings.</p> <p>The proposal will not create clutter; rather it will provide a low impact, built form of interactive digital signage that complements the existing signage.</p> <p>The proposal will achieve a visually attractive, interactive form of signage and will not protrude above buildings, structures, or tree canopies.</p> <p>The proposed communication panel will not require any ongoing vegetation management.</p>	<p>Yes</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? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i></p>	<p>The design, form, and dimension of the signage structure is compatible with the scale and proportion of the road reserves along which it will be installed insofar as the surrounding built form is largely characterised by active street frontages and upper-level commercial land uses.</p> <p>The design, form, and dimension of the panel is compatible with the scale and proportion of the road reserve along which it will be installed insofar as the surrounding built form is largely characterised by activated ground planes and upper-level commercial and residential land uses.</p> <p>The panel is considered compatible with the existing visual character and built form of North Sydney, within which signage is generally characterised by illuminated business and building identification signage.</p> <p>The panel provides innovation and imagination to the streetscape with opportunities for passers-by to engage in interaction. The panel provides a range of communication services, public transport timetables, multi-lingual and disability services, and emergency messaging.</p>	<p>Yes</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 <i>Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?</i></p>	<p>The proposed Advertising Panel is located within the highly urbanised area of North Sydney CBD. 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 maximum luminance (“brightness”) of the front signage is 3500 cd/m² and the maximum luminance of the rear signage is 2500 cd/m². The brightness of the signage can be varied by a lighting control system to provide upper and lower thresholds based on the time of day and display location. The Communication Panel structure also has a light sensor that is embedded in the front display. The sensor shall change the brightness of the front signage in small increments over time so that no dramatic change in luminance level is experienced.</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.</p> <p>It is considered that the panel does not affect the safety of pedestrians or motorists, nor does it affect the safety of aircrafts due to ground-level location.</p>	<p>Yes</p>

	<p>The AS4282:2019 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. 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 proposed signage is dimmable and when designed according to this report, includes a light sensor to the front signage that automatically adjusts the brightness of the advertising display to prevailing light conditions. The signage can also be controlled by a timer.</p> <p>The proposed advertising signage, when installed in accordance with the lighting impact assessment report, will comply with the limits required during curfewed operation under AS4282 (nominally between the hours of 11pm and 6am). This means that a curfew is not required.</p> <p>The proposed panels can comply with the threshold increment limits of the AS 4282: 2019 and will not cause unacceptable glare. Condition of consent has been imposed.</p>	
<p>8 Safety <i>Would the proposal reduce the safety for any public road?</i> <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i> <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>Driver / motorist distraction Berry street is relatively straight road and does not have any significant decision points on approach to the Panel. Accordingly it considered that the proposed advertising panel will not adversely impact on driver sightlines or cause distraction to drives travelling along Berry Street.</p> <p>The proposed panel will have a minimum dwell time of 10s in accordance with 2017 Transport Outdoor Advertising and Signage Guidelines. The posted speed limit along this part of Berry Street is 40-60km/h, therefore a 10s travel time relates to a distance of 166m. If a driver were to be travelling at the posted speed limit the driver would not see more than one (1) change in advertisement.</p> <p>The panel is located 1.4m from the crossing of Denison Street. Due to the one-way nature of Berry Street a driver can only turn right into Berry Street and observe gaps in traffic to the west. The panel will not impact or obstruct the required driver sight lines.</p> <p>Pedestrian level of service The existing footpath width is measured at 4m between Berry square and Berry street. The panel is to be located on an isolated area of the footpath closer to the intersection with Denison Street (see Figure 6). As such there is no reduction in the footpath width and the pedestrian level of service remain relatively unchanged. Notably Berry Square has now been completed and allows for increased footpath widths in the immediate surrounding area.</p>	<p>Yes</p>

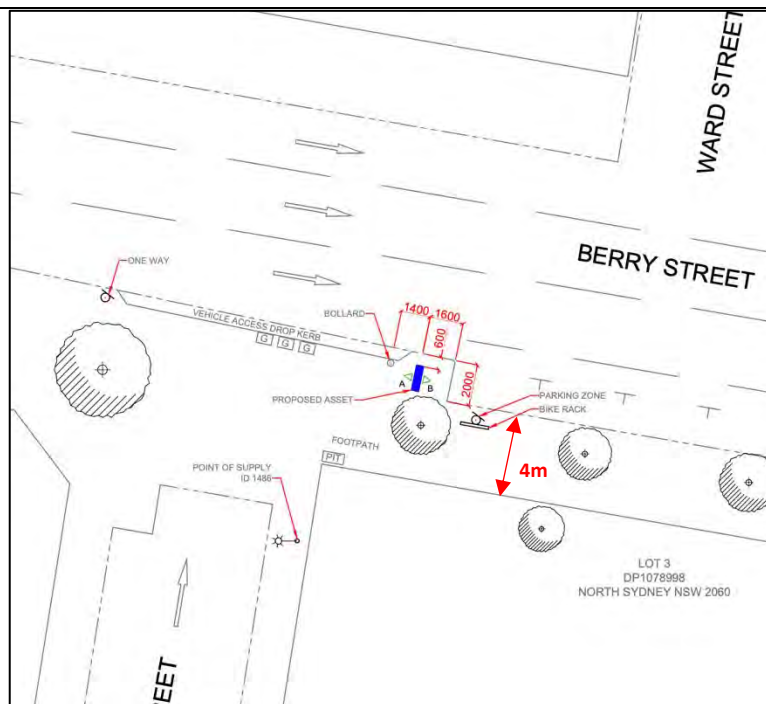


Figure 5: Footpath width

The report concludes as follows:-

- 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 signalised intersection as required by North Sydney Development Control Plan 2013 – Section 9.11 Controls for Specific Sign Types – Clause P17(c).
- The proposed communication panel is located 1.4m to the east of an existing driveway. A driver of a vehicle exiting the driveway is required to right left onto Berry Street due to the road being one-way. When undertaking the right turn a driver is required to observe gaps in the traffic to the west of the driveway only such that the proposed communication panel will not obstruct the required driver sight lines as per AS2890.1:2004 Clause 3.2.4.
- Side B of the communication panel does not have any vehicle approaches such that there will be no impact.

It is considered that the panel does not affect the safety of pedestrians or motorists.

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 is included limiting the display of the advertising panel to 3 years consistent with the NSDCP 2013.

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 6: 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.

In conclusion, the proposal is compliant with the relevant provisions of the Industry and Employment SEPP.

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 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 SP2 Infrastructure Zone. The proposal is consistent with the commercial intent and objectives of this zone and contributes to creating a vibrant and visually interesting streetscape with the LGA.	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> 	<p>The site is not located within or within proximity to:</p> <ul style="list-style-type: none"> • Environmentally sensitive areas; • Heritage Conservation areas • Natural or other conservation areas; • Waterways; • Low density Residential areas; • Scenic protection areas; and • National Park or nature reserves. 	Yes

<ul style="list-style-type: none"> • Scenic protection area • National park or nature reserve 		
<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. A condition of development consent has been imposed requiring that the overall height be reduced to 2.6m to meet the DCP requirements.</p> <p>It does not protrude above the skyline and does not compromise any significant views or character of the locality.</p>	<p>Yes</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 advertising panel do not materially impact on the heritage item in the vicinity of the site.</p> <p>The panel is limited to the public domain area, well setback from significant facades and built features of the heritage item located approximately 77m to the west.</p> <p>The proposed scale would not cause adverse visual impact to the heritage item, nor does it significantly impact on the views to and from the heritage item.</p>	<p>Yes</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 the prevailing urban environment of the North Sydney CBD. The streetscape is generally characterised by established urban uses, such as active street frontages (including retail uses, food and beverage, commercial tenancies etc) and multi-storey office and residential buildings.</p> <p>The proposal achieves visual interest within the urban streetscapes by providing a contemporary and high-quality interactive form of digital signage, which complements the existing form of signage in the area.</p>	<p>Yes</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 aluminum 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 compatible with the existing scale, proportion, and urban characteristics of the North Sydney CBD. Signage within the area is generally characterised by illuminated business and building identification signage, with some advertising signage present.</p>	<p>Yes</p>

The advertising structure should be in keeping with important features of the site, building or bridge structure.	The proposed advertising panel is successfully integrated into the surrounding area without distracting from important features of the surrounding environment. The structure is not attached or constructed upon buildings or bridge structures.	Yes
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. It will not create any unintended visual impacts and does not require vegetation screening.</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. This is consistent with the conditions issued by TfNSW and will form part of the consent conditions.</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 is imposed to not include complex displays including text and information that may hold a drivers attention beyond "glance appreciation".</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 patterns 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 are included as part of the TfNSW consent conditions.</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 speed limit is 40km/h in the vicinity of the site. 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 consistent with the referral by TfNSW will be imposed – refer to section above in the refer for external referrals for detail.</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 with the referral by TfNSW will be imposed – refer to section above in the refer for external referrals for detail.</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 readily visible from the school zone being approximately 120m from the school and not located within the school drop off zone which is in Miller Street.</p>	<p>Yes</p>
<p>2.5.10 Residential amenity</p>	<p>It is considered that there will be no adverse impact on residential amenity from the proposed digital advertising panel as the panel is located 29m from the apartments at No 71-89 Berry Street with the majority of surrounding buildings being commercial in nature. Also the face of the panel is not directed towards the residential tower but face east/west.</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>

Section 3 Advertisement and road Safety		
3.2 Sign location criteria		
<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 2000mm 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 with a 4m unobstructed path of travel between Berry square and Berry street remaining</p>	Yes
<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>Berry street is relatively straight road and does not have any significant decision points on approach to the Panel. The panel will not impact or obstruct the required driver sight lines. There are no other digital signs in close proximity to the proposed advertising pane allowing for appropriate sign spacing and no visual clutter</p>	Yes
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>	Yes
<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>	Yes
<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>	Yes

North Sydney LEP 2013

1. Permissibility

The subject site is zoned SP2 Infrastructure “classified road” 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 an additional permitted use under Schedule 1 of the NSLEP 2013:-

“Development for the purposes of signage is permitted with consent in Zone SP2 Infrastructure that is identified as “Railway” and “Classified road” on the Land Zoning Map (Clause 43).”

Accordingly, the proposed advertising structure / panel is permissible with consent in the SP2 Infrastructure zone.

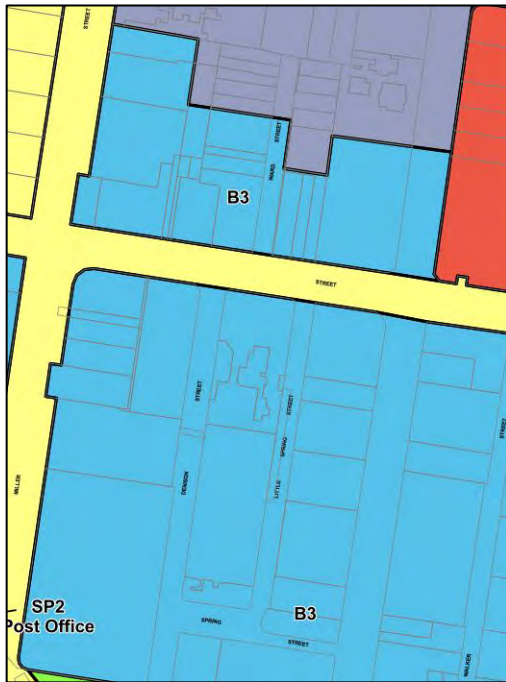


Figure 7: SP2 Infrastructure



Figure 8: Heritage Map

2. SP2 Infrastructure Zone Objectives

The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The development generally satisfies the objectives of the SP2 zone as it allows for interactive information and communication infrastructure that is compatible with the adjoining classified road/infrastructure.

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 9 above.</p> <p>The application is accompanied by a Heritage Impact Statement, which concludes that the works do not materially impact on the heritage item in the vicinity.</p>	Yes

	<p>The panel is limited to the public domain area, well setback from significant facades and built features of the heritage item located approximately 77m to the south-west.</p> <p>The proposed scale would not cause adverse visual impact to the heritage item, nor does it significantly impact on the views to and from the heritage item.</p> <p>Additional light generated from the digital signage would have no adverse impact on the overall significance of nearby heritage item.</p>	
--	---	--

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	Comment
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;</i></p> <p><i>and</i></p> <p><i>O7 Minimises impacts upon the safety of drivers and pedestrians.</i></p>	Yes	<p>The proposal advertising panel contributes to the diversity of activities within the Commercial does not detract from significant vistas or streetscapes and adds to the character of the streetscape ad complements the berry street square a future Ward Street Precinct. The proposed panel minimises the potential for adverse impacts form illumination as well as safety of drivers and pedestrians, consistent with the DCP objectives.</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 of eaves.</p> <p>P8 Signage must not cover any window, other opening or significant architectural features of the building.</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 Berry street. The design and appearance of the panel respects nearby buildings and land uses and is compatible with the surrounding streetscape and locality.</p> <p>The size and dimensions of the panel is not considered to dominate the surrounding land or buildings, nor will it dominate the skyline or protrude above any parapets or eaves.</p> <p>The proposed advertising panel does not cover any windows, openings, or any other significant architectural features of any surrounding buildings.</p>

<p>P10 Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.</p>		<p>When viewed from the ground level within a visual catchment of 1km, the structure will not protrude above the dominant skylines.</p>
<p>9.5 Location</p>		
<p>P2 The preferred location for signage is identified in the relevant character statement in Section 9.2. P3 Signage should be located such that they do not unreasonably obstruct accessible paths of travel for pedestrians. 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. P5 Provide signs that respect the viewing rights of other advertisers.</p>	<p>Yes</p>	<p>The proposed advertising panel is located within the North Sydney Centre and is considered to reinforce the character of advertising described in the analysis under Section 9.2 of the DCP, consistent with P2.</p> <p>The proposed advertising panel does not unreasonably obstruct accessible paths of travel for pedestrians. Consistent with P4 the panel is located such that it does not obscure a driver's or pedestrian's sightlines.</p>
<p>Section 9.6 Restrictions</p>		
<p><i>P1 Signage, other than exempt development, business identification signage or building identification signage is not permitted in the following areas:</i> (a) Residential zones (R2, R3 and R4 zones), (b) E2 - Environmental Conservation zone, (c) RE1 - Recreational Area zone, (d) RE2 – Private Recreation zone, and (e) Heritage conservation areas</p>		<p>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>
<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>	<p>Yes</p>	<p>The JCDecaux logo measures 0.008sqm complying with P6.</p>
<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>	<p>Condition of consent</p>	<p>A condition of consent is included limiting the display of the advertising panel to 3 years consistent with P7 of the NSDCP 2013.</p>
<p>Section 9.7 Content</p>		
<p><i>01 To minimise the social impact of advertising in the public interest.</i></p>	<p>Yes</p>	<p>The proposal is consistent with the commercial nature of the locality and adjoining sites</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.		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.
Section 9.8 Pedestrian and Road Safety		
O1 To ensure that signage does not adversely affect driver and pedestrian safety	Yes	The panel is considered to generally satisfy the assessment criteria of Schedule 5 of the Industry and Employment SEPP (specifically criteria 8 Safety – refer to assessment above within this report). The application also has the concurrence from TfNSW and includes appropriate conditions of consent to minimise any driver distraction. It is considered that the panel does not affect the safety of pedestrians or motorists.
Section 9.10 Illumination		
O1 To ensure that the local amenity is preserved with appropriate levels of illumination.	Yes	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. It is concluded that all sites comply with the lighting limits.
Section 9.11 Controls for Specific sign types (Freestanding Advertising Panels)		
P14 Limited to land within the North Sydney Centre as identified by NSLEP 2013	Yes	The proposed advertising panel is located within the North Sydney Centre.
P15 Min. setback of 600mm to kerb line of any road	Yes	The panel is setback 600mm from the kerb.
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	The panel allows for an unobstructed width of 4m across the footpath.
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.	Yes	The panel is not located on a kerb blister, nor is it within 10m of an unsignalised intersection or marked pedestrian crossing nor is it located within 20m of a signalised intersection.

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	The panel is 1.2m from the adjoining street tree and 2.2m from the bike rack and parking zone sign.
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	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.
P20 Freestanding advertising structures are not permitted to be located directly on that part of a footpath located directly adjacent to a heritage item.	Yes	The panel is not located directly on that part of the footpath located directly adjacent to a heritage item.
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.	Yes	It is considered that the proposed advertising panel provides 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. 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. The proposed panel is commensurate with the design and operational expectations and requirements of environmentally sustainable public connectivity infrastructure in established urban locations.
P25 The display area of a message on a freestanding advertising panel is limited 1.2m wide x 2.0m in height.	Yes	Side A = 930mm x 1.65m Side B = 690m x 390mm
P26 Freestanding advertising structures are not to exceed any overall height of 2.6m above existing ground level.	No however a Condition of consent has been imposed to comply	The panel measures a total height of 2.75m from the finished footpath level and a condition of consent to comply with the 2.6m is recommended.
P27 Any cumulative impacts or visual clutter created by the proposed signage.	Yes	The proposal advertising panel is not considered to create visual clutter; rather it will provide a low impact, built form of interactive signage that complements existing signage.
Part B Section 2 – Commercial and Mixed Use Development		
B22 Functions		
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 illuminations		
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).	Yes	The subject site is located within the North Sydney Planning Area, specifically within Central Business District. The lettering, colour, design and size of the proposed roof signage is considered to be reasonably consistent with the context of the Central Business District area character statement specified in the NSDCP 2013.
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

2.0 North Sydney Planning Area Character Statement

2.1 Central Business District

The proposed advertising panel is considered to be compatible with the desired future character of the North Sydney Centre. The proposal complements the highly urbanised nature of the predominantly high to medium-high rise commercial and mixed commercial and residential development area.

It contributes to a creating vibrant and visually interesting streetscape with the locality as well as improving public spaces and facilities especially within the Berry Street Square and future Ward Street Precinct.

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:-

- ***To impeding the movement of pedestrians***

Comment

The application has been assessed in accordance with the relevant legislation (refer to assessment within the body of this report). In complying with the applicable legislation, the proposed will not result in unacceptable glare, nor will it adversely impact the safety of pedestrians or motorists.

- ***Potential distraction to motorists***

Comment

The application is accompanied by a Roads Safety Assessment outlining compliance with the relevant criteria for potential distraction to drivers. Refer to assessment within the body of this report.

- ***Detracting from the character of the local area***

Comment

The proposed advertising panel is considered to be compatible with the desired future character of the North Sydney CBD. The proposal complements the highly urbanised nature of the predominantly high to medium-high rise commercial and mixed commercial and residential development area.

- ***None of the panels feature anything in connection with local community***

Comment

The application is for a freestanding advertisement structure for the purposes of Council communication (on side B) which may include community advertising Council content, public transport information, and local points of interest. It also includes public emergency messaging system which can display messages regarding road safety for vehicles and pedestrians or other public awareness matters. Refer to public interest assessment within the body of this report.

SITE SUITABILITY

The subject site is located within the North Sydney Centre and this type of signage is permissible in the North Sydney Centre under the LEP as well as being the preferred location for this type of signage under Section 9.11 of the DCP.

As such the site is suitable for the proposed advertising panel, subject to conditions of consent.

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 BENEFIT

The application is for a freestanding advertisement structure for the purposes of Council communication (on side B) which may include community advertising Council content, public transport information, and local points of interest. It also includes public emergency messaging system which can display messages regarding road safety for vehicles and pedestrians or other public awareness matters, ensuring safety of vehicles and pedestrians.

As noted on p.22 of the applicants SEE:- *“Key partnerships of JCDecaux facilitate the promotion of important public messages. This has been most recently exemplified by successful campaigns such as ‘Shop Local’ encouraging stimulation of localised economies, the ‘Thank you’ campaign for the Australian essential workers, and most recently the ‘National Vaccine Tally’ in a drive to encourage Australians to book vaccinations. It is JCDecaux’s partnerships with key authorities that enables these campaigns to reach broad audiences in diverse formats for the betterment of the general public”.*

JCDecaux successful campaigns demonstrate their commitment to the overall public interest.

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is *“Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.*

The proposal is considered to provide for public benefits as the ‘live touch interface’ digital screen will be high -quality and user friendly with the latest technology features. It can display public transport timetables, multi-lingual and disability services, and local points of interest. Additionally, the opportunity is available for local businesses to advertise on the panel, promoting spending throughout the North Sydney LGA.

Moreover, there are no unreasonable impacts that will result from the proposed advertising panels therefore, the benefits outweigh any disadvantage and as such the proposed development will have an overall public benefit.

CONCLUSION AND REASONS

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, meets the relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the NSDCP 2013.

JCDecaux's successful awarding of the Street Furniture Contract was in part established from a clear focus to deliver on Council's objectives to modernise street furniture assets and enhance the amenity of active and public transport users within the North Sydney CBD and broader LGA.

The land to which the proposal relates is highly urbanised, in that the proposed communication panel is located on a paved footpath and within a road reserve in the established urban centre of North Sydney.

The Road and Safety Assessment had regard for the relevant criteria and provisions of:

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

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

The digital advertising panel, as designed, operated, and installed in accordance with the Lighting Impact Assessment, will comply with all relevant requirements of:

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

Light generated from the digital signage is considered not to have an adverse effects on the amenity of nearby residential receivers or significance of the heritage item.

The proposed advertising panel is commensurate with the design and operational expectations and requirements of environmentally sustainable public connectivity infrastructure in established urban locations. The proposed digital panel achieves visual interest within the streetscape of the established urban environment by providing a contemporary and interactive form of digital signage, creating a unique customer experience.

On balance, the proposed development is considered to be reasonable and is recommend for approval subject to the recommended conditions of consent.

RECOMMENDATION

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

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

Time-limited Consent

- A4. This consent shall cease to be in force on the expiration of 3 years after the date on which the consent becomes effective and operates in accordance with Section 8.13 of the Environmental Planning and Assessment Act 1979. Should the owner of the site wish to extend this period, a new development application shall be lodged with Council prior to the cessation of the current consent. This requirement shall be included in any future lease agreements for the new signage lot.

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

Design Changes (maximum height)

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

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

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

Design Changes (Panel location)

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

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

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

Signage Illumination Intensity

- I1.
- 1) The sign(s) must be installed and used at all times in accordance with the Lighting Impact Assessment prepared by Electro Light dated 10 February 2023; and
 - 2) The AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:
 - a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood.
 - b) The level of illumination and/or lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.
 - c) The signage illumination must not flash.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

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
CONDITIONS OF DEVELOPMENT APPROVAL
ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

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

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

Plans on Site

- A2. A copy of all plans endorsed with Council's approval stamp, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the Principal Certifier upon their request.

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

Further consent for change to signage required

- A3. Separate and further consent is required to be obtained for any change to the design, size, height, colour or external form of the approved signage including any change relating to:
- (a) Enlargement/alteration of signage area;
 - (b) Any change to signage content;

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 2 of 16

(c) Any change to illumination restrictions contained within this consent Animation.

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

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

Time-limited Consent

A4. This consent shall cease to be in force on the expiration of 3 years after the date on which the consent becomes effective and operates in accordance with Section 8.13 of the Environmental Planning and Assessment Act 1979. Should the owner of the site wish to extend this period, a new development application shall be lodged with Council prior to the cessation of the current consent. This requirement shall be included in any future lease agreements for the new signage lot.

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

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)*

Design Changes (maximum height)

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

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

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

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

Design Changes (Panel location)

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

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

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

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 3 of 16

TfNSW Conditions

C3. The following conditions from TfNSW shall apply:-

1. The proposed signs design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) requirements.
2. The image displayed on the sign must not contain/ use:
 - a) Flashing or flickering lights or content.
 - b) Animated displays, moving parts or simulated movement.
 - c) Complex displays including text and information that hold a driver's attention beyond "glance appreciation".
 - d) Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'.
 - e) A method of illumination that distracts or dazzles.
 - f) Dominant use of colours red or green.
3. Dwell times between displays shall be no shorter than 10 seconds.
4. The Applicant shall prepare an independent Road Safety Assessment (RSA) after 18 months of operation of the digital signage. The RSA should provide a formal assessment of the safety performance of the sign.
5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Berry Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

(Reason: To ensure the proposed signage does not result in adverse impacts to drivers or residents within the LGA)

Dilapidation Report Damage to Public Infrastructure

- C4. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 4 of 16

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Principal Certifier with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Work Zone

- C5. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

Note: For major development an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Principal Certifier to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

- C6. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$3,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 5 of 16

- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of six months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Development Engineers or Manager of Development Services.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Principal Certifier must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Security Deposit/Guarantee Schedule

- C7. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Infrastructure Damage Bond	\$3,000.00
TOTAL BONDS	\$3,000.00

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 6 of 16

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Waste Management Plan

- C8. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Outdoor Lighting C83

- C9. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

Signage Design - Control of the Obtrusive Effects of Outdoor Lighting

- C10. The signage must be designed in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting.

Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 7 of 16

D. Prior to the Commencement of any Works (and continuing where indicated)**Public Liability Insurance – Works on Public Land D7**

- D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Commencement of Works' Notice D11

- D2. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work**Parking Restrictions E3**

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 8 of 16

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Council Inspection of Public Infrastructure Works

- E3. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -
- Formwork for layback, kerb/gutter, footpath, etc.
 - All reinforcement for the concrete base beneath the pavers,

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Temporary Disposal of Stormwater Runoff E5

- E4. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifier.

(Reason: Stormwater control during construction)

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 9 of 16

Noise and Vibration E13

- E5. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

No Work on Public Open Space E15

- E6. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

Applicant's Cost of Work on Council Property E16

- E7. The applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property E17

- E8. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Construction Hours E23

- E9. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
All zones (Excl. B3 Commercial Core and B4 Mixed use zone)	Monday - Friday	7.00am - 5.00pm
	Saturday	8.00am - 1.00pm
	Sunday Public holiday	No work permitted

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 10 of 16

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP & A Act 1979 and in accordance with Council's adopted Compliance & Enforcement Policy.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Health and Safety E29

- E10. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Special Permits E21

- E11. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours' notice is required for any permit:

1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc., - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) Hoardings

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Installation and Maintenance of Sediment Control E25

E12. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils and Construction (4th Edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 12 of 16

Sediment and Erosion Control Signage E26

- E13. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Prohibition on Use of Pavements E32

- E14. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Protection of Trees

- E15. No excavation or construction shall be permitted within 1500mm of COT of the adjacent Platanus sp. street tree immediately to the north of the proposed sign location. This tree shall be protected and retained as part of the development consent in accordance with AS 4970-2009.

Sensitive construction techniques including hand excavation, & flexible location of footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No connection to electricity or any other underground services shall be directed through the TPZ of any protected tree. No canopy pruning is permitted.

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

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation**National Construction Code**

- F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 13 of 16

Appointment of Principal Certifier (PC)

- F2. Building work, **demolition** or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

- F4. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F5. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works' Notice

- F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 14 of 16

Excavation

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Protection of Public Places

- F8. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

G. *Prior to the Issue of an Occupation Certificate***Infrastructure Repair and Completion of Works**

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 15 of 16

- a. in the road reserve must be fully completed; and
- b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Damage to Adjoining Properties

- G2. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Utility Services

- G3. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

Damage to Adjoining Properties

- G4. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:

- a) whether any damage to adjoining properties has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Principal Certifier in accordance with this consent.

**ADJACENT TO 79-81 BERRY STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 96/23**

Page 16 of 16

A copy of the report and certification required by this condition must be submitted to Council with the Final Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To record the condition of adjoining properties prior to completion of the development and to facilitate claims against damage)

I. On-Going / Operational Conditions

Signage Illumination Intensity

- I1. 1) The sign(s) must be installed and used at all times in accordance with the Lighting Impact Assessment prepared by Electro Light dated 10 February 2023; and
- 2) The AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:
- a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood.
 - b) The level of illumination and/or lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.
 - c) The signage illumination must not flash.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

No Flashing

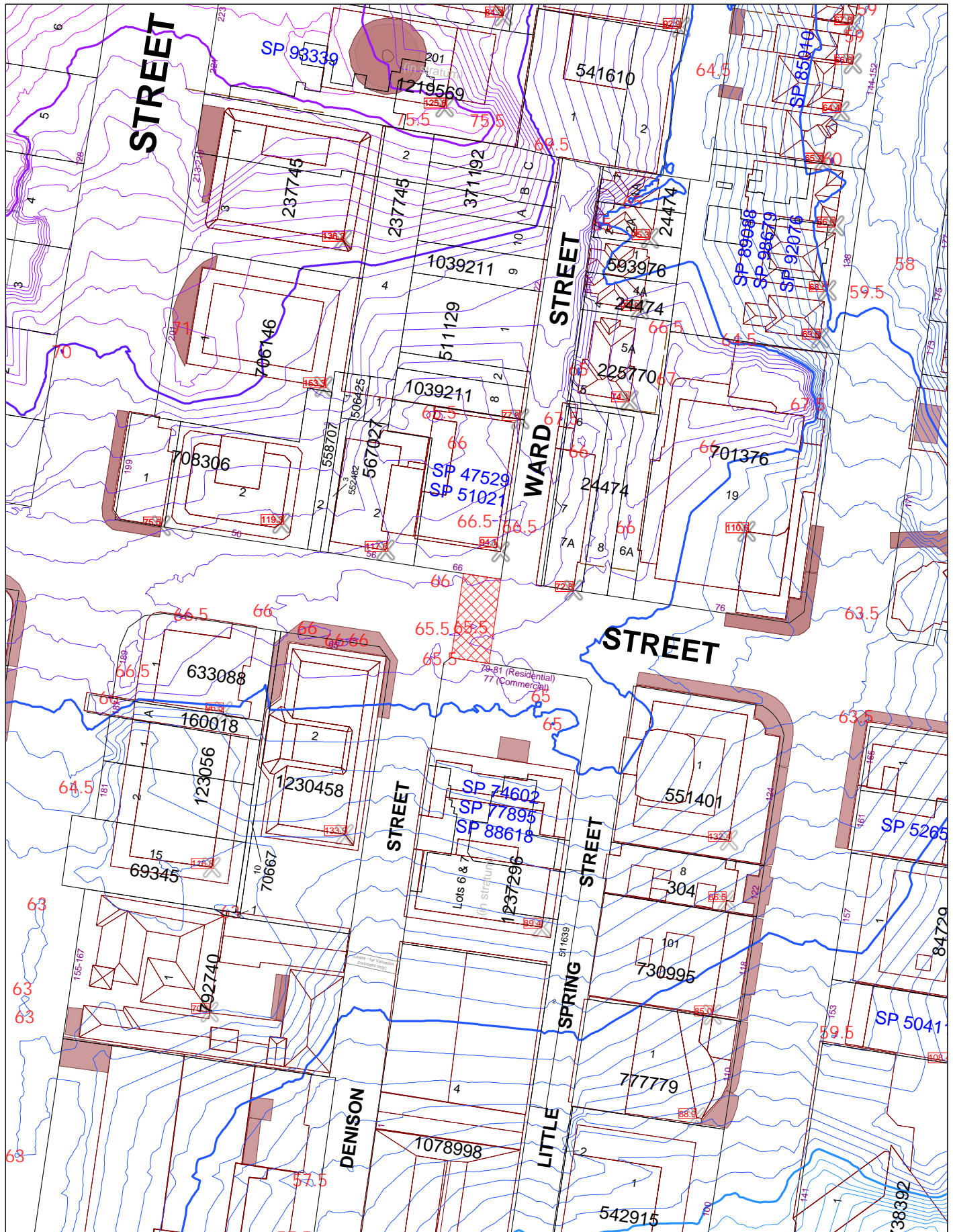
- I2. The signage illumination, when operating, shall be a constant light and shall not flash or have any moving elements or animations.

(Reason: Visual impact and amenity)

Maintenance of Signage Structure

- I3. The signage must be maintained at all times to a structurally sound condition in order to provide an acceptable level of public safety.

(Reason: To ensure that structures are maintained to an acceptable standard and do not become a potential public hazard)



North Sydney Council

Copyright © North Sydney Council - No part of this map may be reproduced without permission. Commercial decisions should not be made based on information contained in this map without first checking details held by the responsible Government authority.

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

Scale: 1:1200 approx.







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



Berry Street Public Domain Upgrade



North Sydney CBD



Bradfield Highway

COMMUNICATIONS PANEL

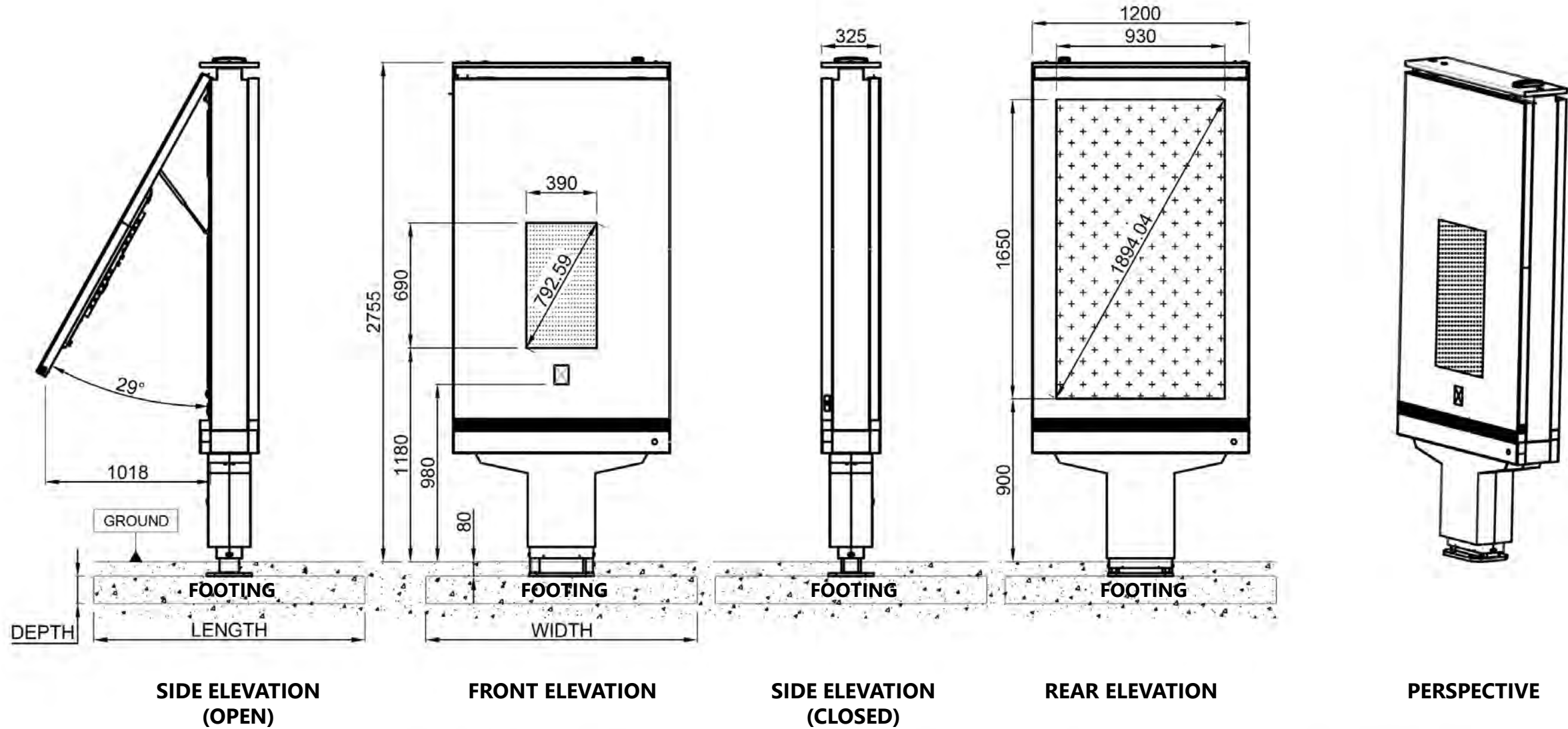



- 1 Laminated glass screens, extruded aluminum frames and stainless steel panels powder-coated with JCD7002 Chain Metal Gris (Grey)
- 2 100% powered by renewable energy, direct or by credits where not available
- 3 Electronic Screen on rear of structure will display third party content
- 4 Electronic 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:

All measurements are in millimetres unless state otherwise
 Depth of excavation and the design of footing is subject to further site assessment by certifying structural engineer

Footing options		Footing Size
1	Dependant on site condition	Customised by Structural Engineer
2	Typical Deep	1500mm(l) * 1500mm(w) * 150mm(d)
3	Typical Shallow	1000mm(l) * 1000mm(w) * 500mm(d)



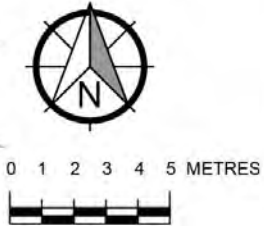
 DISABLED TOUCH PAD (OPTIONAL)

 32" ELECTRONIC DISPLAY SIDE
(0.27m² VISUAL AREA)

 75" ELECTRONIC DISPLAY SIDE
(1.53m² VISUAL AREA)

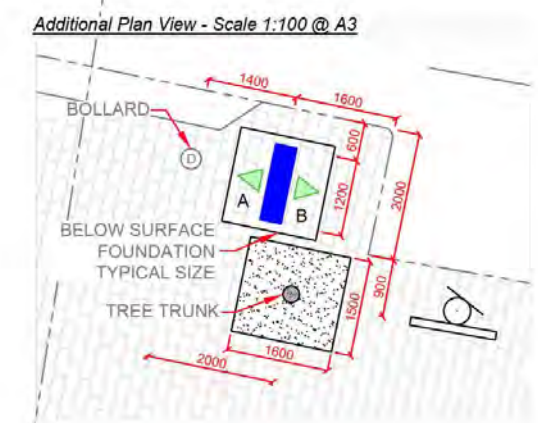
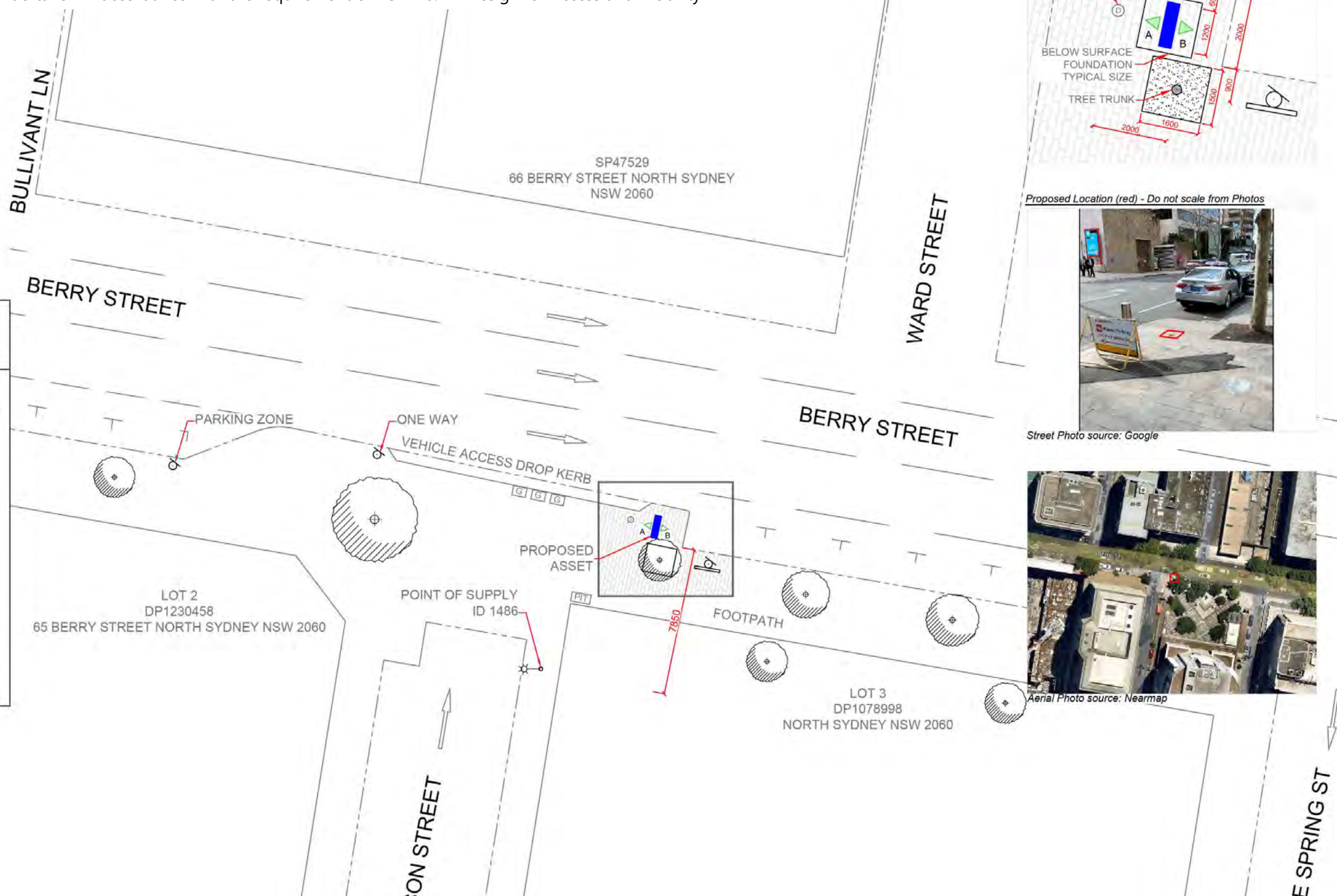
Notes:

All measurements are in millimetres unless state otherwise
 Depth of excavation and the design of footing is subject to further site assessment by certifying structural engineer
 Construction to be undertaken in accordance with the requirement of AS1428.1-4 Design for Access and Mobility



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

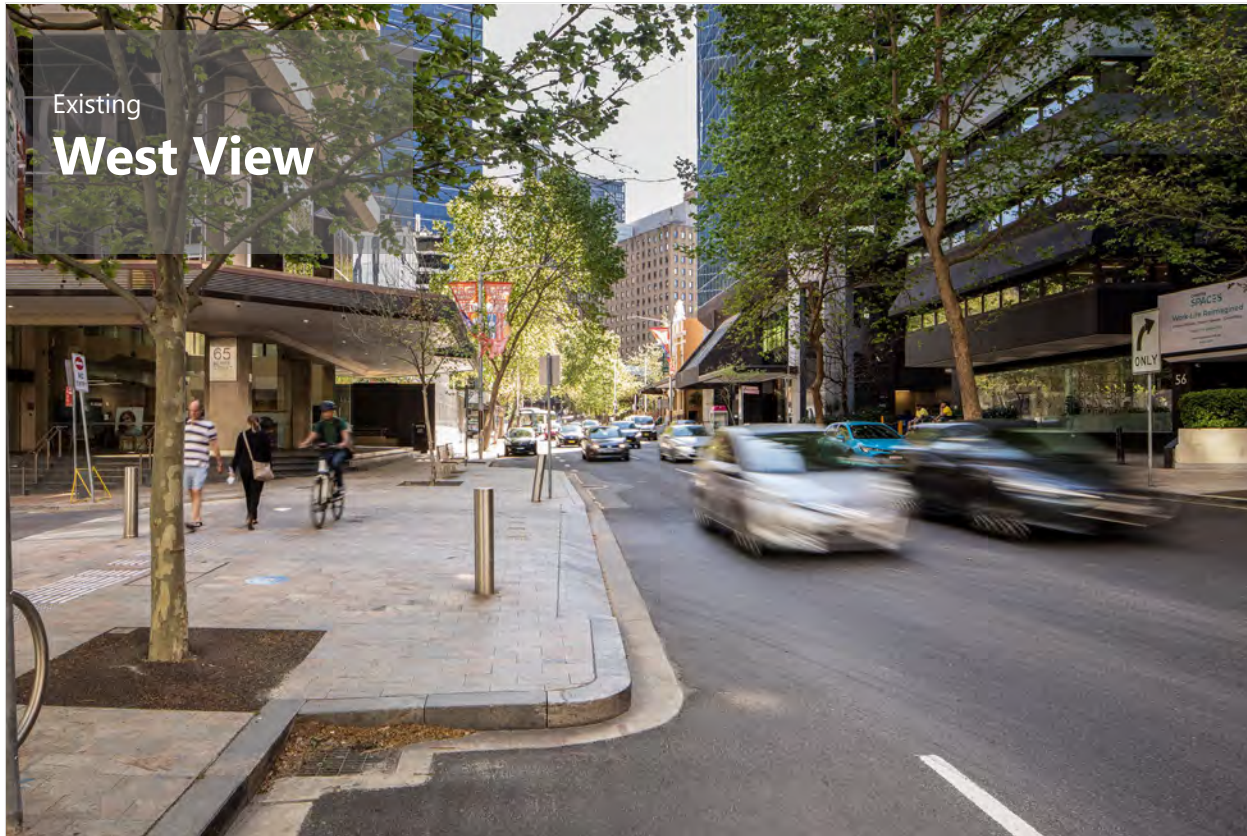




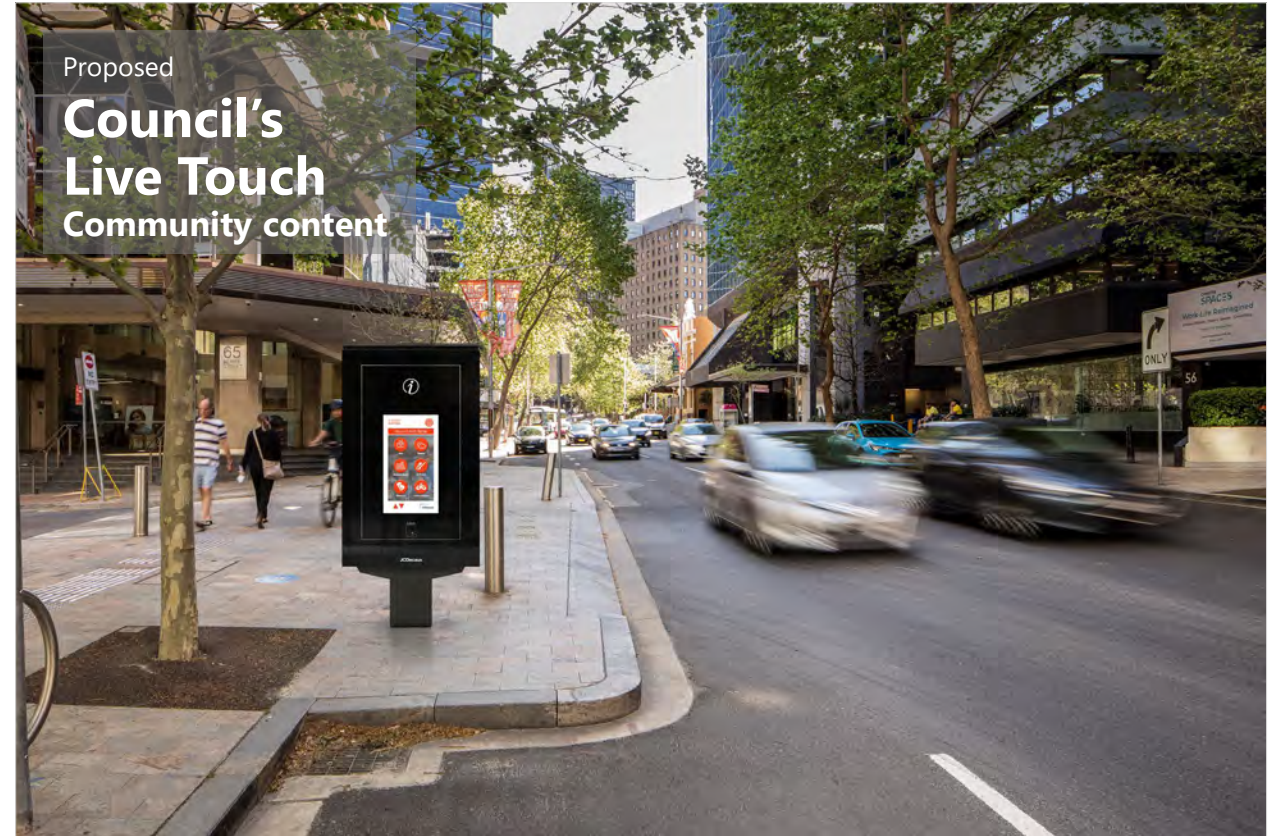
Existing
East View



Proposed
**Third Party
Content
Advertising**



Existing
West 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