

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0404
Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Adjacent to 4 - 6 Niangala Close BELROSE NSW 2085
Proposed Development:	Installation of advertising signage on a bus shelter
Zoning:	Warringah LEP2011 - Land zoned B7 Business Park Warringah LEP2011 - Land zoned E2 Environmental Conservation WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Northern Beaches Council
Applicant:	Adshel Street Furniture Pty Ltd
Application lodged:	15/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	22/03/2018 to 09/04/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 1,000.00

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;

- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Adjacent to 4 - 6 Niangala Close BELROSE NSW 2085
Detailed Site Description:	The site of the proposed signage is on the western side of Forest Way, approximately 27.6m north of the intersection with Garigal Road. The works are to be attached to the southern end of the bus shelter constructed within the road reserve. The site of the proposed works is adjoining to the west by Belrose Super Centre.

Map:



SITE HISTORY

A new bus shelter has been erected in the location of the proposed development pursuant to SEPP Infrastructure.

DA2018/0404 for installation of advertising on the existing bus shelter was lodged with Council on 15 March 2018. This application is the subject of this assessment. As the proposed works are located within the road reserve and Northern Beaches Council are the 'owner' of the land, the assessment of this application has been PEER reviewed by an independent external planning consultant prior to consideration by the Northern Beaches Local Planning Panel (NBLPP).

There are no further relevant applications for the subject site.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for signage ancillary to the existing bus shelter. Specifically, the works include a signage double sided signage panel on the southern elevation of the shelter measuring 1310mm x 1910mm (2.5m²). The signage is to contain LED lighting and will be static.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Road Reserve	No objection to proposal to install ad panel in existing shelter. Shelter relocated under SEPP(Infrastructure) as exempt development.
Traffic Engineer	No objection is raised on the proposal on traffic grounds.

External Referral Body	Comments
NSW Dept of Transport (Roads and Maritime Services) (Dev. On Classified Roads)	Roads and Maritime Services in their letter dated 6 June 2018 raised no objection to the proposed development.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for road reserve

purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the continued road reserve land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
<p>1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposed signage is to be located on the existing bus shelter and is considered compatible with the character of the surrounding area.</p>	<p>YES</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>Adjacent to the site is the Belrose Super Centre which contains a number of external signage items. The proposed signage is considered to remain consistent with surrounding signage.</p>	<p>YES</p>
<p>2. Special areas 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?</p>	<p>While the location of the proposed signage is in close proximity to adjacent environmentally sensitive areas, it is also with the road reserve of Forest Way and will allow for discreet commercial advertising opportunities along this carriageway. The proposal not considered to detract from the amenity or visual quality of these areas.</p>	<p>YES</p>
<p>3. Views and vistas Does the proposal obscure or compromise important views?</p>	<p>The signage forms part of the bus shelter structure which is below 2.846 metres in height and therefore does not obscure or compromise any important views.</p>	<p>YES</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>Due to the compact nature of the advertising panel forming part of the shelter structure, there is no reduction in the quality of the vistas in this vicinity and is not at a scale which will dominate within the skyline.</p>	<p>YES</p>
<p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage location is not considered to impact on the viewing rights of other advertisers.</p>	<p>YES</p>

<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	<p>The location for this signage is adjoined to the west by an industrial park and is therefore considered an appropriate form and scale for this location.</p>	<p>YES</p>
<p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p>	<p>The proposed signage is not considered to detract from the character of this location.</p>	<p>YES</p>
<p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p>	<p>The proposed signage, while introducing an additional advertising sign into this location is not considered to create visual clutter. The proposed bus shelter signage is consistent with similar signage across the LGA.</p>	<p>YES</p>
<p>Does the proposal screen unsightliness?</p>	<p>The proposed signage area will be part of a new bus shelter structure. There is no obvious unsightliness being obscured in this instance</p>	<p>YES</p>
<p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The proposed advertising panel sits below the pitching point of the proposed structure and does not protrude above the structure, any tree canopies or buildings in the locality.</p>	<p>YES</p>
<p>5. Site and building 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?</p>	<p>The advertising panel forms one end of the proposed bus shelter structure and is considered commensurate in its context with the structure and adjoining built form elements.</p>	<p>YES</p>
<p>Does the proposal respect important features of the site or building, or both?</p>	<p>The proposal advertising panel being part of the overall structure will not compromise any important features of the site.</p>	<p>YES</p>
<p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage is an effective use of public infrastructure and is appropriate in this instance.</p>	<p>YES</p>
<p>6. Associated devices and logos with advertisements and advertising structures 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?</p>	<p>The proposed signage will include illumination within the advertising panel. A condition of consent is recommended to limit the form and content of the advertising material in accordance with community standards.</p>	<p>YES</p>
<p>7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?</p>	<p>The level of illumination is not considered likely to result in any unacceptable levels of glare affecting safety or amenity of pedestrians, vehicles, aircraft, or other forms of accommodation. Further, the signage panel will contain a static image and will not create any additional distraction.</p>	<p>YES</p>

Can the intensity of the illumination be adjusted, if necessary?	The level of illumination is not of an intensity that would necessitate adjustment.	YES
Is the illumination subject to a curfew?	There is no curfew required for the illumination of this signage panel.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The illumination is part of the signage panel and is fixed to the bus shelter structure ensuring that further safety issues are not created for the public road, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed advertising structure is considered to improve the safety of pedestrians including children as it provides a more obvious structure offering protection to any persons waiting at the bus shelter increasing visual exposure to traffic. Further, the structure provides clear glass to the rear and western sides offering visibility behind the shelter providing adequate visual surveillance around the signage.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

Clause 14 of SEPP 64 stipulates that consent for signage is to expire 15 years after the date of consent. This matter is addressed via condition.

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provision of the SEPP and its underlying objectives.

SEPP 64 Division 3 - Particular Advertisements, regulates the nature of advertisements. The proposed advertising panel is considered to be a "Wall Advertisement" which is defined as:

"wall advertisement means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement."

Clause 22 of the SEPP restricts wall advertisements as:

(1) Only one wall advertisement may be displayed per building elevation.

(2) The consent authority may grant consent to a wall advertisement only if:

(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and

(b) for a building having:

(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and

(ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and

(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and

(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and

(d) the advertisement does not protrude above the parapet or eaves, and

(e) the advertisement does not extend over a window or other opening, and

(f) the advertisement does not obscure significant architectural elements of the building, and

(g) a building identification sign or business identification sign is not displayed on the building elevation.

(3) In this clause, building elevation means an elevation of a building as commonly shown on building plans.

The proposed advertising panel by being affixed to one facade of the bus shelter structure and having an area of 2.5m², will exceed 20% of the relevant above ground building elevation of the proposed bus shelter. The proposed signage panel will occupy 71.5% of the relevant elevation, which displays an area of 3.5m².

The required 20% of the elevation equates to 0.7m². The proposed signage is therefore 257% greater than this 20% maximum building elevation coverage.

As such, the proposal will not comply with the maximum advertising area of Clause 22 (2)(b)(iii), which is considered to be a development standard within the provisions of SEPP 64.

The applicant has provided a Clause 4.6 variation to support the proposal. The Clause 4.6 variation submission addresses the objectives of SEPP 64 and the Schedule One – Assessment Criteria.

The submission contends that the provisions of Clause 22 were not intended to apply to street furniture such as the proposed bus shelter. Given the restrictive nature of the 20% maximum area control for the building elevation as it will apply in this instance to a bus shelter, that area limitation is considered to be inappropriate in terms of this proposal and a variation to numerical compliance acceptable.

The non-compliance with the maximum signage area controls of Clause 22(2)(b)(iii) is not considered so significant to warrant refusal or modification of the proposal.

Accordingly, subject to conditions of consent requiring the form and content of the advertising material to be in accordance with community standards, the proposal is considered to be consistent with the provision of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
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The proposal is not within a standard allotment but is located within the road reserve. Accordingly, this development standard is not relevant to this particular form of development.

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
5.3 Development near zone boundaries	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

The proposal is non-compliant with the maximum 20% signage area for a building elevation prescribed by clause 22(2)(b)(iii) under State Environmental Planning Policy No 64 - Advertising and Signage. Clause 1.9 of WLEP 2011 states that State Environmental Planning Policy No 1 - Development Standards does not apply in this case, and therefore the provisions of clause 4.6 of

WLEP 2011 should be used to vary this requirement.

Pursuant to clause 4.6(2) of WLEP 2014, consent may be granted for development even though the development would contravene a development standard prescribed by an environmental planning instrument. However, pursuant to clause 4.6(4), consent can only be granted if Council is satisfied that the applicant's written request to vary the development standard has addressed the criteria of clause 4.6(3) and if the proposal is in the public's interest by being consistent with the objectives of the specific development standard and the relevant zoning.

Requirement:	20% of the elevation of the bus shelter (0.7m ²)
Proposed:	2.5m ² (1.8m ² greater than 0.7m ²)
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	257% of the 20% required area.

The proposal must satisfy the the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The requirements for the size of advertisement in Clause 22 (2) is a development standard.

What are the underlying objectives of the development standard?

There are no underlying objectives set out for wall advertisements under SEPP 64.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the SP2 Infrastructure zone.

The underlying objectives of the SP2 Infrastructure zone

- *To provide for infrastructure and related uses.*

Comment:

The proposed advertising panel is an ancillary component of the bus shelter already constructed within the road reserve. Accordingly, the works provide for infrastructure related development.

- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Comment:

The inclusion of bus shelters containing advertising material is considered development which is compatible with the provision of infrastructure.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment:

Flexibility in applying the requirements of SEPP 64 is considered suitable in the circumstances as the intent of restricting the amount of signage to 20% of the 'facade' is unlikely to have anticipated its application on the face of a bus shelter.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

Allowing flexibility to exceed the percentage of coverage for the signage at one end of the bus shelter structure will enable inclusion of an advertising panel which is commensurate with most advertising of this kind adjacent to road reserves.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

One way in which strict compliance may be seen to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are otherwise achieved, despite non-compliance with the development standard.

Clause 22 of SEPP 64 does not outline set objectives. However, clause 3 of SEPP 64 does set out clear objectives for proposed signage or advertisements. These objectives are as follows:

(a) is compatible with the desired amenity and visual character of an area, and

Comment: The proposal is considered to be compatible with the amenity and visual character of the area. The proposed signage is located adjacent to a bulky goods retail and warehouse development which contains numerous signs on the face of the building. It is suggested by the applicant that due to its small size, the signage will not detract from the desired amenity or visual character of the area which consists of predominately commercial land uses, including retail and cafe spaces.

(b) provides effective communication in suitable locations, and

Comment: The signage is considered to provide for an effective means for communication and will remain consistent with other bus shelter signage within the surrounding and wider area.

(c) is of high quality design and finish, and

Comment: The sign is found to be consistent with the assessment criteria set out under Schedule 1 of SEPP 64. The proposed signage, including its dimensions are consistent with other bus shelter advertising evident throughout the local government area. It is therefore considered that the proposed signage is consistent in the quality of design and finish with other similar advertising structures and is complimentary to the character and amenity of the area.

(d) to regulate signage (but not content) under Part 4 of the Act, and

Comment: The size of the proposed signage has been regulated through the Clause 22 of SEPP 64.

(e) to provide time-limited consents for the display of certain advertisements, and

Comment: Pursuant to the provisions of State Environmental Planning Policy No 64 - Advertising and Signage this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates.

(f) to regulate the display of advertisements in transport corridors, and

Comment: The signage is not located along a transport corridor.

(g) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors

Comment: The signage is not located along a transport corridor

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The Applicants submission has adequately addressed the suitable justification for the proposal.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the SP2 Infrastructure zone in the WLEP 2011.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to Clause 22 of SEPP 64 Wall Advertisements Development Standard is assumed.

Warringah Development Control Plan

Built Form Controls

As the proposed development is not within a standard allotment but is located within the road reserve, the built form control are not relevant to this particular form of development.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C8 Demolition and Construction	Yes	Yes
Part D Design	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D23 Signs	No	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D23 Signs

Description of non-compliance and/or inconsistency

The application proposes one (1) piece of signage which forms one end of the bus shelter on which it is affixed. The sign is a static illuminated sign measuring approximately 2.5m² and is set at 290mm above ground level. The proposed signage is considered against the following:

Sign	Requirement	Width	Height	M ²	Complies
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.	1310mm	1910mm	2.5m ²	No

The application is considered satisfactory in relation to the requirements of this part and has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

Part 4 Division 5 Section 91 of the EP&A Act 1979, states the following:

“(1) Integrated development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Roads Act 1993

s 138 consent to:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road

(3) 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.

Accordingly, as the proposed development requires the consent of Council and the approval of the same, the application was not required to be referred to the Roads and Maritime Services for concurrence.

ROADS ACT, 1993

As required by Part 4 Division 4.46 of the Environmental Planning and Assessment Act, 1979, concurrence by the Roads and Traffic Authority (RTA) is not required for the proposed works in accordance with the requirements under section 138 of the Roads Act.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0404 for Installation of advertising signage on a bus shelter on land adjacent to 4 - 6 Niangala Close, BELROSE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site #20533 Bus Stop 208587 - Proposed	5/03/2018	Adshel
A1-C - Arch Elevations and A2-C Arch Plans & Sections - Pittwater Shelter-Type A	28/9/1999	Adshel

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

2. Limitation of Development Consent for Signage

Pursuant to the provisions of State Environmental Planning Policy No 64-Advertising and Signage this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates

Reason: Statutory requirement under State Environmental Planning Policy No 64-Advertising and Signage. (DACPLB08)

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

4. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (c) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out

v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.northernbeaches.nsw.gov.au

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. Signage content

The proposed signage to the illuminated signage panel is not to be offensive in nature, wording or content. Any signage containing pictures or content which gives rise to justifiable complaint to Council is to be immediately removed. Signage is to be provided only in accordance with community standards as represented by the Code of Ethics of the Australian Association of National Advertisers (AANA).

Reason: To ensure advertising is not offensive (DACPLGOG1)















ATTACHMENT A

Notification Plan	Title	Date
 2018/182527	Plan - Notification	19/03/2018

ATTACHMENT B

Notification Document	Title	Date
 2018/190650	Notification Map	22/03/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/182523	Owners Consent	05/03/2018
 2018/182532	Report - Statement of Environmental Effects	14/03/2018
 2018/182525	Letter - Cover	14/03/2018
 DA2018/0404	4-6 Niangala Close BELROSE NSW 2085 - Development Application - Alterations and Additions	15/03/2018
 2018/177145	DA Acknowledgement Letter - Adshel Street Furniture Pty Ltd	15/03/2018
 2018/182510	Applicant Details	19/03/2018
 2018/182507	Development Application Form	19/03/2018
 2018/182527	Plan - Notification	19/03/2018
 2018/182533	Plans - Master Set	19/03/2018
 2018/190607	DA Acknowledgement Letter (not integrated) - Adshel Street Furniture Pty Ltd	22/03/2018
 2018/190650	Notification Map	22/03/2018
 2018/190654	ARP Notification Map	22/03/2018
 2018/190667	Notification Letter - 5	22/03/2018
 2018/202692	Peer Review Quotation Letter - GLN Planning	27/03/2018
 2018/202713	Peer Review Quotation Letter - Watermark Planning	27/03/2018
 2018/202725	Peer Review Quotation Letter - Nolan Planning	27/03/2018
 2018/203228	Peer Review Quotation - Nolan Planning	27/03/2018
 2018/203816	Peer Review Quotation - Watermark Planning	27/03/2018
 2018/208867	Traffic Engineer Referral Response	29/03/2018
 2018/243551	Applicant contact- Adshel - Authorisation Letter for Tract as Applicant contact DA20180404	18/04/2018
 2018/244885	Request for Withdrawal of Development Application - Adshel Street Furniture Pty Ltd	18/04/2018
 2018/257283	Acceptance of Quotation - Peer Review - Watermark Planning	26/04/2018
 2018/257296	Consultancy Agreement - Peer Review - Watermark Planning	26/04/2018

 2018/259181	Signed Consultancy Agreement - Watermark Planning	27/04/2018
 2018/281267	RE: DA2018/0404 for Installation of advertising signage	01/05/2018
 2018/265096	Request for additional information - 4-6 Niangala Close Belrose	01/05/2018
 2018/280653	Request to Applicant for additional Info for Roads and Maritime Request - DA2018/0404 - 4-6 Niangala Close BELROSE NSW 2085	08/05/2018
 2018/339078	RE: 20180501 - Roads and Maritime Request for additional info - DA2018/0404 - 4-6 Niangala Close BELROSE NSW 2085	15/05/2018
 2018/339079	20533 - Relocated-PROPOSED.pdf.TRACT	04/06/2018
 2018/348513	20180607 - Roads and Maritime response - DA2018/0404 - 4-6 Niangala Close BELROSE NSW 2085	07/06/2018
 2018/348514	20180606 - RMS response for - SYD18_00499 - Installation of advertising signage on a bus shelter at 4-6 Niangala Close BELROSE. DA 2018_0404	07/06/2018
 2018/379440	Assessment Report_PEER review	21/06/2018
 2018/466505	Invoice - Peer Review - Watermark Planning - P0046216	24/07/2018
 2018/484617	NBLPP - Applicant/Owner Letter	02/08/2018