



AGENDA FOR THE INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

5 June 2017 – 6.00pm

Location:

**Council Chambers
137 Beamish Street, Campsie**

ORDER OF BUSINESS

- 1 62 THE MALL, BANKSTOWN**

Temporary use and fitout of the existing building as a real estate office and display suite including the provision of signage to façades of the building 3

- 2 1 PARKHAM STREET, CHESTER HILL**

Demolition of existing structures and construction of a multi dwelling housing development comprising four dwellings.....19

Independent Hearing and Assessment Panel – 5 June 2017

ITEM 1	62 The Mall, Bankstown
	Temporary use and fitout of the existing building as a real estate office and display suite including the provision of signage to façades of the building
FILE	DA-1048/2016 - Bankstown Ward
ZONING	B4 Mixed Use
DATE OF LODGEMENT	2 November 2016
APPLICANT	Fioson Pty Ltd
OWNERS	Canterbury Bankstown City Council
ESTIMATED VALUE	\$190,000
SITE AREA	1949m²
AUTHOR	Planning

RECOMMENDATION

It is recommended that Development Application DA-1048/2016 be approved subject to the attached conditions.

SUMMARY REPORT

This matter is reported to IHAP as the land being the subject of this development application is owned by Canterbury Bankstown City Council.

Development Application DA-1048/2016 proposes the temporary use and fitout of the premises as a real estate office and display suite including the provision of signage to a number of the façades of the building.

It is relevant to note that the applicant, in response to concerns raised by Council during the course of the assessment of the application, modified their original plans by way of reducing the number of signs (from eight signs to six) in addition to reducing the size and dominance of the signs as provided to the façades of the building.

The application has been assessed against, amongst other things, the provisions contained within State Environmental Planning Policy 64 – Advertising and Signage, Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment, Bankstown Local Environmental Plan (BLEP) 2015 and Bankstown Development Control Plan (BDCP) 2015.

The application satisfies the aims, objectives and controls contained within each of the above environmental planning instruments while the development is appropriate having regard to 'Part B5 – Parking' of the Bankstown Development Control Plan 2015.

The application was notified for a period of 14 days from 5 April 2017 to 18 April 2017. No submissions were received during this period. While amended plans were lodged with Council they provided for a reduction in both the size and the number of the signs that are proposed along the façades of the development. In light of the extent of the changes undertaken, neighbour notification of the amended plans was not considered necessary.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that Development Application DA-1048/2016 be approved subject to the attached conditions.

ATTACHMENTS

A - Section 79C Assessment Report

B - Conditions of Consent

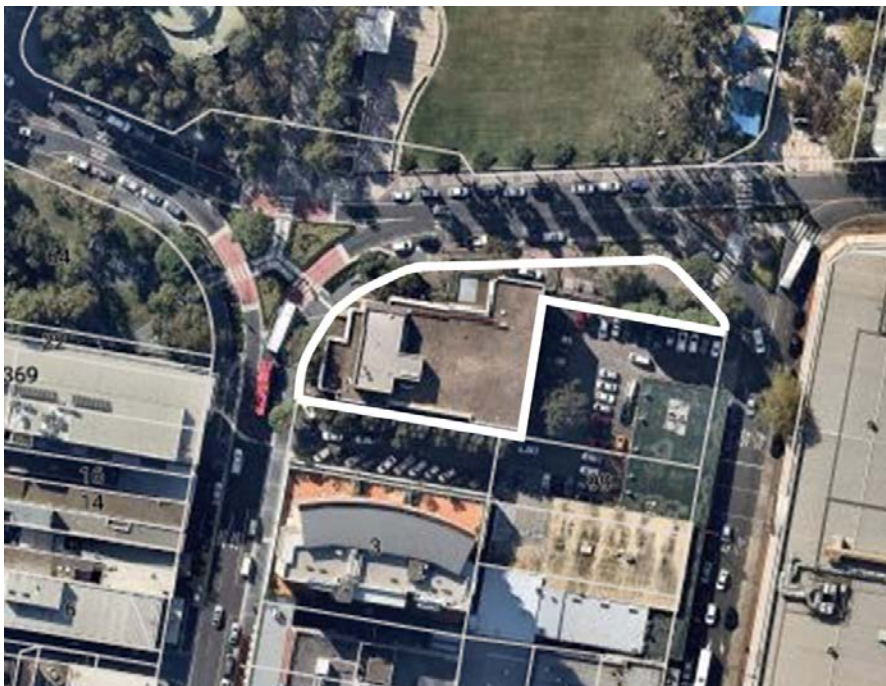
DA-1048/2016 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site is legally described as Lot 9 in Deposited Plan 777510. The site is located in the south eastern corner of the intersection of The Mall and Fetherstone Street, Bankstown and is occupied by the former Bankstown City Council library building. The site is irregular in shape with an area of 1949m². The site has a 118.2 metre frontage to The Mall.

Opposite the site to the north is Paul Keating Park while retail/commercial premises including the Bankstown Compass Centre are located generally to the south. An open at-grade car park immediately adjoins the sites eastern boundary while further to the east is the Bankstown Central shopping centre. The subject site is located within the core administrative business district of Bankstown.

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



BACKGROUND

Of relevance to this development is the fact that Council is in receipt of a Development Application (referenced as DA-877/2016) for an extensive redevelopment of the majority of the sites bounded by The Mall, Fetherstone Street, The Appian Way and North Terrace. The subject site (62 The Mall) falls within the redeveloped site.

Development Application DA-877/2016 proposes the following:

Demolition of existing structures and construction of proposed mixed use development comprising a Council administration building of 4,426m², ground and first floor retail and commercial premises of 7,054m², and upper levels in four residential flat buildings containing 471 apartments with car parking for 794 spaces and stratum subdivision.

While exhibition and neighbour notification of Development Application DA-877/2016 has occurred, the application is yet to be determined.

Signage to be provided along the façades of the development (as proposed through the subject development application) specifically relates to the above mentioned development.

PROPOSED DEVELOPMENT

Development Application DA-1048/2016 seeks Council approval for the temporary use and fitout of the premises (the former Bankstown Library) as a real estate office and display suite promoting the development that is the subject of DA-877/2016 including the provision of signage to a number of the façades of the building. Specifically the plans, being the subject of this report, propose the following temporary signage:

- Signage (LED illuminated) measuring 1.5m x 5m to be provided along the verandah pelmet along the front (north) elevation (referenced as Sign 1A on the plans)
- Signage (LED illuminated) measuring 1.5m x 4.1m to be provided along the verandah pelmet along the side (east) elevation (referenced as Sign 1B on the plans)
- Signage (LED illuminated) measuring 7.8m x 12.5m to be provided along the northern elevation of the building (referenced as Sign 3 on the plans)
- Signage measuring 4.6m x 6.1m to be provided along the western elevation of the building (referenced as Sign 4 on the plans)
- Signage measuring 6.1m x 4m to be provided along the northern elevation of the building (referenced as Sign 5 on the plans)
- Signage (LED illuminated) measuring 6.1m x 4m to be provided along the eastern elevation of the building (referenced as Sign 6 on the plans)

SECTION 79C ASSESSMENT

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

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

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

Clause 7 of SEPP 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The applicant seeks approval for the temporary use and fitout of the existing premises as a real estate office. No site excavation is required to be undertaken. It is therefore considered that the consent authority can be satisfied that the development site is suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

Greater Metropolitan Regional Environmental Plan 2 - Georges River Catchment

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

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

The application proposes the provision of signage to a number of the façades of the existing building. Specifically the plans, being the subject of this report, propose the following signage:

- Signage (LED illuminated) measuring 1.5m x 5m to be provided along the verandah pelmet along the front (north) elevation (referenced as Sign 1A on the plans)
- Signage (LED illuminated) measuring 1.5m x 4.1m to be provided along the verandah pelmet along the side (east) elevation (referenced as Sign 1B on the plans)
- Signage (LED illuminated) measuring 7.8m x 12.5m to be provided along the northern elevation of the building (referenced as Sign 3 on the plans)
- Signage measuring 4.6m x 6.1m to be provided along the western elevation of the building (referenced as Sign 4 on the plans)
- Signage measuring 6.1m x 4m to be provided along the northern elevation of the building (referenced as Sign 5 on the plans)
- Signage (LED illuminated) measuring 6.1m x 4m to be provided along the eastern elevation of the building (referenced as Sign 6 on the plans)

Pursuant to Clause 8 of the SEPP, a consent authority must not consent to an application to display signage unless the consent authority is satisfied that:

- (a) *The signage is consistent with the objectives of this Policy as set out in clause 3(1)(a) and*

The objectives and aims of SEPP 64, as referred to in Clause 3(1)(a) are as follows:

- (a) *to ensure that signage (including advertising):*
- (i) *is compatible with the desired amenity and visual character of an area,*
and
 - (ii) *provides effective communication in suitable locations, and*
 - (ii) *is of high quality design and finish, and*

The signage is confined to the façades of the building with no signage proposed beyond or above the roofline. All signage is proposed flush with the building walls with no projecting elements or features. The size of each of the signs responds appropriately to the scale and form of the former library building to which they are attached. As such the development is deemed to be consistent with the aims of the SEPP.

- (b) *The signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The table below provides for assessment of the development against the assessment criteria provided in Schedule 1 of SEPP 64.

State Environmental Planning Policy 64 – Advertising and Signage		
Schedule 1 – Assessment criteria	Response	Complies
<p><i>Character of the area</i></p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The site is located in the core commercial/administrative centre of Bankstown. It is reasonable to expect that the character of the area accommodate signage of this form and scale.</p> <p>Council has not adopted a theme for outdoor advertising in the immediate area or the wider locality.</p>	Yes
<p><i>Special areas</i></p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>While the site is not located within an environmentally sensitive area, a heritage area, a waterway, rural or residential area it is located essentially in the heart of the administrative centre of Bankstown and is readily visible from Paul Keating Park. The extent of the signage that presents to the park is more or less confined to Signs 3 and 5. Each of these signs do not project above the roofline. Sufficient ‘curtilage’ is provided around each of these signs such that the existing building form of the old library remains visible.</p>	Yes
<p><i>Views and vistas</i></p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>In the absence of any signage projecting above the roofline and given that the signage is proposed flush to the building, views and vistas throughout the CBD will not be compromised. Furthermore the signs will not impact the viewing rights of other advertisers.</p>	Yes

State Environmental Planning Policy 64 – Advertising and Signage		
Schedule 1 – Assessment criteria	Response	Complies
<p><i>Streetscape, setting or landscape</i></p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The applicant does not seek approval to provide any signage that extends beyond the façades of the building rather intends utilising and taking advantage of the dominant built form elements of the library building (particularly for Signs 4, 5 and 6).</p>	<p>Yes</p>
<p><i>Site and building</i></p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>Plans that were originally lodged with Council, in the most part, extended and consumed the majority of the façades of the building. The amended plans, those being the subject of this report, satisfactorily reduce the size and dominance of the signs. Sufficient ‘curtilage’ is provided to Signs 4, 5 and 6 such that elements of the former library building are visible thereby enabling the building to continue to be read from Paul Keating Park, The Appian Way and The Mall.</p> <p>A condition of consent is recommended to be imposed requiring that the parapet feature that sits proud of the northern façade of the building to remain visible and that Sign 3 be positioned beneath the parapet. The purpose of this condition is again to ensure that features or elements of the building remain visible.</p>	<p>Yes</p>
<p><i>Associated devices and logos with advertisements and advertising structures</i></p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an</p>	<p>No safety devices, platforms etc are proposed in association with this development.</p>	<p>Yes</p>

State Environmental Planning Policy 64 – Advertising and Signage		
Schedule 1 – Assessment criteria	Response	Complies
integral part of the signage or structure on which it is to be displayed?		
<p><i>Illumination</i></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>Of the six signs proposed, four are proposed to be LED illuminated. They include the sign proposed along the eastern elevation (facing the car park), signage provided along the verandah pelmet and the sign proposed along the northern elevation (facing Paul Keating Park). The illumination of the signs will have no impact on the amenity of any residents in the absence of residents to the north and east of the site. Illuminated signage through the use of LED is unlikely to result in unacceptable glare.</p>	Yes
<p><i>Safety</i></p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The signs do not contain any images, logos or content that would necessarily distract motorists using The Mall or The Appian Way.</p> <p>Pedestrians and cyclists using the immediately adjoining road network will similarly not be impacted by the signage.</p> <p>Sightlines to and from Paul Keating Park will not be obscured by the signage.</p>	Yes

Bankstown Local Environmental Plan 2015

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

Clause 1.2 – Aims of Plan

- (2) The particular aims of this Plan are as follows:
- (a) to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,
 - (b) to protect and enhance the landform and vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Bankstown,
 - (c) to protect the natural, cultural and built heritage of Bankstown,

- (d) to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,
- (e) to minimise risk to the community in areas subject to environmental hazards by restricting development in sensitive areas,
- (f) to provide a range of housing opportunities to cater for changing demographics and population needs,
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth,
- (h) to provide a range of recreational and community service opportunities to meet the needs of residents of and visitors to Bankstown,
- (i) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,
- (j) to concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network,
- (k) to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network,
- (l) to enhance the quality of life and the social well-being and amenity of the community.

The temporary use and fitout of the former library building as a temporary real estate office and display suite is an appropriate use of this building in response to the potential development opportunities afforded to this site and those adjoining to the immediate south. Maintaining occupation and use of buildings within the CBD ensures the area remains a vibrant, active and community friendly environment.

Clause 2.3 – Zone objectives and Land Use Table

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To maintain the role of the Bankstown CBD as a major metropolitan centre.

The development remains consistent with the objectives of the zone in so far as approval of the development will contribute to the growth of the Bankstown CBD with respect to employment generation and the re-utilisation of the former Bankstown library building.

In accordance with the land use table the development is permissible with the consent of Council being a commercial premises with associated building identification signs.

Clause 2.8 – Temporary use of land

Clause 2.8(2) of the LEP reads as follows:

- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

While the applicant has indicated the use of the building (and the associated signage) will be temporary, the applicant has not sought approval pursuant to the provisions contained within Clause 2.8(2) of the LEP. The temporary nature of the development reflects the fact that the old library building will be demolished to accommodate the development as promoted in the display suite.

Clause 4.3(2) – Height of buildings

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height of Buildings Map identifies a maximum permissible building height of 41 metres for this particular site. In the absence of any external works proposed, other than the provision of signage along a number of the façades of the building, the development remains compliant with Clause 4.3(2) of the BLEP.

Clause 4.4(2) – Floor space ratio

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The floor space ratio map identifies a maximum permissible floor space ratio of 4.5:1. The applicant seeks a use and fitout of the premises resulting in no increase to the existing gross floor area of the building. The development remains compliant with Clause 4.4(2) of the BLEP.

As identified above, an assessment of the development application has revealed that the proposal complies with the matters raised in each of the above clauses of Bankstown Local Environmental Plan 2015.

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

As indicated earlier in this report, Council is in receipt of a Development Application in which the applicant is seeking approval for a large mixed use development on this site. Exhibited with the development application was both a Planning Proposal and a Voluntary Planning Agreement that specifically related to this mixed use development.

The Planning Proposal seeks to increase the maximum building height to 83 metres and the maximum floor space ratio to 5:1 where it can be demonstrated that the development delivers a better built form and public benefits. The intended outcome is to provide a site

specific framework that delivers design excellence and public benefits to the Bankstown CBD.

In the event that the Planning Proposal has been exhibited, consideration under Section 79C(1)(a)(ii) of the EP&A Act is required. The Planning Proposal is neither certain nor imminent, with the Planning Proposal only coming off exhibition on 12 May 2017. Notwithstanding the stage at which the Planning Proposal is at, the merits or otherwise of the subject development application is not inconsistent with the Planning Proposal.

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

Part B2 of the Bankstown Development Control Plan 2015 supplements the LEP by providing additional objectives and development controls to enhance the function and appearance of centres, corridors and business parks in the City of Bankstown. The DCP however is silent with respect to development controls and specific objectives relating to 'land use' and signage controls within the B4 Mixed Use Zone.

Part B5 of the Bankstown Development Control Plan 2015 provides for controls relating to off-street parking specifically in respect to design, access, layouts and circulation. In order to determine required on-site car parking, it is relevant to have regard to the car parking demand of the former use of the building when determining whether the new or proposed use will generate any additional demand. The Schedule for Off-street Parking Requirements in Section 2 of Part B5 is silent with respect to the car parking requirements associated with a library building.

It is reasonable to assume that the car parking requirements/demands associated with a library building would exceed that of a real estate office and display suite. Accordingly requesting additional on-site parking in association with the new use cannot be justified.

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

There are no planning agreements applicable to this development application.

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

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

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

The report identifies the likely impacts of the development particularly with respect to the impact of the signs on the visual amenity of the locality and on the motorists. The applicant has indicated that both the use of the premises and the signage is temporary. It is therefore recommended that the consent notice reflect this with the consent being limited to 3 years. Furthermore in that time should Council develop a specific signage strategy within the CBD then the merits of such signage can be revisited with any new development application.

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

The use of the site as a temporary real estate office and display suite is an appropriate use of the site having regard to the development opportunities potentially afforded by the exhibited planning proposal (that relates specifically to this site) and the existing vacancy of the premises.

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

The application was notified for a period of 14 days from 5 April 2017 to 18 April 2017. No submissions were received during this period. While amended plans were lodged with Council they provided for a reduction in both the size and the number of the signs that are proposed along the façades of the development. Bankstown Development Control Plan 2015 is silent with respect to requiring re-notification of applications to occur upon the receipt of amended plans.

In light of the extent of the changes undertaken, being a reduction in the number and size of the signs, notification of the amended plans was not considered necessary.

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

Having regard to the relevant planning considerations, the proposed development is in the public interest. The proposed development would not contravene the public interest. It responds appropriately to the standards contained in State Environmental Planning Policy 64 – Advertising and Signage, as well as the relevant provisions of the Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, requiring, amongst other things, an assessment against the provisions contained within State Environmental Planning Policy 64 – Advertising and Signage, Greater Metropolitan Regional Environmental Plan 2 - Georges River Catchment, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The proposed development represents an appropriate response to the opportunities afforded to the site. Approval of this application is considered to be consistent with the B4 Mixed Use zoning and would not result in an unacceptable or unreasonable impacts on the surrounding locality.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of this Development Consent.
- 2) Development shall take place in accordance with Development Application No. DA-1048/2016, submitted by Fioson Pty Ltd, accompanied by Drawing Nos. 10200_DA01[3], 10200_DA02[3], 10200_DA03[3], 10200_DA04[3] and 10200_DA05[3] all dated 17 February 2017 and all Issue 3 and Drawing Nos 10200_DA06[3](Rev. A) and 10200_DA07[3](Rev. A) each dated 9 May 2017 and each referenced as Issue A, all prepared by Nettleton Tribe and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) This approval is valid for a period of 3 years from the date of determination after which time the use of the subject premises, and the signage associated with the approval, will require further consent of Council.
- 4) Signage approved in association with this determination notice is not to be modified, changed, replaced or altered without the prior approval of Council.
- 5) Signage approved in association with this determination notice is restricted to the content of the signage (as approved) such that it relates to the development as referenced as Development Application No. DA-877/2016 as lodged with Canterbury Bankstown City Council on 9 September 2016.
- 6) The existing parapet feature that sits proud of the northern façade of the building (above proposed 'Sign 3') is to remain visible, in its current form, at all times.
- 7) The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

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

- 8) 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.
- 9) 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.

- 10) 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.
- 11) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$950.00 shall be paid to Council.

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

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

- 12) The use of the existing building must be brought into conformity with the Building Code of Australia (BCA), to protect persons using the building, and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby. Details indicating compliance with the Performance Requirements of the BCA must be provided to the certifying authority prior to the issue of a construction certificate.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION COMMENCING

- 13) 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.

- 14) 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.
- 15) 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.

- 16) 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.
- 17) 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

- 18) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 19) The building work must be carried out in accordance with the requirements of the Building Code of Australia.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 20) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.

- 21) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied.

USE OF THE SITE

- 22) The hours of operation of the real estate office and display suite shall be limited to between 10.00am and 3.00pm (Monday to Friday) and 10.00am to 5.00pm (Saturdays and Sundays).
- 23) Signage content shall be in accordance with Condition 5 of this Determination Notice and shall be maintained in good order at all times.
- 24) Signs shall not flash or contain flashing lights or devices that enable the signs to change colour or create movement.
- 25) Illumination of the signs (as nominated) shall not cause nuisance to motorists or residents.

-END-

Independent Hearing and Assessment Panel – 5 June 2017

ITEM 2	1 Parkham Street, Chester Hill
	Demolition of existing structures and construction of a multi dwelling housing development comprising four dwellings
FILE	DA-328/2016 - Bankstown Ward
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	14 April 2016
APPLICANT	Mouaz El Hares
OWNERS	A Sabat
ESTIMATED VALUE	\$1,208,446
SITE AREA	1372 sqm
AUTHOR	Planning

RECOMMENDATION That-

1. The submission made pursuant to Clause 4.6 of the Bankstown Local Environmental Plan 2015 be supported; and
2. Development Application DA-328/2016 be approved subject to the attached conditions.

SUMMARY REPORT

This matter is reported to Council's Independent Hearing and Assessment Panel for determination due to the number of submissions received and a proposed variation to the maximum wall height of dwellings within a multi-dwelling housing development in the R2 Low Residential zone.

Development Application DA-328/2016 proposes the demolition of existing structures and construction of a multi dwelling housing development comprising four dwellings.

DA-328/2016 has been assessed against Bankstown Local Environmental Plan (BLEP) 2015 and Bankstown Development Control Plan (BDCP) 2015 and the application fails to comply with Clause 4.3(2B)(c)(ii). The proposed variation relates to the wall height of Units 3 and 4, which are located at the rear of the proposed development. As detailed in this report, the proposed non-compliance with the development standard has been addressed in a suitable Clause 4.6 submission and is considered worthy of support.

The application was notified for a period of 14 days from 18 April to 1 March 2016 and re-notified with amended plans for a further seven days from 5 April to 11 April 2017. Submissions were received from six different households, which raise concerns relating to the character of the neighbourhood, stormwater implications, overlooking and landscaping works. The concerns raised in the submissions have been considered and are summarised in the attached report, and do not warrant refusal of the proposed development.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

1. The submission made pursuant to Clause 4.6 of the Bankstown Local Environmental Plan 2015 be supported; and
2. Development Application DA-328/2016 be approved subject to the attached conditions.

ATTACHMENTS

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

DA-328/2016 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The application seeks consent for the demolition of the existing structures on site, and construction of a multi dwelling housing development comprising four dwellings. The existing lot consists of an irregular subdivision pattern with a primary frontage of 19.215 metres to Parkham Street. The site has an area of 1372sqm and currently contains a single storey dwelling, detached garage, outbuilding, swimming pool and an awning.

A number of trees are present on site, of which the mature Wallangara white gum to the northern frontage to Parkham Street is required to be retained and protected.

The infrastructure on the site includes a 600mm diameter stormwater pipeline and an associated 3.05m wide easement. The allotment contains an overland flow path for excess stormwater runoff from the upstream area and consequently is recognised to have a flooding affectation.

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



PROPOSED DEVELOPMENT

DA-328/2016 proposes the following works:

- Construction of a multi dwelling housing development comprising four dwellings.
- Replacement of the boundary fencing, associated site works and landscaping.

- Removal of the existing stormwater pipeline and the construction of a new 600mm diameter pipe with a revised easement.

The proposed development presents as a two storey attached dual occupancy to Parkham Street, with two single storey dwellings located toward the rear of the allotment. Vehicle access to the site is provided by a common driveway for units 1, 3 and 4 to the eastern boundary and a separate vehicle crossing provided to the western boundary to unit 2.

The multi dwelling housing development is of a contemporary design with a mix of external finishes to provide an articulated building form.

SECTION 79C ASSESSMENT

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

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

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

Clause 7 of SEPP 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The site has residential structures present dating back to the early 20th century. In accordance with the Managing Land Contamination Planning Guidelines, the historical uses of the site would not warrant the need for further consideration of contamination and testing.

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

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

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

Bankstown Local Environmental Plan 2015

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

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.1B – Minimum lot sizes and special provisions for certain dwellings
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.9 – Preservation of trees or vegetation
- Clause 6.1 – Acid sulfate soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood planning

An assessment of the development application has revealed that the proposal complies with the matters raised in each of the above clauses of Bankstown Local Environmental Plan 2015, with the exception of the variation proposed to Clause 4.3(2B)(c)(ii) - Height of buildings.

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

STANDARD	PROPOSED	BLEP 2015 COMPLIANCE
Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	20.8m frontage (front building line) 1372m ²	Yes – minimum 20m frontage and minimum 1200m ² required
Clause 4.3(2B)(c)(ii) – requires the wall height of dwellings that do not face a road within a multi-dwelling housing development to not exceed 3.0 metres.	The proposed development exceeds the wall height control along the western elevation of Units 3 and 4 with a maximum height of 3.192 metres. The departure is limited strictly to the common party wall.	No – maximum wall height is not to exceed 3.0 metres (see discussion below)
Clause 4.4 FSR	0.4:1 proposed	Yes – 0.5:1

Variation Request

The BLEP 2015 states that the wall height of dwellings that do not face a road within a multi-dwelling housing development must not exceed 3 metres in the R2 Low Residential Zone, pursuant to Clause 4.3(2B)(c)(ii), which is reproduced below. This would apply to the rear two dwellings in the proposed development.

4.3 Height of buildings

- (2B) Despite subclause (2), the following restrictions apply to development on land in Zone R2 Low Density Residential:

- (a) ...
- (b) ...
- (c) for multi dwelling housing and boarding houses:
 - (i) the maximum building height for a dwelling facing a road is 9 metres and the maximum wall height is 7 metres, and
 - (ii) the maximum building height for all other dwellings at the rear of the lot is 6 metres and the maximum wall height is 3 metres.

The proposed development exceeds the wall height control along the western elevation of Units 3 and 4 with a maximum height of 3.192 metres. The departure is limited strictly to the common party wall.

In this instance, the departure is largely the result of stormwater issues. A Stormwater Systems Report provided by Council requires a minimum RL of 38.50 AHD to be accommodated on habitable floor levels of the development. The existing natural ground levels in the vicinity of the two non-compliant units range from approximately 37.90 to 38.70 AHD. It is also noted that a depression exists towards the middle of the site, resulting in a moderate north-south cross fall of approximately 1 metre.

The rear units therefore fail to comply with the requirements of the BLEP 2015, Clause 4.3(2B)(c)(ii), as provided above. In this case a Clause 4.6 variation request has been submitted and is discussed below.

Clause 4.6 – Exceptions to development standards

Pursuant to Clause 4.6 of the BLEP 2015, the applicant has made a submission seeking a variation to the provisions contained in Clause 4.3(2B)(c)(ii) of the BLEP 2015. The applicant's 4.6 requests submits that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and there is sufficient environmental planning grounds to justify contravening the development standard in this instance for the following reasons:

- *The departure is only limited to the common party wall, and that the remaining elevations comply with the development standard.*
- *The finished floor level is raised as a result of the recommendations of Council's Stormwater Systems Report and site characteristics of the development site.*
- *The western elevation is influenced by the cross fall of the allotment.*

In order to address the requirements of sub-clause 4.3(2B)(c)(ii), each of the objectives of Clause 4.3 need to be considered and are listed below.

- (a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,

- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,
- (d) to define focal points by way of nominating greater building heights in certain locations.

Objective (a) – seeks to ensure the height of development is compatible with the character, amenity and landform of the area in which the development will be located. In this case, the non-compliance is limited to a minor extent (0.192m) at the common party wall on the western elevation. Where applicable, the remaining multi dwelling housing development complies with the 3m wall height standard and does not result in an adverse or incompatible residential development outcome within the R2 Low Density Zone.

Objectives (b) and (d) are not relevant to the nature of the non-compliance given the rear units are single storey and not considered a focal point requiring a greater building height.

Objective (c) – seeks to provide appropriate height transitions between development. In this case the intent of providing a single storey built form to dwellings that do not face a road within a multi-dwelling housing development are maintained on the allotment. The proposed development is considered to accommodate an appropriate relationship with neighbouring properties.

The intent of maintaining a transition of a two storey development fronting Parkham Street to a single storey development to the rear is to be carried out. This remains consistent with the planning purpose of the listed objective and remains consistent with the Clause 4.3(2B)(c)(ii) standard.

In addressing the proposed variation to the wall height of Units 3 and 4 of the multi-dwelling housing development, consideration must be given to the specific details and attributes of the development site in question.

As outlined above, the subject site consists of an irregular subdivision pattern with a primary frontage of 19.215 metres to Parkham Street. The site has an area of 1372sqm and in topography contains a slight depression to the sites centre.

The infrastructure on the site includes a 600mm diameter stormwater pipeline and an associated 3.05m wide easement within the referenced depression area. The allotment contains an overland flow path for excess stormwater runoff from the upstream area and consequently is recognised to have a flooding affectation.

The redevelopment of flood affected allotments are supported by a Stormwater Systems Report provided by Council, that details the provisions for an appropriate freeboard for habitable floor levels above the 100 year average recurrence interval for flooding. The requirement, as previously referenced, is to provide a freeboard at a reduced level of 38.5 metres as per the Australian Height Datum (AHD).

Resultantly, the applied freeboard contributes to an increase in wall height of the multi dwelling development (the wall height is measured from the existing natural ground level not the freeboard) and attributes to the wall height non-compliance of Units 3 and 4, providing a maximum height of 3.192 metres.

The remaining development complies with the 3m wall height (where applicable) and the non-compliance is strictly limited to the common party wall on the western elevation. Accordingly, it is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as the development remains an appropriate built form outcome for the site, despite the contravention to the development standard. It is also agreed that there are sufficient environmental planning grounds to support the applicants Clause 4.6 submission as the provision of the freeboard further reduces the flood risk to future occupants of the dwellings.

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

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

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

The following table provides a summary of the development application against the controls contained in Part B1 and Part B5 of Bankstown Development Control Plan 2015.

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
Multi Dwelling Housing - Zone R2		
7.3 The siting of multi dwelling housing and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Yes – The development is considered to be suitable in accommodating a freeboard to habitable areas as per the Canterbury Bankstown Stormwater System Report. The finished floor levels of the development are not considered excessive or unnecessary.	Yes
7.4 Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where: (a) the multi dwelling housing are	The site is considered under Clause 7.4(a) and remains suitable.	Yes

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
<p>required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or</p> <p>(b) the fill is contained within the ground floor perimeter of the multi dwelling housing to a height no greater than 1 metre above the ground level (existing) of the allotment.</p>		
<p>7.5 The erection of multi dwelling housing is prohibited within 9 metres of an existing animal boarding or training establishment.</p>	N/A	N/A
<p>7.6 The minimum setback for a building wall to the primary road frontage is:</p> <p>(a) 5.5 metres for the first storey (i.e. the ground floor); and</p> <p>(b) 6.5 metres for the second storey.</p>	Yes	Yes
<p>7.7 The minimum setback to the secondary road frontage is:</p> <p>(a) 4.5 metres for a building wall; and</p> <p>(b) 5.5 metres for a garage or carport that is attached to the building wall.</p>	N/A	N/A
<p>7.8 The minimum setback to the side and rear boundaries of the allotment is:</p> <p>(a) 5 metres for a building wall that contains a living area window or glass sliding door; and</p> <p>(b) 2 metres for a building wall that does not contain a living area window or glass sliding door; and</p> <p>(c) subject to Council's satisfaction, 0.9 metre for a garage or carport that is attached to the building wall.</p> <p>Despite this clause, Council may allow the front dwelling to multi dwelling housing to achieve the same minimum setback to the side boundary as dwelling houses provided the front dwelling gives the appearance of a dwelling house or a dual occupancy (attached) when viewed from the street.</p>	<p>Yes – The dwellings not facing a road frontage provide the required setbacks.</p> <p>Note: The dwellings fronting Parkham Street present as an attached dual occupancy in appearance and achieve the same minimum setbacks.</p>	Yes
<p>7.9 The minimum setback for a driveway to the side and rear boundaries of the allotment is 1 metre.</p>	Yes	Yes

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
7.10 Multi dwelling housing must provide a minimum 60m ² of private open space per dwelling behind the front building line.	Unit 1: 83sqm Unit 2: 83sqm Unit 3: 64sqm Unit 4: 102sqm	Yes
7.11 At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	All dwellings achieve 3 hours solar access.	Yes
7.12 At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	The adjoining dwelling to the west at 3 Parkham Street, and to the east 20-24 Miller Road maintain compliant levels of solar amenity.	Yes
7.13 A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	The private open space is to receive a suitable level of solar amenity. 3 Parkham Street and 20-24 Miller Road maintain compliant levels of solar amenity to private open space areas.	Yes
7.14 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	No solar panels present to the 3 Parkham Street. No immediate impacts to eastern dwellings at 20-24 Miller Road.	Yes
7.15 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or (c) ensure the window cannot open and	The windows do not result in any adverse overlooking or visual privacy impacts. The elevated alfresco areas required a suitable freeboard have been conditioned to provide the following: <i>A self-supporting privacy screen to a height of 1.8 metres must be provided to the rear alfresco areas of the development as indicated in red on the approved plans at full cost to the</i>	Yes

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
<p>has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council</p>	<p><i>developer. The structure must be nominated on plans submitted with the construction certificate, maintained for the life of the development and installed prior to the issue of the occupation certificate.</i></p>	
<p>7.16 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	<p>The proposal maintains the required setbacks to the side and rear boundaries, and remain suitably screened with consideration given to the alfresco areas.</p>	Yes
<p>7.17 An upper floor balcony to multi dwelling housing may require screening where the open space overlooks more than 50% of the private open space of a lower level or neighbouring dwelling. The screening must be in the form of a permanent fixed structure such as:</p> <p>(a) a solid translucent screen or perforated panel that is:</p> <p>(i) durable and designed to blend in with the development; and Bankstown City Council Bankstown Development Control Plan 2015–Part B1 38 March 2015 (Amended December 2016)</p> <p>(ii) the sum of the perforated panel openings do not exceed 25% of the total surface area; or</p> <p>(b) another form of screening to the satisfaction of Council.</p>	<p>The upper floor side balconies of Unit 1 and Unit 2 are to be suitably screened with a permanent fixed structure and as such do not look directly into the private open space of the adjoining properties.</p>	Yes

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
7.18 Council does not allow multi dwelling housing to have roof-top balconies and the like.	No roof top balconies proposed.	Yes
7.19 Development for the purpose of multi dwelling housing must demolish all existing dwellings (not including any heritage items) on the allotment.	Yes	Yes
7.20 The design of the front dwellings to multi dwelling housing must: (a) ensure a street façade incorporates architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and (b) ensure the front porch and one or more living area or bedroom windows to the dwelling face the street; and (c) ensure any garage, driveway and front fence do not dominate the front of the dwelling and front yard	Each dwelling meets the applicable requirements.	Yes
7.21 The maximum roof pitch for multi dwelling housing is 35 degrees.	3 to 35 degrees proposed.	Yes
7.22 Council may allow multi dwelling housing to have an attic provided the attic design: (a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and (b) ensures the attic does not give the external appearance of a storey.	The attics provided to units 3 and 4 meet the design criteria of the control.	Yes
7.23 The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.	Yes	Yes

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
7.24 Multi dwelling housing with 10 or more dwellings must provide one adaptable dwelling per 10 dwellings in accordance with AS 4299–Adaptable Housing.	N/A	N/A
7.25 Development in the foreshore protection area (refer to map in Appendix 1) must use non–reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	N/A	N/A
7.26 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: (a) comply with the road pattern shown in Appendix 2; and (b) ensure vehicle access from Balmoral Crescent to land at Nos. 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.	N/A	N/A
7.27 The design and siting of car parking structures and driveways must ensure vehicles can leave the allotment in a forward direction. This clause does not apply to a front dwelling to multi dwelling housing provided the dwelling is designed to give the appearance of a dwelling house or a dual occupancy (attached) when viewed from the street.	The design accommodates a common driveway for units 1, 3 and 4 to the eastern boundary. Unit 2 gives the appearance of an attached dual occupancy and the entry consists of an individual vehicle crossing.	Yes
7.28 Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space of a front dwelling to multi dwelling housing to locate forward of the front building line provided: (a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.	Each dwelling meets the applicable requirements.	Yes

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
7.29 Where development proposes a garage with up to two car parking spaces per dwelling facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street façade.	Yes	Yes
7.30 Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the multi dwelling housing.	The proposal has been designed to ensure that the significant tree at the north of the site is retained and protected.	Yes
7.31 Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species): (a) a minimum 45% of the area between the multi dwelling housing and the primary road frontage; and (b) a minimum 45% of the area between the multi dwelling housing and the secondary road frontage; and (c) plant at least one 75 litre tree between the multi dwelling housing and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown or Appendix 6 for allotments that adjoin the Hume Highway); and (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.	The proposal has been designed and conditioned to meet the landscaping requirements of this control. As such it is considered satisfactory.	Yes
Flood Risk Management		
Schedule 5 - Catchments affected by Stormwater Flooding. This schedule defines development controls for flood liable land in catchments that are not highlighted in Map 1 (i.e. catchments affected by stormwater flooding). Flood	The development proposal has been designed and conditioned to meet the requirements of the <i>Bankstown City Council Stormwater System Report – 1 Parkham Street, Chester Hill</i> As such it is considered that the proposal is satisfactory with the	Yes

STANDARD	BDCP 2015 PART B1 and B5	
	Provided	COMPLIANCE
liable land is identified through: (a) Council's ongoing flood study and flood risk management process. (b) Site specific flood studies, in cases where a flood study or flood risk management plan has not been finalised and adopted by Council.	recommendations of this report and remains consistent with the performance criteria of Part B12 – Flood Risk Management	
B5 Parking		
Multi dwelling housing = 2 car spaces per 3 or more bedroom dwelling	8 car parking spaces provided. 1 street car space maintained.	Yes

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

There are no planning agreements applicable to this development application.

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

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

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

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As detailed in this report, where the non-compliance is proposed, it has been suitably addressed and is considered worthy of support. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

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

The site is considered suitable for the proposed development.

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

The application was notified for a period of 14 days from 18 April to 1 March 2016 and re-notified with amended plans for a further 7 days from 5 April to 11 April 2017.

Submissions were received from six different households, and raised concerns relating to the character of the neighbourhood, stormwater implications, overlooking and landscaping works.

The concerns raised in the submission have been summarised as follows:

Stormwater Flooding And Site Drainage

Objection: The site has a floodzone rating and the major easement and drainage structures that run through the property has not been addressed.

Comment: Council's development engineers have assessed the drainage plan against the relevant provisions of the Bankstown Engineering Standards 2009 and the Australian Standards and has found it to comply.

The drainage works consist of the removal of the existing drainage pipe and easement and the construction of a new 600mm diameter RCP pipe in a revised location. The overland flow path for excess stormwater runoff from the upstream properties is also to be sustained at the lowest point of the site and maintained with a drainage easement.

The redevelopment of the site is also supported by a Stormwater Systems Report provided by Council, detailing the reduced level (RL) of habitable floor levels to be accommodated on the site to reduce the risk to human life and damage to property caused by flooding.

Development Type And Nature

Objection: The density, height, scale and appearance of the proposal on a single dwelling block is not compatible with the rest of the street, the impact on streetscape and amenity can only be negative.

Comment: The development has been reviewed in consideration of both Council's Local Environmental Plan 2015, and the Bankstown Development Control Plan 2015. In this instance the development complies with all requirements relating to the setbacks, floor space ratio, building height, landscaping and private open space standards applicable to a multi-dwelling housing development.

These controls assist in regulating the location, size and footprint of the development, remains a permitted land-use in the R2 Residential Zone and is suitable for development consent.

Car Parking And Waste Collection

Objection: Insufficient parking, density of traffic in our small street, no visitor space for villas, increased noise and pollution levels, garbage collection can all have an unacceptable impact on the quality life in street neighbourhood.

Comment: As per the parking standards in Part B5 of the Bankstown Development Control Plan 2015, multi-dwelling development must provide a minimum of two on-site car spaces per dwelling with three or more bedrooms. In review of the proposal, the development complies with these requirements.

Additionally the split vehicle crossing design of the development will also assist to maintain an on street car park on Parkham Avenue. The development type of multi-dwelling housing is not considered to result in adverse traffic generation.

In regard to bin collection and waste disposal, the proposed development is a typical residential development type that is consistent with future demand for household waste services. This remains consistent with other developments in the R2 Low Density Residential Zone.

Visual Privacy

Objection: The loss of privacy resulting from newly constructed two storey dwellings overlooking the backyards of existing single storey dwellings. Of particular concern in the current era is the protection of children residing in existing single storey dwellings.

Comment: Recommended conditions of development consent require the provision of appropriate privacy screens along the rear alfresco areas and the side balcony areas provided to units 1 and 2 of the development. These measures promote the retention of visual amenity for internal occupants and for the residents of the adjoining properties. The proposed development remains consistent with existing residential development in the R2 Low Density Zone.

Landscaping Works

Objection: Opposed to the removal of the large established native trees on site to accommodate the four dwellings. The trees complement and assist with the water issues within the property and surrounds.

Comment: The preliminary landscape plan submitted to Council with the development application has been reviewed by Council's Tree Management Unit and has been considered suitable subject to conditions placed in the development consent.

Furthermore, the established eucalyptus tree (Wallangara white gum) located to the north of the site is to be retained and protected as per recommendation by the Tree Management Unit and as conditioned in the development consent.

Recommended conditions of development require a final landscape plan to be prepared and submitted to Council and the principal certifying authority, detailing the required landscaping works, the replacement of boundary fencing and the retention of existing vegetation to be provided on the allotment.

Sewer Connection

Objection: There are consequences of increased capacity and utilisation of water and sewer reticulation infrastructure. The sewerage reticulation in this area was installed over 60 years ago and consists of a six inch SGW piping. This was adequate for development of this time but putting ever-increasing demands on aging infrastructure is going to have inevitable consequences. In this case, blocked pipes are now commonplace.

Comment: Sydney Water is the responsible consent authority that assesses the suitability of the development on infrastructure, including if there are sufficient wastewater pipes to connect to and if the pipes are the appropriate size for the development. As a condition of development consent, the applicant is required to apply for and satisfy a Section 73 Certificate that is issued by Sydney Water. This is also the relevant authority that manages the location and maintenance of the referenced sewer man-holes located on the allotment.

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

Having regard to the relevant planning considerations, the proposed development is in the public interest. It responds appropriately to the standards contained in the Bankstown Local Environmental Plan 2015. Matters raised in public submissions have been satisfactorily addressed, and the proposed development would contribute to housing diversity within Canterbury-Bankstown LGA.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy 55 (Remediation of Land), Deemed State Environmental Planning Policy (SEPP) 2 Georges River Catchment, Bankstown Local Environmental Plan 2015, and Bankstown Development Control Plan 2015.

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

Accordingly, it is recommended that Council's Independent Hearing and Assessment Panel support the applicants Clause 4.6 submission and approve the application.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-328/2016, submitted by Mouaz El Hares, accompanied by Drawing Nos. 1 to 13, prepared by Premium Designs Engineering, dated 29 March 2017 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) A self-supporting privacy screen to a height of 1.8 metres must be provided to the rear alfresco areas and to the side balconies of unit 1 and unit 2 of the development as indicated in red on the approved plans at full cost to the developer. The structures must be nominated on plans submitted with the construction certificate, installed prior to the issue of the occupation certificate and maintained for the life of the development.
- 4) The ground floor finished floor levels of the development are to be revised as indicated in red on the approved plans. The final plans submitted with the construction certificate must remain consistent with such requirements.

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:

- 5) 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.
- 6) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

7) Tree Protection Measures

The following tree shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location
<i>Eucalyptus scoparia</i> , (Wallangara white gum)	Front yard

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

- a) The vehicle crossing for the western unit is to consist of a pervious treatment as indicated on the development plans and constructed using sensitive construction techniques;
- b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site;
- c) Appropriate protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works;
- d) The applicant will display in a prominent location on the fencing of each tree protection zone a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - i. The Development Consent number;
 - ii. The purpose of the protection zone;
 - iii. The penalties for disregarding the protection zone;
- e) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced off Tree Protection Zone;
- f) Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.

8) Tree Removal: On-Site

Approval is granted for the removal of the following trees:

- i. Any tree/s growing within the building footprint of the approved structures;
- ii. Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling on the same property;
- iii. Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- iv. Any tree species listed under clause 2.7 of Bankstown Development Control Plan 2014 Part B11 – Tree Preservation Order.

Tree Species	Location
<i>Eucalyptus crebra</i> , (Narrow leafed Ironbark)	Front Yard
<i>Eucalyptus scoparia</i> , (Wallangarra white gum)	Front yard

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

9) Tree Removal: Nature Strip

Approval is granted for the removal of the following tree:

Tree Species	Location: Parkham Street frontage
(1) <i>Callistemon Viminalis</i> (Weeping bottlebrush)	Forward of the property / Councils nature strip

The tree removal works are subject to the following conditions:

- i. All tree works must be carried out by a qualified arborist (minimum qualifications AQF Level 3 or equivalent);
 - ii. The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
 - iii. The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
 - iv. The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant;
 - v. All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level;
 - vi. The site must be maintained in a safe condition at all times;
 - vii. Appropriate hazard signage to be in place at all times during the tree works.
- 10) Approval in accordance with Council’s Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council’s TPO may result in a fine of up to \$100,000.
- 11) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council’s Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 12) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would

affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 13) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 14) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 15) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$12,084.46 shall be paid to Council.

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

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

- 16) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 17) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
 - a) A Heavy Duty VFC of maximum width of 6.0 metres at the property boundary for the eastern villas and a Light Duty VFC of maximum width of 3.0 metres at the property boundary for the western villa.
 - b) Remove the existing drainage pipe and easement and reconstruct a new 600mm diameter RCP pipe in the new location as shown on the engineering plans.

- c) Drainage connection to Council's piped drainage system in the relocated easement.
- d) 1.2 metre wide concrete footway paving along the sites entire frontage to Parkham Street.
- e) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- f) Repair of any damage to the public road including the footway occurring during development works.
- g) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 18) 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.

- 19) 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.
- 20) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate

has been issued will require an updated BASIX Certificate and a new Construction Certificate.

- 21) 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.

- 22) Sites located adjacent to Council's drainage easement and/or sites affected by flooding shall comply with the following:

- a) The proposed building(s) including eaves and gutters shall be located clear of the proposed Council easements within the site. Plans to this effect shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. All approved construction details shall be consistent with this requirement. Proposed buildings shall be located clear of floodways through the site.
 - b) Concrete pier and beam type footings shall be provided for all structures adjacent to Council's stormwater pipe/easement in accordance with the requirements contained in Council's Development Engineering Standards. Plans and details prepared by a qualified practising Structural Engineer, with details suitable for construction in accordance with the above Policy shall be incorporated into the details for approval of the Construction Certificate.
 - c) Landscaping within Council's drainage easement shall be limited to grassed or paved surfaces only. Boundary fencing across Council's drainage easement and floodway shall incorporate provision for the passage of overland stormwater runoff. All approved construction details shall be consistent with this requirement.
 - d) An unobstructed overland flow path, for excess stormwater runoff from Council's drainage system and upstream catchment shall be constructed and maintained on the property. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to Council prior to the issue of the Construction Certificate. The final detailed plan shall be in accordance with plans by Kozarovski & Partners. All approved construction details shall be consistent with this requirement.
- 23) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater retention system, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan C-3138-01 Issue 3, dated 27 March 2017, by Kozarovski & Partners, the marked up architectural plans of the development consent and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 24) The building / subdivision work in accordance with the development consent must not be commenced until:
 - a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and

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

wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

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

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

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

- 34) 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.

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

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410**, **9707 9412** or **9707 9635**.
 - c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
 - d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
 - e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
 - f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
 - g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 36) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

- 37) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 38) 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.
- 39) 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.
- 40) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 41) 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.
- 42) 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.
- 43) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 44) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). *Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.*
- 45) 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.

- 46) Development located adjacent to Council's drainage pipe and/or easements shall comply with the following:
- a) Concrete Pier and beam type footings/foundations adjacent to Council's drainage easements shall be constructed in accordance with the approved details and Council's Development Engineering Standards. The applicant/developer shall arrange for an inspection to be carried out by the PCA or Structural Engineer to verify depth and location of piers in relation to the proposed pipe and easement prior to pouring of concrete.
 - b) Any disturbance or damage caused to Council's proposed, newly constructed drainage pipes within the site shall be repaired by Council at the applicant's expense. The applicant shall notify Council of such damage immediately after it occurs.
- 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 PRIOR TO OCCUPATION

- 48) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 49) 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.
- 50) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 51) Tree Planting: On-Site

The applicant is to plant trees on the site as follows:

- i. A minimum of 6 x tree/s known to attain a minimum height of 10 metres at maturity in the landscape area.

- ii. Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.7 of Bankstown Development Control Plan 2014 Part B11 – Tree Preservation Order.
- iii. The trees are to be planted no closer than 3.5metres from the wall of any approved dwelling on the property.
- iv. The trees shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
- v. The tree shall to be planted prior to the issue of an occupation certificate.
- vi. The tree shall be maintained for the life of the development.

52) Tree Planting: Nature Strip

The applicant is to plant the following tree on the nature strip forward of the property. The tree shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-202:

Tree Species	Location
(1) <i>Waterhousea floribunda</i> , (Weeping lily pily)	Parkham Street frontage The tree is to be planted on the eastern side of the vehicle footpath crossing to <u>Villa number 2</u> no closer than 2.5 metres from the edge of the vehicle crossing including (layback) 2.0 metres from any electricity pole and 1.5 metres from the kerb and gutter.

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

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

The tree is to be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer. The Applicant shall contact Councils Tree Management Officer to arrange for a site inspection of the completed tree planting prior to the issue of an occupation certificate.

53) 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.

- 54) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 55) Sites located adjacent to Council's drainage easement and/or sites affected by flooding shall comply with the following:
- a) A Work As Executed Plan prepared by a registered surveyor, together with certification from a qualified professional Civil Engineer of the capacity and adequacy of the constructed flow path shall be obtained prior to issue of the certificate of occupation or occupation of the site.
 - b) The Work As Executed information shall be shown on a copy of the approved plans and shall include as constructed information relating to the finished ground levels within the flow path and relevant surrounding levels. The above information together with the Engineer's certification shall be submitted to Council for information prior to issue of the occupation certificate or occupation of the site.
 - c) An easement to drain water 3.0 m wide shall be created in favour of Council centrally over the existing stormwater pipe within the site.
 - d) The existing drainage easement within the site shall be widened to XXX m total width, centrally over the newly constructed stormwater pipe within the site.
 - e) A Restriction On the Use of Land under the relevant provision of the Conveyancing Act shall be registered on the title of the subject property, requiring that:
 - i. A flowpath/floodway for overland stormwater runoff from upstream properties and Council's Road Reserve shall not be allowed to fall into disrepair within Council's drainage easement / constructed floodway boundaries.
 - ii. Trees or shrubs shall not be planted within Council's drainage easement / constructed floodway boundaries.
 - iii. Changes to approved levels and / or the constructions of walls and landscaping within Council's drainage easement / constructed floodway boundaries shall not occur unless approved by Council.
 - iv. The fencing constructed across the floodway or overland flowpath shall not be allowed to fall into disrepair and shall not block the free passage of surface flow of stormwater.

Note: The location of the "Flow path" shall be shown on an A4 plan, prepared by a surveyor, and attached to the relevant Land Title Dealing Form
 - f) Canterbury-Bankstown Council must be the Prescribed Authority with regard to the Restriction.
 - g) The Restriction must be registered on title following satisfactory construction and certification of the overland flow path and prior to issue of the Occupation Certificate or occupation of the site. Evidence of such registration shall be submitted to Council.

- 56) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 57) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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

- 58) The developer must register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant and in accordance with the appropriate provisions of the Conveyancing Act. Canterbury-Bankstown Council must be the Prescribed Authority with regard to the Restriction and Positive Covenant. The surveyor must show the location of the "On-Site Stormwater Retention System" on an A4 size site plan attached to the Land Title Dealing to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. The Restriction and Positive Covenant must be registered in accordance with the following terms:

RESTRICTION ON THE USE OF LAND

1. The Proprietor of the burdened lot must not:
 - (a) Erect, construct or place any building or other structure and/or
 - (b) Make alterations to ground surface levels, grates, pits, kerbs, tanks gutters or any other structure associated with the "On Site Stormwater Retention System"within the land so burdened without prior written consent of the City of Canterbury – Bankstown.

POSITIVE COVENANT

1. The registered proprietor, in respect to the future or existing On Site Stormwater Retention System, (which expression includes all ancillary gutters,

pipes, drains, walls, safety fences, kerbs, pits, grates, tanks, chambers, basins, and surfaces designed to temporarily retain stormwater) (hereinafter called "the system") to be or already erected on the land so burdened, will:

- a) Permit stormwater runoff to be temporarily retained by the system;
 - b) Keep the system clean and free from all silt, rubbish, and debris;
 - c) Maintain and repair the system so that it functions in a safe and efficient manner;
 - d) Replace, maintain, repair, alter, and renew the whole or parts of the system within the time and in a manner specified in a written notice issued by council;
 - e) Carry out the matters referred to in paragraphs (b), (c) and (d) above at the proprietor's expense;
 - f) Permit the Council or its authorized agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - g) Comply with the terms of any written notice by the Council in respect to the requirements of this clause within the time stated in the notice.
2. In event of the registered proprietor failing to comply with the terms of any written notice served in respect of the matters in clause 1 the Council or its authorized agents may enter with all necessary equipment to carry out any work required to ensure the safe and efficient operations of the system and recover from the registered proprietor the cost of carrying out the work, and if necessary, recover any costs of legal proceedings (including legal costs and fees) and entry of a covenant charge on the land under section 88F of the Conveyancing Act 1919. In carrying out any work under this clause, the Council shall take reasonable precautions to ensure that the land is disturbed as little as possible.

59) All redundant easements shall be released prior to the issue of the Occupation Certificate or occupation of the site. All costs are to be borne by the developer. The developer should make early contact with Canterbury-Bankstown Council as the release of the easement must be considered at a Council meeting and subject to a resolution of the Council.

60) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

61) The subdivision certificate shall not be issued until the final Occupation Certificate has been issued for the building, site and subdivision works.

- 62) An application and appropriate fees for the issue of a Subdivision Certificate shall be submitted to Council upon all works being completed.
- 63) The following information shall be submitted to Council with an application for a Subdivision Certificate:
- a) Original plan of subdivision prepared and signed by a qualified surveyor, plus five (5) copies;
 - b) Copy of the relevant development consent, including all Section 96 Modifications if applicable;
 - c) Works as executed engineering plans;
 - d) Evidence that all conditions of consent have been complied with, A certificate of compliance (Section 73 Certificate) from Sydney Water if required, Final occupation certificate for all works;
 - e) Certification by a registered surveyor that all services such as stormwater, drainage, water, gas, electricity and telephone are contained separately within each lot or within easements created to accommodate such services;
 - f) Copy of the Work Permit Compliance Certificate, where required.
- 64) The developer shall create the following easements, where necessary over the relevant lots, on the plan of subdivision under provisions of the Conveyancing Act. A statement shall be placed on the Section 88B Instrument that nominates Canterbury-Bankstown Council as the authority empowered to release, vary or modify the easements created.
- a) Easements to drain water (for inter-allotment drainage);
 - b) Easement for services (for utilities);
 - c) Right of carriageway (for internal driveway, vehicle manoeuvring);
 - d) Easement for overhang (for eaves and gutters).

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