

**NSLPP MEETING HELD ON 03/04/24****Attachments:**

1. Site Plan
2. Architectural Plans
3. Transport for NSW comments
4. Transport Corridor Outdoor Advertising and Signage Guidelines Assessment
5. Draft Standard conditions

**ADDRESS/WARD:** 'Benelong' bus shelter adjacent to 81A Gerard Street, near intersection with Benelong Road, Cremorne

**APPLICATION No:** 162/23

**PROPOSAL:** Replacement of an existing double sided advertising panel with a new double sided digital advertising panel.

**PLANS REF:**

Plan No.	Rev No.	Description	Dated	Prepared by
BS-NSW-NSC-016	A	Location Plan	24/12/2022	JC Decaux
BS-NSW-NSC-016	A	Signage Detail Plan	24/12/2022	JC Decaux

**OWNER:** North Sydney Council

**APPLICANT:** JC Decaux Australia Trading Pty Ltd

**AUTHOR:** Brett Brown Consultant Planner, Ingham Planning Pty Ltd

**DATE OF REPORT:** 12 February 2024

**DATE LODGED:** 26 May 2023

**RECOMMENDATION:** Approval

## EXECUTIVE SUMMARY

This development application seeks approval for the replacement of an existing double sided advertising panel with new double sided digital advertising panel, located on bus shelter 67 (BS067), known as 'Benelong' bus shelter adjacent to 81A Gerard Street Cremorne.

**The development application is reported to the North Sydney Local Planning Panel (NSLPP) for determination because Council is the owner of the land on which the bus shelter is located. Council is also, we understand, the roads authority pursuant to Section 7(4) of the Roads Act 1993. Council-Related Development Conflict of Interest Management Policy requires that the determination of an application for Council-related development be determined by the Local Planning Panel. Accordingly, the application requires determination by NSLPP under this Policy. This is also reinforced by the current Ministerial direction relating to the management of Planning Panels.**

Notification of the proposal attracted nil submissions.

The DA was referred to Transport for NSW (TfNSW) as pursuant to Section 138 of the Roads Act 1993, Council cannot grant consent to such works without the concurrence of TfNSW (as Gerard Street is a classified road). Notwithstanding that the subject application is a DA, not a Section 138 application, the TfNSW has granted concurrence on traffic safety grounds, and this has been taken as advice in relation to the DA and their conditions adopted as conditions in the recommendation for consent.

The site is within the SP2 Infrastructure zone. The proposed use is permitted within this zone pursuant to Clause 2.5 of the LEP which relates to additional permitted uses for particular land. In this regard Schedule 1 of the LEP includes Clause 43, which permits signage on land zoned SP2 identified as 'Railway' or 'Classified Road'.

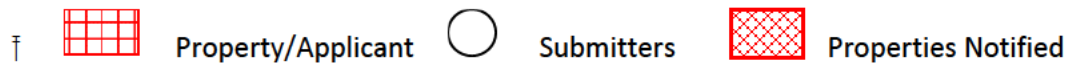
The structure is not heritage listed and Council's Heritage Advisor raised no concerns with the proposal.

The sign is sufficiently distant from residential properties so as not to create a potential nuisance.

The consent is proposed to be limited to an operational period of 7 years.

Having regard to the above and other matters discussed below, the development application is recommended for **approval**.

LOCATION MAP



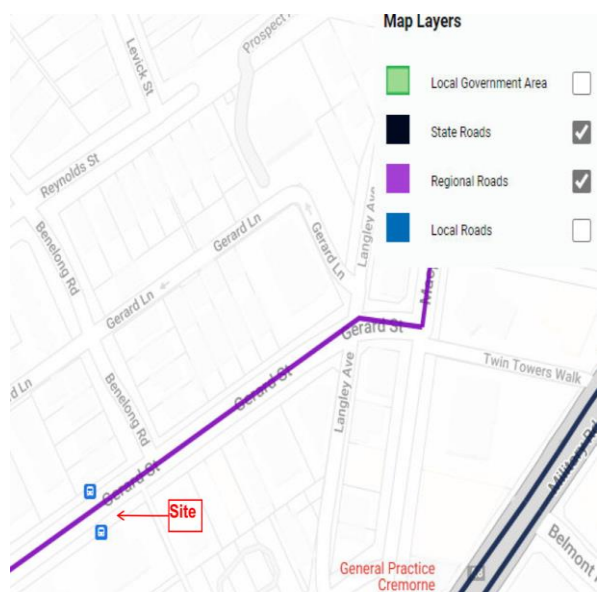


Figure 1 - TfNSW Classified Roads Map

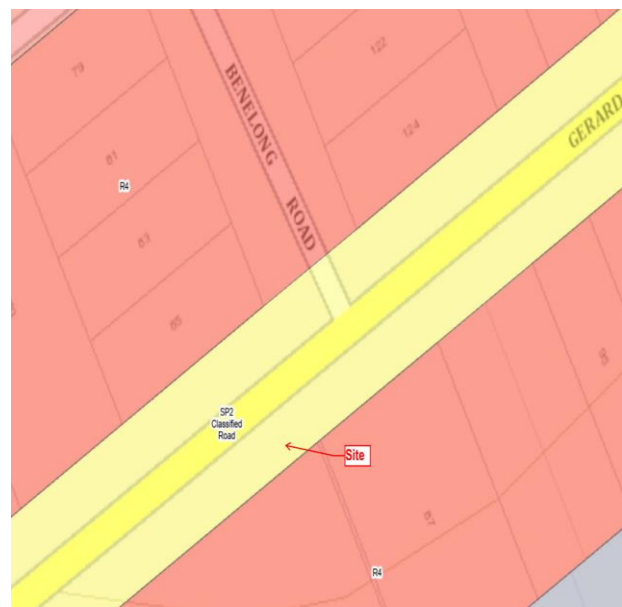


Figure 2 – Zoning map showing location of bus shelter

## DESCRIPTION OF PROPOSAL

The proposed development involves the replacement of an existing double sided advertising panel with new double sided digital advertising panel, located on the south-western end of the bus shelter 67 (BS067), known as 'Benelong' adjacent to 81A Gerard Street Cremorne. The size of the proposed panels are a '75 inch' digital display being 1.65m high x 0.932m wide with a display area of 1.53sqm.

The application describes the proposal in the following detail:

- Laminated glass screens, extruded aluminium frames, and stainless steel panels;
- 2 x portrait 75-inch digital display screens (932mm x 1650mm) to display third-party advertising content;
- 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.
- The signage will be designed and manufactured in accordance with ISO 9001, ISO 14001 certifications and Australian Standards.



Figure 1 Site and Context



Source: Urbis

Figure 3 – Location

In relation to illumination, the application notes the following:

*The electronic screens have an inbuilt light adjustment sensor that measures surrounding ambient light and gradually adjusts the screen brightness based on the need for light. The light adjustment sensor has a built-in delay to accommodate occasional cloud passing overhead or headlights from traffic so that the brightness of the screen does not change suddenly or unnecessarily. The brightness adjustments are undertaken in 1% increments such that no dramatic change of screen brightness can be detected by onlookers.*

*Screen brightness outputs are designed in accordance to satisfy Australian Standard AS4282:2019 Control of the Obtrusive Effects of Outdoor Lighting. Screen brightness is summarised in **Table 2**.*

**Table 2 Luminance Levels of Digital Signage**

<b>Lighting Condition</b>	<b>Max Luminance (cd / sqm)</b>
<i>Full sun on face of signage</i>	<i>No limit</i>
<i>Daytime luminance</i>	<i>6000</i>
<i>Morning and evening twilight and inclement weather</i>	<i>500</i>
<i>Night-time</i>	<i>200</i>

The proposed location of the signage is shown below.

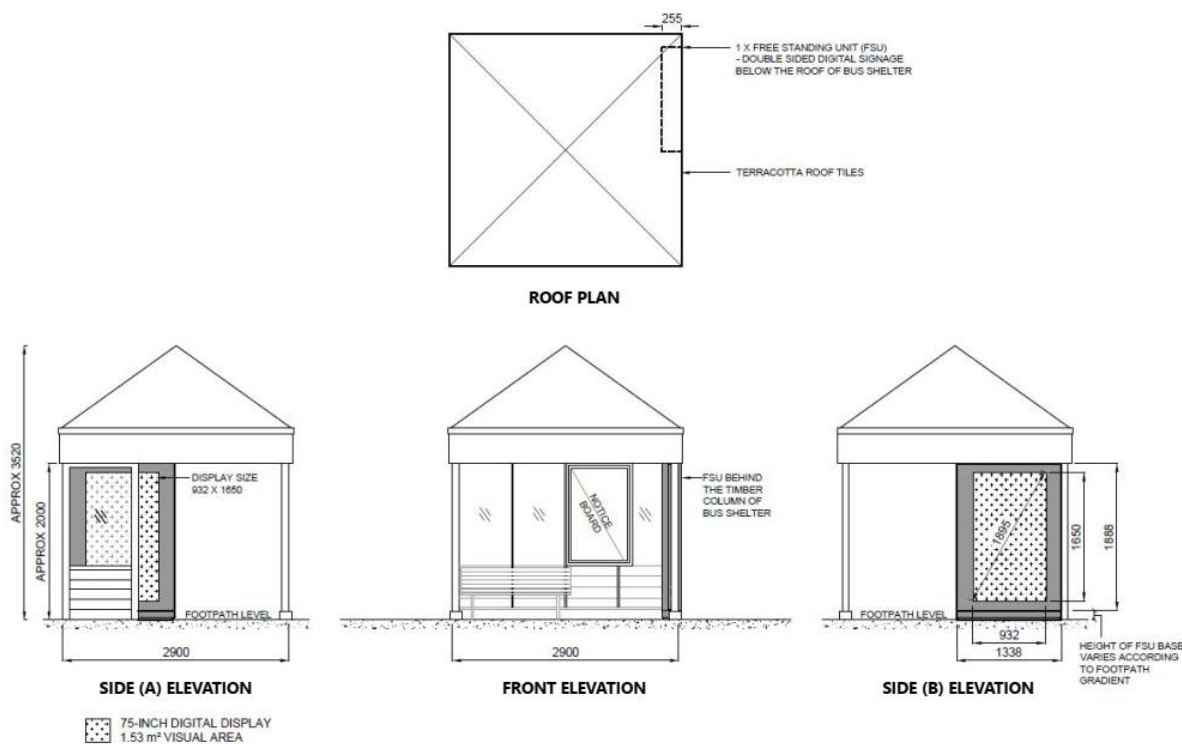


Figure 4 – Proposed signage

In relation to the emergency messaging system, the applicant notes:

*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 advertisement displays.*

### Existing and proposed appearance of bus shelter

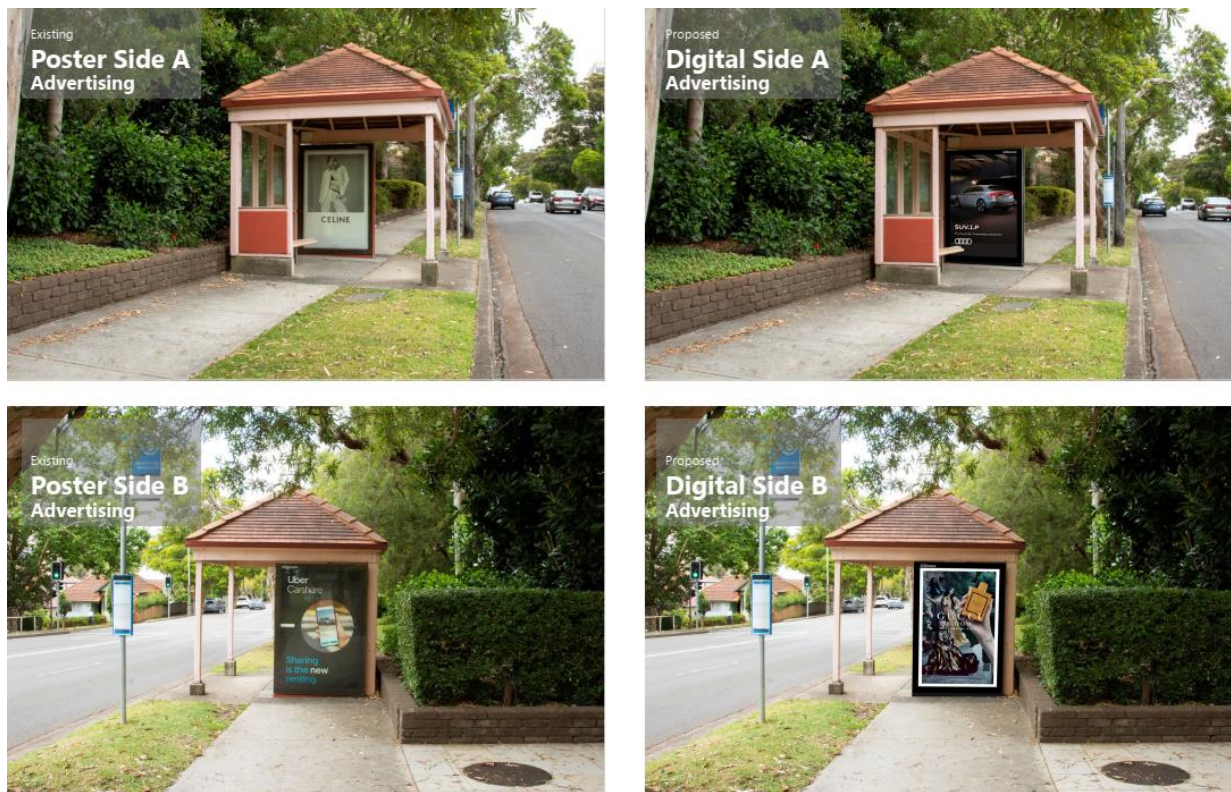


Figure 5 – Comparison of existing and proposed signage

### STATUTORY CONTROLS

Roads Act 1993

Environmental Planning & Assessment Act 1979 (As amended)

Environmental Planning & Assessment Regulation 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Industry and Employment) 2021

Transport Corridor Outdoor Advertising and Signage Guidelines 2017

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – SP2 Infrastructure (Classified Road)
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes
- Conservation Area - No

North Sydney Local Infrastructure Contributions Plan 2020

### POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)

Council-Related Development Conflict of Interest Management Policy



## DESCRIPTION OF LOCALITY

The site is located within the road reserve of Gerard Street at Cremorne, just near its intersection with Benelong Road (see **Figure 6**). It is located to the north-west of the residential property known as 81A Gerard Street, which contains a multi-level apartment building. The existing bus shelter is not a heritage item and is located on land zoned SP2 Infrastructure. The land around the site is zoned R4 High Density Residential and predominantly contains multi-level apartment buildings although some sites retain lower scale dwelling-house development.



Source – google maps

**Figure 6 - Bus shelter viewed from Gerard Street adjacent to 81A Gerard Street**

## INTERNAL REFERRALS

### ENGINEERING/TRAFFIC

As this DA was referred to TfNSW, Council's traffic engineer did not provide comment.

### ENGINEERING/STORMWATER DRAINAGE

*Bond of \$5000 to be applied as a condition should the application be recommended for approval.*

This requirement is included as a condition in the recommendation of this report.

## HERITAGE

The following assessment has been provided by Council's heritage officer.

*The proposed new digital signage will replace the existing advertising signage. There will be no further removal of original fabric from the Federation style bus shelter and no alteration to its curtilage or setting. The proposal will have no impact upon the nearby heritage listed sandstone cottages at 22 and 24 Gerard Street as there is significant distance between them.*

*The proposal is therefore considered to generally satisfy clause 5.10 of NSLEP 2013 and Part B Section 13 of NSDCP 2013.*

*Please apply standard conditions:*

***No Demolition of Extra Fabric  
Removal of Extra Fabric***

These conditions are included in the recommendation of this report.

## **EXTERNAL REFERRALS**

### **TRANSPORT for NSW (TfNSW)**

TfNSW has provided its concurrence under Section 138 of the Roads Act (see **Attachment 3**), which as discussed below, has been taken as advice in relation to the DA and the conditions of the concurrence adopted as conditions of development consent in Part I as contained in the recommendation of this report.

## **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. We understand that Council would be the roads authority for the proposed works under the Roads Act.

Under Section 138 of the Roads Act, Council must grant consent to the proposed works under that Act and cannot grant consent without the concurrence of TfNSW, as this part of Gerard Street is a regional road which is also a classified road.

The DA was referred to TfNSW for their concurrence. However, this was not technically correct as the subject application is a DA, not a section 138 application so concurrence is not required for the DA.

Normally the requirement for consent under Section 138 would make the DA 'integrated development' pursuant to Section 4.46 of the EP&A Act. However, subsection (3) of Section 4.46 states:

*Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.*

In this case development consent and approval under Section 138 is required from North Sydney Council and so the proposal is not 'integrated development'. However, this does not alter the fact that TfNSW would need to provide concurrence to an application under Section 138. This being the case and as the DA is for development on Council owned land, it is appropriate for Council to rely upon the TfNSW comments in relation to traffic safety matters (which have been discussed above).

## **SEPP (Biodiversity and Conservation) 2021**

### **Chapter 2 – Vegetation in non-rural areas**

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

### **Chapter 6 - Water Catchment**

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

## **SEPP (Resilience and Hazards) 2021**

### **Chapter 2 – Coastal Management**

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

### **Chapter 4 Remediation of Land**

Pursuant to Clause 4.6(2) the proposal does not involve a change of use on any land referred to in Clause 4.6(4). Given the nature and age of the existing use, the land is unlikely to be contaminated and, in any event, minimal ground disturbance is required to install the new panels.

## **SEPP (Transport & Infrastructure) 2021**

The proposal is not located on a proposed classified road and does not front a classified road and so the provisions of this SEPP are not relevant.

## **State Environmental Planning Policy (Industry and Employment) 2021**

Chapter 3 of this SEPP relates to Advertising and signage. The proposed use is an 'advertisement' and 'advertising structure' as discussed below in relation to the LEP. Clause 3.6 applies to all signage including advertising and its requirements are considered below.

### *3.6 Granting of consent to signage*

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—*

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

In relation to (a) the relevant objectives are:

- (a) to ensure that signage (including advertising)—*
  - (i) is compatible with the desired amenity and visual character of an area, and*
  - (ii) provides effective communication in suitable locations, and*



(iii) *is of high quality design and finish*

The following comment are provided in regard to the above:

- Visually the signs will appear similar to the existing signs and are integrated well into the overall design of the bus shelter. The signs will be compatible with the desired amenity and visual character of an area;
- The signs will provide effective communication and as noted in the comments by TfNSW, the location is suitable to this type of signage having regard to traffic issues;
- The details provided indicated that the proposed signage is of high quality design and finish.

In relation to (b), the criteria in Schedule 5 are discussed in the following table.

Criteria	Assessment
<p><b>1 Character of the Area</b></p> <p><i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i></p> <p><i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i></p>	<p>Yes. The signage is visually very similar to the existing signs and is consistent with the existing and desired future character of the area which includes a classified road and related infrastructure.</p> <p>Yes. The only theme for outdoor advertising in the road reserve is that it is uncommon and where it is provided it is unobtrusive.</p>
<p><b>2 Special Areas</b></p> <p><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>No. The bus shelter is not identified as a heritage item and as noted in the heritage officer's comments, the proposed signs will not detract from the significance of the nearby items.</p> <p>The adjoining land is zoned residential however the visual impact will remain consistent with the existing signs and there will be no unreasonable amenity impacts.</p>
<p><b>3 Views and Vistas</b></p> <p><i>Does the proposal obscure or compromise important views?</i></p> <p><i>Does the proposal dominate the skyline and reduce the quality of vistas?</i></p> <p><i>Does the proposal respect the viewing rights of other advertisers?</i></p>	<p>No. The signs do not have any impact on important views and the visual quality of the area will be maintained.</p> <p>No. The signs do not have any impact on skyline views and the visual quality of the area will be maintained.</p> <p>No. The proposal has no impact in this regard.</p>

<p><b>4 Streetscape, Setting or Landscape</b></p> <p><i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i></p> <p><i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i></p>	<p>Yes. The form and size of the signs is similar to the existing and is appropriate to the existing setting.</p> <p>Yes. The proposed digital displays achieve visual interest within the streetscapes of the established urban environment in that they will replace outdated and less visually appealing signs.</p>
<p><i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i></p> <p><i>Does the proposal screen unsightliness?</i></p> <p><i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i></p> <p><i>Does the proposal require ongoing vegetation management?</i></p>	<p>No. However the proposed signs replace existing signs with improved quality.</p> <p>No.</p> <p>No.</p> <p>No.</p>
<p><b>5 Site and Building</b></p> <p><i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i></p> <p><i>Does the proposal respect important features of the site or building, or both?</i></p> <p><i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i></p>	<p>Yes. The digital displays will replace existing signs affixed to the bus shelter located within the road reserve.</p> <p>Yes. The design, form, and dimension of the signage is compatible with the scale and proportion of the bus shelter and existing signs.</p> <p>No. However the introduction of a digital display will allow greater control over the advertising and will permit community and emergency messaging.</p>
<p><b>6 Associated Devices and Logos with Advertisements and Advertising Structures</b></p> <p><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. No safety devices, platforms, or lighting devices are proposed. A JCDecaux logo is proposed in a discreet location in the corner of the displays.</p>

<p><b>7 Illumination</b></p> <p><i>Would illumination result in unacceptable glare?</i></p> <p><i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i></p> <p><i>Would illumination detract from the amenity of any residence or other form of accommodation?</i></p> <p><i>Can the intensity of the illumination be adjusted, if necessary?</i></p>	<p>No. As concluded in the submitted Lighting Impact Assessment, the proposed illumination will not result in unacceptable glare if restricted to the recommended maximums at certain times of the day.</p> <p>No. As concluded in the submitted Lighting Impact Assessment, the proposed illumination will meet the acceptable limits and TfNSW has concluded that it will not have unacceptable impacts on pedestrian or traffic safety.</p> <p>No. The level of illumination is such that it will not detract from the amenity of nearby residences. The Lighting Impact Assessment assesses the proposed advertising displays against AS 4282 and involves reviewing 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 concludes that the displays will be compliant with the required lighting limits, subject to appropriate levels of illumination at various times of day.</p> <p>Yes.</p>
<p><i>Is the illumination subject to a curfew?</i></p>	<p>Yes. As concluded in the Lighting Impact Assessment, the proposed displays need to be limited to different levels at different times of the day. These requirements will be included as conditions of consent by way of reference to the Lighting Assessment.</p>
<p><b>8 Safety</b></p> <p><i>Would the proposal reduce the safety for any public road?</i></p> <p><i>Would the proposal reduce the safety for pedestrians or bicyclists?</i></p> <p><i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i></p>	<p>No. As concluded by TfNSW, the proposed signs will not have any unreasonable traffic impacts, subject to conditions.</p> <p>No. TfNSW has not indicated any specific concern in this regard.</p> <p>No. TfNSW has not indicated any specific concern in this regard.</p>

Part 3.3 of the SEPP deals specifically with advertisements. The following clauses are relevant.

Clause 3.8 of the SEPP details prohibited advertisements. It noted that despite the provisions of any other planning instrument, the display of an advertisement is prohibited in a number of zones and/or areas, including open space and 'heritage areas (excluding railway stations)'. The proposed advertisements are not located in any of these areas.

Clause 3.9 requires consent for the display of an advertisement.

Clause 3.10 indicates that in this case, North Sydney Council is the consent authority.

Clause 3.11 provides matters for consideration for advertisements/advertising structures. In relation to the proposal, these include the matters already addressed above. Under this clause for certain types of signs the consent authority must consider the Transport Corridor Outdoor Advertising and Signage Guidelines. Whilst the subject signs are not subject to this requirement, the TfNSW comments include reference to these Guidelines and so these Guidelines are addressed in **Attachment 4**.

#### Time Duration of consent

Clause 3.12 provides that consents granted under this part of the SEPP shall be time limited to 15 years (or a lesser period if justified by the consent authority).

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.*

Provision P7 Section 9.6 Restrictions of the NSDCP 2013 restricts consents for advertising signs for a maximum of three (3) years. Council has consistently applied a time limit consent of less than 15 years for new advertising structures. Approvals at NSLPP in December 2023 for freestanding advertising structures were given with a seven (7) year time restriction consent. Notwithstanding, in order to consider a lesser period pursuant to Clause 3.12(1)(b) of the SEPP regard should be had for sub-clause (2) of the SEPP.

With respect to Clause (2)(a), the SEPP (Industry and Employment) commenced on 1 March 2022 being after the adoption of the North Sydney DCP which came into force on 13 September 2013. However, the provisions of Chapter 3 of the SEPP (Industry and Employment) formed part of SEPP 64 which was superseded by the new SEPP. SEPP 64 commenced on 16 March 2001 prior to the adoption of NSDCP 2002 and the current DCP, NSDCP 2013. Accordingly, the consent authority may not specify a lesser period based on any savings provisions.

With respect to Clause(2)(b) the land adjoining No. 81 Gerard Street, Cremorne is unlikely to undergo any short-term changes in accordance with an environmental planning instrument that aims to change the nature and character of development in the area.

In respect of (c), there are no other provisions within the SEPP that require a period of less than 15 years for advertising.

Having regard for the above, the time required to consider any changes to the urban environment and local planning controls due to evolving character, and to allow for appropriate time to implement possible upgrades to the panels, as well as considering whether the urban environment is still appropriate and whether there were changed traffic conditions and pedestrian movements, it is considered appropriate to allow for a 7-year time restriction.

Clause 3.18 – the proposed JC Decaux logo only appears within the advertising display area and is not greater than 0.25 square metres in area, as required by this clause. This can be confirmed by way of an appropriate condition of consent.

## **NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013 (NSLEP 2013)**

### **Part 2 Permitted or prohibited development**

#### **Permissibility**

The proposal can be defined as follows from the Environmental Planning and Assessment Act 1979, adopted by the LEP:

**advertisement** means 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** means a structure used or to be used principally for the display of an advertisement.

The advertisement is the content that will be displayed on the screen. The screen itself and the associated structure, can be considered to be an 'advertising structure'.

Pursuant to Clause 2.3 of the LEP (Zone objectives and Land Use Table, advertisements and advertising structures are not permitted in this zone. However, Clause 2.5 provides for Additional Permitted Uses and Schedule 1 includes:

#### **43 Use of certain land in Zone SP2**

- (1) This clause applies to land in Zone SP2 Infrastructure that is identified as "Railway" and "Classified road" on the Land Zoning Map.
- (2) Development for the purposes of signage is permitted with development consent.



The SP2 zone in this case is identified as 'Classified Road' and 'signage' as defined in the LEP includes an advertising structure and so the proposed use is permissible.

The objectives for the SP2 Infrastructure Zone are stated below:

- *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 proposal is consistent with these objectives as the sign is related to infrastructure and will not detract from the primary purpose of being a classified road.

#### Other provisions

North Sydney Local Environmental Plan 2013	
Provision	Comment
Clause 4.3 – Heights of Building	There is no applicable height control. The proposed height is the same as existing and is acceptable.
Clause 5.10 – Heritage conservation	The bus shelter is not a heritage item. Council's heritage officer raises no objection to the proposal subject to conditions.
Clause 6.10 Earthworks	Minimal, if any, earthworks are required and in any event the impacts would be considered reasonable having regard to the matters raised in this clause.

#### NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013 (NSDCP 2013)

The following section of the DCP applies however the majority of provisions are also covered by the provisions of State Environmental Planning Policy (Industry and Employment) 2021.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 9- Advertising and Signage		
Control	Comply	Comments
<b>9.1 General Objectives</b>		
<i>O1 is designed, sized and positioned in a consistent manner; O2 does not detract from significant views, vistas and sensitive streetscapes; O3 adds character to the streetscape and complements the architectural style and use of buildings; O4 minimises visual clutter or environmental degradation through proliferation; O5 minimises the potential for adverse impacts on sky glow from the illumination of signs; O6 conveys the advertiser's messages or images without causing an adverse social impact upon the community; and O7 Minimises impacts upon the safety of drivers and pedestrians.</i>	Yes	The proposal digital advertising panels replace existing panels and so, subject to appropriate conditions, the impacts are not significantly changed.
<b>9.4 General Controls – Design Scale and Size</b>		
P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.	Yes	The proposal digital advertising panels replace existing panels and so, subject to appropriate conditions, the impacts are not significantly changed.



<p>P7 Signage must not dominate the skyline or protrude above any parapet of eaves.                  P8 Signage must not cover any window, other opening or significant architectural features of the building.</p>		
<p><b>9.5 Location</b></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 proposal digital advertising panels replace existing panels and so, subject to appropriate conditions, the impacts are not significantly changed.</p>
<p><b>Section 9.6 Restrictions</b></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>Yes</p>	<p>The subject zoning is SP2, and the proposal digital advertising panels replace existing panels and so, subject to appropriate conditions, the impacts are not significantly changed.</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>Can comply. A condition of consent to this effect is recommended.</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>Yes</p>	<p>A condition of consent is proposed to limit the display of the advertising panel to 7 years consistent with recent approvals for advertising structures. See discussion under SEPP (Industry and Employment).</p>
<p><b>Section 9.7 Content</b></p>		
<p><i>O1 To minimise the social impact of advertising in the public interest.</i>                   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                  P2 The advertising of alcohol products is not permitted</p>	<p>Yes</p>	<p>The proposed signage does not result in major social impacts. The proposed signage would be required by conditions to comply with the Australian Association of National Advertisers Code of Ethics and Outdoor Media Association's Code of Ethics and not permitted to advertise alcohol.</p>
<p><b>Section 9.8 Pedestrian and Road Safety</b></p>		
<p>O1 To ensure that signage does not adversely affect driver and pedestrian safety</p>	<p>No</p>	<p>As noted above TfNSW has reviewed the DA and concluded that there will be no unreasonable adverse impact in this regard.</p>

<b>Section 9.10 Illumination</b>		
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 the proposal can comply with the lighting limits, subject to appropriate conditions.
<b>Section 9.11 Controls for Specific sign types (Bus Shelters)</b>		
P11 Third party advertising is permissible on bus shelters, but only if it meets a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.	On merit	The submitted SEE notes in relation to this requirement: <i>The proposal is in the public interest in that the digital screens will be used to display community advertising and Council content. Additionally, the displays integrate a public emergency messaging system which can display messages regarding road safety for pedestrians or other public awareness matters.</i>  No details have been provided on how community or Council advertising or public emergency messaging will work in practice. Such information is required to determine whether there is a sufficient public benefit. It is considered that an appropriate condition of consent, requiring the agreement of Council, can suitably ensure that there will be an acceptable public benefit from the proposal.
<b>9.12 Signage Strategies</b>		
P1 A signage strategy must be submitted with a development application involving signage for all new buildings for mixed use or non-residential purposes or for signage on a heritage item.  P2 The signage strategy must indicate the location, type, size, and number of signs and any associated type and form of illumination that is appropriate for the building or site.	Yes	The subject structure is not a heritage item.
<b>9.13 Display Of Advertisements On Bus Shelters</b>		
P1 Must be limited to a single elevation of the bus shelter.	Yes	The proposed panel is on one elevation (although it is double sided). Further, as the proposal replaces existing double sided signs, the proposal is considered to be satisfactory.
P2 Must be limited to the departure side of the bus shelter.	Yes	The sign is on the departure side of the shelter.
P3 Must not be located such that it faces directly towards a residentially zoned property (for instance the advertisement must be located perpendicular to the direction of the road).	Yes	The southern panel does not face a residential property.
P4 Illumination of signage does not result in adverse impacts upon nearby residents.	Yes	The level of illumination will not unreasonably affect residential amenity as discussed above.
P5 Ensure that the proposed signage does not adversely restrict pedestrian movement to and around the bus shelter.	Yes	The proposal will not alter the existing arrangements in this regard.
<b>9.16 New Technologies</b>		
P1 Future advertising generated by new technologies will be considered on their merits.	Yes	A digital sign is no longer considered to be new technology and is similar to the existing signage in terms of refresh rates and so is considered to be acceptable.

<p>P2 Proposals involving animation, video screens and other forms of movement are considered inappropriate.</p> <p>P3 Advertisements that cover glass facades (for example, coloured film) are generally discouraged unless they are limited in size and period of use.</p>	<p>No</p>	<p>The proposal provides for video screens, which is noted is inappropriate. However, this type of signage has now been used for many years and is no longer considered as new technology and is generally accepted. Further there are standards for this type of sign that the proposal will be required to comply with.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 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	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

## SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Brightmore Precinct. Council received no submissions to the development application.

## **PUBLIC INTEREST**

The proposal is considered to be in the public interest for the reasons stated in this report including the ability to be used for Council and emergency messaging (subject of an associated condition of consent).

## **SUITABILITY OF THE SITE**

The site is appropriate for the proposed use as it will not create any potential for adverse impacts as discussed above and replaces existing similar signage.

## **CONCLUSION AND REASONS**

The proposal was considered under the relevant Environmental Planning Instruments and policies including State Environmental Planning Policy (Industry and Employment) 2021, North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013) and is found to be acceptable for the reasons outlined above. Accordingly, the DA is recommended for approval, subject to the conditions listed in the recommendation.

## **HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?**

The subject application was notified to adjoining properties and the Brightmore Precinct for 28 days. No submissions were received.

## **RECOMMENDATION**

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

**THAT** the North Sydney Local Planning Panel grant consent to Development Application No. 162/2023 for replacement of an existing double sided advertising panel with a new double sided digital advertising panel on the 'Benelong' bus shelter in the road reserve of Gerard Street, adjacent to 81A Gerard Street Cremorne, subject to the following Site Specific conditions and the standard conditions appended to this report.

### **Time-limited Consent**

A5. This consent shall cease to be in force on the expiration of seven (7) years after the date on which the consent becomes effective in accordance with Section 4.17(d) of the Environmental Planning and Assessment Act 1979. At the expiry of the consent period the Advertising Panels must cease to operate for the purposes of displaying any sign, colour display, message or other like content.

Should any person(s) acting on this consent wish to extend this consent period, a new development application must 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.

In the event that no application is received or future application is refused, the advertising panels must be removed from their sites and the public domain areas made good in accordance with Council's Public Domain Specifications.

(Reason: To satisfy the provisions of SEPP (Industry & Employment) 2021, North Sydney Development Control Plan 2013, to require the terms of this consent to be reviewed and provide for the orderly development of land).

### **TfNSW Conditions**

C1. 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:
  - 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 a 12 month period of operation but within 18 months of the installation 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 the subject section of Gerard 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)

### **Signage Content**

- G4. Prior to the commencement of operation of the signage, a Content Management Plan is to be provided and approved by Council. This Plan shall include controls on the content of the signage including:
- Details of the proposed hours a week and hours a year of Council generated content;
  - Details of the mechanism by which Council can be in control of content during emergency situations (as determined by Council);
  - Details of content that cannot be displayed in accordance with the relevant standards and Advertising Codes

- The JC Decaux logo located on the border of the digital screen is to be no greater than 0.25sqm in area;
- The requirements of TfNSW contained in this consent.

(Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)

### **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 26 April 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)

### **Signage Content**

- I4. Signage content is to be in accordance with the Content Management Plan as required by condition G4.

(Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)



**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**‘BENELONG’ BUS SHELTER ADJACENT T 81A GERARD STREET, CREMORNE**  
**DEVELOPMENT APPLICATION NO. 160/23**

**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.

Plan No	Rev No	Description	Prepared by	Dated
BS-NSW-NSC-016	A	Location Plan	JCDecaux	24/12/2022
BS-NSW-NSC-016	A	Signage Detail Plan	JCDecaux	24/12/2022
<b>Reports</b>				
Ref 3254	B	Lighting Impact Assessment Report	Electro Light	26/04/2023

(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 certifying authority 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;
  - (c) Any change to illumination restrictions contained within this consent Animation.

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 2 of 19

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)

**No Demolition of Extra Fabric**

A4. Alterations to, and demolition of the existing structure shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

**Time-limited Consent**

A5. This consent shall cease to be in force on the expiration of seven (7) years after the date on which the consent becomes effective and operates in accordance with Section 4.17 (d) of the Environmental Planning and Assessment Act 1979. At the expiry of the consent period the Advertising Panels must cease to operate for the purposes of displaying any sign, colour display, message or other like content.

Should any person(s) acting on this consent wish to extend this consent period, a new development application must 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.

In the event that no application is received or future application is refused, the advertising panels must be removed from their sites and the public domain areas made good in accordance with Council's Public Domain Specifications.

(Reason: To satisfy the provisions of SEPP (Industry & Employment) 2021), North Sydney Development Control Plan 2013, to require the terms of this consent to be reviewed and provide for the orderly development of land).

**Community Benefit**

A6. Prior to the issue of the construction certificate, the applicant must provide Council with information on what will be included on the community messaging (Side B) of the sign.

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

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 3 of 19

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

C1. 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:
  - 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 a 12 month period of operation but within 18 months of the installation 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 the subject section of Gerard 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**

- C2. 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 Certifying Authority for approval prior to the issue of any Construction Certificate.

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 4 of 19

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.

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 Certifying Authority with submission of the Construction Certificate documentation.

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

**Sediment Control**

- C3. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Erosion and Sediment Control Plan must be prepared and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Erosion and Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

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 protect the environment from the effects of sedimentation and erosion from development sites)

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 5 of 19

**Waste Management Plan**

C4. 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)

**Obtain Works Permit under s138 Roads Act 1993**

C5. A works permit to undertake the proposed works must be granted by the Council (with the concurrence of TfNSW) prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

All works in the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Principal Certifier issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanied by the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

**Work Zone**

C6. 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.

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 6 of 19

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**

- C7. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 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,
  - 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 6 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 Engineers.



**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 7 of 19

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 Certifying Authority 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**

- C8. 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:

<b>Security deposit/ guarantee</b>	<b>Amount (\$)</b>
Infrastructure Damage Bond	\$5,000.00
<b>TOTAL BONDS</b>	<b>\$5,000.00</b>

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)

**Outdoor Lighting**

- 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 Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority 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.

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 8 of 19

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority 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)

***D Prior to the Commencement of any Works (and continuing where indicated)***

**Public Liability Insurance – Works on Public Land**

- 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**

- 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**

- 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)

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 9 of 19

**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)

**Removal of Extra Fabric**

- E3. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

**Dust Emission and Air Quality**

- E4. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.
  - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
  - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
  - (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 10 of 19

**Noise and Vibration**

- 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)

**Applicants Cost of Work on Council Property**

- E6. The Applicant 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**

- E7. 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**

- E8. Construction activities and works approved under this consent must be carried out only 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

Construction activities for development approval 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 may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

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

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 11 of 19

**Out of hours Work Permits**

E9. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979.

## Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
  - the erection of awnings,
  - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
  - the erection and removal of hoardings and site cranes, and
  - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
  - extended concrete pours
  - works which are solely to convenience the developer or client, and
  - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

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

**Health and Safety**

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.

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 12 of 19

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](http://www.workcover.nsw.gov.au)

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

**Special Permits**

- 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)

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 13 of 19

**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**

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 & 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)

**Sediment and Erosion Control Signage**

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)

**Archaeological Discovery During Works**

E14. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

(Reason: To prevent the unnecessary destruction or removal of unrecorded historical or Aboriginal relics)



**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**Page 14 of 19

---

**Prohibition on Use of Pavements**

- E15. 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)

**Waste Disposal**

- E16. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

**Service Adjustments**

- E17. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

**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)

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 15 of 19

**Appointment of a 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 Certifying Authority.

(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 2 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)

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 16 of 19

**Excavation/Demolition**

- 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 professionally and responsibly and to 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)

**Site Sign**

- F9. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 17 of 19

- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - c) showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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

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

(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)

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**

Page 18 of 19

**Signage Content**

G4. Prior to the commencement of operation of the signage, a Content Management Plan is to be provided and approved by Council. This Plan shall include controls on the content of the signage including:

- Details of the proposed hours a week and hours a year of Council generated content;
- Details of the mechanism by which Council can be in control of content during emergency situations (as determined by Council);
- Details of content that cannot be displayed in accordance with the relevant standards and Advertising Codes
- The JC Decaux logo located on the border of the digital screen is to be no greater than 0.25sqm in area;
- The requirements of TfNSW contained in this consent.

(Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)

***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 26 April 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)

**'BENELONG' BUS SHELTER ADJACENT TO 81A GERARD STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 162/23**Page 19 of 19

---

**No Flashing**

12. The signage illumination, when operating, shall be a constant light and shall not flash or flicker or have any moving parts or simulated movement elements or animated displays.

(Reason: Visual impact and amenity)

**Maintenance of Signage Structure**

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

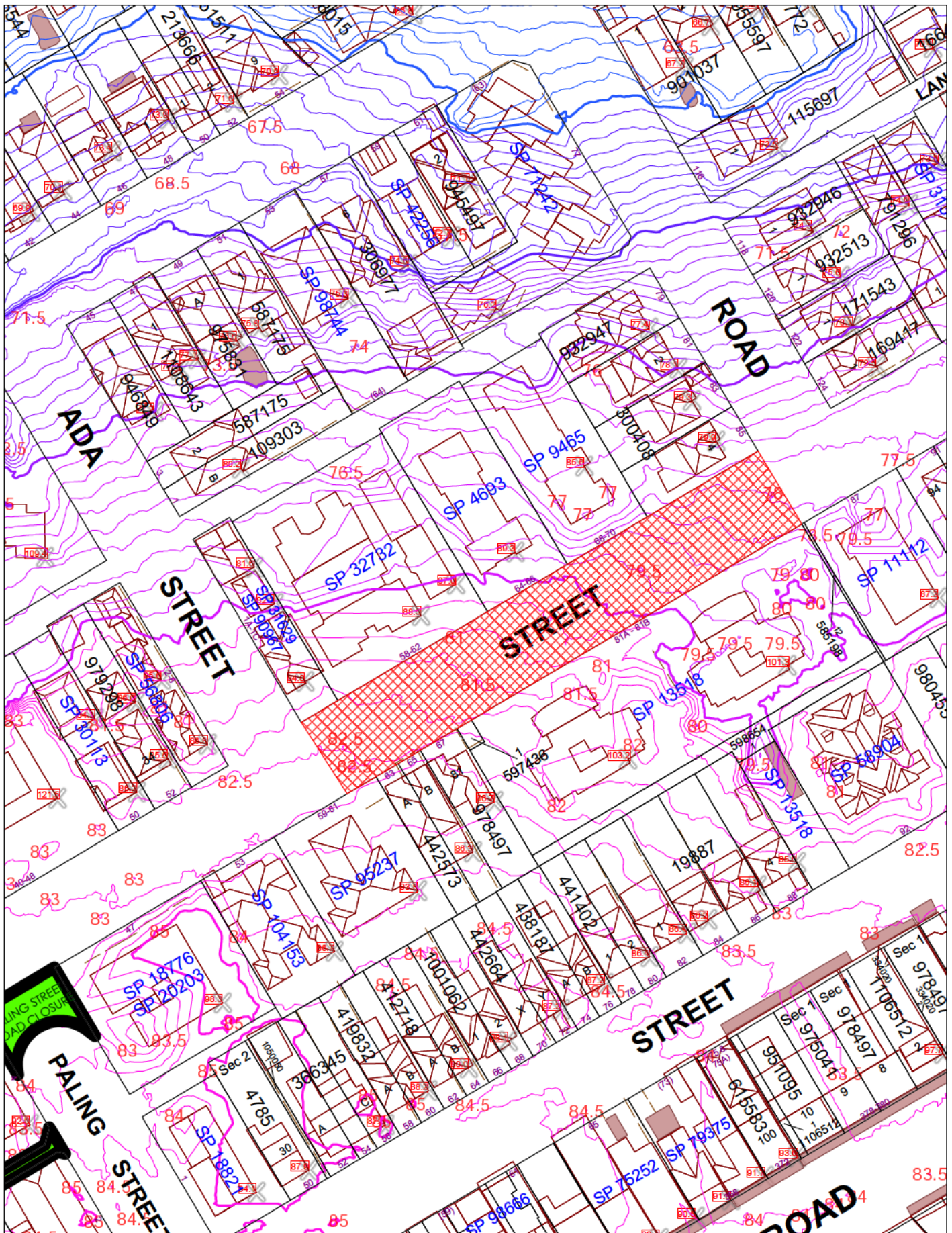
(Reason: To ensure that structures are maintained to an acceptable standard and do not become a potential public hazard)

**Signage Content**

14. Signage content is to be in accordance with the Content Management Plan as required by condition G4.

(Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)





**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](mailto:mapping@northsydney.nsw.gov.au).

Scale: 1:1200 approx.



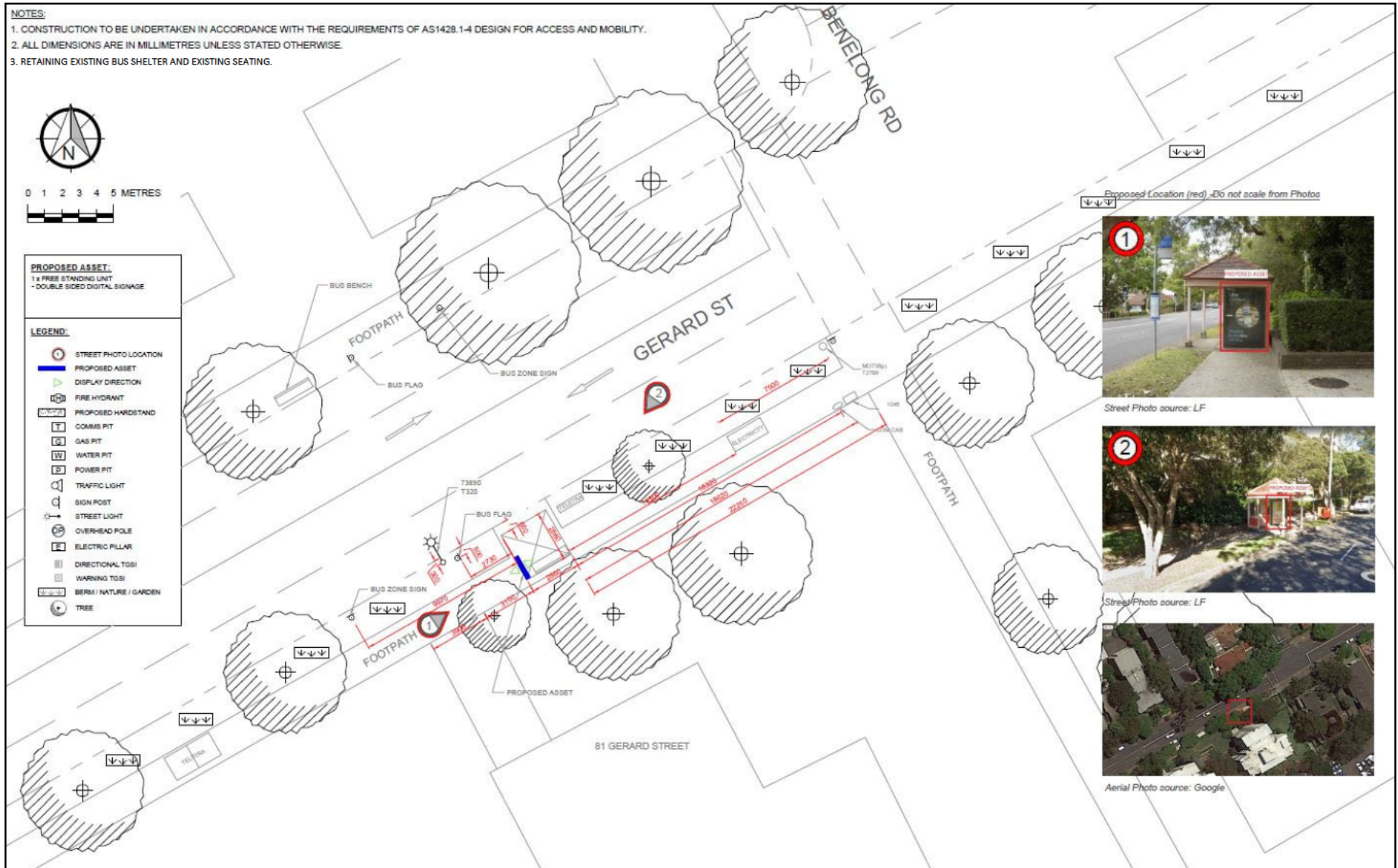




JCDecaux

81 Gerard Street  
Cremorne





Proposed Location (red) -Do not scale from Photos



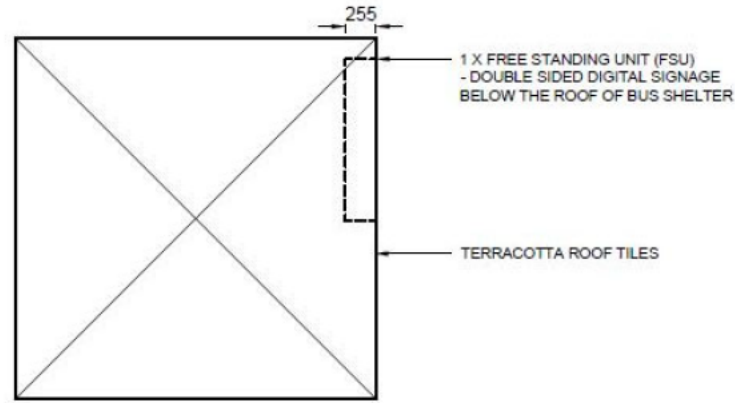
Street Photo source: LF



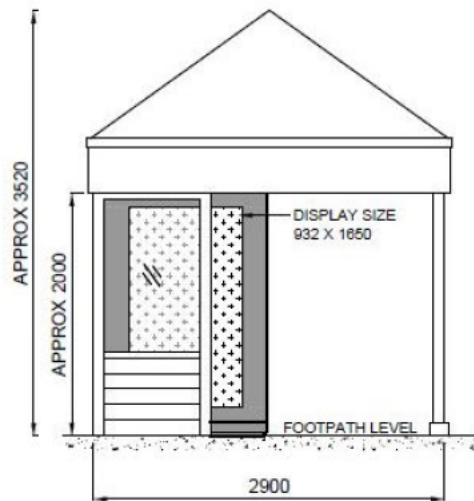
Street Photo source: LF



Aerial Photo source: Google



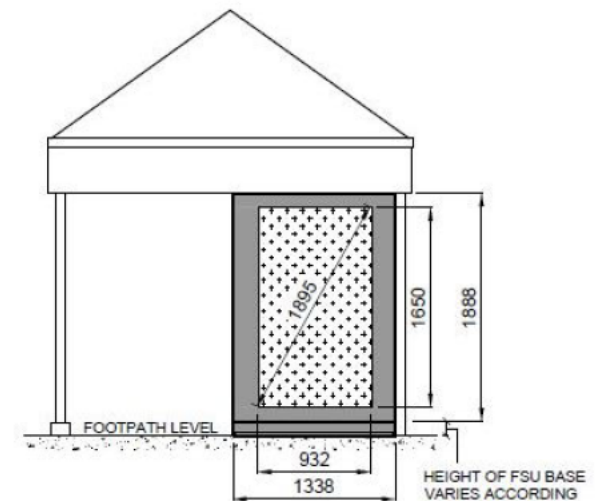
**ROOF PLAN**



**SIDE (A) ELEVATION**



**FRONT ELEVATION**



**SIDE (B) ELEVATION**

 75-INCH DIGITAL DISPLAY  
1.53 m<sup>2</sup> VISUAL AREA

Note: All measurements are in millimeters unless stated otherwise.

Plan No.  
**BS-NSW-NSC-016**

Rev No.  
**A**

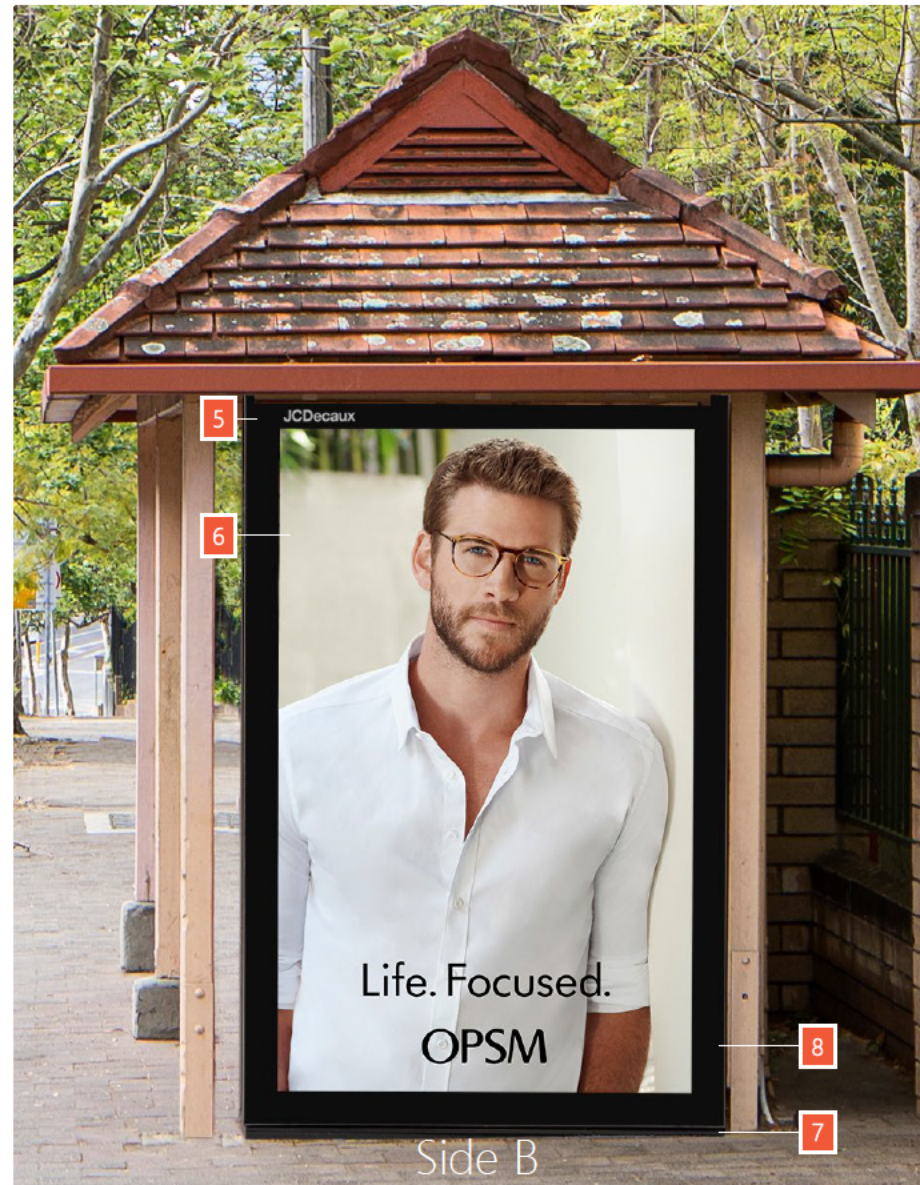
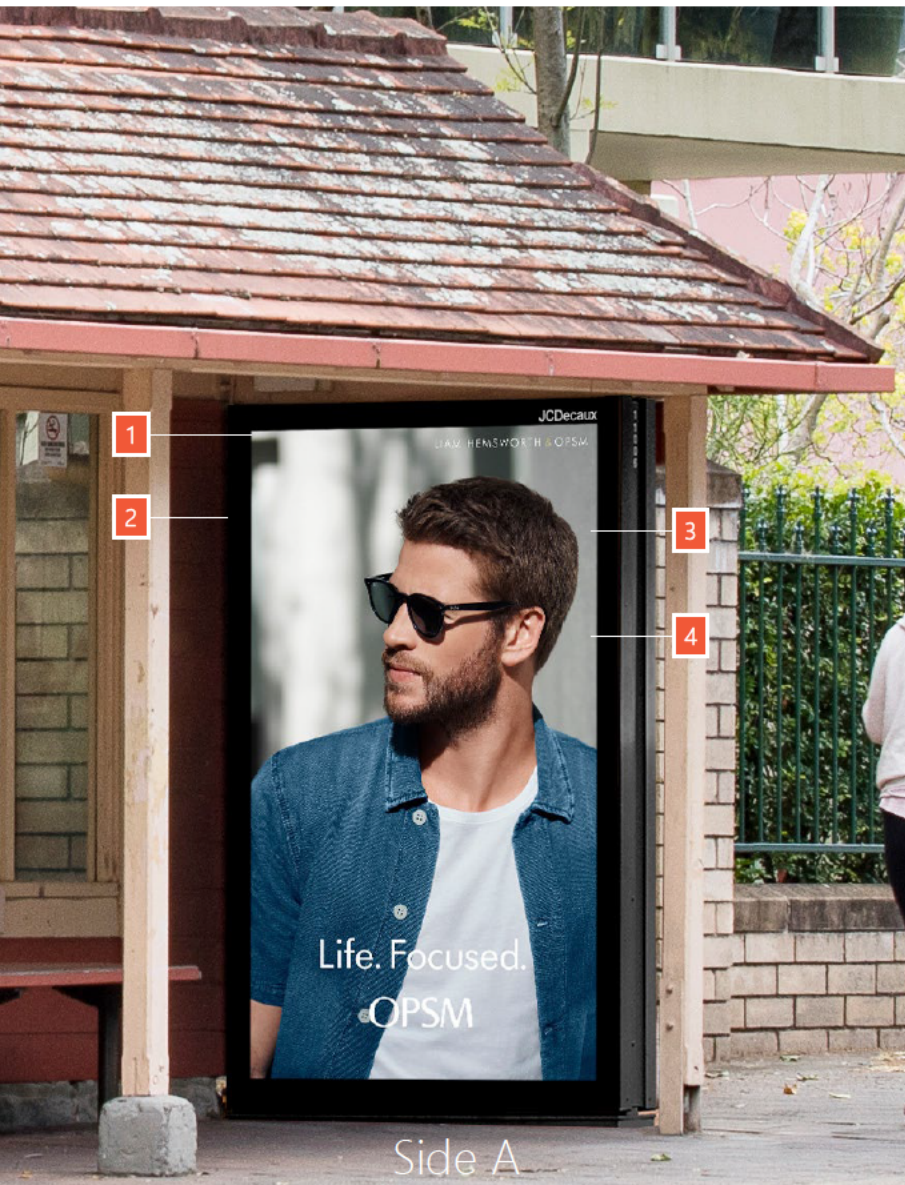
Description  
**Convert to Electronic sign**

Prepared by  
**JCDecaux**

Date  
**24/12/22**



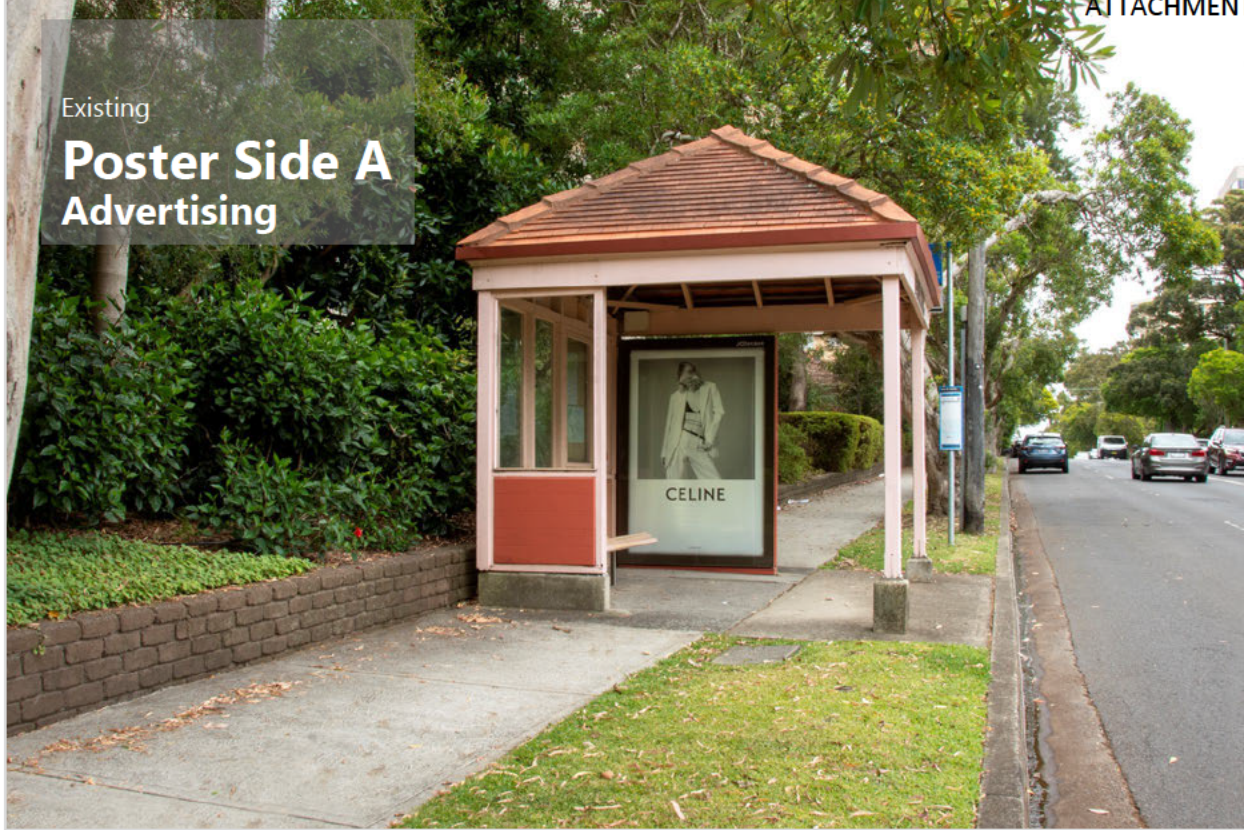
# FREE STANDING DIGITAL SIGNAGE



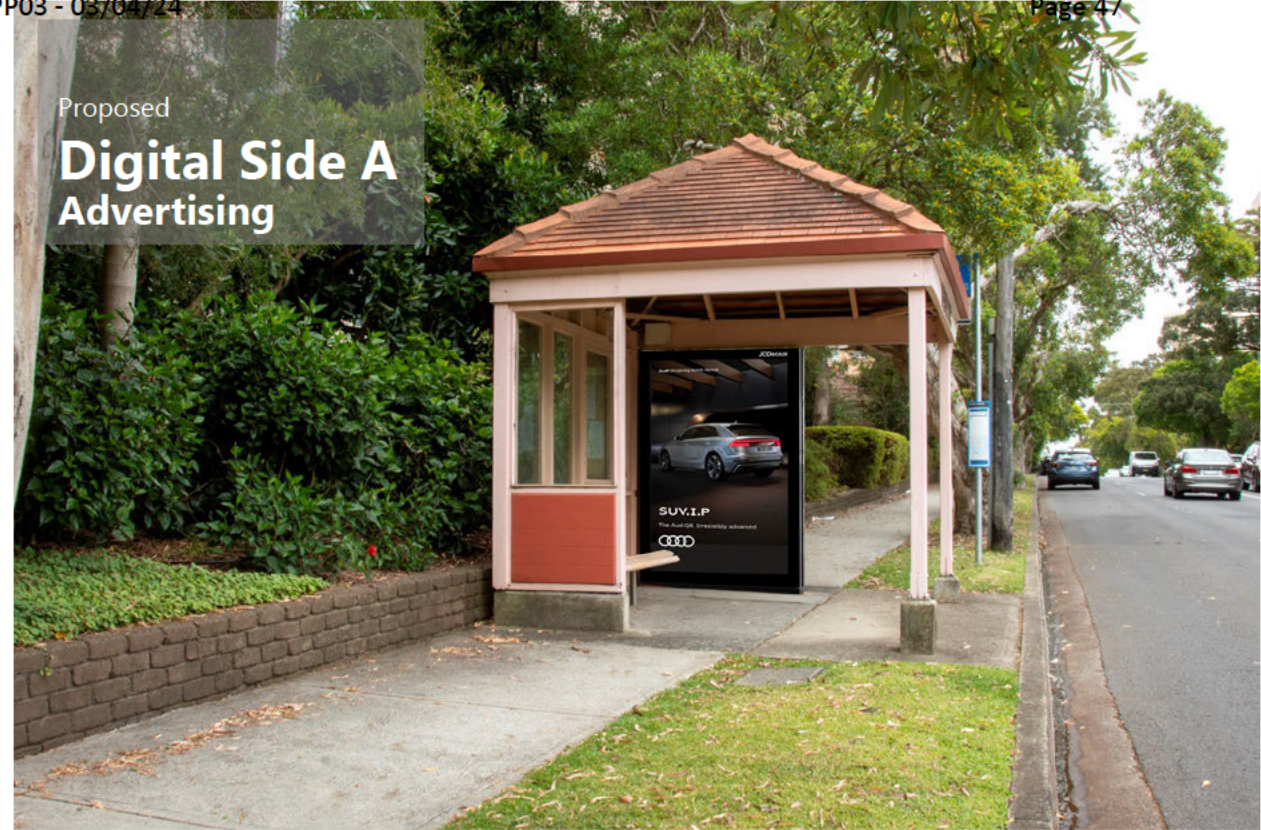
- 1 Laminated glass screens, extruded aluminum frames and stainless steel panels powder-coated with Black R9005
- 2 100% powered by renewable energy, direct or by credits where not available
- 3 Electronic Screens on structure will display third party content
- 4 Electronic screens can display Emergency Messaging System when triggered by approved authorities.
- 5 Remote monitoring/control of media player, modem and screen functionality
- 6 Glass on both electronic screens are vandal resistant with anti-reflective safety
- 7 Steel leg footing cast in fastenings in concrete and replaced public domain
- 8 Designed and manufactured according to ISO 9001, ISO 14001 certifications and Australian Standards



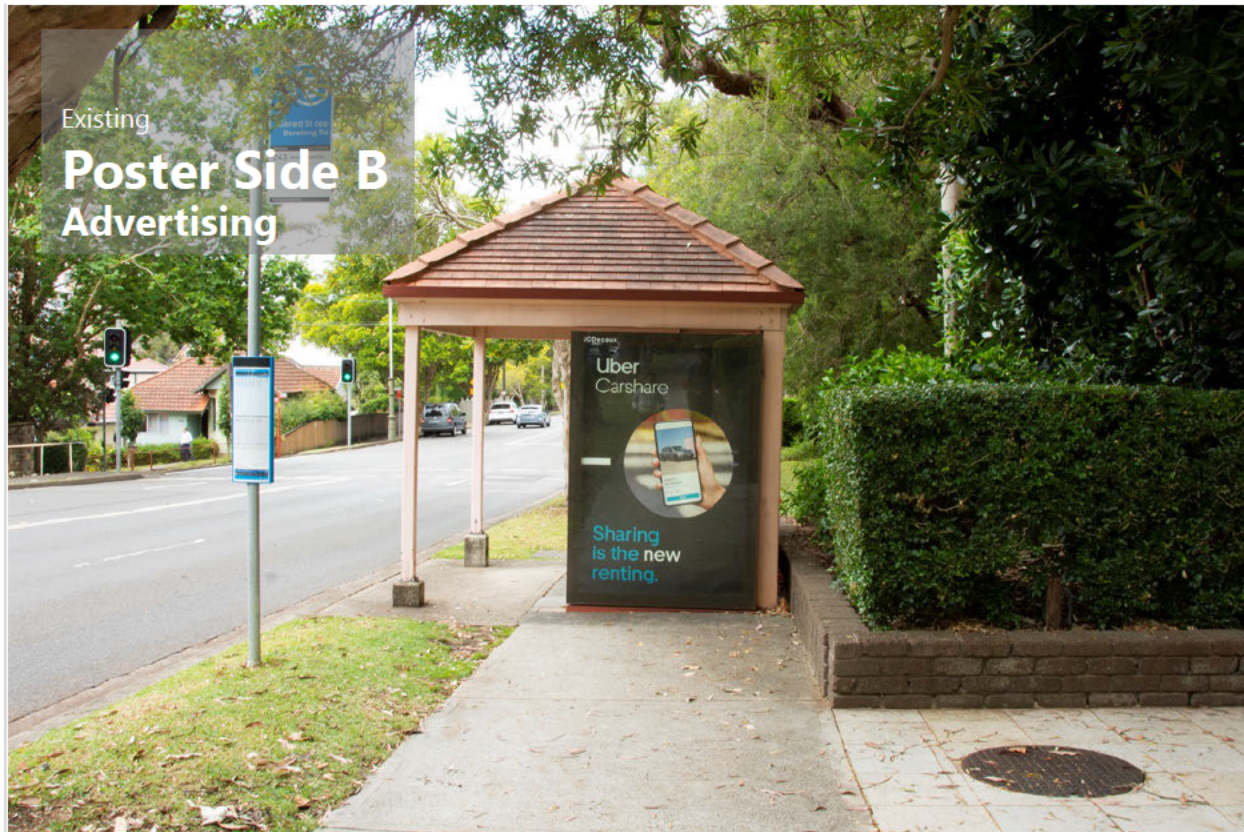
Existing  
**Poster Side A Advertising**



Proposed  
**Digital Side A Advertising**



Existing  
**Poster Side B Advertising**



Proposed  
**Digital Side B Advertising**





## Transport for NSW



18 July 2023

TfNSW Reference: SYD23/00760/01

DPE Reference: DA 162/2023 (CNR-56933 A-67761)

Therese Manns  
General Manager  
North Sydney Council  
PO Box 12  
NORTH SYDNEY NSW 2059

Attention: Michael Hornery

---

**INSTALL DIGITAL ADVERTISING PANEL FOR EXISTING BUS SHELTER  
GERARD STREET AND BENELONG ROAD, CREMORNE**

Dear Ms Manns,

Reference is made to Council's correspondence regarding the abovementioned application which was referred to Transport for NSW (**TfNSW**) for concurrence under section 138 of the *Roads Act 1993*.

TfNSW has reviewed the submitted application and provides concurrence under section 138 of the *Roads Act 1993* subject to the following conditions being included in any approval issued by Council:

1. The proposed sign's design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (**Guidelines**) requirements.
2. The images 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 a 12 month period of operation but within 18 months of the installation 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 the subject section of Gerard Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Should you have any further inquiries in relation to this matter, please contact Matthew Houlden by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

~  
**James Hall**  
Senior Land Use Planner  
Land Use Assessment Eastern

---

OFFICIAL

## ATTACHMENT 4

## DA162/23 – ‘Belong’ Bus Shelter

## Transport Corridor Outdoor Advertising and Signage Guidelines Assessment

The Guidelines repeat many of the provisions that are in the body of Part 3.3 of State Environmental Planning Policy (Industry and Employment) 2021. The following table provides an assessment of the proposal advertising structure against the provisions that have not already been addressed in relation to the SEPP, in the main assessment report.

Criteria	Comment	Complies
<b>Section 2.5.8 Digital Signs</b>		
(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.	The content is proposed to be static with a dwell time of 10 seconds per image.	Yes
(b) 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.	If consent were to be granted, conditions of consent could be imposed to not include complex displays including text and information that may hold a drivers attention beyond “glance appreciation”.	Yes Subject to condition
The image must not be capable of being mistaken: <ul style="list-style-type: none"> <li>For a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patters that may result in the advertisement being mistaken for a prescribed traffic control device.</li> <li>As text providing driving instructions to drivers.</li> </ul>	If consent were to be granted, conditions of consent could be imposed requiring the display to not resemble traffic control devices.	Yes Subject to condition
Dwell times for image display must not be less than: <ul style="list-style-type: none"> <li>10 seconds for areas where the speed limit is below 80 km/h</li> <li>25 seconds for areas where the speed limit is 80 km/h and over.</li> </ul>	The speed limit is 50km/h in the vicinity of the site. The content is proposed to be static with a dwell time of 10 seconds per image.	Yes
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.	The panel allows for an instantaneous transition time of less than or equal to 0.1 seconds.	Yes
Luminance levels must comply with the requirements in Section 3 below.	Refer to Section 3 below.	Yes

## ATTACHMENT 4

Criteria	Comment	Complies
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.	If consent were to be granted, conditions of consent could be imposed requiring the display to not unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	Yes Subject to condition
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).	If consent were to be granted, conditions of consent could be imposed to not include complex displays including text and information that may hold a drivers attention beyond "glance appreciation".	Yes Subject to condition
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.	The proposed advertising panel is not visible from a school zone.	Yes
<b>Section 2.5.10 Residential amenity</b>		
Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above.	It is considered that there will be no adverse impact on residential amenity from the proposed digital advertising panel as the panel is located around 10m from the nearest residential dwelling at No. 81A Gerard Street.  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 submitted ElectroLight report. As no residential properties fall within the identified REZ, subject to appropriate illumination limits at certain times of the day, the panel will not cause unreasonable residential amenity impacts.	Yes
<b>2.5.11 Video and animated electronic signs</b>		
Video and animated electronic signs containing animated or video/movie style advertising, or messages including; live television, satellite, internet or similar broadcast; either permanent or portable; that face the road reserve and are visible to drivers are prohibited.	This type of signage is not proposed. If consent were to be granted, conditions of consent could be imposed to not allow content including animated or video/movie style advertising, or messages including; live television, satellite, internet or similar broadcast.	Yes

## ATTACHMENT 4

Criteria	Comment	Complies
<b>Section 3 Advertisement and Road Safety</b>		
<b>3.1 Road Safety objectives</b>	These issues have been dealt with in relation to State Environmental Planning Policy (Industry and Employment) 2021	Yes
<b>3.2 Sign location criteria</b>		
3.2.1 Road clearance 3.2.2 Line of sight 3.2.3 Proximity to decision making points and conflict points 3.2.4 Sign spacing	These criteria have been considered but are of limited relevance as the proposal replaces existing signage. Further TfNSW has considered traffic safety and concluded that there will not be any unreasonable impacts.  Also the proposed digital signs are the only such signs within 150m of the site and so sign spacing is acceptable.	Yes
<b>3.3 Sign Design and Operation Criteria</b>		
3.3.1 Advertising signage and traffic control devices 3.3.2 Dwell time and transition time 3.3.3 Illumination and reflectance	These matters have been previously addressed.	Yes subject to conditions
3.3.4 Interaction and sequencing	These matters have been addressed above and/or can be addressed by conditions, if consent is granted.	Yes