

3.5 212 Forest Way, Belrose – Construction of Bus Shelter with Signage on Road Reserve - Bus Stop Number 208593

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Renee Ezzy
Address / Property Description:	Construction of Bus Shelter with signage on the road reserve in front of 212 Forest Way Belrose - Bus stop number 208593
Development Application No:	DA2011/0386
Application Lodged:	24/03/2011
Plans Reference:	Site Location – Rev D (10/3/11) 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:	B2 Oxford Falls Valley
Category:	Category 2 (cl17 (4) WLEP 2000)
Draft WLEP 2009 Permissible or Prohibited Land use:	(SP2 Infrastructure) “Community Facility” - Permissible with consent
Variations to Controls (Cl.20/Cl.18(3)):	SEPP 1 Objection (Clause 20 variation under WLEP 2000) to Clause 22 of SEPP 64.
Referred to ADP:	YES
Referred to WDAP:	NO
Land and Environment Court Action:	NO
SUMMARY	
Submissions:	Nil
Submission Issues:	N/A
Assessment Issues:	Nil
Recommendation:	Approval, subject to conditions
Attachments:	Site Plan and Drawings

LOCALITY PLAN (not to scale)



Subject Site: The proposed site is the road reserve on the western side of Forest Way in front of 212 Forest Way, north of Waldon Road. Bus Stop Number 208593.

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 road reserve on the western side of Forest Way, Belrose, outside the boundary of No. 212 Forest Way, being Covenant Christian School. The site currently contains a Bus J Pole.

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 2.846 metres high, 3.833 metres long and 1.523 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 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

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.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on "Draft Warringah Local Environmental Plan 2009" in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.

Section 79C 'Matters for Consideration'	Comments
	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. (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. No submissions were 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.

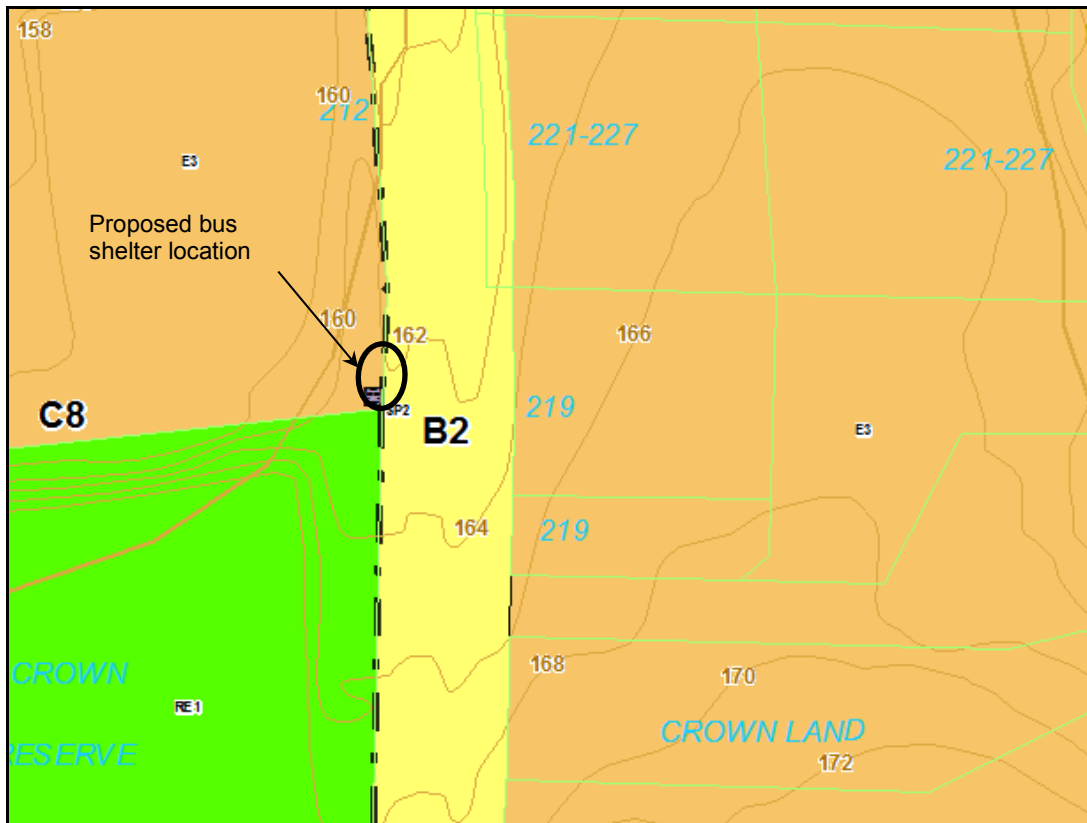
DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: *Community Facility*

Land Use Zone: SP2 Infrastructure

Permissible or Prohibited: *Permissible with consent*



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

Principal Development Standards:

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

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 1 – Development Standards

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

State Environmental Planning Policy - Infrastructure

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

SEPP No. 64 – Advertising and Signage

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

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

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



Matters for Consideration	Comment	Complies
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 B2 Oxford Falls Valley: <u>Requirement 1</u> <i>The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.</i> <i>Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.</i> <u>Comment:</u> The proposed shelter is located within the road reserve outside the boundary of Covenant Christian School on Forest Way. The proposed shelter provides an upgrade of this public facility which services the people who use the bus service on this route. Its appearance is simple and its design incorporates a pitched aluminium roof form providing a more sensitive response to the character of this locality. 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 adjoining residential properties. The proposed bus shelter is considered to provide an appropriate element within the road corridor. <u>Requirement 2</u> <i>The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.</i> <u>Comment:</u> The proposed shelter will not impact or disturb any vegetation or landforms. The structure will be constructed from green aluminium which will blend with the natural landscape. <u>Requirement 3</u> <i>A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.</i> <u>Comment:</u> The proposed shelter is located within the road reserve on the outside the boundary of Covenant Christian School. It will not impact on any fencing and is considered to complement the landscaped vista and streetscape setting.	YES

Matters for Consideration	Comment	Complies
	<u>Requirement 4</u> <i>Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.</i> The new footprint for this structure is not considered likely to create any additional impacts on the water quality of Narrabeen lagoon. Further, appropriate sediment control requirements will be recommended with any notice of determination for consent.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed advertising signage panel allows for commercial advertising opportunities consistent with the commercial nature of the immediate locality. 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 location is not within the vicinity of any environmentally sensitive areas, heritage items, waterways or rural landscapes. Further, the proposed signage will not detract from the visual quality 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
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 surrounded by large open spaces and significant vegetation. Accordingly, the scale and form of the shelter is appropriate within this streetscape setting.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is not considered to detract from the character of this location and will provide a complimentary element within this setting.	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

Matters for Consideration	Comment	Complies
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
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 southern sides offering visibility behind 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:

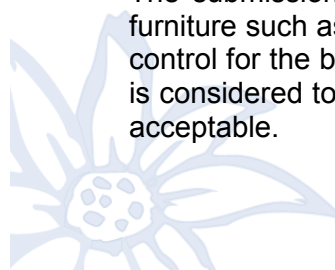
- (1) Only one wall advertisement may be displayed per building elevation.
- (2) The consent authority may grant consent to a wall advertisement only if:
 - (a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and
 - (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 B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

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

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”

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 present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

Comment:

The proposed shelter is located within the road reserve on the western side of Forest Way outside Covenant Christian School.

The proposed shelter appearance is simple and its design incorporates a pitched aluminium roof form providing a more sensitive response to the desired character of development in the locality.

The proposed bus shelter is not located on a ridgetop visible from Narrabeen Lagoon or Wakehurst Parkway and is considered to provide an appropriate element within the road corridor.

Requirement 2

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Comment:

The extent of works proposed will not impact upon any natural landforms or vegetation and is designed to complement the setting it is to be placed in.

Requirement 3

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Comment:

The proposed works will not impact on any bushland buffers or plantings located along Forest way.

Requirement 4

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained."

The new footprint for this structure is not considered likely to create any additional impacts on the water quality of Narrabeen Lagoon or its catchment. Further, appropriate sediment control requirements will be recommended with any notice of determination for consent.

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



Built Form Controls (Development Standards) B2 Oxford Falls Valley

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

Built Form Standard	Required	Compliance Comment	Compliance
Housing Density	Maximum 1 dwelling per 20ha	The proposal is not within a standard allotment but is located within the road reserve. Accordingly, this built form control is not relevant to this particular form of development.	N/A
Building Height	Maximum 8.5m	The proposal is not within a standard allotment but is located within the road reserve. Accordingly, this built form control is not relevant to this particular form of development. Notwithstanding, the maximum height of the proposed bus shelter is 2.846m.	YES
Front Building Setback	Minimum setback 20m	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 and Side Building Setback	Minimum setback 10m	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
Landscaped Open Space	30% 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

General Principles	Applies	Comments	Complies
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 not been identified as flood affected lands according to Council's records and databases.	YES
CL48 Potentially Contaminated Land	YES	The site has historically been used as road corridor. There is no evidence to suggest that the site is contaminated.	YES
CL49 Remediation of Contaminated Land	NO	No comment	NA
CL49a Acid Sulfate Soils	NO	No comment	NA
CL50 Safety & Security	YES	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.	YES

General Principles	Applies	Comments	Complies
		<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>	
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

General Principles	Applies	Comments	Complies
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
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

General Principles	Applies	Comments	Complies
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

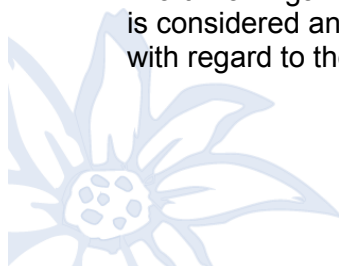
Prohibited Signs	Point 5 in this schedule states the following: <i>signs which do not directly relate to the predominant land use, business or activity carried on, or proposed to be carried on, within the site or building on which the sign is to be placed, except signs on public amenities such as street 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 Environmental Plan 2009 and the relevant codes and policies of Council.

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

RECOMMENDATION - APPROVAL

THAT Council as the consent authority grant Development Consent to DA2011/0386 for construction of a bus shelter with signage on the road reserve in front of No. 212 Forest Way, Belrose (bus stop No. 208593) 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 D	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

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	DA2011/0381	28 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)

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

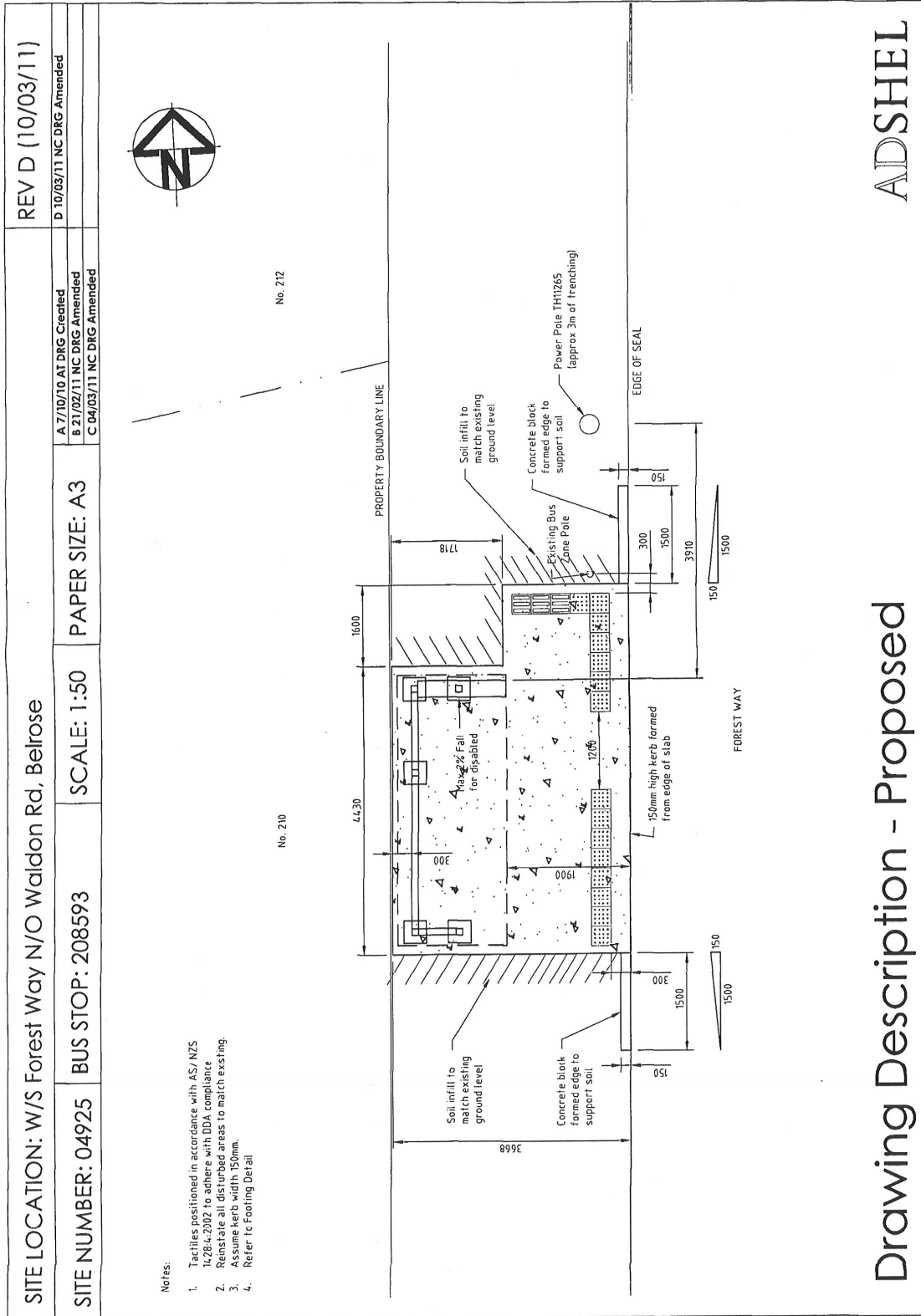
12. Illumination Intensity and design

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)



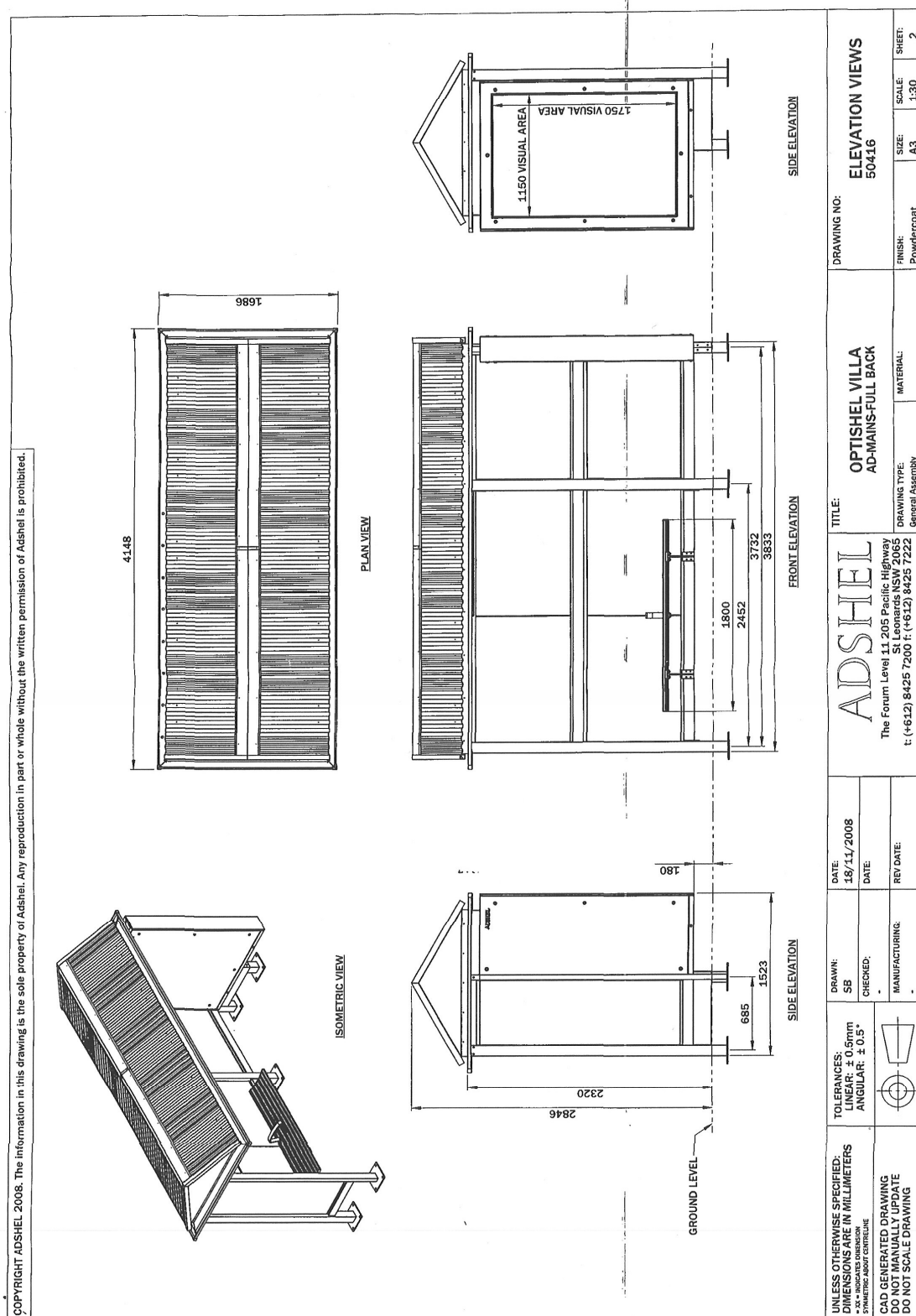
Site Plan and Drawings



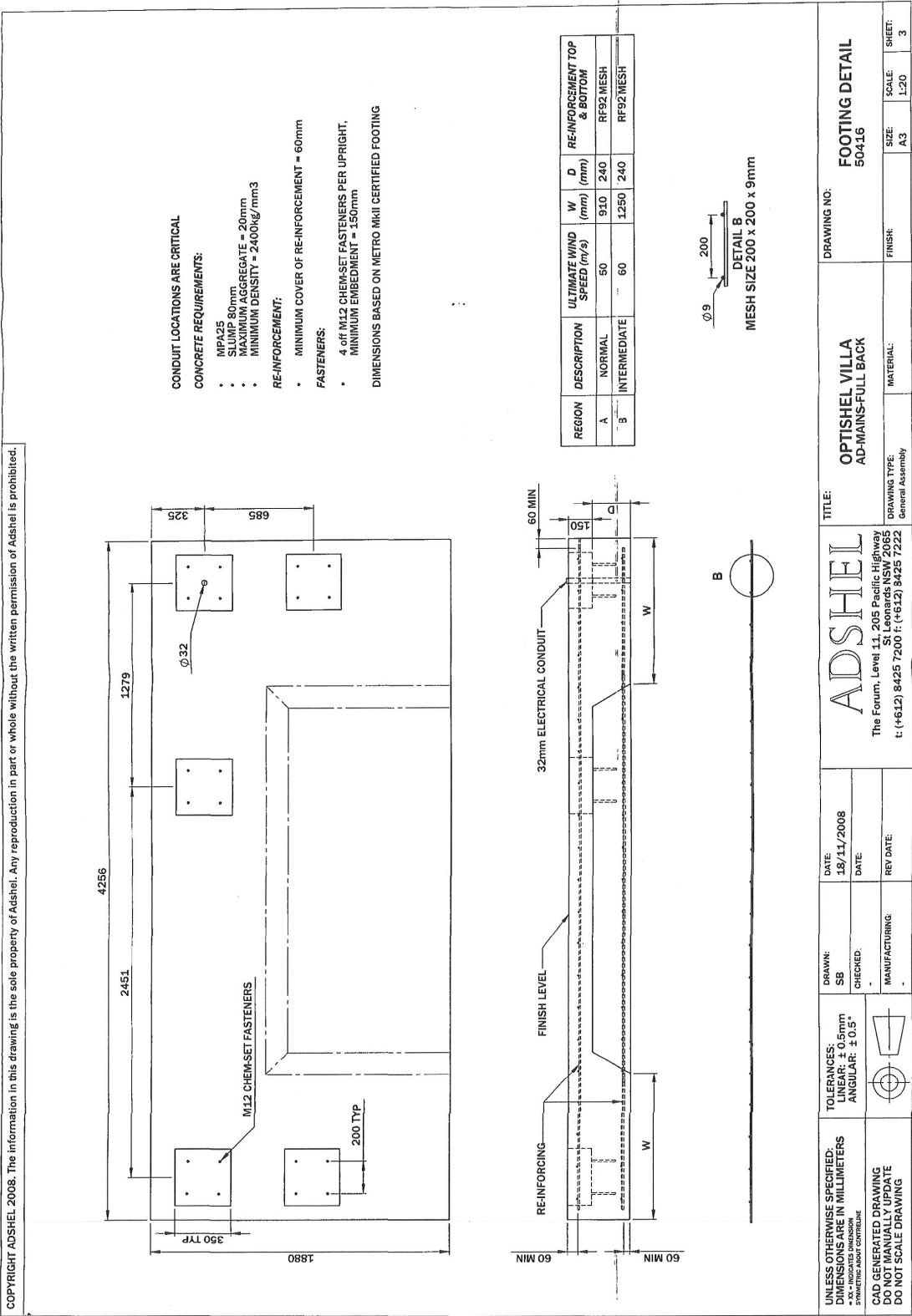
ADSHL

Drawing Description - Proposed

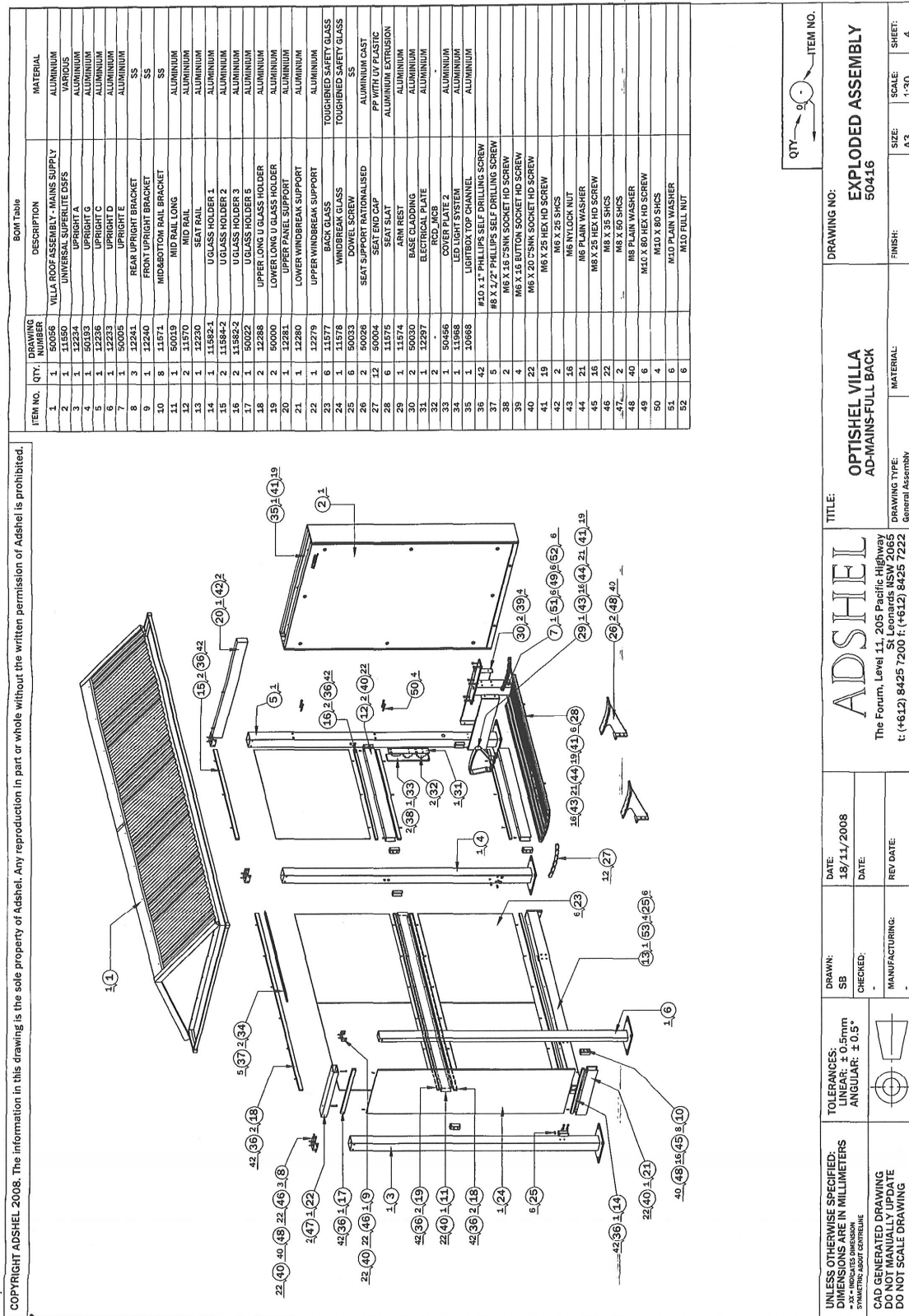
Site Plan and Drawings



Site Plan and Drawings



Site Plan and Drawings



Site Plan and Drawings

