

Memo

Development Assessment

To: Northern Beaches Local Planning Panel (NBLPP)

Cc: Peter Robinson
Executive Manager, Development Assessment

From: Andrew Martin
Consultant Planner

Date: 5th November 2025

Subject: (ITEMS 4.1 - 4.7)

Record Number: DA2025/0946 DA2025/0951 DA2025/0954 DA2025/0955
DA2025/0956 DA2025/0957 and DA2025/0959

The purpose of this memo is to present three matters as follows:

1. Responds to the additional information provided by the applicant in response to the recommendation that bus shelter signage I1 under DA2025/0957 not be approved.
2. Updates conditions relating to light spill and compliance with the Transport Corridor Outdoor Advertising Guidelines (the "Guidelines").
3. Updates conditions concerning maintenance of the shelters/signage.
4. Deals with typographical error in report for DA 2025/0959 being Item 4.7 and specifically page 287 of the LPP Agenda.

These applications are Council Related Development Applications, in this regard the Supplementary Memo has been prepared by the Andrew Martin, independent planning consultant

Each matter is addressed below:

Bus Shelter Signage I1 - DA2025/0957

In support of the application the applicant has furnished the Council with a detailed legal advice prepared by Norton Rose Fulbright dated 3rd November 2025. The legal advice sets out a pathway to establish existing use rights by virtue of the existence of a construction certificate and cites a relevant case in relation to the '*presumption of regularity*'.

Based on the legal advice I am of the opinion that bus shelter sign I1 can be approved given that existing use rights can be established based on the construction certificate approval and the fact that signage has been in existence since the time of that approval.

It is recommended that shelter sign I1 be added to the approved plans table in Condition 1.

It is also recommended that Condition 2 is deleted and therefore condition numbering will be adjusted accordingly, so that last condition being Condition 13 now becomes Condition 12, assuming the Panel supports the recommendation to approve shelter signage I1 of DA2025/0957.

Light Spill and Development Consent Conditions

I recommend a change to development consent condition 12 (for all DAs except DA20255/0957 which is currently Condition 13) regarding light spill. This is because it is appropriate to require the more onerous requirement of the Transport Corridor Outdoor Advertising Guidelines.

We agree with the added references to the Guidelines and the amended Condition 12 is as follows:

12 Signage Illumination Intensity and Design

The level of illumination and/or lighting intensity used to illuminate the signage shall comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting and the requirements of the Transport Corridor Outdoor Advertising Guidelines and more specifically Table 6 requirements as set out below. The signage shall not cause excessive light spill or nuisance to any nearby premises.

TABLE 6: LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS

Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter (cd/sqm). Levels differ as digital signs will appear brighter when light levels in the area are low. Unless provided below, luminance levels should otherwise comply with the recommended values of AS4282 Control of the Obtrusive Effects of Outdoor Lighting.

Lighting condition	Zone 1 (cd/sqm)	Zones 2 and 3 (cd/sqm)	Zone 4 (cd/sqm)
Full sun on face of signage	No limit	No limit	No limit
Daytime luminance		6000	6000
Morning and evening twilight and inclement weather	700	700	500
Nighttime	350	350	200

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.

This revised Condition 12 will replace the existing Condition 12 (or Condition 13 for DA2025/0957) for all DAs listed as Items 4.1 - 4.7 and as such will appear below "ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES".

On going Maintenance and Development Consent Conditions

In relation to the maintenance of the shelters and signage, to make it clear who is responsible for on-going maintenance, we recommend a new condition be added to all DAs (again I note that Condition 13 of DA2025/0957 will become Condition 12 if Condition 2 is deleted).

The proposed additional condition 13 is as follows:

13. Ongoing maintenance and servicing

The applicant will be responsible for the ongoing maintenance and servicing of all shelters and signage.

Reason: To ensure the signage is maintained in a safe manner and that the visual amenity of the locality is maintained

This additional condition is recommended to be added to all signage applications under the section "ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES"

Typographical error in report for DA 2025/0959

Delete the words "and J7 not approved" from the table that appears immediately below the heading WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 on page 287 of the LPP report.



Andrew Martin
Planning Consultant