

DA NO: DA-2023/116

ADDRESS: 1 ANDERSON STREET, CHATSWOOD NSW 2067.

PROPOSAL: INSTALLATION OF VEHICULAR BRIDGE SAFETY BARRIERS AND ROOFTOP SECURITY SCREENS.

RECOMMENDATION: APPROVAL

ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO AND THE PROPOSAL
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. SCHEDULE OF CONDITIONS
6. NOTIFICATION MAP

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER

AUTHOR: PETER WELLS - CONSULTANT PLANNER

REPORT DATE: 23 JANUARY 2024

MEETING DATE FOR ED ELECTRONIC DETERMINATION

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2023/116 for installation of vehicular bridge safety barriers and rooftop security screens at 1 Anderson Street, Chatswood.

The application is required to be referred to the WLPP for determination because the proposal relates to development for which the land owner is Council.

2. OFFICER'S RECOMMENDATION

THAT the Willoughby Local Planning Panel:

2.1 Approve Development Application DA-2023/116 for the installation of vehicular bridge safety barriers and rooftop security screens at 1 Anderson Street, Chatswood, subject to conditions contained in Attachment 5, for the following reasons:

2.1.1 The proposed development is considered to satisfy the general aims and objectives of the *Local Environmental Plan* and do not compete against the desired future character of the locality.

2.1.2 The proposal will not have unreasonable impacts on local traffic, streetscape or on the residential amenity of neighbouring properties.

2.1.3 The proposed development achieves the objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP 2012)* and the objectives of the *Willoughby Development Control Plan (WDCP)*.

2.1.4 The proposal enhances public safety and as such is in the public interest.

3. BACKGROUND

The subject application was lodged 16 June 2023.

On 5 December 2022 DA-2022/195 was approved for construction and use of an outdoor recreation facility, removal of 73 car parking spaces on existing Level 6 rooftop carpark, ancillary works, construction of stairs to Level 5 and extension of existing retail area on Level 6 and associated works.

On 28 July 2023 Modification Application DA-2022/195/A was approved for changes to the consent including deleting proposed interconnecting stairs from the recreation club to level 5.

By way of historic background, on 26 November 1996 Development Application DA-1995/602 was approved for alterations and additions to existing retail complex at 1 Anderson Street, modification to Albert Avenue Carpark, and redevelopment of 386 Victoria Avenue for the purpose of retailing, cinemas and car parking including associated pedestrian/vehicular tunnels and bridges. Condition 10 of this consent required “a minimum of an additional 624 car parking spaces are to be provided to the satisfaction of the Manager Health and Building...”

On 8 October 2014 Development Application DA-2013/557 was approved for demolition of the two storey arcade link to Victoria Avenue and construction of a new five storey link to Victoria Avenue plus alterations and additions to the north-east portion of the Westfield Shopping Centre.

The subject application was initially notified for 21 days from 24 May to 14 June 2023, where 1 submission was received.

As the proposal relates to Council-owned land (Albert Street carpark), the application was renotified from 24 November to 19 January 2024 (extended Christmas notification period) to ensure a minimum 28-day period of notification in accordance with Council's Conflict of Interest Management procedures. No submissions were received.

On 15 November 2023 owners consent (from Council) was obtained.

On 21 December 2023 Council's Property Manager confirmed that:

“The owner's consent only relates to the security fence to the Albert avenue carpark, which David Francis confirmed in his email on 21 Nov below.

There are safety barriers to the vehicle bridges that are covered by our consent, but we are not approving recladding the pedestrian bridge that would result in closures to Albert Avenue.

The approval letter only refers to vehicle bridges.

This was a separate DA for the cladding works to the pedestrian bridge to Myer and this is not approved by the owner”.

This means that the owner's consent issued on 15 November 2023 relates to all aspects of work in the subject application, but expressly does not relate to recladding the pedestrian bridge, which is the scope of work relating to another, separate development application.

A description of the site, including an aerial photograph is contained in **Attachment 1**.

4. DISCUSSION

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

A detailed assessment of the proposal for approval is provided in **Attachment 4**.

The draft conditions, should the Panel be of a mind to approve the application, are contained in **Attachment 5**.

The notification map is included in **Attachment 6**.

The **plans** used for this assessment can be found in a file named **WLPP Plans** under the DA tracking functionality for this application on Council's website:

<https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=528768>

5. CONCLUSION

The Development Application DA-2023/116 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *Draft WLEP*, *WDCP 2012*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 5.

ATTACHMENT 1: SITE DESCRIPTION, AERIAL PHOTO AND THE PROPOSAL

SITE DESCRIPTION

The subject site is bound by four (4) streets: Anderson Street, Albert Avenue, Spring Street.

The site is legally described as follows:

- Site A: Lot 1 DP 741948, Lot 11 DP 1171717, Lot 24 DP 618973, Lot 1 DP 69505, Lot 6 DP 69530, Lot 5 69530.
- Site B: (1 Anderson Street) Lot 1 DP 1001932
- Site C: (49 Albert Street) Lot 1 DP 879701

An aerial photograph is marked up to show the sites below.

The site area is approximately 10,800m².

AERIAL PHOTO



Image 1: The subject site, outlined in yellow (source: Council GIS system Exponare)



Image 2: The existing elevated vehicular access ramp over Albert Avenue.

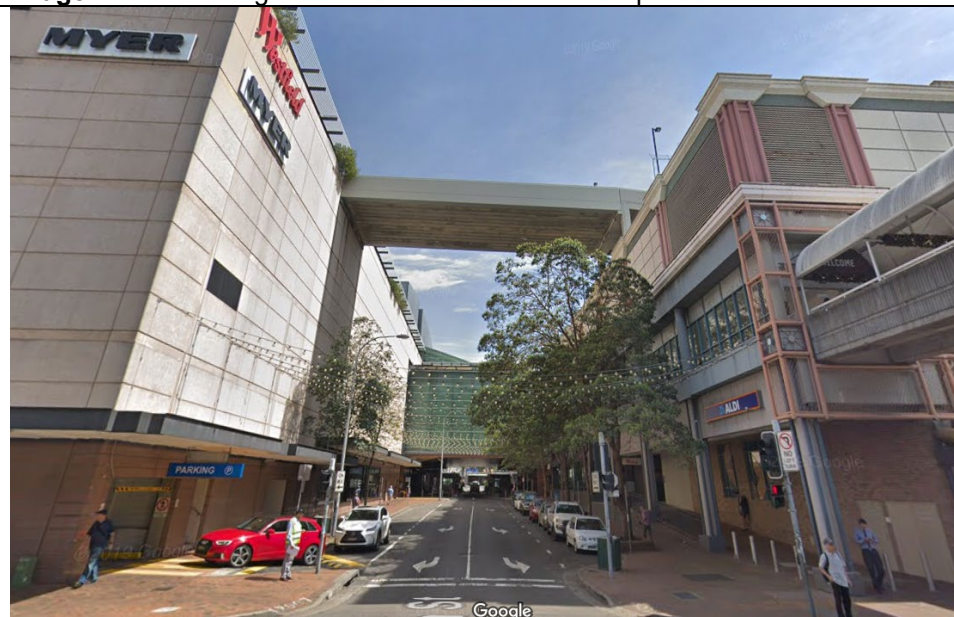


Image 3: The existing elevated vehicular access ramp over Anderson Street.



Image 4: The existing (Council owned) Albert Street carpark, as viewed from Victor Street.

THE PROPOSAL

This proposal relates to the following works:

- The installation of vehicle bridge safety barrier and security screen to the rooftop carpark and ramps in various locations around the site.



Image 5: The proposed barrier to the existing elevated vehicular access ramp over Albert Avenue (looking west).



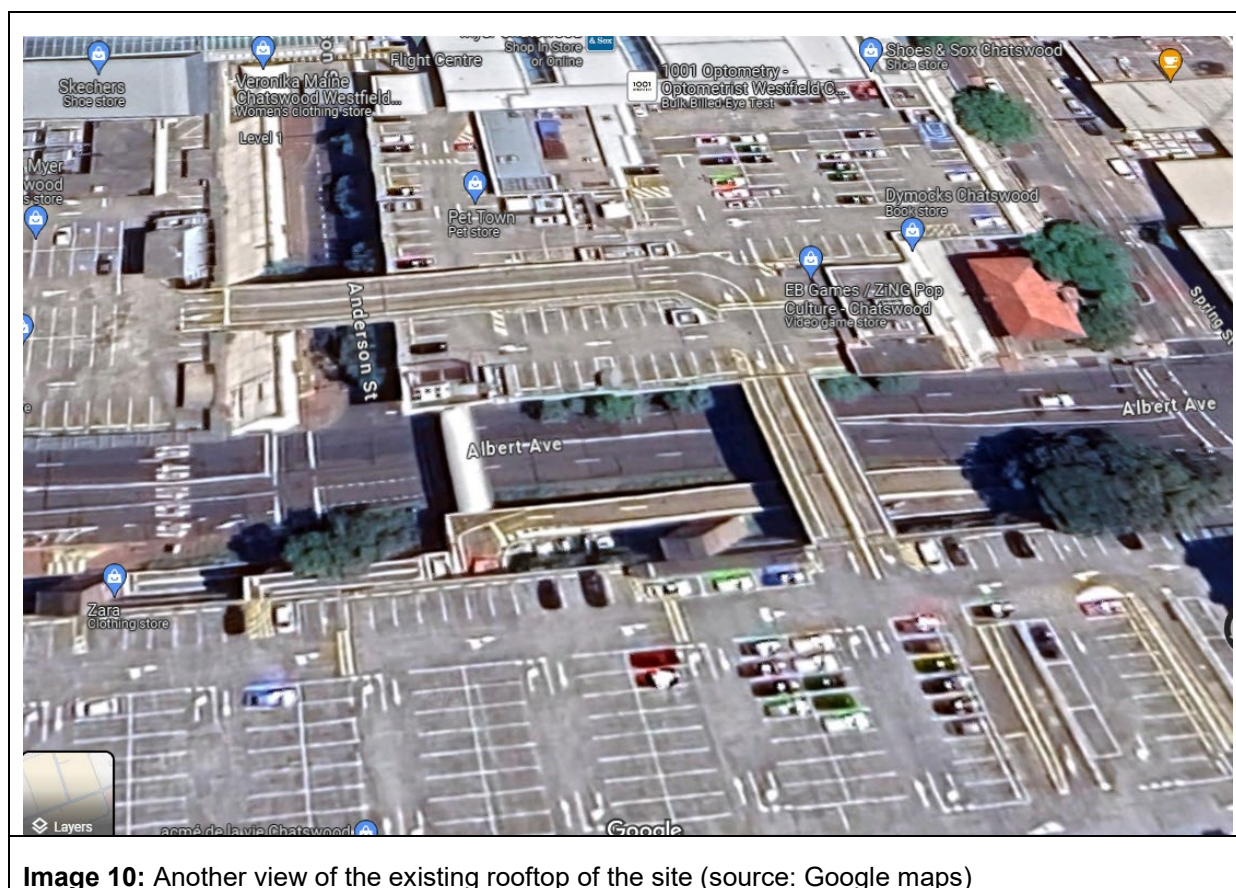
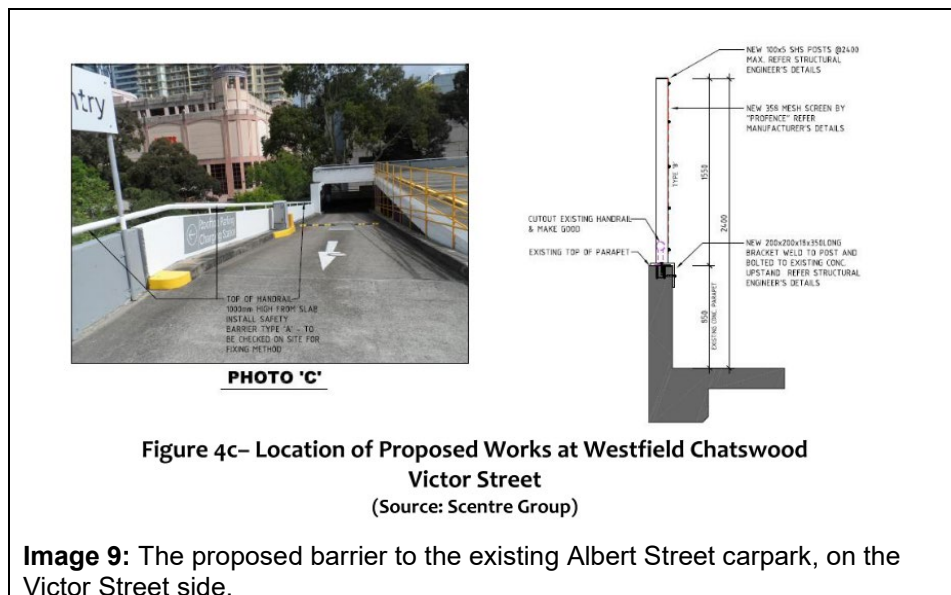
Image 6: The proposed barrier to the existing elevated vehicular access ramp over Albert Avenue (looking east).



Image 7: The proposed barrier to the existing elevated vehicular access ramp over Anderson Street.



Image 8: The proposed barrier to the existing elevated vehicular access ramp over Anderson Street (closer view).



ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

Controls and Classification

WLEP 2012 Zoning:	B3 Commercial Core (The application is saved from WLEP (Amendment 34) by virtue of the saving provisions at 1.8A)
Existing Use Rights	NO
Additional Permitted Use	NO
Conservation area	NO
Aboriginal Heritage	NO
Heritage Item	NO
Vicinity of Heritage Item	NO
Natural Heritage Register	NO
Bushfire Prone Area	NO
Flood related planning control	NO
Foreshore Building Line	NO
Active Street Frontage	NO
Adjacent to classified road	NO
Road/lane widening	NO
BASIX SEPP	NO
Infrastructure SEPP - Rail	NO
Infrastructure SEPP - Road	NO
Coastal Management SEPP	NO
Acid Sulphate Soil Category	NO
Development near Lane Cove Tunnel	NO
Contaminated Land	NO
Adjacent / above Metro	NO
Land Issues - Exponare	NO
Other relevant SEPPS	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulations 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
Relevant DCPs policies and resolutions	WDCP 2012

Site Area (m²)					
Clause	Control	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
WLEP 2012					
Cl.4.3	Height (m)	Albert Street bridge top of fence 18.7m	18.7m	34m	Yes
		Albert Street elevation top of fence 19.4m	19.4m		
		Victor Street elevation top of fence 19.4m	19.4m		
		Anderson Street bridge top of fence 24.2m			
Cl.4.4 & Cl. 4.4A	GFA (m²)	N/A	N/A	N/A	N/A
	FSR	N/A	N/A	N/A	
Draft WLEP 2012					
Cl.4.3	Height (m)	As above	As above	90m	Yes
Cl.4.4 & Cl. 4.4A	FSR	As above	As above	N/A	N/A

WDCP 2012

C.11 Safety by Design

Councils have an obligation to ensure that a development provides safety and security to users and the community. Rather than an issue for consideration under Part C.11, this proposal is about public safety. The premise upon which this application is made is to protect human life by providing a barrier to prevent easy access to the edge of structures to self-harm. The proposal is considered to enhance public safety in this regard, and to satisfy clause 1.2 (2) (e) (i) which seeks:

- (i) to maintain and enhance the existing amenity, wellbeing, health and safety of the local community.

The proposal achieves this aim without causing detrimental amenity impacts to surrounding land. It is worthy of approval in this regard.

Developer's Contribution Plans:

S7.11/7.12 Section 94A contribution:	Yes
a. Applicable rate (%):	3%
b. The cost of development (Part A CI 25J) (\$)	\$295,000
c. Date of accepted cost of development:	5.4.2023
d. The total contribution payable (\$)	\$8,850

Internal Referrals

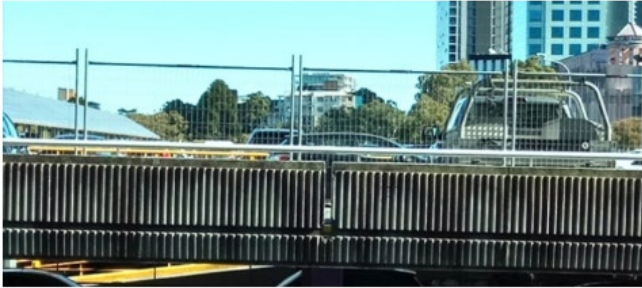
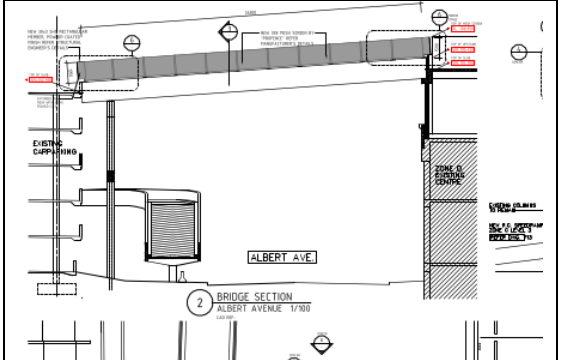
Building services	Satisfactory subject to conditions
Engineering	Satisfactory subject to conditions

External Referrals

NSW Police	Satisfactory, no conditions.
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ATTACHMENT 3: SUBMISSIONS TABLE

Council was in receipt of 1 individual submission. This submission was received to an earlier notification process during the assessment phase of this application. The latest notification, which contained more information around Council conflict of interest obligations, received no submissions.

Property	Issues raised	Response
Address not provided	<p>"The mesh screen installed on the car park perimeter facing Spring Street will cause visual impacts.</p> <p>"The Spring Street side of the car park directly faces a residential building and the view from the apartment is now unsightly. The view is now unpleasantly dominated by the installed mesh screens. The impact is visually intrusive to residents, seeing it from inside a unit feels being inside a chicken coop. There is no escaping this unpleasant mesh screen view from every angle, be it through the window or glass doors".</p> <p>A few days later the objector wrote "... making things worse, a fine blackish mesh screen (net) was added this week to the installed mesh screen, exacerbating the visual intrusion".</p> 	<p>There is no fencing proposed to the Spring Street side of the Albert Street carpark. The objector may be referring to the eastern view of the proposed fencing to the existing vehicular bridge over Albert Street (as seen from Spring Street).</p>  <p>Image 11: The view of the proposed fencing to the existing vehicular bridge over Albert Street (as seen from Spring Street).</p> <p>The spatial separation between the proposed fencing is sufficient to adequately mitigate from visual impacts to nearby residential properties (presumably 38 Albert Avenue). Its height (1.5m above the existing ramp) and 18.7m above the road (where the general height limit is for the properties either side of the road is 34m, which would not apply to the airspace over the road) does not create detrimental visual or view impacts to nearby properties.</p> <p>Any fencing otherwise on the rooftop of the carpark, including mesh fencing referred to by the objector, does not form part of this application.</p> <p>The proposal is considered a reasonable design response for the site and is acceptable.</p>

ATTACHMENT 4 - SECTION 4.15 (79C) ASSESSMENT

The application has been assessed under the provisions of S.4.15 (79C) of the *Environmental Planning and Assessment Act*.

The most relevant matters for consideration are assessed under the following headings:

Matters for Consideration Under S.4.15 (79C) EP&A Act Considered and Satisfactory ✓ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The proposal does not contravene any relevant matters for consideration under the provisions of any SEPPs or development standards under WLEP 2012.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: There are no draft SEPPs that apply to the subject land. The proposal has been considered pursuant to the Draft LEP (at that time), which was made on 30 June 2023 to become WLEP 2012 (Amendment 34).	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal is satisfactory with respect to Willoughby DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 61 (prev 92) EP&A Regulation-Demolition	✓
	Clause 62 (prev 93) EP&A Regulation-Fire Safety Considerations	✓
	Clause 64 (prev 94) EP&A Regulation-Fire Upgrade of Existing Buildings	✓
	Comment: The application is satisfactory with regards to these considerations.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards: Overland flowpath 	✓

Matters for Consideration Under S.4.15 (79C) EP&A Act
Considered and Satisfactory ✓ and Not Relevant N/A

	• Safety, security crime prevention	✓
	• Social impact in the locality	✓
	• Economic impact in the locality	✓
	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
	Comment: The proposal has acceptable impacts on surrounding properties subject to conditions of consent.	
(c)	The suitability of the site for the development	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
	Comment: The proposal will not adversely alter the character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	• Public submissions	✓
	• Submissions from public authorities	✓
	Comment: Public submissions have been considered as part of the overall assessment of the application.	
(e)	The public interest	
	• Federal, State and Local Government interests and Community interests	✓
	Comment: The proposal is considered to be sufficiently in the public interest, particularly with respect to its acceptability in a visual sense and the manner in which it enhances public safety.	

ATTACHMENT 5: SCHEDULE OF CONDITIONS

SCHEDULE

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Location Plan, Roof Car Park, Safety Barrier	57.0 DA0	A	17.2.2023	Scentre Group
Roof Car Park Safety Barrier over Albert Ave	57.0 DA2		8.2.2023	
Vehicle Bridge Safety Barrier over Anderson St	57.0 DA3		3.3.2023	

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

2. Materials

The mesh selected shall be a recessive colour that is also non-reflective, so as not to create visual or glare nuisance to surrounding properties, traffic or pedestrians. This requirement is to be notated on the drawings prior to the issue of the Construction Certificate.

(Reason: Public amenity)

3. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of \$8,850.00 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 3% of the estimated cost of development, being \$295,000 at 5/4/2023 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

Indexation

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_o$ = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan

Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment

Base CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

Prior to payment Council can provide the value of the indexed levy.

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au

(Reason: Statutory requirement)

4. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$4,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$250** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$4,000 + \$250 = \$4,250

(Reason: Protection of public asset)

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site.

5. Report Existing Damages on Council's Property

Prior to commencement of any works on site, submit to Council and the Principal Certifier a report with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

6. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (h) Permit to install ground anchors beneath the road reserve.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

7. Underground Utility Services

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

8. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

9. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

10. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.
(Reason: Legal requirement)

11. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.
(Reason: Protection of public assets)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

12. Vehicular Barriers

Prior to the issue of any Occupation Certificate, the carparking area shall be provided with barriers complying with the requirements listed in AS/NZS 2890.1-2004. Where the drop off exceeds 600mm, the barrier shall be designed by a Structural Engineer.
(Reason: Safety)

13. Local Infrastructure Contributions

For development that involves subdivision and/or building work, any contribution required under Council's Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.
(Reason: Statutory requirement)

14. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
(Reason: Protection of public assets)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

15. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

PRESCRIBED CONDITIONS

The following conditions are prescribed by Section 4.17 of the *Environmental Planning & Assessment Act* for developments involving building work.

16. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the *Environmental Planning & Assessment Act* and the *Environmental Planning & Assessment Regulations* and are provided to assist applicants.

17. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

18. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

19. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

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(Reason: Ensure compliance and amenity)

ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 1 Anderson Street, CHATSWOOD NSW 2067.

At: DA-2023/116

