

**3.1 Northern Side of Warringah Road opposite Melwood Avenue,
and in front of No. 654 Warringah Road, Forestville –
Construction of Bus Shelter with Signage on Road Reserve –
Bus Stop Number 2087036**

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Renee Ezzy
Address / Property Description:	Construction of Bus Shelter with signage on road reserve on the Northern side of Warringah Road opposite Melwood Ave, and in front of No. 654 Warringah Road, Forestville - Bus stop number 2087036
Development Application No:	DA2011/0566
Application Lodged:	28/04/2011
Plans Reference:	Site Location – Rev B (11/04/11) Sheet 2 - Elevation Views Sheet 3 - Footing Detail Sheet 4 – Exploded Assembly Sheet 5 – Wiring Detail
Amended Plans:	N/A
Applicant:	Adshel Street Furniture Pty Ltd
Owner:	Warringah Council
Locality:	C1 Middle Harbour Suburbs
Category:	Category 2 (cl17 (4) WLEP 2000)
Draft WLEP 2009 Permissible or Prohibited Land use:	(SP2 Infrastructure) “Community Facility” - Permissible with consent
Variations to Controls (Cl.20/Cl.18(3)):	SEPP 1 Objection (Clause 20 variation under WLEP 2000) to Clause 22 of SEPP 64.
Referred to ADP:	YES
Referred to WDAP:	NO
Land and Environment Court Action:	NO
SUMMARY	
Submissions:	One
Submission Issues:	Vehicle and pedestrian safety, rubbish, vandalism
Assessment Issues:	Nil
Recommendation:	Approval, subject to conditions
Attachments:	Site and Elevation Plans

LOCALITY PLAN (not to scale)



Subject Site: The proposed site is the road reserve on the northern side of Warringah Road east of Melwood Avenue in front of No. 654 Warringah Road, Forestville.

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 14 adjoining land owners and occupiers for a period of 14 calendar days commencing on 18 October 2011 and being finalised on 2 November 2011.



SITE DESCRIPTION

The site is on the nature strip on the northern side of Warringah Road, east of Melwood Avenue. The site currently provides no seating or shelter and is identified by the existing bus bollard located adjacent to the driveway of No. 654 Warringah Road.

SITE HISTORY

The application was lodged with Council on 28 April 2011.

PROPOSED DEVELOPMENT

The application proposes to provide a new bus shelter between the existing power pole and the bus bollard. The structure measures 4.43 metres in length. The structure will be constructed of light green aluminium with pitched roof and glass panels to the back and western side. An advertising panel measuring 1.15 metres x 1.75 metres will be provided at the eastern end of the structure.

AMENDMENTS TO THE SUBJECT APPLICATION

No amendments have been made to the current application.

STATUTORY CONTROLS

- (a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- (b) Environmental Planning and Assessment Regulations 2000.
- (c) Roads Act 1993
- (d) SEPP No. 55 – Remediation of Land
- (e) SEPP (Infrastructure) 2007
- (f) SEPP No. 64 – Advertising and Signage
- (g) Warringah Local Environmental Plan 2000
- (h) Draft Warringah Local Environmental Plan 2009.
- (i) S94 Developer Contributions Plan

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 14 adjoining land owners and occupiers for a period of 14 calendar days commencing on 18 October 2011 and being finalised on 2 November 2011.

As a result of the public exhibition process, one (1) submission was received from the property at No. 654 Warringah Road, Forestville.

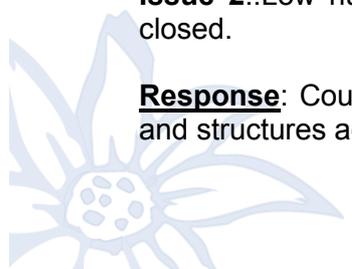
The following issues were raised in the submission and are addressed below:

Issue 1: Safety when exiting driveway due to proximity to service station.

Response: In relation to the proximity of the bus shelter to the driveway, the sight distances have been considered by Council's Traffic Engineer as acceptable in accordance with the relevant Australian Standards.

Issue 2: Low number of commuters use this bus stop. Even less should existing walkway be closed.

Response: Council's Road Assets Section has undertaken an extensive review of 84 bus stops and structures across the LGA. These locations were identified and prioritised as follows:



STA nominated shelters in High, Medium and Low categories, an additional category, Low 2009/10, was added to refine the priority of locations based on assessment of population density, proximity to other shelters, and estimated passenger numbers.”

In addition, all nominated locations underwent notification prior to any applications being lodged with Council. Notwithstanding that this submission states the number of passengers who use this bus stop did not warrant construction of a bus shelter, Council’s analysis interprets the usage and greater public benefit to be otherwise.

Accordingly, the construction of a bus shelter in this location is considered an appropriate form of infrastructure in this location.

Issue 3: Problem with children and youth ‘loitering’. Increased vandalism, rubbish and loss of amenity.

Response: The proposed shelter is responding to a need from the broader community who use this service. The shelter is unlikely to adversely impact existing amenity or create anti social behaviour. In terms of maintenance from vandalism and rubbish, Council should be contacted directly should these issues become a matter of concern.

Issue 4: Maintenance programs would not be adequate to address extent of rubbish problem.

Response: Refer to Condition 3. Should scheduled maintenance prove inadequate, a request to Council’s Waste Section to review the situation should be made.

Issue 5: The resulting location available for wheelie bins will be between the bus shelter and service station driveway (close to power pole).

Response: Provided that wheelie bins are aligned with the kerb and gutter in accordance with the instructions provided on the bin, waste collection should not be adversely impacted.

MEDIATION

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	NA
Has mediation been conducted?	No

REFERRALS

External Referrals

Roads and Traffic Authority (RTA)

The application was referred to RTA as location of the proposed bus shelter is located within the road reserve that is vested in Council; however any works/improvements etc within the road reserve are subject to RTA concurrence in relation to any classified road.

The RTA in their letter dated 8 June 2011, raised no objections in providing their concurrence to Council as the consent authority subject to a number of conditions. These conditions are included within any notice of determination for these works.

Ausgrid

The application was referred to Ausgrid (formerly Energy Australia) in accordance with the requirements under Clause 45(2) of *State Environmental Planning Policy (Infrastructure) 2007*.



Where Council's assessment is satisfactory for the proposed works, Ausgrid raise no objections to the proposal subject to a number of relevant conditions of consent being applied. These conditions will be included with any notice of determination.

Internal Referrals

Development Engineers

Council's Development Engineers raised no objection to the proposed works subject to the imposition of specific conditions of consent.

Traffic Engineer

Council's Traffic Engineer raised no objection to the proposed works and made the following comments:

"No objection to this development on traffic and parking grounds.

This DA conforms to AS1428.4:2002, please be aware this standard has been superseded by AS1428.4:2009"

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on "Draft Warringah Local Environmental Plan 2009" in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.
Section 79C (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>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report. One (1) submission was received in relation to this application.
Section 79C (1) (e) – the public interest	No matters have arisen that would justify the refusal of the application in the public interest.

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
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Accordingly, the application was referred to the Roads and Traffic Authority for concurrence.

ROADS ACT, 1993

As required by Part 4 Division 5 Section 91 of the Environmental Planning and Assessment Act, 1979, concurrence by the Roads and Traffic Authority (RTA) is required for the proposed works in accordance with the requirements under section 138 of the Roads Act.

Concurrence to Council was provided, subject to conditions for the works described in this assessment report.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: *Community Facility*

Land Use Zone: SP2 Infrastructure

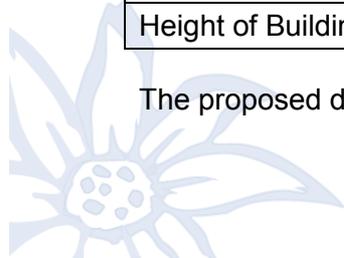
Permissible or Prohibited: *Permissible with consent*

Additional Permitted used for particular land – Refer to Schedule 1:

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	NA	NA	NA	NA
Rural Subdivision:	NA	NA	NA	NA
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	NA	NA	NA	NA
Height of Buildings:	NA	NA	NA	NA

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.



ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 1 – Development Standards

A SEPP 1 objection was lodged with regards to the maximum advertising area required by SEPP 64 Advertising and Signage and is dealt with under the Schedule One – Assessment Criteria of SEPP 64.

Accordingly it is considered the requirements of this SEPP are fulfilled with regards to this application.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1)(a) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and Clause 48 of WLEP 2000 state that a consent authority must not consent to the carrying out of any development on land unless;

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the development proposed to be carried out, it is satisfied that the land will be remediated before the development is carried out.

The site has historically been a road reserve, it is therefore considered that the site poses no risk of contamination and as such no further consideration is required under Clause 7(1)(b) and (c) of SEPP 55.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out as a result the application was referred to Ausgrid (formerly Energy Australia) who raised no objections subject to the imposition of relevant conditions of consent to be included in any notice of determination for consent.

SEPP No. 64 – Advertising and Signage

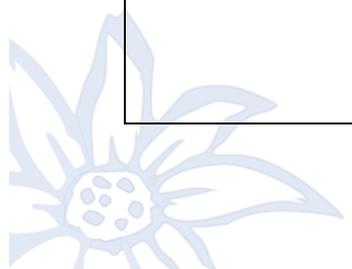
Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

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.

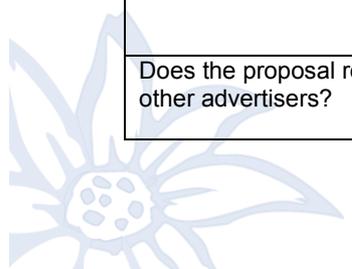
In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:



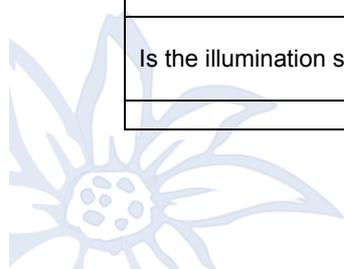
Matters for Consideration	Comment	Complies
<p>1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The following is an assessment of the proposals consistency with the Desired Future Character for the C1 Middle Harbour Suburbs Locality:</p> <p><u>Requirement 1</u> <i>The Middle Harbour Suburbs locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses. The land adjacent to Middle Harbour and occupied by the Mosman Rowing Club will be retained for low scale recreational use sympathetic to its natural setting. The land occupied by the Killarney Heights Tennis Centre at Lot 841 DP 210006 and land occupied by the Killarney Heights Swim Centre at Lot 854 DP 210006 on Tralee Avenue and the land occupied by Belrose Bowling Club at Lot 2 DP 851739 on Forest Way, will continue to be used only as recreation facilities.</i></p> <p><u>Comment:</u> The proposed shelter is located within the Warringah Road, road reserve, outside the property at No. 654 Warringah Road. The bus shelter site adjoins residential properties to the north and a service station to the west.</p> <p><u>Requirement 2</u> <i>The southwest section of the Killarney Heights High School grounds contains bushland and rock outcrops: this area may be developed for housing. Development in this section will recognise the bushland outlook, views and privacy enjoyed from residences adjoining the northern and western boundaries of the site and ensure development reasonably maintains these qualities. The retention of existing landscaping is encouraged, where practical.</i></p> <p><u>Comment:</u> The development site is not within or in the vicinity of Killarney Heights High School.</p> <p><u>Requirement 3</u> <i>Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.</i></p> <p><u>Comment:</u> The proposed shelter provides an overall height of 2.846 metres which is considered an appropriate height in its context within the road reserve</p> <p>Its appearance is simple and its design incorporates a pitched aluminium roof form providing a more sensitive response to the</p>	<p>YES</p>



Matters for Consideration	Comment	Complies
	<p>residential developments in the locality.</p> <p>The proposed signage at the eastern end of the structure is commensurate in this context and is consistent with other existing signage along this road and will not directly impact any residential properties.</p> <p>The proposed bus shelter is considered to provide an appropriate element within the road corridor.</p> <p><u>Requirement 4</u> <i>The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.</i></p> <p><u>Comment:</u> The proposed shelter is not located within close proximity of any bushland areas and will not impact on them. The proposed structure is to be constructed in green powder coated aluminium providing a less conspicuous structure within the streetscape.</p> <p><u>Requirement 5</u> <i>Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. Development on land which adjoins Middle Harbour shall have regard to the principles contained in Schedule 14.</i></p> <p><u>Comment:</u> The development is not located on a hillside or in the vicinity of a ridgetop and is consistent with the locality statement in this regard.</p>	
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed advertising signage panel allows for discreet commercial advertising opportunities along this carriageway. Accordingly, the extent of signage proposed is considered acceptable in relation to the advertising theme for the type of land use prevalent in this locality.</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>The proposed bus shelter location is not located within close proximity of any environmentally sensitive or natural areas and will not detract from the 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>



Matters for Consideration	Comment	Complies
<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	The proposed location is adjoined by a solid masonry boundary fence. Accordingly, the scale and form of the shelter is appropriate within this streetscape setting.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is not considered to detract from the character of this location and provides a clearly identifiable bus stop location.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage, while introducing additional advertising signage into this location is not considered to create visual clutter.	YES
Does the proposal screen unsightliness?	The proposed signage area forms part of a new bus shelter structure. There is no obvious unsightliness being obscured in this instance.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	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.	YES
<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>	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.	YES
Does the proposal respect important features of the site or building, or both?	The proposal advertising panel being part of the overall structure will not compromise any important features of the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is an effective use of the proposed public infrastructure and is appropriate in this instance.	YES
<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>	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.	YES subject to condition of consent.
<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>	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.	YES
Can the intensity of the illumination be adjusted, if necessary?	According to the technical data provided, the number and wattage of the lamps used within the display unit can be varied as required.	YES
Is the illumination subject to a curfew?	The proposed illumination is not subject to a curfew.	YES



Matters for Consideration	Comment	Complies
<p>8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?</p>	<p>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.</p>	<p>YES</p>
<p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>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.</p>	<p>YES</p>

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.

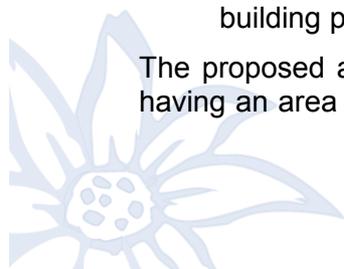
SEPP 64 Division 3 - Particular Advertisements, regulates the nature of advertisements. The proposed advertising panel is considered to be a "Wall Advertisement" which is defined as:

"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 3.25m², will exceed 20% of the relevant above ground building elevation of the



proposed bus shelter. The proposed signage panel will occupy 61.8% of the relevant elevation, which displays an area of 2.01m².

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 SEPP 1 Objection (Clause 20 variation under WLEP 2000) to support the proposal. The SEPP 1 submission (Clause 20 variation under WLEP 2000) 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.

State Environmental Planning Policy No. 1 – Development Standards Objection

Clause 22 of SEPP 64 restricts wall advertisements to a maximum of 20% of the relevant above ground building elevation. The proposal fails this requirement as the proposed advertising panel will occupy an area of 2.01m² or 61.8% of the elevation. A SEPP 1 objection is required and has been prepared by the applicant.

The following assessment of the SEPP 1 Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001).

The SEPP 1 Objection submitted is assessed as follows:-

1. Is the planning control in question a development standard?

The maximum advertising area is a development standard under Clause 22 of SEPP 64.



2. What is the underlying purpose of the standard?

Clause 22 does not provide any clearly defined or articulated objectives or purposes for the maximum advertising area development standard.

Although not specifically referenced within SEPP 64, the *Transport Corridor Outdoor Advertising and Signage Guidelines 2007* outlines safety objectives. These objectives are incorporated in the Assessment criteria and it therefore assumed that an underlying purpose of the development standard is to ensure that advertising displays do not create a road safety hazard or confuse or distract drivers or compromise bicycle or pedestrian safety.

3. Is non-compliance with the development standard consistent with the aims of the Policy, and in particular, would strict compliance with the development standard tend to hinder the attainment of the objectives specified in s.5(a)(i) and (ii) of the EPA Act?

Under the EPA Act, 1979, Section 5(a)(i) & (ii) the following is required :

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land,*

It is considered that the proposed land use of the subject land is consistent with the intent of the objects of the Act under S.5(a)(i) & (ii) above. This is as the proposal is for the provision of a bus shelter with associated advertising which is considered to be in the social and economic welfare of the community. Further, the proposed structure is considered compatible with the character of the locality and will provide for development that promotes the creation of a better environment.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

The proposal satisfies the Assessment Criteria set out within Schedule 1 of SEPP 64 and compliance with the development standard in this instance is considered unreasonable and unnecessary in this application on a bus shelter structure.

5. Is the objection well founded?

The objection advanced by the applicant that compliance with the development standard is unreasonable and unnecessary is considered to be well founded and that the granting of development consent would be consistent with the aims and objectives set out in Clause 3 of SEPP 1.

State Environmental Planning Policy – BASIX

A BASIX certificate is not required to be submitted with the subject application.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)



Desired Future Character (DFC)

The subject site is located in the C1 Middle Harbour Suburbs Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

“The Middle Harbour Suburbs locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses. The land adjacent to Middle Harbour and occupied by the Mosman Rowing Club will be retained for low scale recreational use sympathetic to its natural setting. The land occupied by the Killarney Heights Tennis Centre at Lot 841 DP 210006 and land occupied by the Killarney Heights Swim Centre at Lot 854 DP 210006 on Tralee Avenue and the land occupied by Belrose Bowling Club at Lot 2 DP 851739 on Forest Way, will continue to be used only as recreation facilities.

The southwest section of the Killarney Heights High School grounds contains bushland and rock outcrops: this area may be developed for housing. Development in this section will recognise the bushland outlook, views and privacy enjoyed from residences adjoining the northern and western boundaries of the site and ensure development reasonably maintains these qualities. The retention of existing landscaping is encouraged, where practical.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. Development on land which adjoins Middle Harbour shall have regard to the principles contained in Schedule 14.

The proposed development is defined as “community facility” under the WLEP 2000 dictionary. “Community facility” is identified as Category 2 development in this locality.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality’s DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

Requirement 1

“The Middle Harbour Suburbs locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses. The land adjacent to Middle Harbour and occupied by the Mosman Rowing Club will be retained for low scale recreational use sympathetic to its natural setting. The land occupied by the Killarney Heights Tennis Centre at Lot 841 DP 210006 and land occupied by the Killarney Heights Swim Centre at Lot 854 DP 210006 on Tralee Avenue and the land occupied by Belrose Bowling Club at Lot 2 DP 851739 on Forest Way, will continue to be used only as recreation facilities.



Comment:

The proposed shelter is located within the road reserve on the northern side of Warringah Road, outside the property at No. 654 Warringah Rad. Accordingly, this requirement is not relevant to the subject application.

Requirement 2

Future development will relate to the established pattern and predominant scale of detached style housing in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise its visual impact when viewed from afar. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

Comment:

The proposed shelter provides an overall height of 2.846 metres which is considered an appropriate height transitioning within this highly trafficked road and the road reserve. The works do not impact on any natural landscape features and will not be visually dominant in this location.

The appearance is simple and its design incorporates a pitched aluminium roof form providing a more sensitive response to the residential developments in the near vicinity.

The proposed signage at the eastern end of the structure is commensurate in this context and is consistent with other existing signage along this road and will not directly impact the surrounding residential properties.

The proposed bus shelter is considered to provide an appropriate element within the road corridor.

Requirement 3

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in Clause 39."

Comment:

The proposed shelter is located within the road reserve. The location of this structure does not impact on any local retail areas and is therefore acceptable in terms of this requirement.

Requirement 4

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Comment:

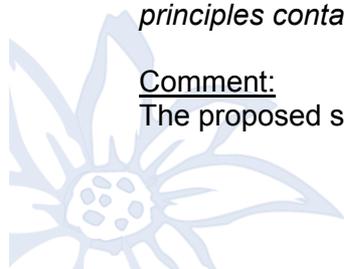
The proposed shelter is located within the road reserve. The location of this structure does not impact on any surrounding bushland or natural elements.

Requirement 5

Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. Development on land which adjoins Middle Harbour shall have regard to the principles contained in Schedule 14.

Comment:

The proposed shelter is not located on a hillside or ridgetop.



As detailed above the proposed development is considered to be consistent with the Locality's DFC statement.

Built Form Controls (Development Standards) C1 Middle Harbour Suburbs

The following table outlines compliance with the Built form Control of the above locality statement:

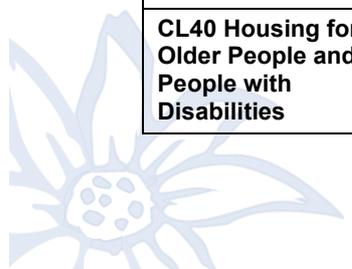
Built Form Standard	Required	Compliance Comment	Compliance
Housing Density	Maximum 1 dwelling per 600sqm	The proposal is not within a standard allotment but is located within the road reserve. Accordingly, this built form control is not relevant to this particular form of development.	N/A
Building Height	Maximum 8.5m	The proposal is not within a standard allotment but is located within the road reserve. Accordingly, this built form control is not relevant to this particular form of development. Notwithstanding, the maximum height of the proposed bus shelter is 2.846m.	YES
Front Building Setback	Minimum setback 6.5m	The proposal is not within a standard allotment with a setback from the road, but is within the road reserve. Accordingly, this built form control is not relevant to this particular form of development.	N/A
Rear Building Setback	Minimum setback 6m	The proposal is not within a standard allotment where a rear setback would be applicable, but is within the road reserve. Accordingly, this built form control is not relevant to this particular form of development.	N/A
Side Boundary Envelope and Side Setback	Envelope 4m projecting at 45 degrees. Setback 0.9m	The proposal is not within a standard allotment but is located within the road reserve. Accordingly, this built form control is not relevant to this particular form of development.	N/A
Landscaped Open Space	40% site	The proposal is not within a standard allotment, but is within the road reserve. Accordingly, this built form control is not relevant to this particular form of development.	N/A

The proposed development is considered to satisfy the Locality's Built Form Controls, accordingly, no further assessment will be provided in this regard.

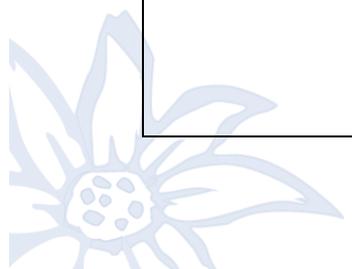
General Principles Of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

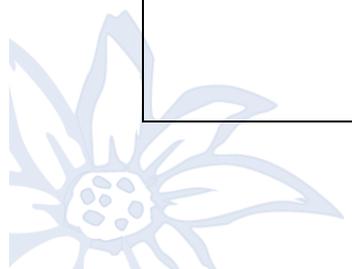
General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	The development provides for illumination for fixed advertisements. This lighting is considered appropriate and will not result in overspill or glare or reduce the amenity of the area.	YES
CL39 Local retail centres	NO	No comment	NA
CL40 Housing for Older People and People with Disabilities	NO	No comment	NA



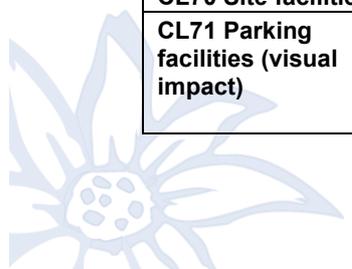
General Principles	Applies	Comments	Complies
CL41 Brothels	NO	No comment	NA
CL42 Construction Sites	YES	The proposed construction of a bus shelter will require some minor disruption to the immediate area. Appropriate conditions of consent are recommended requiring that adequate and safe access is maintained for the public and that appropriate construction management measures area implemented which are consistent with all external concurrence for the duration of the construction works.	YES by condition
CL43 Noise	YES	A condition of consent has been imposed requiring all noise emissions to be carried out in accordance with the Environment Protection Authority guidelines for noise emissions from construction/demolition works and these works must also comply with the provisions of the Protection of the Environment Operations Act 1997.	YES by condition
CL44 Pollutants	YES	As the proposed development is for the erection of a new bus shelter and associated advertising signage it is not considered to result in the emission of atmospheric, liquid or other pollutants, which would unreasonably diminish the amenity of adjacent properties, the locality or waterways and is therefore acceptable with regard to Clause 44.	YES
CL45 Hazardous Uses	YES	The extent of the proposed works are considered minor and not likely to pose a significant risk to human health, life or property	YES
CL46 Radiation Emission Levels	NO	No comment	NA
CL47 Flood Affected Land	NO	The site has not been identified as flood affected lands according to Council's records and databases.	YES
CL48 Potentially Contaminated Land	YES	The site has historically been used as road corridor. There is no evidence to suggest that the site is contaminated.	YES
CL49 Remediation of Contaminated Land	NO	No comment	NA
CL49a Acid Sulfate Soils	NO	No comment	NA
CL50 Safety & Security	YES	<p>Crime prevention through environmental design (CPTED) is a strategy focusing on the planning, design and structure of areas. The concept identifies opportunities for reducing crime through design and place management principles which block opportunities for crime or by making crimes more difficult by creating obstacles or barriers to targets.</p> <p>CPTED employs four key strategies:</p> <p>1. Access control is a design concept directed primarily at decreasing crime opportunity. It seeks to attract, channel or restrict the movement of people through landscaping, barriers and personnel. Access control can be organised (guards), mechanical (locks) or natural (spatial definition).</p> <p><u>Response:</u> The proposed bus shelters provide for a natural form of access control with the use of paving and</p>	YES



General Principles	Applies	Comments	Complies
		<p>tactile markers to delineate and guide pedestrian movement around the shelter.</p> <p>2. Territorial reinforcement occurs when physical design creates or extends a sphere of influence so that users develop a sense of proprietorship. Territorial reinforcement can be achieved through design that encourages people to gather in public space and to feel some responsibility for its use and condition; design with clear transitions and boundaries between public and private space; and clear design cues on who is to use the space and what it is used for.</p> <p><u>Response:</u> The proposed bus shelter is a facility for a broad range of users. The intended use of this bus shelters is implicit. It retains the distinction between any private space and the public space it is located in.</p> <p>3. Natural surveillance is a design concept directed primarily at keeping intruders / offender under observation. This can be achieved by maximising sightlines, improving lighting, and the removal of barriers and hiding spots.</p> <p><u>Response:</u> The proposed bus shelters are in full sight of approaching traffic on a busy road. The structure contains toughened safety glass to the back and one side. The remaining side contains the illuminated advertising panel maintaining sightlines through the shelter and creating ambient light around the solid end.</p> <p>4. Space management is linked to the principle of territorial reinforcement. Space management ensures that space is appropriately utilised and well cared for. Examples include: activity coordination, site cleanliness, rapid repair, removal or refurbishment of decayed physical elements. From this perspective, the design of the built environment is critical for the prevention of crime.</p> <p><u>Response:</u> The ongoing maintenance of the shelters is subject to a contract between Adshel and Warringah Council.</p> <p><i>(Ref.CPTED Review for Warringah Council by Garner Clancey and Dr Murray Lee, Sydney Institute of Criminology and NSW Police)</i></p>	
CL51 Front Fences and Walls	NO	No comment	NA
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	NO	No comment	NA
CL53 Signs	YES	<p>The advertising signage panel forming part of the proposed works is considered compatible with the form of signage becoming increasingly applied on bus shelter structures throughout the area.</p> <p>The form and size of the signage panel is satisfactory in this context and will not result in visual clutter.</p> <p>The sign will not endanger the public.</p> <p>The level of illumination will not result in excessive glare or reflection and will not result in a traffic hazard.</p>	YES



General Principles	Applies	Comments	Complies
CL54 Provision and Location of Utility Services	YES	The proposed works will not adversely impact on the existing level of amenity of utility services.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No comment	NA
CL56 Retaining Unique Environmental Features on Site	NO	No comment	NA
CL57 Development on Sloping Land	NO	No comment	NA
CL58 Protection of Existing Flora	NO	No comment	NA
CL59 Koala Habitat Protection	NO	No comment	NA
CL60 Watercourses & Aquatic Habitats	NO	No comment	NA
CL61 Views	YES	Clause 61 stipulates 'Development is to allow for the reasonable sharing of views'. No views will be affected by the proposed works.	YES
CL62 Access to sunlight	YES	The proposal will not result in any overshadowing.	YES
CL63 Landscaped Open Space	NO	No comment	NA
CL63A Rear Building Setback	NO	No comment	NA
CL64 Private open space	NO	No comment	NA
CL65 Privacy	NO	No comment	NA
CL66 Building bulk	YES	The proposed bus shelters are considered to provide an appropriate bulk and scale for this type of public facility in this setting.	YES
CL67 Roofs	YES	The design of the bus shelters includes a pitched roof form providing a sympathetic styling to adjoining residential development.	YES
CL68 Conservation of Energy and Water	NO	No comment	NA
CL69 Accessibility – Public and Semi-Public Buildings	YES	The proposed structures have been designed to comply with the requirements of the Disability Discrimination Act 1992.	YES
CL70 Site facilities	NO	No comment	NA
CL71 Parking facilities (visual impact)	NO	No comment	NA



General Principles	Applies	Comments	Complies
CL72 Traffic access & safety	YES	The proposed location and form of the bus shelter structure will not present any adverse issues with regard to traffic access or safety. Council's Traffic Engineer has reviewed the application and has raised no objection to the proposal. Further, the sight distances from the driveways of the adjoining properties have been verified as being in accordance with the relevant Australian Standard.	YES, subject to condition
CL73 On-site Loading and Unloading	NO	No comment	NA
CL74 Provision of Carparking	NO	No comment	NA
CL75 Design of Carparking Areas	NO	No comment	NA
CL76 Management of Stormwater	YES	The proposed footprint for the bus shelter structures is designed to ensure any stormwater runoff is directed toward the stormwater drain in the vicinity of the site.	YES
CL77 Landfill	NO	No comment	NA
CL78 Erosion & Sedimentation	YES	Appropriate conditions of consent are recommended for imposition in relation to erosion and sedimentation control measures during construction.	YES
CL79 Heritage Control	NO	No comment	NA
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No comment	NA
CL81 Notice to Heritage Council	NO	No comment	NA
CL82 Development in the Vicinity of Heritage Items	NO	No comment	NA
CL83 Development of Known or Potential Archaeological Sites	NO	No comment	NA

SCHEDULES

Schedule 4 - Prohibited Signs

Prohibited Signs	<p>Point 5 in this schedule states the following:</p> <ul style="list-style-type: none"> <i>signs which do not directly relate to the predominant land use, business or activity carried on, or proposed to be carried on, within the site or building on which the sign is to be placed, except signs on public amenities such as street furniture, bus shelters and the like,</i> <p>Accordingly, the proposed signage element being located on the bus shelter is not a prohibited sign and is acceptable.</p>
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Schedule 8 - Site analysis

Site Analysis	<p>Considering the scale of development proposed, the site plan and the written analysis of the site in the Statement of Environmental Effects are considered sufficient for the purposes of a Site Analysis.</p>
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DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Draft Warringah LEP 2009 has been considered with regard to the proposed works. The proposal is considered and no matters have arisen in this regard that justify the refusal of the application with regard to the draft EPI's.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan (adopted 14 November 2006)

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

As the estimated cost of works is less than \$100,000.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The proposed development for construction of a bus shelter with signage outside the property at No. 654 Warringah Road, Forestville has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council.

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

RECOMMENDATION - APPROVAL

THAT Council as the consent authority grant Development Consent to DA2011/0566 for construction of a bus shelter with signage on the road reserve on the northern side of Warringah Road, opposite Melwood Avenue and in front of No. 654 Warringah Road, Forestville (bus stop No. 2087036) subject to the conditions printed below:

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

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:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Location Plan – Rev B	11/04/2011	Adshel
Sheet 2 – Elevation Views	18/11/2008	Adshel
Sheet 3 – Footing Detail	18/11/2008	Adshel
Sheet 4 – Exploded Assembly	18/11/2008	Adshel
Sheet 5 – Wiring Detail	18/11/2008	Adshel



No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Ausgrid	Response Energy Aust Referral	9 May 2011
Roads & Traffic Authority	RTA Referral Response	8 June 2011

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

3. 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

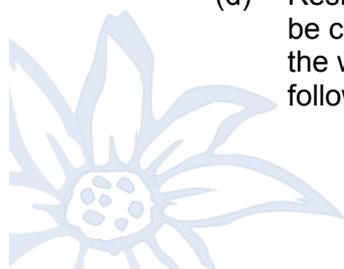
Reason: Statutory requirement under State Environmental Planning Policy No 64-Advertising and Signage. (DACPLB08)

4. 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)

5. 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,

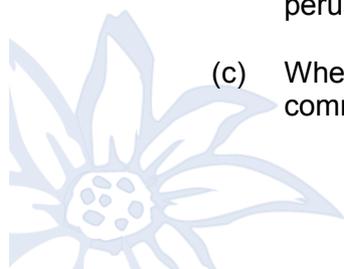
No work on Sundays and Public Holidays.

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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.

- (d) 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.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS1428.4-2009 – Tactile Indicators
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**



- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

7. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

8. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. Maximum Cross Fall of Footpath

The maximum cross fall of any footpath at the bus shelter must not exceed 5% to ensure the safety of users.

Reason: Public Safety



10. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

11. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

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

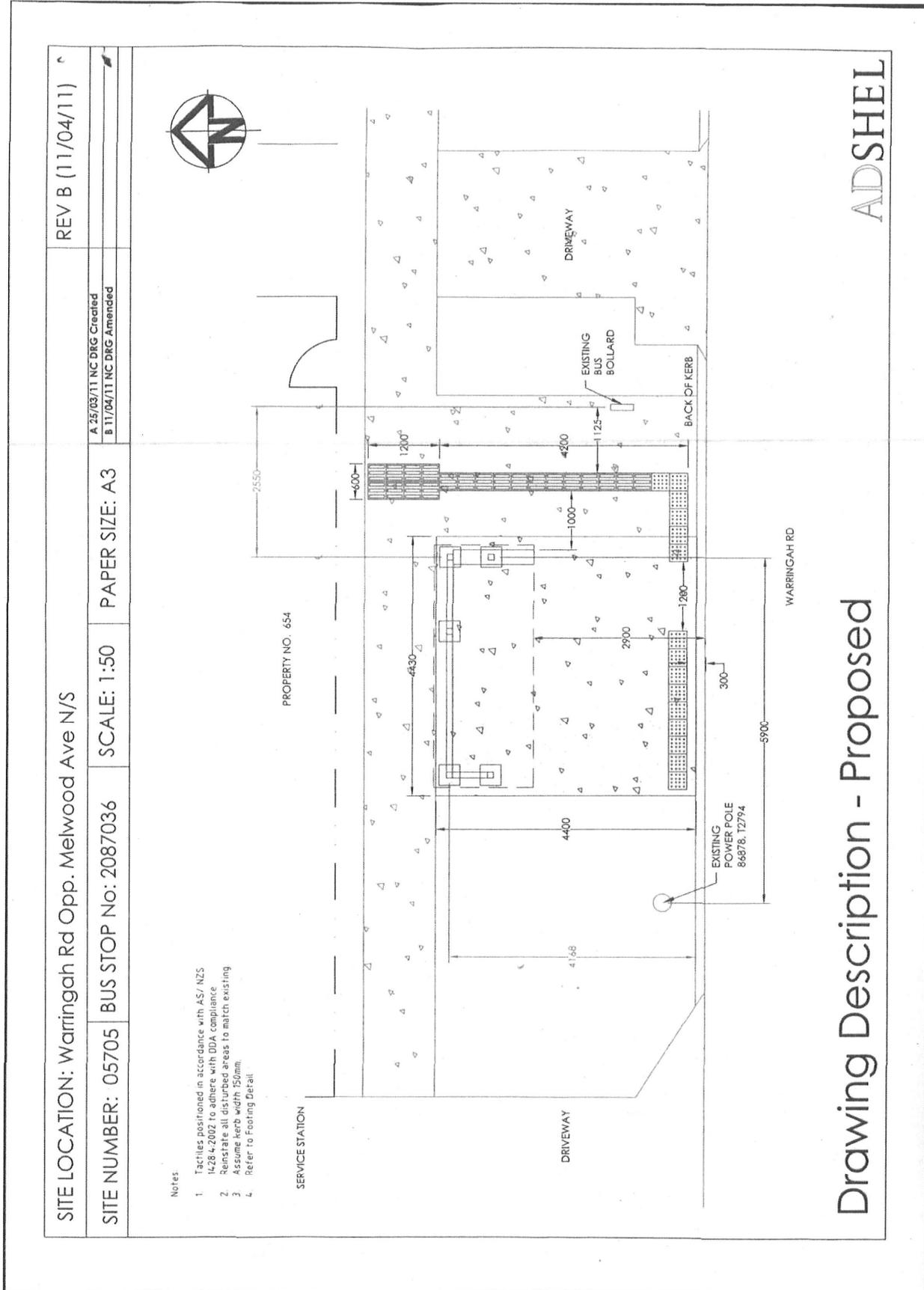
12. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

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. (DACPLG12)



Site and Elevation Plans



Site and Elevation Plans

