

# Wollongong Local Planning Panel Assessment Report | 10 October 2023

<b>WLPP No.</b>	Electronic Meeting
<b>DA No.</b>	DA-2023/669
<b>Proposal</b>	Commercial - partial demolition to existing entrance and construction of stairway entry
<b>Property</b>	1 Marine Drive WOLLONGONG
<b>Applicant</b>	Johnny Lam
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Major Development Team (NL)
<b>Prior WLPP meeting</b>	N/A

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel

The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under 1(a) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the application involves Council land.

#### Proposal

The proposal is for widening of stairs leading from the public footpath and entry to the City Beach function centre to Marine Drive.

#### Permissibility

The site is zoned RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009 (WLEP 2009). The proposed stairs are located outside of the road reserve and wholly on Lot Pt Lot 1 DP 881087 which is designated as operational land. They are not separately defined and are ancillary access to the approved use on the land.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and did not receive any submissions.

#### Main issues

There are no issues of significance

#### RECOMMENDATION

It is recommended that the proposal be approved subject to the conditions contained at **Attachment 4**.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan
- Wollongong Community Participation Plan 2019

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal involves widening of existing stairs leading from the footpath and entry to the City Beach Function Centre to a vehicle lay by on Marine Drive. This involves minor demolition of a landing and balustrade. The stated aim being to “to enhance the accessibility and usability of the existing staircase by widening its dimensions through the removal of a specific section. The current staircase, although functional, presents limitations in accommodating increased foot traffic and ease of passage, particularly during peak usage periods”.

### **1.3 BACKGROUND**

The building to which this application relates was approved under DA-1999/340 and contains city beach surf lifesaving facilities, Wollongong City Council Lifeguard Facilities, a hall, cafe, kiosk, function rooms, associated car parking and landscaping. There are a variety of other applications relating to the subject building, including various liquor licences with the most recent development approval being DA-2017/10 which involved landscaping and public domain improvements lighting of the building façade.

No pre-lodgement meeting was held for the proposal.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

### **1.4 SITE DESCRIPTION**

The site is located at 1 Marine Drive Wollongong and the title reference is Pt Lot 1 DP 881087.

Located on the site is the City Beach Function Centre, a restaurant, café and surf club facilities.

To the west of the site is Lang Park public open space.

To the north is the Belmore Basin precinct.

To the east is the beach.

To the south is South beach foreshore, access and open space.

The site is Council land categorised as operational land. The stairs are outside of the licenced area and a licence will be required for the period of construction.

### Property constraints

Council records identify the land as being impacted by the following constraints:

- Acid sulphate soils: No earthworks are proposed and no concerns are raised in this regard.
- Heritage: The site is located to the north of a Avenue of Norfolk Island pines identified as local heritage significance. The proposed development will not impact on these trees.

There are no restrictions on the title.



**Figure 1: Site photograph(s)**

### **1.5 SUBMISSIONS**

The application was notified in accordance with Council's Community Participation Plan 2019. No submissions were received.



**Figure 2: Notification map**

## **1.6 CONSULTATION**

### **1.6.1 INTERNAL CONSULTATION**

Council's Traffic, Statutory Property, Property Management, Landscape, Traffic, Project Delivery and Building and Facilities staff have reviewed the proposal and provided comments which are addressed by way of conditions of consent.

### **1.6.2 EXTERNAL CONSULTATION**

None required

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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### **Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

#### NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. The proposal does not trigger the requirement for a biodiversity offset scheme.

The site is not identified as being of high biodiversity value on the Biodiversity Values Map. The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

#### **Chapter 2 Coastal Management**

The site is located within the Coastal Use and Coastal Environment areas in the maps to this policy. The proposed development is minor in nature and will not have adverse impacts on the coastal environment nor be impacted by coastal hazards. It is satisfactory with regard to divisions 3, 4 and 5 of this policy.

#### **Chapter 4 Remediation of land**

### 4.6 Contamination and remediation to be considered in determining development application

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues.

The audit revealed there are no constraints or past uses that give rise to concerns or the need for further investigation regarding land contamination and LPP as determining authority can be satisfied that clause 4.6 matters are thus satisfied.

### **2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

#### Clause 1.4 Definitions

community facility means a building or place—

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

(a) an artisan food and drink industry, or

(b) farm gate premises.

## **Part 2 Permitted or prohibited development**

### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned RE1 Public Recreation.

### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

*Aquaculture; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures*

The proposed stairs are ancillary to the approved use of the site and are permissible with development consent.

## **Part 4 Principal development standards**

The proposal does not involve a building.

## **Part 5 Miscellaneous provisions**

### Clause 5.10 Heritage conservation

The site is located to the north of an Avenue of Norfolk Island pines identified as local heritage significance. The proposed development will not have adverse impacts on this heritage.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

The development does not have any utility requirements.

Clause 7.18 Design excellence in Wollongong city centre and at key sites

(4) *In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*

(a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

Yes

(b) *whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*

The proposal is for a benign and minor structure.

(c) *whether the proposed development detrimentally impacts on view corridors,*

No

(d) *whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,*

No

(e) *how the proposed development addresses the following matters:*

(i) *the suitability of the land for development,*

No change

(ii) *existing and proposed uses and use mix,*

Satisfactory

(iii) *heritage issues and streetscape constraints,*

No impacts.

(iv) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

N/A

(v) *bulk, massing and modulation of buildings,*

N/A

(vi) *street frontage heights,*

N/A

(vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

N/A

(viii) *the achievement of the principles of ecologically sustainable development,*

N/A

(ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*

The proposal involves a widening of existing stair access between the footpath and entry to the function centre and the small lay by off Marine Drive. The change does not impact on the function of the road or footpath.

(x) *impact on, and any proposed improvements to, the public domain.*

No to minimal impact.

## **Part 8 Local provisions—Wollongong city centre**

### Clause 8.1 Objectives for development in Wollongong city centre

Satisfactory.

## **2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

None applicable.

## **2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

No considerations.

#### **CHAPTER D13 – WOLLONGONG CITY CENTRE**

### **2 Building form**

No relevant controls.

### **3 Pedestrian amenity**

No relevant considerations.

### **4 Access, parking and servicing**

#### 4.2 Pedestrian access and mobility

The proposal provides a more generous stair to the vehicle layby to better accommodate pedestrian movement.

#### 4.3 Vehicular driveways and manoeuvring areas

No change

#### 4.4 On-site parking

No change

#### 4.5 Site facilities and services

No change

### **5 Environmental management**

No particular considerations.

### **6 Residential development standards**

The proposal does not include a residential component.

### **7 Planning controls for special areas**

The site is not located within a special area.

### **8 Works in the public domain**

The proposed stairs are located adjacent the road reserve and are on land traversed by the public. The stairs will be an asset inherited by Council. Conditions of consent are recommended with regard to the detailed construction of the stairs and compliance with the relevant standards.

#### **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

No changes to accessibility are proposed or required.

## **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

### **6 Traffic impact assessment and public transport studies**

#### 6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was not required for the development.

#### 6.2 Preliminary Construction Traffic Management Plan

N/A

### **7 Parking demand and servicing requirements**

#### 7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

The proposal will not alter car parking requirements.

#### 7.2 Disabled Access and Parking

N/A

#### 7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

N/A

#### 7.7 Car Parking Layout and Design

N/A

#### 7.8 Basement Car Parking

N/A

#### 7.9 Mechanical Parking Systems

N/A

### **8 Vehicular access**

N/A

### **9 Loading / unloading facilities and service vehicle manoeuvring**

N/A

### **10 Pedestrian access**

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

### **11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas**

The proposal is satisfactory with regard to the principles of CPTED.

## **CHAPTER E6: LANDSCAPING**

No changes to landscaping are proposed or required.

## **CHAPTER E7: WASTE MANAGEMENT**

No changes to waste servicing are proposed or required.

## **CHAPTER E11 HERITAGE CONSERVATION**

No heritage impacts are expected.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater disposal will not change.



### 2.3.2 LOCAL GOVERNMENT ACT

Under the Local Government Act 1993 (the Act), Council is required to classify all its land holdings into either “operational” or “community” land. The subject land is classified as operational land, but the area of the stairs is outside of the licensed area so conditions regarding ongoing maintenance form part of the draft conditions. In addition, all works are outside of the road reserve, therefore no road occupation approvals are required.

### 2.3.3 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

#### Wollongong City-Wide Development Contributions Plan - City Centre

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. The proposed cost of development is less than \$250,000 (\$13,530) - contributions do not apply.

### **2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

### **2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

#### **Environmental Planning and Assessment Regulation 2021**

#### 61 Additional matters that consent authority must consider

Conditions of consent are recommended with regard to demolition.

#### 66A Council-related development applications—the Act, s 4.16(11)

*(1) A council-related development application must not be determined by the consent authority unless—*

- (a) the council has adopted a conflict of interest policy, and*
- (b) the council considers the policy in determining the application.*

*council-related development application has the same meaning as in the Act, Schedule 1, clause 9B as follows:*

*council-related development application means a development application, for which a council is the consent authority, that is—*

- (a) made by or on behalf of the council, or*
- (b) for development on land, other than a public road within the meaning of the Local Government Act 1993—*
  - (i) of which the council is an owner, a lessee or a licensee, or*
  - (ii) otherwise vested in or under the control of the council.*

The Managing Conflict of Interest for Council Related Development Policy does not apply in this instance as that policy excludes “minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices)”.

### **2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

The proposal is acceptable with regard to the likely impacts.

## **2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is appropriate with regard to the zoning of the site and there are not expected to be adverse impacts on the locality and adjoining land.

Are the site attributes conducive to development?

Yes.

## **2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

No submissions were received.

## **2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

The proposal will not have adverse impacts and is appropriate with regard to the zoning and applicable planning controls. There were no public submissions and internal referrals are satisfactory. The proposal is in the public interest.

## **3 CONCLUSION**

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This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development is permissible with consent and has regard to the objectives of the zone. There are no variation requests in regard to planning controls.

Internal referrals are satisfactory, and no submissions were received.

The proposal is considered supportable in its current form.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the conditions contained at **Attachment 4**.

## **5 ATTACHMENTS**

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- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 Draft conditions of consent

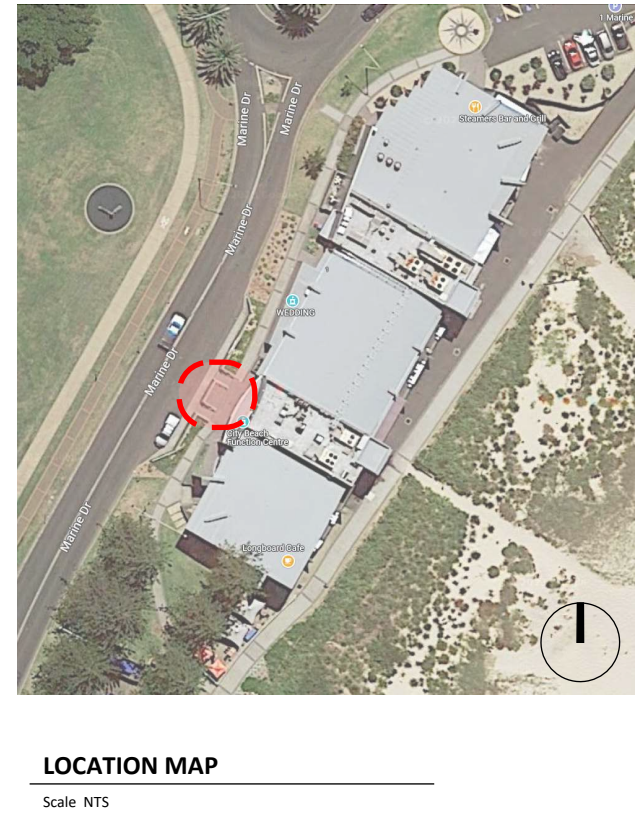
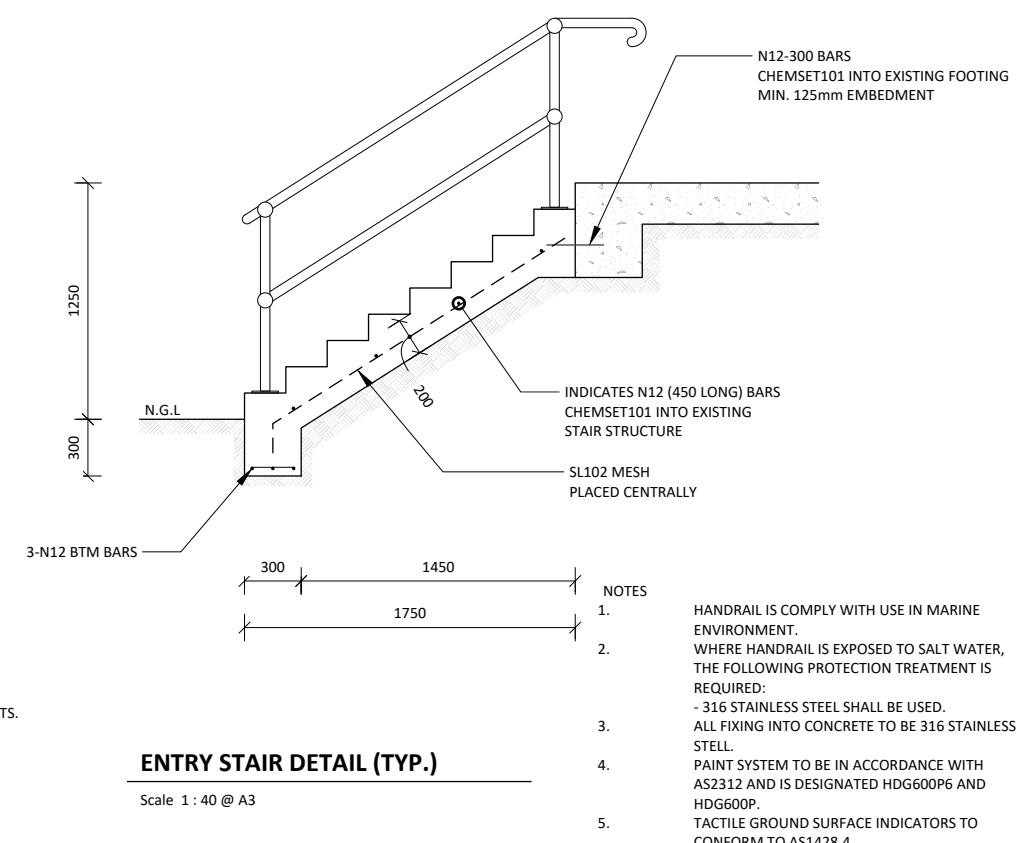
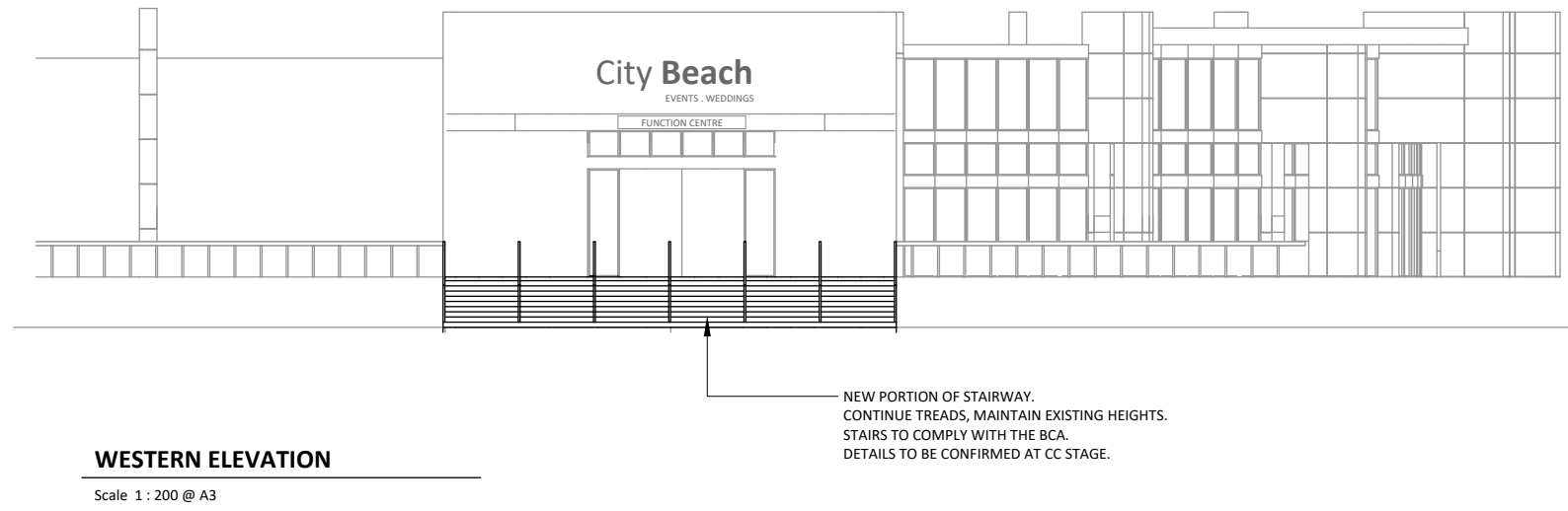
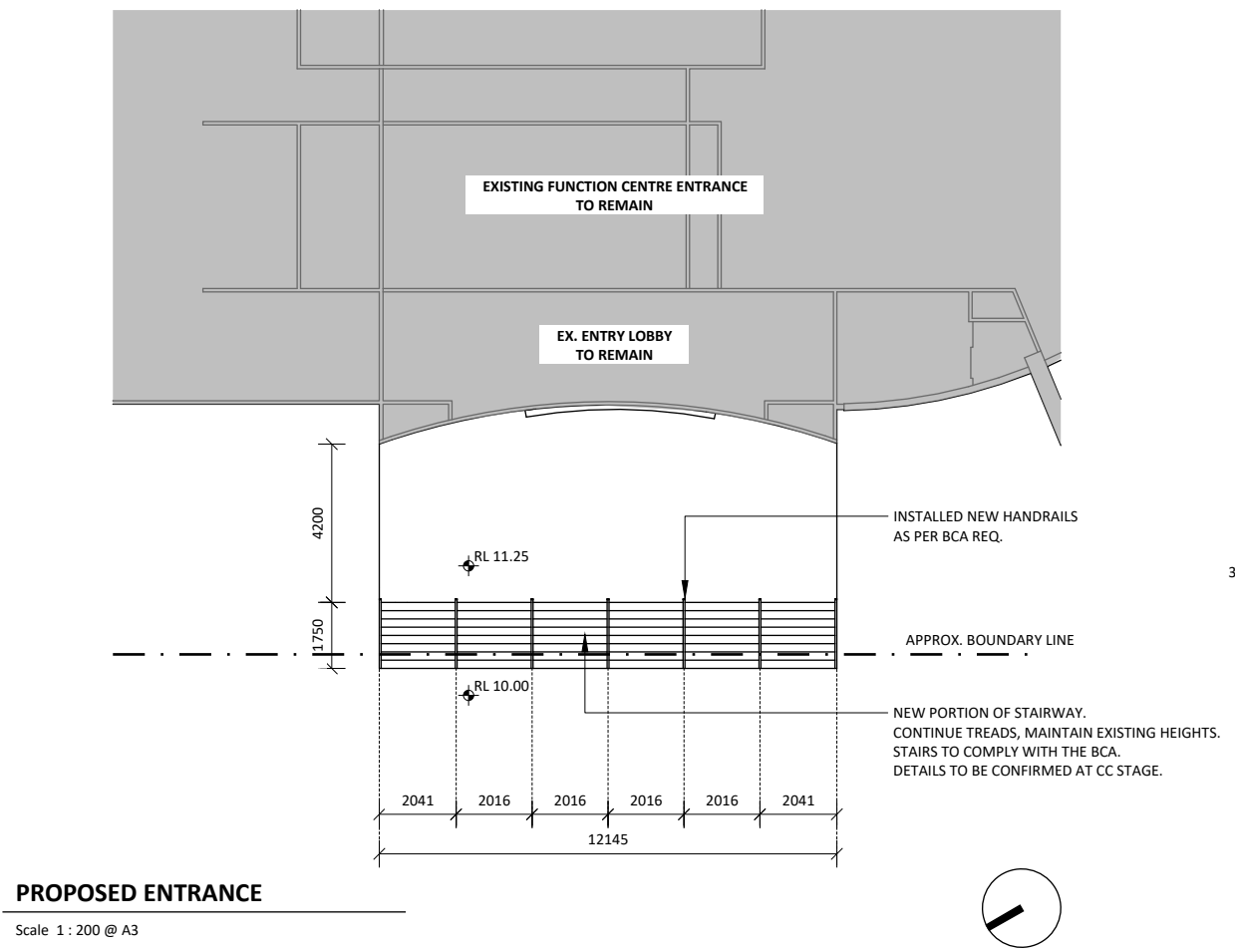
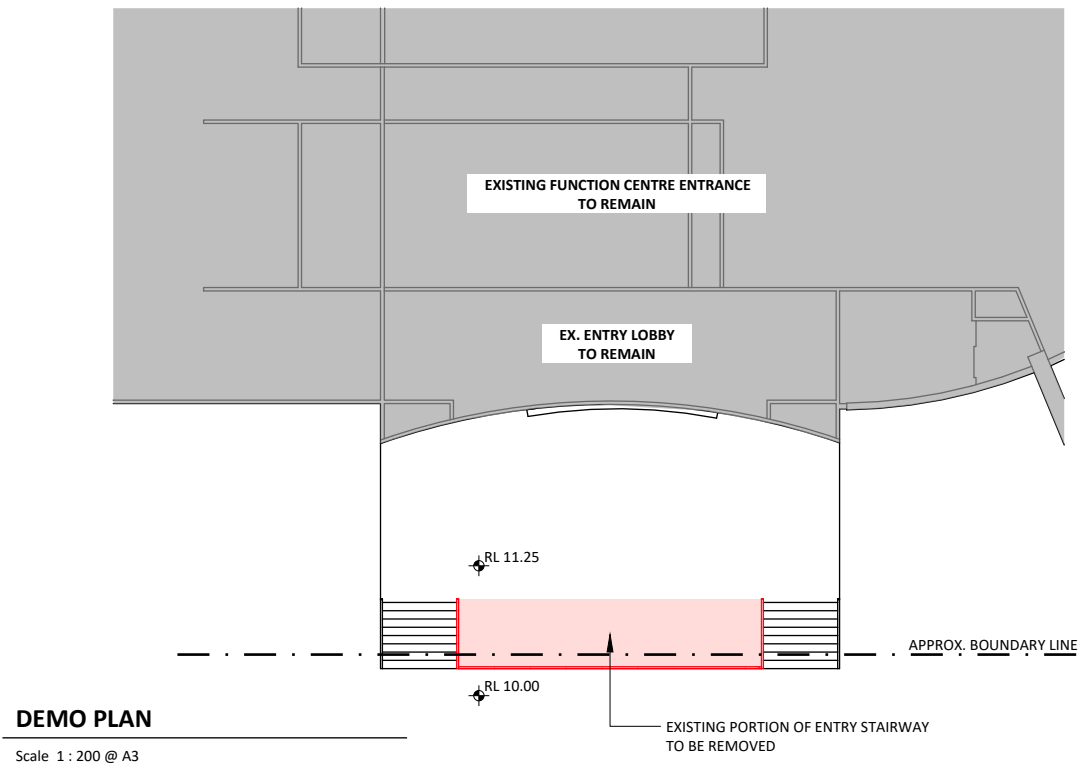
Attachment 1 - Aerial photograph



Attachment 2 – WLEP 2009 zoning map



ATTACHMENT 3



e: [contactus@elementce.com.au](mailto:contactus@elementce.com.au) w: [www.elementce.com.au](http://www.elementce.com.au)  
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ISSUE FOR DA

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REV.	DATE	COMMENTS	BY	CHK	CHECKED BY
1	12.07.23	Initial Issue - for DA	JL	SR	Scott Redwood BEng(civil). MPM. MEng(research). MIEAust.

**TITLE:** ENTRY STAIRS

**ENTRY STAIRS**

**PROJECT DETAILS**

Address: 1 Marine Dr, Wollongong NSW 2500  
Client: City Beach Function Centre

**PROJECT NUMBER**

#070.2023

**ENTRY STAIR PLAN**

**DRAWING NUMBER**

**A-01**



## ATTACHMENT 4 - DRAFT CONDITIONS FOR: DA-2023/669

### For Office Use Only – Do Not Mail

Consent has been granted subject to the following conditions:

#### 1. **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
A-01	1	Entry Stair Plan	Element Consulting Engineers	12 July 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

#### General Conditions

#### 2. **Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

#### 3. **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of Section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Reason:

To satisfy the requirements of the legislation.

#### 4. **Compliance with the Building Code of Australia (BCA)**

Building work must be carried out in accordance with the requirements of the BCA.

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

## **Before the Issue of a Construction Certificate**

### **5. Licence agreement**

Prior to the issue of the Construction Certificate, the applicant must enter into an appropriate licence arrangement with Council. An application for a licence must be made to Council's Property Division for determination at least 50 days prior to the proposed commencement date of the use so that it may be assessed in accordance with the Local Government Act 1993.

Reason:

To comply with legislation

### **6. Detailed design**

- The stairs must comply with AS1428.1.
- The stairs must be provided with tactile ground service indicators at top and bottom in accordance with AS1428.1.1.
- The new reinforced concrete stair structure shall be dowelled into all abutting structures to prevent any differential movement that may create trip hazards/pop tiles.
- Tiles and nosing shall be replaced across the full extent of entry stairs (including the original stair structure, if retained) and include a solid slip resistant highlighting strip with minimum luminance contrast.
- New handrails shall be either painted aluminium to match existing or grade 316 stainless steel of sympathetic design and extend beyond the bottom of the stair minimum of 300mm.
- Tiling is to match existing.

The above requirements are to be reflected on the Construction Certificate and to be submitted to Council for endorsement prior to the commencement of any works.

Reason:

To comply with legislation

## **Before the Commencement of Building Work**

### **7. Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's road reserve".
- b. Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

Reason:

To satisfy the requirements of the legislation.

## **8. Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

## **9. Appointment of Principal Certifier**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

Reason:

To satisfy the requirements of the legislation.

## **10. Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

Reason:

To ensure safety.

## **11. Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

Reason:

To ensure services are not impacted.

## **While Building Work is Being Carried Out**

### **12. Restricted Work Hours of Operation**

The developer must not carry out any work (other than emergency procedures to control dust or sediment laden runoff) outside the normal working hours, namely 7.00 am to 5.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturday, without the prior written consent of the Principal Certifier. No work is permitted on Sundays or Public Holidays.

Any request to vary these hours shall be submitted to the Principal Certifier in writing, detailing:

- a. the variation in hours required;
- b. the reason for that variation; and
- c. the type of work and machinery to be used.



**Note:** The developer is advised that other legislation such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that consistent with the NSW Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction (LAeq (15 min)) must not exceed the background noise level (LA90 (15 min)) plus 10 dB(A), and a LAeq (15 min) of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

Reason:

To satisfy the requirements of the legislation.

**Reasons**

The reasons for the imposition of the conditions are:

1. To minimise any likely adverse environmental impact of the proposed development.
2. To ensure the protection of the amenity and character of land adjoining and in the locality.
3. To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure the development does not conflict with the public interest.