

**DA NO:** DA-2021/393

**ADDRESS:** 201 PACIFIC HIGHWAY, ST LEONARDS NSW 2065.

**PROPOSAL:** RECONFIGURATION OF EXISTING FIFTEEN CAR PARKING SPACES TO CONSTRUCT END OF TRIP FACILITIES ON LEVEL 2 AND RECONFIGURE TWO EXISTING CAR PARKING SPACES ON LEVEL 3 TO A PUMP STATION AND HOT WATER PLANT AND ASSOCIATED WORKS.

**RECOMMENDATION:** APPROVAL

**ATTACHMENTS:**

1. SITE DESCRIPTION AND AERIAL PHOTO
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:** PATRICK WILLIAMS - DEVELOPMENT ASSESSMENT OFFICER

**REPORT DATE:** 26 APRIL 2022

**MEETING DATE:** 3 MAY 2022

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## 1. PURPOSE OF REPORT

The purpose of this report is to seek determination by *Willoughby Local Planning Panel (WLPP)* of Development Application DA-2021/393 for reconfiguration of existing fifteen car parking spaces to construct End of Trip facilities on Level 2 and reconfigure two existing car parking spaces on level 3 to a pump station and hot water plant and associated works at 201 Pacific Highway, St Leonards.

The application is required to be referred to the *WLPP* for determination because 23 submissions were received as a result of neighbour notification.

## 2. OFFICER'S RECOMMENDATION

**THAT the *Willoughby Local Planning Panel*:**

**2.1 Approve Development Application DA-2021/393 for reconfiguration of existing fifteen car parking spaces to construct End of Trip facilities on level 2 and reconfigure two existing car parking spaces on level 3 to a pump station and hot water plant and associated works at 201 Pacific Highway, ST LEONARDS NSW 2065, subject to conditions contained in Attachment 7, for the following reasons:**

**2.1.1 The proposal is consistent with the objectives of the B3 Commercial Core Zone and considered to be generally consistent with the objectives of the *Willoughby DCP*.**

**2.1.2 The proposed development will not have unreasonable impacts on the streetscape, the residential amenity of the neighbouring properties or**

the surrounding locality.

2.1.3 The development provides significant social benefits that are aligned with Willoughby Council's strategic objectives for the St Leonards area.

2.1.4 It is considered that the proposed development application meets the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP)* and objectives of the *Willoughby Development Control Plan (WDCP)*.

### 3. DISCUSSION

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

Assessment of the development application in accordance with the relevant controls of the *Willoughby Development Control Plan (WDCP)*, 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 **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=515698>

### 4. CONCLUSION

The Development Application DA-2021/393 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, 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 AND AERIAL PHOTO**

The property known as 201 Pacific Highway, legally described as Lot 15 DP 1017606, is located between Chandos Street and Pacific Highway and is a site within 'The Forum' development. The site is zoned B3- Commercial Core, is located next to St Leonards Station and has three street frontages with the primary frontage for the subject development along Chandos Street.

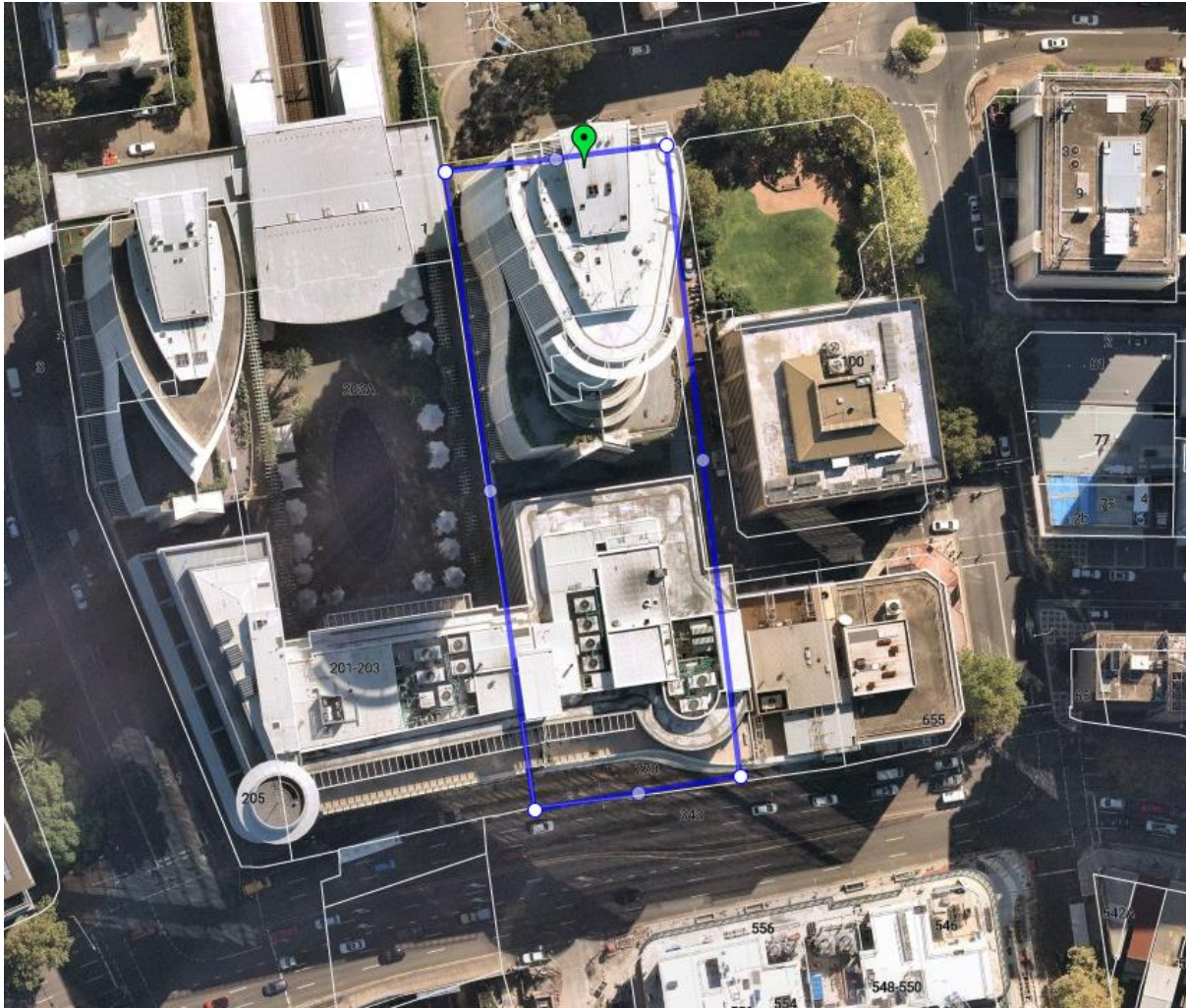


Figure 1: Aerial Imagery





Figure 2: Context photo of 'The Forum' development



Figure 3: Chandos Street entrance to basement carpark.

The site currently contains a part of 'The Forum' which was a development that revitalized St Leonards Station with two residential towers (46 and 30 storey) above and three commercial office buildings, including eight/nine basement levels, all situated over mixed retail and a food court all completed in roughly 2003.



## DESCRIPTION OF PROPOSAL

The proposal is for a *'reconfiguration of existing fifteen car parking spaces to construct end of trip facilities on level 2 and reconfigure two existing car parking spaces on level 3 to a pump station and hot water plant'*, more specifically:

- Reduction in 15 commercial carpark spaces within Basement Level 2 and 3 under the 46 storey tower, accessed off Chandos Street.
- Basement Level 2
  - o Construction of new men's amenities with 10 changing rooms with shower each, an ambulant toilet, one vanity with 3 basins, as well as a dedicated space for hair dryers and 40 lockers approx.
  - o Construction of new women's amenities with 9 changing rooms with shower each, ambulatory bathroom, dressing table with 2 sinks and hair dryer table as well as 36 lockers approx.
  - o Construction of bike storage with 90 bikes spots, pump and repair station as well as cleaner's room and 39 lockers distributed in 18 lockers inside the bike storage and 21 lockers located in the circulation area.
  - o Use of the facility is only for commercial tenants of 'The Forum' development, with swipe card/security access.



Figure 4: Location of amenities block



Figure 5: Location of bike storage amenities

- Basement Level 3
  - o Pump station & hot water plant.

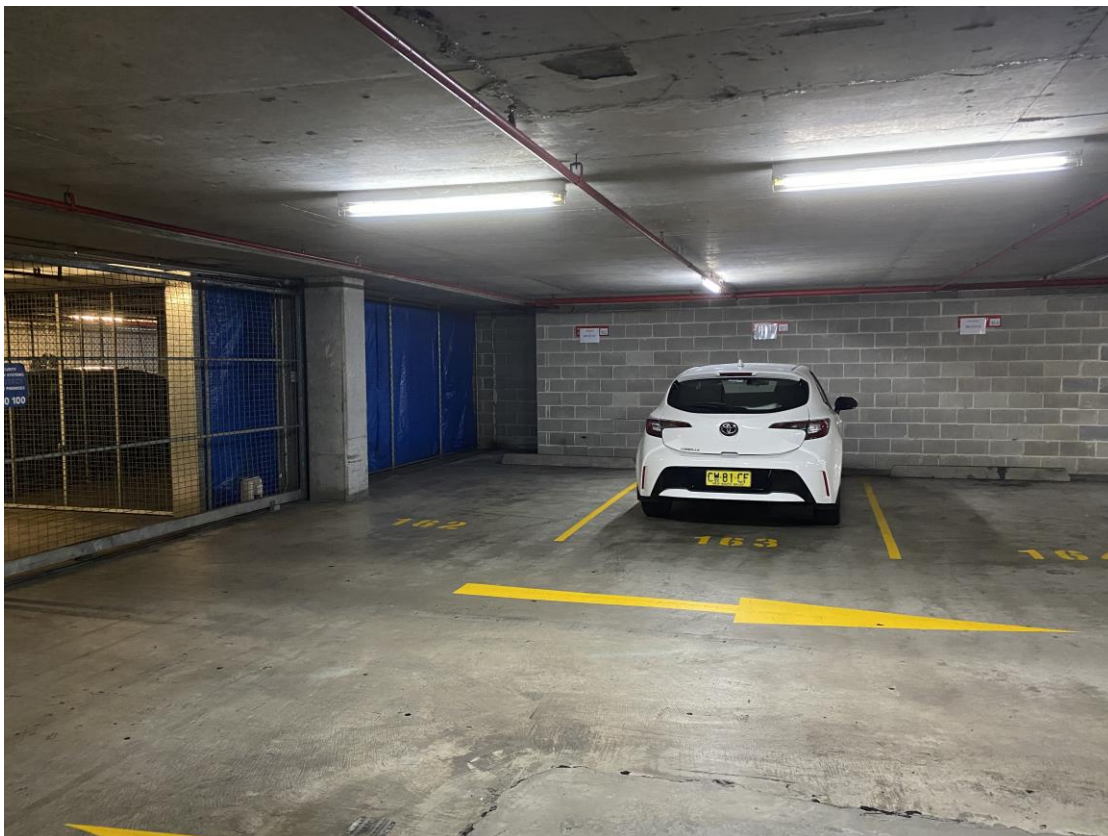


Figure 6: Location of pump and hot water plant

## ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

<b>WLEP 2012 Zoning:</b>	B3 – Commercial Core
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
Adjacent to classified road	YES – Chandos Street and Pacific Highway
Road/lane widening	NO
BASIX SEPP	NO
Infrastructure SEPP - Rail	YES- The proposal does not contravene any of the controls in SEPP infrastructure
Infrastructure SEPP - Road	NO
Coastal Management SEPP	NO
Development near Lane Cove Tunnel	NO
Contaminated Land	NO
Adjacent / above Metro	NO
Other relevant SEPPS	NO

### Strategic Plans

Assessment of this application needs to be considered in conjunction with the strategic visions and strategic plans of Willoughby Council to ensure the development is consistent with the desired future outcomes of the St Leonards area. Below are applicable strategic documents endorsed by both the State and Council with simple commentary on the strategic vision where applicable.

#### Willoughby Integrated Transport Strategy 2036

As part of the Willoughby integrated transport strategy community consultation St Leonards CBD was an area noted by the community has not having enough on-street car parking or that it is too expensive. This area is one of a number of areas of focus as part of this strategic plan to accommodate the growth and changes of the areas in the near future. Council note that given the commercial nature and proximity to public transport the parking in this area is high value but to simply provide more parking is not feasible. This plan explains that areas located to sufficient public transport options should discourage car trips for other travel. In conjunction with this general rule Council is also conducting more detailed studies to create a better management system for the current car parking.

Assessment Officers Comment:

The *Willoughby DCP (WDCP)* does provide flexibility to reduce off-street parking in these key transport nodes, the proposed reduction of 15 carparks in the commercial component of the development is a minimal shortfall over the 9 levels available. Strategically this is suitable given the proximity to multiple public transport opportunities and the desire to discourage car usage in the St Leonards CBD and encourage active commuting.

### Building Details

Control		Proposed	Standard	Numerical Compliance
Parking	C.4	<p>The development will reduce 15 carparks from the commercial parking component. No reduction in the residential or public component of 'The Forum' development.</p> <p>Considering the scale of parking available and replacement with facilities that promote active transport for the commercial use, the objectives of the parking control comply. In addition, St Leonards is serviced by a train station, bus services and a future metro stop all within 800m. A strategic area where car park reduction can be supported.</p>	<p>Rate</p> <p>1 space per 25m<sup>2</sup> retail</p> <p>1.1 spaces per 100m<sup>2</sup> of office</p> <p>1 space per 110m<sup>2</sup> business premises</p>	Given the age and scale of the development, the numerical number of current carparks could not be determined.
Site Access and Car Parking	E.1.1	The development does not propose any change to site access and the change of use to the car parking spaces would not impede vehicular movements or the mechanics of the carpark.	<ul style="list-style-type: none"> <li>Ancillary car parking must be provided at and/or below ground level.</li> <li>Vehicular movements for loading and unloading and customer car parking should be separated where possible to avoid conflict and congestion.</li> </ul>	Yes
Design and Streetscape Design Qualities	E.1.3	All works are proposed within basement levels 2 and 3 and do not impact with the manoeuvring areas.	<ul style="list-style-type: none"> <li>Large unbroken expanses of wall are unacceptable;</li> <li>The façade treatment should reflect the activities carried out within the <u>building</u> whilst respecting the mass, <u>scale</u>, and proportions of existing adjoining buildings;</li> </ul>	Yes



			<ul style="list-style-type: none"> <li>Plant, equipment and machinery used should be located and planned within the <u>building</u> or be screened from the public domain and any residential property;</li> <li>In large developments, the design of service and vehicle manoeuvring areas should not detrimentally affect the continuity of the <u>building</u> façade;</li> <li>Large unbroken expanses of masonry wall surface are to be avoided. The façade should be modulated using surface area relief or contrasting façade materials.</li> </ul>	
<b>Service Facilities and Amenities</b>	<b>E.1.11</b>	<p>The proposed changes do not contravene any of the relevant controls set out in this section of the DCP.</p> <p>The development is designed and conditioned to ensure minimal noise impacts.</p>	<ul style="list-style-type: none"> <li>To ensure adequate provision of service facilities in developments.</li> <li>To ensure that service facilities are integrated with the design of the <u>development</u> and are suitably sited for the convenience of the occupants of the <u>development</u>.</li> <li>Substation facilities are to be to Energy Australia requirements and if able to be viewed from the street, must be screened by landscaping to a <u>height</u> of at least 1.5m. Substations should preferably be located below ground level or adjacent to the rear boundary if a rear lane exists.</li> <li>All plant and equipment shall be acoustically treated to ensure that noise generation does not exceed 5 <u>dBA</u> above the background noise level at the boundary of the site at all times.</li> <li>The design, location and construction of utility services must</li> </ul>	Yes

			satisfactorily meet the requirements of both the relevant servicing authority and <u>Council</u> .	
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**Developer's Contribution Plans:**

<b>S7.11/7.12 Section 94A contribution:</b>	Yes
a. Applicable rate (%):	<b>1%</b>
b. The cost of development (Part A CI 25J) (\$)	<b>\$990,909</b>
d. The total contribution payable (\$)	<b>\$9,909.09</b>

**Referrals**

Building services	No objections, subject to conditions.
Engineering	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.
Traffic	No objection, subject to conditions.

**ATTACHMENT 3: SUBMISSIONS TABLE**

Council was in receipt of twenty-three (23) individual submissions from the following objectors:

1.	3403/1 Sergeants Lane, St Leonards
2.	90 Cliff Road, Epping
3.	43 Sunnyside Cres, Castlecrag
4.	1701/1 Sergeants Lane, St Leonards
5.	3008/1 Sergeants Lane, St Leonards
6.	2108/1 Sergeants Lane, St Leonards
7.	16 Havilah PL, Carlingford
8.	2901/1 Sergeants Lane, St Leonards
9.	1 Sergeants Lane, St Leonards
10.	1804/1 Sergeants Lane, St Leonards
11.	2208/1 Sergeants Lane, St Leonards
12.	506/1 Sergeants Lane, St Leonards
13.	3202/1 Sergeants Lane, St Leonards
14.	3204/1 Sergeants Lane, St Leonards
15.	1 Sergeants Lane, St Leonards
16.	3503/1 Sergeants Lane, St Leonards
17.	2908/1 Sergeants Lane, St Leonards
18.	2705/1 Sergeants Lane, St Leonards
19.	3303/1 Sergeants Lane, St Leonards
20.	3203/1 Sergeants Lane, St Leonards
21.	No Address Given
22.	No Address Given
23.	No Address Given



The below table provides the issues raised by the objectors and Council's response.

Issues Raised	Officer's Response
Traffic and congestion	
"aggregating up to 90 cyclists to Pacific Highway, Christie Street, Chandos Street and Sergeant Lane (which the cyclists must use before entering the Forum car park) would further worsen the traffic congestion in the precinct."	Council's traffic engineering team reviewed the application in conjunction with the strategic direction of the area. It is considered that the proposed reduction of off street car parking for the purposes of the EoTF will have minimal impact to traffic on the surrounding road network and the internal basement carpark.  In addition, the development creates facilities that promote sustainable transport and create more transport options in conjunction with the trains and buses that service the area.
"congestion of the cyclists parking facility in 15 car spaces"	
"The addition of 90 cyclists using the driveways will certainly present hazards to both the residents and the cyclists as the driveways throughout the carpark are narrow"	
"The proposal of new walls will obstruct the vision of residents coming out of the gated parking area"	
Safety	
"increased congestion would increase road safety risks for all road users in the precinct"	Many of the submissions are from the residential component of 'The Forum' development raising concerns about conflicts with cyclists and cars.  The operation and logistics of the internal car park are matters of the strata/stratum to manage. Cyclists riding to the site are required to adhere to the road rules and would be subject to similar rules in the car park. It's considered that there would be real increase in conflict from the current arrangement.
"potential hazard to all users of the car park including the Forum residents, commercial tenants, visitors and members of the public who use the public parking at L8 and L9."	
"The proposed structure appears to further limit visibility while also introducing additional pedestrians and cyclists"	
"increase bicycle traffic will create safety concerns for both cyclists and current residents"	
"Safety of the residents who frequently accessing their secure car park?"	
"influx of cyclists into narrow and poorly lit driveways in the car park posts extreme safety threat."	
"If approved, my view is that it will be dangerous for drivers, cars and cyclists to access gather 3 levels and with the vagaries of lighting and potential constant cyclists and pedestrian may result in personal injury"	

Use of the forum building	
“converting a car park for use by up to 90 cyclists would raise serious safety concerns for existing users/patrons and the cyclists.”	The proposed facilities would be for exclusive use by the commercial tenants of ‘The Forum’. The facilities would be accessed with swipe cards and maintained by the stratum/strata of the subject site (Centuria).  Whilst the development was never design with end of trip facilities, the proposed design ensures minimal impacts to the operation of the surrounding carpark and provides this development with a facility that promotes active transport as the St Leonards area transitions away from car dependent travel.
“The car park was never designed nor intended to be used by a significant number of cyclists.”	
“attract the attention of unwanted crowds, which may include homeless people and drug users.”	
Building and service issues	
“impact of the proposed development on the integrity of the building structure.”	All works are to comply with the Nation Construction Code (NCC) and are subject to the required engineered drawings to be reviewed by a building certifier both prior to and during construction. Engineered designed services compliant with the NCC will provide no impact to the integrity of the building and will ensure new plumbing works will have no impacts to the current development.
“the sewage and wastewater the proposed facilities will produce, possibly into the Forum's system, furthering the burden on the Forum.”	

## 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 EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant N/A

<b>(a)(i)</b>	<b>The provisions of any environmental planning instrument (EPI)</b>	
	State Environmental Planning Policies (SEPP)	✓
	Regional Environmental Plans (REP)	✓
	Local Environmental Plans (LEP)	✓
	<b>Comment:</b> The application does not contravene any relevant matters for consideration under the provisions of any SEPPs, REPs or development standards under <i>WLEP 2012</i> .	
<b>(a)(ii)</b>	<b>The provision of any draft environmental planning instrument (EPI)</b>	
	Draft State Environmental Planning Policies (SEPP)	✓
	Draft Regional Environmental Plans (REP)	✓
	Draft Local Environmental Plans (LEP)	✓
	<b>Comment:</b> The proposal does not contravene any of the relevant controls set out in the Draft <i>Willoughby local environmental plan 2021</i> that is currently on exhibition.	
<b>(a)(iii)</b>	<b>Any development control plans</b>	
	Development control plans (DCPs)	✓
	<b>Comment:</b> The proposal does not contravene any of the relevant objectives or performance criteria set out in the DCP.	
<b>(a)(iii)(a)</b>	<b>Planning Agreements</b>	
	Any planning agreements including drafts that have been entered into or offered to enter into under section 7.4	✓
	<b>Comment:</b> No Planning agreements affect the site.	
<b>(a)(iv)</b>	<b>Any matters prescribed by the regulations</b>	
	Clause 92 EP&A Regulation-Demolition	✓
	Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	✓
	<b>Comment:</b> There are no prescribed matters that affect the application.	
<b>(b)</b>	<b>The likely impacts of the development</b>	
	Context & setting	✓
	Access, transport & traffic, parking	✓
	Servicing, loading/unloading	✓
	Public domain	✓
	Utilities	✓
	Heritage	✓
	Privacy	✓
	Views	✓
	Solar Access	✓
	Water and draining	✓
	Soils	✓
	Air & microclimate	✓
	Flora & fauna	✓
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards	✓



**Matters for Consideration Under S.4.15 EP&A Act**

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ 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	✓
	<b>Comment:</b> The proposal will not result in any significant adverse impacts on adjoining or nearby properties.	
<b>(c)</b>	<b>The suitability of the site for the development</b>	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
	<b>Comment:</b> The proposal does not adversely alter the character of the locality or impact on the streetscape.	
<b>(d)</b>	<b>Any submissions made in accordance with this Act or the regulations</b>	
	Public submissions	✓
	Submissions from public authorities	✓
	<b>Comment:</b> No referrals were required to public authorities and 23 submissions were received and addressed above.	
<b>(e)</b>	<b>The public interest</b>	
	Federal, State and Local Government interests and Community interests	✓
	<b>Comment:</b> The proposal will not compromise the character of the locality and therefore approval of the application is in the public interest.	

## 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
Level 2 General Arrangement	ID0202	2	14/03/2022	Geyer
Level 3 General Arrangement	ID0203	2		
Bike Store & Amenities Exterior Elevation	ID9002	1		

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. 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)

##### 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 **\$9,909.09** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 1% of the estimated cost of development, being \$990,909 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](http://www.willoughby.nsw.gov.au)

(Reason: Statutory requirement)

#### **4. Construction Management Plan (CMP)**

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)



## **5. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$10,000** (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 **\$176** (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 = \$10,000 + \$176 = \$10,176**

(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, including demolition.**

## **6. Dilapidation Report of Council's Property**

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

## **7. 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 (RMS). 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.
- (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.

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)

## **8. 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.**

## **9. 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)

**10. Demolition Work AS 2601-2001**

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

(Reason: Safety)

**11. Erection Wholly within the Boundaries**

All works (with the exception of any works approved under S138 of the *Roads Act 1993*) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

**12. 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)

**13. 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)

**14. Noise Monitoring Plan**

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

### **15. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction 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.

### **16. Use of Facility**

The End of Trip Facility is to be solely used by the Commercial tenancies that benefit of the use of the subject basement carpark.  
(Reason: Preserve Amenity)

### **17. 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)

### **18. Noise Control – Offensive Noise and Vibration**

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.  
(Reason: Amenity)

## **PRESCRIBED CONDITIONS**

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

### **19. 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

### 20. Construction Certificate

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

### 21. 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)

### 22. 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)

ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2021/393

At: 201 Pacific Highway ST LEONARDS NSW 2065

