

## Roads and Assets Referral Response

<b>Application Number:</b>	DA2021/0001
<b>Date:</b>	31/03/2021
<b>To:</b>	Adam Mitchell
<b>Land to be developed (Address):</b>	Lot ROAD , Bungan Street MONA VALE NSW 2103 Lot 100 DP 1047405 , 1 Park Street MONA VALE NSW 2103

### Reasons for referral

Works proposed by the development may impact on existing Council road assets (eg. kerb and gutter, footpath, retaining walls, landscaping) or results in new structures/encroachments being created within the road reserve. Council's Road Asset Managers are required to review the development application and if necessary liaise with Council's Development Engineering and/or Traffic Management Teams to ensure appropriate conditions are considered.

### Officer comments

Council has a contract for the supply of bus shelters and associated advertising with Ooh!Media. The Adshel/Ooh!Media contract contains clauses regarding exclusivity of street furniture advertising within the former Pittwater LGA. The proposal has the potential to impact advertising revenues of Council's street furniture provider.

Ooh!Media have raised objections to the proposed advertising on the basis of exclusivity, however, Council is assessing a development application by a third party on a facility that is not owned by Council nor is under the control of Council.

As such, Council may not be able to refuse the application on this basis although it is recommended independent advice be sought.

In relation to the Bungan Road facility, the proposed cabinet will reduce the existing 1m wide access between the kiosk and street garden beds to 471mm ( $3643-2700=943/2=471.5$ ) making the clear opening for pedestrian access from the roadside inaccessible. Further the existing kiosk is 330mm from the kerb, allowing to some extent for vehicle passengers to open car doors. The proposed cabinet width of 1981mm will similarly reduce the clearance to the kerb to 79.5mm. The plans suggest the cabinet can be offset however, the schematic plans indicate the cabinet is fitted flush to the kiosk and as such are misleading (Section DD on Plan. JOLT-PG-GA-01). As such the proposal for this site is unacceptable.

In relation to the Pittwater Road site, Pittwater Road is a classified regional road so RMS concurrence will be required for structures in accordance with S138 (2) of Road Act 1993. The application provides no details on how it is expected for cables to connect to parked vehicles and would appear to obstruct pedestrians and create a trip hazard across the footway. This footway area is highly trafficked by pedestrians and an additional charging structure may further restrict pedestrian access. Further details are required and works and structures not associated with the kiosk advertising structure will require a separate Road Act Application for consent .

Further concerns include Council's ability to restrict inappropriate advertising content. Current contracts Council has in place for street furniture advertising limit the display of alcohol and other inappropriate

advertising. Contracts also include specifications for response times in relation to maintenance, graffiti and cleaning. Contracts also include a timeframe horizon. The Council contracts for advertising on street furniture generates considerable benefits for Council residents in both revenue and infrastructure.

It appears that the private advertising interests represent a poor commercial outcome for the use of Council public road reserve and represents the private use for commercial gain.

As such, the proposed advertising, if approved, will require a Council lease detailing such requirements as, the expected commercial revenue returns to Council, service requirements for maintenance, repairs and cleaning responsiveness, insurance details for the operator and maintenance service providers, contact details for 24/7 reporting breakages and other high risk issues, and advertising content controls.

There are no details about how the operator proposes to limit parking or ensure turn over of vehicles every 15 minutes.

In the event, the DA is approved, it is expected Development Engineering will need to apply their standard conditions regarding the following:

Bonds for damage to infrastructure

Applications for approval to undertake works in the public road reserve

Applications to manage traffic during the works

The applicant shall ensure that charging cables do not become pedestrian trip hazards and are capable of being retracted and housed within the charging facility.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Roads and Assets Conditions:**

Nil.