

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON MONDAY 5 AUGUST 2019

PANEL MEMBERS

PRESENT: Mr Anthony Hudson -Chairperson
Ms Jan Murrell - Chairperson / Expert Member
Mr Richard Thorp AM- Expert Member
Ms Kayee Griffin - Community Representative Canterbury

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Mr Ian Woodward (Manager Development, not present for the closed session)
Ms Robyn Winn (Coordinator Governance, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)
Ms Casandra Gibbons (Senior Planner, not present for the closed session)
Mr Daniel Bushby (Team Leader Planning West, not present for the closed session)
Mr Aidan Harrington (Town Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the reports and the recommendations from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) and determining the development applications.

APOLOGIES

There were no apologies received.

DECLARATIONS OF INTEREST

The Chairperson advised that all Panel Members had submitted written Declarations of Interest returns prior to the meeting.

The Chairperson also asked the Panel if any member needed to declare a conflict of interest in any of the items on the agenda. There were no declarations of interest.

CBLPP Determination

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **Monday 29 July 2019** be confirmed.

DECISION

- 1 **5 FRENCH AVENUE, BANKSTOWN: DEMOLITION OF EXISTING SITE STRUCTURES AND CONSTRUCTION OF AN ELEVEN STOREY MIXED RESIDENTIAL/COMMERCIAL FLAT BUILDING COMPRISING OF 81 RESIDENTIAL UNITS AND BASEMENT CAR PARKING. S4.55(2) AMENDMENT: EXTENSION TO LEVEL 01 RETAIL AREA.**

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

There was no public address for this item.

Panel Assessment

Ms Kayee Griffin was the community Panel member present for the deliberation and voting in respect to this item.

The Panel agrees with the matters raised in the report and the recommendation.

The Panel is of the opinion that the pedestrian entry is unsatisfactory and should be retained as per the previous approved modification/plans. In the Panels opinion the pedestrian entry and access to the lift area is already compromised in its design especially in relation to the meandering awkward access to the lift lobby.

Enclosing the pedestrian access area would remove the opportunity for open and clear pedestrian access to the units.

It will be a matter for the Councils Compliance department as to what action should be taken in relation to the construction of the various walls that have been constructed without the necessary consent or contrary to the current consent.

CBLPP Determination

THAT Development Application DA-738/2015A RE: Demolition of existing structures and construction of an eleven storey mixed residential/commercial flat building comprising of 81 residential units and basement car parking. S4.55(2) Amendment: Extension to level 01 retail area be **REFUSED** in accordance with the Council staff report recommendation, subject to the following amendments to the reasons for refusal:

1. The entry to the 81 units is further compromised by the proposed modification as it results in an access way without a clearly visible lobby entrance to the residential units.
2. The development fails to comply with the provisions of Clause 4.4 and 4.4A of Bankstown Local Environmental Plan 2015 and (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
3. The site is not suitable for the development as proposed (Section 4.145(1)(c) of the Environmental Planning and Assessment Act 1979).
4. The development is not in the public interest (Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).

Vote: 4 – 0 in favour

DECISION

2 30 OMEGA PLACE, GREENACRE: CONVERSION OF EXISTING DOUBLE GARAGE AT REAR INTO A SECONDARY DWELLING AND CONSTRUCTION OF A CARPORT.

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

There was no public address for this item.

Panel Assessment

Ms Kayee Griffin was the community Panel member present for the deliberation and voting in respect to this item.

The Panel agrees with the recommendation and the matters raised in the report.

The Panel has noted and considered the Clause 4.6 objection for the variation to the height requirements of clause 4.3 (2B)(a) of Bankstown LEP 2015 and the comments relating to this objection contained in Councils report and is in agreement that the development standard can be varied.

The Panel is satisfied the Clause 4.6 variation has adequately addressed the matters in required to be demonstrated in Clause 4.6(3)

The Panel is satisfied that the proposed development will be in the public interest in accordance with Clause 4.6(4)(a)(ii).

CBLPP Determination

THAT Development Application DA-331/2019 RE: Conversion of existing double garage at rear into a secondary dwelling and construction of a carport be **APPROVED** in accordance with the Council staff report recommendation, subject to the following conditions:

Conditions of Approval

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act, 1979 or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979. Any application for a review of

determination pursuant to Division 8.2 must be received, assessed and determined by Council within six months after the date of receipt of this Notice.

4. Sections 9.37 and 9.50 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

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-331/2019, submitted by Klaus Carson Studio 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	Revision	Dated	Prepared by
DA_1.01	Plan_Site, Analysis & Sediment Control Plan	5	10/07/19	Klaus Carson Studio
DA_1.03	Plan_Ground Floor_Existing & Proposed			
DA_2.01	Elevations_Existing, Demo & Proposed			
DA_3.01	Section_SC01_Proposed			
DA_				

The development plans shall be amended as follows:

- a) The ground level along the southern boundary shall be excavated to a level of RL 57.74 AHD as marked in red on the approved plans. All construction certificate plans shall be consistent with the requirement.
- b) The ground level for the proposed excavation along the eastern side of the development shall be RL 57.74 AHD as marked in red on the approved plans. Construction certificate plans shall be consistent with this requirement.
- c) The finished floor level of the secondary dwelling shall be amended to be a minimum of RL 57.90 AHD, as marked in red on the approved plans. All construction certificate plans shall be consistent with this requirement.

- d) The laundry shall be amended so as it is capable of accommodating a washtub and space for a washing machine. Construction certificate plans shall be consistent with this requirement.

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:

- 3) 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.
- 4) 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.
- 5) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 6) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.

- 11) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 12) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) Repair of any damage to the public road including the footway occurring during development works.
 - b) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,

- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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

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

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

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

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

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

- 14) Stormwater runoff from all areas proposed for development shall be collected and connected to the existing stormwater system within the site, subject to the existing system being evaluated by a qualified professional Civil Engineer and found to be structurally adequate and to have the required hydraulic capacity, as required in Council's Development Engineering Standards. The existing system shall be upgraded or replaced as necessary to comply with the requirements above.

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

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING

- 15) 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.
- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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.

- 20) 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.

- 21) 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.
- 22) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 23) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a) in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
 - b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 24) 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.

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

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

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

- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 26) 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.
- 27) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 28) 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.
- 29) 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.

- 30) The existing internal stormwater drainage system, and the stormwater drainage system draining the site shall be cleaned out, tested for leaks and repaired as necessary. A licensed plumber is to certify that the work has been carried out.
- 31) 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.
- 32) The carport is approved as an open structure only and shall not be enclosed by a wall, roller door or similar obstruction for the lifetime of the development.
- 33) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 34) 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.
- 35) 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.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 36) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 37) 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.
- 38) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 39) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not

permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.

- 40) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

SCHEDULE A: ADVICE TO APPLICANTS

Inspection of building works shall be undertaken as determined by the PCA. If Bankstown Council has been nominated as the PCA then details of inspection type and number required will be determined prior to the issue of a construction certificate.

Where a combined development consent is issued for demolition of buildings and construction of new work, a Construction Certificate must be obtained for the work, including demolition.

Also, before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance to nearest cross street) for underground utility services information for any excavation areas.

Vote: 4 – 0 in favour

DECISION

- 3 73-75 BRANCOURT AVENUE, YAGOONA: DEMOLITION OF EXISTING ALLOTMENTS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 17 APARTMENTS AND BASEMENT CAR PARKING.**

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

The following people were present at the meeting in relation to this item to answer any questions:

- Ari Rannaste – Architect (representing applicant)
- Allan Caladine – Town Planner (representing applicant)

Panel Assessment

Ms Kayee Griffin was the community Panel member present for the deliberation and voting in respect to this matter.

The Panel agrees with the recommendation for approval. The primary issue for consideration by the Panel is the specific isolation of number 71 Brancourt Avenue. Number 69 Brancourt Avenue has been substantially redeveloped with a large dual occupancy and in the Panels opinion this is unlikely to be redeveloped in the short, medium or long term.

The Panel is advised by the Council staff and accepts that appropriate offers of purchase have been made by the developer to number 71 Brancourt Avenue and appropriate documentation including valuation evidence has been provided to Council indicating that the owner of number 71 Brancourt Avenue does not wish to sell.

There is a substantial residential dwelling on number 71 Brancourt Avenue and it is therefore unlikely that this site will be redeveloped in the future in accordance with the R4 zone.

The Panel is of the opinion that the development site can be redeveloped without amalgamation with number 71 Brancourt Avenue.

The Panel also notes that attempts have been made to purchase number 77 Brancourt Avenue and the owner of number 77 Brancourt Avenue does not wish to sell and again appropriate documentation has been provided to indicate this.

Therefore, the Panel is of the opinion that the application can be approved subject to some amendments to conditions relating to landscaping, street trees, a communal drying area and other minor matters.

The Panel has noted and considered the Clause 4.6 objection for a variation of the lot size in clause 4.1B(2)(b) of the Bankstown LEP 2015 and the comments relating to this objection contained in Councils report and is in agreement that the development standard can be varied.

The Panel is satisfied the Clause 4.6 variation has adequately addressed the matters in required to be demonstrated in Clause 4.6(3)

The Panel is satisfied that the proposed development will be in the public interest in accordance with Clause 4.6(4)(a)(ii).

CBLPP Determination

THAT Development Application DA-723/2018 RE: Demolition of existing structures, consolidation of existing allotments and construction of a four storey residential flat building comprising 17 apartments and basement car parking be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

5. 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 generally in accordance with Drawing No. 002045/TM Issue D dated 28 June 2019 prepared by Urban Landscape Planners Pty Ltd. shall be 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.

Further the landscape plan must also:-

- a) amend the garbage room to provide for a side opening (to the Northern side onto the driveway) with any appropriate changes to the location of the room to ensure that this transition to the room onto the driveway is accommodated,
- b) provide further landscape details between the garbage room and the boundary to the street,
- c) allow for two canopy trees (species to the satisfaction of the Council) to be provided to the street within the council verge,
- d) provide for a communal clothes line within the communal open space,

- e) ensure the trees shown in the Northern and Southern boundaries have a minimum setback of 1.5 metres from the respective boundaries, except for the tree in the South Western corner to accommodate the changes to the garbage room.

Condition 35(b), to be amended:

- 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 contact details (mobile, email and licence number) of the demolition contractor”*. The following building inspections shall be undertaken by Bankstown City 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.

Condition 51 to be amended:-

24 off street car parking spaces are to be provided in accordance with the submitted plans. This shall comprise:

21 residential spaces
3 residential visitor spaces

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

The parking spaces are to be allocated to the specific units as follows:

- a) *The two 3-bedroom apartments need to be allocated two spaces each (in a stacked arrangement).*
- b) *One of the 2-bedroom apartments needs to be allocated two spaces in a stacked arrangement.*
- c) *One of the 2-bedroom apartment’s needs to be allocated two spaces side-by-side.*
- d) *The remainder of the 2-bedroom apartments and all three 1-bedroom apartments need to be allocated one space each.*

These allocations are to be included in any strata subdivision of the proposed development.

Vote: 4 – 0 in favour

The meeting closed at 6:02 p.m.