

CITY OF CANTERBURY BANKSTOWN

MINUTES ELECTRONIC DETERMINATION

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

DEFERRED ITEM FROM MEETING HELD MONDAY 14 OCTOBER 2019

PANEL MEMBERS

PRESENT: Mr Anthony Hudson -Chairperson
Ms Jan Murrell - Chairperson / Expert Member
Mr Grant Christmas - Chairperson / Expert Member
Ms Kayee Griffin - Community Representative Canterbury

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)

MINUTES – ELECTRONIC DETERMINATION

DECISION

1 118 DUNTROON STREET AND 36 FLOSS STREET, HURLSTONE PARK: CONSTRUCTION OF A THREE STOREY MIXED USE DEVELOPMENT COMPRISING TWO COMMERCIAL UNITS AND A 32 ROOM BOARDING HOUSE

Panel Assessment

At the meeting on 14 October 2019, the Panel's decision at that time was *"THAT Development Application DA-264/2018 RE: Construction of a three storey mixed use development comprising two commercial units and a 32 room boarding house be **DEFERRED** for further consideration after submission of additional information which will be considered by the same Panel members electronically for the determination of this matter.*

A report (which included a revised set of conditions and updated architectural plans) was prepared in response to this decision which indicates that the matters raised by the panel have now been addressed and the panel agrees with this assessment.

This report was circulated electronically to the Panel and further considered by the Panel together with proposed amended conditions and amended Plan of Management to be revised to include condition 73. A BASIX certificate for the amended plans to be submitted.

CBLPP Determination

THAT Development Application DA-264/2018 RE: Construction of a three storey mixed use development comprising two commercial units and a 32 room boarding house be **APPROVED** subject to the recommended conditions for Item 3 (118 Duntroon and 36 Floss Street, Hurlstone Park) of the agenda for the meeting held Monday 14 October 2019 together with the updated conditions as follows:

- 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-264/2018, accompanied by the Stamped Approved Drawings as listed in the table below, 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
B100	Title Page	E	25 February 2020	Karis Architects
B101	Site Analysis	E	25 February 2020	Karis Architects
B102	Basement	E	25 February 2020	Karis Architects
B103	Ground Level	E	25 February 2020	Karis Architects
B104	Level 1	E	25 February 2020	Karis Architects
B105	Level 2	E	25 February 2020	Karis Architects
B106	Proposed Roof Plan	E	25 February 2020	Karis Architects
B107	East & West Elevations	E	25 February 2020	Karis Architects
B108	North & South Elevations	E	25 February 2020	Karis Architects
B109	Sections A-A and C-C	E	25 February 2020	Karis Architects
B110	Building Envelope Sections	E	25 February 2020	Karis Architects
B111	Building Envelope Section	E	25 February 2020	Karis Architects
B115	Materials and Finishes	E	25 February 2020	Karis Architects
101	Basement Stormwater Plan	C	31 May 2017	Lomford Engineers
201	Ground Floor Stormwater Plan	H	11 May 2018	Lomford Engineers
301	Level 1 Stormwater Plan	E	31 May 2017	Lomford Engineers
401	Level 2 Stormwater Plan	C	31 May 2017	Lomford Engineers
501	Roof Stormwater Plan	C-2	5 December 2016	Lomford Engineers
LA-01	Landscape Plan – Ground Floor	A	20 November 2017	Susan Stratton Landscape Architects Pty Ltd
LA-02	Landscape Plan – Level 1	A	20 November 2017	Susan Stratton Landscape Architects Pty Ltd
LA-03	Landscape Details	A	20 November 2017	Susan Stratton Landscape Architects Pty Ltd
	Plan Management for Boarding House			Bruce Threlfo Pagan Pty Ltd
	Noise Impact Assessment	0	11 February 2019	Rodney Stevens Acoustic Consultants

- 3) The development shall be constructed and operated in a manner that ensures compliance with the definition of ‘boarding house’ as contained in Canterbury Local Environmental Plan 2012.
- 4) The boarding house must be designed, constructed and operated in accordance with:
 - *Local Government (General) Regulation 2005*, Schedule 2, Part 1 Standards for places of shared accommodation;
 - *Boarding Houses Act 2012*; and
 - *Boarding Houses Regulation 2013*.
- 5) The boarding house must be registered with NSW Fair Trading within 28 days, where an operator/proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial inspection within the first twelve (12) months and on-going inspections in accordance with the Boarding Houses Act 2012, subject to payment of inspection fees as detailed in Council’s Fees and Charges schedule.

- 6) The operation of the development must 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.

- 7) Strata subdivision of the boarding house is not permitted.
- 8) The proposed development must be constructed and provided to comply with all applicable provisions as outlined in AS1428.1, AS1735.14 and the Disability (Access to Premises – Buildings) Standards 2010.
- 9) All service and utility elements such as air conditioning, communal antennas and clothes drying area must be integrated into the design and screened from public view.
- 10) The location of hot water systems are to be decided prior to the issuing of a Construction Certificate. The systems are to be integrated within the design of the building and are to be screened from public view. Details of the location of hot water systems are to be presented to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
- 11) Intercom, code or card locks or similar must be installed at main entries to the building to control access.
- 12) No approval is granted for the siting of any substation on the site. A modification application must be lodged to Council if a substation is required. Any such application must demonstrate how the structure/ facility will be integrated into the design of the building without relying on the front setback area.
- 13) Any required fire hydrants, boosters and other services must be contained within cabinets using materials and colours from the approved external finishes and shall not impede on the approved landscaped areas.
- 14) The proposed development must comply with all recommendations the Desktop Geotechnical Investigation report, 116-118 Duntroon Street, Hurlstone Park, NSW 2193. Report No. WittC-Vasiliades-R-C-REV4, dated 12 July 2019, prepared by Witt Consulting Pty Ltd. Should any matters encountered during the build be inconsistent with the findings and recommendations of the Desktop Geotechnical Investigation report, a revised report must be prepared and submitted to the PCA. All development must be carried out in accordance with the Recommendations of any revised Report.

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:

- 15) 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.
- 16) The plan of management and house rules prepared by Bruce Threlfo is to be amended and approved by council to ensure consistency with the following and with the conditions of consent:
 - a. List of furnishings/fittings to be provided to each boarding room (with separate lists for single, double rooms set up with a double bed and double rooms set up in a twin bed arrangement);
 - b. List the maximum capacity of each room, taking on board the requirements of Condition 16(c);
 - c. List of furnishings and fittings to be provided for the common room;

- d. List of furnishings and fittings to be provided in each of the common open space areas;
 - e. List of cleaning materials to be provided for use by boarders to clean their rooms (e.g. mop, bucket, vacuum, broom and the like);
 - f. Identification of the method for allocating use of the parking, bicycle and motorcycle parking spaces;
 - g. Identification for the method of allocation or use of accessible rooms.
- 17) The approved development plans shall provide to the Principal Certifying Authority prior to the issue of any Construction Certificate:
- a) the interests of protecting local heritage, the maximum height of the development is not to exceed 9.1m above natural ground level at any point. For the avoidance of doubt, the minimum floor to ceiling height of residential properties is to be 2.4m to comply with the Building Code of Australia.
 - b) The existing 'No Stopping Zone' along the frontage of the site along Floss Street and Duntroon Street is to be retained and extended (at no cost to Council) to include the whole frontage. This requires the approval of the Council's Local Traffic Committee.
 - c) The recommendations of the Noise Impact Assessment (Revision 0, dated 11 February 2019), Prepared by Rodney Stevens Acoustic Consultants, found at 6.2 and 6.3 within that Report, shall be fully complied with.
- 18) All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
- 19) All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect, prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
- 20) An Essential Fire Services Statement shall be submitted to the Principal Certifying Authority with the lodgement of the Construction Certificate for approval.
- 21) A photographic survey must be prepared of all adjoining properties, (12 Duntroon Street, 30-34 Floss Street and 8 Starkey Street) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury Bankstown Council, if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury Bankstown Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
- 22) A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties (12 Duntroon Street, 30-34 Floss Street and 8 Starkey Street) and their ability to withstand any proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will

occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority prior to the issue of a Construction Certificate. All costs to be borne by the applicant.

- 23) 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.
- 24) The Council Approved building 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.

- 25) 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.
- 26) 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.
- 27) This condition has been levied on the development in accordance with Section 7.11 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 \$321,911.40. The amount payable is based on the following components:

Contribution Element	Contribution
Community Facilities	\$29,131.45
Open Space and Recreation	\$284,573.96
Plan Administration	\$8,205.99
TOTAL	\$321,911.40

Note: The contributions payable may be adjusted, at the time of payment, to reflect Consumer Price Index increases (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

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.cbccity.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

- 28) 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.
- 29) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Canterbury Development Control Plan 2012 Part B5. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to in accordance with the requirements contained in Council's Canterbury Development Control Plan 2012 Part B5. The Engineer shall certify that the design and plans comply with Council's Canterbury Development Control Plan 2012 Part B5 and the relevant Australian Standards.
- 30) 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.

- 31) 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.
- 32) 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 any 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.

- 33) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
- a) A Heavy Duty Vehicle Footpath Crossing of maximum width of 5.5 metres at the property boundary. The driveway is to be joined with the adjoining neighbouring driveway.
 - b) Relocate the power pole to the satisfaction of the energy utility asset owner.
 - c) Drainage connection to Council's underground drainage system. The developer must extend the Council drainage system to the satisfaction of the Work Permit Officer. The new kerb inlet / junction pit shall be located to not have impact on the existing street tree, to the satisfaction of the Council tree Preservation Officer.
 - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant Vehicle Footpath Crossings.
 - e) Repair of any damage to the public road including the footway occurring during development works.
 - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

34) Vacant Land Charge Application

A vacant land charge form is to accompany any Construction Certificate (CC) application for the removal of all domestic garbage and recycling bins.

<https://www.cbcity.nsw.gov.au/council/forms/waste-recycling>

35) Boarding House Bin Storage Room Construction

A design certificate and detailed plans are to accompany any CC application which demonstrates that the boarding house waste storage room has been designed to be constructed in accordance with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that it is non-slip and has a smooth and even surface.
- c. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;

- d. The walls must be constructed of solid impervious material.
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. All doorways must be 2m wide.
- l. Designed to fit 8 x 240L garbage bins
- m. Designed to fit 8 x 240L recycling bins

36) Commercial Bin Storage Room Construction

A design certificate and detailed plans are to accompany any CC application which demonstrates that the commercial waste storage room has been designed to be constructed in accordance with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that it is non-slip and has a smooth and even surface.
- c. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
- d. The walls must be constructed of solid impervious material.
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. All doorways must be 2m wide.
- l. Designed with a minimum floor space of 10m².

37) Bin Carting Route

A design certificate and detailed plans are to accompany any CC application which demonstrates that the bin carting route from the waste storage room to nominated collection point has been designed to be constructed in accordance with the following requirements:

- a. Minimum 2m wide hard surface;
- b. Minimum 2m wide doorways;
- c. Non-slip, free from obstacles and steps; and
- d. A maximum grade of 1:30 (3%).

The bin carting route is defined as the northern passageway.

38) Bulky Waste Storage Room Construction – Boarding House

A design certificate and detailed plans are to accompany any CC application which demonstrates that the boarding house bulky waste storage room has been designed to be constructed in accordance with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that it is non-slip and has a smooth and even surface.
- c. The walls must be constructed of solid impervious material.
- d. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. All doorways must be 2m wide.
- l. Designed with a minimum floor space of 11m²

39) Street Frontage - No Stopping Zone

The 'No Stopping Zone' along the whole frontage of the site will affect collections. The applicant is to seek approval from the appropriate authority for the erection of a sign "No stopping except waste collection vehicles" (or similar), at no cost to Council.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 40) 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.
- 41) 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.

- 42) 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.
- 43) 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.
- 44) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

- 45) 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.

- 46) 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.
- 47) 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

- 48) The hours of site works shall be limited to between 7.00am and 5.00pm Monday to Saturdays. No work shall be carried out on Sundays or on public holidays.
- 49) No heavy vehicles associated with demolition, construction or the delivery of materials are to arrive or depart the site during active school zone periods (i.e. from 8.00am – 9.30am and 2.30pm – 4.00pm on school days).

- 50) Appropriate measures should be considered for site access, storage and the operation of the site during all phases of the construction process in a manner which respects adjoining owner's property rights and amenity in the locality, without unreasonable inconvenience to the community.
- 51) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 52) 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.
- 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) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 55) 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.
- 56) 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.
- 57) 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 determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1.2m unless otherwise approved by Council.
- 58) The stormwater drainage system shall be constructed in accordance with Council's Canterbury Development Control Plan 2012 Part B5 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.
- 59) 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.

60) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

61) Works on downstream properties is to be carried out in accordance with the following:

- a) The owners of downstream property shall be given at least seven (7) days' notice in writing of intention to commence work within their property, together with particulars of the proposed work.
- b) Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -
 - I. Preserve and protect such building from damage; and
 - II. If necessary underpin and support such buildings.
- c) Restoration of drainage works in the downstream properties shall be to the satisfaction of the owners of the property/these properties.

62) Any excavation works carried out on site should be closely monitored to ensure no signs of potential acid sulfate soil or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site must be stopped and Council is to be notified immediately. A suitably qualified environmental consultant must be contracted to further assess the site.

63) In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, 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 any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

64) Any soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including the 'Waste Classification Guidelines' (NSW EPA, 2014) prior to off-site disposal. Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines. Evidence of the waste classification to be provided to the principal certifying authority prior to removal of material from site.

65) Requirements of the approved Waste Management Plan (WMP) shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the WMP the developer is to ensure:

- a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*
- b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*
- c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste.
- f. All materials and resources that are to be stored on site during construction works are contained on the site, the provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- g. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 66) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 67) 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.
- 68) Five off street car spaces and one bicycle space must be provided at ground level for the commercial uses in accordance with plan B103. Seventeen off street car spaces, including one managers car space at grade, and a minimum of seven motorcycle spaces and seven bicycle spaces must be provided in the basement in accordance with plan B102. The accessible car parking space 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.
- 69) Prior to the issue of an Occupation Certificate, under the Boarding Houses Act 2012, Boarding House proprietors are required to register their boarding house with NSW Fair Trading. Failure to do so is an offence and action may be taken.
- 70) The lots 3, 4 and 5 in DP 6709 must be consolidated. The plan of consolidation being lodged and registered with the Land and Property Information NSW prior to the release of any Occupation Certificate or occupation of the building.

- 71) The applicant must contact Council to confirm Street Addressing prior to the issue of an Occupation Certificate, and supply a schedule of Lots and Addresses. Please contact Council's Customer Services on 9707 9700 (or email Council@cbciry.nsw.gov.au) to do so.
- 72) Allocation of street numbers will be based on the NSW Address Policy and Rural and Urban Addressing Standard AS/NZS 4819:2011.
- 73) 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.
- 74) 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.
- 75) Lighting must be provided to the entries of the boarding house, 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.
- 76) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development.
- 77) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Canterbury Development Control Plan 2012 Part B5. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention 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.

- 78) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 79) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Canterbury Development Control Plan 2012 Part B5 and in accordance with the appropriate provisions of the Conveyancing Act. Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Canterbury Development Control Plan 2012 Part B5 and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.

80) Council Inspection – Waste Management Facilities

Prior to the issue of any Occupation Certificate (OC), an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval and WMP. Specifically, the path of travel for all waste, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions and that all waste facilities are fit for purpose.

81) Private Waste Collection Service – Commercial Waste

Prior to the issue of any OC, the owner is to enter into a formal agreement with a licenced private waste contractor to service the commercial portion of the development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private commercial waste collection service, the owner is to ensure that:

- a. The service is functional and meets the operational needs of the development
- b. The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

A copy of the contract is to be forwarded to Council prior to the issue of any OC.

USE OF THE SITE

- h. The boarding house shall operate and be managed in accordance with the final stamped approved Plan of Management as referred to in condition 16
- i. This Plan of Management, forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

82) The Operator is to monitor the number and nature of complaints/incidents, shall formally register all incidents/complaints received and shall detail the action taken to rectify the problems that have arisen. This information shall be collated into an Incidents/Complaints Register. This Register must be produced upon demand by Council or NSW Police. The Register must contain a direction that all complaints/incidents of a criminal nature are to be reported to the Police immediately.

83) The Plan of Management shall be submitted to the Principal Certifying Authority as well as Council's Team Leader Public & Environmental Health and Council's Team Leader Environmental Protection & Compliance prior to the operation of the use.

84) Waste Management Plan Implementation

The approved WMP is to be implemented throughout the ongoing use of the development.

85) Kerbside Collection Point – Boarding House

The nominated kerbside collection point is on Duntroon Street and is to be utilised to facilitate the collection of waste and recycling bins for the boarding house. It will be the responsibility of the caretaker/property manager to present the bins the day before the nominated collection day. All bins must be taken back to the boarding house bin storage room on the same day of service.

- 86) Waste Management Collection Policy
The development must operate in full compliance with Council's Waste Management collection requirements
- 87) Plan of Management – Boarding House
The final Plan of Management (POM), which addresses the ongoing management and operational aspects of the boarding house is to be implemented throughout the ongoing use of the development.
- 88) Licensed Waste Collection – Commercial Waste
All businesses must have written evidence on site of a valid and current contract with a licensed waste collector for waste and recycling collection and disposal. The contract must be able to be shown if it is requested by a Council Enforcement Officer.
- 89) Waste Storage Bins
No waste storage bins are to be located or placed outside the approved waste storage room at any time except for collection purposes.
- 90) Signage
Signage can be provided by Council that clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. The signs provided must be maintained by the caretaker/property manager.
- 91) This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of sixteen boarding rooms comprising of:
- (a) Seventeen boarding rooms [and a manager's room] on the first floor; and
 - (b) Fifteen boarding rooms on the second floor.
- 92) Each boarding room sleeping no more than one adult lodger and no more than two adult lodgers in rooms with a gross floor area greater than 16m² (excluding any area used for the purposes of private kitchen or bathroom facilities). Condition 16(c) details the maximum number of boarders which may occupy certain rooms at any one time. Room 2 must be maintained as the Managers Room to comply with the provisions of State Environmental Planning Policy Affordable Rental Housing 2009.
- 93) The communal room shall not be occupied between 10pm and 8am each day.
- 94) All lodgers shall enter into a residential tenancy agreement before occupation of any room in the development.
- 95) All lodgers are to be provided with a copy of the Plan of Management.
- 96) Appropriate security measures, including security doors and CCTV cameras, shall be installed at the main pedestrian and vehicular entrances and exits. All CCTV cameras shall have the capacity to store footage for a minimum of twenty-one days.
- 97) The premises shall be operated so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby premises. In the event of Canterbury Bankstown Council receiving complaints and if it is considered by Council that excessive and/or offensive noise is emanating from the premises, the boarding house operator shall arrange for an acoustic investigation to be carried out (by an accredited acoustic

consultant) and submit a report to Council detailing the proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the boarding house operator. Submission of the acoustic report must be within 30 days from the date requested by Council.

- 98) The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 99) The boarding house operator shall ensure that the operation of the premises complies with the relevant sections of the *Protection of the Environment Operations Act 1997* and the Noise Policy for Industry (2017) and shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.
- 100) Any lighting of the premises shall be installed in accordance with *Australian Standard AS 4282: Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. 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.
- 101) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed within the boarding house for lodgers information at all times.
- 102) Signage to be installed at the front of the Boarding House that includes a contact number for the registering of all complaints.
- 103) The Operator of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

Vote: 4 – 0 in favour