

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 1 MARCH 2021

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Jan Murrell - Expert Member
Mr David Epstein - Expert Member
Mr Robert Furolo - Community Representative Bankstown
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)
Mr George Gouvatsos (Coordinator Planning East, not present for the closed session)
Ms Robyn Winn (Coordinator Governance)
Ms Mine Kocak (Team Leader Planning East, not present for the closed session)
Mr Bob Steadman (Town Planner, not present for the closed session)
Ms Alice Pettini (Executive Planner, 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.

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 1 FEBRUARY 2021** be confirmed.

DECISION

1 10 JUNO PARADE, GREENACRE: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TWO STOREY ATTACHED DUAL OCCUPANCY WITH TORRENS TITLE SUBDIVISION.

Site Visit

Panel members carried out their own site inspections prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Huss Chalich - Applicant

Panel Assessment

Robert Furolo was the Community Panel Member present for the deliberation and voting for this matter.

The Panel has carefully considered the application and agrees with the assessment report about the application and the recommendations of refusal.

As pointed out in the assessment report, there are numerous breaches of Council's controls which in summary is an overdevelopment of the site.

The site is constrained by its location on the classified road of Juno Parade with the width being less than 15m, which the Panel was informed is an important strategic planning control for dual occupancies in this area. Further Transport for NSW (TfNSW) did not support the location of the two driveways onto Juno Parade.

It also follows that the panel is not satisfied about the matters in Clause 4.6(4)(a)(i) and (ii) of BLEP in relation to the two clause 4.6 variations submitted for the breaches of clause 4.4 - FSR and clause 4.1A(2)(a) - 15m lot width. The Panel also notes that no clause 4.6 variation was submitted for the wall height breach of cl 4.3(2B) of BLEP.

CBLPP Determination

THAT Development Application DA-1044/2020 be **REFUSED** in accordance with the Council staff recommendations for the following reasons:

1. The Panel has determined that it is not satisfied about the matters under Clause 4.6(4)(a)(i) and (ii) in relation to the written requests under Clause 4.6 of the Bankstown Local Environmental Plan 2015 to vary the 15m width control for dual occupancy development (Cl 4.1A(2)(a)) and to vary the FSR control (Cl 4.4) [Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*];
2. The proposed development fails to comply with Clause 4.3(2B) of the Bankstown Local Environmental Plan 2015 with respect to wall height of 7m. Furthermore, no clause 4.6 written variation request has been submitted. [Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*];
3. Concurrence has not been granted for the proposed development from Transport for NSW relating to the proposed connection to a classified road, as required under section 138 of the Roads Act 1993. [Pursuant to *Division 4.8 of the Environmental Planning and Assessment Act, 1979*];
4. The proposed development fails to comply with Clause 101(2)(b) of State Environmental Planning Policy (Infrastructure) 2007 in relation to the effect of development on a classified road. [Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*];

5. The proposed development fails to comply with State Environmental Planning Policy (Building Sustainability Index) 2004 as a valid BASIX certificate has not been provided. [Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*];
6. The proposed development is inconsistent with the objectives of the R2 Low density residential zone of the Bankstown Local Environmental Plan 2015. [Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*];
7. The proposed development fails to comply with Clause 4.1A of the Bankstown Local Environmental Plan 2015 special provisions for dual occupancies. [Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*];
8. The proposed development fails to comply with Clause 4.11 of the Bankstown Development Control Plan 2015 – Part B1 which relates to setbacks of building walls. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
9. The proposed development fails to comply with Clause 4.14 of the Bankstown Development Control Plan 2015 – Part B1 which relates to Private open space. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
10. The proposed development fails to comply with Clause 4.15 and 4.16 of the Bankstown Development Control Plan 2015 – Part B1 which relates to solar access: to the dual occupancy and adjoining properties; and visual privacy to adjoining properties. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
11. The proposed development fails to comply with Clause 4.19 and 4.20 of the Bankstown Development Control Plan 2015 – Part B1 which relates to visual privacy and overlooking adjoining windows. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
12. The proposed development fails to comply with Clause 4.21 of the Bankstown Development Control Plan 2015 – Part B1 which relates to visual privacy and the design of first floor balconies. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
13. The proposed development fails to comply with Clause 4.24 of the Bankstown Development Control Plan 2015 – Part B1 which relates to building design. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
14. The proposed development fails to comply with Clause 4.33 and 4.34 of the Bankstown Development Control Plan 2015 – Part B1 which relates to the retention of significant trees; and landscaping. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
15. Insufficient information has been submitted demonstrating compliance with Clauses 14.1, 14.2, 14.3 & 14.4 of the Bankstown Development Control Plan 2015 – Part B1 which relate to front fences. [Pursuant to *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979*];
16. The proposal fails to demonstrate compliance with Councils Development Engineering Standards [Pursuant to *Section 4.15(1)(b) of the Environmental Planning and Assessment Act, 1979*];
17. The site is considered unsuitable for the proposed development [Pursuant to *Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979*];
18. The development is not considered to be in the public interest [Pursuant to *Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979*].
19. The proposed development is inconsistent with the Draft Canterbury Bankstown Local Environmental Plan. [Pursuant to *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979*];

NOTES:

- 1) Panel decision was made after consideration of the matters listed under Section 4.15 of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
- 2) If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 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 pursuant to Section 8.2 must be received, assessed and determined by Council within six months after the date of receipt of this Determination Notice. It is therefore advisable to lodge the application for review as soon as possible to ensure that assessment is complete within the statutory timeframes. Section 8.10 in the Environmental Planning and Assessment Act 1979 extends this six month period to twelve months for determinations made during, or six months before, the Prescribed Period of 25 March 2020 and 25 March 2022. You should seek advice from your legal advisor on the time limits for the lodgement of any appeal.

Vote: 4 – 0 in favour

DECISION

- 2 35-41 CRINAN STREET, HURLSTONE PARK: CONSTRUCTION OF A NEW SINGLE STOREY COMMUNITY BUILDING WITH ASSOCIATED LANDSCAPING, CAR PARKING AND LOADING/UNLOADING AREAS.**

Site Visit

Panel members carried out their own site inspections prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Damian O’Toole - Town Planner (representing applicant)
- Justine Anderson - Architect - Sam Crawford Architects (representing applicant)
- John Wilson - Applicant (available for any questions if required)

Panel Assessment

Kayee Griffin was the Community Panel Member present for the deliberation and voting for this matter.

The Panel agrees with the assessment and the recommendation that the application should be approved. The panel notes that there were two submissions which in the Panel’s opinion have been appropriately addressed via the report before the panel noting that traffic and parking assessment arrangements were peer reviewed by an independent traffic consultant and also by Council’s traffic engineer.

The report to the panel refers to a noise assessment from an acoustic report and recommendations were made regarding amplification of speakers and other matters.

One matter referred to is the times for the use of the undercover area. In the report, it was suggested that the undercover area use be restricted to 7am to 6pm and that after 6pm, users be directed inside the hall.

Proposed Condition 68 referred to a timing for this as 8am to 9pm. The Panel was informed that this was a typographical error and should have stated 8am to 6pm which is consistent with the body of the report.

However, the applicant's representative indicated that an updated report had been provided in November 2020. This was confirmed and the updated acoustic report was provided to the Panel (Day Design Report No. 6906-1.1R REB B 5 November 2020).

The Panel notes that this report refers to a potential maximum number of persons on site being 49 (25 persons inside and 24 persons in the undercover area).

The updated traffic report dated 21 January 2021 in section 1.2.1 refers to 40 people being accommodated within the proposed facility (indoor/outdoor combined).

The development description in the report to the Panel referred to the following:
'it is intended to allow community member (up to 25 persons) to use the space on a hire basis'

The report also refers to the operating hours being:
'the venue will be available to operate from 8am to 10pm Sunday to Thursday and 8am to 12am (midnight) on Friday and Saturday.'

The Panel understands from the acoustic report that the other aspect of the operating hours is that the undercover area is proposed to operate from 8am to 10pm daily.

Having regard to the above, the panel is of the opinion that the approval should be on the basis that 25 people be allowed in the community hall with up to 15 people in the undercover area giving a total maximum number of 40 persons on the site at any one time.

Consistent with the application, the time for the venue should be restricted from 8am to 10pm 7 days a week for both the indoor and the undercover area with any extension after 10pm to be confined to Friday and Saturday to 12am and only in the indoor area.

The Panel were advised that historically the land was reserved for the public purpose of public recreation and a reserve trust was established in 1971 with the Council appointed as the manager of the reserve trust.

The land is Crown Land subject to the Crown Lands Management Act 2016.

The Crown Lands Management Act has a link back to the Plans of Management provisions required under the Local Government Act for Public Land. The Council has prepared a generic Local Government Act Plan of Management for a number of parks including this land with exhibition expiring on Friday 26 February 2021.

The proposed development is consistent with this draft plan and the Panel is satisfied that there is general consistency between what is proposed to be allowed for the land in draft plan and the proposed development.

CBLPP Determination

THAT Development Application DA-454/2020 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to condition 68 as follows:

Condition 2: The development being carried out in accordance with the following stamped approved plans except where modified by the conditions of this consent:

Plan Name	Job No.	Sheet No.	Prepared by	Dated
Site Analysis Plan	19.39	101 A	Sam Crawford Architects	1/6/2020
Proposed Site Plan	19.39	102 A	Sam Crawford Architects	1/6/2020
Scope of Proposed Works	19.39	103 C	Sam Crawford Architects	1/6/2020
Proposed Roof Plan	19.39	110 B	Sam Crawford Architects	1/06/2020
Proposed Ground Floor Plan	19.39	111 B	Sam Crawford Architects	1/6/2020
Elevations	19.39	201 A	Sam Crawford Architects	1/6/2020
Elevations	19.39	202 A	Sam Crawford Architects	1/6/2020
Sections	19.39	301 A	Sam Crawford Architects	1/6/2020
Colours & Finishes	19.39	501 A	Sam Crawford Architects	1/6/2020
Landscape Plan – Site Masterplan	-	DA01	Gallagher Studio	20/05/2020
Stage 1 Landscape Works	-	DA02	Gallagher Studio	20/05/2020
Stage 1 Planting Plan	-	DA03	Gallagher Studio	20/05/2020
Proposed Drainage Stormwater Plan	-	CI-1101	Cardno ltd Pty	27.05.2020
Sediment and Erosion Control Details	-	CI-2201	Cardno ltd Pty	May 2020

- Condition 68 (a) The maximum number of persons allowed to be using the community room and covered outdoor area for any single event is limited to 40 persons with a maximum of 25 persons in the covered outdoor area at any one time (and this is subject to (b) below)
- (b) The hours of operation for the use of the community room and covered outdoor area for any single event shall be as follows:
- i. Sunday to Thursday 8am to 10pm
 - ii. Friday to Saturday 8am to 12am
 - iii. The use of the covered outdoor area be limited to 8am to 10pm on any day.
 - iv. In the event that the community and/or covered outdoor area is to be used on a Friday or Saturday night at any time between 10pm and 12 midnight then no persons are to use the covered outdoor area after 10pm and all persons in this time are to be confined to the community room.

Vote: 4 – 0 in favour

DECISION

3 3 HIGHCLIFF STREET, EARLWOOD: REMEDIATION OF PORTION OF THE PROPERTY SUBJECT TO HISTORICAL CONTAMINATION INCLUDING RE-PROFILING, CAPPING AND RE-VEGETATION WORKS.

Site Visit

Panel members carried out their own site inspections prior to the public hearing.

Written Submission

Written submissions were received for this matter from the following:

- Peter Wilson and Kitty Hauser
- Luu Chau
- Judith Finlason

Public Addresses

The following people addressed the meeting in relation to this item:

- Tom O'Connor - Project Manager (representing applicant)
- Camille Bonnot - Property Asset Manager (representing applicant and available for questions if required)

Panel Assessment

Kayee Griffin was the Community Panel Member present for the deliberation and voting for this matter.

The panel agrees with the report and the recommendations of approval.

However, the panel has a few suggested changes to the conditions especially in response to resident submissions.

As this is a Crown development, Transport for NSW must consent to any conditions to be imposed. The representative for Transport for NSW indicated that the proposed changes may be considered by Transport for NSW'.

The changes relate to the proposed dilapidation report, maintaining vehicular access, notice of works, and referencing all the relevant management plans.

The proposed changes are incorporated into the proposed draft conditions referred to in the determination.

CBLPP Determination

- (a) If Transport for NSW consents to the proposed draft conditions below, then the application be approved subject to those conditions.
- (b) If Transport for NSW does not consent to those conditions, then the application be referred back to the Panel

PROPOSED DRAFT CONDITIONS

- 1) The proposal shall comply with the conditions of this Development Consent.

- 2) Development shall take place in accordance with Development Application No. DA-391/2020, submitted by Transport for New South Wales (TfNSW), accompanied by the following plans and reports (including all the mitigation measures and recommendations stated within such reports) 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.	Report/Drawing Name	Revision	Dated	Prepared by
-	Remedial Action Plan	-	May 2019	GHD Pty Ltd
L001	General Arrangement Plan	B	24.03.2020	GHD Woodhead
L002	General Arrangement Plan	B	24.03.2020	GHD Woodhead
-	Water Impact Assessment	-	March 2020	GHD Pty Ltd
-	Air Quality Impact Assessment	-	February 2020	GHD Pty Ltd
-	Noise and Vibration Impact Assessment	-	March 2020	GHD Pty Ltd
-	Traffic Impact Assessment	-	April 2020	GHD Pty Ltd
-	Biodiversity Development Assessment Report	-	May 2020	Transport for NSW
-	Statement of Heritage Impact	8	05.03.2020	Extent Heritage Pty Ltd
-	Consultation Outcomes Report	3	23.01.2020	RPS Group
-	Site Audit Report	-	19.02.2020	JBS&G Australia Pty Ltd
-	Addendum Tree Assessment	-	01.10.2020	GHD Pty Ltd
-	Preliminary Acid Sulfate Soil Management Plan	-	October 2020	GHD Pty Ltd
-	Aboriginal Archaeological Survey Report – Stage 2 PACHCI	2	November 2020	Kelleher Nightingale Consulting Pty Ltd
	Environmental Impact Statement – Volume 1	-	May 2020	GHD Pty Ltd
	Environmental Impact Statement – Submission Report		October 2020	GHD Pty Ltd

- 3) The payment of credits outlined within the Biodiversity Development Assessment Report submitted are to be satisfied in accordance with Parts 6 and 7 (particularly s 7.13(5) of the Biodiversity Conservation Act 2016.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

- 4) The applicant must prepare a dilapidation report/photographic survey prepared by an appropriately qualified and independent consultant for the adjoining properties at 2, 4, 6, 8, 10 and 12 Jacksons Place, Earlwood detailing the physical condition of the properties, both internally and externally, including items such as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the commencement of works. The dilapidation report/photographic survey is to also consider elements such as the sandstone footpath and kerbing that have historical significance and measures. A copy of the relevant report is to be provided to the relevant property owner prior to any work commencing.
- 5) Evidence that TfNSW has applied to make payment to the Biodiversity Conservation Fund to satisfy the requirement to retire biodiversity credits in accordance with section 6.30 of the BC Act must be provided to the Principal Certifying Authority (PCA).

- 6) (a) Construction Environmental Management Plan (CEMP) prepared by the construction contractor prior to remediation works commencing. Such measures include but not limited to, stormwater management, surface water quality monitoring, soil and water management plan, noise control, traffic access and management, waste management and dust control.
- (b) All the revised environmental management measures in the GHD EIS- Submission Report Oct 2020 are to be incorporated into the CEMP and any other relevant management plan referred to in this consent.
- 7) 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) Construction of any temporary layback or driveway crossing
 - b) Repair of any damage to the infrastructure within road reserve including the footway, occurring during development works
 - c) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority

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

- 8) Stormwater drainage, including subsoil and overland flow from the development site and during the remediation work must be managed in accordance with—the requirements of the Council’s Development Engineering Standards; the Australian Runoff Quality “A guide to Water Sensitive Urban Design” Engineers Australia 2006, the requirements of Section 120 of the POEO Act, and the applicable Environment Protection Licence prior to discharge downstream. Any sediment-laden water generated from the site must be managed in accordance with an Erosion and Sediment Control Plan prepared and implemented in accordance with ‘Managing Urban Stormwater: Soils and Construction’ (Landcom 2004).

A final detailed stormwater drainage design, required to be implemented during the remediation work, shall be prepared by a qualified Professional Civil Engineer, and the design engineer shall certify that the final detailed design is in accordance with the above requirements and the recommendations of the flood risk assessment (Jackson Place Remediation – Environmental Impact Statement).

The permanent drainage system design shall comply with the approved final detailed design, prepared in accordance with the above requirements. The design for the permanent drainage system shall be prepared by a qualified Professional Civil Engineer and shall be certified that complies with the conditions of this consent and the relevant regulations for the protection of the environment.

- 9) If a batter is to exceed 1 vertical to 3 horizontal, a geotechnical report identifying that the design slope can achieve a long term Factor of Safety (FoS) of 1.3 or greater under Rapid Draw Down conditions is to be provided as part of detailed design plans, and approved by the Principal Certifying Authority (PCA). All works associated with the construction of the batter, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 10) Cut and fill levels exceeding 500mm in depth, must be constructed under the supervision of NATA registered Geotechnical Testing Consultant and in accordance with the latest edition of AS2870. A NATA registered Geotechnical Testing Consultant must be engaged, by the developer, to provide Compaction testing and certification of compaction results for submission to Principal Certifying Authority (PCA) for acceptance. The proposed cut and fill levels should be designed to avoid any soil be transported away or to the site.
- 11) 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 existing levels as shown on the Survey Plan, if not amended by Council for the issued Street Boundary Alignment Levels
- 12) Prior to the commencement of work for this development, the applicant must obtain approval from Council's Traffic Department for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

This plan shall include details of the following:

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

The developer shall provide Council with a dilapidation report (of assets in vicinity to the site) in respect to the proposed transport route to and from the site. The report must be completed and submitted to Council prior to the commencement of the development works. Otherwise the developer may be held responsible for damage to a road that may have occurred prior to the development works commencing.

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 TfNSW 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.

- 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 the commencement of any works for this development, 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.

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

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

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

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

- 14) Erosion Sediment Control Measures shall be designed and implemented in accordance with Canterbury Development Control Plan 2012, and the latest edition of "Managing Urban Stormwater (Soils and Construction)" commonly known as "The Blue Book" by Landcom.

All measures shall be installed prior to the commencement of site surface disturbance and, where necessary, modified as the project continues. The function and integrity of the measures shall be cleaned after each storm event and maintained at all times. Sediment and Erosion Control Plans and details for the whole construction site, prepared in accordance with the above requirements, must be lodged with the PCA for approval prior to the commencement of works.

- 15) The developer is responsible for the full cost of rectification of any damage to public infrastructure and assets resulting from the development's building and site works.
- 16) All bulk, earthworks and/or delivery of construction related materials and plant, associated with the development must be transported in suitably covered and designed vehicles for the intended purpose and on suitable roads intended for the transportation of heavy loads.
- 17) 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.
- 18) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 19) If soil conditions require it, retaining walls or other Principal Certifying Authority (PCA) 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.
- 20) Access to the site across the adjoining Council Reserve/Property is not permitted. There shall be no stock piling of materials, storage of equipment or work carried out on the adjoining Council Reserve/Property.

- 21) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the final plan certified by the design engineer and 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 shall contact Council prior re-route the stormwater pipes around the subject structures at the developer's expense.
- 22) The acid sulfate soil management plan is to be updated prior to the commencement of works. The updated acid sulfate soil management plan is to be prepared in accordance with the Acid Sulfate Soils Manual (Acid Sulfate Soils Management Advisory Committee, 1998) and other relevant guidelines, and approved by the Principal Certifying Authority (PCA). A copy of the final Acid Sulfate Soil Management Plan is to be provided to Council for its records.

All works must be carried out under the supervision of a suitably qualified environmental consultant.

- 23) A Complaints and Incidents Register ('Register') shall be established, maintained and kept up-to-date. The Register shall include the following information about every complaint or incident* received:
 - (a) Date and time of complaint or incident;
 - (b) Name and contact details of person registering the complaint or incident;
 - (c) Nature of the complaint or incident;
 - (d) Action taken (by whom and when) in response to complaint or incident; and
 - (e) Outcome and/or further action required.

A copy of the Register shall be provided to Council or Police upon request.

**Incident includes:*

- (a) Any complaint by any person about the operation of the premises; or
- (b) Any event that may cause alarm or concern to residents or persons passing or in the vicinity of the Premises as a result of the conduct or act of any person identifiable as an occupant of the premises at that time.

- 24) Signage to be installed at all entrances/exits that includes a contact name and number for the registering of all complaints or incidents.
- 25) The existing road in Jackson Place, in the vicinity of the residential properties, includes elements that have historical significance, as identified within the Statement of Heritage Impact (Rev. 8-as referred to in condition 1). Measures shall be taken to protect these elements from damage due to the development. These measures shall be in accordance with Section 8 of the Statement of Heritage Impact (Rev. 8) and incorporated into the CEMP and sub-plans, where relevant, including the construction traffic management plan. The construction management plan must be submitted to Council's Traffic Department for approval.
- 26) The trees that are to be retained must be clearly marked using paint or coloured tape wrapped around their trunks to identify them prior to the start of clearing works.
- 27) That the soil within the Structural Root Zone (SRZ) of each tree is protected from compaction by machinery using geotextile, mulch and wooden rumble boards as per AS4970

- 28) 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.
- 29) 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.
- 30) 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.
- 31) A sign must be erected in a prominent position on any site on which demolition work is being carried out:
 - a) showing the name of the principal contractor (if any) for any demolition work and a telephone number on which that person may be contacted outside working hours, and
 - b) stating that unauthorised entry to the work site is prohibited.

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

- 32) The proposed works must be undertaken, subject to strict compliance with the following:
 - a) The developer is to notify adjoining residents fourteen (14) working days prior to commencement of works. Such notification is to be clearly written on A4 size paper giving the date works 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 subject site.
 - b) Written notice is to be given to the Principal Certifying Authority (PCA) for inspection prior to commencement of works. Such written notice is to include the date when works will commence and details of the name, address, business hours and contact telephone number and licence number of the relevant contractor(s). The following building inspections shall be undertaken by the PCA:
 - i. A *precommencement* inspection shall be carried out by the PCA when all the site works required as part of this consent are installed on the site and prior to commencement of works.
 - ii. A final inspection shall be carried out by the PCA when the 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** or **9707 9635**.

- c) Prior to commencement of works, 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.

- d) The relevant plans documenting proposed works 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.
- e) Where materials containing asbestos cement are to be removed, works are to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- f) Hazardous or intractable wastes arising from the remediation 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'.
- g) Remediation procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- h) During works, the public footway and public road shall be clear at all times and shall not be obstructed by any excavated 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.
- i) All vehicles leaving the site with excavated 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 excavated materials shall occur on site.
- j) The burning of any excavated material on site is not permitted and offenders will be prosecuted.
- k) Care shall be taken during works 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.
- l) Suitable erosion and sediment control measures shall be erected prior to the commencement of works and shall be maintained at all times.
- m) Dust and air pollution control measures in the CEMP (Or any other approved management plan)

CONDITIONS TO BE SATISFIED DURING WORKS

- 33) Compliance with all the requirements of all the managements plans finalised and approved as referred to in this consent.
- 34) 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.

- 35) Any fill imported onto the site must be verified as suitable for use on the development site to the satisfaction of an NSW EPA Accredited Site Auditor.

- 36) If the Duty to Report contamination to the NSW EPA under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council must be notified within 3 days of the notification to the NSW EPA.
- 37) In the instance works cause the generation of unexpected 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 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.

- 38) Any lighting of the premises must be installed in accordance with the principals of AS 4282-1997, 'Control of the obtrusive effects of outdoor lighting', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited unless required for the safe operation of plant and machinery within the approved working hours. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 39) All works to be undertaken within the following working hours:
- Monday to Friday: 7.00am to 6.00pm;
 - Saturday: 8.00am to 1.00pm;
 - Public Holiday or Sunday: No works permitted.
- 40) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with the Heritage Act 1977.
- 41) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974.
- 42) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council and the Principal Certifying Authority.
- 43) Subtropical and Coastal Saltmarsh must be conserved during development. The area of Subtropical and Coastal Saltmarsh to be impacted is not to exceed the area specified in the Biodiversity Development Assessment Report (BDAR) credit calculations (0.08 ha).
- 44) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 45) If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this Determination Notice must, at his/her own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This consent condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

- 46) 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.
- 47) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

CONDITIONS TO BE SATISFIED AT COMPLETION OF WORKS

- 48) On completion of the excavation and building works and prior to the completion of works, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties, referred to in condition 4 of this consent, is to be submitted to 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 to the affected person/s as soon as practical and prior to the occupation of the site. All costs associated with achieving compliance with this condition shall be borne by the applicant.
- 49) All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repairs or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the occupation of the site.
- 50) At the completion of works, the site is to be remediated in accordance with:
 - (a) The approved Remedial Action Plan, prepared by GHD Pty Ltd, titled Remedial Action Plan, dated 29/05/2019, reference 21/26181, revision Rev 2;
 - (b) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - (c) The guidelines in force under the *Contamination Land Management Act 1997*; and
 - (d) The conditions within the Site Audit Statement prepared by the NSW EPA Accredited Site Auditor, Andrew Lau, titled Site Audit Statement, dated 19/02/2020, site audit statement no 0503-1806.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.

Any variations to the approved Remediation Action Plan must be submitted to and approved in writing by the Accredited Site Auditor and the PCA prior to the continuing of such work.

- 51) At the completion of works, the proponent must submit a detailed validation report to the principal certifying authority.

The validation report must be prepared in accordance with:

- (a) 'State Environmental Planning Guideline (SEPP) 55 – Remediation of Land' (Department of Urban Affairs and Planning and NSW EPA, 1998);
- (b) Relevant EPA Guidelines, noting in particular the 'Guidelines for Consultants Reporting of Contaminated Sites' (NSW Office of Environment and Heritage, 2011); and
- (c) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The validation report must be prepared and approved by an appropriately qualified environmental consultant.

- 52) The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan, prepared by GHD Pty Ltd, titled Remedial Action Plan, dated 29/05/2019, reference 21/26181, revision Rev 2.

A copy of the Final Validation Report will be submitted to Council for information.

- 53) An ongoing environmental management plan must be submitted to the principal certifying authority. The ongoing environmental management plan must be prepared in accordance with:

- (a) NSW Contaminated Land Planning Guidelines;
- (b) Relevant EPA endorsed guidelines; and
- (c) *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013).

The ongoing environmental management plan must be prepared by a suitably qualified environmental consultant and endorsed by the Site Auditor.

The ongoing environmental management plan must describe the nature and location of the contamination and prescribe how the contaminants will be managed/monitored and the responsible parties for this management/monitoring in the long-term.

The ongoing environmental management plan must specifically outline the construction details, and the requirements of management and monitoring of the containment cell to ensure it is maintained appropriately, its integrity remains intact, and to avoid migration of contamination. The ongoing environmental management plan must also include a contingency plan in the event that the systems fail.

- 54) Subtropical and Coastal Saltmarsh must be conserved post development. The area of Subtropical and Coastal Saltmarsh to be impacted is not to exceed the area specified in the Biodiversity Development Assessment Report (BDAR) credit calculations (0.08 ha).
- 55) The stability of the soil/sediment in the project footprint is to be assessed by an environmental consultant following the revegetation works conducted by Transport for New South Wales (TfNSW). Project handover to National Parks and Wildlife Services (NPWS) must not take place until the environmental consultant is satisfied that the soil/sediment onsite is stable and that no erosion or sedimentation issues are likely to occur.

Vote: 4 – 0 in favour

The meeting closed at 6.26 pm.