

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0959
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Responsible Officer:	Andrew Martin – Andrew Martin Planning
Land to be developed (Address):	Bus Shelter J1 on Pittwater Road, in front of 11 Hawkesbury Avenue, DEE WHY Bus Shelter J2 on Pittwater Road, in front of 783 Pittwater Road, DEE WHY Bus Shelter J3 on Pittwater Road, in front of 778 Pittwater Road, BROOKVALE Bus Shelter J7 on Howard Avenue, in front of 15 Howard Avenue, DEE WHY
Proposed Development:	Alterations to commercial development - Installation of advertising structures (signage) in existing bus stop shelters
Zoning:	Bus Shelter J1: SP2 Infrastructure (Classified Road) Bus Shelter J2: SP2 Infrastructure (Classified Road) Bus Shelter J3: SP2 Infrastructure (Classified Road) Bus Shelter J7: MU1 Mixed Use
Development Permissible:	No
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Delegation Level:	Northern Beaches Local Planning Panel
Land and Environment Court Action:	No
Owner:	Northern Beaches Council
Applicant:	oOh!media Street Furniture Pty Limited

Application Lodged:	22/07/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial – Alterations and additions
Notified:	08/08/2025-05/09/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$64,407
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EXECUTIVE SUMMARY

This development application seeks consent for proposed alterations to four (4) existing bus shelter advertising panels. The proposal replaces existing signage in each of the bus shelter advertising panels with new digital or static advertisements.

The bus stops are identified as and located at:

- Bus Stop J1 on Pittwater Road, in front of 11 Hawkesbury Avenue, DEE WHY
- Bus Stop J2 on Pittwater Road, in front of 783 Pittwater Road, DEE WHY
- Bus Stop J3 on Pittwater Road, in front of 778 Pittwater Road, BROOKVALE
- Bus Stop J7 on Howard Avenue, in front of 15 Howard Avenue, DEE WHY

The application is referred to the Northern Beaches Local Planning Panel as Council is the owner of the bus shelters.

The proposal has been assessed in accordance with the:

- *State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage*
- *Warringah Local Environmental Plan 2011*
- *Draft Northern Beaches Local Environmental Plan*
- *Transport Corridor Outdoor Advertising and Signage Guidelines* prepared by the Department of Planning, Industry and Environment 2017
- *Warringah Development Control Plan*

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for fourteen (14) days. Two objections to the development have been received.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that, on balance, the proposal is suitable and an acceptable development for the reasons outlined in this report.

This report concludes with a recommendation that the Northern Beaches Local Planning Panel **approve** the development application, subject to the recommended conditions and time limited approval for J7 signage.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for the proposed replacement of current paper advertising panels with new digital and static illuminated advertising panels that will be affixed to the subject bus shelters. The signage will include either single or double sided digital/static advertisements.

The digital signage will use digital technology to display electronic images. The Light Emitting Diode (LED) technology incorporates controlled luminance automatically and can rotate multiple advertisements in a specific dwell time.

The static signage by contrast incorporates fixed images, symbols or text that is printed on paper or other materials such as acrylic fibre or vinyl. Signage specifications for the static and digital signage is provided in the table extract below from the submitted Statement of Environmental Effects prepared by Planning Ingenuity.

<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						
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

The advertising signage panels are positioned on the currently enclosed side elevations of each shelter. The existing J1 and J3 shelters are in the Pitched Roof Metro Style. Signage panels on these shelters have dimensions of 1.34m wide x 2.305m high x 300mm depth.

The existing shelter J2 is in the Rationalised Federation style. Signage panels on this shelter have dimensions of 1.34m wide x 2.305m high x 300mm depth.

The existing shelter J7 is in the Evo Mk2 6 Bay style. Signage panels on this shelter have dimensions of 1.34m wide x 1.71m high x 310mm depth.

All four of the new signage panels are proposed to be internally illuminated. Each of the signage panels will be equipped with sensors to ensure luminance is controlled to avoid unacceptable glare. The application proposes 24 hour illumination of the signage panels.

Whilst no specific signage content is provided with the application, the Statement of Environment Effects notes that the content to be displayed by oOH! Media will “adhere to the AANA Code of Ethics” and that the content of displays will not “dazzle, flash or represent traffic control devices”.

The applicant will be responsible for the ongoing maintenance and servicing of all shelters and this can be managed by a consent condition. The extent of illumination can be controlled and will be governed by a consent condition requiring compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation have been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- Site inspections were conducted, and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties and public domain;
- Notification to adjoining and surrounding properties and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

Warringah Local Environmental Plan 2011 – SP2 Infrastructure zone

Warringah Local Environmental Plan 2011 – CI 5.10 Heritage Conservation

Warringah Development Control Plan – Part D23 Signs

SITE DESCRIPTION

Property Description:	Bus Stop J1 on Pittwater Road, in front of 11 Hawkesbury Avenue, Dee Why Bus Stop J2 on Pittwater Road, in front of 783 Pittwater Road, Dee Why Bus Stop J3 on Pittwater Road, in front of 778 Pittwater Road, Brookvale Bus Stop J7 on Howard Avenue, in front of 15 Howard Avenue, Dee Why
Detailed Site Description:	Shelter J1 is located on the western side of Pittwater Road, Dee Why, approximately 20m to the south of the intersection with Hawkesbury Avenue. Shelter J2 is on the western side of Pittwater Road, in front of 783 Pittwater Road (Dee Why Park), Dee Why. Dee Why Lagoon Reserve is situated approximately 50m to the west, on the opposite side of Pittwater Road. Shelter J3 is on the southeastern side of Pittwater Road, in front of 778 Pittwater Road (Mitsubishi Motors and Titan Ford dealership), Brookvale. Manly Leagues Club is located approximately 50m to the northwest, on the opposite side of Pittwater Road. Shelter J7 is located on the southern side of Howard Avenue, approximately 50m from the intersection with Pittwater Road, Dee Why. The site is located within Dee Why commercial precinct.

Map:

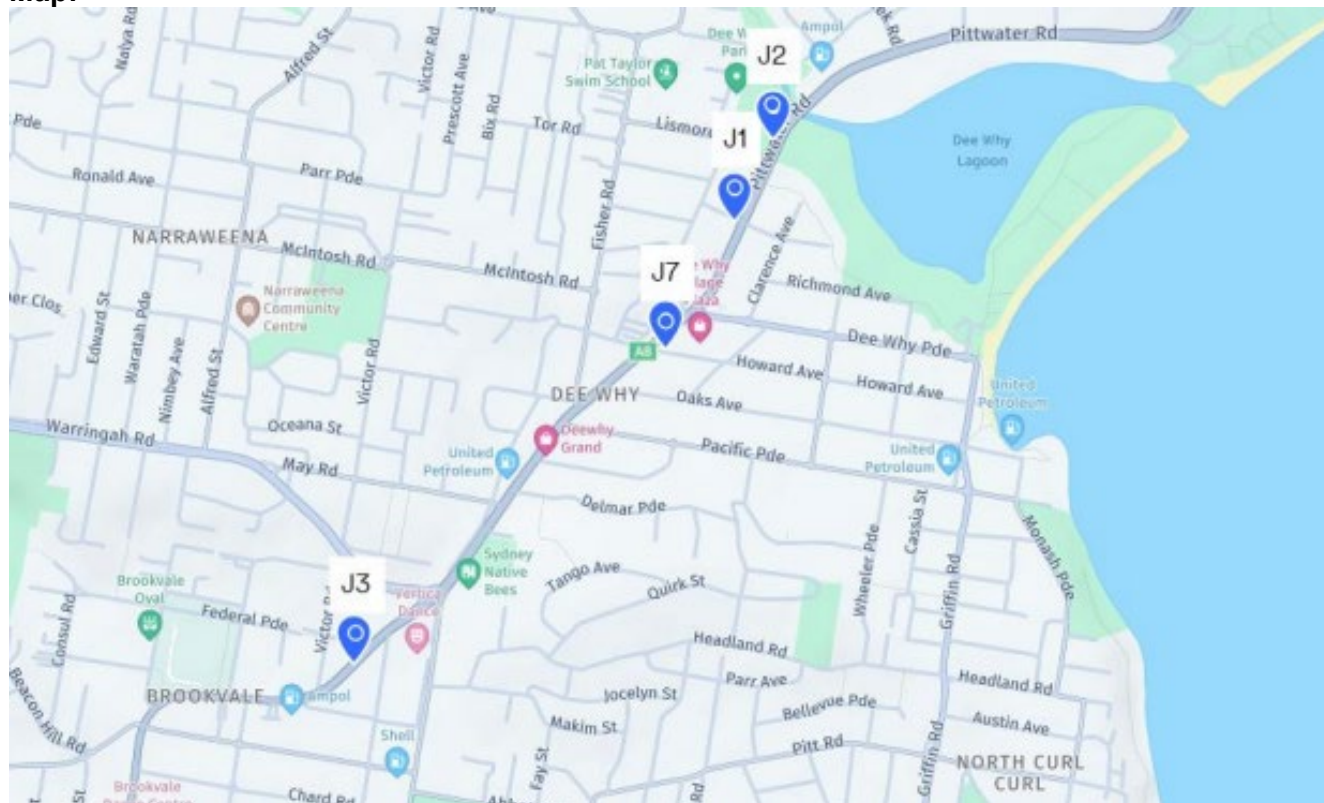


Figure 1: Site Map of Bus Shelters (Source: extract of SEE prepared by Planning Ingenuity)

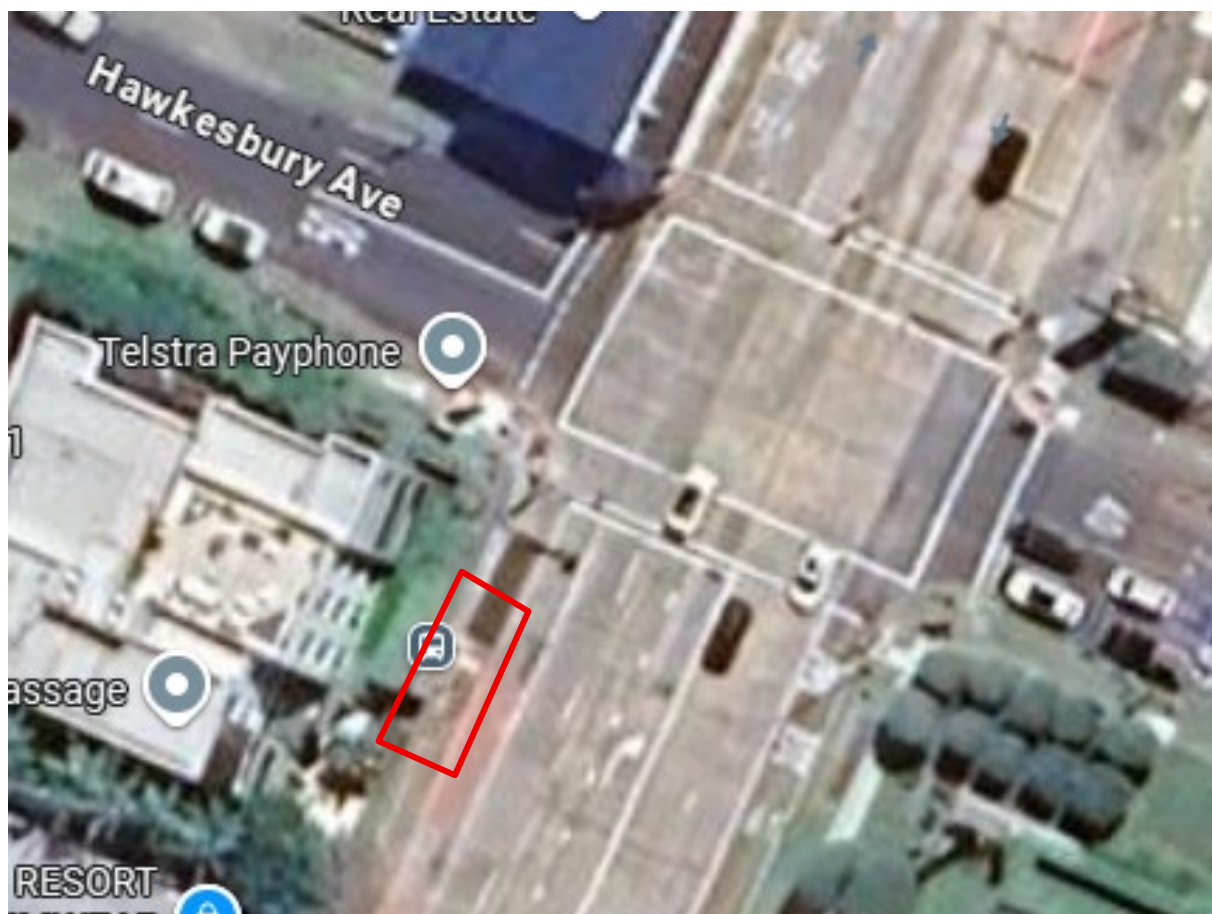


Figure 2: Aerial view of Shelter J1, Pittwater Road, Dee Why



Figure 3: View of Shelter J1 and Advertising Signage Panel from Pittwater Road



Figure 4: Aerial view of Shelter J2, Pittwater Road, Dee Why



Figure 5: View of Shelter J2 and Advertising Signage Panel

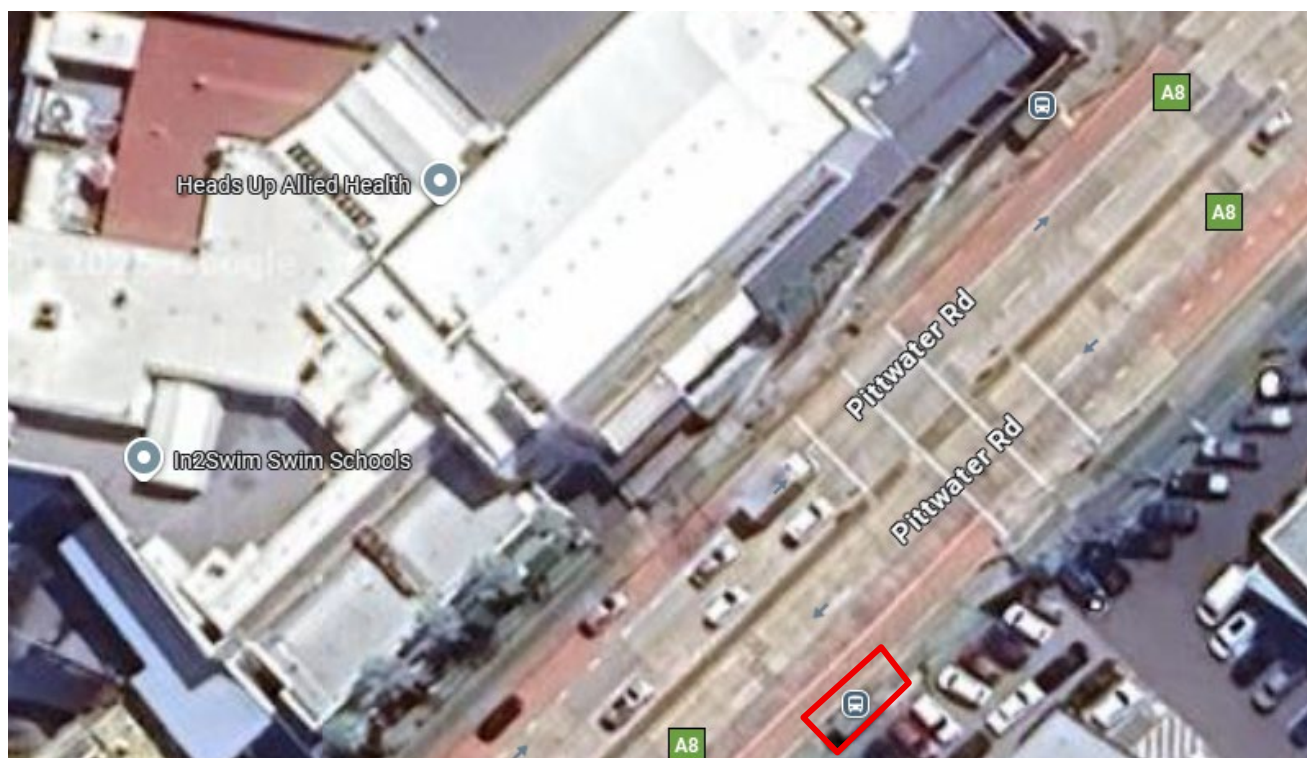


Figure 6: Aerial view of Shelter J3, Pittwater Road, North Manly



Figure 7: View of J3 Shelter and Advertising Signage Panel



Figure 8: Aerial view of Shelter J7, Howard Avenue, North Manly



Figure 9: View of Shelter J7 and Advertising Signage Panel

Detailed Description of Adjoining/Surrounding Development

The shelters are located at various locations along Pittwater Road and Howard Avenue, positioned typically forward of residential properties, commercial properties or community facilities.

SITE HISTORY

The current advertisements on the shelter sites are subject to existing use rights pursuant to Section 4.65(b) of the EP&A Act, whereby the current advertising shelters have been in operation for a number of years, as evidenced by the longstanding commercial agreement between *oOh! Media* and Northern Beaches Council.

The previous approvals granted to each site for the construction of a bus shelter, including advertising signage consent for sign J2, are detailed below.

Sign J2 relies upon consent for the construction of a bus shelter with signage, while signs J1, J3 and J7 rely upon consent for the construction of a bus shelter with the location of signage consistent with other approvals.

Shelter J1

On 20 February 2001, former Warringah Council granted consent to 5051DA for *construction of a bus shelter at Site No. 20579 on Pittwater Road, near Hawkesbury Avenue, Dee Why*. Although advertising signage was not approved under this consent, the design of the bus shelter anticipated that signage would be provided.

Shelter J2

On 19 July 2011, former Warringah Council granted consent to DA2011/0381 for *construction of a bus shelter with signage at Bus Stop No. 2099015 on the Road reserve near the corner of Lismore Avenue and Pittwater Road, Dee Why*. This included a 15-year limitation on development consent for signage.

Shelter J3

On 2 February 2001, former Warringah Council granted consent to 3081DA for *construction of a bus shelter at Site No. 205506 on Pittwater Road, Brookvale*. Although advertising signage was not approved under this consent, the design of the bus shelter anticipated that signage would be provided.

Shelter J7

On 5 February 2001, former Warringah Council granted consent to 5046DA for *construction of two bus shelter at sites 20587 & 20588, Howard Avenue, near Pittwater Road, Dee Why*. Although advertising signage was not approved under this consent, the design of the bus shelters anticipated that signage would be provided.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no draft LEPs relevant to the DA assessment

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider “Prescribed conditions” of development consent. These matters have been addressed via a condition of consent. <u>Clause 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts of the locality.	(i) <u>Environmental Impact</u> The environmental impacts of the proposed development on the natural and built environment are addressed in this report. (ii) <u>Social Impact</u> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) <u>Economic Impact</u> The proposed development will not have a detrimental economic impact on the locality.
Section 4.15 (1) (c) – the suitability of the site for the development	The proposal is considered suitable for the subject shelters on the basis that the signage is existing and ancillary to the predominate use as a bus shelter (note time limit for J7).
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

At the time that each of the bus shelters with ancillary signage panels were approved, advertising signage was permissible with development consent under the previous local instrument, *Warringah Local Environmental Plan, 2000*.

Under Warringah LEP 2011, ‘signage’ is not identified as a permissible use, albeit, the signage is associated with a bus shelter and a classified road, ‘the purpose shown on the map’ could be considered development that is ‘ordinarily incidental or ancillary to development for that purpose’.

Notwithstanding the above, the existing bus shelter signage J1 J 2 J3 and J7 benefit from existing use rights as defined in Section 4.65 of the EP&A Act, 1979 and detailed under the ‘Site History’ section of this report above and detailed in the Applicant’s Statement of Environmental Effects. Pursuant to Section 4.66(3) of the EP&A Act, the use of the advertising panels within the bus shelters has remained in

continuous operation since their respective consents were issued and the original plans depicted signage as part of the bus shelters.

BUSHFIRE PRONE LAND

The sites are not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 07/08/2025 to 04/09/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Northern Beaches Community Participation Plan 2019.

As a result of the public exhibition process Council received two (2) submissions objecting to the proposal. The grounds of the submissions are summarised and considered below:

- Against any sort of advertising at bus stops as they are a form of visual pollution in our otherwise attractive area.
- Would like to see bus shelters and seats kept clean, and graffiti and damage rectified promptly.
- Less visual clutter on our roads and bus stops, not more useless advertising.

Comment: The proposal is seeking to replace existing approved advertising panel signage with new digital /static displays. No additional signage is being proposed in this instance, rather, existing signage is being upgraded. The new signage is not determined to be visual clutter as it is provided in a professional manner using materials and finishes that are of high quality durable finish. Consent conditions require compliance advertising requirements under the *Transport Corridor Outdoor Advertising and Signage Guidelines* as well as light spill compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

REFERRALS

External Referral Body	Comments
Ausgrid – SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice, including the following: • Safework Australia – Excavation Code of Practice • Ausgrids’s Network Standard N156 • SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice • Ausgrid’s Network Standard, NS220 Overhead Design Manual. These recommendations will be included as a condition of consent.

Internal Referral Body	Comments
Traffic Engineer	There are no traffic engineering objections to the replacement of the existing paper static advertising panels at the designated bus shelters with new digital and/or illuminated static displays. The proposal is therefore supported, subject to the following conditions: Development Consent Operational Conditions

Internal Referral Body	Comments
	Traffic Management Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans. Note: A plan of traffic management is to be submitted to Council's Transport Network team for approval and a copy of the approval provided to the Principal Certifier. Reason: To ensure pedestrian safety and continued efficient network operation. Conditions that must be addressed prior to any commencement Road Occupancy Licence Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road or at a signalised intersection. Reason: Requirement of TMC for any works that impact on traffic flow. Conditions to be complied with during demolition and building work Ongoing Management The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works. Reason: To ensure public safety.
Heritage	This proposal has been referred to Heritage, as one of the subject sites, identified as; J2/ITS00264 - Bus Stop - Pittwater Road, in front of 783 Pittwater Road, Dee Why is within the vicinity of a heritage conservation area, being; C5-Dee Why Lagoon and Reserve Conservation Area - Dee Why Lagoon and Reserve, Dee Why. <u>Statement of Significance</u> The Australian Heritage Commission states in its official statement of significance that: 'Dee Why Lagoon is one of the best examples, in the Sydney Region, of an estuarine lagoon. It is one of the few large estuarine barrier lagoons, remaining in good condition, in the Sydney Region. The saltmarsh of the

Internal Referral Body	Comments
	lagoon area is a regionally uncommon remnant of saline marshlands, which were formerly more widespread in the Sydney Region. <u>Physical Description</u> The Dee Why Lagoon is an extensive waterbody located behind the sand dunes of Dee Why beach, receiving stormwater run-off and drainage from the ridge to the west of it. Dee Why Lagoon is one of the largest barrier lagoons within the Sydney Region with a maximum surface area of 30ha and a maximum depth of 1.5m. <u>Consideration of Application</u> The proposal seeks consent to install advertising panels in several existing bus shelters. The proposed works include replacing the existing paper advertising panels with digital advertising panels which will be affixed to the existing bus shelters. The proposal does not include other physical works to the bus shelters. The bus shelters included in this proposal as J1, J2, J3 and J7. Bus shelter J2 is located opposite a heritage conservation area, comprising the Dee Why Lagoon and Reserve. Heritage considers that the minor nature of the proposal in tandem with the physical distance between the subject site and the heritage conservation area, will not have an adverse impact on the heritage conservation area, nor its significance. As such, heritage raises no concerns and requires no conditions. The proposal is therefore supported.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

In this regard, whilst all provisions of the applicable Environmental Planning Instruments (SEPPs and LEPS), Development Controls Plans and Council Policies have been considered in the assessment, many are either not relevant or relate to definitions and operational provisions which the proposal is considered to be acceptable against.

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

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)

SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

The Industry and Employment SEPP commenced on 1 March 2022. It contains provisions for the assessment of Advertising and Signage. An assessment of the proposed bus shelter signage in accordance with the relevant provisions of the SEPP is provided below in Table 1.

Table 1. Signage Assessment

SEPP (Industry and Employment) 2021	Comment	Complies
Part 3.1 Preliminary		
3.1 Aims, objectives etc <i>(1) This Chapter aims—</i> <i>(a) to ensure that signage (including advertising)—</i> <i>(i) is compatible with the desired amenity and visual character of an area, and</i> <i>(ii) provides effective communication in suitable locations, and</i> <i>(iii) is of high quality design and finish, and</i> <i>(b) to regulate signage (but not content) under Part 4 of the Act, and</i> <i>(c) to provide time-limited consents for the display of certain advertisements, and</i> <i>(d) to regulate the display of advertisements in transport corridors, and</i> <i>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i> <i>(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i>	This application includes signage proposed to replace existing signage within advertising panels on four (4) separate bus shelters in Dee Why and Brookvale situated along Pittwater Road and Howard Avenue. The extent of signage proposed is compatible with the existing signage boards currently in place at each of the sites. The new replacement signage will improve the visual quality and design of the signage, with internal illumination to all and digitisation technology incorporated into the advertising panels. The signage is proposed within a State classified road corridor and is proposed in place of existing signage. There is no increase in the total display area of the advertising panels and no adverse impacts to traffic or pedestrians within the corridor. Illumination can be monitored and controlled if required.	Yes
3.4 Signage to which this Chapter applies <i>(1) This Chapter applies to all signage that—</i> <i>(a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and</i> <i>(b) is visible from any public place or public reserve, except as provided by this Chapter.</i> <i>Note—Public place and public reserve are defined in section 4(1) of the Act to have the same meanings as in the <u>Local Government Act 1993</u>.</i> <i>(2) This Chapter does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Chapter.</i>	Applies. The proposed new signage is proposed to be displayed with development consent and is subject to existing use rights for signs J1 J2 and J3 and ancillary for J7. The signage will be viewable within a public place being located single or double-sided on an existing elevation to seven bus shelters.	Applies.
Part 3.2 Signage generally		
3.6 Granting of consent to signage <i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</i>		

(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	a) Consistent. Refer to 3.1 above. b) Satisfactory. Refer to Schedule 5 assessment below.	Yes Yes
Part 3.3 Advertisements		
Division 1 General		
3.7 Advertisements to which this Part applies (1) This Part applies to all signage to which this Chapter applies, other than the following— (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. (2) Despite subsection (1)(d), section 3.26 applies to signage on a trailer (within the meaning of the Road Transport Act 2013). business identification sign means a sign— (a) that indicates— (i) the name of the person or business, and (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place. Note— Business identification signs are a type of signage—see the definition of that term in this Dictionary.] (Source: Standard Instrument – Principal LEP (2006 EPI 155a)) SEPP (Exempt and Complying Development Codes) 2008 Part 2 Exempt Development Codes Division 2 Advertising and Signage Exempt Development Code Subdivision 4 Fascia signs 2.88 Specified development The construction or installation of a business identification sign on the existing fascia of the awning of a building is development specified for the purposes of this code. 2.89 Development standards	This section applies as the signage proposed is general advertising signage with interchangeable content that is regulated by the Australian Association of National Advertiser (AANA) Code of Ethics. The proposed signage requires development consent and is not an exempt form of signage. The proposed signage is not business signage on a building fascia.	Yes

<i>The standards specified for that development are that the development must—</i> <i>(a) be mounted flat and securely fixed to the fascia, and</i> <i>(b) involve a rigid signboard or a signboard within a rigid frame, and</i> <i>(c) not project below, above or beyond the sides of the fascia, and</i> <i>(d) be at least 600mm behind the alignment of any kerb within the adjacent road, and</i> <i>(e) not be illuminated.</i> <i>(Source: SEPP (E&C) 2008)</i>		
3.8 Prohibited advertisements	NA	NA
Part 3.3: Division 2 Control of advertisements		
3.9 Requirement for consent <i>A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Chapter.</i>	The DA has sought consent for the proposed signage described earlier in this report and presented in the applicants SEE. The location and details of each sign are contained in the DA plan set.	Yes
3.10 Consent authority	The consent authority for this development application is the Northern Beaches Local Planning Panel as Council is the owner of the bus shelters.	Yes
3.11 Matters for consideration <i>(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—</i> <i>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i> <i>(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i> <i>(c) satisfies any other relevant requirements of this Chapter.</i> <i>(2) If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case.....</i>	a) Consistent. Refer to 3.1 above. b) The subject signage satisfies the provisions of Schedule 5. Refer to the assessment below. c) Satisfactory. Refer to assessment within this table. 2) 3.16 and 3.22 do not apply in this case.	Yes Yes Yes NA
3.12 Duration of consents <i>(1) A consent granted under this Part ceases to be in force—</i> <i>(a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</i>	1) Noted.	

<i>(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.</i> <i>(2) The consent authority may specify a period of less than 15 years only if—</i> <i>(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</i> <i>(b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or</i> <i>(c) the specification of a lesser period is required by another provision of this Chapter.</i>	2) Noted.	
Part 3.3: Division 3 Particular advertisements		
3.13 Advertisements on rural or non-urban land 3.14 Transport corridor land	Not applicable to this application.	N/A
3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground <i>(1) This section applies to an advertisement—</i> <i>(a) that has a display area greater than 20 square metres, or</i> <i>(b) that is higher than 8 metres above the ground.</i>	This section is not applicable. The proposed signage boards will not include a display area of greater than 20sqm and are no higher than 3m above the respective natural ground level.	N/A
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road <i>(1) This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.</i>	Not applicable.	N/A
3.17 Advertising display area greater than 45 square metres 3.18 Location of certain names and logos 3.19 Roof or sky advertisements	N/A Capable of complying. No roof signage	Yes
3.20 Wall advertisements <i>(1) Only one wall advertisement may be displayed per building elevation.</i>	1) Complies. Only one sign proposed per elevation. The existing advertising panels comprise either single or double-	Yes

<i>(2) The consent authority may grant consent to a wall advertisement only if—</i> <i>(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</i> <i>(b) for a building having—</i> <i>(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and</i> <i>(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</i> <i>(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and</i> <i>(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and</i> <i>(d) the advertisement does not protrude above the parapet or eaves, and</i> <i>(e) the advertisement does not extend over a window or other opening, and</i> <i>(f) the advertisement does not obscure significant architectural elements of the building, and</i> <i>(g) a building identification sign or business identification sign is not displayed on the building elevation.</i> <i>(2A) In the case of the display of a wall advertisement on transport corridor land, subsection (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.</i> <i>(3) In this section, building elevation means an elevation of a building as commonly shown on building plans.</i>	sided display areas to the single elevation of each bus shelter. a) Complies. As above, the advertising boards are an existing feature of the bus shelters. The proposal merely seeks consent to replace the signage content and incorporate updated digital display technology and internal illumination. b)(i) As above, advertising panels are existing. ii) N/A iii) N/A c) No projections of the signage proposed. d) No protrusions. e) Clear of all openings. f) No. g) N/A 2A) NA 3) Noted.	Yes Yes
3.21 Freestanding advertisements 3.22 Advertisements on bridges 3.23 Special promotional advertisements 3.24 Building wrap advertisements	N/A N/A N/A N/A	NA

3.25 Advertisements within navigable waters	N/A	
3.26 Advertisements on trailers parked on (or visible from) roads or road related areas	N/A – relates to signage on parked trailers, not bus shelters.	
3.27 Application of provisions of this Division	Noted.	NA
Part 3.4 Miscellaneous		
3.28 Advertising design analysis	Noted.	NA
3.29 Consultation with TfNSW	N/A	
3.30 Exempt development	N/A	
3.31 Review of Policy	Noted.	
3.32 Savings for draft local environmental plans not yet completed by 30 June 2023	Noted.	
Schedule 5 Assessment Criteria		
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 proposal is deemed to be compatible with the existing and desired future character of the areas in which the bus shelters are located. The shelter advertising panels are existing, and the proposal seeks to replace the signage with commensurate advertising with upgraded displays, digitisation and internal illumination. The signage is located within the road corridor and is considered appropriate for the respective settings.	✓
• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The design of the replacement signage is consistent with the existing advertising panel signage with respect to its dimensions and planned general content.	✓
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 shelters are not located within environmentally sensitive areas, heritage conservation areas or sensitive visual catchments. Signage on shelter J2 is located within the vicinity of a heritage conservation area (HCA), being C5- Dee Why Lagoon and Reserve Conservation Area - Dee Why Lagoon and Reserve, Dee Why. However, Council's Heritage Planner is satisfied that the replacement signage will not adversely impact the heritage conservation values or heritage significance of this HCA due to the minor nature of the	✓

	works and the separation distance between shelter J2 and the HCA.	
3.Views and vistas		
• Does the proposal obscure or compromise important views?	None of the shelters are in areas subject to prominent views. No adverse impacts anticipated.	✓
• Does the proposal dominate the skyline and reduce the quality of vistas?	As above, no impacts anticipated given the locations of the shelters and the design of the signage proposed.	✓
• Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not compromise the viewing rights of other advertisers as it has been designed in a sympathetic manner which is non-obtrusive and does not unreasonably obscure lines of sight from the adjoining roads and footpaths to any signs on neighbouring properties. Each signage proposal has been reviewed by Councils traffic engineers who raise no objection to the proposal.	✓
4. Streetscape, setting or landscape		
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is appropriate having regard to the existing dimensions of the advertising panels on each of the bus shelters. No adverse impacts to landscaping features.	✓
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed advertising signage will enhance the visual presentation of the bus shelter and adds visual interest to the road reserve zone that can often be a barren area dominated by vehicles. The incorporation of digital display technologies and internal illumination will contribute to further vibrancy and visual interest without adversely distracting drivers or pedestrians as confirmed by Councils traffic engineers.	✓
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal involves replacement of existing signage, and as such will not increase visual clutter.	-
• Does the proposal screen unsightliness?	The signage is not required to screen unsightliness. The advertising panels are existing and only the content and method of display is to be updated.	-
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed signage is to be wholly contained within the existing advertising panels and does not protrude above the bus shelter structures.	✓
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 is designed to integrate with the existing bus shelters. As such, it will not overwhelm the surrounding buildings or other features of the physical environment.	✓
• Does the proposal respect important features of the site or building, or both?	The signage will enhance the aesthetic qualities and visual appearance of the bus shelters.	✓
• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes. The proposed replacement signage incorporates digitisation and/or internal illumination to the static signs which will enhance the vibrancy and appearance, contributing to innovation in the displays.	✓
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?	Lighting has been designed as an integral part of the signage, being illuminated internally. Safety devices in the sense of scaffolding and rails are not required for 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. Consent condition has been imposed requiring the signage not to cause adverse glare impacts to pedestrians or motorists or adjoining property owners and comply with the Australian Standard. 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 provide visibility and safety for pedestrians and transport users. The signage will be illuminated in accordance with the best practice illumination levels as set out by the Outdoor Media Association and Australian Standard. 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 2sqm and is to be integrated within the existing bus shelters. Each of the shelters are located away 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. Australian Standards apply to the illumination levels.	✓
• Is the illumination subject to a curfew?	24 hour operation of the signage boards is proposed. This is considered acceptable given the separation to sensitive residential receivers, the modest display areas in	✓

	question and the ability to manage glare and illumination. The internal illumination will contribute to CPTED principles, ensuring a degree of lighting is provided to the bus shelters throughout the evening / early morning hours for improved commuter safety.	
8.Safety		
• Would the proposal reduce the safety for any public road?	Given the modest scale of the advertising display areas and integration as part of the bus shelter structures, it is considered that the safety of road users is unlikely to be significantly impacted.	✓
• Would the proposal reduce the safety for pedestrians or bicyclists.	No. Again, the signage panels forming an integrated part of the bus shelters do not obscure views of the road or protrude outside of the shelter structure.	✓
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	As above, no.	✓

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- Immediately adjacent to an electricity substation.
- Within 5.0m of an overhead powerline.
- Includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or whether 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Is the development permissible?	No – As addressed above within this report, all bus shelter signage benefits from existing use rights and J7 not approved.
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of Buildings	N/A
4.6 Exceptions to development standards	N/A
5.10 Heritage Conservation	Yes
6.2 Earthworks	N/A
6.4 Development on sloping land	N/A

Detailed Assessment

Zone SP2 Infrastructure (Classified Road)

Zone Objectives

- To provide for infrastructure and related uses.*
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Comment:

The proposed signage is deemed to be consistent with the objectives of the SP2 zone above on the basis that:

- The signage is ancillary to and forms an associated part of existing bus shelters located within a classified road corridor, supporting the predominant intent of the zoning to accommodate a road corridor and associated infrastructure, including bus shelters.
- The proposed signage will enhance the visual quality and appearance of the streetscape when compared to the existing scenario.
- The signage will not directly compromise the safe operation of the roadway.
- The 24-hour illumination of the signage is deemed appropriate, contributing to CPTED principles of commuter safety within the road corridor.
- The high-quality design of the new advertising signage will enhance the visual appeal and add vibrancy to the streetscape of Pittwater Road.

Zone MU1 Mixed Use

Zone Objectives

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- To provide an active day and evening economy encouraging, where appropriate, weekend and night-time economy functions*

Comment:

Shelter J7 is located within the MU1 zone. The proposed signage at Shelter J7 is consistent with the objectives of the MU1 Zone on the basis that:

- The high-quality design of the new advertising signage will enhance the visual appeal, contribute to the vibrancy of and promote visual interest along the Howard Avenue streetscape and surrounding public domain.
- The signage will not generate land use conflicts or result in adverse amenity impacts on surrounding and adjoining land uses, including nearby residences and commercial tenancies.

- The signage will promote ground level activation of the Dee Why commercial precinct and contribute to the variety of uses in the locality.

As stated elsewhere the signage can be deemed to be ancillary with a time limited approval for 15 years.

5.10 Heritage Conservation

Prior to the granting of consent under this clause, Council is required to consider any potential impacts to heritage listed items or places of heritage significance, including adjoining and surrounding items.

None of the subject sites are located on heritage listed land or within a heritage conservation area (HCA). However, the bus shelter sign at J2 is located within the vicinity of an identified HCA, being

C5- Dee Why Lagoon and Reserve Conservation Area - Dee Why Lagoon and Reserve, Dee Why.

Accordingly, the application was referred to Council's Heritage Planner for consideration. This HCA is located approximately 50m to the east of the bus shelter J2, on the opposite side of Pittwater Road. Council's Heritage Planner has determined that the proposal will not adversely impact the heritage significance or heritage values of this HCA due to the minor nature of the works and the separation distance between the proposed signage and the HCA.

Therefore, no further assessment with regards to Clause 5.10 is necessary.

WARRINGAH DEVELOPMENT CONTROL PLAN

Part D23 Signs

Control	Proposed	Complies (Y/N)
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 proposed signage seeks to replace existing bus shelter signage within designated advertising panels. The visual appearance of the new signage is vastly enhanced through digitisation of signage boards and controlled internal illumination. No additional visual cluttering or obscuring of other advertising.	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.	The proposed signage replaces existing signage panels within bus shelters. The dimensions of the signage are to be maintained and will enhance the visual appearance of the shelters when compared to the existing situation.	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.	Not applicable	N/A
4. Signs are not to obscure views of vehicles, pedestrians or potentially hazardous road features or reduce	The proposed replacement signage to the shelters will not reduce road safety for drivers, pedestrians or	Yes

Control	Proposed	Complies (Y/N)
the safety of all users of any public road (including pedestrians and cyclists).	cyclists. The alternate side of the shelters looking toward oncoming traffic will remain open-sided to ensure sight lines between oncoming vehicles and pedestrians within the shelter is maintained. Councils engineers have reviewed the proposal and support the scheme.	
5. Signs should not be capable of being confused with, or reduce the effectiveness of, traffic control devices.	No impacts to traffic control devices. The advertising panels in this instance are existing and are to be replaced.	Yes
6. Signs are not to emit excessive glare or cause excessive reflection.	As addressed previously in this report, all internally illuminated signage panels can be sufficiently controlled and operated to manage impacts of glare.	Yes
7. Signs should not obscure or compromise important views.	Replacement signage does not adversely impact views or view corridors.	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.	N/A
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.	Not applicable.	N/A
10. No more than one sign is to be located above the awning level for business uses.	Not applicable.	N/A
11. Tenancy boards and the like are encouraged to be in the form of consolidated signs.	Not applicable.	N/A
12. Signs shall meet the following criteria: <i>Window sign – Must occupy less than 50% of the window area so as to not obstruct natural light; and shall only be permitted on ground floor</i>	Not directly applicable to the advertising panels within the existing bus shelters.	N/A

Control	Proposed	Complies (Y/N)
<i>windows, below awning level or equivalent.</i>		

OTHER POLICIES / GUIDELINES

TRANSPORT CORRIDOR OUTDOOR ADVERTISING AND SIGNAGE GUIDELINES

The applicant in their Annexure A to the submitted statement of environmental effects prepared by Planning Ingenuity have provided a comprehensive consideration of the Transport Corridor Outdoor Advertising and Signage Guidelines. The Guideline was developed by the Department of Planning and Environment in 2017 as a best practice for the planning and design of outdoor advertisements in transport corridors, including local roads.

Section 2 outlines general assessment criteria for all advertisement proposals under SEPP (Industry and Employment) 2021 and specific design criteria for advertising structures within transport corridors. An assessment of the proposed bus shelter signage in accordance with Section 2 guidelines is provided in Table 2 below.

Table 2. Consideration of Transport Corridor Outdoor Advertising and Signage Guideline 2017

Relevant Provision / Guideline	Comment	Complies
Section 2 Design Issues		
2.4 Sign Clutter Controls	The signs replace existing signage of comparable scale and dimensions. No additional visual cluttering caused by the proposal.	Yes
2.5.1 General Criteria	The proposed signage replaces existing signage of commensurate dimensions to be contained within the existing advertising panels. Illumination is central to the proposal and will be controlled in accordance with the guideline. No adverse glare / light spill impacts anticipated from the proposed signage. Consent conditions can be added.	Yes
2.5.8 Digital Signs	Advertising content will not include images or displays that dazzle, flash or represent traffic control devices. Dwell times for each of the signs set in accordance with the guidelines having regard to the signposted speed limits. Condition to be imposed that all content including text, messaging, imagery, etc. is not instructional or directional in nature such that it would confuse or distract drivers.	Yes
2.5.10 Residential Amenity	The proposed signage is separated from sensitive residential uses. Accordingly, there are no anticipated adverse residential amenity impacts from the replacement signage.	Yes
2.5.11 Video and Animated Electronic Signs	No animated visuals or movie content is proposed.	N/A
Section 3 Advertisements and Road Safety		
3.2.1 Road Clearance	The location of the signage panels, inset within the bus shelters remains the same as part of this application. As such, there will be no change to road clearances.	Yes

3.2.2 Line of Sight	The location of the signage will not change. Located within the panel of the existing bus shelters, the signs are not considered to obstruct driver views which formed part of the review by Councils traffic engineers. The signs are 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.	Yes
3.2.3 Proximity to Decision Making Points and Conflict Points	No change to the existing location of the advertising panels within the bus shelters.	Yes
3.2.4 Sign Spacing	As above, all existing advertising panels to include new signage.	Yes
3.3.1 Advertising Signage and Traffic Control Devices	The location of the sign remains unchanged, as such no new traffic impacts arise.	
3.3.2 Dwell Time and Transition Time	Signs J1, J2, J3 and J7 are two sided digital/static signs. Conditions of consent can be imposed requiring appropriate dwell times.	Yes
3.3.3 Illumination and Reflectance	All signs are proposed to be internally illuminated utilising LED technology. All illuminated to comply with the guidelines, conditions of consent to be imposed.	Yes
3.3.4 Interaction and Sequencing	Not applicable / not proposed.	N/A
3.4 Road Safety Review of New or Modified Signs	Noted.	Note
3.6 Road Safety Guidelines for Sign Content	As addressed previously in this report, content to be provided in accordance with the Outdoor Media Association's OMA Model Advertising Code in regard to industry accepted performance criteria.	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

Not applicable.

CONCLUSION

The sites have been inspected and the development application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan 2011;

- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

- Consistent with the SEPP (Industry and Employment) 2021 and the relevant design provisions of the Transport Corridor Outdoor Advertising and Signage Guideline 2017
- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSIONS

This proposal, for the installation of replacement advertising structures in existing bus shelters has been referred to the Northern Beaches Local Planning Panel because Council is the owner of the bus shelters on which the development is proposed.

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for fourteen (14) days.

Two objections to the development were received. The grounds of objection have been suitably considered in this report.

The critical assessment issues include compliance with Chapter 3 provisions under SEPP (Industry and Employment) 2021, the Warringah LEP 2011 and Warringah DCP.

Overall, the proposed replacement advertising signage is of a high quality design that performs well against the relevant controls and will not result in unreasonable adverse impacts on adjoining or nearby properties, or the natural environment.

The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

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

RECOMMENDATION

That Northern Beaches Council Local Planning Panel, as the consent authority grant Development Consent to **DA2025/0959** for the installation of advertising structures in existing bus stop shelters in the locations detailed in this report along Pittwater Road and Howard Avenue, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Drawing No: 101 Bus Stop J1 (209914) Rev B	28.3.25	oOh!
Drawing No: 101 Bus Stop J2 (209915) Rev B	25.3.25	oOh!
Drawing No: 101 Bus Stop J3 (210022) Rev B	25.3.25	oOh!
Drawing No: 101 Bus Stop J7 (209948) Rev B	21.7.25	oOh!
Drawing No: 101 000 Pitched Roof Metro Ad (Metrolite) 01 Sheet 3	19.3.25	oOh!
Drawing No: 101 NBC-000-100017-01 Sheet 2	3.3.25	oOh!
Drawing No: C-010-100144-01 Sheet 1	11.7.25	oOh!

2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Referral - Ausgrid	Undated

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Limitation of Development Consent for Signage**

Pursuant to the provisions of State Environmental Planning Policy (Industry and Employment) 2021, 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 (Industry and Employment) 2021.

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 Certifier 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 Certifier 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:
 - the name and licence number of the principal contractor, and
 - 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:
 - the name of the owner-builder, and
 - 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 Certifier 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.

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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- e) 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.
- f) 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.
- g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths,

roadways, parks or grass verges without Council Approval.

- j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (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.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the

- pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

6. **Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems.

These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to Council's Transport Network team for approval and a copy of the approval provided to the Principal Certifier.

Reason: To ensure pedestrian safety and continued efficient network operation.

FEES / CHARGES / CONTRIBUTIONS

7. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. 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 Certifier prior to the issue of the Construction Certificate.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

9. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road or Condamine Street.

Reason: Requirement of TMC for any works that impact on traffic flow.

DURING BUILDING WORK

10. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

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

11. Transport Corridor Outdoor Advertising and Signage Guidelines

The signage and its content must be consistent with the relevant digital sign criteria as outlined in the NSW Government Transport Corridor Outdoor Advertising and Signage Guidelines.

Reason: To ensure road safety.

12. Signage Illumination Intensity and Design

The level of illumination and/or lighting intensity used to illuminate the signage shall comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting and is to be minimised. The signage shall not cause excessive light spill or nuisance 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.

FINAL DECLARATION

Consultant Name: Andrew Martin

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.