



AGENDA FOR THE INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

4 December 2017 – 6.00pm

Location:

**Council Chambers
Cnr Chapel Road and The Mall,
Bankstown**

ORDER OF BUSINESS

- | | | |
|----------|---|-----------|
| 1 | 220 - 222 South Terrace, Bankstown

Demolition of existing dwelling, consolidation of two lots, relocation of existing sewer pipe, construction of two storey basement car parking, nine storey mixed use building comprising ground floor commercial premises (restaurant) and 91 residential units with associated services and on-site landscaping.
S96(2) Modification: Proposed addition of one level of basement (B3) under the approved building | 3 |
| 2 | 14 Ferndale Road, Revesby

Demolition of existing site structures and construction of a 43 place Child Care Centre with associated on-site parking and landscaping | 17 |
| 3 | 2 Gibson Avenue, Padstow

Alterations and additions to an existing self-storage facility, including site works and signage | 43 |
| 4 | 74 Park Road, East Hills

Demolition of existing site structures and construction of a two storey building comprising a ground floor childcare centre for 29 children and first floor residence | 71 |

Independent Hearing and Assessment Panel - 4 December 2017

ITEM 1	220 - 222 South Terrace, Bankstown
	Demolition of existing dwelling, consolidation of two lots, relocation of existing sewer pipe, construction of two storey basement car parking, nine storey mixed use building comprising ground floor commercial premises (restaurant) and 91 residential units with associated services and on-site landscaping.
	S96(2) Modification: Proposed addition of one level of basement (B3) under the approved building
FILE	DA-1314/2015/1 – Bankstown
ZONING	B4 Mixed Use
DATE OF LODGEMENT	14 June 2017
APPLICANT	Topwei International Unit Trust and Topwei Family Trust
OWNERS	Topwei Pty Ltd / Topwei International Pty Ltd
AUTHOR	Planning

SUMMARY REPORT

In October 2016, Council approved DA-1314/2015 for the demolition of all structures on site, and construction of a nine storey mixed use development comprising one ground floor commercial tenancy and 91 residential units with at grade and basement car parking, landscaping and associated site works.

This current application proposes the construction of an additional basement level to the approved development. The basement level proposed will contain 56 car parking spaces and 18 bicycle spaces. The addition of the basement will require changes to the approved Basement Level Two to gain access to the Basement Level Three, which has resulted in a reduction in the car parking spaces available on Basement Level Two by two spaces. The total number of car parking spaces will be increased to 183 between three levels of basement car parking and car parking located at grade.

The proposed modifications have been assessed in accordance with the provisions of section 96 and section 79C of the *Environmental Planning and Assessment Act 1979*, requiring, amongst other things, assessment against State Environmental Planning Policy 55 - Remediation of Land, State Environmental Planning Policy 65—Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan (BLEP) 2015 and Bankstown Development Control Plan (BDCP) 2015.

The application complies, however, is reported to IHAP as it cannot be determined by Council Officers under their delegation of authority as the application is a S96 (2) modification of a Development Application previously determined by Council.

The development, as modified, remains identical in terms of its bulk, scale, building height, building envelope, site coverage, landscaping, setbacks, access and appearance to that which was originally approved. The modified development will have no impact on the streetscape nor will it cause or contribute to a loss of privacy, amenity or solar access to the adjoining developments as a result of the change proposed.

The application was advertised and notified for a period of 21 days. One objection was received during this period, which raised concerns relating to parking, traffic, pedestrian safety, and strategic planning and transport outcomes.

BACKGROUND/HISTORY

On 25 October 2016, Council resolved to approve DA-1314/2015 for the demolition of all structures on site, and construction of a nine storey mixed use development comprising one ground floor commercial tenancy and 91 residential units with at grade and basement car parking, landscaping and associated site works (on a deferred commencement basis).

The deferred commencement consent was issued and a period of 12 months was provided to satisfy the 'Schedule A' conditions as required by Sydney Trains.

On 6 September 2017, the applicant applied to Council to extend the deferred commencement period of the consent pursuant to section 95A of the Environmental Planning and Assessment Act, 1979. Council approved the extension for a further period of 12 months on 13 September 2017.

POLICY IMPACT

The matter has no direct policy implications.

FINANCIAL IMPACT

The matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved, subject to the attached modified conditions.

ATTACHMENTS

- A. Assessment Report
- B. Conditions of Consent

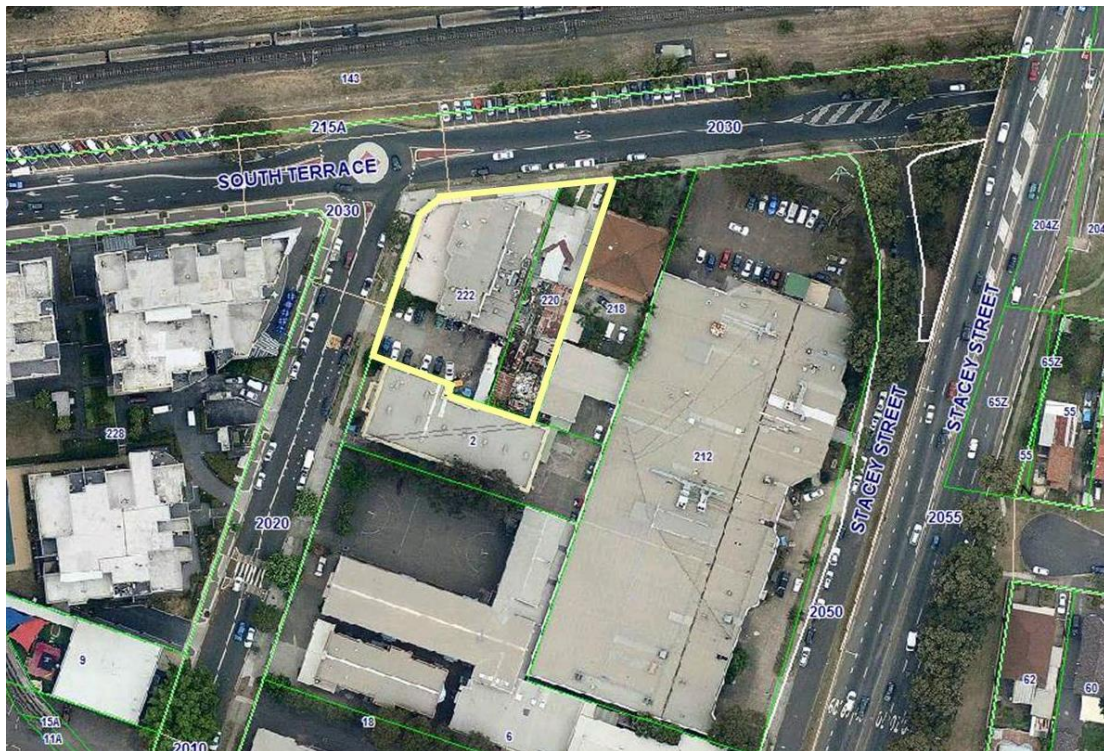
DA-1314/2015/1 ASSESSMENT REPORT

The subject site is known as 220 – 222 South Terrace, Bankstown. The site is a corner allotment that is currently zoned B4 Mixed Use. The consolidated site has a total area of 2178.9m², and a primary frontage of 36.57m to East Terrace and a secondary frontage of 43.24m to South Terrace. There is a fall of approximately 1.8m from the north to the south, and there are no significant trees on the sites. Of the subject sites, 220 South Terrace contains a single storey weatherboard clad dwelling and its associated residential structures. 222 South Terrace contains a part two-storey mixed commercial building containing two restaurants.

Immediately to the north of the development site is the Bankstown Rail line, while the site to the east contains a two storey brick building known as St Jude's refuge. To the south exists a single storey commercial building (St Vincent De Paul), with the development on the opposite side of East Terrace to the west comprising a residential flat building.

The wider area contains a mix of developments including (but not limited to) residential flat buildings, commercial premises and educational establishments.

An aerial photo of the site is provided below:



BACKGROUND/HISTORY

On 25 October 2016, Council resolved to approve DA-1314/2015 for the demolition of all structures on site, and construction of a nine storey mixed use development comprising of one ground floor commercial tenancy and 91 residential units with at grade and basement car parking, landscaping and associated site works as a deferred commencement consent.

The deferred commencement consent was issued and a period of 12 months was provided to satisfy the 'Schedule A' conditions as required by Sydney Trains.

On 14 June 2017, a modification application was lodged for the addition of one level of basement car parking (B3) containing 56 car parking spaces. To facilitate the proposed modification, Basement Level 2 has been modified and the addition of a ramp for access to proposed Basement Level 3 provided, resulted in a loss of two spaces on previously approved Basement Level 2.

On 6 September 2017, the applicant applied to Council to extend the deferred commencement period of the pursuant to section 95A of the Environmental Planning and Assessment Act, 1979. Council approved the extension for a further period of 12 months on 13 September 2017.

PROPOSED DEVELOPMENT

This application is submitted under the provisions of section 96(2) of the *Environmental Planning and Assessment Act, 1979*. The application seeks to amend Determination Notice 1314/2015, and involves the following modifications:

- The addition of a third basement level for parking (Basement Level three) containing 56 car parking spaces, 18 bicycle spaces and additional storage;
- Changes to the approved Basement Level 2 car park layout to allow for access to Basement Level 3, resulting in a reduction of two car parking spaces on level two.

SECTION 96(2) ASSESSMENT

The proposed modifications have been assessed pursuant to section 96 of the *Environmental Planning and Assessment Act, 1979*.

- (a) *the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and***

The development remains substantially the same as that which was originally approved in so far as the modification will not result in any visual changes in the approved built form. The extent of the modification is confined to an additional level of car parking within the basement.

- (b) It has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and**

There was no requirement to consult with the Minister, however the application was referred to the concurrence bodies previously consulted as part of the development application. Sydney Trains and Ausgrid have provided comments to Council. Both approval bodies have raised no objection to the proposed modification and have amended previously issued conditions where required.

- (c) It has notified the application in accordance with the regulations or a development control plan, and**

The application has been advertised in accordance with the notification requirements of BDCP 2015 for 21 days from 5 July to 25 July 2017. One submission was received.

- (d) It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan.**

One submission was made in relation to the proposed amendments which raised concerns relating to parking, traffic, pedestrian safety, and strategic planning and transport outcomes. The issues raised are addressed later in this report.

SECTION 79C ASSESSMENT

The proposed modifications have been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 requires the consent authority to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The soil contamination assessment that accompanied the original application confirmed that the site is partially contaminated. It is not considered that the proposed amendment would alter or modify the findings and recommendations contained within the original soil assessments and associated remediation action plan submitted. The report and accompanying Remediation Action Plan submitted notes the contaminants that were encountered on site and recommends remediation strategies to be undertaken. Conditions were imposed to ensure that the required works were completed in accordance with the

report recommendations. The modification as proposed does not require any further investigation to be undertaken.

It is therefore considered that the consent authority can be satisfied that the development site will remain suitable for the proposed development as modified, in accordance with Clause 7 of SEPP 55.

Greater Metropolitan Regional Environmental Plan 2—Georges River Catchment (GMREP 2)

It is considered that the proposed development as modified will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, objectives, planning principles, planning considerations and policies and recommended strategies contained within the GMREP 2.

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)

SEPP 65 applies to residential flat buildings having four or more units and three or more storeys. Accordingly the SEPP applies, and an assessment against the Design Quality Principles in SEPP 65 and the accompanying Apartment Design Guide (ADG) was carried out as part of the original application.

The proposed development as modified remains consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site's context. The development as modified does not change the level of compliance or the minor variations accepted under DA-1314/2015.

The table below shows the relevant change resulting from the modification to the applicable 'design criteria' contained in the Apartment Design Guide.

'DESIGN CRITERIA'	PROPOSED	COMPLIES?
<p>3J-1 Car Parking</p> <p>Minimum car parking requirement must be provided on site</p>	<p>183 car parking spaces are provided, in excess of the minimum 89 required under the Roads and Maritime Services (previously Roads and Transport Authority) Guide to Traffic Generating Developments, RTA 2002, for the residential units.</p> <p>The development complies with the minimum car parking requirements of 109 spaces for residential as contained in the BDCP 2015, Part B5.</p>	<p>Yes</p>

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) (SEPP 2007)

In accordance with the provisions of the ISEPP the modification application was referred to Sydney Trains and Ausgrid.

Sydney Trains

The proposed modification was referred to Sydney Trains pursuant to section 96(2)(b) of the EPA Act, 1979. Sydney Trains has reviewed the proposed modification proposed and have raised no objection to the modification, subject to the original concurrence issued for the deferred commencement.

The proposed modification has not altered the concurrence as originally provided and no change to the conditions originally provided by Sydney Trains has been required to facilitate the modification.

Ausgrid

The proposal was referred to Ausgrid pursuant to section 96(2)(b) of the EPA Act, 1979. Ausgrid has reviewed the proposed modification and raise no objection, subject to further conditions being imposed in regards to WorkCover, electrical safety rules, electricity supply and network standards.

An additional condition of consent has been recommended to satisfy the modified Ausgrid requirements.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed modifications to the development do not alter compliance with the SEPP as established under the original application.

Bankstown Local Environmental Plan (BLEP) 2015

The following clauses of *Bankstown Local Environmental Plan (BLEP) 2015* are relevant to the proposed development and were taken into consideration:

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.4A – Additional gross floor area for more sustainable development in Bankstown CBD commercial core
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 6.2 – Earthworks

The proposed modifications to the development do not alter compliance with the BLEP 2015 as established under the original application.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments that are applicable in this instance.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application as modified against the applicable controls contained in B5 of the Bankstown Development Control Plan (BDCP) 2015.

STANDARD	PROPOSED	PART B5 of BDCP 2015		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Part B5 Parking				
Car Parking	<p>336m² restaurant provided, parking study submitted. It has been considered the recommendations of the traffic assessment and the provision of 15 car spaces for the commercial component is satisfactory as they have provided these at the DCP rate for "Other Town Centre's", which are not as frequently serviced by public transport</p> <p>The proposal provides for 183 car parking spaces</p>	<p>Restaurants Bankstown CBD -</p> <ul style="list-style-type: none"> - Less than or equal to 100m² of total dining, bar area: No requirement. - More than 100m² of total dining bar area: Parking study required. <p>In Zone B4 A minimum of 1 car space and a maximum of 3 car spaces per dwelling; and 1 visitor car space per 5 dwellings.</p> <p>B4 mixed use rate 91 units x 1 (minimum) = 91</p> <p>91 x 3 = 273 (maximum)</p> <p>1 visitors space per 5 dwellings 91/5 = 18.2</p>	Yes	N/A

STANDARD	PROPOSED	PART B5 of BDCP 2015		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
		Total (assuming the minimum) 91+ 18.2 + 15 = 124.2 (124) Required		
		Total (assuming the maximum) 273 + 18.2 + 15= 306 required		

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the modification application.

The regulations [section 79C(1)(a)(iv)]

The proposed amendments are considered to satisfactorily address the relevant provisions of the regulations.

The likely impacts of the development [section 79C(1)(b)]

The proposed modification is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality as a result of the additional basement level.

Suitability of the site [section 79C(1)(c)]

The site is considered to remain suitable for the proposed development.

Submissions [section 79C(1)(a)(d)]

The application was advertised and notified for a period of 21 days from 5 July to 25 July 2017. One objection was received during this period, which raised concerns relating to parking, traffic, pedestrian safety, and strategic planning and transport outcomes.

Objection: Adverse traffic and pedestrian safety impacts as a result of the additional car parking

Comment: The proposal has been reviewed and the additional car parking proposed complies with the controls for off street parking in accordance with the BDCP 2015. An assessment of the current service level for East Terrace has been undertaken and it is considered that the service level of East Terrace is currently operating at a Service Level B.

It has been demonstrated that even with the increase in vehicle trips on the site resulting from the additional provision of off street parking provided, that

the service level of East Terrace will remain at a Level of Service B. This is considered acceptable in the locality.

The proposal does not alter the site access points or existing pedestrian facilities in proximity to the subject site. It is considered that the existing pedestrian safety will not be changed as a result of this modification.

Objection: Adverse strategic and transport planning outcomes

Comment: It is not considered that the proposed modification to the approved development will be inconsistent with Council's adopted strategic planning objective for the Bankstown Central Business District. The BDCP 2015 requires developments to provide for sufficient parking on site, and this proposal complies with Councils controls.

Objection: *Cumulative impacts of the scale and intensity of development in the vicinity of the college in terms of solar access and traffic*

Comment: The proposal as approved and as modified is reflective of the size and scale of development that is expected as part of the desired future character of the B4 Local Centre zone. An assessment of the impacts has been undertaken and it is considered that the proposal does not result in any non-compliance for adjoining sites in terms of solar access, nor is it considered to result in any unacceptable traffic impacts to the existing traffic network, given the network will maintain the current service level.

The public interest [section 79C(1)(a)(e)]

The proposed modifications are not considered to contravene the public interest.

CONCLUSION

The proposed modifications have been assessed in accordance with the provisions of section 96 and section 79C of the *Environmental Planning and Assessment Act 1979*, requiring, amongst other things, assessment against State Environmental Planning Policy 55- Remediation of Land, State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan 2— Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

Subject to the imposition of conditions to address external concurrence, the assessment of the application has found that the development as modified complies with the relevant development controls and requirements. It is considered that the proposed modification to include an additional level of parking for the development can be supported.

MODIFIED CONDITIONS

Accordingly, Condition 2, 17, 73, 74 and 84 of Determination Notice DA-1314/2015 (dated 25 October 2016) are amended to read (as shown in italics):

- 2) Development shall take place in accordance with Development Application No.DA-1314/2015, submitted by PSEC Project Services, accompanied by Drawing No.

- ~~D2001 Floor Plan Basement 2 Revision C dated 21 July 2016~~
- D2002 Floor Plan Basement 1 Revision C dated 21 July 2016
- D2003 Floor Plan Ground Level Revision C dated 21 July 2016
- D2004 Floor Plan Level 1 Revision C dated 21 July 2016
- D2005 Floor Plan Level 2-3 (typical) Revision C dated 21 July 2016
- D2006 Floor Plan Level 4-8 (typical) Revision C dated 21 July 2016
- D2007 Floor Plan Communal Roof Plan Revision C dated 21 July 2016
- D3000 North/West elevations and schedule of finishes Revision C dated 21 July 2016
- D3001 South/East elevations and schedule of finishes Revision C dated 21 July 2016
- ~~D3002 Internal South/East elevations and schedule of finishes Revision C dated 21 July 2016~~
- ~~D4000 Sections A & B Revision C dated 21 July 2016~~
- ~~D4001 Sections Vehicular access ramp detailed section Revision C dated 21 July 2016~~

prepared by PSEC Projects Services, and affixed with Council's approval stamp, and *Section 96(2) Modification application 1314/2015/1 submitted by Topwei Family Trust accompanied by Drawing No.*

- *E2000 Floor Plan Basement 3 Revision Dated 6 April 2017*
- *E2001 Floor Plan Basement 2 Revision D dated 3 April 2017*
- *E3002 Internal South/North Elevations and schedule of finishes Revision D dated 6 April 2017*
- *E4000 Sections A & B Revision D dated 3 April 2017*
- *D4001 Sections Vehicular access ramp detailed section Revision D dated 3 April 2017*

prepared by PSEC Project Services, and affixed with councils approval stamp except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

- 17) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$219,649.67 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

73) *183* off street car parking spaces shall be provided/maintained for the use of visitor, *residents* and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.

74) *183* off street car spaces being provided in accordance with the submitted plans. This shall comprise of a minimum:

150 residential spaces

18 residential visitor spaces

15 business / commercial spaces

Car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

84) Car parking spaces for *183* vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for *residents*, employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.

And the addition of condition 8a) to Determination Notice No. DA-1314/2015 (dated 25 October 2016) to read (as shown in italics):

8a) *The development must be designed to comply with the requirements of the Ausgrid conditions issued in letter dated 27 July 2017, Reference No. TRIM 2017/10/29. The design of the development must consider the requirements made with reference to the method of electricity connection, supply of electricity, street lighting, service mains and proximity to existing network assets including both overhead powerlines and underground cables in this correspondence. This correspondence forms part of this consent.*

The approval is subject to full compliance with all other conditions contained within Development Consent DA-1314/2015.

Independent Hearing and Assessment Panel - 4 December 2017

ITEM 2	14 Ferndale Road, Revesby
	Demolition of existing site structures and construction of a 43 place Child Care Centre with associated on-site parking and landscaping
FILE	DA-365/2017 – Revesby
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	5 May 2017
APPLICANT	Fortunato Scopelliti
OWNERS	F Scopelliti
ESTIMATED VALUE	\$1,525,000
SITE AREA	1018m² (per survey)
AUTHOR	Planning

REPORT

This matter is reported to the Canterbury Bankstown Independent Hearing and Assessment Panel due to the number of objections received.

Development Application DA-365/2017 proposes demolition of existing structures and construction of a two-storey, 43-place child care centre with on-site parking.

DA-365/2017 has been assessed against the provisions of the relevant environmental planning instruments including *State Environmental Planning Policy 55 – Remediation of Land*, *Greater Metropolitan Regional Environmental Plan 2*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and the application fully complies with the controls, with exception to the front building line control as per Clause 3.2 of Part B6 of the BDCP 2015.

The application was advertised and notified for a period of 21 days from 17 May 2017 to 6 June 2017, and re-notified for an additional seven days from 10 November 2017 to 16 November 2017. Submissions were received from 14 different households, one in support and thirteen of which raise concerns with the development relating to noise generation, traffic, parking, privacy, nature and size of development, need for development, amenity issues, devaluation of properties and loss of natural light. The concerns raised in the submissions have been considered and are summarised in the attached report, and do not warrant refusal of the proposed development.

POLICY IMPACT

This matter has no direct policy impacts.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

ATTACHMENTS

- A. Section 79C Assessment Report
- B. Conditions of Consent

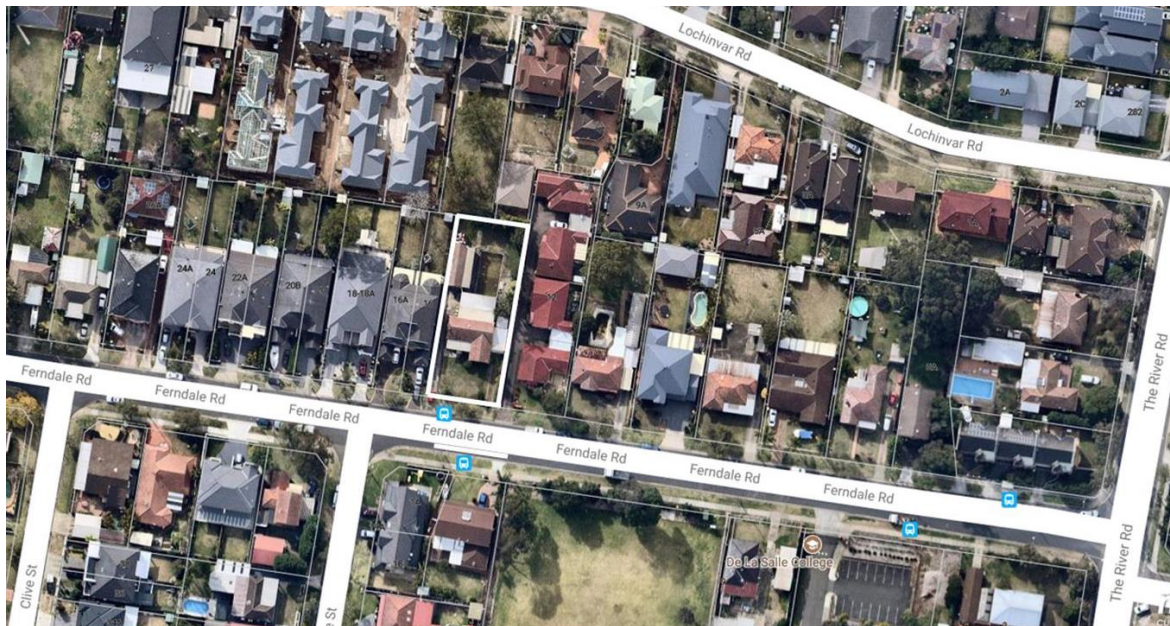
DA-365/2017 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site is known as 14 Ferndale Road, Revesby and is located on the northern side of Ferndale Road between The River Road (east) and Kennedy Street (west). The site is a regular allotment with a frontage of 20.115 metres to Ferndale Road and a site area of 1018m². The site is currently zoned R2 Low Density Residential.

The site contains a single-storey clad cottage, fibro garage, detached outbuilding and an in ground swimming pool. The site has a gentle slope from the southeastern corner to the northwestern corner with a fall of approximately 1.0m. There is no significant vegetation located on the site.

The surrounding development consists of single dwellings, dual occupancies and multi dwelling housing developments. Immediately to the east is a single storey multi-dwelling development; to the west a two storey dual occupancy; and to the south are single-storey detached dwellings with a detached secondary dwelling at 13 Lochinvar Road. The De La Salle College and Saint Patricks Catholic Church are adjacent to the site to the southern side of Ferndale Road.



Aerial image referencing the subject site

PROPOSED DEVELOPMENT

The development application proposes demolition of existing structures and construction of a two-storey child care centre with on-site parking. The operational details of the proposed centre are as follows:

- Number of children: 43 (0 – 6 years)
- Hours of operation: Monday to Friday – 7.00am to 7.00pm
- Number of staff: Seven

The following assessment relates to 40 children, with hours of operation Monday to Friday – 7.00am to 6.00pm. This provides consistency with the requirements contained in Part B6 of the BDCP 2015 and is to form part of the conditions of the consent.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

In this instance, it is considered that the consent authority can be satisfied that the development site is suitable for the proposed development, in accordance with Clause 7 of SEPP 55. The site has a history of use for low density residential purposes and there is no evidence to suggest that the site has been subject to any contaminating land uses. In accordance with the Managing Land Contamination Planning Guidelines, the historical uses of the site would not warrant the need for further consideration of contamination and testing.

Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment (GMREP 2)

The subject site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment*, being a deemed SEPP under Clause 120 of Schedule 6 of the *EP&A Act, 1979*. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

Bankstown Local Environmental Plan (BLEP) 2015

The following clauses of *Bankstown Local Environmental Plan (BLEP) 2015* are relevant to the proposed development and were taken into consideration:

Clause 1.2 – Aims of Plan

Clause 2.1 – Land use zones

Clause 2.2 – Zoning of land to which Plan applies

Clause 2.3 – Zone objectives and Land Use Table

Clause 2.7 – Demolition requires development consent

Clause 4.1B Minimum lot sizes and special provisions for certain dwellings

Clause 4.3 – Height of buildings

Clause 4.4 – Floor space ratio

Clause 4.5 – Calculation of floor space ratio and site area

Clause 5.9 – Preservation of trees or vegetation

Clause 6.8 – Special provisions applying to centre-based child care facilities

The following table provides a summary of the development application against the primary numerical controls contained in BLEP 2015.

STANDARD	PERMITTED/REQUIRED	PROPOSED	COMPLIANCE
Height of buildings	Max. 9m building height.	Max. 7.8m building height	Yes
Floor space ratio	Max. 0.4:1 (for non-residential use)	0.35:1	Yes
Allotment Width	Min. 20m at the front building line (5.5 metres)	20.115 m	Yes
Vehicular access	Not permitted from a classified road	Ferndale Road is not a classified road	Yes
	Not permitted from a cul-de-sac	Ferndale Road is not a cul-de-sac.	N/A
	Not permitted from a road where is the carriageway between kerbs is < 10m	Carriageway width is 10.1m	Yes

An assessment of the Development Application demonstrates that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2015*.

State Environmental Planning Policy - (Educational Establishments and Child Care Facilities) 2017

The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, was gazetted on 1 September 2017. This policy does not apply to the subject application by virtue of the saving provisions set out in Schedule 5.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application against the controls contained in Parts B5 and B6 of *Bankstown Development Control Plan (BDCP) 2015*.

STANDARD	PROPOSED	BDCP 2015 PART B5 and B6	
		REQUIRED/PERMITTED	COMPLIANCE
Building design	Purpose-built child care centre the appearance of which is consistent with that of a dwelling	A purpose-built centre providing the exterior has the appearance of a dwelling house	Yes
Traffic impact	Ferndale Road is capable of accommodating the additional vehicle movements generated by the proposed centre	Not to result in the environmental capacity of the street being exceeded	Yes

STANDARD	PROPOSED	BDCP 2015 PART B5 and B6	
		REQUIRED/PERMITTED	COMPLIANCE
Maximum number of children	43 children proposed to be cared for on site	Maximum of 40 children to be cared for on site	Yes, as per condition of consent
Car parking	9 spaces provided	1 space per employee (7 spaces required)	Yes
Minimum allotment width at the front building line	20.115m	Minimum allotment width of 25m (for centres caring for >29 children) at the front building line	No – See comment [1] below
Setback <ul style="list-style-type: none"> • Front • Side/rear boundary 	Min. 12.830m Min. 1.56 to 3.08m provided	5.5m 1.5m	Yes Yes
Height	Two storey	Maximum of two storeys	Yes
Hours of operation - Child care Centre	Monday to Friday 7.00am to 7.00pm	Monday to Friday 7.00am to 6.00pm	Yes, as per condition of consent
Landscaping: <ul style="list-style-type: none"> • To street frontage • Along the perimeter of the outdoor play area 	Minimum width of 2.24m Minimum width of 1.5m	Minimum width of 2m Minimum width of 1.5m	Yes Yes, as per condition of consent
Boundary fence <ul style="list-style-type: none"> • Front fence 	1.2m high	Max. 1.8m – solid section not exceeding 1m	Yes
<ul style="list-style-type: none"> • Side/rear 	2m high at the boundary	Max. 2m along the boundary	Yes

As demonstrated in the above table the proposal fully complies with the provisions of the BDCP 2015, with the exception of the variation proposed to Clause 3.2 of Part B6 of the BDCP 2015.

[1] Variation Request – Minimum Allotment Width

The proposed variation relates to Clause 3.2 of Part B6 of the BDCP 2015 which has been reproduced as follows:

3.2 *The consent authority may grant consent to development for the purpose of a child care centre on an allotment of land within Zone R2 Low Density Residential provided:*

- (a) *the maximum number of licensed places is 40 children, and*
- (b) *the allotment is at least 20 metres wide at the front building line if the number of licensed places in the child care centre is up to 29 children, or*
- (c) *the allotment is at least 25 metres at the front building line if the number of licensed places in the child care centre is up to 40 children.*

The subject site has an allotment width at the front building line of 20.115 metres. The application is considered at a capacity of 40 children therefore compliance is not achieved with BDCP 2015 Part B6 Clause 3.2(c).

The relevant objectives of the controls for allotment width and maximum number of children are:

- (a) To have allotments that are of sufficient size to provide for children numbers, staff ratios, buildings, dwellings, setbacks to adjoining land, parking spaces, driveways, vehicle manoeuvring areas, pedestrian access, open space, landscaping and the like.*
- (b) To have the design of child care centres satisfy the needs of children and staff, and provides a safe environment and easy access for people.*
- (c) To have child care centres that are compatible with the prevailing character and amenity of the locality of the development.*
- (d) To have the size of child care centres limited in established residential areas to ensure this type of business and trip generating activity does not adversely impact on the residential amenity of neighbouring dwellings.*
- (e) To have the design of child care centres provide a reasonable separation to neighbouring properties and avoids an unreasonable sense of enclosure.*
- (f) To have a sense of openness around the play areas within child care centres.*

Despite the numerical non-compliance, the proposed development achieves the objectives of Clause 3.2 for the following reasons:

The proposal provides nine staff members as required and provides an additional two car parking spaces.

- On-site parking, on-site manoeuvring and pedestrian and motorist safety have been satisfactorily addressed with this proposal.
- When considering this variation it must be noted that the floor space ratio proposed is 0.35:1, which remains lower than the permitted 0.4:1. The low floor space ratio further demonstrates that the proposal is not an over development of the site and that the site is suitable for the development as proposed.
- The proposal has a contemporary design and presents as a development that remains compatible with the residential character of the immediate locality.
- The privacy and acoustic impacts from the development have been satisfactorily managed through appropriate building design and the use of acoustic measures including a new 2 metre high solid fence being erected along all side and rear boundaries of the allotment.
- The large site area of 1018m² and compliant building setbacks, together with a reasonable lot width of 20.115m, the site is considered to be of a sufficient size to accommodate a child care centre catering for 40 children. On that basis, it is recommended that a variation be supported.

Accordingly, it is considered that compliance with the development control is unreasonable and unnecessary in the circumstances of the case as the development remains an appropriate built form outcome for the site.

Children (Education and Care Services) Supplementary Provisions Regulation 2004 and Education and Care Services National Regulations

The table below demonstrates the proposals compliance or otherwise with the *Children (Education & Care Services) Supplementary Provisions Regulations 2004*.

DOCS requirements	<i>Children (Education and Care Services) Supplementary Provisions Regulation 2004 and Education and Care Services National Regulations</i>	Provided	Compliance
Space requirements for 40 children:			
• Indoor play space	3.25m ² unencumbered indoor play space per child Total area: 130.00m ²	3.58m ² per child 143.22m ²	Yes
• Outdoor play space	7m ² unencumbered outdoor play space per child Total area required: 280m ²	7.53m ² per child 301.26m ²	Yes
Facilities:	Separate administration area and staff respite area	Provided within the centre	Yes
	Laundry	Provided within the centre	Yes
	Food preparation facilities	Provided within the centre	Yes
	Toilet & washing facilities	Provided within the centre	Yes
	Storage facilities	Provided within the centre	Yes
	Craft preparation (not next to kitchen or nappy changing area)	Provided within the centre	Yes

The above table confirms the development satisfies the *Children (Education and Care Services) Supplementary Provisions Regulation 2004* and *Education and Care Services National Regulations* subject to the number of children to be cared not exceeding 40.

Planning agreements [section 79C(1)(a)(iia)]0

There are no planning agreements or draft planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates [section 79C(1)(a)(v)]

The proposed development does not contravene any relevant provisions of the Georges River Estuary Coastal Zone Management Plan.

The likely impacts of the development [section 79C(1)(b)]

The proposal is accompanied by a traffic and parking assessment report and an acoustic report. An assessment against the noise and the traffic and parking issues is provided below:

Noise

An acoustical assessment was prepared by VMS Australia Pty Ltd for the proposed child care centre. The report assessed the noise associated with indoor and outdoor play areas and car park and road traffic noise.

The proposed noise control measures include:

- Treatment of external walls, windows and doors.
- A 2 metre high solid fence shall be installed along the north, east and western boundaries.
- Management of outdoor play.

The report was reviewed by Council's Environmental Health Officer and no objection was raised to the proposal subject to the noise attenuation recommendations stated in the report being implemented during design/construction and operation. A condition in the development consent will also require the adoption of a Noise Management Policy that details the following matters:

- *Dividing children in groups of not more than 10 during the outdoor play time*
- *Staff supervision of children at all times to prevent any excessive noise.*
- *All windows to be kept closed during any noisy activities.*
- *Loudspeaker system is not to be used indoor or outdoor without prior evaluation and approval.*

From the above assessment, it is considered that the proposed development satisfies the noise criteria and is not likely to adversely impact the amenity of the adjoining residents subject to the noise attenuation measures recommended in the acoustic report including the erection of an acoustic fence being carried out.

Access, Traffic and Parking

A Traffic and Parking Impact Assessment prepared by McLaren Consultants was submitted in support of the development application. Council's Traffic and Transport Unit has reviewed the

report and the layout and raised no objection on traffic and parking grounds subject to conditions of consent.

Suitability of the site [section 79C(1)(c)]

The site is considered suitable for the development, the proposed use is permitted in the zone and provides sufficient area and width to accommodate the required car-parking, play areas and facilities.

Submissions [section 79C(1)(d)]

The application was advertised and notified for a period of 21 days from 17 May 2017 to 6 June 2017, and re-notified for an additional seven days from 10 November 2017 to 16 November 2017. Submissions were received from 14 different households, one in support and thirteen of which raise concerns with the development relating to noise generation, traffic, parking, privacy, nature and size of development, need for development, amenity issues, devaluation of properties and loss of natural light. A summary of the concerns raised and responses to these concerns is provided below:

Objection: Size and nature of development

- *The proposed development is an overdevelopment of the site*
- *The site is not suitable for such a large development.*

Comment: The proposed development is a permissible use on the site. The development complies with the FSR, setback and height controls and provides sufficient indoor and outdoor space for the proposed child care centre. Adequate parking is provided for the staff.

The building is a two-storey development and has a contemporary appearance consistent with the changing nature of the R2 zone. It is of an acceptable bulk and scale, accommodates the required play areas for the proposed child numbers and is compatible with the one and two storey developments in the vicinity of the site. For these reasons the development is not considered to be an overdevelopment of the site.

Objection: Adverse acoustic effects from children arrivals/departures and playing in the outdoor area.

Comment: The noise impact from the child care centre has been assessed through a Noise Impact Assessment prepared by an acoustics consultant, submitted with the application and reviewed by Council's Environmental Health Officers. The report recommends a series of noise attenuation measures as discussed earlier in this report, which will be incorporated in the site planning, building construction and operation of the facility.

Additionally the operator will be required to prepare a noise management plan to address any noise concerns from the surrounding residents.

Objection: *Traffic concerns:*

- *Increased traffic causing levels of congestion, noise and air pollution.*
- *Lack of on-site drop off/pick up area.*
- *Risk to pedestrian and children using the street.*

Comment: Council's Council's Traffic and Transport Unit has reviewed the report and the layout and raised no objection on traffic and parking grounds subject to conditions of consent.

There is no requirement in BDCP 2015 to provide a drop-off/pick-up area on-site.

Objection: *The development will take away natural light and make homes dark and cold.*

Comment: The proposed child care centre building is a two-storey structure setback a minimum of 1.5m from the side boundaries and more than 12m from the rear boundary. There is sufficient separation to allow natural light to the adjoining properties.

Objection: *Devaluation of properties.*

Comment: There has been no evidence provided to confirm that the proposal will devalue properties in the area.

The public interest [section 79C(1)(e)]

Having regard to the relevant planning considerations, it is concluded that it would not be against the public interest to approve the proposed development.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, including the *Children (Education & Care Services) Supplementary Provisions Regulation 2004*, *State Environmental Planning Policy 55 – Remediation of Land*, *Greater Metropolitan Regional Environmental Plan 2*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The proposed development represents an appropriate built form for the site. Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions. Approval of this application is considered to be consistent with the R2 Low Density zoning for the locality and would not result in unacceptable or unreasonable impacts on the surrounding locality.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-365/2017, submitted by Fortunato Scopelliti, accompanied by Drawing No. DA.1.01, DA.1.02, DA.2.01, DA.3.01, Issue E, prepared by fldc architects, dated 24/09/2017 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation unless they meet the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 4) The childcare centre is restricted to a maximum of forty (40) children at any one time.
- 5) The hours of operation are restricted to Monday to Friday: 7.00am – 6.00pm. No operation is permitted on public holidays.
- 6) An application needs to be submitted to Council's Traffic and Transport Unit to review the relocation of the Bus Stop and comply with the disability access requirements for bus stops.
- 7) The applicant shall apply to the Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage to Eddie Avenue, 8 weeks in advance of when construction is scheduled to begin. This is subject to recommendation by the Traffic Committee and must be approved and paid for prior to issuance of a Construction Certificate.
- 8) A minimum 1.5 metre wide deep soil zone is to be provided around the perimeter of the outdoor play area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space. The deep soil zone must be landscaped by way of deep soil plantings and canopy trees.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 9) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.

- 10) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 11) Any fill material brought on to the site to fill the pool excavation shall be validated to ensure the material is suitable for continued residential use. This validation must be undertaken by an appropriately qualified environmental consultant and a certificate of analysis submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate.
- 12) The proposed building must be brought into conformity with Performance Requirement DP4 of the Building Code of Australia (BCA), to protect persons using the building, and to facilitate their egress from the building in the event of fire. Details indicating compliance with the Performance Requirements DP4 of the BCA must be provided to the certifying authority prior to the issue of a construction certificate.
- 13) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 14) The landscape plan shall include the provision for the replacement of all boundary fencing. A two (2) metre high solid barrier fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 15) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 16) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 17) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:

- a) Two (2) medium VFC at the property boundary.
- b) Drainage connection to Council's system.
- c) A footpath is to be provided between the two driveways in accordance with Council's design specifications.
- d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- e) Repair of any damage to the public road including the footway occurring during development works.
- f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 18) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 1809-S1/3 TO S3/3, Rev A, dated 10.04.2017 prepared by John Romanous & Associates. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 19) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 20) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.

- 21) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 22) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$15,250.00 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 23) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 24) The building work in accordance with the development consent must not be commenced until:
 - a) a construction certificate for the building work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:

- i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building work.
- 25) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 26) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 27) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 28) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 29) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.
- 30) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a

Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 31) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 32) A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

- 33) The demolition of all structures currently existing on the property must be undertaken, subject to strict compliance with the following: -
 - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
 - i. A *pre-commencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - ii. A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412** or **9707 9635**.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads

and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.

- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 34) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 35) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 36) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 37) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 38) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 39) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.

- 40) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 41) All boundary fencing behind the building line shall be replaced by a two (2) meter high solid barrier fence as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 42) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 43) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 44) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 45) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 46) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 47) The acoustic report submitted in support of this development application, prepared by VMS Australia Pty Ltd, titled 'Amended Noise Impact Assessment, 14 Ferndale Road, Revesby, Child Care Centre Development Application', dated 24 August 2017, report

number 10-1388 and the noise attenuation recommendations stated in the report, forms part of the development consent.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the abovementioned report have been completed and that relevant noise criteria have been satisfied prior to the issue of any occupation certificate.

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of Canterbury Bankstown Council.

- 48) A Noise Management Policy is to be completed that details the following matters:
- a) Dividing children in groups of not more than 10 during the outdoor play time
 - b) Staff supervision of children at all times to prevent any excessive noise.
 - c) All windows to be kept closed during any noisy activities.
 - d) Loudspeaker system is not to be used indoor or outdoor without prior evaluation.
- 49) The food premises must be registered with Council by completing the Application for Registration form prior to trading.
- 50) Trading must not commence until a final inspection of the kitchen has been carried out by Councils Environmental Health Officer and ALL conditions of this consent have been complied with.
- 51) Trading must not commence until an inspection of the premises has been carried out by the Principal Certifying Authority to ensure that the premises including the construction and installation of all equipment, fixtures, fittings and finish therein comply with ALL conditions of consent.
- 52) Nine (9) off street car spaces being provided in accordance with the submitted plans.
- 53) An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:
- a) List of chemicals and maximum quantities to be stored at the site;
 - b) Identification of potentially hazardous situations;
 - c) Procedure for incident reporting;
 - d) Details of spill stations and signage;
 - e) Containment and clean-up facilities and procedures; and
 - f) The roles of all staff in the plan and details of staff training.
- 54) Certification must be provided to the Principal Certifying Authority, prior to occupation, that the fitout of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

- 55) It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.
- 56) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 57) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 58) Lighting must be provided to the entry, driveways and parking area to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 59) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 60) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 61) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development.

USE OF THE SITE

- 62) Car parking spaces for (9) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.

- 63) The hours of operation are restricted to Monday to Friday: 7.00am – 6.00pm. No operation is permitted on public holidays.
- 64) The childcare centre is restricted to a maximum of forty (40) children at any one time.
- 65) The outdoor area is restricted to a maximum of thirty five (35) children at any one time.
- 66) All external windows and doors shall remain closed when children's indoor activities take place.
- 67) There is to be no amplified music, playing of musical instruments and the like in any part of the outdoor play areas.
- 68) Music or singing shall only be undertaken inside the building with the windows and doors closed.
- 69) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- 70) All loading and unloading of goods shall take place within the site in a manner that does not interfere with parking areas, driveways or landscaping.
- 71) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 72) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 73) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 74) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 75) Hand wash basins: - Council requires a hand wash basin (to be located within five metres of all food handling areas) provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to be installed in all food preparation areas for the purpose of washing hands.
- 76) Equipment sink: - Plans only indicate one equipment sink for washing all reusable equipment. Council requires a dishwasher/glasswasher and single bowl sink (where all the food contact equipment will fit in the dishwasher/glasswasher) or a double bowl sink.

- 77) To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provisions of the *Protection of the Environment Operations Act 1997*.
- 78) The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. Before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. Before 7.00am and after 10.00pm on any other day; and
 - (b) Emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
- 79) Following occupation of the child care centre should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged, with Canterbury Bankstown Council and the operator/owner of the premises agreeing on the acoustical consultant, to measure noise emanating from the building/premises and to recommend appropriate action. The reasonable cost of such appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Canterbury Bankstown Council.
- 80) The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 81) Any lighting of the premises shall be installed in accordance with Australian Standard 4282-1997, Control of the obtrusive effects of outdoor lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council’s discretion if Council considers there to be adverse effects on the amenity of the area.
- 82) Any warm-water system installed in the premises, must be installed, operated and maintained in accordance with the prescribed requirements in the *Public Health Act 2010* and *Public Health Regulation 2012*. A warm-water system is defined as a system being designed to heat and deliver water at a temperature of less than 60°C and includes thermostatic mixing valves. The warm water system must be registered with Council.

- 83) The food preparation area (kitchen) within the childcare centre must be designed, constructed and operated in accordance with the requirements of:
- i) Australia New Zealand Food Standards Code;
 - ii) Australian Standard 4674-2004;
 - iii) Australian Standard 1668 Part 1; and
 - iv) Australian Standard 1668 Part 2;
 - v) The NSW Food Act 2003 and Food Regulation 2015;
 - vi) The Protection of the Environment Operations Act 1997.

-END-

Independent Hearing and Assessment Panel - 4 December 2017

ITEM 3	2 Gibson Avenue, Padstow
	Alterations and additions to an existing self-storage facility, including site works and signage
FILE	DA-432/2017 - Revesby Ward
ZONING	IN1 General Industrial & IN2 Light Industrial
DATE OF LODGEMENT	23 May 2017
APPLICANT	Kennards Self Storage
OWNERS	Storage Equities Pty Limited
ESTIMATED VALUE	\$2,050,854.00
AUTHOR	Planning

REPORT

This matter is reported to the Independent Hearing and Assessment Panel (IHAP) as the application has received submissions from seven different households.

Development Application DA-432/2017 proposes alterations and additions to an existing Kennards storage facility including related site works and signage.

The Development Application has been assessed in accordance with the requirements of Section 79C of the EP&A Act 1979 including an assessment against State Environmental Planning Policy (SEPP) Infrastructure 2007, SEPP 55 – Remediation of Land, SEPP 64 – Advertising and Signage, Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment, Bankstown Local Environmental Plan (BLEP) 2015 and Bankstown Development Control Plan (BDCP) 2015. The proposal generally complies with the relevant legislation except for a variation to Clause 2.2 of Part B3 of BDCP 2015 – Setback to the secondary road frontage. The variation has been addressed in this report and is considered worthy of support.

The application was neighbour notified and advertised for a period of 21 days between 7 June 2017 and 27 June 2017 and seven submissions were received during this period. Following the receipt of amended plans, the application was neighbour notified for a further period of 14 days from 26 September 2017 to 9 October 2017. Four submissions were received during this period, all of which were from households who had provided a submission during the previous

notification period. The submissions raise concerns relating to traffic, building height, solar access, impacts on property values and general amenity impacts associated with the proposal.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

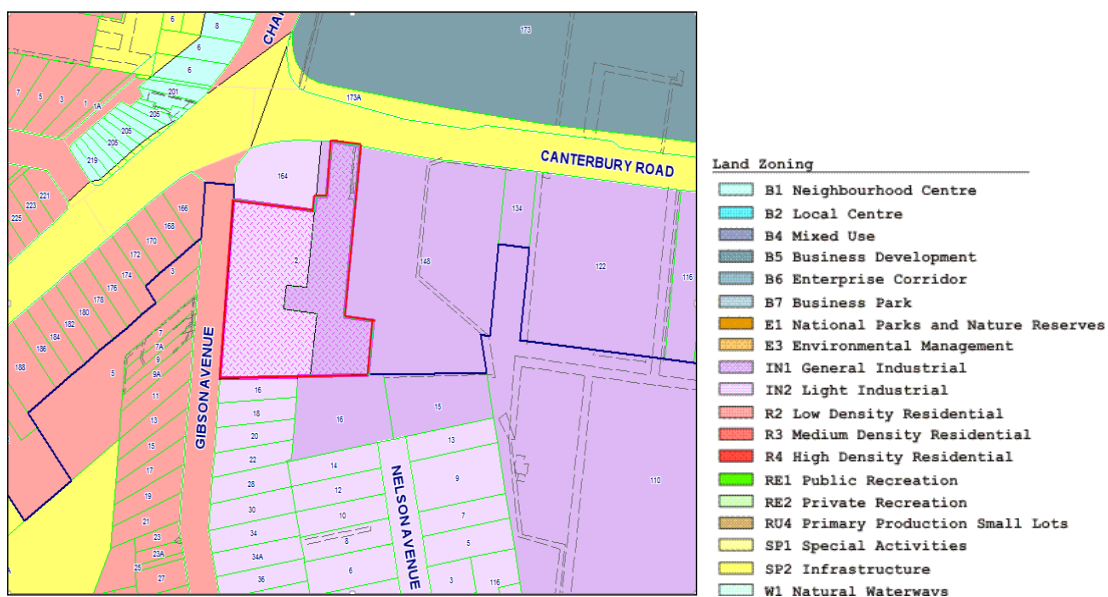
ATTACHMENTS

- A. Section 79C Assessment Report
- B. Conditions of Consent

DA-432/2017 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site is known as 2 Gibson Avenue, Padstow and is located within the IN1 General Industrial Zone and the IN2 Light Industrial Zone. It is an irregular allotment with an area of 9,872m² and a primary frontage of 20.13 metres to Canterbury Road and a secondary frontage of 106.70 metres to Gibson Avenue. There is a fall across the site of approximately 5.63 metres from the south-western corner to the north-eastern corner. The site is currently occupied by Kennards Self Storage comprising of three x two-storey buildings (Buildings B, C & D), and three x single storey buildings (Buildings A, E and the office building).



Zoning Map BLEP 2015

The site is located on the eastern side of Gibson Avenue, approximately 35 metres south of the intersection with Canterbury Road. The eastern side of Gibson Avenue is predominately occupied by industrial uses with residential uses occupying the western side. Neighbouring the site for the majority of the northern boundary is Bob Jane T-Marts (164 Canterbury Road). Peter & Son Building Supplies (16 Gibson Avenue) adjoins part of the site to the southern boundary, with the remainder of the southern boundary shared with other industrial uses accessed from Nelson Avenue.



PROPOSED DEVELOPMENT

Development Application 432/2017 proposes alterations and additions to the existing Kennards Self Storage including related site works and signage. Specifically, this includes:

- An addition of approximately 1,872m² of gross floor area being:
 - a two storey addition to the northern end of Building B.
 - a two storey addition to the western side of Building D.
- Addition of an awning to the southern end of Building C and to the southern end of Building D.
- Two new wall signs to Building B and one new wall sign to Building D.
- Addition of a new pathway from Canterbury Road accessing Building B.
- Car park and landscape works.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C(1) of the Environmental Planning and Assessment Act, 1979. In determining a development application, a consent authority is to take into consideration such of the following matters relevant to the proposed development.

Environmental planning instruments [section 79C(1)(a)(i)]***Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment (GMREP 2)***

The site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment*, being a deemed SEPP under Clause 120 of Schedule 6 of the *EP&A Act, 1979*. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

The provisions of Clause 7 of *State Environmental Planning Policy (SEPP) 55 – Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site has long been used for industrial purposes and this will not change as part of the development application. It is not considered necessary for any further investigation to be undertaken with regard to potential site contamination. On that basis, the subject site is considered suitable for the development application and therefore satisfies the provisions of SEPP 55.

State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)

An assessment of the proposed signage indicates that the development is consistent with the aims and objectives of SEPP 64 Advertising and Signage and the relevant assessment criteria under Schedule 1. Furthermore, the signage is considered to be compatible with the visual character of the area and will not detract from the amenity of the residential zoned land opposite the site.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)

The site incorporates an electricity substation and an easement for electricity purposes to the north-western corner. In accordance with the provisions of Clause 45 of SEPP (Infrastructure) 2007, written notice of the proposed development was given to the electricity supply authority (Ausgrid) and their comments form part of the proposed Conditions of Consent.

The site has a frontage to Canterbury Road which is a Classified Road. In accordance with Clause 101 of SEPP (Infrastructure) 2007, written notice of the proposed development was given to the Roads and Maritime Services and their comments form part of the Conditions of Consent.

Bankstown Local Environmental Plan 2015

The following clauses of the Bankstown Local Environmental Plan (BLEP) 2015 were taken into consideration:

- 1.2 Aims of Plan
- 1.7 Maps
- 1.9A Suspension of covenants, agreements and instruments
- 2.1 Land use zones
- 2.2 Zoning of land to which Plan applies
- 2.3 Zone objectives and Land Use Table
- 2.7 Demolition requires development consent
- Zone IN1 General Industrial
- Zone IN2 Light Industrial
- 4.4 Floor space ratio
- 4.5 Calculation of floor space ratio and site area
- 6.2 Earthworks
- 6.3 Flood planning

The only numerical control contained within BLEP 2015 applicable to the proposed development relates to floor space ratio (FSR), limiting the site to a maximum FSR of 1:1. The proposed development complies with this requirement having a GFA of 9,867m² resulting in an FSR of 1:1.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no applicable draft environmental planning instruments.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application against the primary numerical controls contained within Part B3 of BDCP 2015.

STANDARD	PROPOSED	BDCP 2015 PART B3	
		REQUIRED	COMPLIANCE
Site coverage	58%	70% (maximum)	Yes
Setback to the primary road frontage	15m	15m (minimum)	Yes
Setback to the secondary road frontage	7.41m	15m (minimum)	No – See comment [1] below
Landscaped area along primary frontage	15.70m	10m (minimum)	Yes

STANDARD	PROPOSED	BDCP 2015 PART B3	
		REQUIRED	COMPLIANCE
Landscaped area along secondary frontage	7.41m	10m (minimum)	No, existing non-compliance – See comment [2] below
Trees within primary setback	6	6	Yes (remedied by a condition of consent)
Trees within secondary setback	19	18	Yes
Signage	36.66m ²	46.50m ² (maximum)	Yes

The following comments are provided in respect to the departures as identified in the table above:

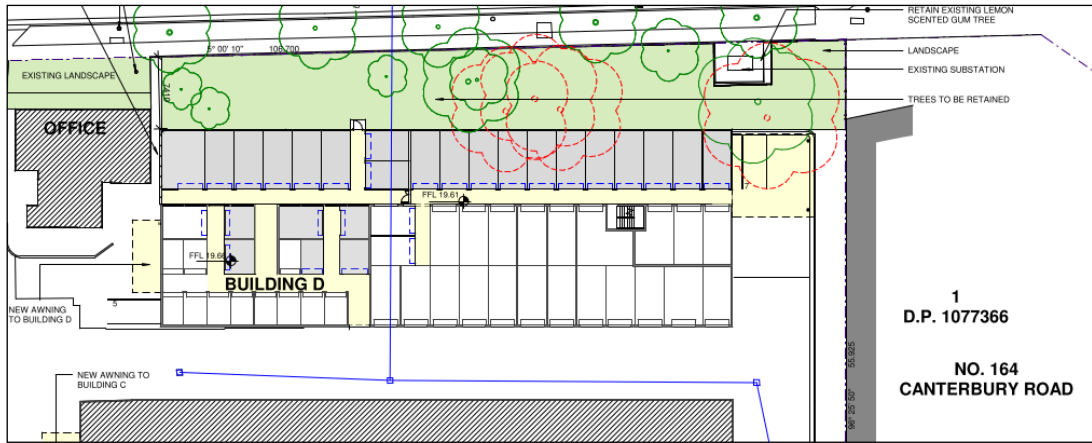
[1] Setback to the Secondary Road Frontage

Clause 2.2 of Part B3 of BDCP 2015 requires a setback of 15 metres for the development to the secondary road frontage as Gibson Avenue is a regional road. Despite this requirement, Council may vary the minimum setback for the development under Clause 2.3 provided the development:

- (a) *complies with any statutory alignment that applies to an allotment; or*
- (b) *provides adequate space to meet the vehicle access, car parking, load and landscaping controls; or*
- (c) *is compatible with the building alignment of neighbouring development or the desired future character of the area; or*
- (d) *achieves an appropriate bulk and scale.*

The proposed addition to the western side of Building D will reduce the setback of the building to the secondary road frontage to 7.41 metres at the closest point. Clause 2.3(c) allows for a reduced setback in circumstances where compatibility can be demonstrated with neighbouring development. Of relevance in this respect is the building north of the site at 164 Canterbury Road and the existing office building on site located south of Building D.

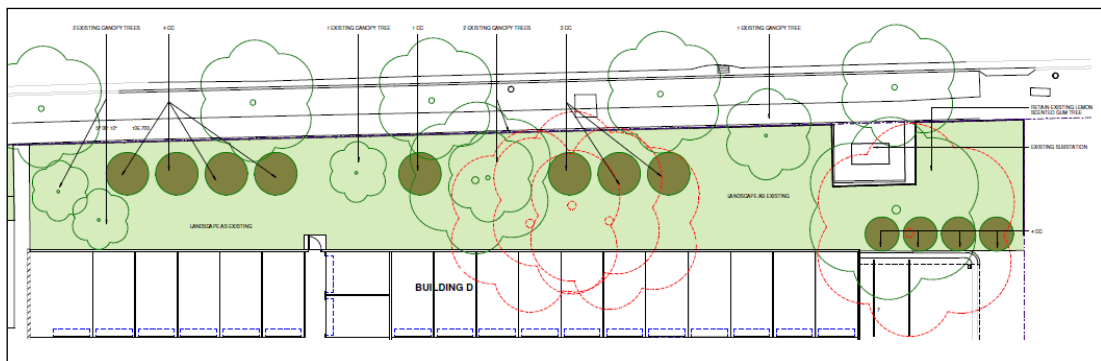
The development at 164 Canterbury Road provides a setback of approximately 4.75 metres and the existing office building on site adopts a setback of approximately 4.95 metres. As evidenced in the figure below, Building D will achieve a generally compatible building alignment with those buildings. On that basis, it is considered that there is merit for a reduced setback in this circumstance as per the provisions of Clause 2.3(c).



[2] Landscaped Area Along Secondary Road Frontage

Clause 4.3 of Part B3 of BDCP 2015 requires the development to include a landscaped area of a minimum width of 10 metres along the secondary road frontage. The existing landscaped area along the secondary frontage has a minimum width of 7.41 metres, extending to a maximum of 9.20 metres. The proposed addition to Building D is to occur over an existing hardstand area with the extent of the existing landscaping to remain unchanged as a result of the proposal. It is noted that the landscaped area greatly exceeds the landscaping provided on any allotment on the eastern side of Gibson Avenue between Canterbury Road and Gow Street.

Whilst the extent of landscaping will not increase, the quality of landscaping along the sites frontage to Gibson Avenue will improve, thereby improving the presentation of the development to the streetscape. As shown on the Landscape Plan below, an additional twelve trees are to be planted within the setback area, all of which are dwarf lemon scented gums that will reach an estimated height at maturity of 7 metres. A total of four trees are to be removed, one of those being a lemon scented gum located towards the northern end of the setback area within the vicinity of the electricity substation. The subject tree is not affected by the proposed development; instead Council’s Tree Management Officer has approved its removal for the health benefit of the existing adjacent lemon scented gum. The remaining three trees approved for removal are exempt species under Part B11 – Tree Preservation Order of BDCP 2015.



Proposed Landscape Plan

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

The likely impacts of the development [section 79C(1)(b)]

The likely impacts of the proposal have been appropriately managed through the design of the development which is compliant with Council's planning controls, with the exception of the variations which have been addressed previously within this report and found to be acceptable in the context of this particular application.

Suitability of the site [section 79C(1)(c)]

The proposed development is permissible with consent on the subject site, and represents a built form that is appropriate for the both the IN1 General Industrial Zone and the IN2 Light Industrial Zone.

Submissions [section 79C(1)(d)]

The application was neighbour notified and advertised for a period of 21 days between 7 June 2017 and 27 June 2017 and seven submissions were received during this period. Following the receipt of amended plans, the application was neighbour notified for a further period of 14 days from 26 September 2017 to 9 October 2017. Four submissions were received during this period, all of which were from households who had provided a submission during the previous notification period. The submissions raise concerns relating to traffic, building height, solar access, impacts on property values and general amenity impacts associated with the proposal. The points of objection are discussed in further detail below.

Traffic and parking

- *"the extra storage units proposed will bring additional traffic and congestion to that end of Gibson Avenue and will further compound an existing traffic congestion as a result of Peter and Son Hardware which is next door."*
- *"There are existing traffic congestion and heated motorist frustrations created by Peter and Son Hardware next door to Kennards. The amended proposal will add to a problem that already exists."*
- *"Gibson Ave is already suffering from congestion due to Peter and Sons warehouse constantly bringing in trucks, blocking traffic from both sides of the road. The additional development of Kennards Storage Units will further impact the traffic."*
- *"The introduction of new storage units will result in an increase of traffic congestion along Gibson Avenue".*
- *"by approving this proposal you are further adding to an existing problem."*

In accordance with Clause 2.2 of Part B5 of BDCP 2015 a parking study is required for applications for 'storage premises'. The applicant submitted a Traffic and Parking Assessment Report (Traffic and Parking Report) prepared by Dobinson & Associates Pty Ltd that detailed the current traffic generation for the site, the proposed traffic generation and provided an assessment of the adequacy of the parking on-site.

The existing and proposed vehicle trips per hour (VTPH) to and from the site as provided in the Traffic and Parking Report are set out below:

Peak hour	Existing facility vtpH	Proposed facility vtpH	Increase vtpH
Weekday a.m. peak hr	16	19	3 (2 entering, 1 departing)
Weekday p.m. peak hr	13	15	2 (1 entering, 1 departing)
Weekend mid-day peak hr	17	19	2 (1 entering, 1 departing)

The report was reviewed by Council's Traffic and Transport Team who found the calculation of traffic generation to be acceptable and supported the conclusion that any additional traffic associated with the proposal will have an insignificant impact on the traffic operation of Gibson Avenue.

The Traffic and Parking Report indicates a parking demand of 18 spaces for the proposed development, being five spaces for customers, two spaces for staff and eleven spaces for storage patrons. The site plan nominates seven indicative line marked spaces on site for the use of customers and staff as per the requirements of the Traffic and Parking Report. The use operates as a 'ranch' style storage premises whereby storage patrons utilise the wide aisles between the buildings for parking in an informal arrangement. It is considered that there is sufficient space to accommodate parking for at least eleven storage patrons as required.

Building height/solar access

- *"I am against this proposal for the increase in height on Building D... reduces my skyline level and I will receive less sunlight into my front and back yard"*
- *"the height has increased from the original proposal to 8 metres this will reduce my skyline level and I will receive less sunlight into my front and back yard."*
- *"the proposal for increasing the height on Building D will reduce the amount of sunlight coming into contact with my home."*
- *"The current proposal notes an increase to 8 metres. This will further decrease my skyline and in conjunction with the noise pollution, will adversely affect health and quality of life. In addition, it will also obstruct my view from the front balcony".*
- *"I also oppose the proposal to increase the height of Building D, reducing the amount of sun light that shines onto my home and further limiting the skyline level visible from my home".*

Building D reaches a maximum building height of 7.90 metres (RL 27.00). This exceeds the existing ridge height (RL 26.77) by 230mm. This proposed building height is consistent with the height of a typical two-storey dwelling house along the western side of Gibson Avenue. Additionally, whilst the site is not subject to a maximum building height limit under BLEP 2015, the proposed development does not exceed the 9 metre building height limit applicable to the residential-zoned land opposite the site. As a result, the proposed building height is considered compatible with the adjoining and adjacent built form.

Building D maintains a separation distance of approximately 28 metres from the closest residential property to the west. Considering the height of Building D and the extent of separation, there will be no adverse impacts with regard to solar access to residential properties on the western side of Gibson Avenue.

Property values

- *“the value of my house will be negatively impacted because of this proposal.”*
- *“it will also cause more noise and air pollution, lowering the property value of my home and my quality of life.”*
- *“the increased traffic and noise brought by the construction can only result in depreciation of local properties”.*

No evidence has been submitted that the proposed development will negatively impact property values within the vicinity of the site.

General Impact on residential area

- *“It will also cause more noise and air pollution”*
- *“The development will decrease quality of life for residents”*
- *“These proposed changes will negatively impact the residents of Gibson Avenue and the daily commuters that use the street”*
- *“the development proposal will disrupt the already fragile balance between the industrial and residential zoned properties on either side of Gibson Avenue”.*

The current undertaking on site remains permissible within the IN1 General Industrial Zone and the IN2 Light Industrial Zone. Storage premises are traditionally a lower intensity use, with less noise generation from fixed sources or motor vehicles than other industrial uses. There are no changes proposed to existing operations on site and as previously addressed, impacts on the street network will be insignificant as a result of the proposed alterations and additions. On that basis, any impacts associated with the site will not be inconsistent with the existing arrangement.

The public interest [section 79C(1)(e)]

Approval of the proposed development is not considered to contravene the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

The proposed development complies with all applicable planning controls, with the exception of the variations discussed in this report. The impact of the variations are considered acceptable and it is therefore recommended that the variations are supported. Therefore, approval of the development application is recommended.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-432/2017, submitted by Kennards Self Storage, accompanied by the drawings detailed below prepared by MCHP Architects and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Revision	Dated
16-010 DA01	H	15/9/2017
16-010 DA02	E	15/9/2017
16-010 DA04	C	26/04/2017
16-010 DA11	G	15/9/2017
16-010 DA12	G	15/9/2017
16-010 DA13	C	26/04/2017
16-010 DA21	G	15/9/2017
16-010 DA22	I	15/9/2017
16-010 DA23	C	26/04/2017
16-010 DA32	G	15/9/2017
16-010 DA33	G	15/9/2017
16-010 DA35	H	15/9/2017
16-010 DA36	H	15/9/2017
16-010 DA37	B	26/04/2017
16-010 DA41	F	15/9/2017
16-010 DA42	F	15/9/2017
16-010 DA51	F	15/9/2017

- 3) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (or its equivalent).
- 4) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Canterbury Road.
- 5) A Road Occupancy Licence should be obtained from the RMS Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities.
- 6) The method of electricity connection is to be in line with Ausgrid's Electrical Standard (ES)1- 'Premise Connection Requirements'.

- 7) The nominated electrical consultant/contractor is to undertake a preliminary enquiry to Ausgrid to obtain advice for the connection of the development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
- The existing network can support the expected electrical load of the development.
 - Site conditions or other issues that may impact on the method of supply.

Refer to www.ausgrid.com.au for details on how to connect to Ausgrid's network.

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

- 8) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline for Managing Vegetation Near Power Lines.
- 9) The minimum safety separation requirements between mains/poles to structures within the development as outlined within Safework NSW Document – Work Near Overhead Powerlines: Code of Practice shall be maintained throughout construction. Special consideration should be given to the location and operations of cranes and any scaffolding and with regards to the types of vehicles entering and existing the site.
- 10) Ausgrid Network Standard NS220 Overhead Design Manual sets the 'as constructed' minimum clearances to mains which are to be maintained. Any relocating of overhead mains due to minimum safety clearances being compromised is to be at the developers cost.
- 11) Driveways and other construction activities within the footpath are not to interfere with the existing underground cables. Ausgrid cannot guarantee the depth of cables and therefore it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 12) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 13) Landscaping shall be installed in accordance with the Landscape Concept Plan LA01 and LA02 prepared by MCHP Architects, Revision E, dated 15 September 2017, except as amended below.

- a) An additional three (3) trees are required within the landscaped area forward of Building B. The canopy trees must be capable of achieving a mature height of greater than 5 metres.
- 14) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

Tree Removal: On-Site

Approval is granted for the removal of the following trees:

- i. Any tree/s growing within the building footprint of the approved structures;
- ii. Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling on the same property;
- iii. Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- iv. Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order;

Tree Species	Location
1x <i>Corymbia citriodora</i> (Lemon –scented Gum)	Nearest to the electrical substation/ facing Gibson Road and closest to number 184 Canterbury Road
1x <i>Eucalyptus spp</i> , (Gum)	Garden bed, eastern boundary nearest to number 148 Canterbury Road

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW). All other vegetation not specifically identified above, and protected by Council's Tree Preservation Order, is to be retained and protected from construction damage and pruning. The Tree Preservation Order protects trees over 5m in height.

- 15) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 16) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 17) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 18) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 19) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$20,508.54 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 20) The existing building must be brought into conformity with Performance Requirement CP1 – CP9, DP1 – DP6, EP1.1 – EP1.5, EP2.2, EP4.1 – EP4.3 of the Building Code of Australia (BCA), to protect persons using the building, and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby. Details indicating compliance with the Performance Requirements of the BCA must be provided to the certifying authority prior to the issue of a construction certificate.
- 21) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 22) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) Drainage connection to the Roads and Maritime Services (RMS) system.
 - b) Repair of any damage to the public road including the footway occurring during development works.

- c) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 23) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 217045 SW01, rev P1 & SW02 rev P2 dated 4/4/17 & 28/4/17 prepared by DEMLAKIAN ENGINEERING.

Documentary evidence from the Roads and Maritime Services (RMS), of consenting the proposed connection to its drainage system within Canterbury Road, to be submitted to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. All conditions imposed by the RMS shall be strictly complied with and incorporated into the approved drainage plan.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

- 24) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 25) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 26) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.

- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 27) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road,
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road,
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 28) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to

public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

- 29) A certificate from a professional engineer certifying the structural capacity of the existing Buildings B and D will be appropriate to the building's proposed new use or is capable of supporting the loads imposed by the new structure must be provided to the certifying authority prior to the issue of a construction certificate.
- 30) Stormwater runoff from all areas proposed for development shall be collected and connected to the existing stormwater system within the site, subject to the existing system being evaluated by a qualified professional Civil Engineer and found to be structurally adequate and to have the required hydraulic capacity, as required in Council's Development Engineering Standards. The existing system shall be upgraded or replaced as necessary to comply with the requirements above.

The plan for the proposed drainage system together with the hydraulic evaluations shall be submitted to the PCA for approval with the application for the Construction Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 31) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 32) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

The following trees shall be retained and protected from removal and damage for the duration of the development.

Species	Location	Protection Zones (TPZ)
1x <i>Paulownia tomentosa</i> , (Empress tree)	Grassed embankment / facing Gibson Road	TPZ: 8.4m SRZ: 3.0m
1x <i>Corymbia citriodora</i> (Lemon –Scented Gum) tree	Grassed embankment / facing Gibson Avenue, northern boundary, next to number 164 Canterbury Road	TPZ: 7.2m SRZ: 3.0m
3 x <i>Corymbia citriodora</i> (Lemon –Scented Gum) trees, nearest to 164 Canterbury Road.	Garden bed/ facing Canterbury Road western boundary, nearest to number 164 Canterbury Road.	TPZ: 7.2m SRZ: 3.0m

TPZ and SRZ in metres measured from the centre of the trunk of the tree.

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- i. The trees to be retained and protected together with their relevant Tree Protection Zones (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- ii. All contractors and workers on- site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- iii. A designated Tree Protection Area shall be created on- site by erecting a continuous tree protection fence at 3.0 metre radius from the trunk of the retained *Paulownia tomentosa*, (Empress tree).
- iv. A designated Tree Protection Area shall be created on- site by erecting a continuous tree protection fence at 3.0 metre radius from the trunk of the retained *Corymbia citriodora*, (Lemon –scented Gum) tree.
- v. A designated Tree Protection Area shall be created on- site by erecting a continuous tree protection fence at 3.0 metre radius from the trunk of the retained *Corymbia citriodora* (Lemon –scented Gum) tree.

- vi. The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to demolition, shall not be removed or altered, and is to remain in place for the duration of the site works;
 - vii. The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - a. The Development Consent number;
 - b. The purpose of the protection zone;
 - c. The penalties for disregarding the protection zone;
 - viii. No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
 - ix. All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
 - x. Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
 - xi. Tree marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
 - xii. All roots with a diameter greater than 50mm are to be cut cleanly using sharp hand tools and not ripped.
 - xiii. Any pruning works shall be carried out by a qualified arborist and shall comply with Australian Standard AS4373-2007 Pruning of Amenity Trees.
- 33) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 34) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 35) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 36) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 37) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 38) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 39) The structures approved for demolition as shown on the relevant plans must be undertaken, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
 - i. A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - ii. A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads

and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.

- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 40) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 41) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 42) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 43) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 44) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 45) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for

drainage. Separate approval may be required for retaining walls should they be required.

- 46) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 47) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 48) The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia.
- 49) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 50) The occupation or use of buildings, B, C and D must not be commenced unless an occupation certificate has been issued.
- 51) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 52) Seven (7) off street line marked car spaces are to be provided generally in accordance with the submitted plans.
- 53) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

- 54) Lighting must be provided to the entries of the buildings on site, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 55) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

USE OF THE SITE

- 56) Compliance with the conditions of the existing approval is to be maintained (except as amended by Development Consent No. DA-432/2017).
- 57) Car parking spaces for seven (7) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 58) Signs shall display advertising relating only to the usage of the site and shall be maintained in good order at all times.
- 59) Signs shall not flash or contain flashing lights or devices that enable the signs to change colour or create movement

-END-

Independent Hearing and Assessment Panel - 4 December 2017

ITEM 4	74 Park Road, East Hills
	Demolition of existing site structures and construction of a two storey building comprising a ground floor childcare centre for 29 children and first floor residence
FILE	DA-1167/2016 - Revesby Ward
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	30 November 2016
APPLICANT	Envision Group
OWNERS	Haiha Pty Ltd
ESTIMATED VALUE	\$495,000
SITE AREA	1011.7 sqm
AUTHOR	Planning

REPORT

This matter is reported to the Independent Hearing and Assessment Panel as six submissions have been received in response to the subject application.

Development Application DA-167/2016 seeks consent for the demolition of existing site structures and construction of a two storey building comprising of a ground floor childcare centre for 29 children and first floor residence.

The application was advertised and notified for a period of 28 days from 14 December 2016 to 10 January 2017 and 14 days from 23 October 2017 to 6 November 2017. In total six submissions were received, in which concerns were raised relating to solar access, traffic/parking, noise, and character of the local area.

The concerns raised in the submissions have been adequately addressed and do not warrant refusal or further modification of the proposed development. These matters are detailed in a later section of this report.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

ATTACHMENTS

- A. Section 79C Assessment Report
- B. Conditions of Consent

DA-1167/2016 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

Lot 21 Sec 6 DP 10225, also known as 74 Park Road East Hills, has a total allotment size of 1011.7m² and an allotment width of 20.115m at the boundary adjoining Park Road. The site is zoned R2 – Low Density Residential and is partially affected by Class 5 acid sulphate soils as prescribed by the *Bankstown Local Environmental Plan 2015*. Council's maps also note the site to be subject to medium risk flooding.

Surrounding development to the subject site is primarily single storey residential brick and fibro cottages. On 1 April 2016, Council approved an application for the '*demolition of existing structures, construction of a forty (40) place childcare centre including ten (10) on-site car spaces and a boundary adjustment between 72 Park Road and 8 Monie Ave East Hills*' on 72 Park Road (northern adjoining allotment). This development consent has not been activated and Council has no record of a Construction Certificate being issued for this development at the time of this report.

The context of the site is illustrated in the following aerial photo.



PROPOSED DEVELOPMENT

DA-1167/2016 proposes the following works:

- Demolition of existing structures on site.
- Construction of a two storey building comprising of:
 - A ground floor childcare centre for 29 children; and
 - Three bedroom residence on the first floor.

- Construction of ten at grade parking spaces including two residential spaces with associated carport and eight spaces for use for the childcare.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) requires the consent authority to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The site has a history of residential use dating back to the early part of the twentieth century. In accordance with the Managing Land Contamination Planning Guidelines, the historical uses of the site would not warrant the need for further consideration of contamination.

As such, in light of the fact that there is no evidence of contamination in the historical use of the site and there is no evidence of fill onsite, it is considered that the consent authority can be satisfied that the development site is suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

Greater Metropolitan Regional Environmental Plan 2 - Georges River Catchment (GMREP 2)

It is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles, planning considerations and policies and recommended strategies.

Bankstown Local Environmental Plan (BLEP) 2015

The following clauses of *Bankstown Local Environmental Plan (BLEP) 2015* are relevant to the proposed development and were taken into consideration:

Clause 1.2 – Aims of Plan

Clause 1.9A – Suspension of covenants, agreements and instruments

Clause 2.1 – Land use zones

Clause 2.2 – Zoning of land to which Plan applies

Clause 2.3 – Zone objectives and Land Use Table

Clause 2.7 – Demolition requires development consent

Clause 4.1B – Minimum lot sizes and special provisions for certain dwellings

Clause 4.3 – Height of buildings

Clause 4.4 – Floor space ratio

- Clause 4.5 – Calculation of floor space ratio and site area
 Clause 4.6 – Exception to development standards
 Clause 6.1 – Acid sulfate soils
 Clause 6.2 – Earthworks
 Clause 6.3 – Flood Planning
 Clause 6.8 – Special provisions applying to centre-based child care facilities

The below table is provided to demonstrate the proposals compliance with the numerical controls as set out in the BLEP 2015.

STANDARD	PROPOSED	BLEP 2015 COMPLIANCE
Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	20.115 m lot width at the front building line	Complies – Requirement for a minimum 20m lot width at front building line.
Clause 4.3 Height	8.7m proposed	Complies – 9m height limit.
Clause 4.4 FSR	0.37:1	Complies – 0.4 :1 maximum under sub clause 2A.
Clause 6.8 Special provision applying to centre-based child care facilities.	12.42m wide carriageway	Complies – Can not be located on classified road, cul-de-sac or a road with a carriageway width between kerbs of less than 10 meters.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

The *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, was gazetted on 1 September 2017. This policy does not apply to the subject application by virtue of the saving provisions set out in Schedule 5.

Development control plans [section 79C(1)(a)(iii)]

The application has been assessed against the relevant provisions contained within the *Bankstown Development Control Plan 2015*, including the 'Introduction and list of amendments', Part B1 – Residential Development, Part B5 – Parking and Part B6 – Child Care Centres.

The following table provides a summary of the development application against the controls contained in Part B1 and Part B6 of *Bankstown Development Control Plan 2015*.

STANDARD	PROPOSED	BDCP 2015 PART B1	
		REQUIRED	COMPLIANCE
PART B1 – Residential Development			
Storey Limit	2 storeys (residential component on top floor).	Max. 2 storeys	Yes

STANDARD	PROPOSED	BDCP 2015 PART B1	
		REQUIRED	COMPLIANCE
PART B1 – Residential Development			
Fill	Max. 800mm fill to be contained within the ground floor perimeter.	Any reconstituted ground level of an allotment is not to exceed 600mm above the natural ground level of adjoining allotments. Max. 1m under building footprint.	Yes
Front Setback	17.14m setback to building wall of residence.	First floor – Min. 6.5m	Yes
Side setbacks	3m to South, 1.537m to North	0.90m (minimum)	Yes
Private open space	87.5 sqm provided.	Min. 80m ² per dwelling	Yes
Solar access (site)	3 hours from 12pm onwards via north western window of living room.	3 hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice to at least one living area.	Yes
Solar access (private open space – site)	Achieved to the nominated private open space.	3 hours of sunlight between 9:00am and 5:00pm at the equinox to 50% of the required private open space.	Yes
Solar access (adjoining properties)	Achieved to a north western facing living area of No. 76 Park Road from 11am onwards.	3 hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice to at least one living area of a dwelling on an adjoining allotment.	Yes
Solar access (private open space – adjoining properties)	Achieved to rear private open space area of No. 76 Park Road from 10am	3 hours of sunlight between 9:00am and 5:00pm at the equinox to 50% of the required private open space for a dwelling that adjoins the development.	Yes

STANDARD	PROPOSED	BDCP 2015 PART B1	
		REQUIRED	COMPLIANCE
PART B1 – Residential Development			
Solar access (solar collectors)	The existing solar panels at No. 76 Park Road will be impacted slightly from 8:30am to approximately 10:30am. It is considered that the development sufficiently avoids the panels. This is due to the location of the panels and the proposed setbacks of the upper floor component of the subject development.	Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	Yes
Visual Privacy (living areas)	No windows are proposed that look directly into living or bedroom windows of neighbouring properties.	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling the development must offset the windows; provide a minimum sill height of 1.5 metres above floor level; provide fixed obscure glazing; or use another form of screening.	Yes
Visual Privacy (private open space)	The first floor windows to both dwellings face east (street) and west (rear) thus complies with this control.	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where the window is to a bedroom, bathroom, toilet, laundry or storage room; the window has a minimum sill height of 1.5 metres above floor level; the window has obscure glazing to a minimum height of 1.5 metres above floor level; or the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	Yes
Roof pitch	23 degrees.	Max. roof pitch 35 degrees	Yes
Car parking	Two (2) spaces are provided behind the front building line. Both spaces are covered by an integrated carport.	Min. 2 car parking spaces per dwelling, 1 of which must be covered	Yes

STANDARD	PROPOSED	BDCP 2015 PART B6	
		REQUIRED	COMPLIANCE
Part B6 – Childcare Centres			
Traffic management (environmental capacity)	The application was referred to Council's traffic officers and it was determined the streets within the vicinity of the site would not exceed their environmental capacity as a result of this application.	Development for the purpose of a childcare centre must not result in a street within the vicinity of the site to exceed the environmental capacity maximum	Yes
Traffic management (level of service)	The application was referred to Council's traffic officers. The level of service provided to the street intersection will not be below service level B.	Development for the purpose of a childcare centre must not result in a street intersection in the vicinity of the site to have a level of service below B.	Yes
Traffic impact study	A traffic impact study was submitted addressing the existing and proposed conditions.	A traffic impact study must be submitted addressing existing and proposed conditions.	Yes
Capacity	29 children	Max. 29 children	Yes
Frontage	20.115m	Min. 20m width at front building line	Yes
Storeys	2 storeys	Max. 2 storeys	Yes
Primary Frontage Setback	14.8m	Min. 5.50m	Yes
Secondary frontage setback	N/A	Min. 3m	N/A
Side setback	1.5m South, 1.55m North	Min. 1.50m	Yes
Outdoor areas	Outdoor area is to the rear of the site. No adjoining residential living or bedrooms. No concerns regarding traffic hazards or other sources of noise or pollution to this area.	Outdoor areas are to be located to avoid: <ul style="list-style-type: none"> • A living area or bedroom of an adjoining dwelling. • A road and driveway that may have noise or a possible pollution impact on children. • Any other potential noise or pollution source. • Any potential traffic hazard locations where an out-of-control vehicle may injure children 	Yes
Deep soil zones	2m landscaped buffer along primary provided.	2m wide deep soil zone along the primary and secondary frontage	Yes

STANDARD	PROPOSED	BDCP 2015 PART B6	
		REQUIRED	COMPLIANCE
Part B6 – Childcare Centres			
Deep soil zones	1.50m buffer provided along the perimeter of the play area.	1.50m wide deep soil zone around the perimeter of the outdoor play area	Yes
Access	A condition of consent is to be imposed for compliance	Child care centres must be easily accessible and comply with the BCA and AS 1428 Parts 1 to 4 – Design for Access and Mobility	Yes
Car parking	10 provided.	7 spaces (1 per staff member) and 2 for use of residence	Yes
Solar access	> 3 hours of sunlight to north western facing windows of games room (No. 76 Park Road).	3 hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice to at least one living area of a dwelling on an adjoining allotment.	Yes
Solar access	> 3 hours of sunlight to rear private open space area of No. 76 Park Road. North facing	3 hours of sunlight between 9:00am and 5:00pm at the equinox to 50% of the required private open space for a dwelling that adjoins the development.	Yes
Building design	Presents as a dwelling house	The external building design of a purpose-built centre must give the appearance of a dwelling house	Yes
Front fences	1.2m maximum height with solid pillars only and open style for remaining. Plan on Drawing No. DA11.	Component of front fence of solid construction must not exceed 1 metre with the remainder to be open style construction with a maximum height of 1.80 metres	Yes
Acoustic privacy	An acoustic report prepared by a qualified acoustic consultant was submitted with the application.	An acoustic report prepared by a qualified acoustic consultant must be submitted with the application.	Yes
Noise Attenuation fences	2m high fence along side and rear boundary in accordance with Appendix A of submitted Acoustic Report.	Max. height 2m	Yes
House of operation	7:00am to 6:00pm Monday to Friday	Limited to 7:00am to 6:00pm Monday to Friday	Yes
Outdoor play areas	Children within the outdoor play areas can be supervised from within the centre.	Allow supervision from within the centre.	Yes
Outdoor play areas	Located on predominately flat ground.	Located on predominately flat ground, include shaded areas and have a surface treatment in accordance with best practice guidelines.	Yes

STANDARD	PROPOSED	BDCP 2015 PART B6	
		REQUIRED	COMPLIANCE
Part B6 – Childcare Centres			
Safety and security	The front door and multiple windows to face street.	The front door and at least one window to face the street.	Yes
Safety and security	Building separates the two spaces. The play area is located to the rear.	Outdoor play areas must be separated from a car park with a safety fence and gates.	Yes
Food Premises	A condition of consent to be imposed.	Kitchen to comply with the relevant regulations.	Yes
Site Facilities	Complies. Condition of consent to be imposed to ensure clothes drying complies.	Facilities shall not be visible from street for public space.	Yes

Children (Education and Care Services) Supplementary Provisions Regulation 2004 and Education and Care Services National Regulations

The table below demonstrates the proposals compliance or otherwise with the *Children (Education and Care Services) Supplementary Provisions Regulations 2004*

Requirements	Children (Education and Care Services) Supplementary Provisions Regulation 2004 and Education and Care Services National Regulations	Provided	Compliance
Space requirements for 29 children: Indoor play space	3.25m ² unencumbered indoor play space per child	3.51m ² per child	Yes
Outdoor play space	Total area: 101.9m ² 7m ² unencumbered outdoor play space per child Total area required: 210m ²	7.24m ² per child	Yes
Facilities:	Separate administration area and staff respite area	Provided within the centre	Yes
	Laundry	Provided within the centre	Yes
	Food preparation facilities	Provided within the centre	Yes
	Toilet & washing facilities	Provided within the centre	Yes
	Storage facilities	Provided within the centre	Yes
	Craft preparation (not next to kitchen or nappy changing area)	Provided within the centre	Yes

The above table confirms the development satisfies the *Children (Education and Care Services) Supplementary Provisions Regulation 2004* and *Education and Care Services National Regulations* subject to the number of children to be cared for not exceeding 29.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to this development application.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not considered to be inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

The likely impacts of the development [section 79C(1)(b)]

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As detailed in this report, compliance is achieved with the relevant development standards. As such, it is considered that the impact of the proposed development on the locality will be acceptable and any cumulative impact of this development remains within the intended zone objectives and existing environmental capacity.

Suitability of the site [section 79C(1)(c)]

The proposal is a permitted use on the subject site as it zoned R2 Low Density Residential. It is considered the site is of a sufficient area and width to comply with the relevant development standards and regulations, as noted in this report. Having regard to the planning considerations, the subject site is considered suitable for the proposed development.

Submissions [section 79C(1)(d)]

The application was originally advertised and notified for a period of 28 days from 14 December 2016 to 10 January 2017. Amended plans were re-notified for a period of 14 days from 23 October 2017 to 6 November 2017.

Six submissions were received, which raised concerns relating to solar access, traffic/parking, noise, and character of the local area. The concerns raised in the submissions have been adequately addressed and do not warrant refusal or further modification of the proposed development, as demonstrated below.

Objection: Solar access – ‘it will create shadow and block natural light from the sun to enter my house’, ‘overcast shadow into my childcare centre’, ‘shadow will impact my electrical solar panels’.

Comment: The proposal has been assessed against Council's Development Control Plan in regard to solar access. The orientation of the site results in any overshadowing being contained to the street and 76 Park Road. Over three hours remains to the living area of 76 Park Road from noon onwards. There is a minor level of overshadowing to the solar panels located on the northern aspect of the roof on 76 Park Road. Overshadowing of this is considered inevitable given it's placement on the northern side of the roof on a single storey dwelling. A 3m upper storey setback is provided on the southern boundary of the development site along with the existing setback of 7.8m from the solar panels to the boundary of 74 and 76 Park Road. This is a total setback of 10.8m. The proposal is considered to satisfy Council's requirements in regard to avoiding overshadowing of existing solar infrastructure.

Objection: *Traffic / parking – 'congestion when parents come to drop their children', 'Park Road is already known for bad parking due to the railway station', 'there is no parking in the street due to train commuters parking out the street'*

Comment: Council requires the submission of a Traffic Impact Study that is consistent with the RMS Guide to Traffic Generating Development. This is to determine the existing and proposed conditions of the surrounding traffic network. This report has been submitted with the application and subsequently reviewed by Council's traffic engineers. Subject to conditions of consent (included in the conditions of endorsement attached), it is considered the proposal will not adversely impact the surrounding and immediate road network. This includes ensuring the level of service and environmental capacity remains. The proposal complies with Council's onsite parking requirements and subject to conditions will comply with the RMS Guideline for Traffic Generating Development.

Where the development of 72 Park Road was to proceed to construction and operation, it would do so independently of this development. Sufficient parking is provided on the subject site in accordance with the relevant guidelines. It is not considered the simultaneous operation of the premises would result in an unsatisfactory level of service or result in the existing road network exceeding its environmental capacity.

Objection: *Noise – 'two childcares located side by side will change the environment we live in', 'expect council to pay attention to the fact that there is a childcare centre at 72 Park Road', 'Operational necessities to meet environmental and acoustic requirements will pose a risk to the physically and mentally to the children'.*

Comment: Council's Development Control Plan requires the submission of an acoustic report demonstrating the existing noise levels and the likely noise levels to emanate from the proposed child care centre. The development must ensure the noise of children playing does not exceed 10Db(A) above the existing background noise level. The submitted acoustic report addresses Clause 5.2, Part B6 – Child Care Centres, Bankstown Development Control Plan 2015 and has been reviewed by Council's environmental health officer. Given there is no

established childcare centre on 72 Park Road at this time, assessment can only be made in regard to the application before Council. It is considered the subject proposal will comply and conditions of consent will be imposed to ensure future compliance.

Objection: Character – ‘a yellow building with 1.2m high colour pencils lining the footpath does not fit in with the character of the neighbourhood’, ‘I object to the approval of a school, childcare centre operating in this residential hub, as all of these homes in this area are residential’.

Comment: The land use being a ‘centre-based childcare’ is a permitted land use in the R2 – Low Density residential zone. The proposal remains consistent with the objectives of the R2 land use zone. It is not considered the proposal will impact the ability for the locality to provide for the housing needs of the community within the low density residential setting. This proposal is a non-residential use which complements the day to day needs of residents while ensuring there is no adverse impact on the living environment or amenity of the area. Council’s Development Controls enforce the acceptable level of impact. The design of the facility is consistent with the residential character of the area in regard to bulk, scale and design.

The public interest [section 79C(1)(e)]

The proposed development would not contravene the public interest or the interest of any parties or bodies representing the public. Matters raised in public submissions have been satisfactorily addressed.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy 55 (Remediation of Land)*, *Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015* as well as the *Children (Education and Care Services) Supplementary Provisions Regulation 2004* and *Education and Care Services National Regulations*.

The proposed development represents an appropriate built form for the site. Relevant planning controls have been appropriately responded to and no unresolved matters have been raised in public submissions. Approval of this application is considered to be consistent with the R2 Low Density zoning for the locality and would not result in an unacceptable or unreasonable impacts on the surrounding locality.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-1167/2016, submitted by Envision Group, accompanied by Drawing No. DA02, DA03, DA05, DA06, DA07 (revision I, dated 11.08.17) and DA11 (revision G , dated 24.11.16), prepared by Envision Group and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) Seven (7) on-site car parking spaces are required for staff. The development plans are to label the allocation of parking in accordance with this requirement. All construction certificate plans shall be consistent with the requirement.
 - b) The Finished Floor Level of the childcare centre shall be amended to RL 12.6 as marked on the approved development plans. All plans submitted with any application for a construction certificate shall be consistent with this requirement.
 - c) The Finished Floor Level of the residential foyer shall be amended to be RL.12.3 as marked in red on the approved development plans. All plans submitted with any application for a construction certificate shall be consistent with this requirement.
 - d) The external stairs located along the northern boundary shall be deleted and alternative stairs shall be provided within the front setback. All construction certificate plans shall be consistent with this requirement.
- 3) The development shall comply with the recommendations stated in the DA Noise Emission Assessment of the Proposed Childcare Centre report by Acoustic Dynamics, reference no. 3956R001.MW.161116 dated 16/11/16.
 - 4) The Plan of Management submitted in support of this application, prepared by Childcare by Design Pty Ltd, Pandacare Childcare Centre, 74 Park Road, East Hills forms part of the development consent.
 - 5) The maximum number of staff permitted on the site at any given time shall not exceed seven (7).
 - 6) Two (2) on-street timed "P10 minute" car parking spaces are to be provided forward of the site on Park Road on either side of the driveway at the full cost to the developer. The spaces are to be approved by Council's Traffic Committee and all signage shall be at the developers cost and shall be erected prior the issue of any Occupation Certificate. All signage is to be maintained by the operator in perpetuity.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:

- 7) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 8) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the Clause 6.4 & 6.5, Part B6 – Child Care Centres, *Bankstown Development Control Plan 2015* and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 9) All plans submitted with any application for a Construction Certificate shall include all recommendations of the acoustic report endorsed by a condition in this consent.
- 10) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 11) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 12) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 13) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 14) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 15) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$4,950.00 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 16) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 17) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
 - a) A Heavy Duty VFC of maximum width of 6.0 metres at the property boundary.
 - b) Drainage connection to Council's Kerb and gutter system in Park Road.
 - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFC's.
 - d) Reconstruct a standard wing on the driveway of 76 Park Road upon demolition of the existing driveway.
 - e) Repair of any damage to the public road including the footway occurring during development works.
 - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

- 18) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications.

Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.

- 19) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any Construction Certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.

The developer shall construct all proposed works within the public road and footway under the supervision and to the satisfaction of Council. The developer shall arrange for necessary inspections by Council whilst the work is in progress.

The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

- 20) The pump out drainage system shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.

- 21) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 22) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater retention system for Roof Water disposal, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site drainage and retention system plan to be generally in accordance with the concept plan 061016 Revision E, dated August 2017, by Stormwater Engineers, and in accordance with the requirements contained in Council's Development Engineering Standards.

The plans must be amended to reflect the lower building floor levels Of RL 12.6 and lowered associated car parking finished levels. Also, the Engineer shall amend the design to ensure that the ground level north of the proposed building is lowered to allow for stormwater to flow from the adjoining property at No. 72 Park Road, onto the northern side passage of the development lot. The Engineer shall also ensure that no filling is to be placed between the car parking area and the northern boundary, and the building and the northern boundary.

The Engineer shall amend the plans to include a pump out drainage system to dispose of the surface drainage from the northern side passage and the rear yard of the development.

The plans shall be amended to be generally in accordance with the plans marked in blue by Council.

The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.

- 23) An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 24) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 25) The applicant shall apply to the Bankstown Traffic Committee for the installation of a works zone at the site's frontage to Park Road, eight (8) weeks in advance of when construction is scheduled to begin including payment of the relevant fees & charges. This is subject to recommendation by the Traffic Committee and must be approved and paid for prior to issue of any Construction Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING

- 26) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 27) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

- 28) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 29) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 30) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 31) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 32) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 33) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 34) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 35) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - a) in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and

- ii. the name of the insurer by which the work is insured under Part 6 of the Act,
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 36) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 37) The demolition of all structures currently existing on the property must be undertaken, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:

- i. A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
- ii. A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412** or **9707 9635**.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.

- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 38) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 39) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 40) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.

- 41) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 42) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 43) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 44) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 45) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 46) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 47) The food premises must be designed, constructed and operated in accordance with the requirements of:
 - a) The NSW Food Act 2003 and Food Regulation 2015
 - b) FSANZ Food Standards Codes 3.2.2 and 3.2.3
 - c) Australian Standard AS 4674-2004 (Construction and Fitout of Food Premises)
 - d) The Building Code of Australia
 - e) The Protection of the Environment Operations Act 1997
 - f) Australian Standard AS 1668 Part 1 and Part 2 (The use of ventilation and air-conditioning in Buildings)
 - g) Sydney Water Corporation (Trade Waste Section)

- 48) Hand wash basins: A hand wash basin (to be located within five metres of all food handling areas) is to be provided. This must have hot and cold water supplied through a single outlet and fitted with an approved mixing device to be installed in all food preparation areas for the purpose of washing hands.
- 49) Equipment sink: A dishwasher/glasswasher and single bowl sink (where all the food contact equipment will fit in the dishwasher/glasswasher) or a double bowl sink is required.
- 50) Walls: All walls (including partition walls) within the kitchen, food preparation and storage areas must be of solid construction (e.g. bricks, cement or other approved material). These walls must be finished with glazed tiles; stainless steel or other approved material adhered directly to the wall to the full height of the wall.
- 51) Floors: The floors within the kitchen, food preparation, storage, display and customer areas must be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent, impervious to moisture and of a light colour.

If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles must be of a material that is non-absorbent and impervious to moisture e.g. Epoxy grout.

The intersection of walls with floors and plinths in the kitchen, food preparation, storage and display areas must be coved to a minimum radius of 25 mm.

The floors must be graded and drained to floor waste/s connected to the sewer. The floor waste/s to consist of a removable basket within a fixed basket arrestor and is/are to comply with the requirements of Sydney Water

- 52) Plinths: All plinths must be constructed of a material which is of solid construction e.g. concrete and impervious to moisture. The plinths must be:
- a) At least 75 mm high;
 - b) Finished level to a smooth even surface;
 - c) Recessed under fittings to provide a toe space of not more than 50 mm
 - d) Rounded at all exposed edges; and
 - e) Coved at the intersection of the floor and wall to a minimum radius of 25 mm. All sides must be tiled or a continuation of other approved floor material.
- 53) Ceiling: The ceiling must be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas must be painted with a washable paint of a light colour. The surface finish must be free of open joints, cracks, crevices or openings (DROP PANEL CEILING NOT PERMITTED). The intersection of walls and ceiling must be tight jointed, sealed and dust-proof.
- 54) Windows: Window openings in the kitchen and food preparation areas must be designed and constructed with the sill at least 300mm above the top of any bench, table or equipment. The sill must be splayed outwards at an angle of 45°.

All openable windows must be provided with tight fitting insect screens capable of being removed for cleaning.

Architraves, skirting boards and picture rails must be removed.

- 55) Any warm-water system installed in the premises, must be installed, operated and maintained in accordance with the prescribed requirements in the Public Health Act 2010 and Public Health Regulation 2012. A warm-water system is defined as a system being designed to heat and deliver water at a temperature of less than 60°C and includes thermostatic mixing valves. The warm water system must be registered with Council.
- 56) To ensure that adequate provision is made for ventilation of the building, mechanical and /or natural ventilation shall be provided. These systems shall be designed, constructed and operated in accordance with the provisions of Australian Standard 1668 Part 1 and Australian Standard 1668 Part 2.
- 57) All service pipes and electrical and data conduits must be either:
- a) Concealed in floors, walls, ceilings or concrete plinths, OR
 - b) Fixed with brackets so as to provide at least 25 mm clearance between the wall and the pipe/conduit; AND 100 mm between the floor and the pipe/conduit. Pipes installed are not to run underneath fittings.
- 58) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass must be designed and constructed so as to prevent the access of vermin and protect the structural integrity of such floor, wall and ceiling as the case may be.
- 59) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are NOT PERMITTED to be formed in the construction of the food premises including but not limited to food preparation, food display or storage areas, or in the installation of fixtures, fittings and equipment.
- 60) The hot water service unit must be positioned a minimum of 75 mm clear of the adjacent wall surfaces and mounted a minimum of 150 mm above the floor level on a stand of non-corrosive metal construction (e.g. Stainless steel).
- 61) Refrigeration and frozen food cabinets/units must be supported on wheels, castors or stainless steel legs. If legs are used there must be a clear space of 150 mm between the floor surface and underside of such appliances/units. Refrigeration and frozen food cabinets/units up to 6 metres in length must be kept a minimum of 200 mm clear of the wall and 400 mm clear where the appliance exceeds 6 metres in length.
- 62) Cooking appliances must be installed in the following positions:
- a) At least 150 mm clear of the wall where such appliances do not exceed 1200 mm in a continuous run;
 - b) At least 300 mm clear of walls where such appliances are between 1200 mm and 2400 mm in a continuous run.

- c) At least 450 mm clear of walls where such appliances exceed 2400 mm in a continuous run.
- d) Equipment shall be moveable for cleaning, built into walls with the enclosure completely vermin proofed, butted against walls or other equipment and the joints sealed.

Note: Where cooking appliances are fitted with wheels or castors and provided with flexible connections they may be located hard against the walls and butted against each other.

- 63) The internal and external surfaces, including exposed edges, to all benches, counters and shelving in the food preparation, storage, display and serving areas must be finished with a rigid, smooth faced and non-absorbent material (e.g. laminate, stainless steel or other approved material) that is capable of being easily cleaned.
- 64) All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall must be completely sealed.
- 65) All shelving being provided for the storage of food, equipment and containers is to have the lowest shelf at least 150 mm above the floor level.
- 66) A temperature gauge must be provided to each refrigerator and freezer, and any hot and cold food storage/display units. The temperature gauge must be accurate to one (1) Celsius degree and be readily accessible.
- 67) All fluorescent light fittings in food preparation or food storage areas must be fitted with a smooth faced diffuser. The light fittings must be either:
 - a) Recessed so that the diffuser is flush with the ceiling; or
 - b) Designed to ensure that no horizontal surfaces exist which would allow dust and grease to accumulate.
- 68) A freestanding hand wash basin must be provided in a convenient position within the toilet/air-lock/kitchen/serving areas. The hand wash basin must be provided with hot and cold water supplied through a single outlet and fitted with an approved hands free mixing device.
- 69) Suitable liquid soap/detergent and single use towel dispenser or other effective hand drying facilities must be fixed to the wall adjacent to the hand wash basin(s).
- 70) A double bowl sink or two compartment tub with hot and cold water supplied through a single spout must be provided in the kitchen/food preparation area. Double bowl sink or tubs must be supplied with water of at least 45 ° C in one bowl for washing purposes; and 80 ° C in the other bowl for rinsing purposes, together with a thermometer accurate to 1 C°.
- 71) A cleaner's sink with a supply of hot and cold water must be provided within or in close proximity to the food preparation area for the purposes of general cleaning.

- 72) Hot and cold food display and/or holding appliances must be designed and capable of holding:
- a) Cold Perishable Foods below 5°C; and
 - b) Hot Perishable Foods above 60°C;

when the appliances are OPERATING UNDER FULL LOAD. Details and specifications of these appliances must be furnished to Council prior to release of the Construction Certificate in support of the above.

- 73) Adequate provisions must be made for the storage of all staff personal effects, cleaning chemicals and equipment e.g. cupboards, lockers etc.
- 74) Any clothes drying areas for the child care centre must not be visible to the street.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 75) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 76) Trading must not commence until a final inspection has been carried out by Councils Environmental Health Officer and ALL conditions of this consent have been complied with.
- 77) Trading must not commence until an inspection of the premises has been carried out by the Principal Certifying Authority to ensure that the premises including the construction and installation of all equipment, fixtures, fittings and finish therein comply with ALL conditions of consent.
- 78) The food business is to appoint a Food Safety Supervisor (FSS). The Food Safety Supervisor will need to successfully complete a training course at a registered training organisation. You will find a list of approved training organisations together with guidelines on requirements on the NSW Food Authority website - www.foodauthority.nsw.gov.au.
- 79) The food premises must be registered with Council by completing the Application for Registration form prior to trading.
- 80) Certification must be provided to the Principal Certifying Authority, prior to occupation, that the fitout of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004. It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.
- 81) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

- 82) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 83) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents
- 84) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development
- 85) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site
- 86) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 87) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 88) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The developer must amend the terms to replace On-Site Detention with the term On-Site Retention in each covenant. Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Retention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject

property, prior to the issue of the Final Occupation Certificate. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.

- 89) Ten (10) off street car parking spaces shall be provided/maintained. Such spaces are to be labelled in accordance with a condition in this consent, sealed, line marked and maintained.
- 90) Prior to the issue of a Final Occupation Certificate, A report prepared by an accredited Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of the State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of Noise Emission Assessment of the Proposed Childcare Centre report by Acoustic Dynamics, reference no. 3956R001.MW.161116 dated 16/11/16. The report shall include post construction validation test results taking into consideration the approved childcare located at 72 Park Road, East Hills.

USE OF THE PREMISE

- 91) The premises is restricted to a maximum number of 29 children at any one time. The age of these children shall not exceed the following:
- 8 children from birth to 24 months of age;
 - 10 children over 24 months and less than 36 months of age;
 - 11 children aged 36 months of age up to 5 years.
- 92) The hours of operation of the use shall be limited to between 7:00am to 6:00pm on weekdays.
- 93) Ten (10) off street car parking spaces shall be provided/maintained. The use of these spaces shall be in accordance with the below listed breakdown:
- Seven (7) staff spaces;
 - Two (2) residents spaces; and
 - One (1) staff space.
- Such spaces are to be labelled in accordance with the above allocation, sealed, line marked and maintained for the life of the development.
- 94) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

- 95) Music or singing shall only be undertaken inside the building with the windows and doors closed.

- 96) The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises
- 97) Landscaping on the site shall be maintained under best horticultural practise at all times and remain in place for the life of the development.
- 98) Eighty (80) sqm of Private Open Space as marked on the approved plans shall be maintained for the exclusive use for the residence for the life of the development.
- 99) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council’s discretion if Council considers there to be adverse effects on the amenity of the area.

-END