



STATEMENT OF ENVIRONMENTAL EFFECTS (BUS SHELTER ADVERTISING)

Digital Advertising Signage

DA8 (Signs K2 + K4)

Former Warringah Council

Prepared for: oOh! Media Street Furniture Pty Ltd

REF: M240481

DATE: 26 September 2025



BUS
SHELTER
ADVERTISING

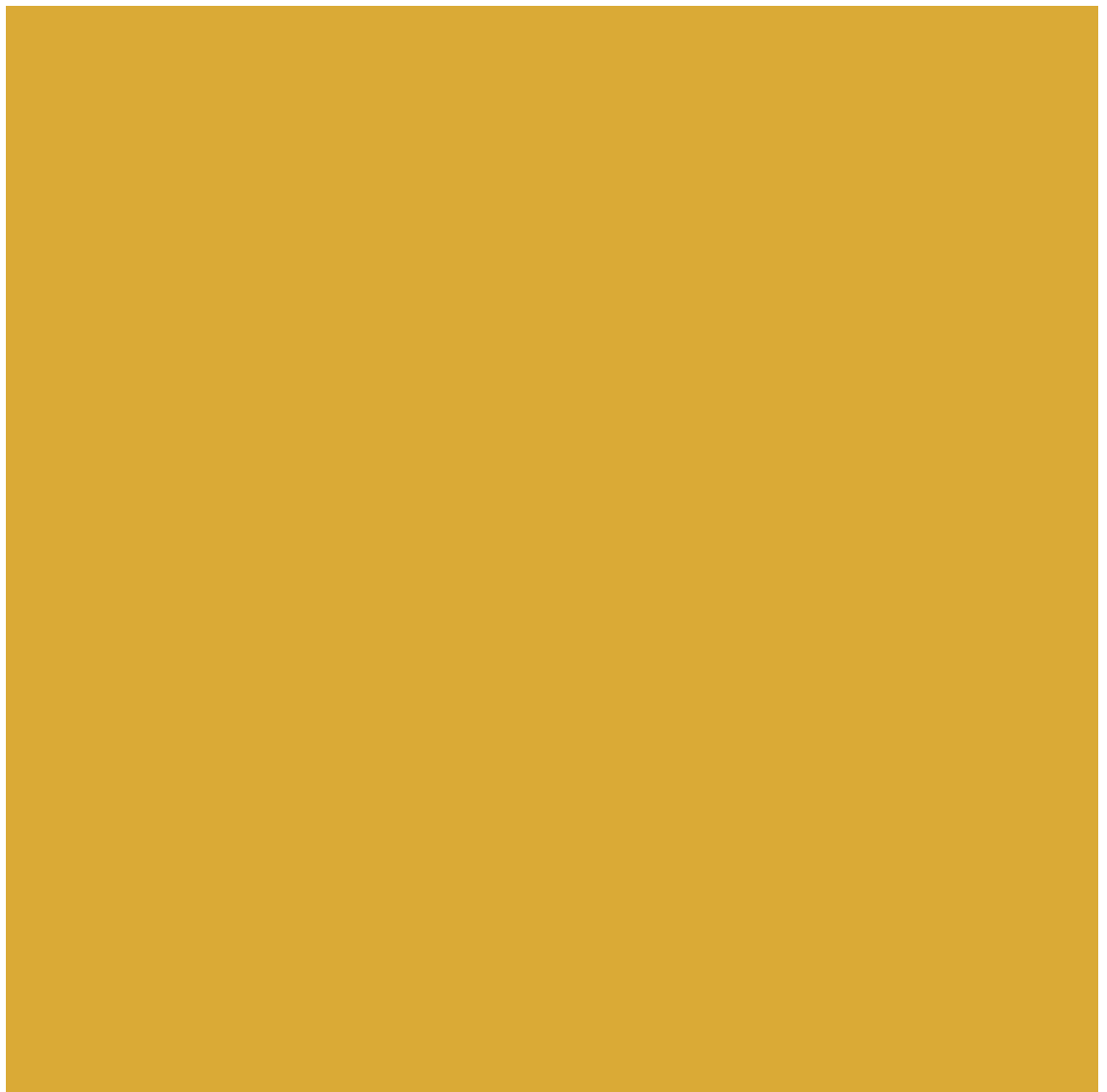


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1. Introduction

This Statement of Environmental Effects has been prepared by Planning Ingenuity Pty Ltd for *oOh! Media Street Furniture Pty Ltd* as part of a development application for the proposed replacement of bus shelter advertising panels across two (2) select public bus stop shelters within the suburb of Dee Why, in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This application seeks to upgrade the existing advertising signs on the bus shelters to a newer digital and/or static format signs. The development application will be determined by the Northern Beaches Local Planning Panel as Council is the landowner. The proposed development does not seek to alter the bus shelters. The proposal seeks only to alter the advertising signage attached to the bus shelter.

The existing advertisements on the bus shelters enjoy existing use rights pursuant to Section 4.65(b) of the *Environmental Planning & Assessment Act, 1979*. The proposal relies on Clauses 163 and 165 of the *Environmental Planning & Assessment Regulation 2021* to alter the existing use. This will be discussed in the body of the Statement.

This application includes an assessment of the signage in accordance with *State Environmental Planning Policy (Industry and Employment) 2021* and the *Transport Corridor Outdoor Advertising and Signage Guidelines* prepared by the (then) Department of Planning, Industry and Environment (2017). Detailed assessment of each sign against the relevant planning provisions is within **Annexures A-B**.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.4.15 of the *Environmental Planning & Assessment (EP&A) Act, 1979*.

This Statement is divided into six sections. The remaining sections include a background, locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

2. Background

2.1 CONSULTATION AND PRE-DA MEETING DISCUSSIONS WITH COUNCIL

On 5 December 2024, a Pre-DA meeting (PLM2024/0141) was held with Northern Beaches Council. The purpose of the meeting was to clarify and confirm the most appropriate planning pathway for the proposed development, given there are a multitude of existing bus shelters across the former Manly, Warringah and Pittwater LGAs subject to different Local Environmental Plans at the time of original approval and now within the Northern Beaches Council. The scheme presented to Council officers was described as follows:

“Alterations to selected use of bus stop shelter panels (87) of electronic advertising screens – “signage”, “advertising” and “advertising structure”.

The feedback from the Pre-DA meeting is summarised in **Table 1** below

Table 1 Pre DA- meeting discussions

Issue/Comments	How the application has responded
<u>Traffic Engineering</u> The shelters are owned by Council but provided and maintained by the contractor in exchange for advertising rights. The type of advertising permitted to be displayed would be detailed in the contract arrangements in place with Council. In terms of the level of illumination of the signage and the frequency of image changes the TfNSW document <i>Transport Corridor Outdoor Advertising Signage Guidelines</i> should be consulted and any signage made compliant with those guidelines. Given the small size of the signs it won't be necessary to refer the applications to TfNSW for their consent. It is noted that the guidelines advise that images should be static and not change any more frequently than every 10 seconds on roads with a speed limit less than 80km/h. Luminance levels of the signage should be less than or equal to those for the existing backlit screens and the luminance also within limits outlined in section 3, table 6 of the TfNSW guide.	 Noted. The content displayed in the digital/static advertising panels will continue to be in accordance with the contract arrangements. Refer to Section 4.1.4 of this Statement for details on signage content. The proposed digital/static advertising signage, including illumination has been designed in accordance with the relevant requirements of the TfNSW <i>Transport Corridor Outdoor Advertising Signage Guidelines</i> . Refer to Section 4.1.3 of this Statement for details on illumination. The digital signage for signs K2 and K4 will have a dwell time of 10 seconds.
<u>Heritage Advisor</u> None of the bus stops identified in the list are themselves heritage items, we are flagging that some sit within heritage listed parks. Flagging it now so the applicant can properly address that in any future DA. ITS05098 – Merrit Reserve I174 in MLEP	 None of the bus stops part of this application are identified as heritage items, located within a heritage conservation area or in proximity to a heritage item.

Table 1 Pre DA- meeting discussions

- ITS05088, ITS05089, ITS05091 – Park I251 in MLEP

Additionally, some will sit within road reserves that are heritage listed for their street trees – ie Balgowlah Road, Condamine Street (ITS05072, ITS05097)

I would not require a heritage impact statement for these works, but the applicant should confirm their requirements depending on what approval pathway they require and what they are required to do (ie if they go under the Infrastructure SEPP)

Applicant should also check all bus stops identified to confirm if others are sitting within heritage reserve.

Documentation to accompany the development application

- | | |
|---|---|
| <ul style="list-style-type: none"> • Owners consent. TfNSW / Council – Transport assets. (Note: may be suitable to allocate the 3 DA's to the council buildings at 1 Belgrave St Manly , 725 Pittwater Road Dee Why and 1 Park Street Mona Vale because the various road reserves (bus shelters) have no collective lot / DP identifier or specific address reference. | <p>Noted. The relevant Owners Consent will be obtained and submitted with the Development Application.</p> |
| <ul style="list-style-type: none"> • Statement of Environmental Effects | <p>This document.</p> |
| <ul style="list-style-type: none"> • Details addressing SEPP (Industry and Employment) 2021 – Chapter 3 | <p>Refer to Section 5.2.3 of this Statement and Annexures A and B.</p> |
| <ul style="list-style-type: none"> • Details addressing Planning Circular PS 21-008 (including existing use rights as applicable/as relevant to the existing shelter locations and use for advertising signage.) | <p>The current advertisements on the shelter sites enjoy existing use rights. Existing use rights and Planning Circular PS21-008 is addressed in Section 5.1 and 5.3.6 of this Statement. Site cards have been prepared by <i>oOh! Media</i> and are included in Annexure C of this Statement.</p> |
| <ul style="list-style-type: none"> • Scaled and dimensioned plans: <ul style="list-style-type: none"> ○ Site Plan/s – area and specific; ○ Elevations; and ○ Signage details (generic) ○ Details of LUX and rotation time / scrolling interval of advertisements | <p>A cost of works estimate has been prepared and is submitted with the application.</p> |
| <ul style="list-style-type: none"> • Cost of works estimate | <p>Noted and indicated on plans.</p> |
| <ul style="list-style-type: none"> • Site location plan for each bus stop | <p>Noted.</p> |
| <ul style="list-style-type: none"> • Closest property address included for each shelter | <p>Provided</p> |
| <ul style="list-style-type: none"> • Waste Management Plan (minimal if disposal of old sign boards only) | <p>See Annexures A - B.</p> |
| <ul style="list-style-type: none"> • See also the provisions of the publication titled 'Transport Corridor Outdoor Advertising and Signage Guidelines approved by the Minister for the purposes of the State Environmental Planning Policy | <p></p> |

Table 1 Pre DA- meeting discussions

Concluding Comments

Schedule 5 of SEPPEI contains the principal assessment criteria however the LEP and DCP provisions are required to be addressed.

Assessment of each sign against the relevant planning provisions is provided at Annexures **A** and **B** of this statement.

The SEE will need to address permissibility between the zones with reference to previous or original advertising consent granted. It should be noted that the SEPP limits advertising signage to 15 years or less. This has relevance if 'existing use rights' apply for prohibited development along SP2 land or residential land for advertising.

Noted. Refer to Section 2.2 which examines the Development Consents and Section 5.1 of this Statement addresses existing use rights for each bus shelter and associated signs.

The DAs will be referred to Transport for NSW where the shelters are on classified road

Noted. The Bus Shelters are not located on classified road.

It was resolved that sixteen (16) development applications appropriately grouped across the former Warringah, Manly and Pittwater LEP areas would be accepted by Council for notification and assessment of the works.

This application specifically relates to two (2) advertising structures at existing bus shelters in the suburb of Dee Why, known as K2 and K4. Each site is described in Section 3 of this Statement.

2.2 PREVIOUS APPROVALS

The current advertising signs on the bus shelters enjoy existing use rights pursuant to Section 4.65(b) of the EP&A Act, whereby the current bus shelters and signage at the sites have been in operation for a number of years, as evidenced by the longstanding commercial agreement between *oOh! Media* and Northern Beaches Council (including former Warringah Council) and the date of original consents in 2011.

The Development Consents granted to each site for the construction of a bus shelter and signage are detailed below. Refer to Section 5.1 of this Statement for detailed discussion on existing use rights and permissibility for all signs.

2.2.1 Bus Shelter K2 on Pacific Parade, in front of 50 Pacific Parade, Dee Why

On 20 July 2011, former Warringah Council granted Development Consent DA2011/0394 for *construction of a bus shelter with signage* at Bus Stop No.209976 on the Road reserve in front of 50 Pacific Parade, Dee Why.

This consent included a 15-year limitation on development consent for signage, which is reproduced as follows:

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)*

As detailed in the Notice of Determination, the date of which the consent operated from was 20 July 2011. In accordance with Condition 3 above, the consent for the signage expires on 20 July 2026. At the date of this Statement, 26 September 2025, the consent for advertising signage at the site remains valid.

2.2.2 Bus Shelter K4 on Howard Avenue, in front of 97-101 Howard Avenue, Dee Why

On 11 October 2011, former Warringah Council granted Development Consent DA2011/0637 for *construction of Bus Shelter with signage* at Bus Stop No.2099044 on the Road reserve adjoining in front of 97 Howard Avenue, Dee Why.

Similar to Bus Shelter K2 above, this included Condition 3 which imposed a 15-year limitation on development consent for the signage. As detailed in the Notice of Determination, consent operated from 11 October 2011. In accordance with Condition 3, the consent for the signage expires on 11 October 2026. At the date of this Statement, 26 September 2025, the consent for advertising signage at the site remains valid.

Copies of the Development Consents and Construction Certificate approvals (where available) for each sign are included within **Annexure D** of this Statement.

3. Site Analysis and Context

3.1 THE SITES

This application relates to the upgrade of two (2) existing bus shelter advertisements to new include digital/static signage at two locations in the suburb of Dee Why. The signage is proposed at the following locations:

- Bus Shelter K2 on Pacific Parade, in front of 50 Pacific Parade, Dee Why
- Bus Shelter K4 on Howard Avenue, in front of 97-101 Howard Avenue, Dee Why

A context plan, depicting the location of the proposed sites is provided in **Figure 1** below.

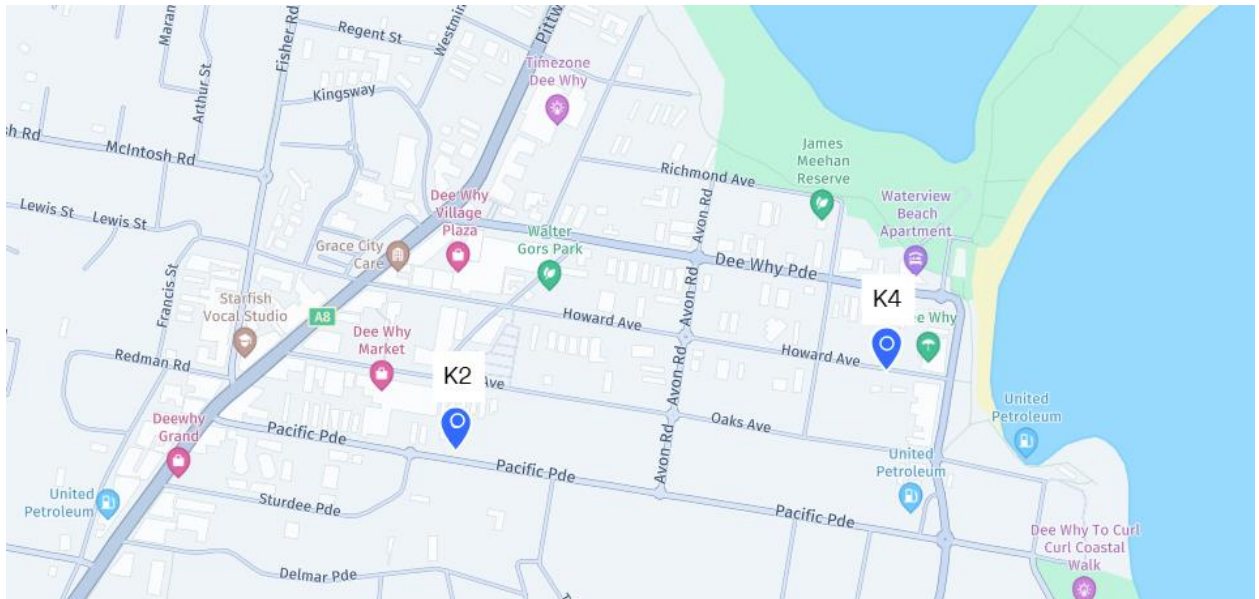


Figure 1 Site context plan (Source: Nearmap)

Images of the existing bus shelters are provided in **Figures 2** to **3** below.



Figure 2 Existing K2 Bus Stop and Shelter Pacific Parade, in front of 50 Pacific Parade, Dee Why



Figure 3 Existing K4 Bus Stop and Shelter on Howard Avenue, in front of 97-101 Howard Avenue, Dee Why



4. Description of the proposal

4.1.1 Proposed Signage

It is proposed to replace the current static advertising panels with new digital/static advertising panels that will be affixed to the existing bus shelters. There are no changes proposed to the existing bus shelters. The new signage will provide for Digital/Static (DS) advertising panels attached to each bus shelter. Specifically, the signage at each bus shelter will be double sided, with one side containing an illuminated Digital Panel, and the other side containing an illuminated Static Panel.

A breakdown of the proposed signage and details of each bus stop is provided in **Table 2** below.

Table 2 Detailed Site and Signage Data							
Council Asset #	Reference	Location	Suburb	Commercial Agreement	Previous Consent	Proposed Signage Format	Land use Zone
ITS00263	K2	Pacific Parade, in front of 50 Pacific Parade, Dee Why	Dee Why	Warringah Council	DA2011/0394	D/S	R3
ITS00284	K4	Howard Avenue, in front of 97 -101 Howard Avenue, Dee Why	Dee Why	Warringah Council	DA2011/0637	D/S	R3

4.1.2 Type of Signage

As detailed above, the proposal involves the replacement of existing advertising panels with digital and static panels.

Digital Signage

Digital signage uses digital technology to display electronic images, a key feature of this signage type is that it uses Light Emitting Diode (LED) technology to control luminance automatically. This form of signage can rotate multiple advertisements in a specific dwell time. Digital signage is a form of Digital Out of Home Advertising (DOOH).

Static Illuminated Signage

Static signage incorporates fixed images, symbols or text that is printed on paper or other materials such as acrylic fibre or vinyl. The content of the signage display does not change. This type of signage is not intended to be updated often and can be illuminated or backlit internally.

The specifications of the proposed Digital/Static signage type is outlined in **Table 3** below.

Table 3 Signage Specifications						
<u>Advertising structure type</u>	<u>Display format</u>	<u>Display area</u>	<u>Brightness</u>	<u>Power</u>	<u>Consumption</u>	<u>Communications</u>
Digital /Static						



Table 3 Signage Specifications

E-Box DS75DS	(A Panel) 75" Portrait, LED digital display	(A Panel) 1650mm x 945mm	(A Panel) 300 nits (night) to 3500 nits (full sunlight)	240 VAC, 6A (max)	800W (max), 300W (ave)	Managed by on- board 4G Broadband router
	(B Panel) Rear illuminated poster	(B Panel) 1750mm x 1150mm	(B Panel) 300 nits (night only)			

Site cards for each bus stop have been prepared by *oOh! Media* and are submitted with this development application. Refer **Annexure C**.

The existing bus shelters are in the style *Rationalised Federation*. No features of the bus shelter structure will be changed. **Figure 4** below illustrates the standard design detail and elevations of the new digital advertising panel to be attached to the bus shelter.

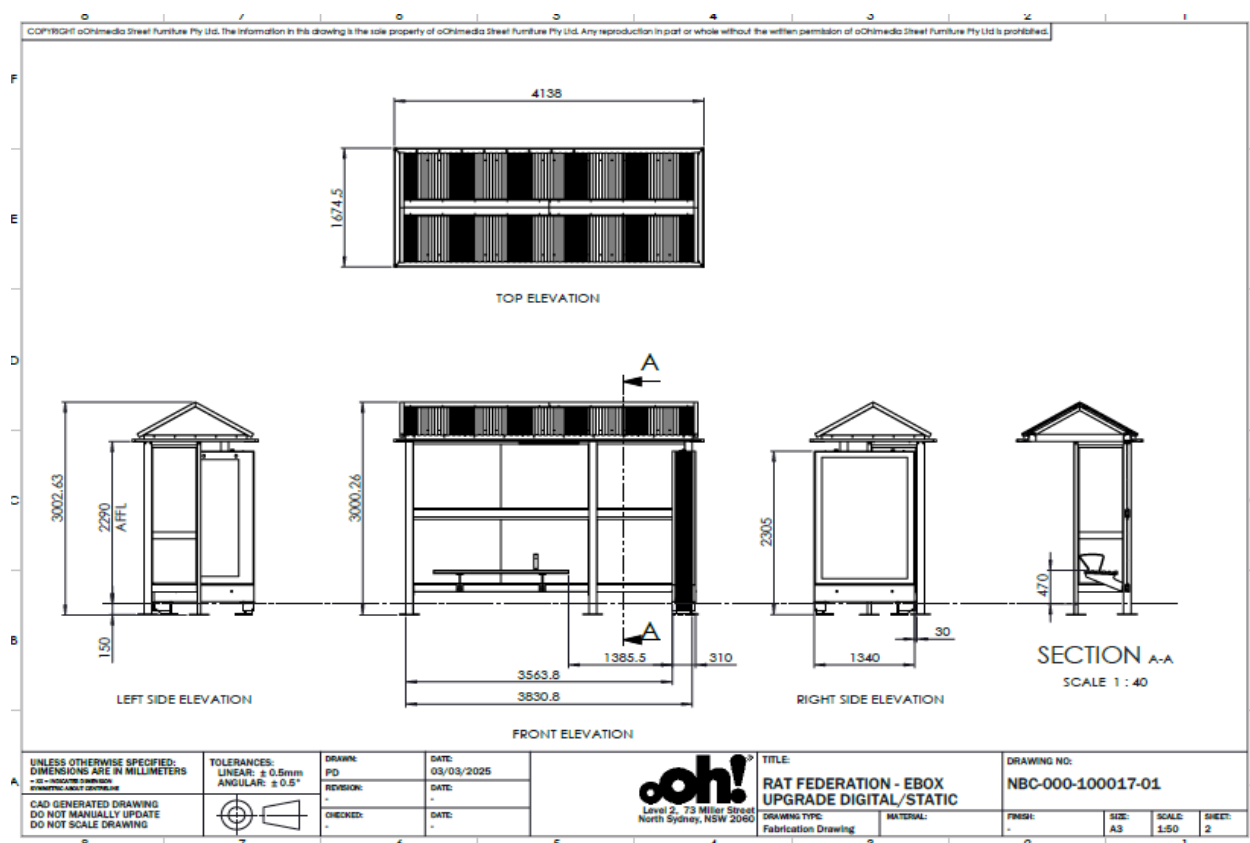


Figure 4 Proposed Digital/Static Signage Elevation – Rationalised Federation

4.1.3 Illumination

The proposed bus shelter advertising will be illuminated. The proposed illumination has been designed to comply with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*. Each digital sign will be equipped with sensors to ensure luminance is only as bright as necessary to be clearly legible and would not result in unacceptable glare. It is noted that illumination at bus shelters is not subject to an existing curfew.

In accordance with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*, the proposed signage will have maximum luminance levels as follows:

Table 4 Illumination details

Lighting Condition	Zone 1	Zone 2	Zone 3	Zone 4
Full sun on face of signage	Maximum Output	Maximum Output	Maximum Output	Maximum Output
Daytime	6000 -7000 cd/m ²	6000 -7000 cd/m ²	6000 -7000 cd/m ²	600 cd/m ²
Dawn/Dusk and inclement weather	1000 cd/m ²	700 cd/m ²	600 cd/m ²	500cd/m ²
Night	500 cd/m ²	350 cd/m ²	300 cd/m ²	200cd/m ²
Zone 1	Covers areas with generally very high off-street ambient lighting, e.g. display centres similar to Kings Cross, central city locations.			
Zone 2	Covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights.			
Zone 3	Covers areas with generally medium off-street ambient lighting e.g. small to medium shopping/ commercial centres			
Zone 4	Covers areas with generally low levels of off-street ambient lighting e.g. most rural areas, or areas that have residential properties nearby.			

The bus shelters are located within the following illumination Zones:

- Bus Stop K2 – Zone 4
- Bus Stop K4 – Zone 4

An assessment of the proposed illumination for each sign against the criteria contained in Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021 and Transport Corridor Outdoor Advertising and Signage Guidelines 2017 is provided in **Annexures A** and **B**.

4.1.4 Content Management

The digital advertising signage proposed is a form of Out of Home (OOH) advertising. OOH advertising is regulated by the Australian Association of National Advertisers (AANA) Code of Ethics. The signage to be displayed by *oOh! Media* at the subject sites will adhere to the AANA Code of Ethics, and will refrain from displaying advertisements that:

- *“Discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness, or political belief.*
- *Employ sexual appeal:*
 - *in a manner which is exploitative or degrading of any individual or group; or*
 - *where images of Minors, or people who appear to be Minors, are used.*
- *Present or portray violence that is not justifiable in the context of the product or service being advertised, or that is inappropriate for a broad audience.*
- *Fail to treat sex, sexuality, and nudity with sensitivity to a broad audience.*
- *Use language that is strong, obscene, or inappropriate for a broad audience.*
- *Depict material contrary to prevailing community standards on health and safety.*
- *Are not clearly distinguishable as advertisements to the relevant audience.”*

Additionally, content will not include images or displays that dazzle, flash or represent traffic control devices.

4.1.5 Maintenance

A Maintenance Plan has been prepared by *oOh! Media* in relation to the servicing and maintenance of *oOh! Media* assets within the Northern Beaches Local Government Area (LGA). *oOh! Media* will be responsible for the ongoing maintenance and servicing of all shelters.

Standard operational and preventative maintenance activities include:

- Visual Inspection and Standard Cleaning - Weekly
- Quick Cleaning and Roof/Gutter Clean – As required
- Illumination Inspections – Monthly
- RCD Inspection & Filter Clean – Bi-Annual
- Filter Change – Annually
- Electrical Inspection – Annually
- Structural & Condition Inspection – Annually
- Line of site Tree Trimming – As required
- Digital Inspection, Monitoring & Measurement – Real time monitoring by oOh! Media Team

Reactive and fault response activities include:

- Emergency Danger/Safety – 3 Hours from Notification and Traffic Permitting
- Damaged Component – 3 Hours from Notification
- Graffiti Obscene – 24 Hours from Notification
- Graffiti Standard – Next Scheduled Site Visit
- Bill-posting – Urgent – 24 Hours from Notification
- Bill-posting Standard – Next Scheduled Site Visit
- Removal of Contentious Digital Copy / Breach of Standards – 1 Hour from Notification
- Electrical / Illumination Fault – Inspection, Diagnosis & Triage – 24 Hours from Notification.
- Electrical / Illumination Fault – Repair – 24 Hours from Notification.
- Broken Glass – Clean-up – 3 Hours from Notification
- Broken Glass – Replacement - 24 Hours from Notification.

5. Environmental Planning Assessment

5.1 EXISTING USE RIGHTS

Division 11 of the EP&A Act provides for consideration of 'existing uses'. Section 4.65 of the EP&A Act specifically defines existing uses as:

“(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and

(b) the use of a building, work or land—

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and

(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

Furthermore, Section 4.66 (3) stipulates that the use must have been continuous and not abandoned for more than 12 months. The signage has existed at these locations in accordance with agreements between *oOh Media!* And Northern Beaches Council (former Warringah Council) for a number of years and have not been abandoned. In this regard, the applicant has an on-going commercial agreement with Council.

The locations where it is proposed to replace existing advertising panels with new digital/static panels, the Warringah Local Environmental Plan (WLEP 2011) and cl3.8 of SEPP T&I prohibits advertising in certain land use zones. An inspection of the Northern Beaches Council (and former Warringah Council) Development Application tracker has found DA consents, for advertising signage at the existing bus shelter sites. Refer to Section 2.2 of this Statement. Specifically, the existing signs are a work which is a lawful use under Development Consents DA2011/0394 and DA2011/0637.

As such, the bus shelter advertising enjoys the benefit of existing use rights for the reasons discussed below.

Section 163 (1) of the Environmental Planning and Assessment Regulation 2021 further states that:

(1) An existing use may, subject to this Part—

(a) be enlarged, expanded or intensified, or

(b) be altered or extended, or

(c) be rebuilt, or

The proposed digital/static signage advertisements are permitted under Clause 163 (1)(b) as it seeks to alter the use (by providing for new and illuminated signage associated with the bus shelter).

Section 4.67 of the EPA Act states that the provisions of any environmental planning instrument that derogate (detract) from the existing use rights provisions have no force or effect whilst existing rights remain. The case law on the effect of development controls is not settled. Established case law has held that the provisions of environmental planning instruments do not apply to the assessment of applications on sites with existing use rights. The Land and Environment Court judgment in *Stromness P/L v Woollahra Municipal Council* handed down in October 2006 underscores this.

However, an alternative view was formed in *Saffioti v Kiama Municipal Council [2019] NSWLEC 57* where it was found that in assessing an application, based on existing use rights, local environmental plans and development control plans need to be considered. Therefore, in the abundance of caution, a full assessment against the development controls is provided in this report. Refer to **Annexures A-B**.

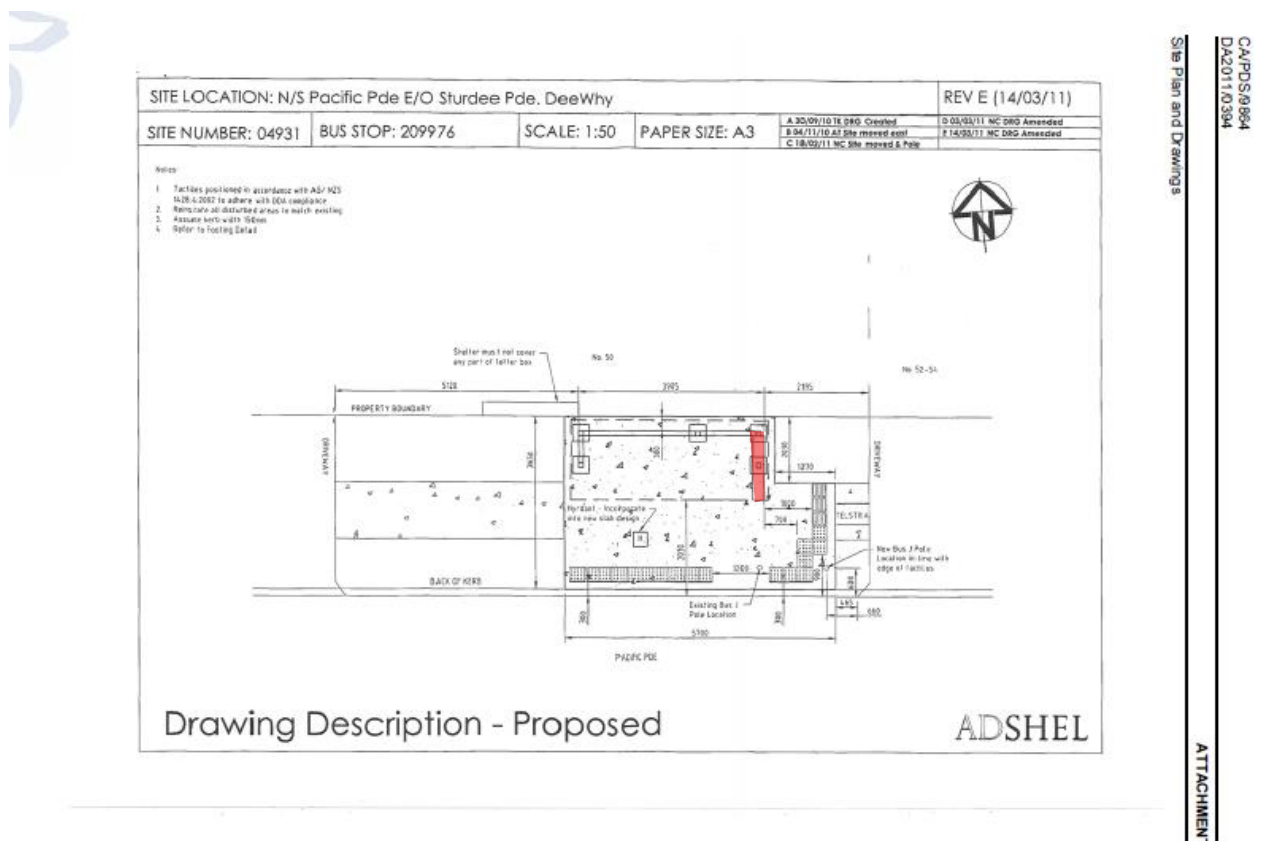
Existing use rights apply to these shelter sites as follows:

Table 5 Existing Use Rights (Shelter K2 & K4)				
Shelter No.	Address	Zone	DA No.	Type of Approval
K2	Pacific Parade, in front of 50 Pacific Parade, Dee Why	R3	DA2011/0394	Bus shelter with signage
K4	Howard Avenue, in front of 97 -101 Howard Avenue, Dee Why	R3	DA2011/0637	Bus shelter with signage

A merits-based assessment in line with the established existing use rights planning principle has been undertaken for each shelter site as follows.

5.1.1 Bus Shelter K2 on Pacific Parade, in front of 50 Pacific Parade, Dee Why

At the time DA2011/0394 was approved (20 July 2011), advertising signage was permissible with development consent under the *Warringah Local Environmental Plan 2000*. **Figure 5** and **6** below depicts the submitted plans for DA2011/0394 with the advertising panel shaded red.



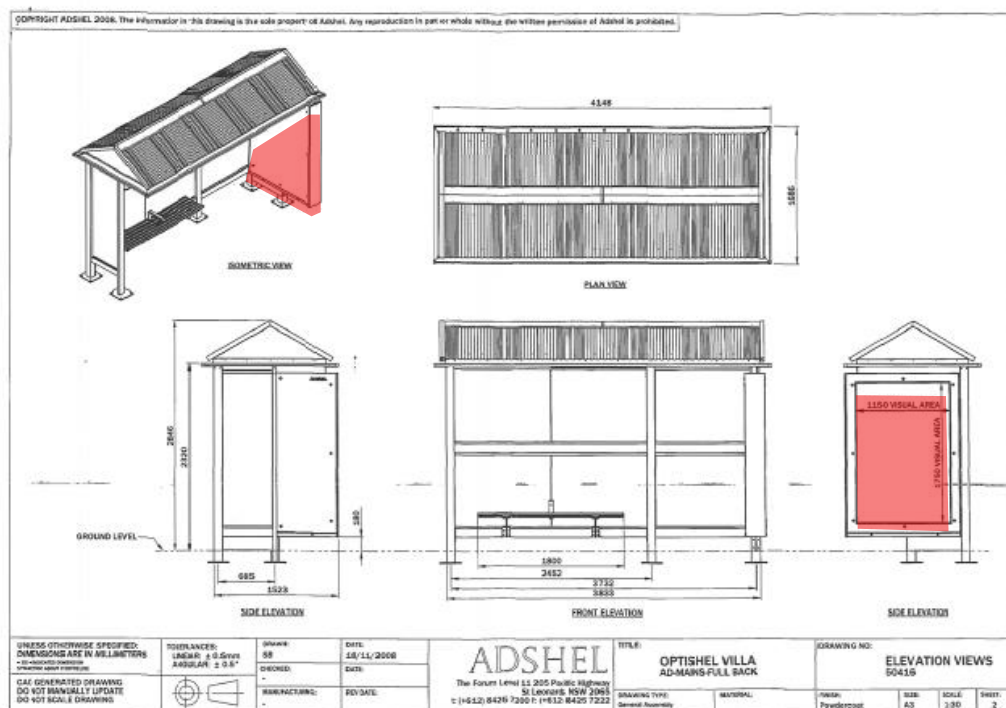


Figure 6 Shelter K2 DA2011/0394 Submitted Elevations with advertising panel as shaded red (Extracted from DA2011/0394 Assessment Report)

The site is identified as falling within the Land Use Category 2 in Locality E7 Pacific Parade, as illustrated in the zoning map from WLEP 2000 and as per the land use table reproduced below:

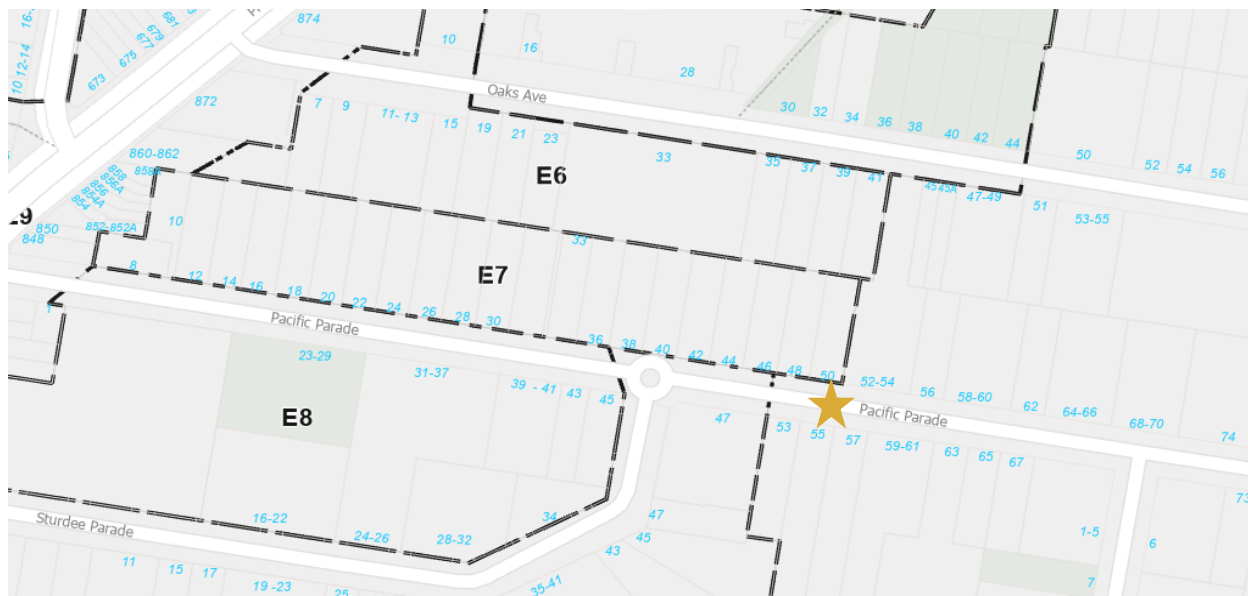


Figure 7 Extract from the WLEP 2000 E7 Locality Map 2000 with the site indicated by a yellow star (Source: Northern Beaches Planning Maps)

The WLEP 2000, had the following aims and objectives for the E7 Locality (our underline)

DESIRED FUTURE CHARACTER

The Pacific Parade locality will remain characterised by apartment style housing interspersed with a range of community uses and existing business uses.

Future development in the locality will comprise mainly new apartment style housing and the upgrading of existing apartment style housing. In the event that the Woolworth's arcade is redeveloped for housing, a pedestrian link will be maintained between Oaks Avenue and Pacific Parade.

The scale of future development will be consistent with the scale of existing development in the locality generally. New apartment style housing will address the street by locating carparking below ground and maximising the number of dwellings with entrances directly from Pacific Parade. Shared driveway accesses will be used where possible.

Building layout and access are to be in accordance with Map E available from the office of the Council such that the spaces behind buildings combine to form central courts with vehicle access limited to a restricted number of places generally in the locations shown on Map E.

LAND USE

Category Two

Development for the purpose of the following:

- *child care centres*
- *community facilities*
- *health consulting rooms*
- *hospitals*
- *housing for older people or people with disabilities*
- *medical centres*
- *offices*
- *places of worship*
- *restaurants*
- *shops*
- *veterinary hospitals*
- *other buildings, works, places or land uses that are not prohibited or in Category 1 or 3*

Development for the purposes of advertising signage was not prohibited in Category 1 or 3, as such is an innominate permissible use within Land Use Category Two. It is noted the bus shelter structure was categorised as a "Community Facility" in the approval, which is also permissible in Category Two.

Schedule 4 of the LEP 2000, contained provisions for prohibited signage within the Warringah LEP area and is reproduced as follows (our underline):

"The following signs are prohibited by clause 10:

- *signs above the awning level of a building which project more than 0.3 metre out from the wall of that building,*
- *flashing or moving signs on land other than the carriageway of a public road,*

- pole or pylon signs, unless there is no building on the site or the building is not visible from the street, other than identification, interpretive, directional and advance warning signs included in Schedule 1 (Exempt development) or a sign erected by the Council for the display of community information,
- signs on or above the roof or parapet of a building,
- 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.**
- A-frame and temporary signs located on public land including roads (but not including the carriageway of a public road),
- signs on motor vehicles which are not able to be driven with the sign displayed,
- balloons used for the purpose of advertising which are placed on or above roof level.

For consent to be granted to DA2011/3094, Council must have reached a level of satisfaction that the proposed advertising signage at Bus Shelter Site K2 was consistent with the provisions of Schedule 4, given the signage was to be placed on a public amenity, or 'bus shelter'. This was affirmed in the Assessment Report for DA2011/3094, which made the following comment:

"...the proposed signage element being located on the bus shelter is not a prohibited sign and is acceptable."

Therefore, current advertising signage attached to the existing shelter enjoys EUR, which were established at the time the development became prohibited under WLEP 2011 or cl3.8 of SEPP T&I. The use has been continuous since that time. This is evidenced by Google street view history as illustrated in **Figure 8** below.

Image not available for 2012	November 2013 	Images not available for 2014, 2015, 2016 and 2017
October 2018 	September 2019 	September 2020 
December 2021	Image not available for 2023	August 2024

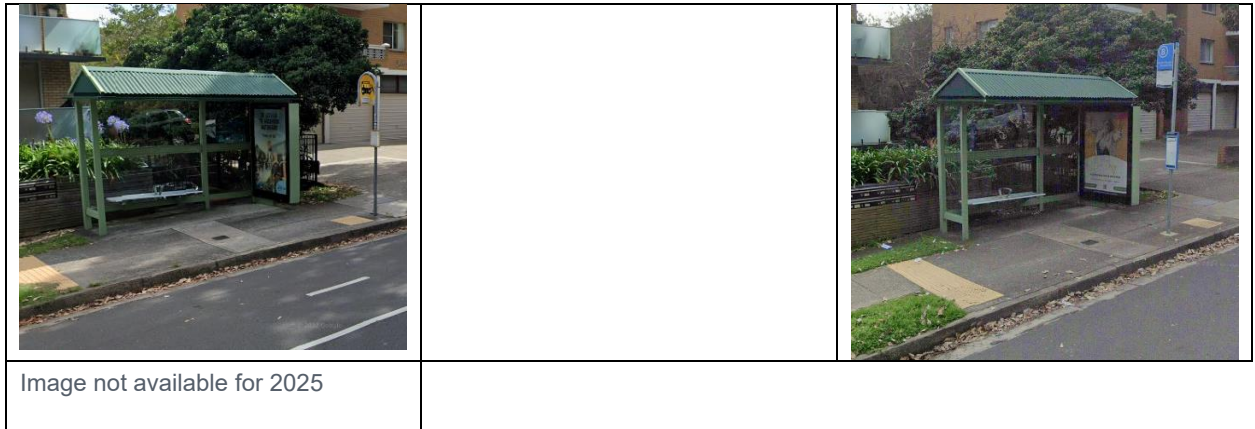


Figure 8 Shelter K2 Google Street View

As detailed above, this application seeks to alter the existing use rights for the sign on the bus shelter by replacing the existing fixed advertisements, with illuminated digital/static signage panels. The proposal does not physically expand the existing use as it is to be installed into the existing panel opening. It is therefore evident that the use has not been abandoned. The sign should continue to benefit from the existing use rights regardless of the content and mechanism of the display panel.

Accordingly, EUR can be applied to this sign.

5.1.2 Bus Shelter K4 on Howard Avenue, in front of 97 -101 Howard Avenue, Dee Why

At the time DA2011/0637 was approved (11 October 2011), advertising signage was permissible with development consent under the *Warringah Local Environmental Plan 2000*. **Figure 9** and **10** below depicts the stamped plans for the associated Construction Certificate CC2011/0669, with the advertising panel outlined red. CC2011/0669 was issued by Warringah Council on 18 October 2011.

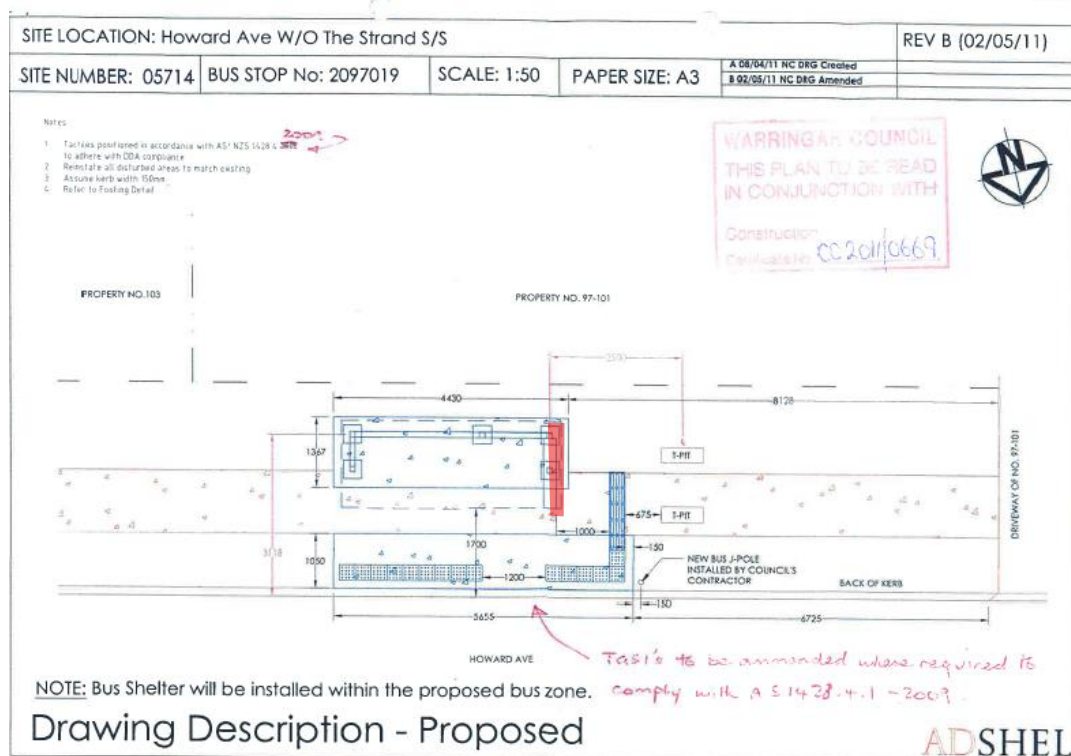


Figure 9 Shelter K4 CC2011/0669 Stamped Site Plan with location of sign panel shaded red

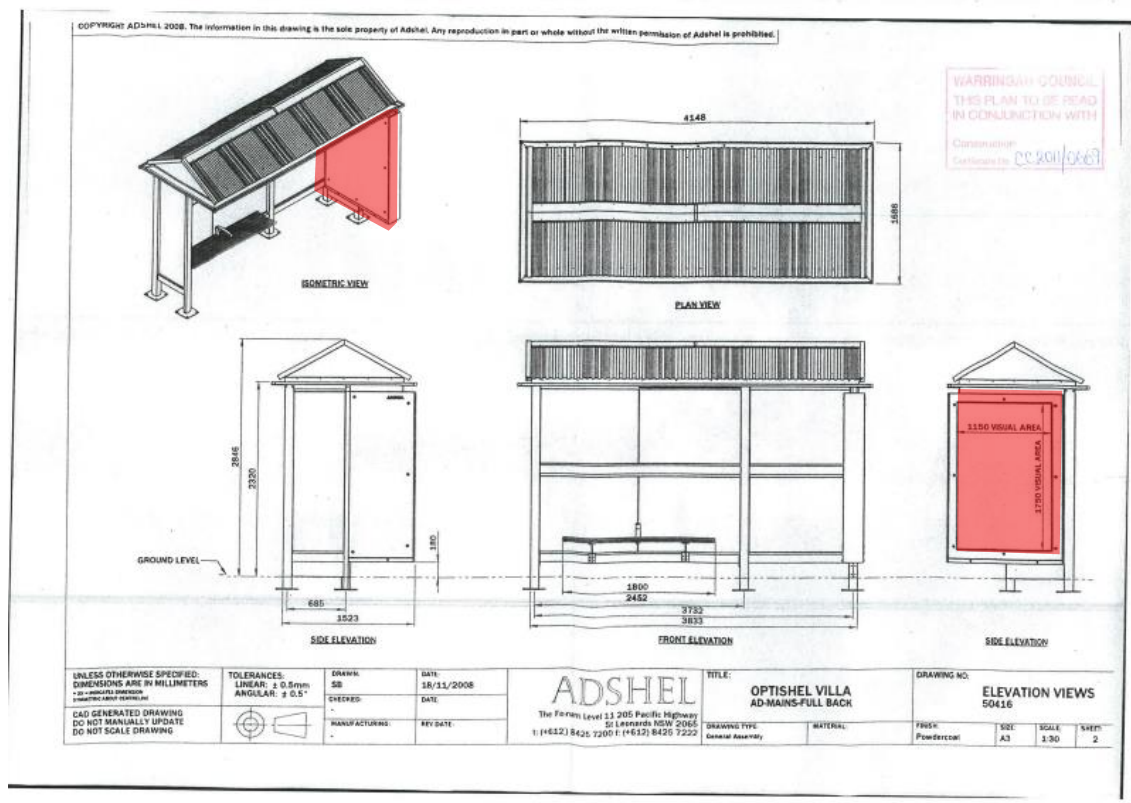


Figure 10 Shelter K4 CC2011/0669 Stamped Elevations indicating advertising panel (shaded red)

The site is identified as falling within the Land Use Category 2 in Locality E14 Dee Why Basin, as illustrated in the zoning map and as per the land use table reproduced below:

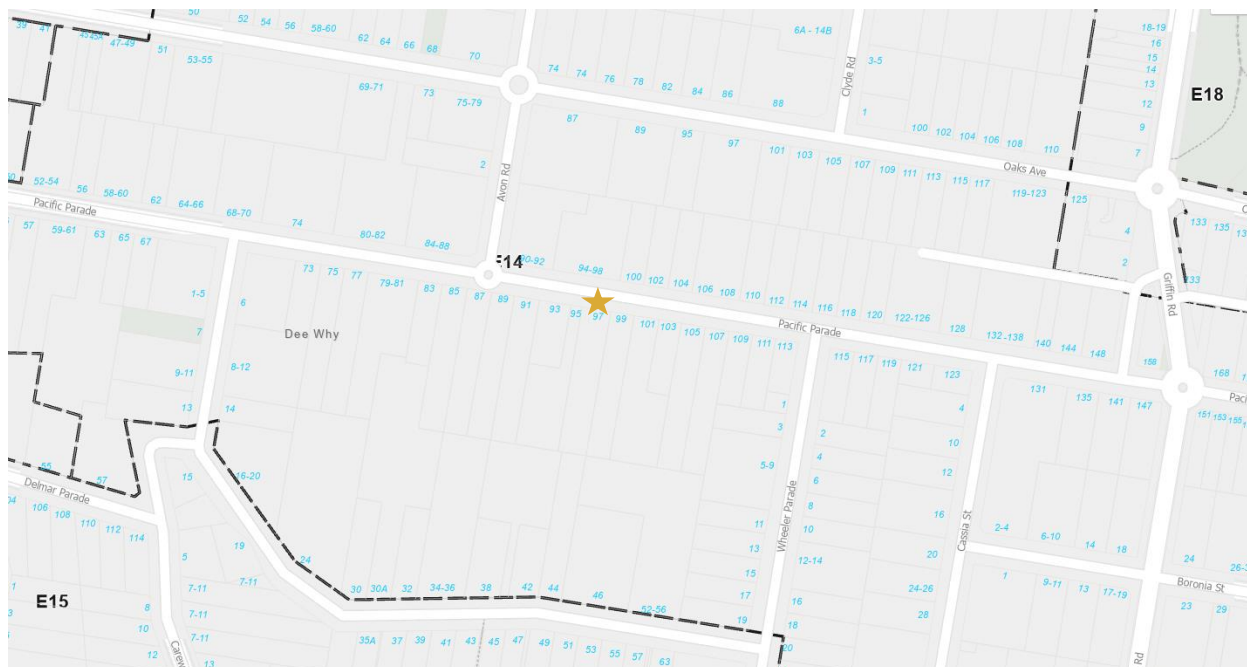


Figure 11 Extract from the WLEP E14 Locality Map 2000 with the site indicated by a yellow star (Source: *Northern Beaches Planning Maps*)

The WLEP 2000, had the following aims and objectives for the B1 Locality (our underline)

DESIRED FUTURE CHARACTER

The Dee Why Basin locality will remain characterised by apartment style housing and detached style housing in landscaped settings and uses which are complementary and compatible with housing in the locality.

Future apartment style housing will address public streets and spaces, create visual interest and enable the establishment of substantial landscaping in the spaces between buildings.

The upgrading of existing older apartment buildings will be encouraged to give them a more contemporary and attractive appearance.

LAND USE

Category Two

Development for the purpose of the following—

- child care centres*
- community facilities*
- further education*
- health consulting rooms*
- hospitals*
- housing for older people or people with disabilities*
- places of worship*
- primary schools*
- veterinary hospitals*
- other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.*

Development for the purposes of advertising signage was not prohibited in Category 1 or 3, as such is an innominate permissible use within Land Use Category Two. It is noted the bus shelter structure was categorised as a “Community Facility” in the approval, which is also permissible in Category Two.

Schedule 4 of the WLEP 2000, contained provisions for signage within the Warringah LEP area and is reproduced as follows (our underline):

The following signs are prohibited by clause 10:

- signs above the awning level of a building which project more than 0.3 metre out from the wall of that building,*
- flashing or moving signs on land other than the carriageway of a public road,*
- pole or pylon signs, unless there is no building on the site or the building is not visible from the street, other than identification, interpretive, directional and advance warning signs included in Schedule 1 (Exempt development) or a sign erected by the Council for the display of community information,*
- signs on or above the roof or parapet of a building,*
- 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.*
- A-frame and temporary signs located on public land including roads (but not including the carriageway of a public road),*



- signs on motor vehicles which are not able to be driven with the sign displayed,
- balloons used for the purpose of advertising which are placed on or above roof level.

For consent to be granted to DA2011/3067, Council must have reached a level of satisfaction that the proposed advertising signage at Bus Shelter Site K4 was consistent with the provisions of Schedule 4, given the signage was to be placed on a public amenity, or 'bus shelter'. This was affirmed in the Assessment Report for DA2011/3067, which made the following comment:

"...the proposed signage element being located on the bus shelter is not a prohibited sign and is acceptable."

Therefore, current advertising signage attached to the existing shelter enjoys EUR, which were established at the time the development became prohibited under WLEP 2011 or cl3.8 of SEPP T&I. The use has been continuous since that time. This is evidenced in part by Google street view history as illustrated in **Figure 12** below.



Figure 12 Shelter K4 Google Street View



As detailed above, this application seeks to alter the existing use rights on the shelter site by replacing the existing advertisement within the sign frame, with illuminated signage panels. The proposal does not physically expand the existing use as it is to be inset into the existing panel opening. It is therefore evident that the use has not been abandoned. The sites should continue to benefit from the existing use rights regardless of the content and mechanism of the display panel.

Accordingly, existing use rights can be applied to this sign.

5.2 STATUTORY AND POLICY COMPLIANCE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

The relevant matters for consideration under Section 4.15 (1) (a) of the EP&A Act, 1979, are identified in **Table 6**

Table 6 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	State Environmental Planning Policy (Industry and Employment) 2021	✓	✓	
"	State Environmental Planning Policy (Resilience and Hazards) 2021	✓	✓	
"	Warringah Local Environmental Plan 2011	✓	✓	
S.4.15(1)(a)(ii)	Draft Northern Beaches Local Environmental Plan	✓	✓	
S.4.15(1)(a)(iii)	Warringah Development Control Plan 2011	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter: - - Planning Circular PS 21-008 - TFNSW Transport Corridor Outdoor Advertising Signage Guidelines	✓	✓	

The matters identified in **Table 6** as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are the *State Environmental Planning Policy (Industry and Employment) 2021* and the *Warringah Local Environmental Plan 2011*. The primary non-statutory plan relating to the subject site and proposed development is the *Warringah Development Control Plan 2011*. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with each assessed.

An individual assessment of each bus stop against the applicable planning controls is provided at Annexure **A** to **B** of this statement.

5.2.1 State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* was gazetted on 1 March 2022, repealing, and replacing two former SEPPs related to employment in Western Sydney and advertising and signage. The SEPP applies to the whole state and Chapter 3 Advertising and Signage applies to the subject development.

Chapter 3 Advertising and Signage

The objectives of the SEPP are to encourage signage that is compatible with the desired amenity and visual character of an area, provide effective communication, and is of high-quality design and finish. Schedule 5 of the SEPP contains assessment criteria for signage in relation to the character of the area, views and vistas, the streetscape and the building to which it relates.

The proposed digital advertising structures fall within the definition of 'Signage', which is defined by the SEPP as follows (our underline):

"signage means all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes—

(a) building identification signs, and

(b) business identification signs, and

(c) advertisements to which Part 3.3 applies.

but does not include traffic signs or traffic control facilities."

The subject application includes the provision of two (2) advertising structures. Specifically, proposal seeks to provide two double sided digital/static signs, in to replace the existing static signage to each bus shelter. It is to be noted that specific content for advertising signage is to be decided at a later stage.

Part 3.3 to the SEPP applies to Advertisements. Advertisements are defined in Section 3.2 of the SEPP as follows:

"advertisement means signage to which Part 3.3 applies and includes any advertising structure for the advertisement."

Part 3.3 applies to advertisements except:

"(a) business identification signs,

(b) building identification signs,

(c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,

(d) signage on vehicles."

This development application relates to two (2) digital/static advertising signs fixed and integrated with the bus shelter structures. Therefore, the relevant provisions of Part 3.3 have been considered below.

Section 3.8 lists signs that are prohibited and Signs K2 & K4 are located in a residential zone. As discussed above, Signs K2 and K4 rely upon existing use rights and therefore the additional prohibition from Part 3.8 of the SEPP is of little consequence. Refer to Part 5.2.3 of this SEE.

Section 3.11 lists the matters for consideration in which advertising signage is to be assessed. Refer to **Annexures A and B** of this statement which provides detailed consideration of the requirements.

Section 3.12 allows for time limitations on consent and allows the consent authority to specify a period beyond which the consent will lapse if it was issued under the provisions of the SEPP. We accept that Council will likely impose a condition stipulating a duration of the consent being for 15 years from the date of determination of this application. There are no circumstances that would warrant a reduction from the 15 year consent required by s3.12 of the SEPP.

Division 3 contains provisions for 'Particular advertisements'.

Section 3.14 of the SEPP specifies provisions on "Transport Corridor Land". The proposed signage is not "by or on behalf" of Railcorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW nor is it located on or adjacent the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road. Signs K2 and K4 are not located on a classified roads the provisions of Section 3.14 are not relevant in this instance.

Section 3.18 of the SEPP specifies the provisions relating to the location of certain names and logos. The proposed sign is consistent with the provisions of this clause, the *oOhMedia!* logo is located within the strip below the sign that extends the full length of the sign, and is smaller than 0.25m² identified as the maximum size under this clause.

Section 3.20 of the SEPP applies to the granting of consent to a wall advertisement. Under the SEPP a *Wall Advertisement* is given the following definition:

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.

The proposed sign will not be painted on or fixed flat to the wall of the building but rather is to be integrated into the bus shelter structure. **Figures 13 and 14 below** provide a comparison between a typical wall sign and typical bus shelter signage.



Figure 13 Typical wall sign as per the *Transport Corridor Outdoor Advertising and Signage Guidelines*



Figure 14 Typical bus shelter sign as per the *Bus Stop Urban Design Guideline*

As depicted above, a wall sign and signage on a bus shelter are materially and functionally different. Therefore, the SEPP definition of a *wall sign* does not account for *signage* on bus shelter structures, nor are the provisions intended to apply to bus shelters.

This statement is reiterated by a recent Land and Environment Court judgement in May of 2025 in *BARR Property and Planning Pty Ltd v Tamworth Regional Council [2025] NSWLEC 113*, which was also for digital signage, the Commissioner said (at [25-27]) that:

“25 In support of its position, Barr Property notes the total area of the Proposed Sign is below the area to which ss 3.15, 3.16 and 3.17 of the Industry SEPP are directed, and that as the Proposed Sign is not displayed on or above the parapet of the Shopping Centre, it does not answer the description of a roof or sky sign to which s 3.19 of the Industry SEPP is directed. Such a conclusion is supported by examples of roof or sky advertisements found within the Transport Corridor Outdoor Advertising and Signage Guidelines published by the Department of Planning and Environment (Advertising Guide) (Exhibit 1, folio 254).

26 Next, as the Proposed Sign is not painted on, or fixed flat to the wall of the Shopping Centre, it cannot be described as a wall advertisement to which s 3.20 is directed.

27 Instead, the Proposed Sign is advertising, and is not signage of a kind excluded from the Chapter by s 3.7 of the Industry SEPP, nor is it proposed in a location prohibited by 3.8 of the Industry SEPP.”

It can therefore be concluded that the proposed signage is **not** a wall sign but rather it is signage generally and captured by s3.7 of the SEPP.

Accordingly, it is considered that the proposal is best characterised as ‘advertising signage’ in a general sense, and not more specifically under Division 3 “Particular advertisements” as it does not fit the specific definitions. This is consistent with Transport Corridor Outdoor Advertising and Signage Guidelines where Part 1.2(f) of the Guideline considers bus shelter advertising differently to other “Particular advertisements”.

The applicable assessment criteria specified in Section 3.11 – Matters for Consideration include Schedule 5 of the SEPP has been assessed against each sign proposed. This is contained within **Annexures A to B** of this Statement.

5.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

This State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land. The SEPP applies to the whole State. Of relevance to the proposed development is Chapter 2 Coastal Management.

Chapter 2 Coastal Management

Sign K2 is located within Coastal Environment Area and Coastal Use Area. The Sign is not located within a coastal vulnerability area or coastal wetlands and littoral rainforest area. As detailed above, the signs rely on existing use rights, and the proposed development will not have significant impact to access to and along the foreshore. The sign is oriented away from the foreshore therefore the existing visual amenity of the foreshore will be maintained.

As such, the proposal will not have any adverse impacts or result in any non-compliance with the general requirements under Clauses 2.10 and 2.11 of the Resilience and Hazards SEPP. Therefore, the proposal satisfies the requirements of SEPP.

5.2.3 Warringah Local Environmental Plan 2011

The *Warringah Local Environmental Plan (WLEP2011)* applies to the two (2) bus shelter sites. Under the LEP, the subject sites are located within the following zones:

- Bus Stop K2 – R3 Medium Density
- Bus Stop K4 – R3 Medium Density

As detailed in Section 5.1, the sites rely on existing use rights, as advertising signage is prohibited within the R3 zone or via cl3.8 of the SEPP T&I. The proposed application seeks to replace the existing bus shelter advertisements with digital/static screens. Therefore, there will be no increase to the height or scale of the bus shelters.

A Compliance Table which considers each of the proposed signs against the provisions of WLEP 2011 is provided at **Annexure A and B** of this statement. The proposed development satisfies all relevant provisions of WLEP 2011.

5.2.4 Planning Proposal - Northern Beaches Local Environmental Plan

On 17 June 2024, Council resolved to proceed with a planning proposal for the Northern Beaches Local Environmental Plan. The planning proposal seeks to consolidate the current Manly, Warringah and Pittwater LEPs into a singular '*Northern Beaches Local Environmental Plan*'. The planning proposal is currently in the post Gateway Determination Stage and has yet to proceed to public exhibition and assessment. Therefore, the planning proposal is given minimal weight against this application, and no further consideration is required at this stage.

5.2.5 Warringah Development Control Plan 2011

The *Warringah Development Control Plan 2011 (WDCP 2011)* applies to all land to which the Warringah Local Environmental Plan 2011 applies, including the subject sites. The proposal relates to the replacement of existing advertising signage with digital/static panels. Part D23 of the WDCP outlines controls for signage and advertisements. An assessment of each sign against the core signage controls under the WDCP are provided in **Annexures A and B**.

As concluded in Section 5.3.1 above, the proposed signage is not a wall sign and the definition in D23 of WDCP contains similar wording. As such, an assessment of the proposal against the WDCP controls for wall signs have not been provided. Even if our interpretation of the definition of a wall sign under WDCP is not accepted, s4.15(3A) of the EPA Act compels Council to apply the provisions of a DCP flexibly.

The proposal has demonstrated that it meets the planning controls within the DCP for signage, noting that the provisions under Chapter 3 of the Industry and Employment SEPP prevail in the event of any inconsistency.

5.2.6 Planning Circular 21-008: How to characterise development

Planning Circular 21-008 was issued on 2 December 2021 and provides guidance on characterising development for the purpose of determining permissibility. The Planning Circular refers to three kinds for which development can be characterised: for a purpose, as an ancillary use, or for a principal purpose.

With regards to the above characterisation, as discussed above, the proposed advertising signage is best characterised as an *ancillary use* where no specific consent can be found for signage. The proposed advertising signage is clearly ancillary to the existing bus shelters located on each site, as the signage, which is integrated into the shelter cannot be severed or exist without the shelter. Furthermore, the proposed advertising signs are not capable of generating any additional impacts to the bus shelter or creating any new or additional impacts over and above the current situation.

In any event, PS21-008 detailed a number of considerations which are considered below with our response:

- *Is the component going to serve the dominant purpose of the development or is it independent?*

No, the dominant purpose of the bus shelter remains.

- *What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.*

As noted in the Site Cards (Annexure C) the proposed signage is integrated within one small part of the bus shelter.

- *Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.*

The proposed signage is integrated and cannot be served from the bus shelter. It cannot become the dominant purpose and there is no evidence to support signage will become dominant.

- *If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.*

The proposed signage has a life span of 15 years in accordance with SEPP T&I.

- *If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).*

The proposed signage is integrated within the bus shelter and cannot be severed. Whilst separately defined, it is not an independent use.

- *Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.*

The proposed signage is integrated into the bus shelter and is symbiotic with the bus shelter.

- *Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.*

As above, the proposed signage is integrated into the bus shelter and is symbiotic with the bus shelter.

As such, the proposed bus shelter advertising signage is considered to be ancillary to the dominant use of the bus shelter and is appropriately characterised in this instance.

5.2.7 Transport Corridor Outdoor Advertising and Signage Guidelines 2017

The NSW Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines* were published in November 2017 and provides guidelines for the assessment of outdoor advertising in conjunction with the assessment criteria specified in Schedule 5 of the TI SEPP. The guidelines seek to advance road safety and reduce driver distraction where advertising signage is proposed within transport corridors.

For completeness, an assessment of each sign against the relevant criteria of the Transport Corridor Outdoor Advertising and Signage Guidelines is provided in **Annexures A and B**.

5.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

5.3.1 External Appearance & Design

The proposed advertising signage has been designed to relate to the scale and form of the existing signage fixed to each bus shelter. As stated throughout this statement the paper advertisements are approved and existing and therefore will not result in any new scenic impacts, other than the new digital advertising panels, which are not considered to substantially alter the external appearance of the bus shelters when viewed from the public domain.

A perspective of the typical installation for the Digital/Static shelter type is provided in **Figure 15** below.



Figure 15 Typical Digital/Static shelter installation

5.3.2 Traffic

There are no changes to the location or placement of the advertising panels proposed as part of this application. As such, considerations relating to road clearance, line of sight, safe sight distances from an intersection and placement of the sign will not change and therefore there are no new issues to evaluate in this regard. The proposed digital advertising panels introduce the element of illumination. As detailed in Section 4.1.3 of this Statement, the proposed levels of illumination are consistent with those standards contained within the *Transport Corridor Outdoor Advertising and Signage Guidelines*. Luminance levels will be adjusted in accordance with lighting conditions, this will ensure illumination will not negatively affect vehicles.

5.4 ECONOMIC & SOCIAL IMPACTS

The social impacts of the proposed development including those related to traffic, safety and visual amenity have been assessed and are considered to be acceptable. There are no adverse social impacts expected from the proposed development and the provision of additional illumination in the area will provide for improved public safety around public infrastructure.



The proposed development will maintain the orderly and economic use and development of land for the purpose of the display of third-party advertising. This will continue to provide commercial and economic opportunities for businesses wishing to advertise their content and will provide effective communication along a key public transport corridor. The benefit of upgrading the existing approved signage will provide economic benefits to Northern Beaches Council through the commercial agreements to facilitate economic growth in the Northern Beaches LGA.

Accordingly, it is considered that the proposed development is likely to have only positive economic and social impacts.

5.5 THE SUITABILITY OF THE SITES

The proposed advertising structures will maintain the current use of the existing bus shelters, including the current signage panels. It has been demonstrated in this Statement that each of the proposed advertising structures benefits from existing use rights and can be rebuilt, extended or intensified under the EPA Act and Regulations. The replacement of the existing signs with new digital and/or static signs will improve the appearance of the bus shelters without having any adverse impacts on the amenity of the public domain or surrounding properties.

The proposed advertising structures will further satisfy the current contract between *oOh! Media* and Northern Beaches Council for the provision and maintenance of bus shelters in the Northern Beaches LGA.

5.6 THE PUBLIC INTEREST

The development is considered in the public interest as it is consistent with the desired future character of the Warringah LEP Area, as evidenced by the existing bus shelter advertisements. The proposed digital/static advertising panels will not result in adverse environmental impacts and will contribute to economic activity and new employment growth opportunities.



6. Conclusion

This Statement has assessed the development against the requirements of Clause 4.15 of the EP&A Act and found that the development is consistent with the applicable policies and plans and is permissible with consent. The proposal maintains the existing sign in terms of size, location, mounting height and orientation and the only change is converting the sign to a new digital/static format with illumination.

Signage is a key characteristic of the Northern Beaches LGA, as evidenced by the abundance of existing bus shelter advertisements. The removal of the existing and replacement with a new digital/static signage will improve the quality and appearance of each bus shelter site as well as the experience for passing motorist and public transport patrons.

Based on our assessment, it is concluded that the proposed advertising sign will be consistent with similar digital/static signs in similar locations and should be supported.



ANNEXURE A

Planning Assessment – Compliance Tables – Sign K2



SEPP (Industry and Employment) Assessment – SIGN K2

Criteria	Requirement	Discussion
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?	The proposed signage is compatible with the existing and desired future character of the Dee Why locality. The proposal is consistent with the existing character of the area as the advertising signage, subject to this application currently exists on the subject site and enjoys existing use rights. Therefore, is part of the existing character of this area within the Northern Beaches LGA.
	• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The design of the proposed panel is consistent with the general size and shape of bus shelter advertisements existing across the Northern Beaches LGA.
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?	The subject site is not situated within an environmentally sensitive area, heritage conservation area, open space area, or the like. The proposed signage panel exists within the confines of the existing bus shelter.
3 Views and vistas	• Does the proposal obscure or compromise important views?	The proposed advertising sign is integrated into the existing bus shelter, as such will not obscure or compromise any important views.
	• Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed advertising sign is integrated into the existing bus shelter, as such will not affect the skyline or reduce the quality of vistas.
	• Does the proposal respect the viewing rights of other advertisers?	The proposal includes the replacement of existing signage with digital signage. The proposed advertising signage will therefore continue to respect the viewing rights of all other advertising.
4 Streetscape, setting or landscape	• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate for the streetscape as it is to be installed within an existing bus shelter. The proposal will not result in the removal of any landscaping.
	• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed advertising signage will enhance the visual interest of the streetscape at the shelter site.
	• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal involves replacement of existing signage, as such will not increase visual clutter.
	• Does the proposal screen unsightliness?	The signage affixed to the bus shelter is situated below the maximum building height and will not extend above any buildings, structures or trees in the locality.

SEPP (Industry and Employment) Assessment – SIGN K2

	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not extend above the height of surrounding buildings, structures or tree canopies.
	Does the proposal require ongoing vegetation management?	The proposed signage will not require any ongoing vegetation management.
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?	The signage proposed is located wholly within the confines of the existing bus shelter and is therefore compatible in terms of scale and proportion.
	Does the proposal respect important features of the site or building, or both?	The signage scheme will enhance the aesthetic qualities of the bus shelter site. There are no important site features that are required to be preserved.
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage scheme is of a contemporary design and will provide for an upgrade to the existing static (paper) signage on site.
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?	All lighting and electrical wiring for the proposed advertising panels has been incorporated within the bus shelter structure and/or within the proposed signage.
7 Illumination	Would illumination result in unacceptable glare?	The illumination level of the proposed signage complies with the Outdoor Media Association's OMA Model Advertising Code in regard to industry accepted performance criteria. The new digital signage will be equipped with a sensor to ensure luminance levels are only bright enough to be clearly legible and would not result in unacceptable glare.
	Would illumination affect safety for pedestrians, vehicles or aircraft?	Luminance for signs and courtesy lights provide visibility and safety for pedestrians and transport users. As detailed above, <i>oOh! Media</i> follows the best practice illumination levels as set out by the Outdoor Media Association. These illumination levels would not negatively affect the pedestrians, vehicles or aircraft.
	Would illumination detract from the amenity of any residence or other form of accommodation?	The sign is less than 2m ² and is to be integrated within the existing bus shelter on the site. The site is sufficiently separated from residential properties, as to not interfere with residences.

SEPP (Industry and Employment) Assessment – SIGN K2

- | | |
|--|--|
| • Can the intensity of the illumination be adjusted, if necessary? | The brightness of digital sign can be adjusted in response to changes in surrounding light levels. This will ensure the sign is not unreasonably bright. |
| • Is the illumination subject to a curfew? | Illumination is not subject to curfew. |

8 Safety

- | | |
|---|---|
| • Would the proposal reduce the safety for any public road? | The proposed signage is modest in terms of scale, design and illumination will not comprise the safety of the adjacent public roads. |
| • Would the proposal reduce the safety for pedestrians or bicyclists? | As above, the proposed signage scheme is not likely to compromise safety of pedestrians or cyclists either through causing a distraction or a physical obstruction. |
| • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | The proposed signage will have no impact to the sightlines for pedestrians (including children) or vehicles. |

Part 2 Design

2.4 Sign clutter controls

a. Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter	Not proposed. The location of the existing signage panel does not change as part of this application. The proposed replacement will not contribute to visual clutter.
b. Where there is advertising clutter, consideration should be given to reducing the overall number of individual advertisements on a site. Replacement of many small signs with a larger single sign is encouraged if the overall advertising display area is not increased.	As above.
c. In rural areas, and along freeways and tollways, no more than one advertising structure should be visible along a given sightline.	The sign is not located in any of the mentioned areas.

2.5.1 General criteria

a. The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed advertising panel is to be installed in contemporary bus shelters, which have been selected and agreed upon by Council through their Commercial agreement with oOh! Media.
b. The advertising structure should be compatible with the scale, proportion and other characteristics of the site, building or structure on which the proposed signage is to be located	The proposed advertising panel will be fully contained within the existing bus shelter structure, as such it is proportional and appropriate to the overall scale and design of the bus shelter structure.
c. The advertising structure should be in keeping with important features of the site, building or bridge structure	Complies.
d. The placement of the advertising structure should not require the removal of significant trees or other native vegetation.	The proposed development will involve the replacement of the existing advertising panel as such will not require the removal of trees or vegetation at the site.
e. The advertisement proposal should incorporate landscaping that complements the advertising structure and	Not applicable.

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is in keeping with the landscape and character of the transport corridor.

- The development of a landscape management plan may be required as a condition of consent.
- Landscaping outlined within the plan should require minimal maintenance.

f. Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.

All lighting and electrical wiring for the proposed advertising panels has been incorporated within the bus shelter structure and/or within the proposed signage.

g. Illumination of advertisements must comply with the requirements in Section 3.3.3.

Noted. Refer to Section 4.1.3 of this statement for compliance with illumination levels.

h. Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.

The proposed illumination will not result in light spillage.

2.5.8 Digital Signs

a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.

No motion is proposed for the approved dwell time.

b. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

Content will be appropriate for the location and will not pose a distraction or risk to passing drivers.

c. The image must not be capable of being mistaken:
i. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device.

Content will be appropriate for the location and will not pose a distraction or risk to passing drivers. Refer to Section 4.1.4 of this statement for content management.

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ii. as text providing driving instructions to drivers.

- d.** Dwell times for image display must not be less than:
- i. 10 seconds for areas where the speed limit is below 80km/h
 - ii. 25 seconds for areas where the speed limit is 80km/h and over.

The minimum allowed dwell time is 10 seconds based on the posted speed limit of 40km/h along Pacific Parade for Sign K2.

The dwell time for the advertising panel will be managed by oOh! Media and will be appropriate for the speed limit of the road in which it is adjacent to.

- e.** The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.

The transition times for each advertising panel will be managed accordingly by oOh! Media.

- f.** Luminance levels must comply with the requirements in Section 3 below:

This area is Zone 4 as categorised in Section 3.3 of the Signage Guidelines. Acceptable luminance levels for this zone as specified in Table 6 of the Signage Guidelines are: no limit (full sun on face of signage), 6000cd/m2 (daytime), 500cd/m2 (twilight and inclement weather) and 200cd/m2 (night-time)..

- g.** The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.

Content and images displayed will be appropriate for the location. Refer to Section 4.1.4 of this statement for content management.

- h.** The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).

As above.

- i.** Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.

N/A – The sign is not visible from a school zone.

- j.** Each sign proposal must be assessed on a case-by case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign, and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.

All relevant traffic directions have been assessed on their own merits

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k. At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.

Noted.

2.5.10 Residential amenity

Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above.

Sign K2 is located within Zone R3 Medium density Residential. The sign relies on existing use rights. The proposed digital sign is not considered to have an adverse impact on the amenity of residential dwellings, the signage has been existing at the site for a number of years without adverse impact. Dwell times are proposed in accordance with those specified above for residential areas.

2.5.11 Video and animated electronic signs

Video and animated electronic signs containing animated or video/movie style advertising, or messages including; live television, satellite, internet or similar broadcast; either permanent or portable; that face the road reserve and are visible to drivers are prohibited

Not proposed.

Part 3 Advertisements and Road Safety

3.2 Sign location criteria

3.2.1 Road clearance

- a. The advertisement must not create a physical obstruction or hazard. For example:
- i. Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone kiosks and other street furniture along roads and footpath areas)?

The location of the signage panel, inset within the bus shelter remains the same as part of this application. As such will not change road clearances.

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ii. Does the sign protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?

iii. Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?

b. Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS approved crash barrier.

The proposed advertising panels will be installed into existing bus shelter structures.

c. Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m in height (relative to the road level) are to comply with any applicable lateral clearances specified by Austroads Guide to Road Design (and RMS supplements) with respect to dynamic deflection and working width.

Not proposed.

d. All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.

Not proposed. Signs will be inset into the bus shelter panel, as existing.

Digital signs greater or equal to 20sqm must ensure the following clearances:

Sign K2 is less than 2sqm.

a. 2.5m from lowest point of the sign above the road surface if located outside the clear zone

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b. 5.5m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed

As above.

3.2.2 Line of sight

a. An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.

The location of the signage will not change. Located within the panel of the existing bus shelter, the sign is not considered to obstruct driver views.

b. An advertisement must not obstruct a pedestrian or cyclist's view of the road.

The sign will not obstruct pedestrian or cyclist view.

c. The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.

The sign is well separated from the road and road verge. There is no element of the proposed signage that could result in driver confusion in the road alignment.

d. The advertisement should not distract a driver's attention away from the road environment for an extended length of time.

The proposed sign will not result in driver distraction.

3.2.3 Proximity to decision making points and conflict points

a. The sign should not be located:

i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves

The proposed advertising panel will be installed in the existing bus shelter structure, in an appropriate location as not to interfere with safe driving and important traffic controlling devices.

ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment

iii. so that it is visible from the stem of a T-intersection.

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b. The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view: i. of a road hazard ii. to an intersection iii. to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs) iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher

As above.

3.2.4 Sign spacing

A highly cluttered visual field makes it difficult to locate and prioritise driving-critical information, e.g. regulatory and advisory signs and traffic control devices. The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.

The proposed advertising panel, as installed within the existing bus shelter will not result in visual clutter.

Additional criteria for digital signs:

As above.

a. Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.

3.3 Sign design and operation criteria

3.3.1 Advertising signage and traffic control devices

a. The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.

The location of the sign remains unchanged, as such no new traffic impacts arise.

b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device.

As above.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K2

Additional criteria for digital signs and moving signs:

Sign K2 is a digital/static sign, one side digital one side static. Refer to Section 4.1.4 of this statement for details on content management. All content will be appropriate for the location and will not pose a distraction or risk to passing drivers.

- a. The image must not be capable of being mistaken:
 - i. for a rail or traffic sign or signal because it has, e.g. red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal
 - ii. as text providing driving instructions to drivers.
- b. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).

3.3.2 Dwell time and transition time

Dwell time criteria for digital signs:

Sign K2 is a digital/static sign. The allowed dwell time is 10 seconds. The dwell time for the advertising panel will be managed by oOh! Media and will be appropriate for the speed limit of the road in which it is adjacent to.

a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.

b. Dwell times for image display must not be less than:

As above

- i. 10 seconds for areas where the speed limit is below 80km/h.
- ii. 25 seconds for areas where the speed limit is 80km/h and over.

c. Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.

Noted.

d. Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.

Not proposed.

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e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.

The transition times for each advertising panel will be managed accordingly by oOh! Media.

3.3.3 Illumination and reflectance

Illumination and reflectance criteria for non-digital signs: The following criteria apply to non-digital illuminated signs, including conventional billboards illuminated by fluorescent and/or incandescent bulbs whether internally illuminated or lit from the exterior:

- a. Advertisements must comply with the luminance requirements in Table 5 below.
- b. For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.
- c. The light sources for illuminated signs must focus solely on the sign and:
 - i. be shielded so that glare does not extend beyond the sign
 - ii. with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb.
- d. The level of reflectance of an advertisement, and its content, is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian Standard AS/NZS 1906.1:2007. Flashing illuminated advertisements will not be approved.

Refer to Section 4.1.3 for compliance with illumination guidelines.

3.3.4 Interaction and sequencing

- a. The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.

Not proposed.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K2

b. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs

All content will be appropriate for the location and will not pose a distraction or risk to passing drivers.

3.4 Road safety review of new or modified signs

RMS may review the crash history of any new or modified advertising signs after a three-year period to determine whether the sign has had an adverse effect on road safety. If RMS is of the opinion that a sign is a traffic hazard, RMS may direct the owner or occupier of the land on which the sign is situated or the person who erected the sign to screen, modify or remove the sign, regardless of whether or not the sign is the subject of a development consent under the Act or a consent under the Roads Act 1993.

Noted.

3.6 Road safety guidelines for sign content

SEPP 64 does not regulate the content of advertisements and signs, and does not require consent for a change in content. It is recommended that advertisers follow RMS advisory guidelines with respect to sign content of advertisements to be displayed along road corridors.

Noted.

Warringah Local Environmental Plan 2011 Assessment – SIGN K2

Clause/ Control	Requirement	Proposal	Complies?
Part 2 Permitted or Prohibited development			
2.2 Zone objectives and Land Use Table	<u>R3 Medium Density Residential</u> - To provide for the housing needs of the community within a medium density residential environment. - To provide a variety of housing types within a medium density residential environment. - To enable other land uses that provide facilities or services to meet the day-to-day needs of residents. - To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah. - To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.	The proposed advertising signage does not affect the provision of housing. The proposal will provide for advertising opportunities at appropriate locations, being within existing bus shelters, whilst ensuring minimal impact on the residential nature of the locality. The proposed advertising panels are clear of any trees or vegetation as such will continue to maintain the landscaped character and natural environment. The provision illuminated panels at the sight will increase the visual quality of Pittwater Road and the bus shelter in the public domain. The proposal is not antipathetic to the objectives of the zone.	Yes
Part 4 Principal development standards			
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Height of Building = 13m	A HOB of 13m is prescribed for the site. There will be no increase to the height of the bus shelter.	Yes
4.4 Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	No FSR control prescribed for the site.	N/A
Part 6 Additional Local Provisions			

Warringah Local Environmental Plan 2011 Assessment – SIGN K2

6.4 Development on sloping land	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and (c) the development will not impact on or affect the existing subsurface flow conditions.	The site is identified as Area A Slope <5°. The proposed development involves the replacement of existing advertising signage, no earthworks are proposed. Therefore, the proposal will not increase landslide risk or affect existing subsurface flow conditions.	Yes.
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Warringah Development Control Plan 2011 Assessment – SIGN K2

Clause/ Control	Requirement	Proposal	Complies?
Part D Design			
D23 Signs	1. Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. In particular, signs are not to dominate or obscure other signs or result in visual clutter.	The signage has been designed as to integrate with the existing shelter on site. The proposal will not introduce any additional visual clutter and is compatible with the Dee Why locality, which includes advertising at multiple shelter sites.	Yes
	2. Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.	As above. The proposed signage is compatible with the existing scale and design of the shelter.	Yes
	3. Signs on heritage items or on buildings in conservation areas should not by their size, design or colour, detract from the character or significant qualities of individual buildings, the immediate context or the wider streetscape context of the area.	The site is not located on a heritage item, within a heritage conservation area or in proximity to a heritage item.	N/A
	4. Signs are not to obscure views of vehicles, pedestrians or potentially hazardous road features or reduce the safety of all users of any public road (including pedestrians and cyclists).	The signage forms part of the shelter structure as such will not obscure any vehicle or pedestrian views, nor will it compromise the safety of road users.	Yes
	5. Signs should not be capable of being confused with, or reduce the effectiveness of, traffic control devices.	The proposed signage does not include images or displays that dazzle, flash or represent traffic control devices.	Yes
	6. Signs are not to emit excessive glare or cause excessive reflection.	Noted. Refer to Section 4.1.3 of this Statement illumination will be controlled accordingly.	Yes
	7. Signs should not obscure or compromise important views.	There are no important views obtained through or from the shelter site.	N/A
	8. Signs displayed on dwellings are to be attached to the ground floor façade of the dwelling, unless the land is located on a main road or the dwelling is not visible from the street, in which case the sign may be attached to a front fence.	Not applicable.	N/A

Warringah Development Control Plan 2011 Assessment – SIGN K2

	9. For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non-obtrusive and non-illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape. 10. No more than one sign is to be located above the awning level for business uses. 11. Tenancy boards and the like are encouraged to be in the form of consolidated signs. 14. The following signs are not considered appropriate and are discouraged: • Flashing or moving signs on all land other than the carriageway of a public road • Pole or pylon signs, unless there is no building on the site, or the building is not visible from the street or public domain; this does not include identification, interpretive, directional and advance warning signs described as Exempt Development, or a sign erected by the Council for the display of community information; • Signs on or above the roof or parapet of a building. • A-frame and temporary signs located on public land, including: ○ Signs on motor vehicles which are not able to be driven with the sign displayed ○ Balloons or other inflatable objects used for the purpose of advertising which are placed on or above roof level ○ Illuminated signs in residential zones	Not applicable. The sign age is located on Pacific Parade in Zone R3 Not applicable. The proposed signage is for advertising purposes. Not Proposed. The proposed signage: ○ It does not comprise flashing elements. Digital signage will be rotated periodically. ○ Does not comprise pole or pylon signage. ○ Does not project above the roof of the shelter. ○ Does not comprise an A-frame or temporary sign. ○ The sign is located within the R3 Medium Density Residential Zone, however, relies upon existing use rights. Refer Section 5.1 of this Statement	N/A N/A N/A Yes
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ANNEXURE B

Planning Assessment – Compliance Table – Sign K4



SEPP (Industry and Employment) Assessment – SIGN K4

Criteria	Requirement	Discussion
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?	The proposed signage is compatible with the existing and desired future character of the Dee Why locality. The proposal is consistent with the existing character of the area as the advertising signage, subject to this application currently exists on the subject site and enjoys existing use rights. Therefore, is part of the existing character of this area within the Northern Beaches LGA.
	• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The design of the proposed panel is consistent with the general size and shape of bus shelter advertisements existing across the Northern Beaches LGA.
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?	The subject site is not situated within an environmentally sensitive area, heritage conservation area, open space area, or the like. The proposed signage panel exists within the confines of the existing bus shelter.
3 Views and vistas	• Does the proposal obscure or compromise important views?	The proposed advertising sign is integrated into the existing bus shelter, as such will not obscure or compromise any important views.
	• Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed advertising sign is integrated into the existing bus shelter, as such will not affect the skyline or reduce the quality of vistas.
	• Does the proposal respect the viewing rights of other advertisers?	The proposal includes the replacement of existing signage with digital signage. The proposed advertising signage will therefore continue to respect the viewing rights of all other advertising.
4 Streetscape, setting or landscape	• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate for the streetscape as it is to be installed within an existing bus shelter. The proposal will not result in the removal of any landscaping.
	• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed advertising signage will enhance the visual interest of the streetscape at the shelter site.
	• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal involves replacement of existing signage, as such will not increase visual clutter.

SEPP (Industry and Employment) Assessment – SIGN K4

	Does the proposal screen unsightliness?	The signage affixed to the bus shelter is situated below the maximum building height and will not extend above any buildings, structures or trees in the locality.
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not extend above the height of surrounding buildings, structures or tree canopies.
	Does the proposal require ongoing vegetation management?	The proposed signage will not require any ongoing vegetation management.
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?	The signage proposed is located wholly within the confines of the existing bus shelter and is therefore compatible in terms of scale and proportion.
	Does the proposal respect important features of the site or building, or both?	The signage scheme will enhance the aesthetic qualities of the bus shelter site. There are no important site features that are required to be preserved.
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage scheme is of a contemporary design and will provide for an upgrade to the existing static (paper) signage on site.
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?	All lighting and electrical wiring for the proposed advertising panels has been incorporated within the bus shelter structure and/or within the proposed signage.
7 Illumination	Would illumination result in unacceptable glare?	The illumination level of the proposed signage complies with the Outdoor Media Association's OMA Model Advertising Code in regard to industry accepted performance criteria. The new digital signage will be equipped with a sensor to ensure luminance levels are only bright enough to be clearly legible and would not result in unacceptable glare.
	Would illumination affect safety for pedestrians, vehicles or aircraft?	Luminance for signs and courtesy lights provide visibility and safety for pedestrians and transport users. As detailed above, oOh! Media follows the best practice illumination levels as set out by the Outdoor Media Association. These illumination levels would not negatively affect the pedestrians, vehicles or aircraft.

SEPP (Industry and Employment) Assessment – SIGN K4

	• Would illumination detract from the amenity of any residence or other form of accommodation?	The sign is less than 2m ² and is to be integrated within the existing bus shelter on the site. The site is sufficiently separated from residential properties, as to not interfere with residences.
	• Can the intensity of the illumination be adjusted, if necessary?	The brightness of digital sign can be adjusted in response to changes in surrounding light levels. This will ensure the sign is not unreasonably bright.
	• Is the illumination subject to a curfew?	Illumination is not subject to curfew.
8 Safety	• Would the proposal reduce the safety for any public road?	The proposed signage is modest in terms of scale, design and illumination will not comprise the safety of the adjacent public roads.
	• Would the proposal reduce the safety for pedestrians or bicyclists?	As above, the proposed signage scheme is not likely to compromise safety of pedestrians or cyclists either through causing a distraction or a physical obstruction.
	• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will have no impact to the sightlines for pedestrians (including children) or vehicles.

Part 2 Design

2.4 Sign clutter controls

a. Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter	Not proposed. The location of the existing signage panel does not change as part of this application. The proposed replacement will not contribute to visual clutter.
b. Where there is advertising clutter, consideration should be given to reducing the overall number of individual advertisements on a site. Replacement of many small signs with a larger single sign is encouraged if the overall advertising display area is not increased.	As above.
c. In rural areas, and along freeways and tollways, no more than one advertising structure should be visible along a given sightline.	The sign is not located in any of the mentioned areas.

2.5.1 General criteria

a. The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed advertising panel is to be installed in contemporary bus shelters, which have been selected and agreed upon by Council through their Commercial agreement with oOh! Media.
b. The advertising structure should be compatible with the scale, proportion and other characteristics of the site, building or structure on which the proposed signage is to be located	The proposed advertising panel will be fully contained within the existing bus shelter structure, as such it is proportional and appropriate to the overall scale and design of the bus shelter structure.
c. The advertising structure should be in keeping with important features of the site, building or bridge structure	Complies.
d. The placement of the advertising structure should not require the removal of significant trees or other native vegetation.	The proposed development will involve the replacement of the existing advertising panel as such will not require the removal of trees or vegetation at the site.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

e. The advertisement proposal should incorporate landscaping that complements the advertising structure and is in keeping with the landscape and character of the transport corridor.	Not applicable.
• The development of a landscape management plan may be required as a condition of consent. • Landscaping outlined within the plan should require minimal maintenance.	
f. Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	All lighting and electrical wiring for the proposed advertising panels has been incorporated within the bus shelter structure and/or within the proposed signage.
g. Illumination of advertisements must comply with the requirements in Section 3.3.3.	Noted. Refer to Section 4.1.3 of this statement for compliance with illumination levels.
h. Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposed illumination will not result in light spillage.

2.5.8 Digital Signs

a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	No motion is proposed for the approved dwell time.
b. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	Content will be appropriate for the location and will not pose a distraction or risk to passing drivers.
c. The image must not be capable of being mistaken: i. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may	Content will be appropriate for the location and will not pose a distraction or risk to passing drivers. Refer to Section 4.1.4 of this statement for content management.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

result in the advertisement being mistaken for a prescribed traffic control device.

ii. as text providing driving instructions to drivers.

d. Dwell times for image display must not be less than: i. 10 seconds for areas where the speed limit is below 80km/h ii. 25 seconds for areas where the speed limit is 80km/h and over.	The minimum allowed dwell time is 10 seconds based on the posted speed limit of 40km/h along Howard Avenue for Sign K4. The dwell time for the advertising panel will be managed by oOh! Media and will be appropriate for the speed limit of the road in which it is adjacent to.
e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	The transition times for each advertising panel will be managed accordingly by oOh! Media.
f. Luminance levels must comply with the requirements in Section 3 below:	This area is Zone 4 as categorised in Section 3.3 of the Signage Guidelines. Acceptable luminance levels for this zone as specified in Table 6 of the Signage Guidelines are: no limit (full sun on face of signage), 6000cd/m2 (daytime), 500cd/m2 (twilight and inclement weather) and 200cd/m2 (night-time).
g. The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	Content and images displayed will be appropriate for the location. Refer to Section 4.1.4 of this statement for content management.
h. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).	As above.
i. Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	N/A – The sign is not visible from a school zone.
j. Each sign proposal must be assessed on a case-by case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign, and in the instance of a sign being visible from each direction, both directions for each location must be assessed on	All relevant traffic directions have been assessed on their own merits

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

their own merits.

k. At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.

Noted.

2.5.10 Residential amenity

Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above.

Sign K4 is located within Zone R33 Medium Density Residential. The sign relies on existing use rights. The proposed digital sign is not considered to have an adverse impact on the amenity of residential dwellings, the signage has been existing at the site for a number of years without adverse impact. Dwell times are proposed in accordance with those specified above for residential areas.

2.5.11 Video and animated electronic signs

Video and animated electronic signs containing animated or video/movie style advertising, or messages including; live television, satellite, internet or similar broadcast; either permanent or portable; that face the road reserve and are visible to drivers are prohibited

Not proposed.

Part 3 Advertisements and Road Safety

3.2 Sign location criteria

3.2.1 Road clearance

a. The advertisement must not create a physical obstruction or hazard. For example:

- i. Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone

The location of the signage panel, inset within the bus shelter remains the same as part of this application. As such will not change road clearances.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

kiosks and other street furniture along roads and footpath areas)?

ii. Does the sign protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?

iii. Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?

b. Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS approved crash barrier.

The proposed advertising panels will be installed into existing bus shelter structures.

c. Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m in height (relative to the road level) are to comply with any applicable lateral clearances specified by Austroads Guide to Road Design (and RMS supplements) with respect to dynamic deflection and working width.

Not proposed.

d. All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.

Not proposed. Signs will be inset into the bus shelter panel, as existing.

Digital signs greater or equal to 20sqm must ensure the following clearances:

Sign K4 is less than 2sqm.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

a. 2.5m from lowest point of the sign above the road surface if located outside the clear zone

b. 5.5m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed

As above.

3.2.2 Line of sight

a. An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.

The location of the signage will not change. Located within the panel of the existing bus shelter, the sign is not considered to obstruct driver views.

b. An advertisement must not obstruct a pedestrian or cyclist's view of the road.

The sign will not obstruct pedestrian or cyclist view.

c. The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.

The sign is well separated from the road and road verge. There is no element of the proposed signage that could result in driver confusion in the road alignment.

d. The advertisement should not distract a driver's attention away from the road environment for an extended length of time.

The proposed sign will not result in driver distraction.

3.2.3 Proximity to decision making points and conflict points

a. The sign should not be located:

i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves

The proposed advertising panel will be installed in the existing bus shelter structure, in an appropriate location as not to interfere with safe driving and important traffic controlling devices.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment

iii. so that it is visible from the stem of a T-intersection.

b. The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view: i. of a road hazard ii. to an intersection iii. to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs) iv. to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher

As above.

3.2.4 Sign spacing

A highly cluttered visual field makes it difficult to locate and prioritise driving-critical information, e.g. regulatory and advisory signs and traffic control devices. The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.

The proposed advertising panel, as installed within the existing bus shelter will not result in visual clutter.

Additional criteria for digital signs:

a. Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.

As above.

3.3 Sign design and operation criteria

3.3.1 Advertising signage and traffic control devices

a. The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory

The location of the sign remains unchanged, as such no new traffic impacts arise.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

signs or advisory signs or obscure information about the road alignment.

b. The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device.

As above.

Additional criteria for digital signs and moving signs:

Sign K4 is a digital/static sign, one side digital one side static. Refer to Section 4.1.4 of this statement for details on content management. All content will be appropriate for the location and will not pose a distraction or risk to passing drivers.

- a. The image must not be capable of being mistaken:
 - i. for a rail or traffic sign or signal because it has, e.g. red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal
 - ii. as text providing driving instructions to drivers.

b. The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).

3.3.2 Dwell time and transition time

Dwell time criteria for digital signs:

- a. Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.
- b. Dwell times for image display must not be less than:
 - i. 10 seconds for areas where the speed limit is below 80km/h.
 - ii. 25 seconds for areas where the speed limit is 80km/h and over.

Sign K4 is a digital/static sign. The allowed dwell time is 10 seconds. The dwell time for the advertising panel will be managed by oOh! Media and will be appropriate for the speed limit of the road in which it is adjacent to.

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

- | | |
|--|---|
| c. Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours. | Noted. |
| d. Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts. | Not proposed. |
| e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen. | The transition times for each advertising panel will be managed accordingly by oOh! Media.. |

3.3.3 Illumination and reflectance

Illumination and reflectance criteria for non-digital signs: The following criteria apply to non-digital illuminated signs, including conventional billboards illuminated by fluorescent and/or incandescent bulbs whether internally illuminated or lit from the exterior:

Refer to Section 4.1.3 for compliance with illumination guidelines.

- a. Advertisements must comply with the luminance requirements in Table 5 below.
- b. For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.
- c. The light sources for illuminated signs must focus solely on the sign and:
 - i. be shielded so that glare does not extend beyond the sign
 - ii. with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb.
- d. The level of reflectance of an advertisement, and its content, is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian

Transport Corridor Outdoor Advertising and Signage Guidelines Assessment – SIGN K4

Standard AS/NZS 1906.1:2007. Flashing illuminated advertisements will not be approved.

3.3.4 Interaction and sequencing

a. The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.

Not proposed.

b. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs

All content will be appropriate for the location and will not pose a distraction or risk to passing drivers.

3.4 Road safety review of new or modified signs

RMS may review the crash history of any new or modified advertising signs after a three-year period to determine whether the sign has had an adverse effect on road safety. If RMS is of the opinion that a sign is a traffic hazard, RMS may direct the owner or occupier of the land on which the sign is situated or the person who erected the sign to screen, modify or remove the sign, regardless of whether or not the sign is the subject of a development consent under the Act or a consent under the Roads Act 1993.

Noted.

3.6 Road safety guidelines for sign content

SEPP 64 does not regulate the content of advertisements and signs, and does not require consent for a change in content. It is recommended that advertisers follow RMS advisory guidelines with respect to sign content of advertisements to be displayed along road corridors.

Noted.

Warringah Local Environmental Plan 2011 Assessment – SIGN K4

Clause/ Control	Requirement	Proposal	Complies?
Part 2 Permitted or Prohibited development			
2.2 Zone objectives and Land Use Table	<u>R3 Medium Density Residential</u> - To provide for the housing needs of the community within a medium density residential environment. - To provide a variety of housing types within a medium density residential environment. - To enable other land uses that provide facilities or services to meet the day to day needs of residents. - To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah. - To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.	The proposed advertising signage does not affect the provision of housing. The proposal will provide for advertising opportunities at appropriate locations, being within existing bus shelters, whilst ensuring minimal impact on the residential nature of the locality. The proposed advertising panels are clear of any trees or vegetation as such will continue to maintain the landscaped character and natural environment. The provision illuminated panels at the sight will increase the visual quality of Pittwater Road and the bus shelter in the public domain. The proposal is not antipathetic to the objectives of the zone.	Yes
Part 4 Principal development standards			
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Height of Building = 11m	A HOB of 11m is prescribed for the site. There will be no increase to the height of the bus shelter.	Yes
4.4 Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	No FSR control prescribed for the site.	N/A
Part 6 Additional Local Provisions			

Warringah Local Environmental Plan 2011 Assessment – SIGN K4

6.4 Development on sloping land	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and (c) the development will not impact on or affect the existing subsurface flow conditions.	The site is identified as Area A Slope <5°. The proposed development involves the replacement of existing advertising signage, no earthworks are proposed. Therefore, the proposal will not increase landslide risk or affect existing subsurface flow conditions.	Yes
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Warringah Development Control Plan 2011 Assessment – SIGN K4

Clause/ Control	Requirement	Proposal	Complies?
Part D Design			
D23 Signs	1. Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. In particular, signs are not to dominate or obscure other signs or result in visual clutter.	The signage has been designed as to integrate with the existing shelter on site. The proposal will not introduce any additional visual clutter and is compatible with the Dee Why locality, which includes advertising at multiple shelter sites.	Yes
	2. Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.	As above. The proposed signage is compatible with the existing scale and design of the shelter.	Yes
	3. Signs on heritage items or on buildings in conservation areas should not by their size, design or colour, detract from the character or significant qualities of individual buildings, the immediate context or the wider streetscape context of the area.	The site is not located on a heritage item, within a heritage conservation area or in proximity to a heritage item.	N/A
	4. Signs are not to obscure views of vehicles, pedestrians or potentially hazardous road features or reduce the safety of all users of any public road (including pedestrians and cyclists).	The signage forms part of the shelter structure as such will not obscure any vehicle or pedestrian views, nor will it compromise the safety of road users.	Yes
	5. Signs should not be capable of being confused with, or reduce the effectiveness of, traffic control devices.	The proposed signage does not include images or displays that dazzle, flash or represent traffic control devices.	Yes
	6. Signs are not to emit excessive glare or cause excessive reflection.	Noted. Refer to Section 4.1.3 of this Statement illumination will be controlled accordingly.	Yes
	7. Signs should not obscure or compromise important views.	There are no important views obtained through or from the shelter site.	Yes
	8. Signs displayed on dwellings are to be attached to the ground floor façade of the dwelling, unless the land is located on a main road or the dwelling is not visible from the street, in which case the sign may be attached to a front fence.	Not applicable.	

Warringah Development Control Plan 2011 Assessment – SIGN K4

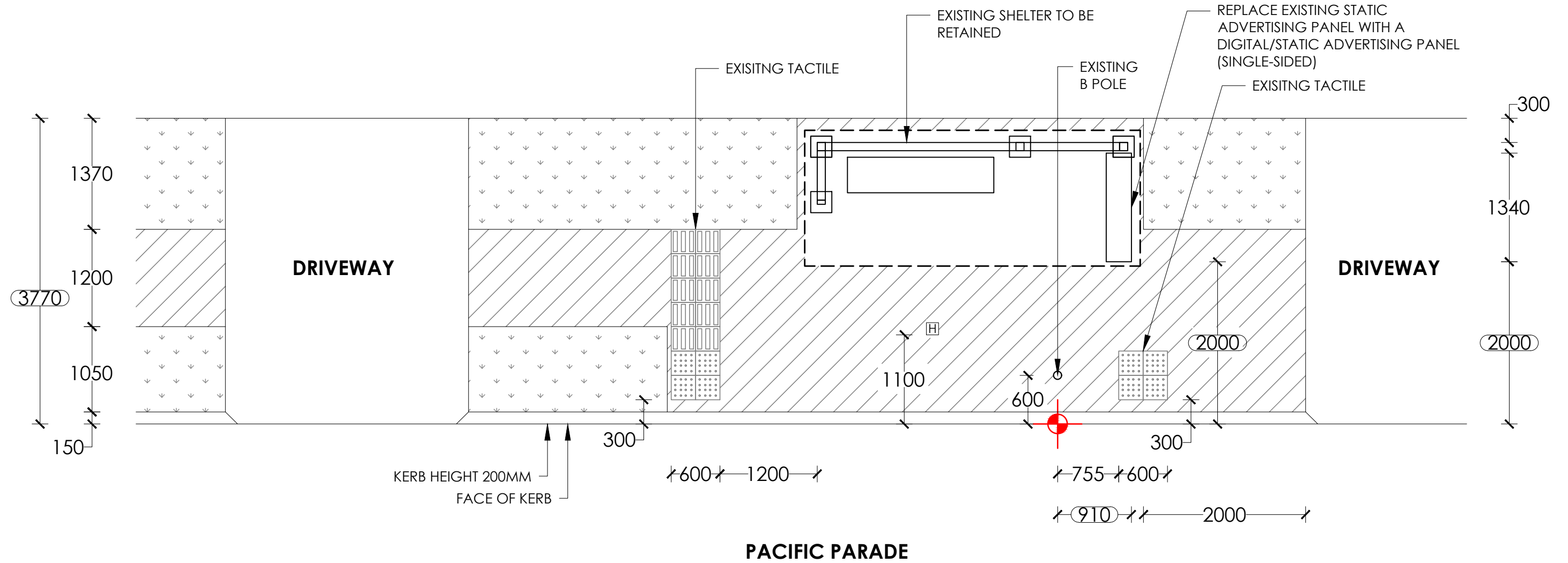
	9. For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non-obtrusive and non-illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape. 10. No more than one sign is to be located above the awning level for business uses. 11. Tenancy boards and the like are encouraged to be in the form of consolidated signs. 14. The following signs are not considered appropriate and are discouraged: • Flashing or moving signs on all land other than the carriageway of a public road • Pole or pylon signs, unless there is no building on the site, or the building is not visible from the street or public domain; this does not include identification, interpretive, directional and advance warning signs described as Exempt Development, or a sign erected by the Council for the display of community information; • Signs on or above the roof or parapet of a building. • A-frame and temporary signs located on public land, including: ○ Signs on motor vehicles which are not able to be driven with the sign displayed ○ Balloons or other inflatable objects used for the purpose of advertising which are placed on or above roof level ○ Illuminated signs in residential zones	Not applicable. The sign age is located on Howard Avenue in Zone R3 Not applicable. The proposed signage is for advertising purposes. Not Proposed. The proposed signage: ○ It does not comprise flashing elements. Digital signage will be rotated periodically. ○ Does not comprise pole or pylon signage. ○ Does not project above the roof of the shelter. ○ Does not comprise an A-frame or temporary sign. ○ The sign is located within the R3 Medium Density Residential Zone, however, relies upon existing use rights. Refer Section 5.1 of this Statement	N/A N/A N/A N/A Yes
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ANNEXURE C

Site Cards –
Bus Stops K2 & K4



NO. 50 PACIFIC PARADE, DEE WHY



NOTES:

1. Retrofit digital screen
2. Existing shelter to remain.
3. Reinststate all disturbed areas to match existing, refer hatch legend.

NOTE:

PROPOSED CONFIG - DIGITAL/STATIC

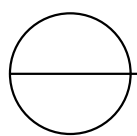
SURVEY

1	0.7
2	0.0
3	4.2

TRANSITION TABLE

LEGEND:

- EXISTING PAVERS/CONCRETE
- GRASS
- NEW PAVERS/CONCRETE
- SET OUT POINT



PROPOSED
SCALE 1:50

SITE ADDRESS : IN FRONT OF NO. 50 PACIFIC PARADE, DEE WHY

SITE # : 4931

BUS STOP: K2 (209976)



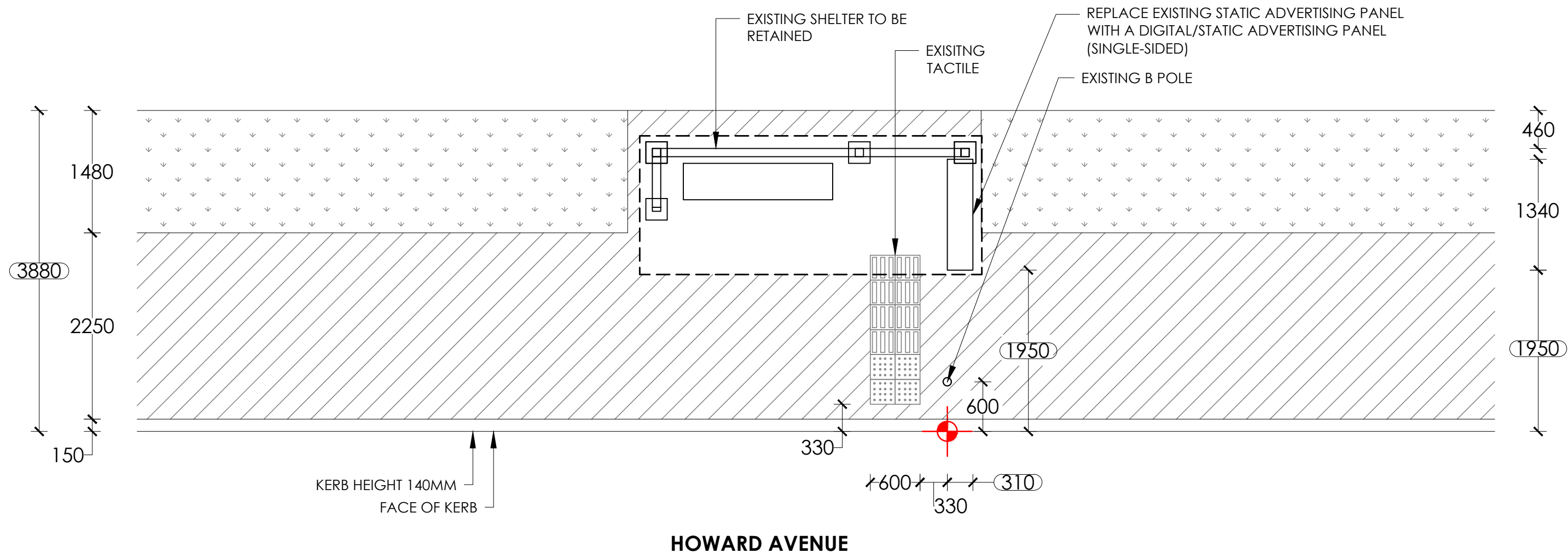
PAPER SIZE: A3

B	25/03/25	SYN
A	02/08/17	NK
REV.	DATE	INT.

SCALE
1:50
REV NO.
B

DRAWING NO.
101
DATE
25/03/25

NO. 97-101 HOWARD AVENUE, DEE WHY



- NOTES:**
1. Retrofit digital screen
 2. Existing shelter to remain.
 3. Reinstate all disturbed areas to match existing, refer hatch legend.

NOTE:
PROPOSED CONFIG - DIGITAL/STATIC

SURVEY		TRANSITION TABLE	
1	10.3		
2	4.9		
3	1.7		

LEGEND:

- EXISTING PAVERS/CONCRETE
- GRASS
- NEW PAVERS/CONCRETE
- SET OUT POINT



PROPOSED
SCALE 1:50

SITE ADDRESS : IN FRONT OF NO. 97-101 HOWARD AVENUE, DEE WHY

SITE # : 5714

BUS STOP: K4 (209944)



PAPER SIZE: A3				SCALE	DRAWING NO.
				1:50	101
	B	25/03/25	SYN	REV NO.	DATE
	A	02/08/17	NK	B	25/03/25
REV.	DATE		INT.		

ANNEXURE D

Existing Use Rights – Documentation





K2 – Pacific Pde E/O Sturdee Pde N/S

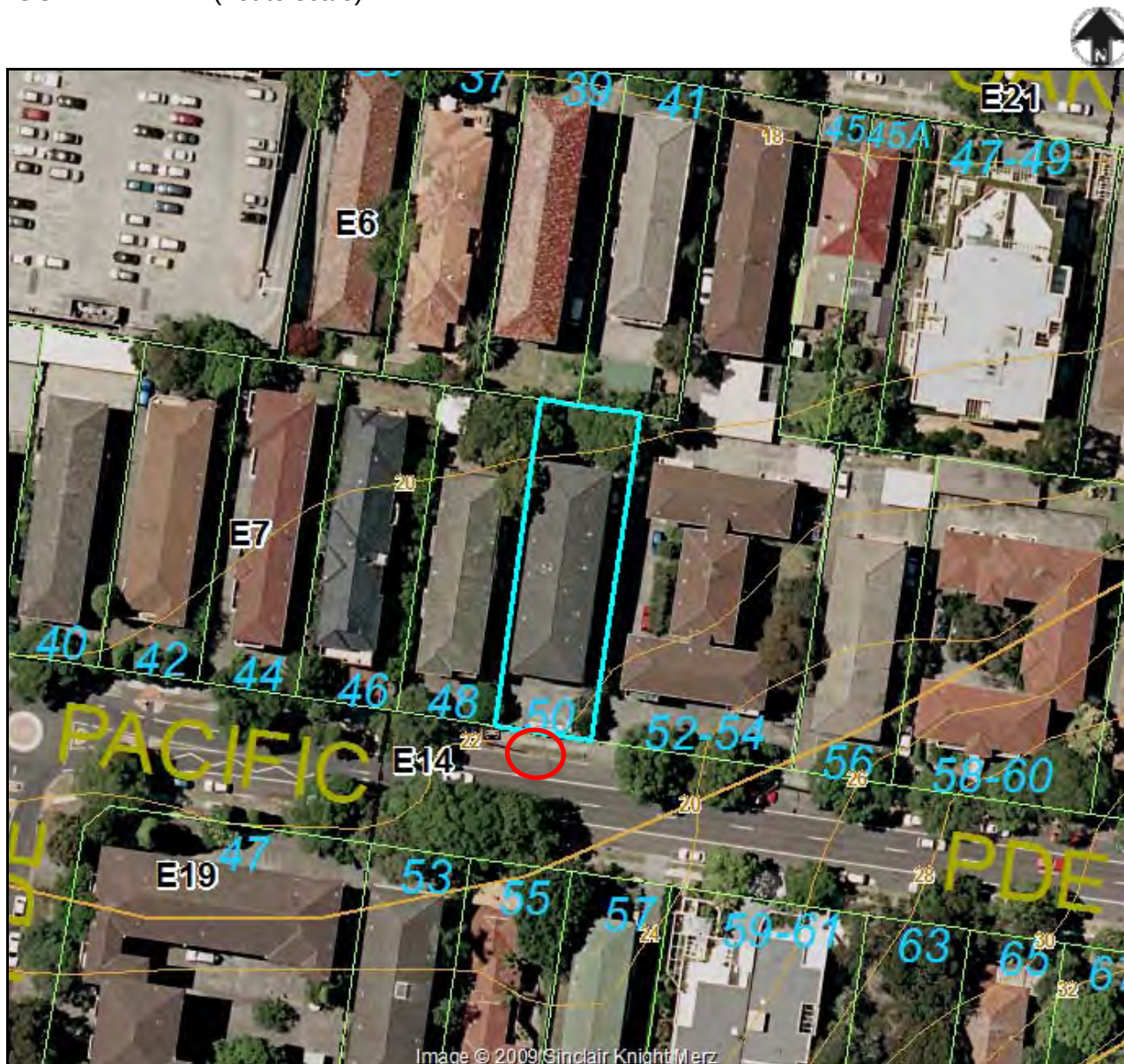


3.13 50 Pacific Parade, Dee Why – Construction of Bus Shelter with Signage on Road Reserve - Bus Stop Number 209976

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Renee Ezzy
Address / Property Description:	Construction of Bus Shelter with signage on the road reserve in front of No. 50 Pacific Parade, Dee Why - Bus stop number 209976
Development Application No:	DA2011/0394
Application Lodged:	25/03/2011
Plans Reference:	Site Location – Rev E (14/3/11) 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:	E7 Pacific Parade
Category:	Category 2 (cl17 (4) WLEP 2000)
Draft WLEP 2009 Permissible or Prohibited Land use:	(R3 Medium Density) “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 (1)
Submission Issues:	Structure impedes past letter box wall, privacy, increased usage, garbage, request solid rear to shelter
Assessment Issues:	Submitter issues
Recommendation:	Approval, subject to conditions
Attachments:	Site Plan and Drawings

LOCALITY PLAN (not to scale)



Subject Site: The proposed site is on the northern side of Pacific Parade within the road reserve outside No.50 Pacific Parade. - Bus stop number 209976.

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 16 May 2011 and being finalised on 31 May 2011.

SITE DESCRIPTION

The site is on the nature strip on the northern side of Pacific Parade outside the property at No.50 Pacific Parade. The site does not currently provide a shelter, only seating and a Bus J Pole within the identified bus zone.



SITE HISTORY

The application was lodged with Council on 24 March 2011.

PROPOSED DEVELOPMENT

The application proposes to provide a new bus seat with shelter measuring 2.8 metres high, 3.905 metres long and 1.5 metres wide. The structure will be constructed of light green aluminium with a 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 16 May 2001 and being finalised on 31 May 2011.

As a result of the public exhibition process, one (1) submission was received on behalf of the property at No. 50 Pacific Parade, Dee Why.

The following issues were raised in the submission and each has been addressed below:

Issue 1: The size of the structure in relation to the frontage of No. 50 extends past the letter box wall. Adshel advised they would move letterbox but no permission has been sought or granted.

Response: The submission has indicated the width of the shelter is 5.7m. This dimension indicates the width of the works on the ground which includes tactile indicators around the shelter. The actual shelter has a physical width of 3.833m.

In terms of the letter boxes. The applicant has not indicated the removal or relocation of this element and as identified has not sought owners consent. Accordingly, no consent would be given in this instance for works affecting this structure. Further, a condition of consent will be included in this regard.

Issue 2: Suggest shelter be located to the eastern most end of boundary

Response: The proposed location subject to conditions is considered satisfactory.

Issue 3: Request for opaque back for privacy to the lower level apartments

Response: The use of an opaque material at the rear of the structure will reduce the ability for casual surveillance around the structure. Further, the provision of a shelter for this established bus stop is not considered likely to result in any increased privacy impacts. Accordingly, it is not considered appropriate in this instance to provide a solid back to the structure.

Issue 4: Request for illumination of advertising panel to be terminated after the last bus service.

Response: The proposed advertising and illumination has been assessed as part of this report under the requirements of SEPP 64 Advertising and Signage. There is no issue with the form of level of illumination proposed under this application in this location.

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 28 April 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 subject to the maintenance of the existing bicycle path being maintained.

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)(iiia) – 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. Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i> . 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	(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.

Section 79C 'Matters for Consideration'	Comments
	(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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

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: *R3 Medium Density Residential*

Permissible or Prohibited: *Permissible with consent*

Additional Permitted uses 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:	11m	2.846m	Yes	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
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?	The following is an assessment of the proposals consistency with the Desired Future Character for the E7 Pacific Parade Locality: <u>Requirement 1</u> <i>The Pacific Parade locality will remain characterised by apartment style housing interspersed with a range of community uses and existing business uses.</i> <u>Comment:</u> The proposed shelter is public infrastructure located within the Pittwater Road, road reserve. The proposed shelter is considered to provide an appropriate element within the road corridor. <u>Requirement 2</u> <i>Future development in the locality will comprise mainly new apartment style housing and the upgrading of existing apartment style housing. In the event that the Woolworth's arcade is redeveloped for housing, a pedestrian link will be maintained between Oaks Avenue and Pacific Parade.</i> <u>Comment:</u> The proposed works are not located within a standard allotment and do not seek to provide any form of housing. Accordingly, this requirement does not directly relate to the proposed works. <u>Requirement 3</u> <i>The scale of future development will be consistent with the scale of existing development in the locality generally. New apartment style housing will address the street by locating car parking below ground and maximising the number of dwellings with entrances directly from Pacific Parade. Shared driveway accesses will be used where possible.</i> <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. The proposed shelter provides an upgrade to the existing situation which offers no seating or protection and is identified by the presence of a Bus J Pole.	YES

Matters for Consideration	Comment	Complies
	Its appearance is simple and its design incorporates a pitched aluminium roof form providing a more sensitive response to the residential developments in the 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. <u>Requirement 4</u> <i>Building layout and access are to be in accordance with Map E available from the office of the Council such that the spaces behind the building combine to form central courts with vehicle access limited to a restricted number of places generally in the location shown on Map E.</i> <u>Comment:</u> The proposed works are not located within the area described in this section of the locality statement.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	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.	YES
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?	The proposed bus shelter location is not within close proximity of any environmentally sensitive areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	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.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	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.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage location is not considered to impact on the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed location is adjoined by residential flat buildings 3 storeys and over. Accordingly, the scale and form of the shelter is appropriate within this streetscape setting.	YES

Matters for Consideration	Comment	Complies
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.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage, while introducing an additional advertising sign 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
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?	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
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?	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.
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?	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
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

Matters for Consideration	Comment	Complies
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.	YES

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 E7 Pacific Parade Locality under Warringah Local Environmental Plan 2000.

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

The Pacific Parade locality will remain characterised by apartment style housing interspersed with a range of community uses and existing business uses.

Future development in the locality will comprise mainly new apartment style housing and the upgrading of existing apartment style housing. In the event that the Woolworth's arcade is redeveloped for housing, a pedestrian link will be maintained between Oaks Avenue and Pacific Parade.

The scale of future development will be consistent with the scale of existing development in the locality generally. New apartment style housing will address the street by locating car parking below ground and maximising the number of dwellings with entrances directly from Pacific Parade. Shared driveway accesses will be used where possible.

Building layout and access are to be in accordance with Map E available from the office of the Council such that the spaces behind the building combine to form central courts with vehicle access limited to a restricted number of places generally in the location shown on Map E.

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 Pacific Parade locality will remain characterised by apartment style housing interspersed with a range of community uses and existing business uses.

Comment:

The proposed shelter is located within the road reserve on the northern side of Pacific Parade. The proposed shelter provides an upgrade to the existing environment which provides no facilities for shelter. Its 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 northern 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 2

Future development in the locality will comprise mainly new apartment style housing and the upgrading of existing apartment style housing. In the event that the Woolworth's arcade is redeveloped for housing, a pedestrian link will be maintained between Oaks Avenue and Pacific Parade.

Comment:

The proposed shelter is not located in the area described by this requirement and does not seek to provide a form of housing. Accordingly, this requirement is not relevant to the subject application.

Requirement 3

The scale of future development will be consistent with the scale of existing development in the locality generally. New apartment style housing will address the street by locating car parking below ground and maximising the number of dwellings with entrances directly from Pacific Parade. Shared driveway accesses will be used where possible.

Comment:

The proposed shelter provides an overall height of 2.846 metres which is considered an appropriate height transitioning between the nearby residential scales and the road reserve.

Requirement 4

Building layout and access are to be in accordance with Map E available from the office of the Council such that the spaces behind the building combine to form central courts with vehicle access limited to a restricted number of places generally in the location shown on Map E.

Comment:

The proposed shelter is not located in the area described by this requirement.



Built Form Controls (Development Standards) E7 Pacific Parade

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

Built Form Standard	Required	Compliance Comment	Compliance
Building Height	Maximum 3 storeys or 13 metres	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
Minimum floor to ceiling height	Minimum 2.7 metres	The proposal is not within a standard allotment seeking to provide any form of habitable area. Accordingly, this built form control is not relevant to this particular form of development.	N/A
Front Building Setback	Minimum setback 4m	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 5m projecting at 45 degrees. Setback 4.5m	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.	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
CL41 Brothels	NO	No comment	NA

General Principles	Applies	Comments	Complies
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 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 been identified as flood affected lands according to Council's records and databases. The site is affected by the 1 in 100 year Flood event for Manly Lagoon and the Probable Maximum Flood Event. The proposed structure does not reduce flood storage for this area and is constructed from flood compatible building materials and is acceptable in terms of Clause 47.	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	YES	The proposed site is identified as Class 5 for Acid Sulphate Soils. As the proposed works will not result in the water table on the adjacent Class 4 land being lowered below 1 metre AHD, no further acid sulphate soils assessment is required.	YES
CL50 Safety & Security	YES	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. CPTED employs four key strategies: 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).	YES

General Principles	Applies	Comments	Complies
		<u>Response:</u> The proposed bus shelter provides for a natural form of access control with the use of paving and tactile markers to delineate and guide pedestrian movement around the shelter. 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. <u>Response:</u> The proposed bus shelter is a facility for a broad range of users. The intended use of this bus shelter is implicit. It retains the distinction between any private space and the public space it is located in. 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. <u>Response:</u> The proposed bus shelter is in full sight of approaching traffic. 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. 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. <u>Response:</u> The ongoing maintenance of the shelter is subject to a contract between Adshel and Warringah Council. (Ref.CPTED Review for Warringah Council by Garner Clancey and Dr Murray Lee, Sydney Institute of Criminology and NSW Police)	
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	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. The form and size of the signage panel is satisfactory in this context and will not result in visual clutter. The signs will not endanger the public. The level of illumination will not result in excessive glare or reflection and will not result in a traffic hazard.	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 shelter is 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 shelter 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 structure has 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.	YES
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 structure 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	Point 5 in this schedule states the following: <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> Accordingly, the proposed signage element being located on the bus shelter is not a prohibited sign and is acceptable.
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Schedule 8 - Site analysis

Site Analysis	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.
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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 proposal 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 Environment 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 DA2011/0394 for construction of a bus shelter with signage on the road reserve on the northern side of Pacific Parade, east of Sturdee Parade, outside No. 50 Pacific Parade, (bus stop No. 209976) 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 E	14/03/2011	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.

The development is to be undertaken generally in accordance with the following:

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 Ausgrid Referral	12 April 2011
Roads & Traffic Authority	DA2011/0394	19 April 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) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (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'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (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. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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)

12. Footpath Construction

The footpath is to be extended at the western end of the shelter to provide a minimum width of 1.2m.

Reason: To ensure pedestrian safety

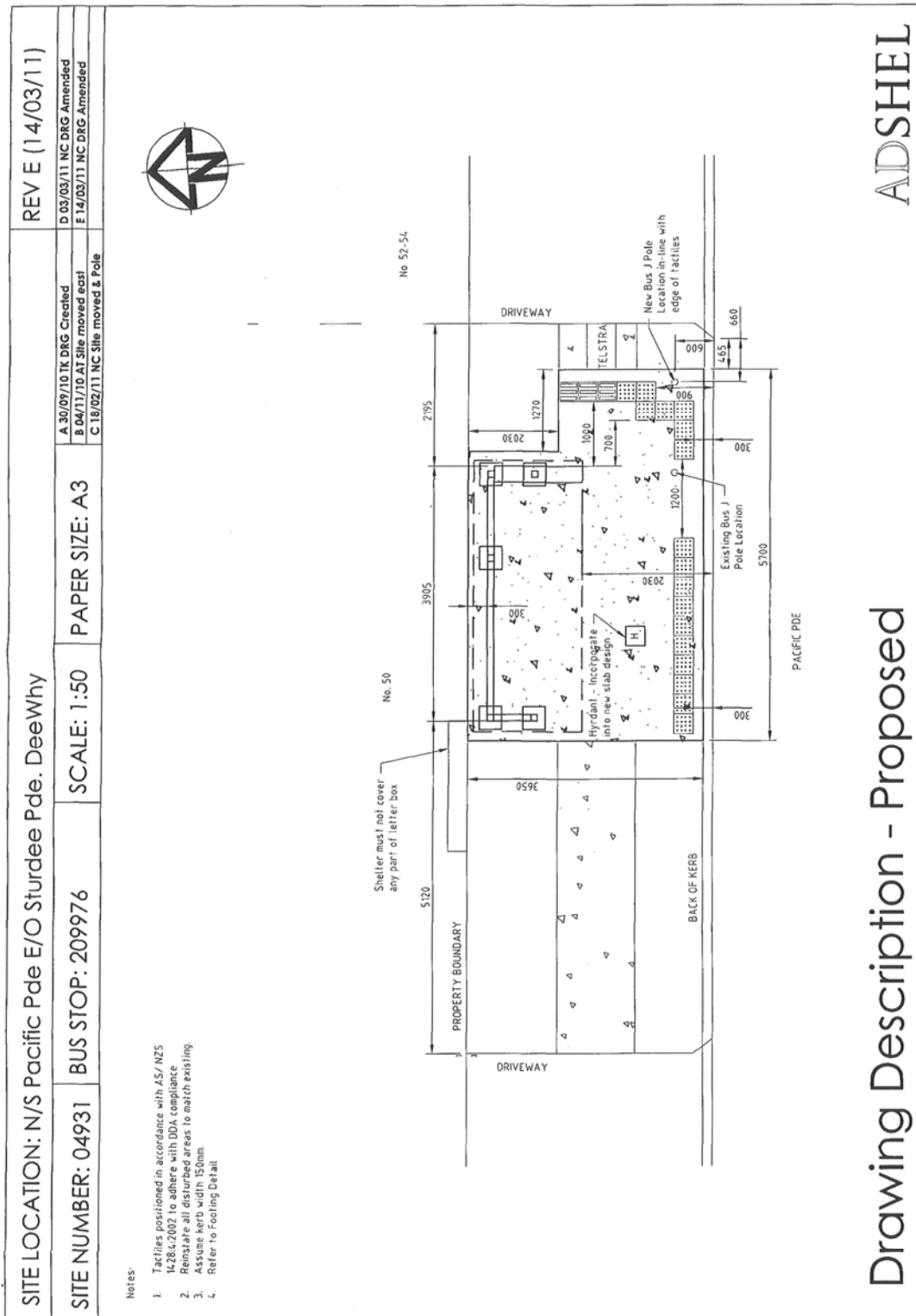
ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

13. 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)

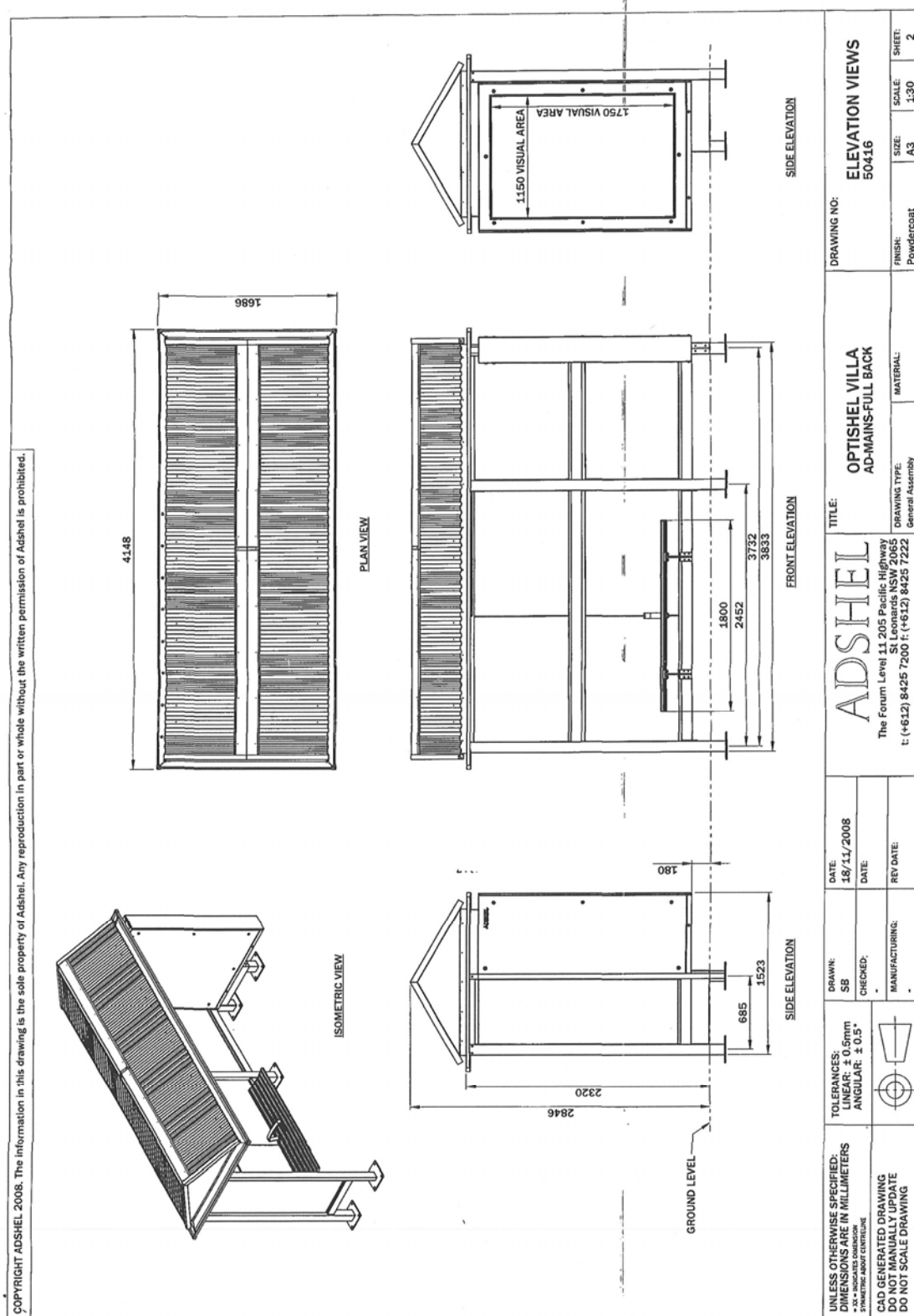
Site Plan and Drawings



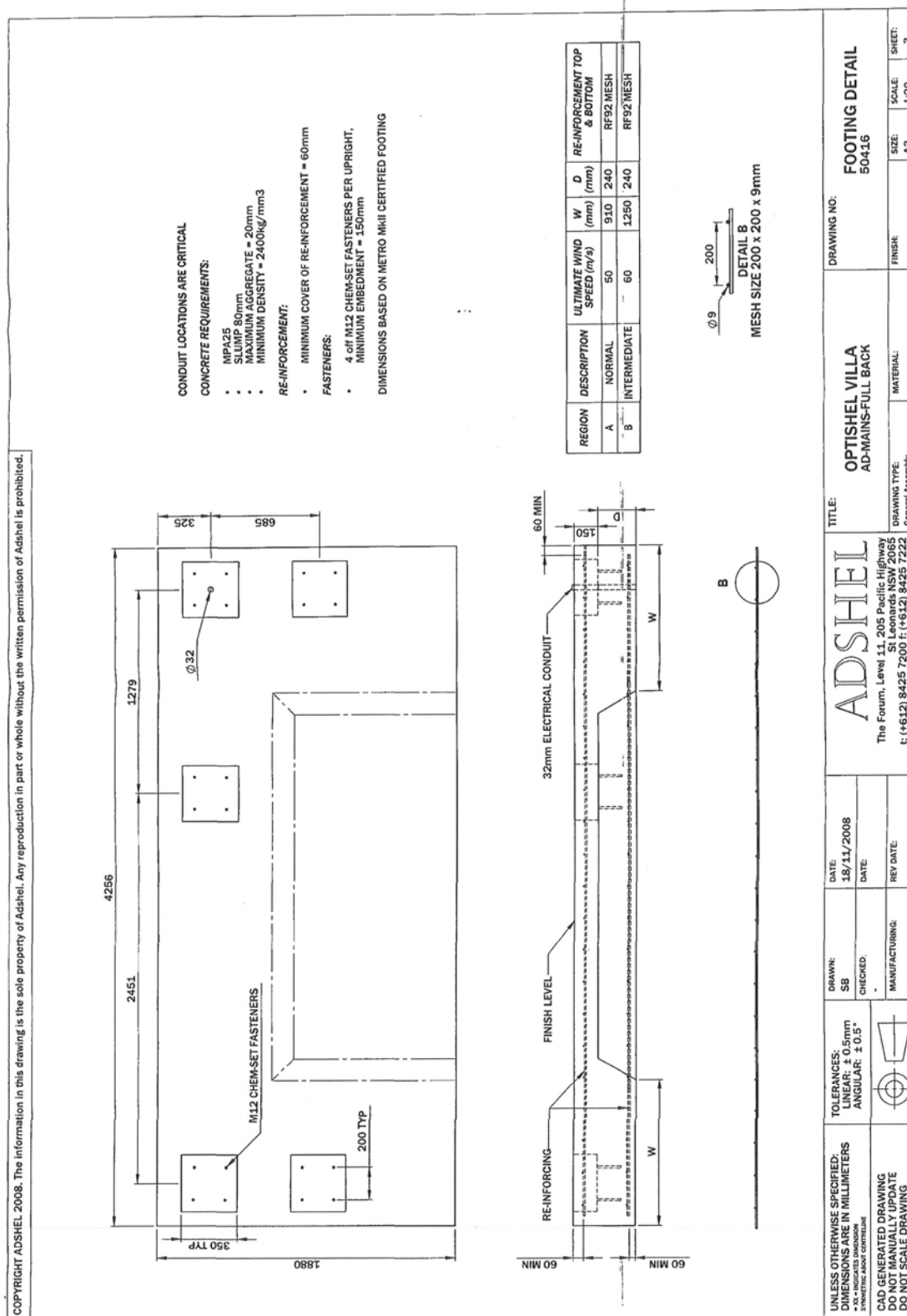
ADSHL

Drawing Description - Proposed

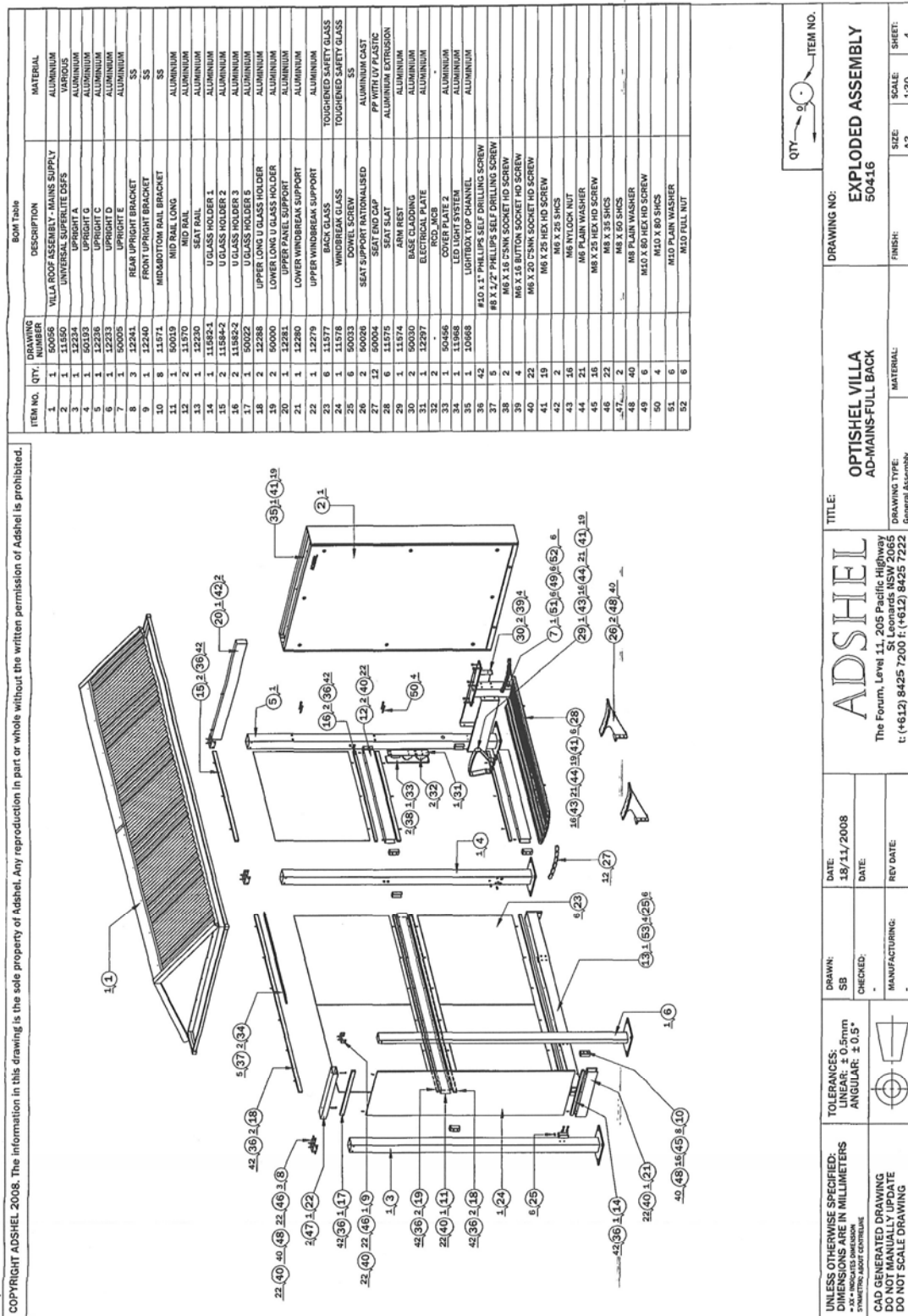
Site Plan and Drawings



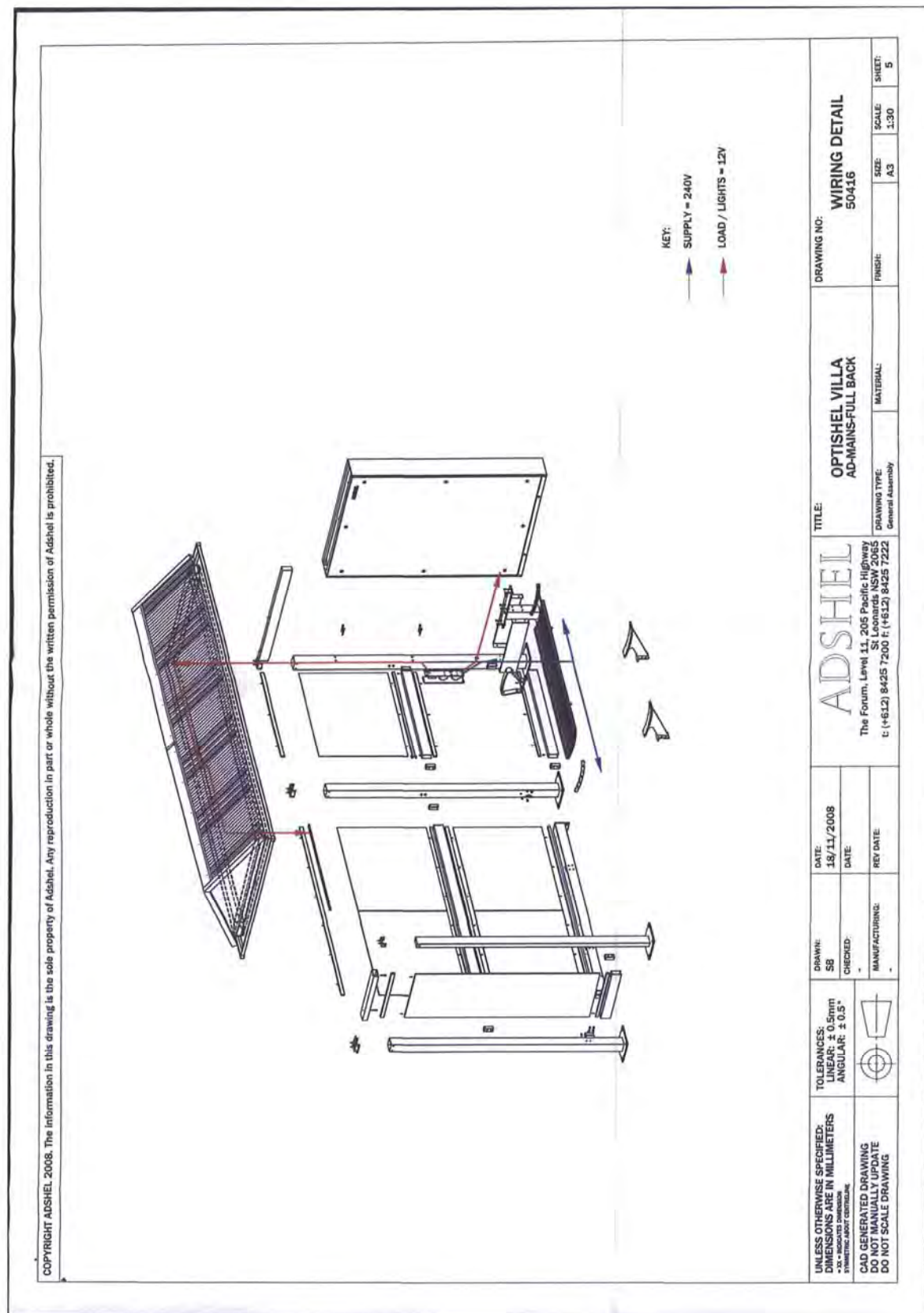
Site Plan and Drawings



Site Plan and Drawings



Site Plan and Drawings



NOTICE OF DETERMINATION

Application Number: DA2011/0394

APPLICATION DETAILS

Applicant Name and Address: Adshel Street Furniture Pty Ltd
16 Pike St
RYDALMERE NSW 2116

Land to be developed (Address): On road reserve in front of 50 Pacific Parade Dee Why - Bus stop number 209976

Proposed Development: Construction of Bus Shelter with signage

DETERMINATION - APPROVED

Made on (Date): 12 July 2011

Consent to operate from (Date): 20 July 2011

Consent to lapse on (Date): 20 July 2016

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

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 E	14/03/2011	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.

The development is to be undertaken generally in accordance with the following:

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 Ausgrid Referral	12 April 2011
Roads & Traffic Authority	DA2011/0394	19 April 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.



Warringah Council

- (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.



Warringah Council

- (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) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (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'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (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



Warringah Council

****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. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)



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)

12. Footpath Construction

The footpath is to be extended at the western end of the shelter to provide a minimum width of 1.2m.

Reason: To ensure pedestrian safety

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

13. 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)

Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

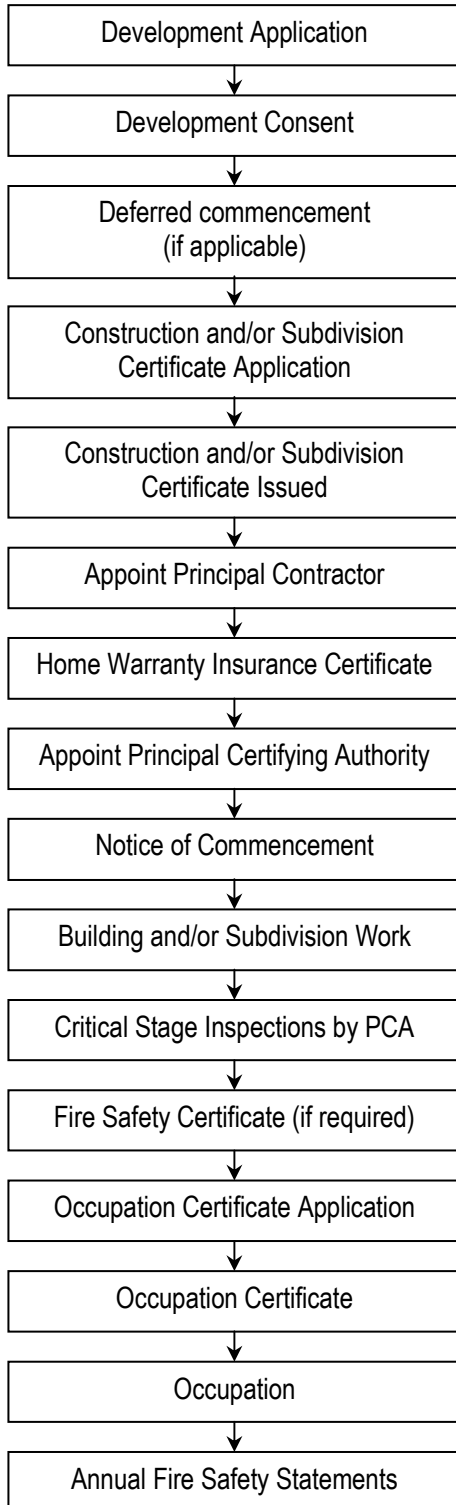
Signed on behalf of the consent authority

Signature _____
Name Phil Lane
Acting Team Leader, Development Assessments
Date 20 July 2011

Notice of Determination

Advisory Notes (General)

Where are you in the development process?



You are here

Check consent conditions to see if you are affected by a deferred commencement condition. If applicable satisfy all requirements and submit to Council (allow 4 weeks (min.) for review).

Check the consent conditions to see if you need a construction certificate. Pay any applicable bonds / fees / s94A Development Contributions / Long Service Levy.

Make sure that you satisfy all conditions required to be satisfied prior to the issue of the Certificate

Sign a contract with a licensed builder and make sure that the builder has proper insurance in place.

Obtain a copy of the builder's home warranty insurance for your development. (if residential work) This must be given to the PCA

Sign a PCA service agreement with Council or an Accredited Certifier to conduct building inspections.

Complete the Notice of Commencement form and lodge with Council before work commences. A Failure to comply may result in Fines and Legal Action being taken by Council.

Comply with all Consent Conditions. A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you give required notice to your PCA to allow for required building inspections to be done.

Complete a Fire Safety Certificate and attach certificates for all essential fire safety measures to it.

Make Application for the Occupation Certificate and attach to it the Fire Safety Certificate.

Do not occupy any new part of the building without at least an Interim Occupation Certificate - A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you comply with development consent conditions relating to ongoing use.

The building owner(s) must make sure that they maintain essential fire safety measures and certify them annually to Council. A Failure to comply may result in Fines and Legal Action being taken by Council.

Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team..



Warringah Council

General Advice

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to comply is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Certification Services

Construction Certificates / Occupation Certificate / Subdivision Certificates / Strata Certificate, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site www.warringah.nsw.gov.au or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

Charges Associated with the Development Consent

All bonds, fees, (s94A) Development Contributions, Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

Acceptable Form of Security Bonds

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

Modifications to the consent

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications *will* require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being carried out.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Other Matters not detailed within the Notice of Determination

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- ☐ *Workcover NSW* for work safety and asbestos requirements
- ☐ *Sydney Water – Quick Check Agent* for the provision of water and sewer services
- ☐ *Energy & Gas suppliers* for utility services
- ☐ *Department of Fair Trading* for advice about builders and licensing
- ☐ *Building Professionals Board* for advice about private certifiers
- ☐ *NSW Roads and Traffic Authority* for works on state roads only
- ☐ *Human Rights and Equal Opportunity Commission* for access issues
- ☐ *NSW Land and Property Information Service* for Land Title matters

Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.



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- ☐ **Australia Post** for the positioning and dimensions of mail boxes in new commercial and residential developments;

Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Waste collection

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the *Protection of the Environment Operations Act 1997*. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Aboriginal Heritage

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

On-Site Sewage Management System

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

Cost of Works

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Tree preservation

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Warringah Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

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(5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

- ☐ *Permit for on-street mobile plant*
Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- ☐ *Hoarding Permit*
Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.
- ☐ *Storage of building materials and building waste containers (skips) on Council's property*
Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.
- ☐ *Kerbside restrictions, work zones*
Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

Pool Access

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

It is your responsibility as a land owner to ensure any fencing is maintained.

Dewatering

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

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Requirement to Notify about New Contamination Evidence

Any new information revealed during works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to Council and the Principal Certifying Authority.

Flood Evacuation Plan

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

Utility Service Requirements

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act).

Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

OTHER MATTERS

Child Care Centres

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

Disability Access

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

Food Premises

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Wheel washing facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

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Monitoring State of Roadways

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Storage of Dangerous Goods

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

Storage of Flammable and Combustible Liquids

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

Noise and Vibration

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Hairdressing/Beauty Treatment/ Skin penetration Requirements

The premises must comply with the following requirements before the commencement of business:

- i. A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii. The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii. The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv. The floor coverings must be smooth and impervious.
- v. All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi. Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii. The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii. The premises must be provided with a sink sullied with hot and cold water for washing equipment.

Food Premises Construction Requirements

The food premises must comply with the following specific construction requirements:

- i. Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);
- ii. Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- iii. Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- iv. Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- v. The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- vi. The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- vii. The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- viii. The rear external door must be self closing or be provided with a fly screen that is self closing;
- ix. Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

Legionella Control

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

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Warringah Council

Principal Certifying Authority (PCA) Form

Notice of Commencement of Building or Subdivision Works and appointment of Principal Certifying Authority. Made under the Environmental Planning and Assessment Act 1979 (Sections 109E to 109Q)

Address the application to:

- ☐ The General Manager
Warringah Council
Civic Centre, 725 Pittwater Rd
Dee Why NSW 2099

Or

- ☐ Customer Service Centre
Warringah Council
DX 9118 Dee Why

If you need help lodging your application:

- ☐ Phone our Customer Service Centre on (02) 9942 2111

Or

- ☐ Come in and talk to us

Office Use Only

P C A 2 0 1 1 / 0 7 4 9

D A 2 0 1 1 / 0 3 9 4

June 09

PLEASE NOTE

This form can be used to notify Warringah Council that:

- ☐ You have appointed a Principal Certifying Authority (PCA)
- ☐ You intend to commence building or subdivision work
- ☐ Accredited persons can use any form provided it includes information required by the Environmental Planning and Assessment Act and Regulations.
- ☐ All sections must be completed (N/A if not applicable)

NOTE: Works cannot start until a form is received by Warringah Council.

Privacy and Personal Information Protection Notice

The information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 if you are going to erect a building or carry out subdivision work. The information will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this form. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected. If you do not provide the information to Council, you cannot begin the work.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Freedom of Information Act 1989 (NSW), s.12 of the Local Government Act 1993 (NSW), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on DAs Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager; see s.739 of the Local Government Act 1993 (NSW).

Part 1 Application and Site Details

1.1 Land to be developed

We need this to correctly identify the land.

Unit no.

House no.

Street

Pacific Pde E/O
Sturdee Rd N/S

Suburb

Dee Why

Lot no, DP etc.
Area of site (m²)

These details are shown on your rate notices, property deeds, etc

1.2 Work proposed

Please tick appropriate box.
Please provide a brief description of the work to be carried out

Type

Building ☒

Subdivision ☐

Installation of bus shelters as per
council agreement with Adshel

Part 2 Development Details

2.1 Development approvals granted

Provide specific application/approval numbers relevant to the subject development

Development application number

2011/0394

Date consent was granted

And

Construction certificate no.

Date certificate was issued

Or

Complying development certificate number.

Date certificate was issued

2.2 Appointment of PCA

Please tick the appropriate box

I have met all the conditions in the development consent or the complying development certificate required to be satisfied before I can begin work. ☐

I have appointed a Principal Certifying Authority. ☐

Name of PCA

WARRINGAH COUNCIL - PCA

Where other than Council

Address of PCA

Phone (not mobile) of PCA

()

Mobile of PCA

Facsimile of PCA

()

Where the PCA is an accredited certifier

Accreditation body of the certifier

Accreditation no. of the certifier

Part 2 Development Details cont.

2.3 Residential building work

Please tick the appropriate box.

Please Note:

Where an owner/builder engages any sub-contractor for any work component exceeding \$12,000 in cost, a contract of insurance pursuant to Part 6 of the Home Building Act 1989 must be in force for each component.

Are you going to build a house or other dwelling or alter or add to a dwelling?

Yes ☐

No ☒ (Go to Part 2.4 Commencement date)

Are you an owner-builder? (The work must be carried out by a licensed builder)

Yes ☐

No ☒

If yes – What is your owner-builder permit no?
(A certified copy must be attached)
(go to Part 2.4 Commencement date)

If no, what is the name of the builder?

What is his/her phone no?

What is his/her contractor licence no?

Have you attached evidence (a certificate of a contract of insurance pursuant to Part 6 of the Home Building Act) that the licensed builder is insured to carry out this type of work?

Yes ☐

No ☐

(If no, you must attach a declaration (signed by each owner of the land) that the reasonable market cost of the labour and materials to be used is less than \$12,000).

2.4 Commencement date

Date the work will commence 25.7.11

Minimum notice of two full working days (48 hours) is required under the Environmental Planning and Assessment Act, 1979. Note: This notice period is to begin from the next working day and is not to include the day on which the form is submitted to Warringah Council.

Part 3 Checklist

Checklist

Please tick the appropriate box.

Have you met all relevant conditions?

Yes ☒

No ☐

Have you paid all relevant fees associated with your consent?

Yes ☒

No ☐

This includes long service levy, inspections, S94 contributions and bonds (if applicable)

One of the following must be attached

Current copy of owner builder permit?

Yes ☐

No ☒

Builders insurance for residential works > \$12,000?

Yes ☐

No ☒

Quote from builders for costs of works < \$12,000?

Yes ☐

No ☒



K4 – Howard Ave W/O The Strand S/S





NOTICE OF DETERMINATION

Application Number: DA2011/0637

APPLICATION DETAILS

Applicant Name and Address: Adshel Street Furniture Pty Ltd
Level 9 - 205 Pacific Highway
St Leonards NSW 2065

Land to be developed (Address): Road reserve in front of No. 97-101 Howard Avenue,
Dee Why - Bus stop number 2099044

Proposed Development: Construction of Bus Shelter with signage

DETERMINATION - APPROVED

Made on (Date): 10 October 2011

Consent to operate from (Date): 11 October 2011

Consent to lapse on (Date): 11 October 2016

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

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	02/05/2011	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	19 May 2011
Roads & Traffic Authority	RTA Response	7 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.



Warringah Council

- (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



Warringah Council

****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)

Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed _____ on behalf of the consent authority

Signature _____
Name Phil Lane, Acting Team Leader, Development Assessments

Date 11 October 2011

Notice of Determination

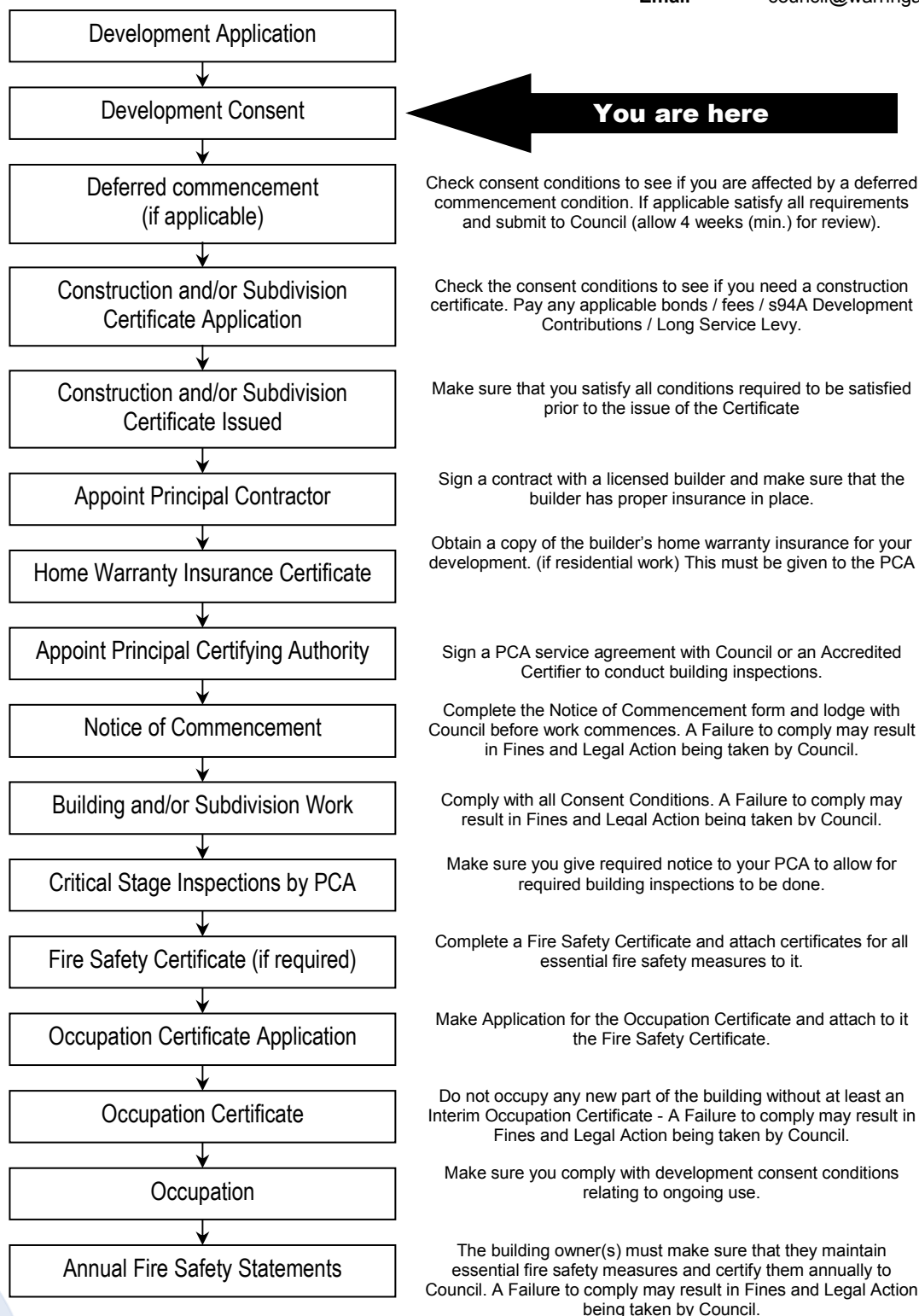
Advisory Notes (General)

Telephone
Facsimile

Website
Email

www.warringah.nsw.gov.au
council@warringah.nsw.gov.au

Where are you in the development process?



Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team..



Warringah Council

General Advice

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to comply is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Certification Services

Construction Certificates / Occupation Certificate / Subdivision Certificates / Strata Certificate, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site www.warringah.nsw.gov.au or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

Charges Associated with the Development Consent

All bonds, fees, (s94A) Development Contributions, Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

Acceptable Form of Security Bonds

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

Modifications to the consent

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications *will* require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being carried out.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Other Matters not detailed within the Notice of Determination

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- ☐ *Workcover NSW* for work safety and asbestos requirements
- ☐ *Sydney Water – Quick Check Agent* for the provision of water and sewer services
- ☐ *Energy & Gas suppliers* for utility services
- ☐ *Department of Fair Trading* for advice about builders and licensing
- ☐ *Building Professionals Board* for advice about private certifiers
- ☐ *NSW Roads and Traffic Authority* for works on state roads only
- ☐ *Human Rights and Equal Opportunity Commission* for access issues
- ☐ *NSW Land and Property Information Service* for Land Title matters

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Warringah Council

- ☐ **Australia Post** for the positioning and dimensions of mail boxes in new commercial and residential developments;

Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Waste collection

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the *Protection of the Environment Operations Act 1997*. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Aboriginal Heritage

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

On-Site Sewage Management System

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

Cost of Works

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Tree preservation

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Warringah Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

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Warringah Council

(5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

- ☐ *Permit for on-street mobile plant*
Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- ☐ *Hoarding Permit*
Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.
- ☐ *Storage of building materials and building waste containers (skips) on Council's property*
Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.
- ☐ *Kerbside restrictions, work zones*
Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

Pool Access

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

It is your responsibility as a land owner to ensure any fencing is maintained.

Dewatering

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

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Warringham Council

Requirement to Notify about New Contamination Evidence

Any new information revealed during works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to Council and the Principal Certifying Authority.

Flood Evacuation Plan

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

Utility Service Requirements

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act).

Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

OTHER MATTERS

Child Care Centres

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

Disability Access

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

Food Premises

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Wheel washing facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

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Warringah Council

Monitoring State of Roadways

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Storage of Dangerous Goods

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

Storage of Flammable and Combustible Liquids

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

Noise and Vibration

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Hairdressing/Beauty Treatment/ Skin penetration Requirements

The premises must comply with the following requirements before the commencement of business:

- i. A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii. The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii. The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv. The floor coverings must be smooth and impervious.
- v. All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi. Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii. The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii. The premises must be provided with a sink sullied with hot and cold water for washing equipment.

Food Premises Construction Requirements

The food premises must comply with the following specific construction requirements:

- i. Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);
- ii. Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- iii. Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- iv. Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- v. The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- vi. The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- vii. The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- viii. The rear external door must be self closing or be provided with a fly screen that is self closing;
- ix. Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

Legionella Control

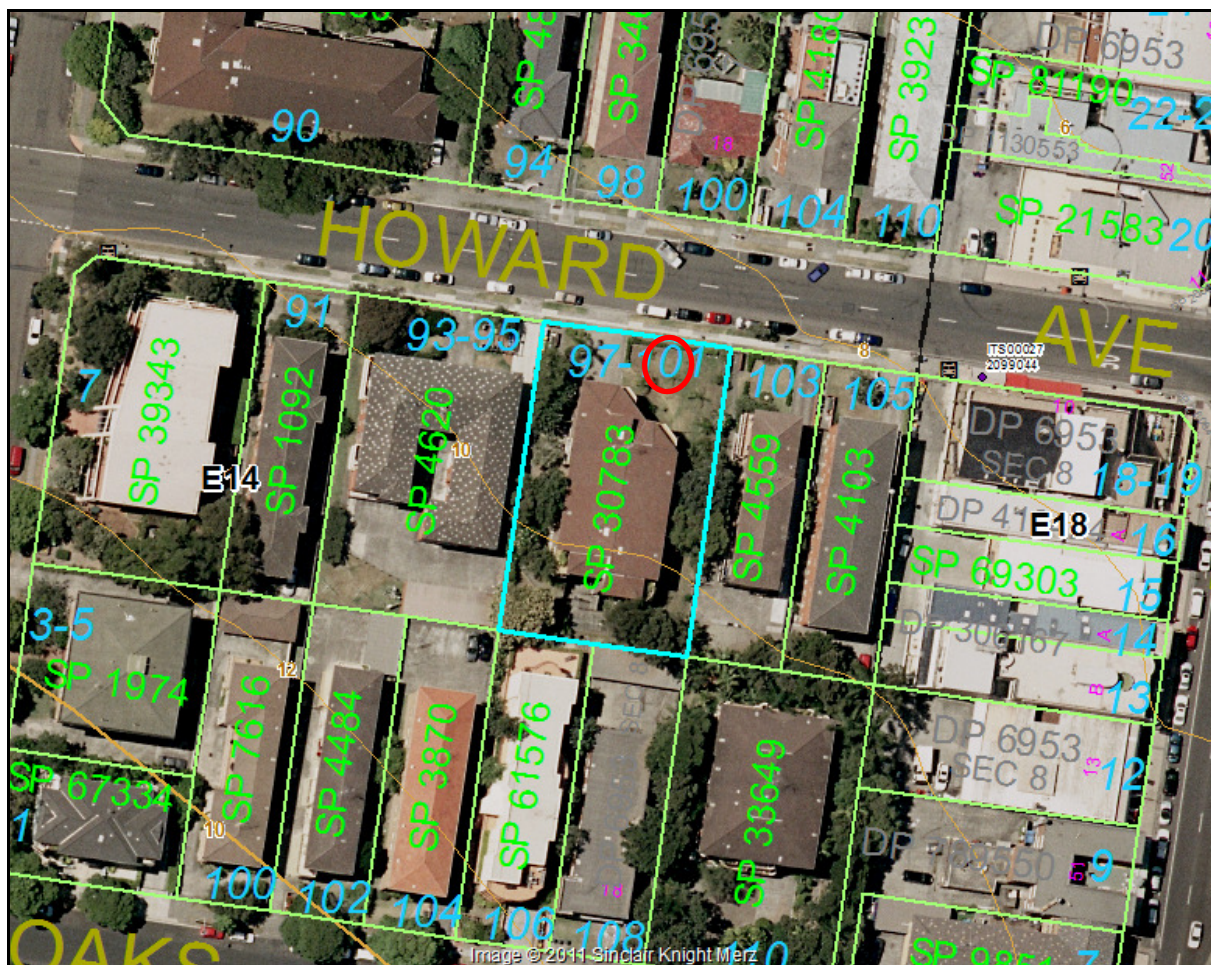
Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

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3.2**97-101 Howard Avenue, Dee Why – Construction of Bus Shelter
with Signage on Road Reserve - Bus Stop Number 2099044****DEVELOPMENT ASSESSMENT REPORT**

Assessment Officer:	Renee Ezzy
Address / Property Description:	Construction of Bus Shelter with signage on road reserve in front of 97-101 Howard Avenue, Dee Why - Bus stop number 2099044
Development Application No:	DA2011/0637
Application Lodged:	17/05/2011
Plans Reference:	Site Location – Rev B (02/05/11) 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:	E14 Dee Why Basin
Category:	Category 2 (cl17 (4) WLEP 2000)
Draft WLEP 2009 Permissible or Prohibited Land use:	(R3 Medium Density) “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:	Nil
Submission Issues:	Nil
Assessment Issues:	Nil
Recommendation:	Approval, subject to conditions
Attachments:	Plans

LOCALITY PLAN (not to scale)



Subject Site:

The proposed site is on the southern side of Howard Avenue, within the road reserve outside No.97-101 Howard Avenue, Dee Why. - Bus stop number 2099044.

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 123 adjoining land owners and occupiers for a period of 14 calendar days commencing on 24 May 2011 and being finalised on 8 June 2011.

SITE DESCRIPTION

The site is on the nature strip on the southern side of Howard Avenue outside the property at No.97-101 Howard Avenue, Dee Why. The site does not currently provide for a bus stop.

SITE HISTORY

The application was lodged with Council on 17 May 2011.



PROPOSED DEVELOPMENT

The application proposes to provide a new bus zone with seat and shelter measuring 2.846 metres high, 4.148 metres long and 1.686 metres wide. The structure will be constructed of light green aluminium with a 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 western 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) S94A 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 123 adjoining land owners and occupiers for a period of 14 calendar days commencing on 24 May 2001 and being finalised on 8 June 2011.

As a result of the public exhibition process, no submissions were received.

MEDIATION

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

REFERRALS

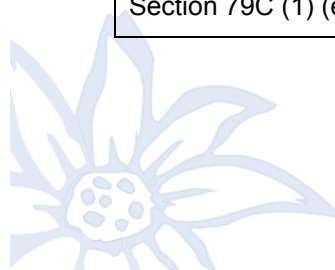
Referral Body - Internal	Comments	Consent Recommended
Development Engineer	Subject to the imposition of specific conditions of consent, Council's Development Engineer raises no objections.	Yes
Traffic Engineer	Council's Traffic Engineer raised no objections to this development. The parking restrictions were considered at the February Local Traffic Committee Meeting and have been subject to a public consultation.	Yes

Referral Body - External	Comments	Consent Recommended
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.	Yes
State Transit	The application was referred to the State Transit Authority on 19 May 2011. No response was received at the time of writing this report.	N/A
Roads and Traffic Authority	The application was referred to the Roads and Traffic Authority who raised no objection to the proposed works.	Yes
Forest Coachlines	The application was referred to Forest Coachlines. No response was received at the time of writing this report.	N/A

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"	
Section 79C (1) (a) (i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	Yes
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	Yes
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	Yes
Section 79C (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	Yes
Section 79C (1) (a) (iv) - Have you considered all relevant provisions of any Regulations?	Yes
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	Yes
Section 79C (1) (c) – Is the site suitable for the development?	Yes
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	Yes
Section 79C (1) (e) – Is the proposal in the public interest?	Yes



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

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.

No objections were raised in relation to the proposed works.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: *Community Facility*

Land Use Zone: R3 Medium Density Residential

Permissible or Prohibited: *Permissible with consent*

Additional Permitted uses 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:	8.5m	2.846m	Yes	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
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?	The following is an assessment of the proposals consistency with the Desired Future Character for the E14 Dee Why Basin Locality:	YES

Matters for Consideration	Comment	Complies
	<u>Requirement 1</u> <i>The Dee Why Basin locality will remain characterised by apartment style housing and detached style housing in landscaped settings and uses which are complementary and compatible with housing in the locality.</i> <u>Comment:</u> The proposed shelter is public infrastructure located within the Howard Avenue road reserve. The proposed shelter is considered to provide an appropriate element within the road corridor and is a complementary and compatible use in this location. <u>Requirement 2</u> <i>Future apartment style housing will address public streets and spaces, create visual interest and enable the establishment of substantial landscaping in the spaces between buildings.</i> <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. The works do not consist of apartment style housing but form a complementary public facility within the road reserve. <u>Requirement 3</u> <i>The upgrading of existing older apartment buildings will be encouraged to give them a more contemporary and attractive appearance.</i> <u>Comment:</u> The proposed works do not seek to upgrade any existing apartment buildings. Accordingly, this requirement is not relevant to this application.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	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.	YES
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?	The proposed bus shelter location is not within close proximity of any environmentally sensitive areas, heritage items, waterways or rural landscapes. Further, the proposed signage will not detract from the visual quality or amenity of these areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	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.	YES

Matters for Consideration	Comment	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?	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.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage location is not considered to impact on the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed location is adjoined by a council verge outside the landscaped front setback and boundary fence of No.97-101 Howard Avenue. 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.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage, while introducing an additional advertising sign 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
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?	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
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?	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.

Matters for Consideration	Comment	Complies
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?	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
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 eastern sides offering visibility behind and around the shelter.	YES

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 E14 Dee Why Basin Locality under Warringah Local Environmental Plan 2000.

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

The Dee Why Basin locality will remain characterised by apartment style housing and detached style housing in landscaped settings and uses which are complementary and compatible with housing in the locality.

Future apartment style housing will address public streets and spaces, create visual interest and enable the establishment of substantial landscaping in the spaces between buildings.

The upgrading of existing older apartment buildings will be encouraged to give them a more contemporary and attractive appearance.

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 Dee Why Basin locality will remain characterised by apartment style housing and detached style housing in landscaped settings and uses which are complementary and compatible with housing in the locality.

Comment:

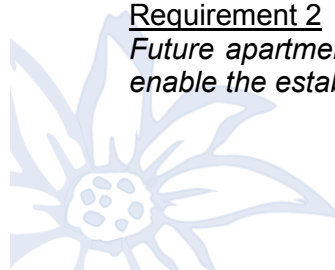
The proposed shelter is public infrastructure located within the Howard Avenue, road reserve. The proposed shelter is considered to provide a complementary and compatible element within the road corridor.

The proposed works incorporate a simple appearance 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 western 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.

Requirement 2

Future apartment style housing will address public streets and spaces, create visual interest and enable the establishment of substantial landscaping in the spaces between buildings.



Comment:

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

Requirement 3

The upgrading of existing older apartment buildings will be encouraged to give them a more contemporary and attractive appearance.

Comment:

The proposed works do not seek to upgrade any existing apartment buildings but includes new works within the road reserve. Accordingly, this requirement is not applicable to the proposed works.

Built Form Controls (Development Standards) E14 Dee Why Basin

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

Built Form Standard	Required	Compliance Comment	Compliance
Housing Density	The maximum housing density within the locality will be determined by the way the design responds to the general principles of the development control, the desired future character of the locality and other built form controls.	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	3 storeys nor 11 metres	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 5m 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

Built Form Standard	Required	Compliance Comment	Compliance
Landscaped Open Space	50% 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
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 are 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 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	No comment	NA

General Principles	Applies	Comments	Complies
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	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. CPTED employs four key strategies: 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). <u>Response:</u> The proposed bus shelter provides for a natural form of access control with the use of paving and tactile markers to delineate and guide pedestrian movement around the shelter. 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. <u>Response:</u> The proposed bus shelter is a facility for a broad range of users. The intended use of this bus shelter is implicit. It retains the distinction between any private space and the public space it is located in. 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. <u>Response:</u> The proposed bus shelter is in full sight of approaching traffic. 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. 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. <u>Response:</u> The ongoing maintenance of the shelter is subject to a contract between Adshel and Warringah Council. <i>(Ref.CPTED Review for Warringah Council by Garner Clancey and Dr Murray Lee, Sydney Institute of Criminology and NSW Police)</i>	YES

General Principles	Applies	Comments	Complies
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	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. The form and size of the signage panel is satisfactory in this context and will not result in visual clutter. The signs will not endanger the public. The level of illumination will not result in excessive glare or reflection and will not result in a traffic hazard.	YES
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

General Principles	Applies	Comments	Complies
CL66 Building bulk	YES	The proposed bus shelter is 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 shelter 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 structure has 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
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.	YES
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 structure 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	Point 5 in this schedule states the following: <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> Accordingly, the proposed signage element being located on the bus shelter is not a prohibited sign and is acceptable.
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Schedule 8 - Site analysis

Site Analysis	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.
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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 within the road reserve in front of No. 97-101 Howard Avenue, Dee Why 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 Environment 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 DA2011/0637 for construction of a bus shelter with signage on the road reserve in front of No. 97-101 Howard Avenue, Dee Why, (bus stop No. 2099044) 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	02/05/2011	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	19 May 2011
Roads & Traffic Authority	RTA Response	7 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 LOCATION: Howard Ave W/O The Strand S/S

SITE NUMBER: 05714	BUS STOP No: 2097019	SCALE: 1:50	PAPER SIZE: A3	A 08/04/11 NC DRG Created B 02/05/11 NC DRG Amended	REV B (02/05/11)
Notes: - Tactiles positioned in accordance with AS/NZS 4284:2002 to adhere with DDA compliance - Reinstat all disturbed areas to match existing. - Assume kerb width 150mm. - Refer To Footing Detail					

PROPERTY NO. 103

PROPERTY NO. 97-101

DRIVEWAY OF NO. 97-101

BACK OF KERB

NEW BUS J-POLE INSTALLED BY COUNCIL'S CONTRACTOR

HOWARD AVE

NOTE: Bus Shelter will be installed within the proposed bus zone.

Drawing Description - Proposed

NOTE: Bus Shelter will be installed within the proposed bus zone.

Drawing Description - Proposed

AD SHEET



**Warringah
Council**

Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website
Email

www.warringah.nsw.gov.au
council@warringah.nsw.gov.au

18th October 2011

13010121111121022200223133110301301
13

Adshel Street Furniture Pty Ltd
Level 9 - 205 Pacific Highway
St Leonards NSW 2065

Dear Sir / Madam,

RE: Construction Certificate Application No. CC2011/0669– For construction of a Bus Shelter with signage on road reserve in front of No.97 -101 Howard Rd DEE WHY - Bus stop number 2097019

Your application for a Construction Certificate has been determined. Please find attached your Construction Certificate, approved plans and details.

ONCE YOU HAVE OBTAINED YOUR CONSTRUCTION CERTIFICATE, THE FOLLOWING STEPS APPLY:

Before any construction commences, a Principal Certifying Authority (PCA) **must** be nominated at least two days in advance.

This can be either Council or an Accredited Certifier. Nominations should be made on the attached PCA Form, which should be lodged after your Construction Certificate has been approved. The PCA is responsible for inspecting the critical stages of construction, advising Council of the results of the inspections, compliance checking, and certifying that the work has been completed in accordance with the approved plans, specifications and conditions of consent.

Failure to nominate a PCA prior to work commencing, will result in fines being issued in accordance with the Environmental Planning & Assessment Act, 1979.

If Council is nominated as the PCA, then the following fees are required to be paid (prior to commencement) or at lodgement of the Nomination of PCA form.

If you decide to nominate the Council as your PCA, the following inspections and fees may apply and will be required to be paid at the time of lodging the PCA Form:

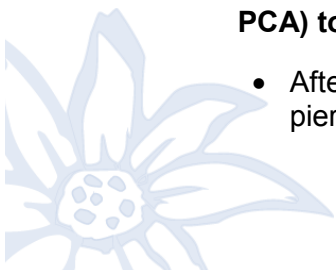
The Principal Certifying Authority (PCA) SHALL BE given a minimum of 2 days notice for mandatory inspection of the following;

CRITICAL STAGE INSPECTIONS - MANDATORY

For class 1 & 10 buildings, you must contact Council (if the Council is nominated PCA) to inspect:

- After excavation for, and prior to the placement of any concrete piers & footings

PAID



- After the building work has been completed and prior to any occupation certificate being issued in relation to the building PAID

The following additional inspections are also required where Council is the Principal Certifying Authority-

- Occupation Certificate Application \$Nil

The above are the mandatory inspections that may apply if Council is nominated as the PCA. The fees are quoted on the basis of the level of information submitted with your application.

Council provides a quality level of service in its building certification services and would be delighted if you chose to use council as your PCA for this work. The benefits of dealing with council include;

A local organization that is able to undertake inspections with minimal notice, expert staff, and your records are maintained and we act in the best interests of the community.

Should you require any further information on this matter, please contact the undersigned weekdays on telephone number 9942 2111, or via council@warringah.nsw.gov.au.

Yours faithfully

Philip Hoffman
Senior Specialist Building Surveyor
BPB Accreditation No. 1249



**Warringah
Council**

Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website
Email

www.warringah.nsw.gov.au
council@warringah.nsw.gov.au

18th October 2011

Adshel Street Furniture Pty Ltd
Level 9 - 205 Pacific Highway
St Leonards NSW 2065

CONSTRUCTION CERTIFICATE

Certificate

I certify that the work if completed in accordance with the attached plans and specifications will comply with the requirements of the Environmental Planning and Assessment Regulation 2000 as referred to in Section 81A (5) of the Environmental Planning and Assessment Act 1979.

Address of Property: On road reserve in front of No.97 -101 Howard Rd
DEE WHY - Bus stop number 2097019

Construction Certificate No: CC2011/0669

Description of Work: Construction of a **Bus Shelter with signage** on the road reserve

Classification of Building: 10a - Bus Shelter

Approved Drawing:

Drawing No.	Dated	Prepared By
Site Location Plan (Site 4929)- Rev C (Bus Stop 219632)	10/03/2011	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

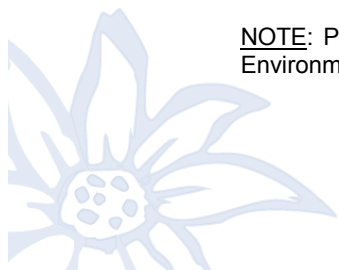
Date of Endorsement of Construction Certificate: 18th October 2011

Name of Authorised Officer: Philip Hoffman

BPB Accreditation No. 1249

Signature:

NOTE: Prior to commencement of work Sections 81A (2) (b) and (c), and/or 81A (4) (b) and (c) of the Environmental Planning and Assessment Act 1979 must be satisfied.



This means that a Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority must be submitted to Council, giving Council at least 2 days' notice of intention to commence erection of the building. (See form 7).

Development Consent No: DA2011/0637

Date of Determination: 10th October 2011

Attachment A – Class 10 Buildings

Building Occupation

The following is a list of certificates or statements which may be required for a Final Occupation Certificate. Please ensure that all relevant certificates as required by the Scope of Works are sent to Council prior to final inspection.

Note: Subject to confirmation from Council's Building Surveyor, an Interim Occupation Certificate may be issued where the building satisfies any pre-conditions of the Development Consent and satisfies the health and amenity requirements of the Building Code of Australia.

- Please complete and return an Occupation Certificate Application.

Note: In accordance with Clause 139 of the Environmental Planning & Assessment Regulation 2000, the original copy of the application form must be submitted Council, together with the relevant fee.

- Where required, a statement or certificate from the Civil Engineer or contractor confirming that the installation, operation and discharge of any storm water system is in accordance with the approved Construction Certificate drawings and in accordance with AS3500.3-2003.
- Where required, a Certificate from a registered practicing structural engineer stating that structural adequacy for all structural component of the building is adequate. Certificates should reference the relevant Australian Design Codes and plans and specifications relevant to the work.
- Statement or certificate from an accredited access consultant stating that all seating, TGSI's, any handrails, balustrades and fixings have been designed and installed to AS1428.1 and associated Premises Standards.
- Statement or certificate from window manufacturer that all glazed assemblies have been installed and comply with AS2047-1999
- Where required, a statement or certificate from a glazier that all glazed assemblies have been installed in accordance with AS1288-2006



Warringah Council

Principal Certifying Authority (PCA) Form

Notice of Commencement of Building or Subdivision Works and appointment of Principal Certifying Authority. Made under the Environmental Planning and Assessment Act 1979 (Sections 109E to 109Q)

Address the application to:

- ☐ The General Manager
Warringah Council
Civic Centre, 725 Pittwater Rd
Dee Why NSW 2099

Or

- ☐ Customer Service Centre
Warringah Council
DX 9118 Dee Why

If you need help lodging your application:

- ☐ Phone our Customer Service Centre on (02) 9942 2111

Or

- ☐ Come in and talk to us

Office Use Only

PCA2011/08710

DA2011/0637

June 09

PLEASE NOTE

This form can be used to notify Warringah Council that:

- ☐ You have appointed a Principal Certifying Authority (PCA)
- ☐ You intend to commence building or subdivision work
- ☐ Accredited persons can use any form provided it includes information required by the Environmental Planning and Assessment Act and Regulations.
- ☐ All sections must be completed (N/A if not applicable)

NOTE: Works cannot start until a form is received by Warringah Council.

Privacy and Personal Information Protection Notice

The information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 if you are going to erect a building or carry out subdivision work. The information will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this form. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected. If you do not provide the information to Council, you cannot begin the work.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Freedom of Information Act 1989 (NSW), s.12 of the Local Government Act 1993 (NSW), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on DAs Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager: see s.739 of the Local Government Act 1993 (NSW).

Part 1 Application and Site Details

1.1 Land to be developed

We need this to correctly identify the land.

Unit no.

House no.

Street HOWARD AVE W/O
THE STRAND S/S

Suburb

DEE WHY

Lot no, DP etc.
Area of site (m²)

These details are shown on your rate notices, property deeds, etc

1.2 Work proposed

Please tick appropriate box.

Please provide a brief description of the work to be carried out.

Type

Building ☒

Subdivision ☐

Installation of new bus shelters as per
council agreement with Adshel.

Part 2 Development Details

2.1 Development approvals granted

Provide specific application/approval numbers relevant to the subject development.

Development application number

DA 2011/0637

Date consent was granted

And

Construction certificate no.

CC 2011/

Date certificate was issued

Or

Complying development certificate number

Date certificate was issued

2.2 Appointment of PCA

Please tick the appropriate box

I have met all the conditions in the development consent or the complying development certificate required to be satisfied before I can begin work. ☒

I have appointed a Principal Certifying Authority. ☒

Name of PCA

WARRONGAH COUNCIL PCA

Where other than Council

Address of PCA

Phone (not mobile) of PCA ()

Mobile of PCA

Facsimile of PCA ()

Where the PCA is an accredited certifier

Accreditation body of the certifier

Accreditation no. of the certifier

Part 2 Development Details cont.

2.3 Residential building work

Please tick the appropriate box.

Please Note:

Where an owner/builder engages any sub-contractor for any work component exceeding \$12,000 in cost, a contract of insurance pursuant to Part 6 of the Home Building Act 1989 must be in force for each component.

Are you going to build a house or other dwelling or alter or add to a dwelling?

Yes ☐

No ☒ (Go to Part 2.4 Commencement date)

Are you an owner-builder? (The work must be carried out by a licensed builder)

Yes ☐

No ☒

If yes – What is your owner-builder permit no?
(A certified copy must be attached)
(go to Part 2.4 Commencement date)

If no, what is the name of the builder?

What is his/her phone no?

What is his/her contractor licence no?

Have you attached evidence (a certificate of a contract of insurance pursuant to Part 6 of the Home Building Act) that the licensed builder is insured to carry out this type of work?

Yes ☐

No ☐

(If no, you must attach a declaration (signed by each owner of the land) that the reasonable market cost of the labour and materials to be used is less than \$12,000).

2.4 Commencement date

Date the work will commence 2 days after DA Consent received.

Minimum notice of two full working days (48 hours) is required under the Environmental Planning and Assessment Act, 1979. Note: This notice period is to begin from the next working day and is not to include the day on which the form is submitted to Warringah Council.

Part 3 Checklist

Checklist

Please tick the appropriate box.

Have you met all relevant conditions?

Yes ☒

No ☐

Have you paid all relevant fees associated with your consent?

Yes ☒

No ☐

This includes long service levy, inspections, S94 contributions and bonds (if applicable)

One of the following must be attached
Current copy of owner builder permit?

Yes ☐

No ☒

Builders insurance for residential works > \$12,000?

Yes ☐

No ☒

Quote from builders for costs of works < \$12,000?

Yes ☐

No ☒



Warringah Council

Application For Construction Certificate

Made under the Environmental Planning and Assessment Act 1979
(Sections 109C(1b), 81A(5) and 109F)

Address the application to:

- ☐ The General Manager
Warringah Council
Civic Centre, 725 Pittwater Rd
Dee Why NSW 2099

Or

- ☐ Customer Service Centre
Warringah Council
DX 9118 Dee Why

If you need help lodging your application:

- ☐ Phone our Customer Service Centre on (02) 9942 2111 or come in and talk to us

Office Use Only

CC2011/0669

DA2011/0632

February 11

For applicable fees and charges, please refer to Council's website: www.warringah.nsw.gov.au or contact our Customer Service Centre.

Privacy and Personal Information Protection Notice

The personal information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 and will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Freedom of Information Act 1989 (NSW), s.12 of the Local Government Act 1993 (NSW), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on DAs Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager: see s.739 of the Local Government Act 1993 (NSW).

Part 1 Summary Applicant(s) Details

Applicant(s) name

Adshel Street Furniture

Owner(s) name

Adshel Street Furniture

If any owner/applicant of this development application is a current employee or elected representative of Warringah Council.

Warringah Council employee Yes ☐

No ☒ Elected representative Yes ☐

No ☒

Full applicant details to be completed in Part 3 of the application form.

PART 1 Site Details

1.1 Location of property

We need this to correctly identify the land.

Unit no. ☐

House no. ☐

Street

HOWARD AVE W/O
THE STRAND S/S

Suburb

DEE WHY

Property description
(e.g. Lot/DP, etc)

1.2 Description of work

Please describe briefly everything that you want approved by the Council, including signs, hours of operation, use, subdivision, demolition etc.

Type

☒ Building Work

☐ Subdivision work

Installation of new bus shelters as per council agreement with Adshel.

1.3 Estimated cost of work

Must be signed

The estimated cost of development or contract price is subject to a check by Council before final acceptance.

Estimated cost of work

\$ 10,000

Council reserves the right to seek justification of the estimated cost from the applicant or by an appropriately qualified person.

NATHAN CASSEDY

Nif

NAME (printed), & qualification SIGNATURE of qualified person certifying value of work

1.4 Development consent

Consent number

DA (Year) 2011 / (Number) 0637

Date of determination

1.5 Building Code of Australia

BCA classification

This information is nominated on your development consent.

1.6 Builder details

If known. To be completed in the case of residential building work.

Name

Licence number

Or

Owner-builder permit

1.7. Collection of determination

Do you seek to collect the determination from Council?

YES



NO



Note You are advised that if you do not collect the determination from Council, it will be sent via standard post. If the determination is lost/misplaced Council will charge a fee for copying the determination in accordance with Council's adopted fees and charges schedule (this process can take up to 10 working days)

SITE LOCATION: Howard Ave W/O The Strand S/S

REV B (02/05/11)

SITE NUMBER: 05714

BUS STOP No: 2097019

SCALE: 1:50

PAPER SIZE: A3

A 08/04/11 NC DRG Created

B 02/05/11 NC DRG Amended

Notes:

1. Tactiles positioned in accordance with AS/ NZS 1428.4 ²⁰⁰⁹ to adhere with DDA compliance.
2. Reinstate all disturbed areas to match existing.
3. Assume kerb width 150mm.
4. Refer to Footing Detail

WARRINGAH COUNCIL
THIS PLAN TO BE READ
IN CONJUNCTION WITH

Construction

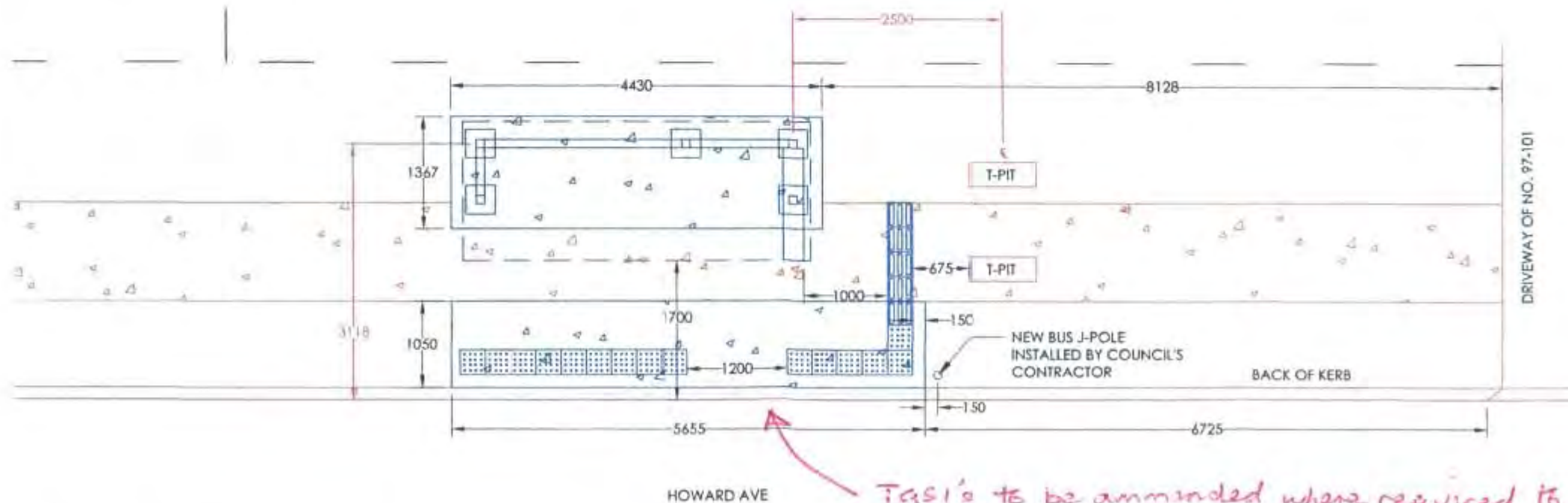
Contract No:

CC 2011/0669



PROPERTY NO.103

PROPERTY NO. 97-101



NOTE: Bus Shelter will be installed within the proposed bus zone.

Drawing Description - Proposed

ADSHEL



Warringah Council

Application for an Occupation Certificate

Issued under the Environmental Planning and Assessment Act
1979 (Sections 109C (1) (c) and 109H)

Address the application to:

- ☐ The General Manager
Warringah Council
DX 9118 Dee Why
- Or**
- ☐ Customer Service Centre
Warringah Council
Civic Centre, 25 Pittwater Road
Dee Why NSW 2099

If you need help lodging your application:

- ☐ Phone our Customer
Service Centre on (02)
9942 2111
- Or**
- ☐ Come in and talk to us

Office Use Only

OC 2 0

DA 2 0 1 1 / 0 6 3 7

July 09

For applicable fees and charges, please refer to Council's website: www.warringah.nsw.gov.au
or contact our Customer Service Centre.

Privacy and Personal Information Protection Notice

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Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Freedom of Information Act 1989 (NSW), s.12 of the Local Government Act 1993 (NSW), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

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PART 1 Site Details

1.1. Subject land. Unit no. House no. Street HOWARD AVE W/O
THE STRANDS S/S
We need this to correctly identify the land Suburb DEE WAY
Legal property description Lot: Sect: DP/SP:
This information must be supplied.

1.2. Building Details Whole/part of building NEW BUS SHELTER
The building classification must be the same as that specified in the development consent or complying development certificate. Use BY PUBLIC
BCA class
New ☒
Existing ☐
Gross floor area m²

PART 2 Certificate Details

2.1. Type of certificate sought. Type ☐ Interim certificate
☒ Final certificate
Please tick appropriate boxes

2.2. Consent or certificate number Development application or complying development certificate number DA2011/0637
Before an occupation certificate may be issued, the certifying authority must be satisfied that:
☒ A development consent or a complying development certificate is in force with respect to the building, and
☒ A construction certificate has been issued with respect to the plans and specifications for the building.
Construction certificate number (if applicable) CC2011/

PART 3 Checklist

Certificate Checklist	Yes	No
The following information is required for all occupation certificate applications. Please tick appropriate box		
Final fire safety certificate or interim fire safety certificate (A certificate is not required for a class 1A or class 10 building)	☐	☒
Other certificates relied on Residential flat buildings - design verification from a qualified designer in which the development application was required under clause 50(1B) of the Environmental Planning and Assessment Act 1979	☐	☒

SITE LOCATION: Howard Ave W/O The Strand S/S

REV B (02/05/11)

SITE NUMBER: 05714

BUS STOP NO: 2097019

SCALE: 1:50

PAPER SIZE: A3

A 08/04/11 NC DRG Created
B 02/05/11 NC DRG Amended

Notes

- 1 Tactiles positioned in accordance with AS/NZS 1428.4:2009
- 2 To adhere with DDA compliance
- 3 Reinstate all disturbed areas to match existing
- 4 Assume kerb width 150mm
- 5 Refer to Footing Detail

2009

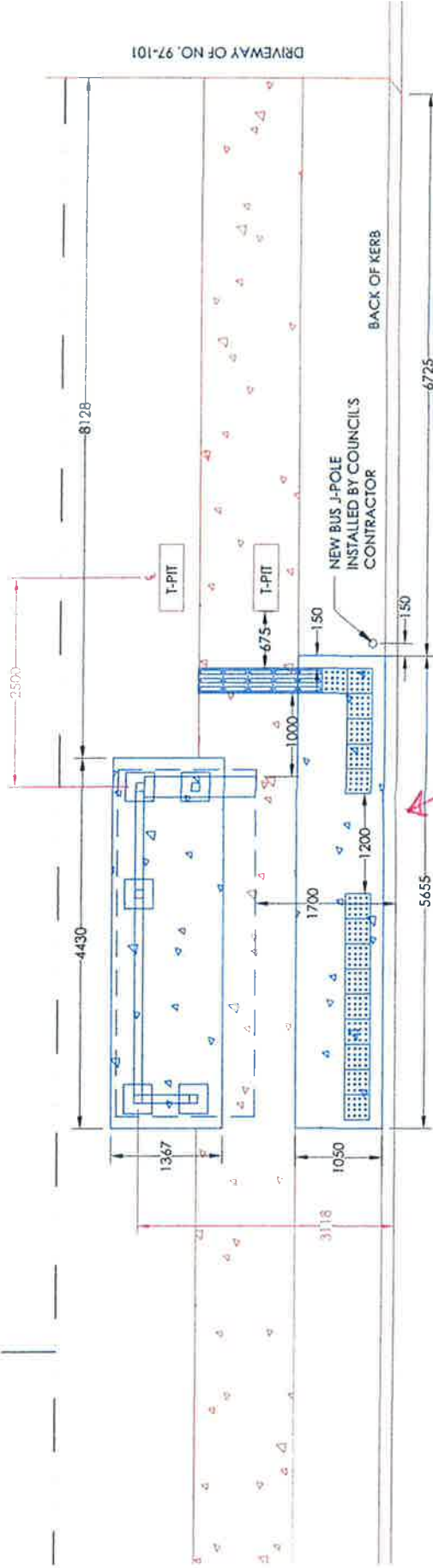


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Construction
Certificate No
CC 2011/0669

PROPERTY NO. 103

PROPERTY NO. 97-101

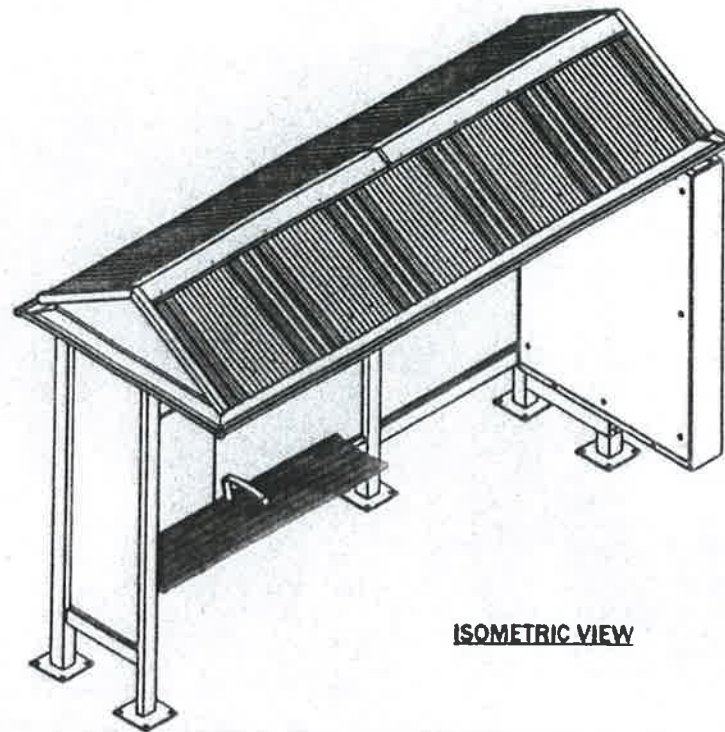


HOWARD AVE

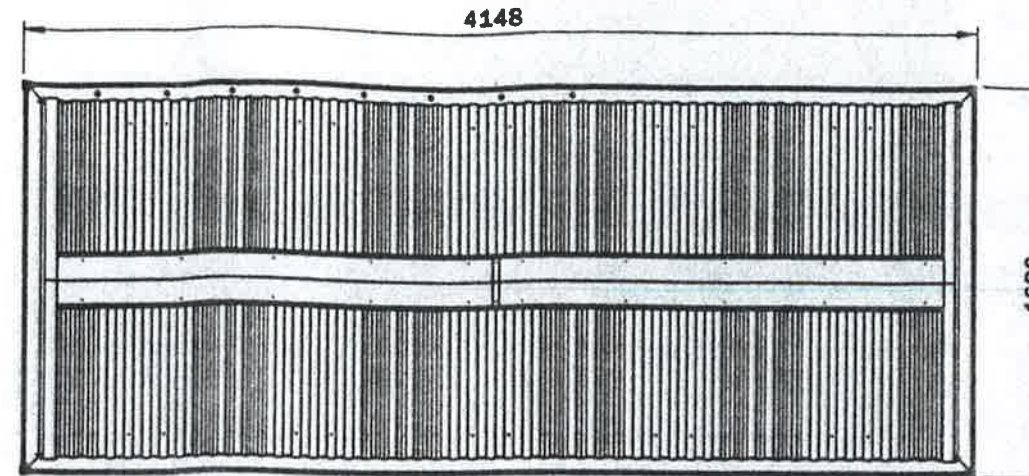
NOTE: Bus Shelter will be installed within the proposed bus zone.

Drawing Description - Proposed

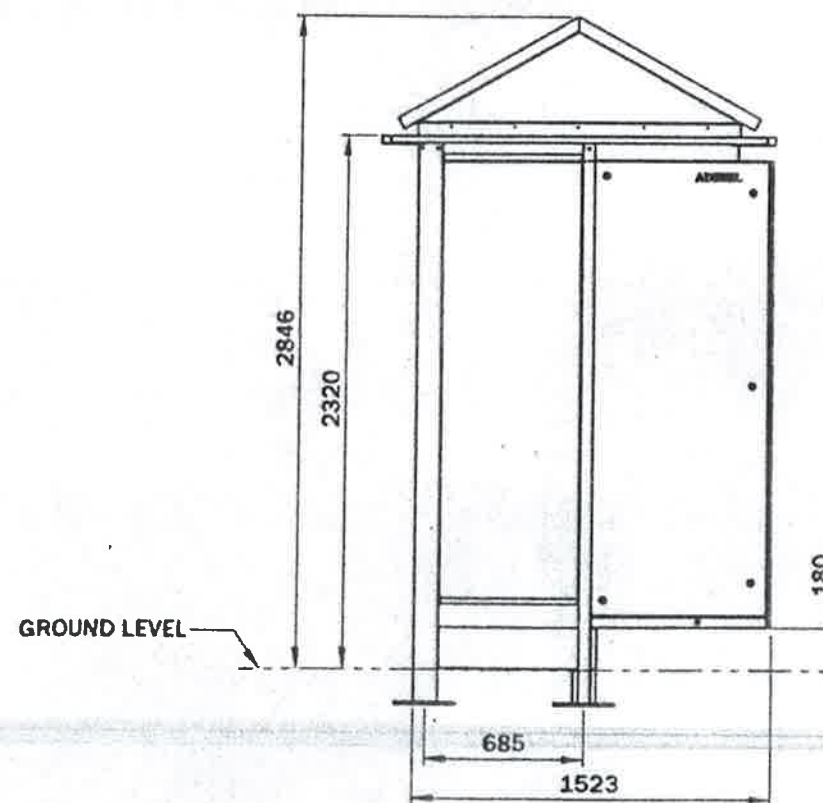
ADSHL



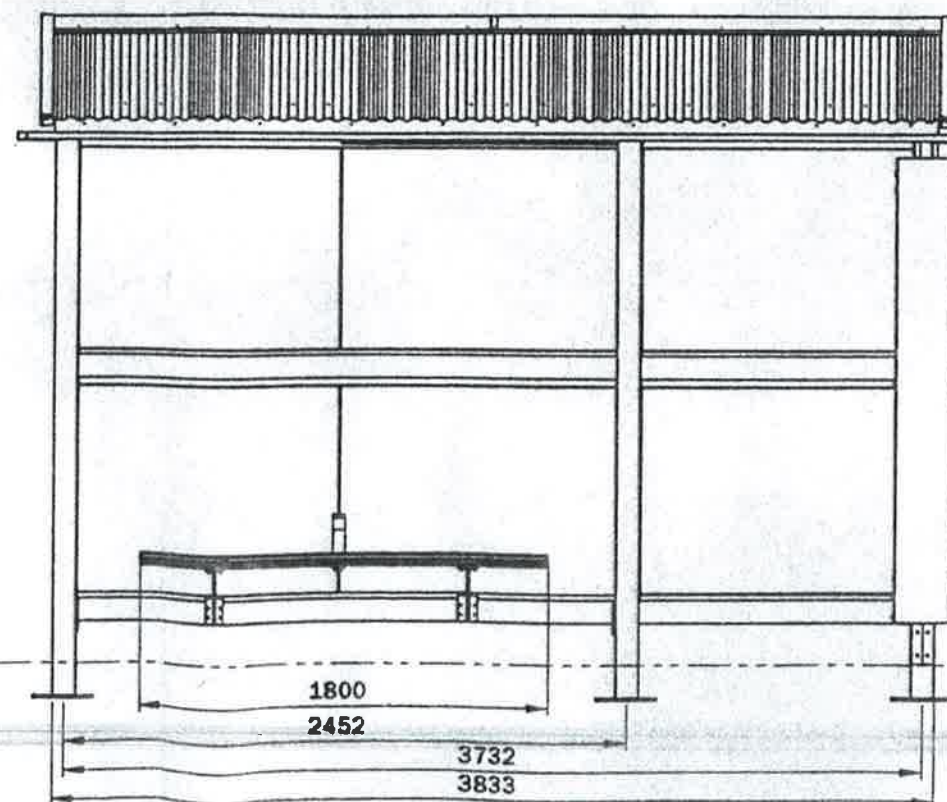
ISOMETRIC VIEW



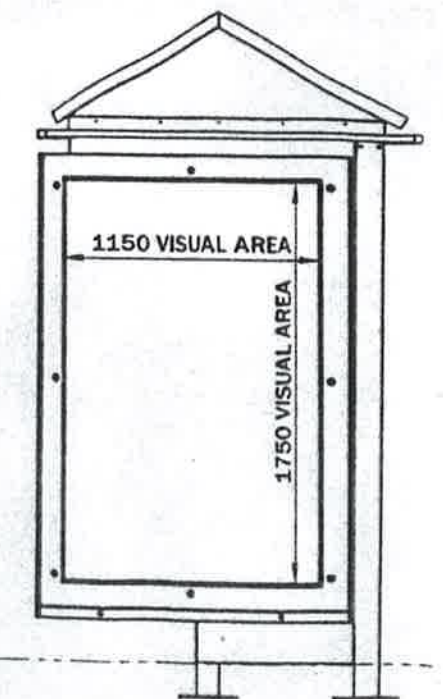
PLAN VIEW



SIDE ELEVATION



FRONT ELEVATION



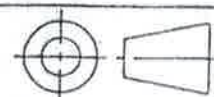
SIDE ELEVATION

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Certificate No. CC2011/0669

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN MILLIMETERS
- 30 - INDICATES DIMENSION
SYMMETRIC ABOUT CENTRELINE

CAD GENERATED DRAWING
DO NOT MANUALLY UPDATE
DO NOT SCALE DRAWING

TOLERANCES:
LINEAR: $\pm 0.5\text{mm}$
ANGULAR: $\pm 0.5^\circ$



DRAWN:
SB

CHECKED:

MANUFACTURING:

DATE:
18/11/2008

DATE:

REV DATE:

ADSHHEL

The Forum Level 11 205 Pacific Highway
St Leonards NSW 2065
t: (+612) 8425 7200 f: (+612) 8425 7222

TITLE:

OPTISHEL VILLA
AD-MAINS-FULL BACK

DRAWING TYPE:
General Assembly

MATERIAL:

DRAWING NO:

ELEVATION VIEWS
50416

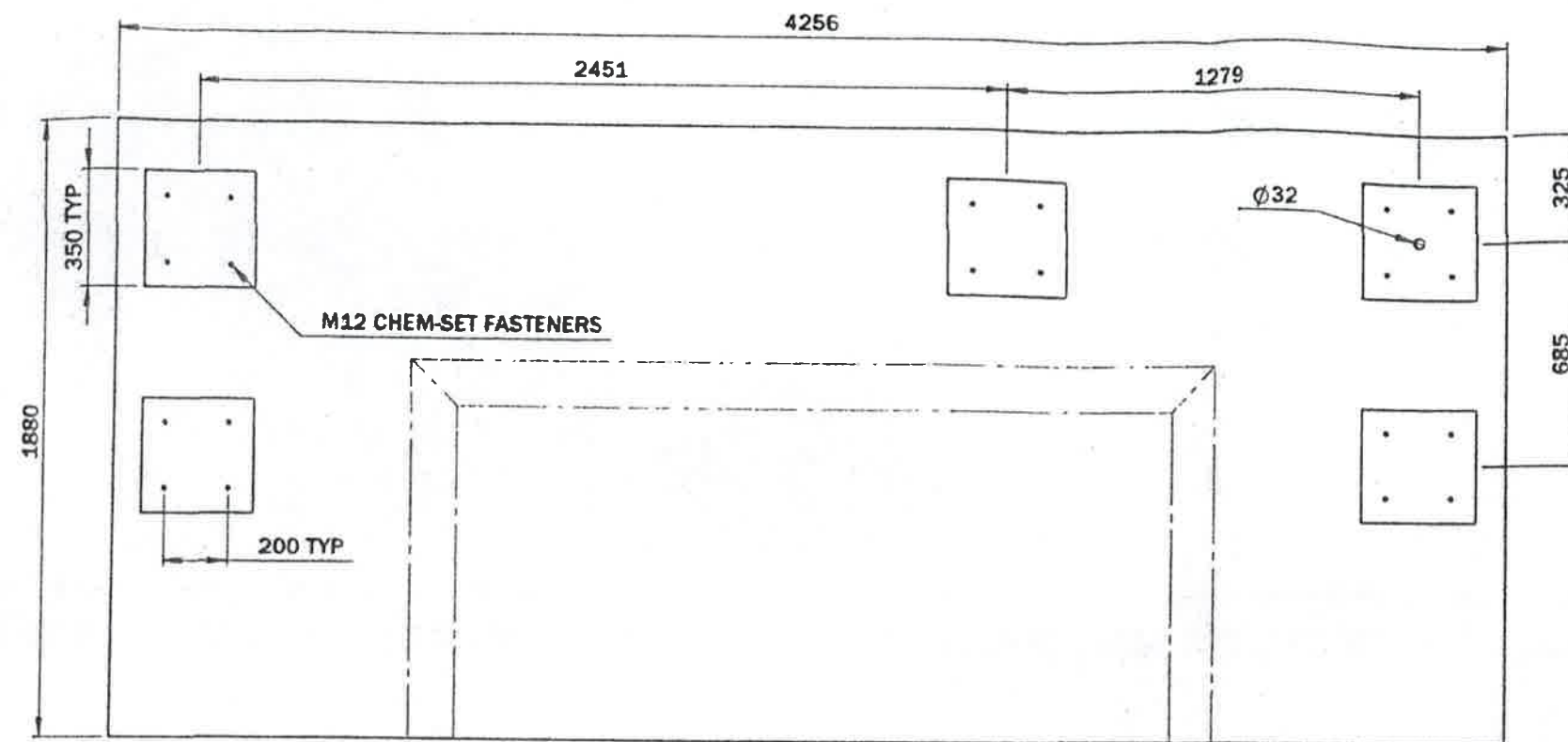
FINISH:
Powdercoat

SIZE:
A3

SCALE:
1:30

SHEET:
2

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CONDUIT LOCATIONS ARE CRITICAL

CONCRETE REQUIREMENTS:

- MPA25
- SLUMP 80mm
- MAXIMUM AGGREGATE = 20mm
- MINIMUM DENSITY = 2400kg/mm³

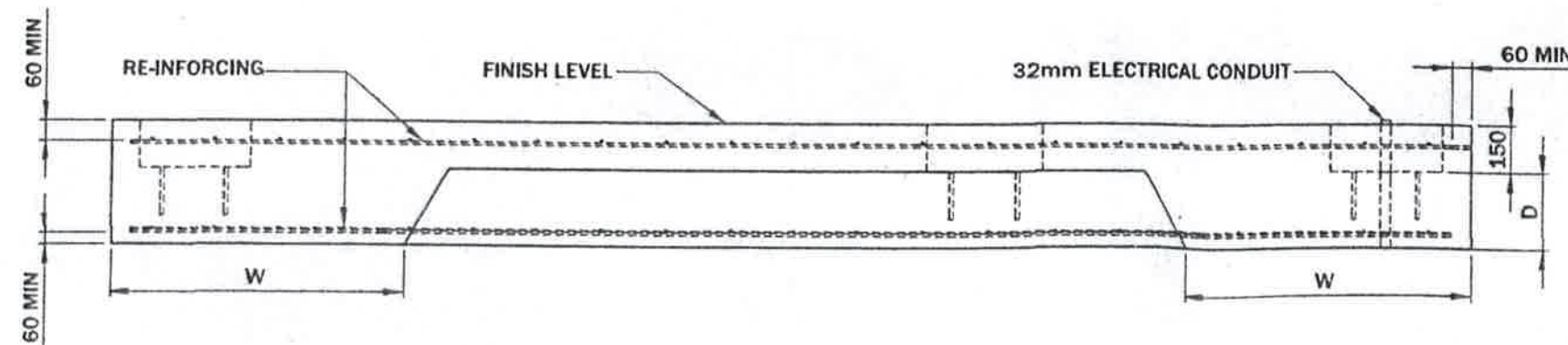
RE-INFORCEMENT:

- MINIMUM COVER OF RE-INFORCEMENT = 60mm

FASTENERS:

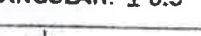
- 4 off M12 CHEM-SET FASTENERS PER UPRIGHT, MINIMUM EMBEDMENT = 150mm

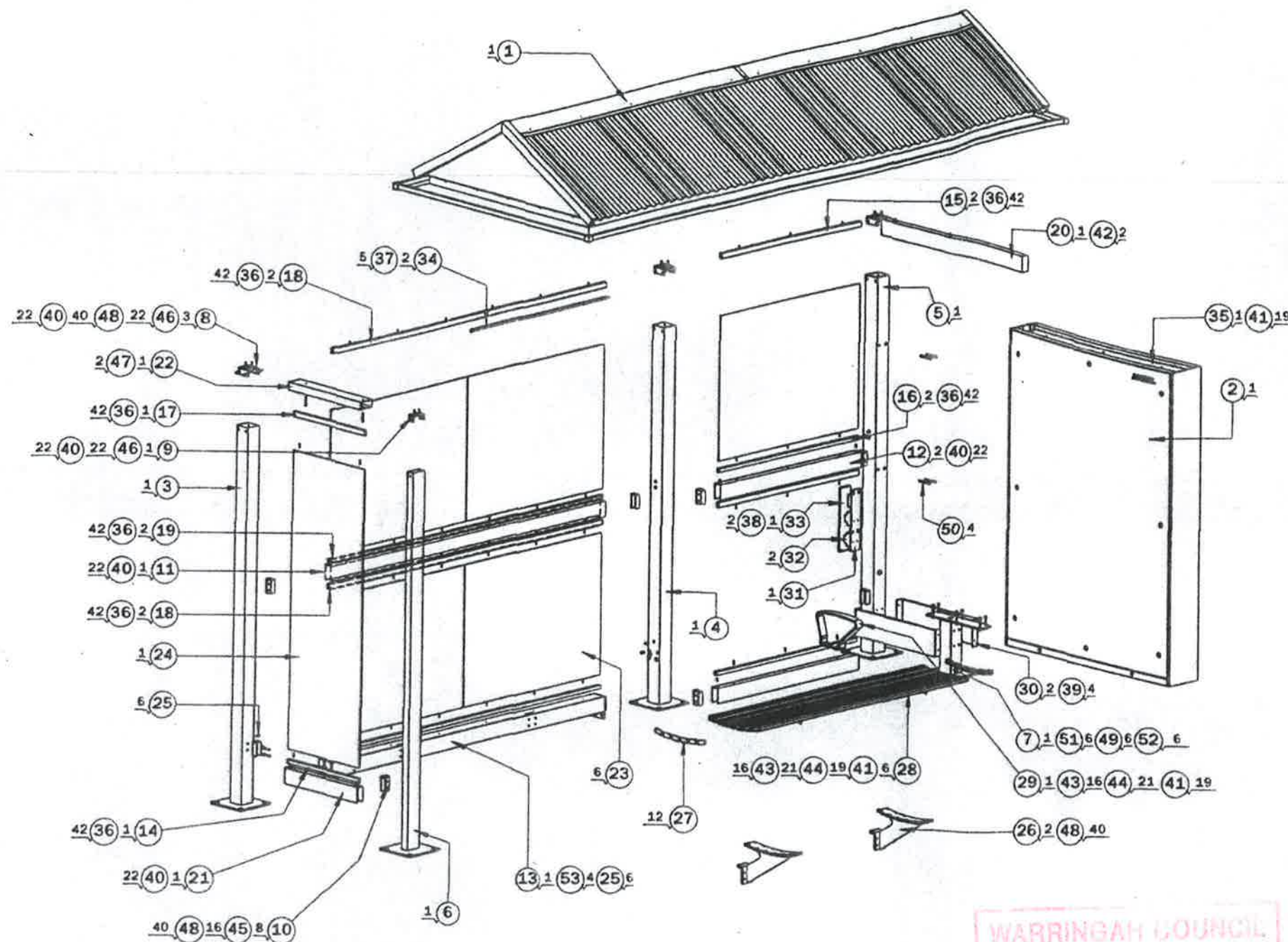
DIMENSIONS BASED ON METRO M11 CERTIFIED FOOTING



REGION	DESCRIPTION	ULTIMATE WIND SPEED (m/s)	W (mm)	D (mm)	RE-INFORCEMENT TOP & BOTTOM
A	NORMAL	50	910	240	RF92 MESH
B	INTERMEDIATE	60	1250	240	RF92 MESH

DETAIL B
MESH SIZE 200 x 200 x 9mm

UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS = XX = INDICATES DIMENSION SYMMETRIC ABOUT CENTRELINE	TOLERANCES: LINEAR: ± 0.5mm ANGULAR: ± 0.5°	DRAWN: SB	DATE: 18/11/2008	ADSHHEL The Forum, Level 11, 205 Pacific Highway St Leonards NSW 2065 t: (+612) 8425 7200 f: (+612) 8425 7222	TITLE: OPTISHEL VILLA AD-MAINS-FULL BACK		DRAWING NO: FOOTING DETAIL 50416			
		CHECKED: -	DATE:							
		CAD GENERATED DRAWING DO NOT MANUALLY UPDATE DO NOT SCALE DRAWING			MANUFACTURING: -	REV DATE:	DRAWING TYPE: General Assembly	MATERIAL:	FINISH:	SIZE: A3



ITEM NO.	QTY.	DRAWING NUMBER	DESCRIPTION	MATERIAL
1	1	50056	VILLA ROOF ASSEMBLY - MAINS SUPPLY	ALUMINIUM
2	1	11550	UNIVERSAL SUPERLITE DSFS	VARIOUS
3	1	12234	UPRIGHT A	ALUMINIUM
4	1	50193	UPRIGHT G	ALUMINIUM
5	1	12236	UPRIGHT C	ALUMINIUM
6	1	12233	UPRIGHT D	ALUMINIUM
7	1	50005	UPRIGHT E	ALUMINIUM
8	3	12241	REAR UPRIGHT BRACKET	SS
9	1	12240	FRONT UPRIGHT BRACKET	SS
10	8	11571	MID&BOTTOM RAIL BRACKET	SS
11	1	50019	MID RAIL LONG	ALUMINIUM
12	2	11570	MID RAIL	ALUMINIUM
13	1	12230	SEAT RAIL	ALUMINIUM
14	1	11582-1	U GLASS HOLDER 1	ALUMINIUM
15	2	11584-2	U GLASS HOLDER 2	ALUMINIUM
16	2	11582-2	U GLASS HOLDER 3	ALUMINIUM
17	1	50022	U GLASS HOLDER 5	ALUMINIUM
18	2	12288	UPPER LONG U GLASS HOLDER	ALUMINIUM
19	2	50000	LOWER LONG U GLASS HOLDER	ALUMINIUM
20	1	12281	UPPER PANEL SUPPORT	ALUMINIUM
21	1	12280	LOWER WINDBREAK SUPPORT	ALUMINIUM
22	1	12279	UPPER WINDBREAK SUPPORT	ALUMINIUM
23	6	11577	BACK GLASS	TOUGHENED SAFETY GLASS
24	1	11578	WINDBREAK GLASS	TOUGHENED SAFETY GLASS
25	6	50033	DOWEL SCREW	SS
26	2	50026	SEAT SUPPORT RATIONALISED	ALUMINIUM CAST
27	12	50004	SEAT END CAP	PP WITH UV PLASTIC
28	6	11575	SEAT SLAT	ALUMINIUM EXTRUSION
29	1	11574	ARM REST	ALUMINIUM
30	2	50030	BASE CLADDING	ALUMINIUM
31	1	12297	ELECTRICAL PLATE	ALUMINIUM
32	2	-	RCD_MCB	-
33	1	50456	COVER PLATE 2	ALUMINIUM
34	1	11968	LED LIGHT SYSTEM	ALUMINIUM
35	1	10668	LIGHTBOX TOP CHANNEL	ALUMINIUM
36	42	-	#10 x 1" PHILLIPS SELF DRILLING SCREW	-
37	5	-	#8 x 1/2" PHILLIPS SELF DRILLING SCREW	-
38	2	-	M6 X 16 C'SNK SOCKET HD SCREW	-
39	4	-	M6 X 16 BUTTON SOCKET HD SCREW	-
40	22	-	M6 X 20 C'SNK SOCKET HD SCREW	-
41	19	-	M6 X 25 HEX HD SCREW	-
42	2	-	M6 X 25 SHCS	-
43	16	-	M6 NYLOCK NUT	-
44	21	-	M6 PLAIN WASHER	-
45	16	-	M8 X 25 HEX HD SCREW	-
46	22	-	M8 X 35 SHCS	-
47	2	-	M8 X 50 SHCS	-
48	40	-	M8 PLAIN WASHER	-
49	6	-	M10 X 80 HEX HD SCREW	-
50	4	-	M10 X 80 SHCS	-
51	6	-	M10 PLAIN WASHER	-
52	6	-	M10 FULL NUT	-

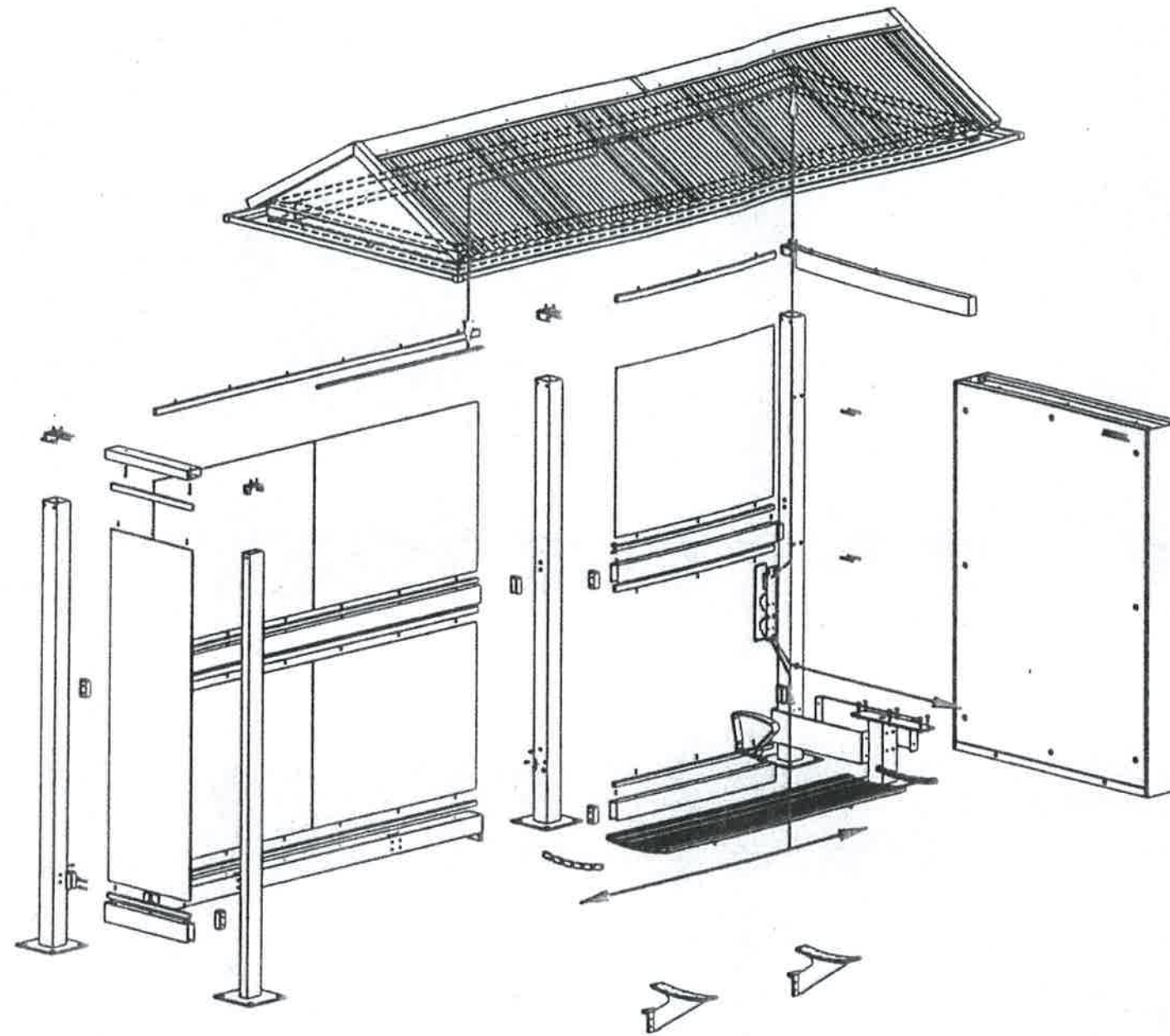
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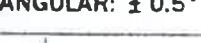
QTY ITEM NO.

UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS = XX = INDICATES DIMENSION SYMMETRIC ABOUT CENTRELINE	TOLERANCES: LINEAR: $\pm 0.5\text{mm}$ ANGULAR: $\pm 0.5^\circ$	DRAWN: SB	DATE: 18/11/2008	ADSHHEL The Forum, Level 11, 205 Pacific Highway St Leonards NSW 2065 t: (+612) 8425 7200 f: (+612) 8425 7222	TITLE: OPTISHEL VILLA AD-MAINS-FULL BACK	DRAWING NO: EXPLODED ASSEMBLY 50416	DRAWING TYPE: General Assembly	MATERIAL:	FINISH:	SIZE: A3	SCALE: 1:30	SHEET: 4
CAD GENERATED DRAWING DO NOT MANUALLY UPDATE DO NOT SCALE DRAWING		CHECKED:	DATE:									
		MANUFACTURING:	REV DATE:									

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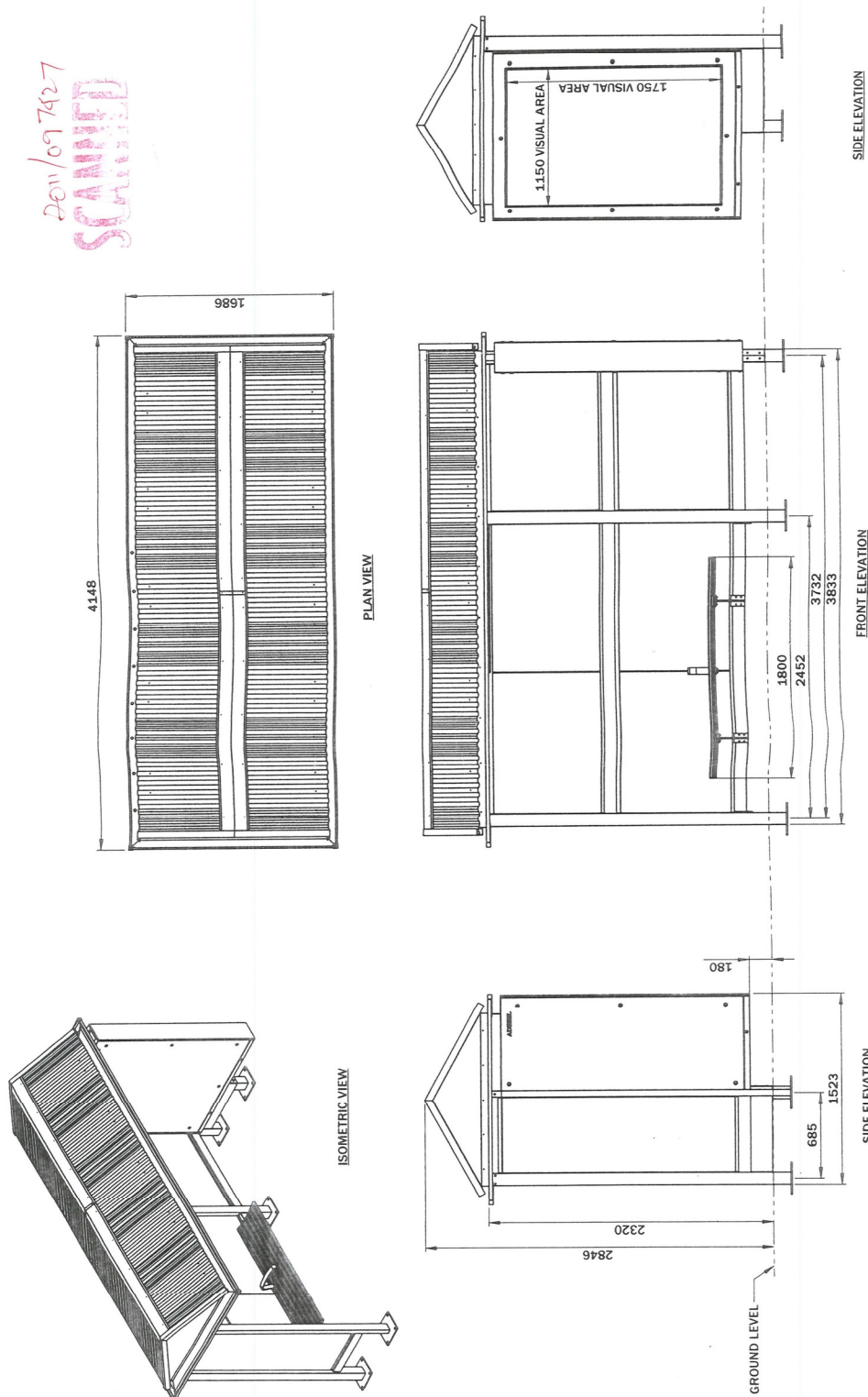


KEY:
—> SUPPLY = 240V
—> LOAD / LIGHTS = 12V

UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS - DI - INDICATES DIMENSION SYMMETRIC ABOUT CENTRELINE	TOLERANCES: LINEAR: ± 0.5mm ANGULAR: ± 0.5°	DRAWN: SB	DATE: 18/11/2008	ADSHEL The Forum, Level 11, 205 Pacific Highway St Leonards NSW 2065 t: (+612) 8425 7200 f: (+612) 8425 7222	TITLE: OPTISHEL VILLA AD-MAINS-FULL BACK		DRAWING NO: WIRING DETAIL 50416			
CAD GENERATED DRAWING DO NOT MANUALLY UPDATE DO NOT SCALE DRAWING		CHECKED: -	DATE:		DRAWING TYPE: General Assembly	MATERIAL:	FINISH:	SIZE: A3	SCALE: 1:30	SHEET: 5
		MANUFACTURING: -	REV DATE:							

Plans

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