



# **AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**4 November 2019 - 6.00pm**

**Location:**

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

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## ORDER OF BUSINESS

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### APOLOGIES AND DECLARATIONS OF INTEREST

### CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### REVESBY WARD

#### **1        175 Edgar Street, Condell Park**

Demolition of existing structures and construction of a two storey child care centre for a maximum of 60 children, (8 x 0-2 year olds, 20 x 2-3 year olds and 32 x 3-5 year olds) and 12 employees with associated play areas and basement car parking ..... 3

### ROSELANDS WARD

#### **2        24 Roseland Drive, Roselands**

Installation of controlled (paid) parking system for the existing shopping centre complex including minor reconfiguration of the car parking areas, additional car parking spaces to be provided in the southern car park and associated intersection and landscaping works ..... 57

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## Canterbury Bankstown Local Planning Panel - 4 November 2019

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<b>ITEM 1</b>	<b>175 Edgar Street, Condell Park</b>
	<b>Demolition of existing structures and construction of a two storey child care centre for a maximum of 60 children, (8 x 0-2 year olds, 20 x 2-3 year olds and 32 x 3-5 year olds) and 12 employees with associated play areas and basement car parking</b>
<b>FILE</b>	<b>DA-956/2018 – Revesby</b>
<b>ZONING</b>	<b>R2 Low Density Residential</b>
<b>DATE OF LODGEMENT</b>	<b>21 December 2018</b>
<b>APPLICANT</b>	<b>Basoona Pty Ltd</b>
<b>OWNERS</b>	<b>Basoona Pty Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$3,107,500.00</b>
<b>AUTHOR</b>	<b>Planning</b>

### REPORT

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This matter is reported to Council due to the number of submissions received.

Development Application No DA-956/2018 proposes the demolition of existing structures and construction of a two storey child care centre for a maximum of 60 children (8 x 0-2 year olds, 20 x 2-3 year olds and 32 x 3-5 year olds) and 12 employees with associated play areas and basement car parking.

DA-956/2018 has been assessed against *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and the application satisfies the relevant development standards and controls.

The application was advertised and notified for a period of 21 days from 16 January 2019 to 8 February 2019. Five submissions were received. The application was subsequently re-notified

for a period of 14 days from 3 September 2019 to 16 September 2019. Eight additional submissions were received.

The submissions received during the advertising and notification periods raise concerns relating to traffic impacts and road safety, proximity to the mosque on Eldridge Road, car parking impacts, site width, number of children, size of play areas, side setbacks, overshadowing of adjacent dwellings, inconsistencies with the objectives and controls for child care centres, incompatibility with the streetscape, lack of demand for child care centres in the locality, visual and acoustic privacy impacts, impacts on adjoining dual occupancy, on-site trees, child safety, structural damage, stormwater run-off, fumes, noise and emissions, demolition and asbestos removal, and the Bankstown Airport flight path.

## **POLICY IMPACT**

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This matter has no direct policy implications.

## **FINANCIAL IMPACT**

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This matter has no direct financial implications.

## **RECOMMENDATION**

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

## **ATTACHMENTS**

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- A. Assessment Report
- B. Conditions of Consent

## **DA-956/2018 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is legally described as Lot 23 in Deposited Plan 8081, however is more commonly referred to as No. 175 Edgar Street, Condell Park. The site is zoned R2 Low Density Residential under Bankstown Local Environmental Plan 2015. The site is located on the eastern side of Edgar Street, approximately 24 metres south of the intersection with Norman Street and approximately 183 metres north of the intersection with Lancelot Street.

The site comprises one regular-shaped allotment with a frontage of 20.115 metres to Edgar Street and side boundary lengths of 50.595 metres. The site has an area of 1,017m<sup>2</sup>. The site has a fall of approximately 2 metres from the western (front) boundary to the eastern (rear) boundary. The site is currently occupied by a single storey detached dwelling and detached outbuildings.

The existing on-site vegetation in the location of the proposed building comprises 13 trees, the majority of which are located to the rear of the existing dwelling on the eastern part of the site. This includes three *Jacaranda mimosifolia* (Jacaranda), three *Ligustrum lucidum* (Broad-leaf Privet), two *Grevillea robusta* (Silky Oak), two *Lagerstroemia indica* (Crepe Myrtle), two *Cinnamomum camphora* (Camphor Laurel), and one *Cotoneaster* (Cotoneaster). These trees are all of low to moderate retention value or are exempt tree species. There is also one *Syncarpia glomulifera* (Turpentine) on the adjoining property at No. 177 Edgar Street adjacent to the southern boundary of the subject site that is of high retention value.

The adjoining site to the north comprises a two storey detached dwelling, and the adjoining sites to the south and east both comprise two storey attached dual occupancies. The sites on the opposite side of Edgar Street comprise single storey detached dwellings.

The image below identifies the allotment boundaries of the site, and existing structures on the site and surrounding sites.



*Image 1 – Subject site*

### **PROPOSED DEVELOPMENT**

The Development Application proposes the demolition of existing structures and construction of a two storey child care centre for a maximum of 60 children and 12 employees with associated play areas and basement car parking.

The operational details for the proposed child care centre are as follows:

- Number of children:
  - 8 x 0-2 year olds;
  - 20 x 2-3 year olds; and
  - 32 x 3-5 year olds.
- Number of employees:
  - Ten primary care staff;
  - One administration/reception staff;
  - One kitchen cook (between the hours of 9.30am and 2.30pm); and
  - Cleaning staff (after hours only).
- Hours of operation:
  - Monday to Friday – 7.00am to 6.00pm

The basement of the child care centre contains ten staff car parking spaces, one parent drop-off/pick-up space and a store/plant room.

The ground floor of the child care centre contains four parent drop-off/pick-up spaces forward of the building, an entry lobby, reception/sign in area, office/meeting room, bathroom, laundry, garbage store room, mechanical room, children's toilets, pram store area, play room one (for 0-2 year olds), cot room, outdoor store room, and an outdoor play area.

The first floor of the child care centre contains a staff room, kitchen, children toilets, play room two (for 2-3 years olds), play room three (for 3-5 year olds), and store rooms.

All levels are accessible via a lift or stairwell.

Vehicular access to the child care centre is via a two-way driveway located on the southern side of the site's frontage. Pedestrian access to the child care centre is via a ramped walkway located on the northern side of the site's frontage.

#### **SECTION 4.15 ASSESSMENT**

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

##### **Environmental planning instruments [section 4.15(1)(a)(i)]**

##### **State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7(1) of *State Environmental Planning Policy No. 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.*

A Preliminary Site Investigation report, prepared by EI Australia, dated 14 December 2018, was submitted with the development application. The report contains the following conclusions:

- *Historic land uses and aerial photographs indicated that the site had no building structures present until the 1950s, when the current property appears to have been built. Surrounding land uses appeared to have low density residential buildings built over time.*
- *The site and surrounding properties are not reported as being subject to regulation in relation to environmental impacts, as documented in the EPA public registers;*
- *A search of Council records relating to previous development applications, complaints and other information pertaining to previous activities at site did not identify any records for the site; and*
- *The site walkover inspection identified potential asbestos containing materials at the main property, shed, garage and outhouse. Further to this general waste was located in the overgrown vegetation found in the western portion of the site.*

### ***Intrusive Investigations***

- *The sub-surface comprised of anthropogenic filling overlying natural clay;*
- *Results of the soil samples collected did not indicate the presence of COPC [contaminants of potential concern] exceeding human-health or ecological criteria, except for zinc which was identified in two soil samples at the EIL [ecological investigation levels] concentration; and*
- *The CSM [conceptual site model] discussed was considered to appropriately identify contamination sources, migration mechanisms and exposure pathways, as well as potential onsite and offsite receptors. While widespread contamination was not identified, the following data gaps are to be addressed during redevelopment of the site:*
  - *The existence of any hazardous building materials within current site structures; and*
  - *Soils within the current building footprint and proposed basement area are to be excavated and disposed offsite during redevelopment.*

Based on the findings outlined above, the report concludes that the site can be made suitable for the proposed development, subject to the execution of the recommendations contained in the report. The recommendations include:

- *Prior to demolition, it is advised to carry out a Hazardous Materials Survey on existing site structures to identify any potentially hazardous building products that may be released to the environment during demolition;*
- *Following demolition and removal of demolition debris, a detailed site walkover and inspection letter by a suitably qualified environmental consultant is to be completed to ensure there are no visible signs of contamination remaining at the surface (i.e. fragmented asbestos sheeting, staining, etc.);*
- *Any soil materials to be removed from the site are to be waste classified for offsite disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines including all fill soils within the current building footprint, and those located within the proposed basement area;*
- *Material required to backfill any excavation is to meet the requirements of virgin excavated natural material (VENM) or excavated natural material (ENM). This material should be certified as suitable for importation to the site by a suitably qualified environmental scientist/engineer.*

As outlined above, the subject site has long been used for residential purposes, and while it is acknowledged that a child care centre is a more sensitive land use, there is no evidence to suggest that the site is contaminated. The report has been reviewed by Council's Environmental Health Officer and the site is considered to be suitable for the proposed use, subject to the recommendations outlined above. The report and associated recommendations are reflected in the conditions of consent.

Accordingly, it is considered that the development application satisfactorily addresses SEPP 55.



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

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* was gazetted on 1 September 2017 and applies to the subject application. The table below provides a summary of the assessment of the proposed development against the applicable requirements of Part 3 'Early education and care facilities—specific development controls'.

Regulation	Proposed	Compliance
<p><b>Clause 22</b>  <b>Centre-based child care facility—concurrence of Regulatory Authority required for certain development</b></p> <p>(1) This clause applies to development for the purpose of a centre-based child care facility if:</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p>	<p>The child care centre meets the unencumbered indoor and outdoor space requirements.</p>	Yes
<p><b>Clause 23</b>  <b>Centre-based child care facility—matters for consideration by consent authorities</b></p> <p>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i>, in relation to the proposed development.</p>	<p>An assessment of the proposed development against the Child Care Planning Guideline is provided in the table below.</p>	Yes
<p><b>Clause 25</b>  <b>Centre-based child care facility—non-discretionary development standards</b></p> <p>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of</p>	<p>The non-discretionary site area and site dimensions standard allows a child care centre to be located on a site of any size and have any length of street frontage or any allotment depth.</p> <p>It is noted that this control prevails over the child care centre capacity requirements of Clause</p>	Yes

Regulation	Proposed	Compliance
<p>development for the purposes of a centre-based child care facility:</p> <p>(a) <b>location</b>—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) <b>indoor or outdoor space</b></p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) <b>site area and site dimensions</b>—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) <b>colour of building materials or shade structures</b>—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	3.2, Part B6 of BDCP 2015.	
<p><b>Clause 26</b> <b>Centre-based child care facility—development control plans</b></p> <p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for a centre-based child care facility:</p> <p>(a) operational or management plans or</p>	Noted.	N/A

Regulation	Proposed	Compliance
<p>arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This clause applies regardless of when the development control plan was made.</p>		

As outlined above, Clause 23 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* requires a consent authority to take into consideration the *Child Care Planning Guideline* when assessing a development application for a centre-based child care facility. Accordingly, an assessment of the proposed development against Parts 2, 3 and 4 of the Guideline is provided in the table below in accordance with the *National Quality Framework Assessment Checklist* contained in Part 4, Section D of the Guideline.

Regulation	Proposed	Compliance
<p><b>104. Fencing or barrier that encloses outdoor spaces</b></p> <p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p>	<p>The proposed child care centre is to incorporate fencing to the side and rear boundaries of the site, as well as child-safe balustrading to the pedestrian access ramp and entry area in the front setback of the site.</p>	Yes
<p><b>106. Laundry and hygiene facilities</b></p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.</p> <p>Laundry/hygienic facilities are located where they do not pose a risk to children.</p>	<p>The proposed development incorporates a laundry and hygiene facility on the ground floor of the building in an enclosed and secure room, and in a location that does not pose a risk to children.</p>	Yes

Regulation	Proposed	Compliance
<b>107. Unencumbered indoor space</b>  The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.	The application seeks approval for a maximum capacity of 60 children.  Required: 195.0sqm Proposed: 196.3sqm	Yes
<b>108. Unencumbered outdoor space</b>  The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.	The application seeks approval for a maximum capacity of 60 children.  Required: 420.0sqm Proposed: 425.7sqm	Yes
<b>109. Toilet and hygiene facilities</b>  The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.  The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.	The proposed toilets and hygiene facilities are considered adequate in terms of size, location, and fixtures suitable for the use of children.	Yes
<b>110. Ventilation and natural light</b>  The proposed development includes indoor spaces to be used by children that — <ul style="list-style-type: none"> <li>• will be well ventilated; and</li> <li>• will have adequate natural light; and</li> <li>• can be maintained at a temperature that ensures the safety and well-being of children.</li> </ul>	The proposed child care centre, in particular the indoor play areas, contains multiple north, east and west facing windows to achieve natural light and ventilation to internal areas.	Yes
<b>111. Administrative space</b>  The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.	The proposed child care centre incorporates a reception/sign-in area and an office/meeting room on the ground floor, in addition to a staff room and kitchenette on the first floor.	Yes
<b>112. Nappy change facilities</b>  The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.  The proposed nappy change facilities can be	The proposed child care centre incorporates an appropriately designed nappy change area in play room 1 (for 0-2 year olds). The area contains two nappy change benches and sanitary facilities.	Yes

Regulation	Proposed	Compliance
designed and located in a way that prevents unsupervised access by children.		
<b>113. Outdoor space—natural environment</b>  The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	The outdoor space accommodates a mixture of rubberised softfall, grassed areas, a sand pit, decking and landscaping.	Yes
<b>114. Outdoor space—shade</b>  The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The outdoor space accommodates a large covered area suitable for wet weather and sun-shading.	Yes
<b>115. Premises designed to facilitate supervision</b>  The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	The child care centre incorporates multiple vision panels between children's play areas and bathroom facilities, and the hallway areas, staff areas and kitchen to facilitate supervision at all times. Screening is provided between each of the children's toilets to maintain dignity.	Yes

As outlined in the tables above, the proposed development satisfies the relevant provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the *Child Care Planning Guideline*.

#### Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The subject site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment* (GMREP 2), being a deemed SEPP under Clause 120, Schedule 6 of the *Environmental Planning and Assessment 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 has determined that the development is generally consistent with the aims and objectives of the Plan, as well as the planning principles set out in Clause 8 of the GMREP 2.

#### Bankstown Local Environmental Plan 2015

The following clauses of *Bankstown Local Environmental Plan 2015* (BLEP 2015) 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 6.8 – Special provisions applying to centre-based child care facilities

The following table provides a summary of the assessment of the development application against the primary zoning and numerical controls contained in the abovementioned clauses.

Standard	Required	Proposed	Compliance
Clauses 2.1-2.3 – Zoning	R2 Low Density Residential	Child care centres are permitted with consent in the R2 Low Density Residential zone.	Yes
Clause 4.1B – Minimum lot sizes and special provisions for certain dwellings	Min. lot width of 20 metres at the front building line	<p>Clause 25 of <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> allows a child care centre to be located on a site of any size and have any length of street frontage or any allotment depth. This now prevails over Clause 4.1B of BLEP 2015.</p> <p>Notwithstanding this, it is noted that the subject site has a width of 20.115 metres at the front building line.</p>	Yes
Clause 4.3 – Height of buildings	Max. 9 metres	The proposed development is up to 7.6 metres from the existing natural ground level to the topmost point of the building.	Yes
4.4 – Floor space ratio	Max. 0.40:1 (for non-residential development)	0.34:1 (i.e. 340.7sqm of GFA)	Yes
6.8 – Special provisions applying to centre-based child care facilities	<p>Development consent must not be granted for the purpose of a centre-based child care facility on land if the vehicular access to that land is from:</p> <p>(a) a classified road, or</p> <p>(b) a cul-de-sac or road where the carriageway</p>	<p>Edgar Street is not a classified road.</p> <p>Edgar Street is not a cul-de-sac road and does not have a carriageway that is less than 10 metres between kerbs.</p>	Yes

Standard	Required	Proposed	Compliance
	between kerbs is less than 10 metres.		

As outlined above, the proposed development satisfies the applicable aims, objectives and development standards of BLEP 2015.

**Draft environmental planning instruments [section 4.15(1)(a)(ii)]**

There are no draft environmental planning instruments applicable to the proposed development.

**Development control plans [section 4.15(1)(a)(iii)]**

**Part B4 – Sustainable Development**

Part B4 of *Bankstown Development Control Plan 2015* (BDCP 2015) supplements BLEP 2015 by providing additional objectives and development controls for water and energy efficiency. Part B4 applies to building with a classification of Class 5 to Class 9 under the Building Code of Australia.

For new development where the floor area is below 5,000m<sup>2</sup> or an extension to an existing building below 5,000m<sup>2</sup> where the extension involves 50% or more of the existing floor area, Part B4 of BDCP 2015 requires the following requirements:

- W1 – Water efficient fixtures must be installed;
- E1 – Building must be designed to enhance energy efficiency; and
- E2 – Energy efficient hot water systems, air conditioners and lighting must be installed.

Council's standard condition of consent has been imposed with respect to the abovementioned requirements. The proposed development is therefore considered to satisfy Part B4 of BDCP 2015.

**Part B5 – Parking**

Part B5 of BDCP 2015 supplements BLEP 2015 by providing additional objectives and development controls to enhance the function and appearance of off-street parking.

The subject development application was lodged with Council on 21 December 2018. At the time of lodgement, the 'Schedule: Off-street parking requirements' contained a rate of '*one car space per employee (stacked parking is permitted)*'.

At the Ordinary Meeting of 28 May 2019, Council adopted housekeeping amendments to BDCP 2015, which included an amendment to the off-street parking requirement for child care centres to be '*one car space per 4 children*'. This rate is consistent with the car parking rate specified in C31 of the *Child Care Planning Guideline* for sites located in 'other areas' (not

within 400 metres of a metropolitan train station), which forms part of Council's assessment under Clause 23 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, however does not apply to the assessment of this application as the clause also states '*off-street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land*'. The amendments to BDCP 2015 came into effect on 11 June 2019 and apply to development applications lodged on or after this date.

The information submitted with the development application demonstrates that a total of 11 full time staff members will be required in association with the operation of the child care centre (ten care staff and one administration/reception staff), as well as one kitchen staff (from the hours of 9.30am-2.30pm outside peak drop-off / pick-up periods) and cleaning staff (who will clean the premises after hours). The proposed development contains a total of 15 car parking spaces and therefore complies with the former car parking rate of '*1 car space per employee (stacked parking is permitted)*' in Part B5 of BDCP 2015.

Despite the above, the architectural plans allocate the car spaces as follows:

- ten staff spaces in the basement;
- one drop-off / pick-up space in the basement; and
- four drop-off / pick up spaces in the at-grade parking area.

The site's frontage is also capable of accommodating two time limited drop-off / pick-up spaces on Edgar Street, which has been imposed as a condition of consent.

The allocation of spaces outlined above is in response to the assessment of the application by Council's Traffic and Transport Team, where it was determined that the capacity of the child care centre generates the demand for seven drop-off / pick-up spaces in accordance with the RMS Guide to Traffic Generating Developments. While this is often used as a guide by Council in the assessment for development applications for child care centres, BDCP 2015 does not require any on-site drop-off / pick-up spaces. The proposed allocation of the parking spaces is considered to be acceptable in this instance as staff members will be able to park in the vacant drop-off / pick-up spaces outside of peak drop-off and pick-up times.

It is further noted that the indoor and outdoor play areas of the child care centre have been designed to accommodate a maximum of 60 children. In accordance with the new car parking rate of '*one space per four children*' as contained in C31 of the *Child Care Planning Guideline* and Part B5 of BDCP 2015, a 60 place child care centre would require 15 car spaces. This is inclusive of both staff spaces and drop-off / pick-up spaces, and the allocation of those spaces is not specified in the control. The proposed development is therefore consistent with the new parking standard for child care centres.

Council's Development Engineer and Traffic Engineer have reviewed the application and confirmed that the configuration of the basement and at-grade parking areas of the proposed development, and vehicular access to and from the site, complies with the applicable development controls and Australian Standards.



Based on the above, the proposed development complies with Part B5 of BDCP 2015.

### Part B6 – Child Care Centres

Part B6 of BDCP 2015 supplements BLEP 2015 by providing additional objectives and development controls to enhance the function and appearance of child care centres. The development controls include storey limits, setbacks, building design, acoustic privacy, landscaping, traffic management, access and parking.

The following table provides a summary of the development against the primary controls contained in Part B6. It is noted, however, that Clause 26 ‘Centre-based child care facility—development control plans’ of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* stipulates that a provision of a development control plan that specifies a requirement, standard or control in relation to operational or management plans or arrangements, demonstrated need or demand for child care services, proximity of facility to other early education and care facilities, and any matter relating to Parts 2, 3 and 4 of the *Child Care Planning Guideline*, do not apply to development for the purpose of a centre-based child care facility. Accordingly, all development controls relating to these matters have been omitted from the table below.

Control	Required	Proposed	Compliance
2.1 – Traffic management (environmental capacity)	Development for the purpose of child care centres must not result in a street in the vicinity of the development site to exceed the environmental capacity maximum.  If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street.	A Traffic and Parking Impact Assessment report was submitted with the development application.  Council’s Traffic and Transport Team reviewed the report and proposed development, and confirmed that the development is suitable for approval and will not exceed the environmental capacity maximum.	Yes
2.2 – Traffic management (level of service)	Development for the purpose of child care centres must not result in a street intersection in the vicinity of the development site to have a level of service below Level B.  If the existing level of service is below Level B, the development must maintain the existing level of absolute delay of that street intersection.	Council’s Traffic and Transport Team did not identify that the proposed development will result in a street intersection in the vicinity of the development site to have a level of service below Level B.	Yes
2.3 – Traffic	Development applications	A Traffic and Parking Impact	Yes

Control	Required	Proposed	Compliance
impact studies	must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments.	Assessment report was submitted with the development application, reviewed by Council's Traffic and Transport Team, and is considered to be acceptable.	
3.3 and 3.5 – Storey limit	<p>The storey limit for child care centres is 2 storeys.</p> <p>Facilities or activities for children aged 0-2 years must solely locate on the first storey (i.e. ground floor) of a building to ensure the safe evacuation of children during emergencies.</p>	<p>The proposed development is 2 storeys.</p> <p>The indoor play area for children aged 0-2 years is located on the ground floor.</p>	Yes
3.6 and 3.9 – Setbacks	<p>The minimum setback for child care centres in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential is:</p> <p>(a) 5.5 metres to the primary road frontage;</p> <p>(b) 3 metres to the secondary road frontage; and</p> <p>(c) 1.5 metres to the side boundary.</p> <p>Child care centres must ensure the siting of outdoor areas (such as a balcony or deck) and outdoor play areas avoids:</p> <p>(a) A living area or bedroom of an adjoining dwelling.</p> <p>(b) A road and driveway that may have noise or a possible pollution impact on children.</p> <p>(c) Any other potential noise or pollution source.</p> <p>(d) Any potential traffic hazard locations where an out-of-control vehicle may injure children.</p>	<p>Front setback: min. 6.9 metres.</p> <p>Side setback: min. 1.5 metres.</p> <p>The development site does not adjoin a major road, nor are the siting of outdoor areas likely to create high noise impacts on surrounding residential properties.</p> <p>The recommendations of the Acoustic Report have been incorporated into the design and are included as a condition of consent.</p> <p>A condition of consent has also been imposed requiring a 1.5 metre high light weight louvered privacy screen to be installed to the northern and southern (side) elevations of the covered outdoor play area.</p>	Yes
3.10 – Deep soil zones	Child care centres in Zone R2 Low Density Residential, Zone R3 Medium Density	The proposed development includes a 2 metre wide deep soil zone along the primary	Yes

Control	Required	Proposed	Compliance
	<p>Residential and Zone R4 High Density Residential must provide:</p> <p>(a) a minimum 2-metre-wide deep soil zone along the primary road frontage and secondary road frontage of an allotment; and</p> <p>(b) a minimum 1.5 metre wide deep soil zone 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.</p> <p>The deep soil zone must be landscaped by way of deep soil plantings and canopy trees.</p>	<p>road frontage and a 1.5 metre wide deep soil zone around the perimeter of the outdoor play area. The landscape plan identifies plantings and canopy trees in the deep soil zone that grow up to 6 metres in height at maturity.</p>	
3.12 – Access	<p>Child care centres must be easily accessible to people with disabilities and must comply with the Building Code of Australia and Australian Standard 1428 Parts 1 to 4– Design for Access and Mobility.</p>	<p>The proposed development was referred to Council's Building Certification Team for review, and was considered to be acceptable with respect to accessibility and mobility requirements.</p>	Yes
3.13 and 3.14 – Car parks	<p>The minimum number of car parking spaces required for child care centres is 1 car space per employee (stack parking is permitted) and 2 additional car spaces for the exclusive use of any associated dwelling.</p> <p>The siting and design of car parks and driveways must ensure the safe movements of people and vehicles to and from child care centres.</p>	<p>See assessment above under Part B5 of BDCP 2015.</p> <p>The siting and design of the driveway, at-grade car park area and basement was reviewed by Council's Development Engineering Team and is considered to be acceptable. The design allows all vehicles to enter and exit the site in a forward direction.</p>	Yes
4.1 – Energy efficiency	<p>Child care centres must make efficient use of natural resources and optimise</p>	<p>The layout of the child care centre has been appropriately designed so that indoor and</p>	Yes

Control	Required	Proposed	Compliance
	<p>amenity in the design, construction and occupation of buildings and facilities, such as:</p> <ul style="list-style-type: none"> <li>(a) good orientation and natural light to rooms and play areas;</li> <li>(b) limiting building depth to provide natural cross-ventilation and natural light;</li> <li>(c) minimal use of mechanical ventilation;</li> <li>(d) use of sun shading devices;</li> <li>(e) preventing UV factor to open areas; and</li> <li>(f) ensuring the development adapts to the existing topography by avoiding excessive cut and fill.</li> </ul>	<p>outdoor play areas maximise solar access, shade devices have been proposed to outdoor play areas, and natural cross-ventilation is provided throughout the building.</p> <p>The proposed development does not require excessive cut and fill.</p>	
4.2 and 4.3 – Access to sunlight	<p>The design of buildings should achieve a northern orientation to maximise solar access.</p> <p>The design of buildings must ensure that:</p> <ul style="list-style-type: none"> <li>(a) At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</li> <li>(b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development</li> </ul>	<p>The design and orientation of the child care centre maximises northern, eastern and western solar access.</p> <p>A detailed solar access assessment confirmed that the proposed development satisfies the controls for solar access to the living areas and private open space of surrounding residential properties.</p>	Yes

Control	Required	Proposed	Compliance
	must not result with additional overshadowing on the affected private open space.		
4.5-4.7 – Building design	<p>Child care centres with more than 29 children in Zone R2 Low Density Residential must locate in a purpose-built centre. The external building design must give the appearance of a dwelling house.</p> <p>Development for the purpose of new buildings must incorporate architectural elements to articulate the building form and avoid large expanses of blank walls. Architectural elements may include but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) Defining the base, middle or top of a building using different materials and colours.</li> <li>(b) Incorporating horizontal or vertical elements such as recessed walls or banding.</li> <li>(c) Incorporating recessed or partially recessed balconies within the building wall.</li> <li>(d) Defining the window openings, fenestration, balustrade design, building entrances, and doors.</li> <li>(e) Using sun shading devices.</li> <li>(f) Any other architectural feature to the satisfaction of Council.</li> </ul> <p>Development for the purpose of new buildings must provide active frontages to the streets and must orientate buildings and pedestrian entrances to the streets.</p>	<p>The scale of the proposed child centre is such that it will appropriately complement the existing and future residential character of the surrounding area.</p> <p>The design and architectural treatment of the proposed development is appropriate and is considered to respond to and integrate with the existing streetscape. The materials and finishes create visual interest and a consistent finish.</p> <p>The proposed development incorporates a defined front building entrance and pedestrian link to Edgar Street.</p>	Yes
4.9 – Roof design	Development for the purpose of new buildings must have	The child care centre roof is a suitable design and an	Yes

Control	Required	Proposed	Compliance
	<p>roof designs that:</p> <p>(a) unify separate or attached buildings with a contemporary architectural appearance; and</p> <p>(b) combine good quality materials and finishes.</p>	acceptable finish. It is consistent with other developments within the locality.	
4.10-4.12 – Front fences	<p>The maximum fence height for front fences is 1.8 metres.</p> <p>The external appearance of front fences along the front boundary of allotments must ensure:</p> <p>(a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1 metre above ground level (existing); and</p> <p>(b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.</p> <p>Council does not allow the following types of front fences:</p> <p>(a) chain wire, metal sheeting, brushwood, and electric fences; and</p> <p>(b) noise attenuation walls.</p>	The proposed front fence is of an open style design and comprises a mixture of masonry and timber infill pickets.	Yes
5.1-5.3 – Acoustic privacy	<p>Air conditioning, mechanical ventilation or any other continuous noise source must not exceed the ambient level at any specified boundary by more than 5dB(A).</p> <p>The location and design of child care centres must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of</p>	<p>The acoustic report was reviewed by Council's Environmental Health Unit and is considered acceptable subject to compliance with the recommendations included in the report.</p> <p>The location, siting, design and acoustic treatment of the development was reviewed and is not considered to result in adverse impacts on the</p>	Yes, subject to a condition of consent

Control	Required	Proposed	Compliance
	<p>adjoining land.</p> <p>The maximum height for noise attenuation walls and fences along the boundary of an allotment is 2 metres.</p>	<p>residential amenity of adjoining land.</p> <p>A condition of consent has been imposed requiring acoustic fencing to be installed to the side and rear boundaries of the site to a height of 2 metres above the existing natural ground level. The portion of the fencing that is adjacent to the northern and southern sides of the covered outdoor play area is to also comprise of a 400mm high canopy addition that cantilevers within the boundaries of the site at a 45 degrees angled splay. The design of the acoustic fencing is to be certified by the Acoustic Engineer prior to the issue of a Construction Certificate.</p>	
5.4 – Hours of operation	Council may limit the hours of operation of child care centres to 7.00am to 6.00pm Monday to Friday.	7.00am to 6.00pm Monday to Friday.	Yes
5.5 – Management plans	Council must require the operator of a child care centre in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential to organise and chair a Neighbourhood Liaison Committee. The purpose of the Committee is for the operator and neighbours to resolve any issues, such as traffic and noise, arising from the operation of the child care centre.	This has been imposed as a condition of consent.	Yes
6.1 and 6.2 – Outdoor play areas	<p>The location of outdoor play areas must allow supervision from within the centre.</p> <p>Outdoor play areas must:</p>	The outdoor play area is appropriately located and is designed in a manner that allows supervision from various locations within the	Yes

Control	Required	Proposed	Compliance
	<p>(a) locate on a land gradient that is predominantly flat;</p> <p>(b) provide access to shade, particularly between 9.30am and 3.00pm during summer months. This may be in the form of a shade structure or natural shade from trees; and</p> <p>(c) consider the surface treatment in accordance with best practice guidelines in early childhood environments.</p>	<p>child care centre.</p> <p>The gradient of the covered outdoor play area is predominantly flat, with a gentle fall towards the rear of the site. A condition of consent has been imposed requiring no fill to the uncovered outdoor play area (i.e. beyond the eastern edge of the covered outdoor play area) to ensure the existing natural ground level is retained to assist in minimising visual and acoustic privacy impacts on the surrounding properties. This will require steps down from the covered outdoor play area to the uncovered outdoor play area, and balustrading to the eastern edge of the covered outdoor play area, which has also been included as a condition of consent. Approximately one third of the outdoor play area is shaded.</p> <p>Appropriate surface treatments are proposed on the outdoor play area, including rubberised soft fall and turf.</p>	
6.4 – Landscaping	<p>Development applications must submit a detailed landscape plan prepared by a qualified landscape architect.</p> <p>The landscaping of outdoor play areas must not include the species listed in Appendix 2.</p>	<p>A detailed landscape plan, prepared by a qualified landscape architect, was submitted with the application.</p> <p>The landscape plan does not include any of the 'unsuitable plant species' listed in Appendix 2.</p>	Yes
6.6-6.9 – Retaining walls	<p>Outdoor play areas must avoid retaining walls where possible.</p> <p>The maximum height for</p>	<p>There are no retaining walls proposed within the outdoor play area.</p>	Yes



Control	Required	Proposed	Compliance
	<p>retaining walls in outdoor play areas is 400mm above natural ground level, and must incorporate a safety fence or the like to prevent accidental falls.</p> <p>Retaining walls must locate agricultural drainage lines:</p> <p>(a) behind the base of the wall and at the foot of the wall; and</p> <p>(b) the drainage lines must connect with the proposed stormwater drainage system of the development.</p> <p>Retaining walls on the boundary of an allotment must be masonry construction.</p>	<p>A condition of consent has been imposed requiring all retaining walls proposed adjacent to the boundary of the site to be of masonry construction.</p>	
7.1-7.5 – Safety and security	<p>The front door and at least one window to buildings must face the street to enable natural surveillance.</p> <p>The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.</p> <p>Child care centres must separate the car park and any outdoor play area with a safety fence and gates.</p> <p>Child care centres with more than 15 children must erect (at the expense of the applicant) an unscaleable 1.8 metre high lapped timber fence or the like along the side and rear boundaries of the allotment.</p>	<p>The front door and several windows on the ground and first floors of the child care centre face the street.</p> <p>A condition of consent has been imposed in relation to the design and location of the street number.</p> <p>The outdoor play area is located to the rear of the building away from the at-grade car park.</p> <p>A condition of consent has been imposed in relation to the replacement of side and rear boundary fencing.</p> <p>The child care centre has been suitably designed with respect to accessibility, fire protection and evacuation requirements.</p>	Yes

Control	Required	Proposed	Compliance
	Child care centres must provide: (a) safe access for children and people with disabilities; and (b) fire protection and evacuation requirements.		
8.1 – Food premises	The design, construction, and operation of kitchens and food premises must comply with: (a) Food Act 2003; (b) Food Regulation 2010; (c) FSANZ Food Standards Code; and (d) AS 4674:2004 Design, Construction, and Fitout of Food Premises.	Some of the legislation specified in this control is out of date. The proposed development was reviewed by Council's Environmental Health Officer with respect to the design, construction and operation of the kitchen and a condition of consent has been imposed requiring compliance with the applicable and current legislation.	Yes
8.2 – Site facilities	Child care centres must ensure the following facilities are not visible to the street or any nearby public open spaces: (a) waste storage areas; (b) storage of goods and materials; and (c) any clothes drying areas.	There will be no waste storage areas, storage rooms or clothes drying areas that are visible from the street.	Yes

As outlined in the table above, the proposed development is acceptable with respect to Part B6 of BDCP 2015.

#### Part B11 – Tree Preservation Order

The objectives of Part B11 of BDCP 2015 are to sustainably manage tree resources to improve visual, physical and environmental amenity, promote the use of professional standards and best practices in tree management, and to list controls for the pruning, removal and replacement of trees.

The existing on-site vegetation comprises 13 trees, the majority of which are located to the rear of the existing dwelling on the eastern part of the site. This includes three *Jacaranda mimosifolia* (Jacaranda), three *Ligustrum lucidum* (Broad-leaf Privet), two *Grevillea robusta* (Silky Oak), two *Lagerstroemia indica* (Crepe Myrtle), two *Cinnamomum camphora* (Camphor Laurel), and one *Cotoneaster* (Cotoneaster). According to the Arboricultural Impact Assessment submitted with the development application, these trees are all of low to moderate retention value or are exempt tree species. There is also one *Syncarpia glomulifera* (Turpentine) on the adjoining property at No. 177 Edgar Street adjacent to the southern boundary of the subject site that is of high retention value.

The development application was reviewed by Council's Tree Management Officer, who confirmed that there are no trees on-site that are suitable for retention and protection, and that the *Grevillea robusta* (Silky Oak) in the rear north-east corner of the site that is proposed for retention is aged and should be removed and replaced. Council's Tree Management Officer also advised that the *Syncarpia glomulifera* (Turpentine) on the adjoining property at No. 177 Edgar Street will require careful hand excavation techniques within the 3 metre structural root zone (SRZ) to accommodate a proposed drainage pit.

Council's Tree Management Officer has imposed conditions of consent relating to tree removal, tree protection measures (for the adjoining property), and replacement tree planting on-site and on Council's nature strip.

Based on the above, the proposed development is considered to be acceptable with respect to Part B11 of BDCP 2015, subject to conditions of consent.

#### Part B13 – Waste Management and Minimisation

Part B13 of BDCP 2015 supplements BLEP 2015 by providing additional objectives and development controls to ensure the design and operation of waste management systems are consistent with Council's commitment to building and creating a sustainable city.

The proposed development has been assessed against the applicable controls contained in Part B13 of BDCP 2015.

A Waste Management Plan prepared in accordance with the Waste Management Guide for New Development and the Bankstown Demolition and Construction Guidelines was submitted with the development application.

The proposed development incorporates a designated bin storage area that is capable of accommodating the volume of waste likely to be generated by the use and the number of bins required. The bin storage area is appropriately located on the ground floor of the building, integrated into the overall design, and screened from view from the public domain.

The design of the proposed development allows bins to be collected on-site from within the at-grade car park area, outside the hours of operation for the child care centre, in a manner that would allow a small waste collection vehicle (private contractor) to enter and exit the site in a forward direction. This has been imposed as a condition of consent.

Based on the above, the proposed development is considered to be acceptable with respect to Part B13 of BDCP 2015.

#### **Planning agreements [section 4.15(1)(a)(iia)]**

A planning agreement has not been entered into under section 7.4 of the *Environmental Planning & Assessment Act 1979*, nor has the applicant offered to enter into a draft planning agreement.

**The regulations [section 4.15(1)(a)(iv)]**

The development is consistent with the applicable provisions contained in the *Environmental Planning and Assessment Regulation 2000*.

**The likely impacts of the development [section 4.15(1)(b)]**

The proposed development is not likely to result in any significant adverse environmental, social or economic impacts on the locality. As detailed in this report, the proposed development addresses all applicable development standards and controls. As such, it is considered that the impact of the proposed development on the locality is acceptable.

**Suitability of the site [section 4.15(1)(c)]**

The subject site is considered suitable for the proposed development. The proposed development responds to the applicable development standards and controls contained in *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, the *Child Care Planning Guideline*, BLP 2015 and BDCP 2015. The proposed development results in an appropriate built form for the site, which is consistent with the existing and desired future character of the area, and the assessment of the application has not identified any unreasonable or adverse impacts on the surrounding residential properties or the broader locality.

**Submissions [section 4.15(1)(d)]**

The application was advertised and notified for a period of 21 days from 16 January 2019 to 8 February 2019. Five submissions were received. The application was subsequently re-notified for a period of 14 days from 3 September 2019 to 16 September 2019. Eight additional submissions were received.

The submissions received during the advertising and notification periods raise concerns relating to traffic impacts and road safety, proximity to the mosque on Eldridge Road, car parking impacts, site width, number of children, size of play areas, side setbacks, overshadowing of adjacent dwellings, inconsistencies with the objectives and controls for child care centres, incompatibility with the streetscape, lack of demand for child care centres in the locality, visual and acoustic privacy impacts, impacts on adjoining dual occupancy, on-site trees, child safety, structural damage, stormwater run-off, fumes, noise and emissions, demolition and asbestos removal, and the Bankstown Airport flight path. These concerns are addressed below.

**Traffic impacts and road safety**

Child care centres are assessed against *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the associated *Child Care Planning Guideline*, and are regulated and licensed with respect to the provisions of *Children (Education and Care Services) Supplementary Provisions Regulation 2019* and *Education and Care Services National Regulations*. These policies/regulations do not limit the number of child care

centres permitted within any particular locality.

The Traffic and Parking Impact Assessment report submitted with the development application includes an assessment of the intersections of Marion Street & Edgar Street and Augusta Street & Edgar Street, as these are the intersections with major and minor collector roads, respectively. The report was reviewed by Council's Traffic Engineer and no issues were identified with respect to the timing of the survey or the content and conclusions of the report. The conclusions note that the proposed development is a moderate trip generator for the weekday AM and PM peak hours, the additional trips from the proposed development can be accommodated at the nearby intersections and road network without noticeably affecting intersection performance, delays or queues, and there are no traffic generating reasons why consent of the proposed development should not be supported.

Council's Traffic Engineer also reviewed the application with respect to potential impacts on road safety. The proposed development is considered to be acceptable with respect to this matter as the car parking areas are designed to allow all vehicles to enter and exit the site in a forward direction, and pedestrian sight lines will be maintained adjacent to the driveway of the premises.

#### Proximity to mosque on Eldridge Road

There is no provision in any applicable legislation that prohibits child care centres within close proximity to places of public worship. The proposed development has been reviewed by Council's Traffic and Transport Team with respect to traffic impacts and road safety, and no concerns were raised with respect to these matters.

#### Car parking impacts

The proposed development includes 15 off-street car parking spaces, ten of which are to be allocated for staff parking purposes and five of which are to be allocated for parent drop-off/pick-up purposes (which can be used for staff parking purposes outside of peak drop-off/pick-up times). Council's Traffic Engineer has also imposed a condition of consent requiring the developer to apply to the Canterbury Bankstown Traffic Committee for two "P10 minute 7am-6pm Mon-Fri" zones to be provided along the property frontage for additional parent drop-off/pick-up spaces directly forward of the subject site. This zone will not extend beyond the property frontage and therefore will not impact street parking forward of the adjoining properties. The proposed development provides an acceptable amount of car parking in accordance with the requirements of the *Child Care Planning Guideline* and BDCP 2015.

#### Site width

Clause 25 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* allows a child care centre to be located on a site of any size and have any length of street frontage or any allotment depth. This now prevails over Clause 4.1B of BLEP 2015, which requires a minimum width at the front building line of 20 metres for a child care centre in the R2 Low Density Residential zone. Notwithstanding this, it is noted that the

subject site has a width of 20.115 metres at the front building line. It therefore cannot reasonably be argued that the width of the subject site is insufficient to accommodate the proposed development.

#### Number of children

Clause 25 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* states that the provision of a development control plan that specifies a requirement, standard or control in relation to several matters (which includes numbers of children) does not apply to development for the purpose of a centre-based child care facility. On this basis, there is no legislative weight to the capacity controls contained in Clause 3.2, Part B6 of BDCP 2015 and therefore Council has no ability to limit the number of children to a maximum of 40. The maximum capacity of the child care centre is determined by the size of the indoor and outdoor play space as required by the *Education and Care Services National Regulations, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the *Child Care Planning Guideline*. The indoor and outdoor space within the proposed development can accommodate up to 60 children.

#### Size of play areas

The abovementioned policies/regulations require a minimum of 3.25sqm of unencumbered indoor space and a minimum of 7sqm of unencumbered outdoor space per child. The separate indoor space for each respective age group (0-2 year olds, 2-3 year olds and 3-5 year olds) has been designed to meet this requirement, as has the combined outdoor space.

#### Side setback

Clause 3.6(c), Part B6 of BDCP 2015 requires a minimum setback of 1.5 metres to the side boundaries of the allotment. The proposed development complies with this control.

#### Overshadowing of adjacent dwellings

Council has undertaken a detailed assessment of the proposed development against the solar access controls contained in Part B6 of BDCP 2015. The proposed development maintains the minimum required solar access to the living areas and private open space of all surrounding residential properties.

#### Inconsistent with the objectives and controls for child care centres

As demonstrated throughout this report, the proposed development complies with the applicable development standards and controls contained in the relevant environmental planning instruments, BDCP 2015 and the *Child Care Planning Guideline*. On this basis, it cannot reasonably be argued that the proposed development fails to satisfy the objectives of those development standards and controls.

### Incompatible with the streetscape

Council has undertaken an assessment of the proposed development with respect to its streetscape presentation. The scale of the proposed child centre is such that it will appropriately complement the existing and future development and residential character of the surrounding area. The proposed development is of the scale of a two storey dwelling when viewed from Edgar Street. The design and architectural treatment of the proposed development appropriately responds to and integrates with the existing streetscape. The proposed development is not considered to be incompatible with the streetscape.

### Lack of demand for child care centres in the locality

There is no provision in any applicable legislation that requires Council to consider the demand for a child care centre in a specific locality. As stated previously, Clause 25 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* allows a child care centre to be located on a site of any size and have any length of street frontage or any allotment depth.

### Visual and acoustic privacy impacts

Child care centres are assessed against *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the associated *Child Care Planning Guideline*, and are regulated and licensed with respect to the provisions of *Children (Education and Care Services) Supplementary Provisions Regulation 2019* and *Education and Care Services National Regulations*. These policies/regulations do not limit the number of children for a child care centre in the R2 Low Density Residential zone, provided the centre meets the minimum requirement for unencumbered indoor and outdoor space per child (which complies in this instance).

An Acoustic Report was submitted with the application and reviewed by Council's Environmental Health Officer. Council's assessment has determined that the proposed child care centre will be acceptable with respect to acoustic impacts provided it meets the recommendations contained in the Acoustic Report relating to construction materials, acoustic boundary fencing and operational requirements. These have been included as conditions of consent.

Visual privacy impacts were considered during the assessment of the development application. With respect to windows on the northern (side) elevation of the child care centre (adjacent to No. 173 Edgar Street), the plans were amended to proposed obscure glazing to a minimum height of 1.5m above the floor level, or obscure glass block panels, for all first floor windows that are adjacent to the first floor of No. 173. With respect to windows on the southern (side) elevation of the child care centre (adjacent to No. 177 Edgar Street) the plans were amended to proposed obscure glazing to a minimum height of 1.5m above the floor level for all first floor windows that are adjacent to the first floor of No. 177. Views from the ground floor windows on the southern (side) elevation will also be restricted due to obscure glazing to a height of 1.5m above the floor level or obscure glass block panels. All ground and first floor windows on the eastern (rear) elevation have been designed or positioned to



restrict views of the private open space of the residential dwellings to the sides and rear.

#### Impacts on adjoining dual occupancy

The recently constructed dual occupancy to the rear of the site at Nos. 37 & 39 Norman Street (formally known as No. 31 Norman Street) was considered by Council during the assessment of the application. The design of the windows on the western (side) elevation of the dual occupancy and the windows on the eastern (rear) elevation of the child care centre are such that visual privacy impacts will be minimal. Furthermore, the recommendations of the Acoustic Report have been imposed to address acoustic privacy impacts. This includes acoustic boundary fencing around the perimeter of the outdoor play area of the child care centre and limiting the number of children in the outdoor play area to a maximum of forty (40) at any one time. While it is noted that there is a typographical error in the Statement of Environmental Effects (which appears to have been based on an out-of-date aerial photograph), Council undertakes an independent assessment of visual and acoustic privacy impacts on the surrounding properties. Accordingly, the proposed development is considered to be acceptable with respect to potential impacts on the dual occupancy to the rear.

#### On-site trees

The subject application was referred to Council's Tree Management Officer for assessment, who confirmed that there are no trees on-site that are worthy of retention and protection. In particular, it was advised that the *Grevillea robusta* (southern silky oak) to the rear of the site is aged and should therefore be removed and replaced. It is further noted that the subject site does not fall within a biodiversity protection zone or a conservation corridor and is not identified as containing threatened species.

#### Child safety

Child care centres are assessed against *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the associated *Child Care Planning Guideline*, and are regulated and licensed with respect to the provisions of *Children (Education and Care Services) Supplementary Provisions Regulation 2019* and *Education and Care Services National Regulations*. These policies/regulations do not prohibit two storey child care centres. An Emergency Response Procedures plan was submitted throughout the assessment of the development application to demonstrate that children and staff can be safely evacuated from the premises. Furthermore, all building work must be carried out in accordance with the requirements of the Building Code of Australia.

#### Structural damage

Council has imposed the following condition of consent with respect to potential structural damage of adjoining properties as a result of the excavation required to construct the basement:

*Prior to the commencement of demolition, earthworks and construction works, dilapidation reports shall be prepared for the adjoining dwellings and other*



*improvements at Nos. 173, 177 and 177A Edgar Street, Condell Park and a copy is to be provided to the owner(s) of each respective property. The reports must clearly identify the condition of the existing dwelling and other improvements prior to the commencement of works. All care shall be taken during the demolition, earthworks and construction works to ensure the structures, footings and walls are protected, and should any change in condition occur from that recorded in the dilapidation reports, the rectification of such shall be at full cost to the developer.*

#### Stormwater run-off

The proposed development was reviewed by Council's Development Engineer. The application proposes a pump-out on-site drainage system that discharges to the street kerb on Edgar Street. The outdoor play area to the rear of the child care centre will comprise of permeable landscaping to assist in draining surface run-off.

#### Fumes, noise and emissions

Council has imposed the following condition of consent relating to the operation of the premises and associated amenity impacts:

*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.*

#### Demolition and asbestos removal

Council has imposed a standard condition of consent relating to the demolition of existing structures and asbestos removal. This requires, amongst other things, the developer to notify adjoining residents seven working days prior to demolition, Council to undertake pre and post-demolition inspections, demolition to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001, and materials containing asbestos cement to be removed by a licensed contractor with current Workcover Accreditation in asbestos removal.

#### Bankstown Airport flight path

According to Council's mapping system, the subject site does not fall beneath the flight path of Bankstown Airport, and therefore an assessment of Australian Noise Exposure Forecast (ANEF) impacts on the child care centre is not required. The site is located approximately 750 metres from the edge of the flight path at the closest point.

As outlined above, the proposed development is considered to be acceptable with respect to the concerns raised in the public submissions.

**The public interest [section 4.15(1)(e)]**

The proposed development would not contravene the public interest. The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments and by ensuring that any adverse impacts on the surrounding area and the environment are avoided. As demonstrated in this report, the development appropriately responds to the provisions and development standards of all applicable environmental planning instruments, in addition to the development controls contained in BDCP 2015. The matters raised in the public submissions have been satisfactorily addressed, and there is not likely to be any unreasonable impacts on the locality.

**CONCLUSION**

The development application has been assessed against the matters for consideration contained in Section 4.15 of the EP&A Act 1979 requiring, amongst other things, an assessment against the provisions contained in *State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and the application satisfies the relevant development standards and controls.

The proposed development results in an appropriate built form that is consistent with the existing and likely future character of the area. The applicable development standards and controls have been satisfactorily addressed and no significant or unresolved matters have been raised in the public submissions. Approval of the development application would be consistent with the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the objectives of BLEP 2015 and the R2 Low Density Residential zone, and would facilitate the provision of an additional child care facility in the local government area without unacceptable or unreasonable impacts on the surrounding properties or broader locality.

**RECOMMENDATION**

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

## 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-956/2018, submitted by Basoona Pty Ltd, accompanied by the drawings as listed in the table below, 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.	Drawing Title	Rev	Dated	Prepared by
DA01	Demolition and Site Plan	D	28 August 2019	Archizen Architects
DA02	Basement Floor Plan	D	28 August 2019	Archizen Architects
DA03	Ground Floor Plan	D	28 August 2019	Archizen Architects
DA04	Upper Floor Plan	D	28 August 2019	Archizen Architects
DA05	West Elevation	D	28 August 2019	Archizen Architects
DA06	North Elevation	D	28 August 2019	Archizen Architects
DA07	East Elevation	D	28 August 2019	Archizen Architects
DA08	South Elevation	D	28 August 2019	Archizen Architects
DA09	Section A	D	28 August 2019	Archizen Architects
DA10	Section B	D	28 August 2019	Archizen Architects

The development plans shall be amended as follows:

- a) Sight line triangles to pedestrians shall be shown on the site plan at the driveway exit of the development in accordance with AS 2890.1-2004 to comply with Fig 3.3. The design of fencing and landscaping shall be considered in this regard. The Construction Certificate plans shall reflect this requirement.
- b) The obscure glazing proposed to the windows on the first floor northern, eastern and southern elevations shall be fixed to a minimum height of 1.5 metres above the floor level, as marked in red by Council. The Construction Certificate plans shall reflect this requirement.
- c) The circular windows on the first floor northern (side) elevation shall comprise of fixed obscure coloured glazing, as marked in red by Council. The Construction Certificate plans shall reflect this requirement.
- d) No fill is permitted to the uncovered outdoor play area, as marked in red by Council. The existing natural ground level beyond the eastern edge of the covered outdoor play area shall be retained. Steps providing access between the covered outdoor play area and the uncovered outdoor play area, and any required balustrading between the play areas, shall be detailed on the architectural plans. The Construction Certificate plans shall reflect this requirement.
- e) The acoustic boundary fencing along the side and rear boundaries of the site shall be installed to a height of 2 metres above the existing natural ground level. The portion of the fencing that is adjacent to the northern and southern sides of the

- covered outdoor play area is to also comprise of a 400mm canopy addition that cantilevers within the boundaries of the site at a 45 degrees angled splay. The Construction Certificate plans shall reflect this requirement and the design of the acoustic fencing is to be certified by the Acoustic Engineer prior to the issue of a Construction Certificate.
- f) A 1.5 metre high light-weight louvered privacy screen shall be installed to the northern and southern (side) elevations of the covered outdoor play area, as marked in red by Council. The louvers shall be designed and angled to minimise views of the adjacent properties while allowing natural light to be received to the covered outdoor play area. The Construction Certificate plans shall reflect this requirement.
- 3) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 4) The Plan of Management, prepared by BMA Urban, shall be amended to reflect the correct number of children within each age group and staff in accordance with the conditions contained within this consent. The amended Plan of Management forms part of the development consent.
- 5) The acoustic report submitted in support of this application, prepared by NG Child & Associates titled '*Acoustic Assessment Report, Proposed Child Care Centre 175 Edgar Street Condell Park, NSW*', Version 4, dated 30 April 2019, Reference No. CA/19/60-5501 and the noise attenuation recommendations stated in the report, forms part of the development consent, except where amended by Condition 2(e).
- 6) The Emergency Response Procedures report, prepared by Fire Safe, dated March 2019, as amended by the addendum containing additional 'Building and Occupancy Details' submitted to Council on 10 July 2019, forms part of the development consent. The Emergency Response Procedures report shall also be amended to include details of the specific equipment required for each age group during an evacuation.
- 7) 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.
- 8) The food preparation area (kitchen) within the childcare centre must be designed, constructed and operated in accordance with the requirements of:
- i) The *NSW Food Act 2003* and *Food Regulation 2015*;
  - ii) Australia New Zealand Food Standards Code;
  - iii) Australian Standard 4674-2004;
  - iv) Australian Standard 1668 Part 1; and

- v) Australian Standard 1668 Part 2.
- 9) The preliminary contamination assessment submitted in support of the development application, prepared by EI Australia, titled, '*Preliminary Site Investigation with Limited Sampling – 175 Edgar Street, Condell Park NSW*', Report No. E24071.E01\_Rev0, dated 14 December 2018, and the recommendations stated in the report form part of the development consent.
- Any new information which comes to light during demolition/excavation/construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information.
- 10) All soils removed from the property shall be classified in accordance with the NSW EPA Waste Classification Guidelines 2014 and be disposed of to an appropriate EPA licensed waste facility.

## **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:*

- 11) 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.
- 12) The Construction Certificate plans shall demonstrate full compliance with the relevant provisions of *Children (Education and Care Services) Supplementary Provisions Regulation 2019* and *Education and Care Services National Regulations*.
- 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.

The landscape plan shall only propose natural (pervious) landscaping in the rear outdoor play area to ensure an acceptable stormwater drainage outcome. This area is to be maintained as natural landscaping for the life of the development.

The landscape plan shall not include any species listed in Appendix 2 'Unsuitable plant

species for child care centres' in Part B6 of Bankstown Development Control Plan 2015.

- 14) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m 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, and shall be designed in accordance with the recommendations contained in the Acoustic Report, prepared by NG Child & Associates, titled '*Acoustic Assessment Report, Proposed Child Care Centre 175 Edgar Street Condell Park, NSW*', Version 4, dated 30 April 2019, Reference No. CA/19/60-5501, except where amended by Condition 2(e). 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 Council's 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) 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<sup>TM</sup>.

Please refer to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin)

For Sydney Water's Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://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.

- 18) All relevant and appropriate water conservation and energy efficiency requirements of Part B4 'sustainable Development' of Bankstown Development Control Plan 2015 shall be complied with. Details of the proposed measures to demonstrate compliance with the DCP shall be submitted with the Construction Certificate.
- 19) 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.

- 20) 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.
- 21) Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the Bankstown Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$31,075.00 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.

- 22) 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.
- 23) 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 medium duty VFC of maximum width of 5.5 metres at the property boundary.
  - b) Drainage connection to Council's system.
  - c) Concrete footway paving along the sites entire frontage.
  - 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:** 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 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.

- 24) The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage system plan to be generally in accordance with the concept plan No. ZP-256-SW-001, Revision D, dated 27 August 2019, prepared by Zeta Engineering Pty Ltd, and the requirements contained in Council's Development Engineering Standards. The



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

- 25) 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.

All retaining walls located adjacent to the allotment boundaries must be of masonry construction.

- 26) 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.
- 27) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 28) 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 constructions 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.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

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 "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.**

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

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.

- 29) 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.

- 30) 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) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- d) Install utilities in, under or over a public road,
- e) Pump water into a public footway or public road from any land adjoining the public road,
- f) Erect a structure or carry out a work in, on or over a public road
- g) Require a work zone on the public road for the unloading and or loading of vehicles
- h) Pump concrete from within a public road,
- i) Stand a mobile crane within a public road
- j) Store waste and recycling containers, skips, bins and/or building materials on any

- part of the public road.
- k) The work is greater than \$25,000.
  - l) Demolition is proposed.
  - m) Subdivision 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.

- 31) The pump out drainage system for the Driveway and private open space area shall be provided in accordance with Council's Development Engineering Standards. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. 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. The Engineer must certify that the Hydraulic design complies with the above relevant standards.
- 32) 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.
- 33) Prior to the issue of a Construction Certificate, the developer is to apply to the Canterbury Bankstown Traffic Committee, and to the satisfaction of Council's Traffic Engineer, for two "P10 minute 7am-6pm Mon-Fri" zone to be provided along the property frontage at the cost of the developer.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING**

- 34) 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.
- 35) 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.
- 36) Tree Removal: On-site

Approval is granted for the removal of the following trees:

- 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;
- 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;
- Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
- All trees identified for removal as per Landscape Plans by Zenith Landscape Designs, Sheets 1 & 2, Drawing No.18-3854 L01, Rev A, dated 1/4/2019;
- Any of the following tree/s:

Tree Species	Location
Grevillea robusta (Silky oak)	Left hand side of rear yard near rear boundary

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction damage and

pruning. The Tree Management Order protects trees over 5m in height.

37) Tree Planting: Nature Strip

The applicant is to plant the following replacement trees on the nature strip forward of the property line as per Landscape Plan. The trees shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201.

Tree Species	Location
Two <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Tree to be planted on the nature strip forward of the property line

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

- Carry out engineering works to protect those services from damage; or
- Relocate the plantings to a more suitable location following written approval from Canterbury Bankstown Council; or
- Substitute the approved tree species with an alternative species following written approval from Canterbury Bankstown Council.

The trees shall be planted by a qualified landscape contractor with experience in handling advanced sized tree stock, and in accordance with the tree delivery, planting preparation – general, planting, mulching and staking specifications included in Standard Drawing No. S-201.

Once the trees have been planted, a tree protection fence located at a 2.0 metre radius from the trunk of each tree shall be installed to protect the trees during the demolition and construction phases. The fences shall be constructed of chain wire mesh 1.80 metres high supported by steel posts, shall not be removed or altered, and are to remain in place for the duration of the site works.

During the construction phase the trees shall be watered and maintained in accordance with the tree establishment and maintenance requirements included in Standard Drawing No. S-201.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting once the tree protection fence has been installed, and again once the works have been completed prior to the installation of issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

- 38) 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.

- 39) 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.
- 40) 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.
- 41) 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](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 42) 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.

- 43) 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.
- 44) 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.

- 45) Prior to the commencement of demolition, earthworks and construction works, dilapidation reports shall be prepared for the adjoining dwellings and other improvements at Nos. 173, 177 and 177A Edgar Street, Condell Park and a copy is to be provided to the owner(s) of each respective property. The reports must clearly identify the condition of the existing dwelling and other improvements prior to the commencement of works. All care shall be taken during the demolition, earthworks and construction works to ensure the structures, footings and walls are protected, and should any change in condition occur from that recorded in the dilapidation reports, the rectification of such shall be at full cost to the developer.
- 46) The demolition of the 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 (i.e. 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**

- 47) 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.
- 48) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 49) 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.
- 50) 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.
- 51) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 52) 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.
- 53) 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.
- 54) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or 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.

The boundary fencing shall be constructed in accordance with the recommendations contained in the Acoustic Report, prepared by NG Child & Associates, titled '*Acoustic Assessment Report, Proposed Child Care Centre 175 Edgar Street Condell Park, NSW*', Version 4, dated 30 April 2019, Reference No. CA/19/60-5501, except where amended by Condition 2(e).

- 55) 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.
- 56) 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.
- 57) 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.
- 58) 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.
- 59) Trees on Adjoining Properties: Protection Measures

The following tree protection measures are to be complied with to protect the *Syncarpia glomulifera* (Turpentine) located on the adjoining property at 177 Edgar Street. The subject tree is located on the left hand side near the rear boundary.

- The stormwater line and associated pits are to be located no closer than 3 metres from the tree. Alternatively, the stormwater line is to be installed by careful

digging using hand tools or horizontal boring and passing the pipe beneath existing tree roots within 3 metre radius of the tree. No tree roots greater than 45mm in diameter are to be severed.

- If tree roots are exposed during approved works, roots with a diameter less than 45mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 45mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.

## CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 60) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 61) 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.
- 62) Fifteen (15) off-street car spaces for use by employees and parents are to be provided in accordance with the approved plans. Ten (10) spaces are to be allocated for staff car parking and five (5) spaces are to be allocated for parent drop-off/pick-up. One (1) of the at-grade parent drop-off/pick-up spaces is 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.
- 63) 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.
- 64) Tree Planting: On-Site

The applicant is to plant one replacement tree on the site as follows:

- one replacement tree known to attain a minimum height of 10-15 metres at maturity in the rear yard of the property. The subject tree should be of Eucalyptus species and the suggested type would be Eucalyptus microcorys (Tallowwood) or Corymbia maculata (Spotted gum).
- Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order.
- The tree shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use
- The tree shall be planted no closer than 3.5 metres from the wall of any approved dwelling on the property.
- The tree shall be planted so that future growth is not in conflict with overhead

- electricity wires.
  - The tree shall be maintained for the life of the development.
- 65) 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.
- 66) Lighting must be provided to the entry of the child care centre, driveway 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.
- 67) The premises must be readily identified from the street with the allocated house number. The street numbers must be made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building. Numbering of the development without Council's written approval is not permitted.
- 68) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 69) 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 drainage 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 drainage system.
- 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.
- 70) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 71) An identification report by a registered surveyor must be submitted to the principal certifying authority to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 72) The Principal Certifying Authority shall obtain a report from a qualified acoustic consultant stating that the recommendations outlined in the Acoustic Report referenced in Condition 5, except where amended by Condition 2(e), have been completed and that relevant noise criteria has been satisfied prior to the issue of any Occupation Certificate.

- 73) Prior to the issue of any Occupation Certificate or the occupation or use of the premises, certification from a suitably qualified professional engineer shall be submitted to the Principal Certifying Authority verifying that the exhaust system in the premises is installed and constructed in accordance with Condition 58. All mechanical exhaust ventilation systems shall be serviced regularly in accordance with the manufacturers and/or installers specifications. A record of all maintenance activities to the exhaust extraction equipment shall be maintained at the premises and provided to Council upon request.
- 74) Operation of the childcare centre must not commence until a final inspection has been carried out by Council's Environmental Health Officer to ensure the kitchen is designed and constructed in accordance with the Australia New Zealand Food Standards Code and AS 4674-2004, 'Design, construction and fit-out of food premises'.
- 75) Prior to the issue of an Occupation Certificate, a *Food Premises Registration Form* must be completed and submitted to Council. This form is available on Council's website at: <https://www.cbccity.nsw.gov.au/environment/public-health/food-businesses>

## USE OF THE SITE

- 76) Car parking spaces for 15 vehicles shall be provided in marked spaces in the manner shown on the approved plans. The car parking spaces, driveways and manoeuvring areas are to be used for employee and parent vehicles only.
- 77) The landscaping on site shall be maintained under best horticultural practise at all times.
- 78) The hours of operation of the child care centre shall be limited to between 7.00am and 6.00pm on weekdays.
- 79) The child care centre is restricted to a maximum capacity of 60 children at any one time, comprising eight children aged 0-2 years old, 20 children aged 2-3 years old, and 32 children aged 3-5 years old.
- 80) A maximum of ten primary care staff and one administration staff are permitted within the premises at any one time.
- 81) A maximum of one kitchen staff is permitted within the premises at any one time, between the hours of 9.30am and 2.30pm. The kitchen staff shall park in a vacant parent drop-off/pick-up space during these hours.
- 82) The child care centre shall be cleaned by cleaning staff outside of the hours of operation of the premises, i.e. before 7.00am or after 6.00pm on weekdays.
- 83) The operator must organise and chair a Neighbourhood Liaison Committee in accordance with the requirements of Clause 5.5, Part B6 of the Bankstown Development Control Plan 2015. The Neighbourhood Liaison Committee must be formed within six months of the premises commencing operation and the meeting

minutes from each meeting must be forwarded to the Council before the following meeting.

- 84) Appropriate security measures, including security doors and CCTV cameras, shall be installed at the main pedestrian and vehicular entrance and exits, and the ground floor area of the premises. All CCTV cameras shall have the capacity to store footage for a minimum of 21 days.
- 85) The child care centre shall operate in accordance with the Plan of Management, prepared by BMA Urban, as amended by Condition 4 of this consent.
- 86) The child care centre shall operate in accordance with the recommendations contained in the Acoustic Report, prepared by NG Child & Associates titled '*Acoustic Assessment Report, Proposed Child Care Centre 175 Edgar Street Condell Park, NSW*', Version 4, dated 30 April 2019, Reference No. CA/19/60-5501.
- 87) A maximum of forty (40) children are allowed in the outdoor play area at any one time, and limited to five sub-groups of between five and eight children each.
- 88) No music is to be played outside at any time.
- 89) Air conditioning units must only be used during the childcare centre's hours of operation, those being 7.00am to 6.00pm on weekdays.
- 90) Following occupation of the premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant to undertake a post occupation assessment of the development and complete an assessment report with recommendations to rectify the situation . A copy of this report must be submitted to Council for approval and from there, noise attenuation works must be implemented.
- 91) All deliveries and loading/unloading of goods shall take place within the site in a manner that does not interfere with parking areas, driveways or landscaping. All deliveries are to occur outside of peak parent drop-off/pick-up times and shall be appropriately managed by employees.
- 92) The premises shall be operated so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints and if it is considered by Council that excessive noise is emanating from the premises, the person(s) in control of the premises shall, at their own cost arrange, for an acoustic investigation to be carried out (by an accredited acoustic consultant) and submit a report to Council specifying the proposed methods for the control of excessive noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.

- 93) 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.
- 94) All filtration devices for odour control shall be regularly maintained to prevent odour problems.
- 95) The operator must ensure that all activities within the premises comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and Regulations and the Noise Policy for Industry (NSW EPA, 2017).
- 96) 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*.
- 97) 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.
- 98) 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.
- 99) No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footway, utility service land, customer and/or employee parking area or the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
- 100) An identification number is to be conspicuously displayed at the front of the premises.
- 101) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 102) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 103) 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.

- 104) The applicant shall enter into a commercial contract for the collection of waste and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.

All waste shall be collected on-site by a small waste collection vehicle. The waste shall be collected from within the at-grade car park area, outside of the hours operation for the child care centre, and the vehicle shall enter and exit the site in a forward direction at all times.

-END-



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## Canterbury Bankstown Local Planning Panel - 4 November 2019

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<b>ITEM 2</b>	<b>24 Roseland Drive, Roselands</b>
	<b>Installation of controlled (paid) parking system for the existing shopping centre complex including minor reconfiguration of the car parking areas, additional car parking spaces to be provided in the southern car park and associated intersection and landscaping works</b>
<b>FILE</b>	<b>DA-444/2017 – Roselands</b>
<b>ZONING</b>	<b>B2 Local Centre and SP2 Infrastructure</b>
<b>DATE OF LODGEMENT</b>	<b>20 November 2017</b>
<b>APPLICANT</b>	<b>Vicinity Centres Development C/- Urbis</b>
<b>OWNERS</b>	<b>Vicinity Custodian Pty Ltd and Fidante Partners Services Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$2,454,676.00</b>
<b>AUTHOR</b>	<b>Planning</b>

### REPORT

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This matter is reported to Council's Local Planning Panel as the application has received ten unique submissions.

Development Application No. 444/2017 proposes the installation of a controlled (paid) parking system for the existing shopping centre complex (Roselands Shopping Centre) including minor reconfiguration of the car parking areas, additional car spaces to be provided in the southern car park and associated intersection and landscaping works.

The application was publically exhibited for a period of 21 days on two separate occasions, from 20 November 2017 – 19 January 2018 and 21 November 2018 – 12 December 2018. A total of ten unique submissions were received, which raised the following issues:

- Traffic
- Parking

- Cost of paid parking on low income workers
- Light pollution
- Safety
- Too many notification letters

The issues raised by the submissions were provided to the applicant for a response, and formed part of the amended plans and additional documentation received during the assessment of the application. The key issues raised during the assessment included:

- Overflow of parking from Roselands Shopping Centre into residential streets
- Staff parking
- Cost of parking
- Traffic
- Lighting
- Complaints management
- Trial period

The key amendments to the application included a ticketless system (removing boom gates from entries), staff free parking periods, free senior and disabled parking, provision of additional car parking in the southern car parking, increased landscaping and lighting to the southern car parking area and provision of a trial period to assess the parking impacts on surrounding residential streets.

The application has been assessed against the Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012 (amongst others). The proposal is consistent with the objectives and controls of the relevant planning controls, and is therefore recommended for approval subject to a trial period of 18 months, requiring parking studies of the impacts on surrounding residential streets.

## **POLICY IMPACT**

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This application has no direct policy implications.

## **FINANCIAL IMPACT**

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This application has no direct financial implications.

## **RECOMMENDATION**

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It is recommended that the application be **APPROVED** subject to the attached conditions for a trial period of 18 months.

## **ATTACHMENTS**

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- A. Assessment Report
- B. Conditions of Consent

## **DA-444/2017 ASSESSMENT REPORT**

### **HISTORY**

A number of development applications have been approved on the subject site since the inception of the Shopping Centre in the 1960s. The more recent or major approvals include:

DA-341/2004, approved alterations and additions to the existing centre consisting of a twelve theatre cinema complex, bowling alley, restaurant, additional retail floor space, new two level car park to the south of the centre and new loading dock area adjacent to the Myer loading dock. This development application has since lapsed.

DA-425/2015, approved by the Sydney East Joint Regional Planning Panel for the major redevelopment of Roselands Shopping Centre, including expansion of retail floor area, provision of new cinema and entertainment area, construction of new car park, expansion of loading dock facilities, relocation of part of Roselands Drive and upgrade works to the Roselands Drive / King Georges Road Intersection. This development consent remains active but not commenced.

DA-446/2017, approved under delegation on 26 June 2018 for amendments to the existing shopping centre including alterations to internal areas and upgrade of centre entries. The consent is active and works have commenced.

DA-447/2017 approved under delegation on 26 June 2018 for alterations to internal areas and loading dock of the existing shopping centre, installation of a new substation, new plant room and masonry rises on level 1 and use of the loading dock from 7am to 10pm (7 days a week). The consent is active and works have commenced.

DA-446/2017 relied on DA-447/2017 and were approved concurrently. Both DA's are under construction or are nearing completion.

The subject application does not rely on DA-446/2017 or DA-447/2017.

### **SITE & LOCALITY DESCRIPTION**

The subject site, known as the Roselands Shopping Centre, is located at 24 Roseland Avenue, Roselands and includes the following titles:

- Lot 1 in DP 227383
- Lot 1 in DP 383899
- Lot 101 in DP 547125
- Lots 441 and 442 in DP 752026
- Lots B, C and D in DP 383413
- Lot B in DP 400333
- Lots D and E in DP 414375
- Lot X in DP 389607
- Lot 1 in DP 650257

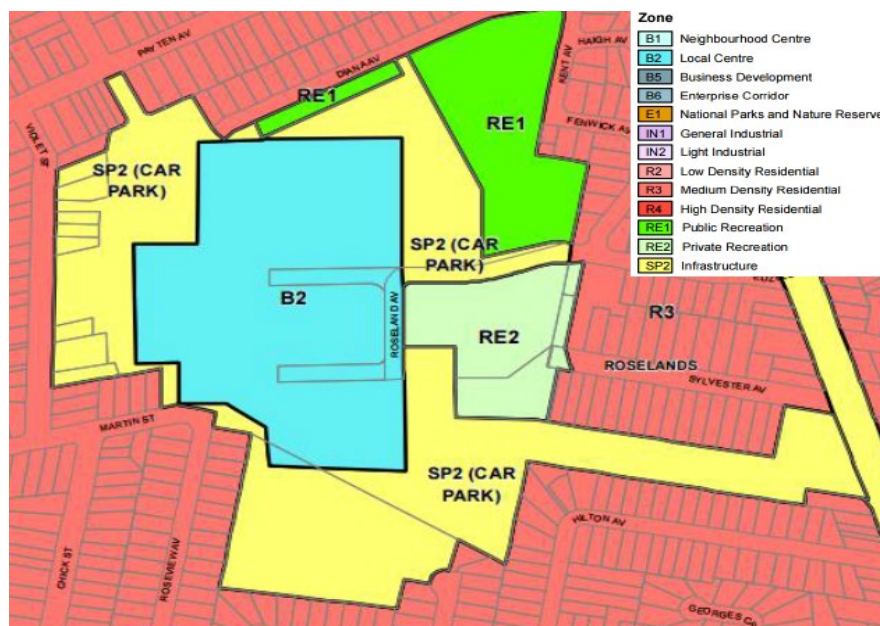
### Lots 3 and 4 in DP 519464

The subject site has frontages to Roselands Drive (south), King Georges Road (east), Roseland Avenue (east), Martin Street (south west), Centre Avenue (east), Payton Avenue (north), Violet Street (west) and Raymond Avenue (south). The total site area is approximately 11.25 hectares and contains 3,209 car parking spaces.

The site is occupied by the shopping centre, a vehicular over pass and a number of hardstand car parks. There is scattered vegetation around the perimeter of the site. Figure 1 shows the subject site, zoning boundaries and development area of the subject site.

The site is generally surrounded by low to medium density residential development. Directly to the east of the site is the Lantern Club and further to the north east is Roselands Aquatic Centre.

Figure 2, illustrates the zonings across the site, being B2 Local Centre and SP2 Infrastructure (Car Parking) zoning. Located in close proximity around the site are R3 Medium Density Residential and RE 2 Recreational zones.



**Figure 1** | Extract of the Zoning Map LZN\_005 of the Canterbury Local Environmental Plan 2012



**Figure 2 | Subject Site**

### **PROPOSED DEVELOPMENT**

The development application proposes to undertake alterations and additions to the existing Roselands Shopping Centre complex to enable a car park control system, including a new paid car parking scheme. The proposal includes the following works:

- Installation of an automatic number plate recognition system;
- Installation of automatic pay stations;
- Installation of boom gates at exits only;
- Installation of intercom and CCTV network connection (including facilities to facilitate customer enquiries);
- Designation of staff car parking areas in soft nested (mixed staff / customer areas) and hard nested (staff only areas) areas (requiring registration of vehicle with the car park operator);
- Alteration of parking layout, access and circulation arrangements within the car parks;
- Construction of concrete kerbs throughout the car parks;
- Internal major decision point traffic way finding signage;
- Internal aisle signage;
- Individual bay availability indicators;
- Upgrades to the southern car park including line marking;
- Removal and relocation of 132 car spaces throughout the site (no loss of car parking); and
- 4 x tree removal.

As detailed in the Statement of Environmental Effects and Traffic and Parking Report November 2017, the overarching aims of the proposal are '*...to enhance security, improve car park efficiency and ensure the turnover of shopper parking spaces.*'

*'...The car park control system will be a ticketless system [with] a car park guidance system...The car park guidance systems will improve access to car parking spaces, reducing traffic circulation, delays and queues within the car park.'*

The proposed controlled parking system includes free parking for up to 3 hours for members of the public, after which parking fees will apply. The Plan of Management (PoM) submitted for the application provides the following proposed fee structure:

Duration	Proposed Parking Rates
0-3 hours	Free
3-4 hours	\$5
4-5 hours	\$10
5-6 hours	\$20
6+ hours	\$30
Disabled Parking (valid mobility permit holders)	Free
Seniors (pension card holders)	Free
Retail Staff of the Centre	\$4

Information contained within the 'Impacts Assessment of Staff Parking' states that staff will be provided four hours free parking, then a flat rate of \$4.00 per day will apply.

The application has also been accompanied by a Travel Plan which seeks to encourage alternate transport options to private car transport.

### **STATUTORY CONSIDERATIONS**

When determining this application, the relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

### **SECTION 4.15 ASSESSMENT**

The proposed development has been assessed pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

#### **Environmental planning instruments [section 4.15(1)(a)(i)]**

##### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 101 applies to development on land which has a frontage to a classified road so as to ensure the continued safe and effective ongoing operation of that road. The subject site has a frontage to King Georges Road, which is a Classified Road. The proposal does not include



works within the subject site's road reserve towards King Georges Road or any new access points. Having regard to the provisions contained within Clause 101, the proposal is considered satisfactory.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The aim of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) seek to protect the biodiversity value or trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The Vegetation SEPP applies to the subject site based on the zoning and proposed tree removal which requires Council's approval. Council's Tree Section have reviewed the proposed tree removal and are satisfied that subject to the proposed replacement trees, which result in a 40% canopy of coverage of the southern car park, the proposal satisfies the provisions of the Vegetation SEPP.

### **State Environmental Planning Policy No 55 – Remediation of Land**

State Environmental Planning Policy 55 – Remediation of Land aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development without considering whether the land is contaminated. If the land is contaminated, the consent authority must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

The subject site is identified as containing contaminated land as result of its use as a former service station site and associated underground fuel storage tanks located in the loading dock area. Previous approvals on the site, including DA-446/2017 and DA-447/2017 were approved subject to Stage 1 Preliminary Environmental Assessment report and Remediation Action Plan authored by Environmental Investigation Services. Noting the limited works proposed in the application that will have no disturbance through excavation works as well as the activation of those consents, the provisions of SEPP 55 are satisfied.

### **Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment**

The controls contained in the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (REP 2) apply to the subject site. REP 2 seeks to maintain, protect and improve the water quality of the Georges River and its tributaries, amongst other aims.

REP 2 contains a number of general and specific planning principles relating to matters of consideration including acid sulfate soils, bank disturbance, flooding, stormwater runoff, industrial discharges, land degradation, sewerage management, water quality and other principles which must be taken into account in the assessment of a DA.

Taking into account the specific and general principles of REP 2 and the water management

mitigation measures, it is considered that the proposal will not have an adverse environmental impact on the Georges River catchment.

### Canterbury Local Environmental Plan 2012

The subject site is zoned B2 Local Centre and SP2 Infrastructure (Car Park) under the provisions of Canterbury LEP 2012.

The objectives for the B2 Local Centre are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.*

The proposed alterations and reconfiguration of car parking arrangements on site will enable a more efficient use of the existing car park to support the existing range of retail, business and entertainment uses on the site and is considered to be in keeping with the objectives of the zone.

The proposal also includes works in the SP2 Infrastructure (carpark) zone. The objectives for the zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed development is ancillary to the use of the land as a carpark and will not detract from the provision of infrastructure and is in keeping with the objectives of the SP2 Infrastructure (carpark) zone.

The relevant clauses of the CLEP 2012 were taken into consideration in the assessment of the application as follows:

Standard	Requirement	Proposal	Complies
Zoning	B2 Local Centre and SP2 – Infrastructure (Car Park)	Alterations and additions to existing car park and introduction of new car parking arrangements	Permissible
4.3 Height of Buildings	The Height of Buildings Map does not specify a maximum height for the Site.	The proposal does not include any new structures apart from the installation of boom gates, auto pay stations and the like.	N/A
4.4 Floor Space Ratio	No maximum FSR specified	No change	N/A
Part 6 Local Provisions			



Standard	Requirement	Proposal	Complies
6.4 Flood planning	Minimise the impacts of urban stormwater on land and adjoining properties, native bushland and receiving waters.	The application has been reviewed by Council's Development Engineer who raises no issues with the proposal subject to conditions of consent.	Yes.

### **Development Control Plans [section 4.15(1)(a)(iii)]**

#### **Canterbury Development Control Plan 2012**

The proposed development has been assessed against the relevant requirements of the Canterbury Development Control Plan 2012 as follows:

- B1 Transport and Parking**

The proposed development compares to Part B - Transport and Parking of CDCP 2012 as follows:

Standard	Requirement	Proposal	Complies
<b>B1.3 Parking Provision Rates</b>			
B1.3.1 General Parking Rates	<p>1 space per 40m<sup>2</sup> GFA (&lt;120m<sup>2</sup> ).</p> <p>1 space per 30m<sup>2</sup> GFA (120m<sup>2</sup> – 1,000m<sup>2</sup> ).</p> <p>1 space per 22m<sup>2</sup> GFA (&gt; 1,000m<sup>2</sup> ).</p> <p>Visitor parking for shops (excluding local shops) shall be provided at the following rate: 80% of parking rate to be allocated for visitors and short stay parking. 20% of the parking rate is to be allocated for staff and long-stay parking.</p>	<p>The proposed alterations and additions displace 132 existing car parking spaces and create 132 new car spaces. The application does not include any new floor areas to the shopping centre building, therefore there will be no change to the parking demand or provision on the site as a result of the subject development.</p> <p>Total existing/proposed spaces on site: <b>3190 + 19 = 3,209 (inclusive of staff)</b> Staff: <b>750</b></p> <p>It is noted that as part of DA-447/2017 and DA-446/2017, a survey of the existing car parking and gross floor area was undertaken by the applicant and provided to Council to verify the amount of car parking onsite.</p>	<p>Yes.</p> <p><b>No* refer to [1] below.</b></p>
B1.3.2 Accessible	1 (one) accessible parking space per 50 parking spaces for employees;	A condition of consent has been imposed to maintain the	Yes *via condition.

Standard	Requirement	Proposal	Complies
Parking rates	1 (one) accessible parking space for visitors per 50 parking spaces where a car park has less than 500 spaces; 1 (one) additional accessible parking space per 100 parking spaces above 500 spaces for visitors; and be designed and constructed in accordance with AS 2890.1.	current number of accessible parking spaces on site.	
B1.3.3 Loading and Service Bay Provisions	The number of service bays required will be determined based on the merits of individual proposals.	The existing loading/unloading and service bays are not impacted by the proposed development	Yes.
<b>B1.4 Design and Parking Facilities</b>			
B1.4.1 General Design Requirements	<p>All parking, and associated infrastructure is to comply with Australian Standard 2890 Parking Facilities series</p> <p><u>Location of entries</u></p> <p>Do not locate entries to car parking or delivery areas:</p> <ul style="list-style-type: none"> <li>-Close to intersections and signalised junctions;</li> <li>-On crests or curves;</li> <li>-Where adequate sight distance is not available;</li> <li>-Opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a median);</li> <li>-Where right turning traffic entering may obstruct through traffic;</li> <li>-Where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or</li> <li>-Where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles.</li> </ul> <p><u>Aisles and Manoeuvring</u></p> <ul style="list-style-type: none"> <li>-Design internal aisles and roadways for low-speed traffic – less than 10km/h if heavy pedestrian use is expected.</li> <li>-Avoid long, straight internal roadways that might encourage high traffic. -</li> </ul>	<p>The proposed parking layout is generally compliant with the relevant Australian Standards. A condition of consent has also been imposed in this regard.</p> <p>The entry/exit points to the car parks remain generally unchanged with the exception of the southern car park where the driveway entry/exit is being re-located closer to the existing pedestrian crossing on Roselands Drive. A condition of consent has been imposed to re-locate the pedestrian crossing to avoid queuing of vehicles and for safety of pedestrians. This will ensure compliance with As1742.10-2009 and RMS Technical direction TDT 2011/01a as detailed by the applicant in the traffic report dated 9 November 2018. This condition is supported by Council's Traffic Engineer.</p> <p>Aisles and maneuvering are considered satisfactory by Council's Development Engineer.</p>	<p>Yes *via condition.</p> <p>Yes *via condition.</p> <p>Yes.</p>

Standard	Requirement	Proposal	Complies
	<p>Coordinate the location of turning areas and passing bays.</p> <p>-Provide on-site maneuvering so that all vehicles enter and leave the site in a forward direction.</p> <p>-Provide sufficient internal driveways at the entry to avoid on-street queuing of vehicles.</p> <p><u>Pedestrians</u></p> <p>-Pedestrian access and circulation routes within car parks shall be clearly visible, well lit, and located to minimise conflict with vehicle movements.</p> <p>-Incorporate measures to reduce potential conflict at crossing points such as:</p> <ol style="list-style-type: none"> <li>Footpath / road markings;</li> <li>Designated pedestrian crossings;</li> <li>Traffic calming devices;</li> <li>Low speed limit signs; and/or</li> <li>Bollards.</li> </ol> <p>-Clearly identify and ground mark pedestrian routes to lifts, staircases entrances/exits.</p> <p>-Avoid solid blank walls and fences along pedestrian walkways.</p> <p>-Provide adequate separation between vehicle entries and street intersections.</p> <p>-Separate the entry points for pedestrians and vehicles.</p> <p>-One-way ramps and driveways may be acceptable if developments would not generate a large number of hourly vehicle movements</p> <p>-If the size of a development or building would require two-way access to a basement, provide pairs of one-way ramps or driveways.</p>	<p>Council's Development Engineer and Traffic Engineer have reviewed the associated documentation and have raised no objections subject to conditions.</p>	Yes.

### **[1] Paid Parking, Long Term Parking and Staff Parking**

#### Proposal

Clause B1.3.1 requires that 80% of the car parking on site be allocated for visitors and short stay parking whilst 20% of the parking be allocated for staff and long-stay parking.

It is noted that there are currently no designated staff car parking areas on the site, however there is also no controlled / paid car parking limitations on site.

To support the proposed controlled parking scheme, several traffic and car parking assessment reports and supporting statements, prepared by Colston Budd Rogers & Kafes Pty Ltd, have been provided. The traffic reports stipulates that the reconfiguration of the car parking layout and pedestrian egress will satisfy the relevant Australian Standards and RMS Technical direction (related to the pedestrian crossing). In terms of the layout and traffic implications, the reports have been reviewed by Council's Traffic Section who are satisfied, subject to conditions.

3,209 parking spaces are available at Roselands Shopping Centre. A total of 750 staff parking spaces will be provided on site. The proposed car parking layout proposes staff parking in the form of 'soft nesting' and 'hard nesting' areas as detailed in the Colston Bud Rogers & Kafes Traffic Report dated 8 November 2018. Hard nested areas are for staff only, whilst soft nested areas allow both staff and customers to park in that area:

- 595 hard nested staff parking, distributed:
  - 164 spaces - western at-grade parking areas
  - 131 spaces - basement level of western multi-deck car park
  - 300 spaces - southern car park
- 155 soft nest staff parking (shared staff and customer parking area)
  - Located on level 5 of the western multi-deck car park

The soft and hard nested areas serve to control where staff park on the site, not necessarily enabling an unlimited (i.e free) long stay parking. The length of stay is controlled through the proposed ticketing system which will allow staff free parking for the first 4 hours, then a flat rate \$4.00 for the day. Staff will be required to register their vehicle to receive the staff rates.

Notwithstanding the above, there are some conflicting details between the reports:

- The (staff) Impact Assessment Report authored by Urbis states that staff will receive four hours free than a \$4 flat rate thereafter;
- PoM dated May 2019 states a \$4 flat rate;
- Colston Budd Rogers & Kafes Pty Ltd Traffic Report dated 9 November 2018 states that a concessional rate of \$4 per day will be applied.

Given the reliance on *Westfield Miranda v Sutherland Council* [2011] (discussed below), the assessment of the application has adopted the staff fee structure proposed in the Impact Assessment of a 4 hour free period and \$4 flat rate thereafter. Staff are required to register their vehicle with the car parking operator to access the free / concessional parking rates.

### Impacts

The applicant has submitted an Impact Assessment on Staff Parking report authored by Urbis which states that *'the objective of the car park control system is to enhance security, improve car park efficiency and ensure the turnover of shopper parking spaces'*. The report cites a Land and Environment Court Judgement for a similar matter involving *Westfield Miranda v Sutherland Council* [2011], where Commissioner Tuor accepted the following evidence in reaching a conclusion that paid parking was acceptable:

- *Placing a fee on parking can act as a disincentive to the use of the parking spaces. The extent depends upon the amount of fee and when it occurs.*
- *The provision of parking plays an important role in 'shopper psychology'. This includes not only the number of spaces but also where they are located, particularly their proximity to convenient entry points into the shopping centre.*
- *65% of shoppers leave within 2 hours, 90% leave within 3 hours and 97% leave within 4 hours.*
- *The applicant's objectives of preventing staff from parking in the car spaces near entry points and limiting long stay parking can be achieved by charging a fee for visitor parking and providing designated staff parking areas. Such a fee must be triggered within the minimum shift period (3 hours) and must be sufficiently greater than any fee charged for staff parking. A fee on staff parking is not required to meet this objective.*
- *The introduction of staff and visitor fees will result in some cars no longer using the parking provided on site and parking in surrounding streets, however, the extent of displacement is unclear.*
- *If a fee is imposed on staff parking, staff will either pay the fee, catch public transport, park in the street or be driven to work. Their choice will depend on their ability to pay the fee and the convenience of other options, including time.*
- *The displacement of cars into surrounding streets adversely impacts on the amenity of residents and does not meet the objective of the DCP for parking.*
- *There are no demographic indicators that suggest Sutherland or the workforce of Westfield are disadvantaged.*
- *75% of staff at Westfield live within the Sutherland LGA. 68% of workers in the travel zone drive to work.*
- *A fee of \$4 per day would have a severe adverse impact on workers who earn less than \$40,000 per year, if this is their sole source of income.*

In summary, the concerns expressed in the Judgement revolved around the paid parking impacts of staff parking and not the impacts from customers.

To determine what impacts would be incurred by charging staff a car parking fee, the Commissioner reviewed demographic factors relating to the Sutherland area and Westfield Shopping Centre workforce. As shown above, these factors included that 75% of the workforce lived in the LGA, a dominant part time / casual workforce of the shopping centre and relative demographics of the Sutherland workforce who were not primarily reliant on an income of less than \$40,000 per year.

The Impact Assessment Report dated 1 November 2018 stipulates that Roselands Shopping Centre and the Canterbury Bankstown Local Government Area has some similar social and workforce indicators as Miranda Westfields the Sutherland LGA. The report also compares the LGA against the medians of the Greater Sydney Statistical Area:

- 50.5% of the retail workforce live in the LGA;
- 20% of retail workers were classified as part-time (less than 15 hours work per week);
- 18% of retail workers were classified as full-time (35-39 hours per week);
- The median income of retail workers in the LGA is above the Greater Sydney average;
- However the overall median household income is lower (applicant states \$1,437 whilst

- 2016 Census QuickStats states \$1,298) than Greater Sydney (\$1,988);
- 77% 'family' household composition and therefore not solely reliant on a single retail income;
- Relatively moderate level of disadvantage of LGA (top 40% of NSW Local Government Areas);
- Dominant travel to work by private vehicle 64.4%, though public transport options include a bus interchange at Roselands Shopping Centre.

Whilst there are some similarities between the two LGA's, overall the demographic data shows that the Canterbury Bankstown LGA is at more of a disadvantage than the Sutherland LGA. Accordingly, the principles applied in the Judgement are relevant in assisting in the assessment of the impacts of paid parking for staff.

The Judgement relevantly states the following:

*There is no need to charge staff a parking fee to achieve the objective of relocating staff parking away from prime positions, provided a sufficient fee is introduced for shoppers at a time prior to the minimum staff shift (3 hours plus time to access their place of work). The introduction of a fee for staff parking may encourage some staff to use public transport. Equally, the introduction of a fee may result in some staff parking on streets or paying the fee. The choice will depend on factors such as availability, cost and time. In assessing the economic and social impacts of a fee, no definite conclusions can be drawn from the evidence as to the likely choice that would be made and therefore the likely displacement of cars into surrounding streets...*

*To mitigate the potential for staff to park in surrounding streets, it is reasonable that no fee be charged for the period of the minimum shift (plus a reasonable period to walk to and from the parking space to the place of work). I therefore find that staff parking should be freely available for a minimum period of four hours after which time a fee may be charged.*

The proposed 4 hours free parking for staff aligns with the findings of this case which will allow the period of the minimum shift plus a reasonable period to walk to and from the parking space to the place of work. For minimum shift workers, this free period would therefore not impact on their income.

Staff working longer than a minimum shift would need to pay a \$4 flat fee. Where the Sutherland LGA relied on a major train station, Roseland Shopping Centre is located within a residential area and is serviced by buses (though noting that the Centre operates as a bus interchange).

The Canterbury Bankstown LGA has an overall lower household median salary against the comparison Sutherland LGA and Greater Sydney Area. However, the median salary is above the threshold of concern for the Commissioner, where imposing a fee may cause adverse financial barriers for very low incomes.

There is a risk that staff working over three hours will seek to park outside of the shopping

centre to avoid the fee. In turn, this might create on-street car parking impacts to nearby residential streets. These impacts cannot be quantified outside the implementation of the paid parking scheme.

Council's Team Leader Traffic has reviewed the proposed development and has recommended that a trial period and conditions of consent regarding parking surveys be imposed to monitor the impacts on the surrounding streets. To quantify whether an increase is attributable to staff, customers or other commuters who visit the area, a staged trial condition has been agreed by Council and the applicant (details provided further below).

This, together with other conditions relating to queuing, pedestrian crossings and staff parking allocation have been included in the recommendations of this report.

It was further noted by the applicant that other shopping centres in the Greater Sydney area charged the following staff fees:

- Westfield Hurstville - \$5 regardless of length of stay
- Westfield Burwood - \$6 regardless of length of stay
- Westfield Liverpool - \$5 regardless of length of stay

With a view of the above factors, it is considered that the impacts on staff are consistent with the evidence of the Judgement, demographics of the areas and consistent with other shopping centres in the Greater Sydney area; subject to recommended conditions of consent and satisfactory trial period (discussed directly below).

In addition, people with disabilities and seniors have been provided with unlimited free parking. Conditions of consent have been recommended in this regard, in addition to the inclusion in the PoM.

#### Traffic Impacts and Trial

The most likely impacts from the proposal revolve around staff parking in nearby residential streets in order to avoid paying the \$4 flat fee for over four hours of parking. As this is an unknown potential future impact, the applicant is unable to quantify if staff parking in the street would be inconvenient to the point of discouragement; or if staff that work for more than four hours would be willing to pay the fee.

As a result, the applicant has agreed to a trial period to determine any unreasonable on street car parking impacts to surrounding residential streets. The trial period will require the applicant to undertake parking surveys, to be staged as follows:

- Before the installation of the systems;
- Three months after the installation of the systems – during a free staff period; and
- Six months after the installation of the systems – during staff paid period (\$4).

A Section 4.55 modification application is required at the end of the trial, to be accompanied by the stipulated parking surveys. If the parking surveys reveal unreasonable increase in



residential on-street carparking and / or if Council is in receipt of a high level of complaints, appropriate mitigation methods would be required. This may include the provision of free staff parking.

On the basis of a trial period to provide more certainty regarding the impacts, the proposal is consistent with the objectives of the Part B Transport and Parking of the CDCP 2012.

- **Part B2 and B3 Landscaping**

The proposal does not involve alterations to existing landscape areas with the exception of the removal of trees in the southern car park to make way for car parking and the new entry/exit arrangements. This will be off-set with planting of replacement trees which will result in an increase tree canopy on the site.

Council's Team Leader – Tree Management has reviewed the proposal and has raised no objections subject to conditions of consent. The proposal generally meets the objectives and controls of the Parts B2 and B3 of the CDCP 2012.

- **Part B4 Accessible and Adaptable Design**

The proposed works do not alter the developments obligations to meet the Disability Discrimination Act 1992, Disability (Access to Premises) Standards 2010, Building Code of Australia and other requirements of Part B4 of the CDCP 2012. Appropriate conditions of consent have been included to ensure compliance with the legislation and controls as necessary including there being no net loss of any disabled car parking spaces on site.

- **Part B5 Stormwater and Flood Management**

Council's Development Engineer has reviewed the proposal and raises no concerns, subject to conditions of consent.

- **Part D Business Centres and Part D3 Roselands Shopping Centre**

Part D3 of CDCP 2012 states that only some of the controls in Part D Business Centres may apply, due to the specific size and built form nature of Roselands Shopping Centre. Part D3 therefore provides more specific controls for the Shopping Centre and in particular controls the built form outcomes and access into the site. Whilst the proposal seeks approval for traffic related matters, the access points to the centre as described in Part D of the CDCP 2012 remain largely unchanged. The proposal therefore generally complies with the few relevant controls found in Part D.

### **Canterbury Development Contributions Plan 2013**

In accordance with the provisions of the Canterbury Development Contributions Plan 2013, Section 7.12 contributions plan apply to the proposed development on the subject site. The proposed development attracts a contribution of \$24,546.76 under Section 7.12 Contributions. Having regard to the provisions of the Plan, this is required to be paid prior to



the issue of a Construction Certificate. A condition has been imposed in this regard.

**Any planning agreement that has been entered into under Section 7.4 or any draft agreement offered under Section 7.4 [Section 4.15(1)(a)(iia)]**

There are no planning agreements or draft planning agreements that are applicable to the subject proposal pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979.

**The provisions of the regulations [Section 4.15(1)(a)(iia)]**

The relevant provisions of the regulations have been generally considered and conditions of consent imposed where required. Any demolition works requires specific consideration of the Australian Standards 2601 – 1991 *Demolition of Structures* as per Clause 92 of the Environmental Planning and Assessment Regulation 2000. Appropriate conditions of consent have been included to address Clause 92.

**The likely impacts of that development Section 4.15(1)(b)**

Section 4.15(1)(b) requires Council to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The proposed parking scheme retains the existing amount of car parking, regenerates some of the dated car park areas and provides increased canopy coverage to the southern car park.

The potential impacts on staff have been taken into consideration in this assessment in line with similar Land and Environment Court findings regarding social impacts of paid staff car parking, and associated time and costs have been imposed in the conditions of consent. The trial period will allow data driven mitigation measures in order to balance on-street car parking impacts from the development and the reasonable needs of residents.

The likely impacts environmental, social and economic impacts from the development have been considered and are acceptable for the reasons set out in this report.

**National Construction Code**

The development application has been reviewed and assessed by Council's Building Surveyor who has raised no objection to the proposal, subject to appropriate conditions being imposed, including a condition that full compliance with the National Construction Code is to be achieved.

**Sediment and Erosion Control**

Standard conditions are included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre-construction phase and during the construction phase of the development.

**The suitability of the site for the development [section 4.15(1)(c)]**

The subject site is currently utilised as a Shopping Centre. The potential impacts from the proposal primarily relate to parking and egress, which have been addressed to the satisfaction of Council's development engineer. In particular, the installation of boom gates will only be installed on exit and not entry, thereby minimising queuing and traffic impacts.

In order to determine the potential impacts of the paid parking for nearby residential streets, a trial period has been imposed. As discussed previously, the potential impacts on residential neighbours may be from staff parking outside of the shopping centre. For this reason, a staggered trial period with parking surveys has been recommended to determine unreasonable impacts and future mitigation measures, if required, at the end of the trial.

On the basis of the above, the subject proposal is therefore considered suitable for the site.

**Any submissions made in accordance with this Act or the Regulation [section 4.15(1)(d)]**

The subject application was both advertised and notified for an extended period of time due to the proximity to the Christmas period, from 6 December 2017 to 19 January 2018 and 21 November to 12 December 2018. 10 submissions were received which raised the following issues:

**Objection: Too many notification letters**

Comment: The application was lodged at the same time as two other development applications for the same site which required multiple letters.

**Objection: Safety of staff parking areas**

Comment: The proposed staff parking areas are within the current car parking areas, where staff are currently able to park anywhere within the development. There are various proposed hard nested and soft nested locations for staff to park, all of which are within the realm of the current car park.

**Objection: Adequacy of parking spaces for staff**

Comment: A total of 750 car spaces have been provided for staff carparking, which is considered adequate. The proposal is subject to a trial. If the trial period shows that there is inadequate car parking for staff, the number of staff car parking spaces can be revised.

**Objection: Impacts from the cost of staff parking – seeking free parking, maximum cost of \$3 with rises no more than CPI, free period of 4-5 hours.**

Comment: The proposal has been amended to include a free period of four hours and a flat fee of \$4. This will be subject to a trial period to determine if staff parking occurs on the site or overflows into the residential streets. A detailed response to this issue can be found in the traffic and parking section of this report under the Canterbury Development Control Plan 2012.

A condition of consent has been recommended to restrict staff parking to a flat fee of \$4 after four hours.

**Objection: Traffic / Impact on Residential Streets / Loading Dock**

**Comment:** The proposal itself will have very little traffic impact on the road network, as boom gates are not proposed for entry into the car parking areas.

A detailed discussion on the potential residential street impacts can be found under the Canterbury Development Control Plan 2012 section of this report.

Concerns regarding the loading dock were related to DA-446/2017 and DA-447/2017 and not the subject application.

**Objection: Noise / traffic / rubbish / security / privacy / vandalism from completely opened southern carpark**

**Comment:** It is acknowledged that the part of the southern car park has not been completely utilised or has been fenced by cyclone fencing. Notwithstanding, the area has long standing approval to operate as a carpark and does not require further approval to do so. Operational issues relating to traffic, rubbish, security, privacy, noise and vandalism were matters of consideration when the carpark was previously approved.

As a result of the application, there may be increased activity, though it is noted that the carpark is the least convenient for users and staff of the shopping centre. In this respect, additional lighting has been proposed for these areas. There is a careful balance required between lighting the area, maintaining amenity for the residents and not creating lit areas for congregation (and additional noise).

A Plan of Management has been prepared which provides details for noise complaints and light pollution management in order for Roselands Shopping Centre to resolve potential issues in consultation with residents. Conditions of consent have been recommended to ensure that the lights do not face residents and include black out zones for these neighbours. Further, conditions of consent have been recommended for hours of operation of the carpark to be within one hour of the shopping centre's hours of operation (operating hour are 6am – midnight).

**Objection: Cyclone Fence to Raymond Avenue**

**Comment:** Any replacement or retention of fences are a matter between neighbours and do not form part of this application.

**Objection: Environmental Concerns / Urban Heat Island Effect and Landscaping / Trees**

**Comment:** The subject site already contains a large hardstand car park and no increase is sought to the hardstand area. The proposal includes the removal of four trees in the southern carpark. On the basis of the concerns raised by the submission and Council's tree offers, these will be replaced by an increased amount of

trees which will result in a 40% canopy coverage of the southern car parking area as per the amended drawing Canopy Coverage Plan SC\_101 Revision A.

**Objection: No reason for paid parking**

Comment: The proposal for paid parking is a commercial decision for the shopping centre operator and not a relevant matter of consideration for the development application.

**Objection: Suggestion to allocate parking for staff**

Comment: The proposal has incorporated 750 staff parking spaces.

**Objection: Increase in trolleys on residential streets**

Comment: For the reasons set out in the parking discussion under the Canterbury Development Control Plan 2012 section of this report, it is unlikely that trolley dumping will substantially increase as a result of customers parking in residential streets.

**The public interest [section 4.15(1)(e)]**

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and by the consent authority ensuring that any adverse impacts on the surrounding area and environment are avoided. The public interest is considered to have been achieved in so far as the development has adequately balanced the needs of the proposed development, incorporation of a free customer and staff parking period as well as free parking for seniors and persons with disabilities. Subject to a trial, the proposal does not unreasonably impact on the overall amenity of the locality and will instead have increased landscaping and tree canopy coverage on the existing southern carpark.

**CONCLUSION**

The development application has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012 and the relevant codes, plans and policies. Given the assessment above, it is considered that the development application can be supported.

**RECOMMENDATION**

That the development application DA-444/2017 be **APPROVED** for an 18 month trial period subject to conditions set out in Attachment B.

## 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-444/2017, accompanied by the Drawings as listed in the tables below, dated 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.	Drawing Title	Issue	Dated	Prepared by
DA3-C30	Controlled Parking - Notes Sheet	P8	20 February 2019	Taylor Thomson Whitting
DA3-C31	Controlled Parking – Erosion and Sediment Control Plan	P6	20 February 2019	Taylor Thomson Whitting
DA3-C32	Controlled Parking – Overall Plan	P6	20 February 2019	Taylor Thomson Whitting
DA3-C33	Controlled Parking – Sheet 1 of 6	P6	20 February 2019	Taylor Thomson Whitting
DA3-C34	Controlled Parking – Sheet 2 of 6	P8	20 February 2019	Taylor Thomson Whitting
DA3-C35	Controlled Parking – Sheet 3 of 6	P8	20 February 2019	Taylor Thomson Whitting
DA3-C36	Controlled Parking Sheet 4 of 6	P11	22 May 2019	Taylor Thomson Whitting
DA3-C37	Controlled Parking – Sheet 5 of 6	P9	20 February 2019	Taylor Thomson Whitting
DA3-C38	Controlled Parking – Sheet 6 of 6	P6	20 February 2019	Taylor Thomson Whitting
DA3-C34	Details Sheet	P5	20 February 2019	Taylor Thomson Whitting
SC_000	Cover Sheet	A	22 May 2019	Site Image Landscape Architects
SC_101	Canopy Coverage Plan	A	22 May 2019	Site Image Landscape Architects

Drawing No.	Drawing Title	Issue	Dated	Prepared by
SC_501	Landscape Details	A	22 May 2019	Site Image Landscape Architects
SC_502	Landscape Details	A	22 May 2019	Site Image Landscape Architects
S26033-0442_SK02	Lighting Design	01	19 June 2018	NDYLight Lighting Design
S26033-0442_SK02-1	Lighting Design	01	19 June 2018	NDYLight Lighting Design
S26033-0442_SK02-2	Lighting Design	01	19 June 2018	NDYLight Lighting Design
S26033-0442_SK02-3	Lighting Design	01	19 June 2018	NDYLight Lighting Design

Where there are inconsistencies between the plans, the latest issue plans must prevail.

Document	Prepared By	Date Prepared
Light Pollution Advice	NDYLight Lighting Design	15 May 2019
Light Spill Statement	Norman Disney & Young	20 June 2018
Plan of Management	Vicinity Centres	May 2019
Travel Plan	Urbis	-
Traffic and Parking Report	Colston Budd Rogers & Kafes Pty Ltd	November 2017
Traffic Parking Statement	Colston Budd Rogers & Kafes Pty Ltd	9 November 2018
Waste Management Plan	Cleanaway	14 November 2017
Demolition Work Method Statement – Managed Carparking	Compass Project Management	10 November 2017
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	2 November 2018

Where the Recommendations require an action to be undertaken (including, but not limited to the submission of a plan or report), details must be provided to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate or Occupation Certificate, as appropriate.

- 3) This approval is limited to a period of 18 months from the issue of any occupation certificate issued for this consent, after which time further use for controlled parking will require a Section 4.55 modification or further development consent from Council. An application must be made to Council for consideration within three months of the end of the trial period, to be supported by appropriate information. If an application is submitted with appropriate documentation within this time (and requests for further information are addressed in the time limits imposed by the Council) the use may continue in accordance with this consent until the application is finally determined by

the Council or the NSW Land and Environment Court on appeal.

4) Before and during the trial period:

- a) Parking surveys are to be carried out on the surrounding street network before the installation of the systems;
  - then three months after the installation (during the staff free parking period) and;
  - again six months after installation with staff charged at a concessional rate of \$4.00 per day, to assess the impact on the surrounding residential street network parking;
  - The area to be included is Daisy Street, Martin Street, Karne Street, Chick Street, Raymond Avenue, Diana Avenue, Robin Place, Violet Street, Penshurst Road, King Georges Road, Payten Avenue, Stephenson Street, Pineview Avenue, Canterbury Road, Roseview Avenue and Draper Avenue.
- b) Methodology of parking surveys are to be provided to Council.
- c) Any additional parking and/or traffic management controls required as a result of increased on-street parking are to be provided at no cost to Council.
- d) A Complaints Hotline shall be maintained by the Proponent to be active during the eighteen month trial period so that comments and complaints can be received. All complaints shall be recorded (including the name and contact details of the complainant and the reason for the complaint) and the complaint shall be investigated within 7 days. Every complaint received and the conclusion of the investigation of that complaint shall be recorded and submitted to Council within 7 days of action being taken. Contact details must be provided online on the Roselands Shopping Centre website for complaints by email and phone. The Plan of Management must be amended to comply with this condition.

5) The development must operate in accordance with the Plan of Management dated May 2019 authored by Vicinity Centres, except where amended by conditions of consent. In the event that the Plan of Management and the condition of this consent are in conflict, the conditions of this consent prevail.

6) The following fee structure applies for staff, senior and disabled parking and must not be modified. The Plan of Management must be amended in accordance with this condition:

Disabled Parking (valid mobility permit holders)	Free
Seniors (pension card holders)	Free
Staff of the Centre	Free for the first four hours and a flat fee of \$4 for over four hours.

7) Prior to the issue of a construction certificate the plans are to be amended to show line-marking on Roselands Drive adjacent to the southern car park entry/exit with lettering



'KEEP CLEAR' to enable entry/exit movement to the car park in the event that vehicles are queued on Roselands Drive.

- 8) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development".
- 9) The landscape plans must be amended to demonstrate the details of the strata cell construction. Amended plans must be provided to Councils tree section for approval prior to the issue of a construction certificate.
- 10) All replacement trees shall be a minimum of 400 litre container size and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use. The landscape plan must be amended accordingly prior to the issue of a construction certificate.
- 11) Any disabled parking spaces affected by the development must be replaced resulting in no net loss of total car parking spaces throughout the car parks. A parking survey with associated details must be proposed to the PCA prior to the issue of construction certificate.
- 12) Any structures installed in the open car parks not exceeding 8m in height (including boom gates in open form).
- 13) No boom gates are to be installed upon entry of car parks to ensure efficient movement of traffic and avoid queuing of vehicles.
- 14) Any lighting on the site, particularly the southern car park, shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting must comply with relevant standards, including AS4282 – Control of the Obstructive effects of Outdoor Lighting. Where a complaint from affected residences is received, the Proponent must engage in mediation with the resident to resolve the complaint.
- 15) There must be no light spill to adjoining residents from the southern carpark.
- 16) The operation of lighting in the southern carpark must be dimmed to 50% from 11pm to sunrise as recommended in the NDYLight Report dated 15 May 2019.
- 17) The operation of the southern car parking is restricted to 5am to 1am.

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

- 18) 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.

- 19) 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.

- 20) The Arboricultural Impact Appraisal and Method Statement (Scales, 23/5/2018) identifies 4 x trees to be removed.

Approval is granted to the removal of the 4 x trees (2 x *Eucalyptus scoparia*; 1 x *Casuarina cunninghamiana*, 1 x *Eucalyptus microcorys*) subject to replacement planting at the standard rate of 3:1.

- 21) Arboricultural Impact Appraisal and Method Statement (Scales, 23/5/2018) identifies 24 x trees to be potentially adversely impacted due to works within their respective Tree Protection Zones (TPZ).

- 22) In respect of the potential adverse impacts on the remaining trees on site, the applicant shall appoint a project arborist to implement tree protection measures as per Arboricultural Impact Appraisal and Method Statement (Scales, 23/5/2018).

- 23) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Canterbury Development Control Plan 2012, and submitted to the certifying authority for approval prior to the issue of a construction certificate.

- 24) 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.

- 25) 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.

- 26) This condition has been levied on the development in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The amount of the contribution (as at the date of this consent) has been assessed as \$24,546.76. The amount payable is based on the following components:

Contribution Element 2013	Contribution
• Section 7.12 Contributions	\$ 24,546.76

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

The Development Contributions Plan 2013 may be inspected at Council's Campsie Customer Service Centre, 137 Beamish Street, Campsie or from Council's website [www.cbcity.nsw.gov.au](http://www.cbcity.nsw.gov.au). A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

- 27) 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.
- 28) A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The stormwater design must be prepared in accordance with Council DCP2012 part B5. The plans must specify that any components of the existing system to be retained must be checked during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development, and be replaced or upgraded if required. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
- 29) 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.
- 30) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 31) 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.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

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 "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

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

- 32) 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.

- 33) 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 commencing any work in the public roadway, where one or more of the following will occur:

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.

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.

- 34) 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.

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](http://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.

- a) A Trade Waste Agreement shall be obtained from Sydney Water prior to the

discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

- 35) 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 Canterbury Development Control Plan 2012 Part B5. The existing system shall be upgraded or replaced as necessary to comply with the requirements above.
- 36) 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**

- 37) 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 / 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.
- 38) 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.

- 39) 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.
- 40) 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.
- 41) 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.
- 42) 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.

- 43) 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.
- 44) 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.

#### **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 45) The hours of site works shall be limited to between 7.00am and 5.00pm on weekdays and on Saturdays. No work shall be carried out on Sundays and public holidays.

- 46) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 47) 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.
- 48) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 49) 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.
- 50) 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.
- 51) 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.
- 52) 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.
- 53) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. 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.
- 54) 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.

#### **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 55) The operation of the controlled paid parking must not be commenced unless an occupation certificate has been issued for the works.
- 56) Any Occupation Certificate must 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.
- 57) Landscaping must 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 must be maintained for the life of the development.
- 58) 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.
- 59) If a Work Permit was required for any work within the public roadway, then a Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

#### **ONGOING USE OF THE DEVELOPMENT**

- 60) The Plan of Management authorised by Vicinity Centres dated May 2019 must be maintained at all times.
- 61) A minimum of 750 staff parking spaces must be maintained at all times.
- 62) The development subject to this consent must wholly comply with all requirements of the Disability Discrimination Act 1992, Disability (Access to Premises – Buildings) Standard (2010), National Construction Code, AS1735.12: Lifts, Escalators and moving walks and Part 12: Facilities for persons with disabilities, at all times.
- 63) The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, light pollution, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
- 64) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A)

above the existing background LA90 level (in the absence of the noise under consideration).

- 65) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

-END-