



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

4 March 2024 - 6:00 PM

**Location:
Council Chambers
Cnr Chapel Road and The Mall
Bankstown**

Welcome to the City of Canterbury Bankstown

We're committed to creating a liveable and loveable City for all our residents. Here's how we're doing it:



Great Cities

We believe in creating vibrant, dynamic, and diverse communities that offer opportunities for people to connect, pursue their passions, and contribute to the world around them.



Naturally Green

We protect and prioritise nature in and around our city to enhance environmental sustainability and improve the quality of life for our residents.



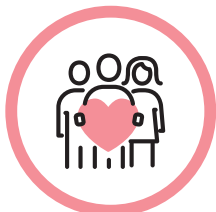
Design Excellence

We encourage buildings, spaces, and objects that are both beautiful and practical, enhancing the beauty, accessibility, and safety of our built environment.



People First

We prioritise the needs, preferences, and aspirations of our community in all aspects of urban planning and design, creating supportive and enriching places people love.



Community

We engage with our community to ensure their needs and aspirations are reflected in the outcome, creating sustainable, resilient, vibrant, diverse, and inclusive places.



Sustainability

We seek designs that reduce negative impacts on the environment while also promoting social and economic well-being.



Net-Zero

We encourage our community to design buildings and places that produce as much renewable energy as they consume, reducing greenhouse gas emissions, lowering energy bills, and increasing resilience to environmental shocks and stresses.

Join us in creating a City that's liveable, loveable, and sustainable for all!

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

PLANNING PROPOSAL

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BUDJAR / CANTERBURY WARD

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Canterbury Bankstown Local Planning Panel - 04 March 2024

ITEM 1	Planning Proposal – New Employment Zones
APPLICANT	Canterbury-Bankstown Council
OWNERS	Business and Industrial Zoned Land
AUTHOR	Planning

PURPOSE AND BACKGROUND

The Department of Planning, Housing and Infrastructure (DPHI) has instructed all councils in NSW to update their local environmental plans by carrying out an administrative ‘best fit’ translation of their existing business and industrial zones to the DPHI’s new employment zones. The statewide reform aims to reduce the number of existing business and industrial zones and to mandate more permitted uses in employment areas.

The statewide reform is in response to the NSW Productivity Commission’s 2021 White Paper *‘Rebooting the Economy’*. The Commission recommended reducing the number of existing business and industrial zones in the Standard Instrument Local Environmental Plan to simplify the development assessment process and to remove prescriptive rules that hinder the evolving economy.

The DPHI is staging the implementation of the statewide reform. In April 2023, the DPHI introduced the new employment zones in the local environmental plans of all other councils in NSW.

The next step is for Council to request a Gateway determination to exhibit a planning proposal to update the Canterbury-Bankstown Local Environmental Plan 2023. The planning proposal, as provided in Attachment A, is an administrative ‘best fit’ translation of Council’s existing business and industrial zones to the DPHI’s new employment zones. The intended outcome is to ensure the right zone is selected to reflect Council’s strategic intent for an employment area.

Based on legislative requirements, the translation will result in Council’s eight existing business and industrial zones being reduced to five new employment zones, together with more mandated permitted uses in the Land Use Table, as outlined in this report. The planning proposal does not change density controls – existing height and floor space ratio controls will remain unaffected.

The matter would be reported to Council following the exhibition. Council has until April 2025 to update its LEP as the DPHI will be repealing Council’s existing business and industrial zones at that point.

ISSUE

The DPHI has instructed Council to update its LEP by carrying out an administrative ‘best fit’ translation of the existing business and industrial zones to the DPHI’s new employment zones. The proposed changes are largely administrative and mandatory.

The Local Planning Panels Direction, issued by the Minister for Planning and Public Spaces, requires the Local Planning Panel to provide advice to Council at the Pre-Gateway stage on whether the planning proposal should proceed to Gateway.

RECOMMENDATION That -

1. The planning proposal to amend the Canterbury-Bankstown Local Environmental Plan 2023, as provided in Attachment A, proceed to Gateway and exhibition.
2. Council delegate authority to the Chief Executive Officer to make necessary changes to the planning proposal and maps to ensure consistency with the Gateway determination and the Department of Planning, Housing and Infrastructure’s mapping guideline prior to the exhibition.
3. The planning proposal be reported to Council following the exhibition.
4. Council prepare and exhibit draft amendments to the Canterbury-Bankstown Development Control Plan 2023 and other planning policies to support the planning proposal (if required), and the matter be reported to Council following the exhibition.
5. Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

[Click here for attachments A-E](#)

Attachment A – Planning Proposal

Attachment B – DPHI Employment Zones Land Use Matrix

Attachment C – DPHI Employment Zones Reform Implementation – Explanation of Intended Effect

Attachment D – Land Zoning Map - Existing

Attachment E – Land Zoning Map – Proposed

POLICY IMPACT

Statewide reform

In May 2022, the DPHI released the '*Employment Zones Reform Implementation – Explanation of Intended Effect*', as provided in Attachment C. The document discusses the background to the statewide reform and provides instructions on how councils may translate their existing business and industrial zones to the DPHI's new employment zones, which include:

- three centres-focused zones (E1 Local Centre, E2 Commercial Core and E3 Productivity Support),
- two industrial zones (E4 General Industrial and E5 Heavy Industrial),
- three supporting zones that capture land uses and locations that have a focus beyond jobs (MU1 Mixed Use, W4 Working Waterfront and SP4 Enterprise).



Figure 1: DPHI's new employment zones (Explanation of Intended Effect, page 11)

Council's planning proposal to implement the statewide reform

The next step is for Council to request a Gateway determination to exhibit a planning proposal to update the Canterbury-Bankstown Local Environmental Plan 2023. The planning proposal, as provided in Attachment A, is an administrative 'best fit' translation of Council's existing business and industrial zones to the DPHI's new employment zones.

Based on the *Environmental Planning and Assessment Act 1979* and DPHI guidelines, the following key policies are relevant to the preparation of the planning proposal:

- Greater Sydney Region Plan
- South District Plan
- State Environmental Planning Policies
- Ministerial Directions
- *Standard Instrument (Local Environmental Plans) Order 2006*
- DPHI Employment Zones Land Use Matrix, as provided in Attachment B
- DPHI publications: '*Local Environmental Plan Making Guideline*' and '*Employment Zones Reform Implementation – Explanation of Intended Effect*'
- Council's '*Connective City 2036*' Local Strategic Planning Statement, Employment Lands Strategy and Housing Strategy.

The translation will result in Council's eight existing business and industrial zones being reduced to five new employment zones, together with more mandated permitted uses in the Land Use Table, as outlined in this report. The planning proposal does not change density controls – existing height and floor space ratio controls will remain unaffected.

The planning proposal does not propose to undertake further technical studies or investigations to justify the translation of the existing business and industrial zones to the new employment zones, given the proposed changes are largely administrative and mandatory.

The planning proposal will result in consequential changes to the Canterbury-Bankstown Development Control Plan 2023 and other supporting planning documents. The DCP will be exhibited and reported to Council, and may consider other appropriate control changes to deal with the proposed changes and improved design outcomes.

FINANCIAL IMPACT

The planning proposal has no financial implications for Council.

COMMUNITY IMPACT

The planning proposal ensures the new employment zones are employment focussed to deliver Council's jobs target of 41,000 additional jobs by 2036. According to Council's *Connective City 2036* (page 50), it is important to have increased employment opportunities:

- to provide a greater range of jobs for Canterbury-Bankstown's growing population, which is one of the largest in NSW,
- to provide a diversity of jobs in a prosperous local economy that services Australian and global markets,
- to increase jobs in the knowledge-based sectors,
- to increase the employment self-containment rate.

The planning proposal is also consistent with the adopted centres hierarchy in Council's *Connective City 2036*, Employment Lands Strategy and Housing Strategy to ensure these jobs are located near transport and other land uses, so that more people can get to work on public transport and access other services or shopping.

DETAILED INFORMATION

Planning proposal

The intended outcomes of the planning proposal are:

- To reduce the eight existing business and industrial zones in the Canterbury-Bankstown Local Environmental Plan 2023 to five new employment zones as summarised in the table below. The five new zones are E1 Local Centre, E3 Productivity Support, E4 General Industrial, MU1 Mixed Use and SP4 Enterprise.
- To ensure the right zone is selected to reflect Council's strategic intent for an employment area.
- To apply the new employment zones in locations that are consistent with Council's *Connective City 2036*, Employment Lands Strategy and Housing Strategy. The overarching strategy is to 'retain and manage' industrial lands, while supporting significant employment growth in Bankstown and Campsie, and other locations consistent with the centres hierarchy.
- To ensure the objectives and permitted land uses in the new employment zones are employment focussed to deliver Council's jobs target.
- To update the Land Use Table to align with the mandated permitted uses under the NSW Government's *Standard Instrument (Local Environmental Plans) Order 2006*.

Council's existing business and industrial zones	'Best fit' zone translation to the DPHI's new employment zones	Action
<u>Zone B1 Neighbourhood Centres</u> The objective of the B1 zone is to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. The zone applies to corner shops in the suburban neighbourhoods.	<u>Zone E1 Local Centre</u> The E1 zone combines the B1 and B2 zones into a single zone. The objective of the E1 zone is to provide a diversity of retail, business, office, community, accommodation and entertainment uses to the community. While the zone is commercial focussed, it also allows entertainment and dining options, tourist and visitor accommodation, after hour uses, community and social infrastructure. The permissibility of existing residential uses, such as shop top housing, apartment buildings and seniors housing will remain unaffected.	Replace the B1 and B2 zones with the E1 zone.
<u>Zone B2 Local Centre</u> The objective of the B2 zone is to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. The zone applies to village, local and town centres.		
<u>Zone B4 Mixed Use</u> The objective of the B4 zone is 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. The zone applies to	<u>Zone MU1 Mixed Use</u> The MU1 zone is employment focussed and replaces the B4 zone. The objective of the MU1 zone is to encourage a diversity of business, retail, office and light industrial land	Replace the B4 zone with the MU1 zone.

Council's existing business and industrial zones	'Best fit' zone translation to the DPHI's new employment zones	Action
strategic centres, namely the Bankstown City Centre.	uses that generate employment opportunities. The permissibility of existing residential uses, such as shop top housing, apartment buildings and seniors housing will remain unaffected.	
<u>Zone B5 Business Development</u> The objective of the B5 zone is to enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres. The zone applies to out-of-centre locations along the Canterbury Road and Hume Highway corridors.	<u>Zone E3 Productivity Support</u> The E3 zone combines the B5 and B6 zones into a single zone. The objective of the E3 zone is to provide for a range of urban or rural services in employment corridors and urban support areas that cater to the local population and businesses. The permissibility of residential accommodation as an existing additional permitted use on certain land previously zoned B5 along the Canterbury Road corridor (Schedule 1, APU 13) will remain unaffected.	Replace the B5 and B6 zones with the E3 zone.
<u>Zone B6 Enterprise Corridor</u> The objective of the B6 zone is to promote businesses along main roads and to encourage a mix of compatible uses. The zone applies to out-of-centre locations along the Canterbury Road and Hume Highway corridors.	The permissibility of seniors housing, apartment buildings and multi dwelling housing as existing additional permitted uses on certain land previously zoned B6 along the Hume Highway corridor (Schedule 1, APU 18) will remain unaffected.	
<u>Zone B7 Business Park</u> The objective of the B7 zone is to provide office and light industrial uses to unique areas that require tailored land use planning. The zone applies to the Potts Hill Business Park, which is subject to its own tailored Land Use Table. Sydney Water and Ausgrid use the business park to support critical infrastructure.	<u>Zone SP4 Enterprise</u> The objective of the SP4 zone is to support unique areas with an enterprise focus that require tailored land use planning. It replaces the B7 zone. This zone is appropriate as: <ul style="list-style-type: none"> • The Potts Hill Business Park is a truly unique precinct with an enterprise focus. It is important to protect the strategic intent and character of the business park, consistent with Council's <i>Connective City 2036</i> and Employment Lands Strategy. • Other zones, such as the E3 zone, combined with other 	Replace the B7 zone with the SP4 zone.

Council's existing business and industrial zones	'Best fit' zone translation to the DPHI's new employment zones	Action
	<p>mechanisms cannot achieve the same outcome.</p> <ul style="list-style-type: none"> Council's strategic plans do not propose to transition the business park to an alternative zone. 	
<p><u>Zone IN1 General Industrial</u> The objective of the IN1 zone is to provide a wide range of industrial and warehouse land uses. The zone applies to the industrial precincts.</p>	<p><u>Zone E4 General Industrial</u> The E4 zone combines the IN1 and IN2 zones into a single zone.</p> <p>The objectives of the E4 zone are to protect land for industrial purposes; and to provide a wide range of industrial, warehouse, logistics and related land uses that encourage employment opportunities.</p>	Replace the IN1 and IN2 zones with the E4 zone.
<p><u>Zone IN2 Light Industrial</u> The objective of the IN2 zone is to provide a wide range of light industrial, warehouse and related land uses.</p> <p>The zone generally applies to the periphery of the IN1 General Industrial zone and provides a buffer with neighbouring residential areas to minimise any adverse effect of industry on other land uses.</p>		

Implications of the administrative 'best fit' zone translation

The planning proposal must be consistent with the NSW Government's *Standard Instrument (Local Environmental Plans) Order 2006*, which legislates the new employment zones with a significant increase in mandated permitted uses. The DPHI is seeking to provide greater flexibility within the new employment zones to allow businesses and industries to respond to changing economic conditions and market demand.

According to the DPHI's *'Employment Zones Reform Implementation – Explanation of Intended Effect'* (page 10), the DPHI *'took an approach to capture the land uses of the more expansive zone (for example, we captured the land uses of the B2 zone instead of the B1 zone). Where we identified a conflict between permitted individual land uses in a combined land use table, we adopted a productivity focus'*.

The implications of the mandated permitted uses on the Land Use Table are summarised below.

Implication	Action
<p><u>Currently prohibited in the B1 zone, to be mandated as permitted uses in the new E1 zone:</u> Amusement centres; Commercial premises; Entertainment facilities; Function centres;</p>	<p><u>Apply a new local provision to provide additional considerations when assessing proposals for land uses not previously permitted in the B1 zone</u></p>

Implication	Action
<p>Garden centres; Hardware and building supplies; Home industries; Landscaping material supplies; Local distribution premises; Passenger transport facilities; Plant nurseries; Public administration buildings; Registered clubs; Restricted premises; Retail premises; Roadside stalls; Rural supplies; Timber yards; Tourist and visitor accommodation; Vehicle repair stations; Vehicle sales or hire premises</p>	<p>While Council cannot alter the mandated permitted uses in the Land use Table, the DPHI has drafted a model clause for the smaller centres in the E1 zone. This is a result of combining the B1 and B2 zones into the E1 zone.</p> <p>The intent is to provide additional considerations when assessing proposals for land uses not previously permitted in the B1 zone. These considerations are:</p> <p>(a) the impact of development on—</p> <ul style="list-style-type: none"> (i) the amenity of surrounding residential areas, and (ii) the desired future character of the local centre, and <p>(b) whether the development is consistent with the hierarchy of centres.</p> <p>It is proposed to include the model clause:</p> <ul style="list-style-type: none"> • to avoid the impact of intensive uses on the scale of smaller centres, • to ensure the operation of these uses would not have an unreasonable impact on nearby residential amenity. <p>An amendment to the Land Zoning Map will show the smaller centres previously in the B1 zone as “Area 1” to indicate where the model clause will apply.</p>
<p><u>Currently prohibited in the B2 zone, to be mandated as a permitted use in the new E1 zone:</u> Home industries (meaning an industrial activity carried out by the permanent residents of the dwelling)</p>	<p><u>No action</u> Council cannot alter the mandated permitted uses in the Land Use Table.</p>
<p><u>Currently prohibited in the B4 zone, to be mandated as permitted uses in the new MU1 zone:</u> Light industries; Vehicle repair stations</p>	<p><u>No action</u> Council cannot alter the mandated permitted uses in the Land Use Table.</p>
<p><u>Currently prohibited in the B5 zone, to be mandated as permitted uses in the new E3 zone:</u> Animal boarding or training establishments; Boat building and repair facilities; Community facilities; Depots; Early education and care facilities; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Light industries; Neighbourhood supermarkets;</p>	<p><u>No action</u> Council cannot alter the mandated permitted uses in the Land Use Table.</p>

Implication	Action
<p>Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Rural supplies; Storage premises; Vehicle body repair workshops; Vehicle repair stations</p>	
<p><u>Currently prohibited in the B6 zone, to be mandated as permitted uses in the new E3 zone:</u> Animal boarding or training establishments; Boat building and repair facilities; Depots; Home businesses; Home occupations; Recreation facilities (major); Recreation facilities (outdoor); Rural supplies; Storage premises; Vehicle body repair workshops</p>	<p><u>No action</u> Council cannot alter the mandated permitted uses in the Land Use Table.</p>
<p><u>Currently permitted in the B6 zone, to be prohibited in the new E3 zone:</u> Serviced apartments</p>	<p><u>Maintain serviced apartments as an additional permitted use for certain B6 zoned land in the Hume Highway corridor</u> An issue is the E3 zone combines the B5 and B6 into a single zone. Serviced apartments are prohibited in the B5 zone, but permitted in the B6 zone. It is not mandated as a permitted use in the E3 zone.</p> <p>Council's Employment Lands Strategy recommends prohibiting all tourist and visitor accommodation uses (including serviced apartments) in the B5 zone.</p> <p>It is therefore not proposed to amend the Land Use Table to permit serviced apartments in the E3 zone as this change would be inconsistent with the Employment Lands Strategy and would inappropriately permit serviced apartments on land previously in the B5 zone.</p> <p>The planning proposal will address the issue by:</p> <ul style="list-style-type: none"> • Hume Highway corridor – amend the existing control in Schedule 1 (APU 18) to add serviced apartments as an additional permitted use on certain B6 zoned land. • Canterbury Road corridor – the implementation of the Campsie Town Centre Master Plan and master plans for other centres may consider the suitability of serviced apartments along the corridor. The Campsie Town Centre Master Plan (page 98) encourages bulky goods retail and light industry on land previously in the B5 zone as it aligns with the overall aim of the Canterbury Road Review, which is to support Canterbury Road's function as an enterprise corridor. The Master Plan does

Implication	Action
	not encourage tourist and visitor accommodation uses (including serviced apartments).
<p><u>Currently prohibited in the IN1 zone, to be mandated as permitted uses in the new E4 zone:</u> Goods repair and reuse premises; Research stations</p>	<p><u>No action</u> Council cannot alter the mandated permitted uses in the Land Use Table.</p>
<p><u>Currently permitted in the IN1 zone, to be prohibited in the new E4 zone:</u> Crematoria</p>	<p><u>Make crematoria an additional permitted use on land in the E4 zone that was previously in the IN1 zone</u> An issue is the E4 zone combines the IN1 and IN2 into a single zone. Crematoria are permitted in the IN1 zone, but prohibited in the IN2 zone. It is not mandated as a permitted use in the E4 zone.</p> <p>The planning proposal will address the issue by adding crematoria as an additional permitted use where they are already permitted in the IN1 zone.</p> <p>This change will ensure crematoria continue to not be permitted in the future combined E4 zoning where they are considered inappropriate due to impacts on surrounding land uses, and to maintain a buffer between crematoria adjacent to residential lands.</p>
<p><u>Currently prohibited in the IN2 zone, to be mandated as permitted uses in the new E4 zone:</u> Freight transport facilities; General industries; Goods repair and reuse premises; Transport depots; Truck depots</p>	<p><u>No action</u> Council cannot alter the mandated permitted uses in the Land Use Table.</p>
<p><u>Currently permitted in the IN2 zone, to be prohibited in the new E4 zone:</u> Animal boarding or training establishments; Landscaping material supplies; Plant nurseries; Recreation facilities (indoor); Timber yards; Veterinary hospitals; Wholesale supplies</p>	<p><u>No action</u> An issue is the E4 zone combines the IN1 and IN2 into a single zone. These land uses are prohibited in the IN1 zone, but permitted in the IN2 zone. These land uses are not mandated as permitted uses in the E4 zone.</p> <p>Council's Employment Lands Strategy (page 114) does not recommend permitting sensitive land uses and large lot commercial land uses alongside general industries as these are potential sources of land use conflict with industrial land uses. Limiting their permissibility in the E4 zone will help mitigate these effects.</p>

Implication	Action
	<p>It is therefore not proposed to amend the Land Use Table to permit these land uses in the E4 zone or make them additional permitted uses as this change would be inconsistent with the Employment Lands Strategy.</p> <p>To address this issue, it is proposed to maintain the permissibility of these land uses in the E1, E3 and MU1 zones, which are better suited to provide for a range of urban services that cater to the local population and businesses.</p>

Other changes

Change	Action
<u>LEP, Parts 1 to 6</u> The translation will result in consequential changes to various clauses i.e. changing the zone names.	<u>Administrative change</u> Change the zone names to comply with the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .
<u>LEP, Schedule 1 (Additional Permitted Uses)</u> While the planning proposal does not change the existing additional permitted uses in Schedule 1, the translation will result in consequential changes i.e. changing the zone names.	<u>Administrative change</u> Change the zone names to comply with the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .
<u>Maps</u> Subject to the issue of a Gateway determination, Council will need to prepare digital spatial data to amend the Land Zoning Map, in accordance with the DPHI publication ' <i>Standard Technical Requirements for Spatial Datasets and Maps</i> '.	<u>Request delegation to prepare maps</u> This report requests that Council delegate authority to the Chief Executive Officer to make necessary changes to the planning proposal and maps to ensure consistency with the Gateway determination and the DPHI's mapping guideline prior to the exhibition.
<u>Council's DCP and supporting policies</u> The Canterbury-Bankstown Development Control Plan 2023 is a planning document which provides more detailed design guidelines to support the LEP. The design guidelines include storey limits, setbacks, urban design, landscaping, parking rates and amenity requirements. Other Council policies that support the LEP and DCP include the Contributions Plan and Planning Agreements Policy. <p>The planning proposal will result in consequential changes to these planning documents, such as changing the zone names.</p>	<u>Prepare and exhibit consequential changes</u> This report recommends preparing and exhibiting the consequential changes, and may consider other appropriate control changes to deal with the proposed changes and improved design outcomes. The matter would be reported to Council following the exhibition.

Next steps

Should Council support the planning proposal as outlined in this report, the next steps are:

- Council submit a planning proposal to the DPHI to seek a Gateway determination.
- Exhibit the planning proposal in accordance with the Gateway determination and Council's Community Participation Plan.
- Report the matter to Council following the exhibition. A review of community feedback and any additional information may see updates and amendments to the planning proposal.

Council is also processing numerous other site specific and housekeeping planning proposals, and the DPHI is preparing new planning controls for the Bankstown Accelerated Precinct (to be completed by November 2024). Should any of the LEP Amendments be made prior to the finalisation of this planning proposal, it is proposed to incorporate the LEP Amendments in this planning proposal, including the introduction of the E2 Commercial Centre zone (equivalent to the proposed B3 Commercial Core zone in the Bankstown City Centre Master Plan).

-END-

Canterbury Bankstown Local Planning Panel - 04 March 2024

ITEM 2	187 Miller Road, Chester Hill
	Construction of a scoreboard at Abbott Park
FILE	DA-1517/2023 – Bura / Bass Hill
ZONING	RE1 Public Recreation
DATE OF LODGEMENT	4 December 2023
APPLICANT	Ahmad El-Moubayed
OWNERS	Canterbury Bankstown Council
ESTIMATED VALUE	\$27,000.00
AUTHOR	Planning

REPORT

This matter is reported to the Canterbury Bankstown Local Planning Panel as the site to which the development application relates is owned by Canterbury Bankstown Council.

Development Application No. DA-1517/2023 proposes the construction of a scoreboard adjacent the Abbott Park playing field, intended for use by the Chester Hill Hornets.

DA-1517/2023 has been assessed against the matters under the Section 4.15 of the *Environmental Planning and Assessment Act 1979* which included an assessment against the provisions contained within State Environmental Planning Policy (Resilience and Hazards) 2021 and Canterbury Bankstown Local Environmental Plan 2023. The assessment identified no non-compliances with any relevant controls contained within the abovementioned planning legislation.

Having regard to the provisions contained in the Canterbury Bankstown 'Community Participation Plan', the development application was not required to be neighbour notified nor advertised.

POLICY IMPACT

This matter has no direct policy impacts.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

ATTACHMENTS

- A. Assessment Report
- B. Conditions

DA-1517/2023 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 187 Miller Road, Chester Hill. The site is an irregular shaped allotment that is currently zoned RE1 Public Recreation. The site comprises a series of playing fields, associated car parking areas, an amenities block and associated storage areas. The site provides a recreational sporting facility within the Terry Lamb Complex, housing the Chester Hill Hornets Club. In the vicinity of the site is the Frank Bamfield Memorial Oval and The Bill Lovelee Youth Centre. Sites on the western side of Abbott Park, along Miller Road, are zoned IN1 General Industrial, and sites along the northern edge of Abbott Park are zoned R2 Low Density Residential, with the nearest dwelling to the proposed development being No. 185B Miller Road which is to the North of the site. The land to the south, on the opposite side of Waldron Road, is zoned IN2 Light Industrial and R4 High Density Residential. The aerial photo below identifies the site and demonstrates the adjoining properties. The red mark indicates the approximate location of the proposed development (scoreboard).



Figure: Aerial of subject site. Source: NearMap 2023

PROPOSED DEVELOPMENT

The development application proposes the construction of a brick scoreboard at the western edge of Abbott Park. The dimensions of the scoreboard are 4.8m high x 3.2m wide x 0.47m deep. The structure will be located approximately 15 metres from the Miller Road property boundary and approximately 72 metres from Waldron Road.

STATUTORY CONSIDERATIONS

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

- State Environmental Planning Policy (Resilience and Hazards) 2021
- Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6(1) of State Environmental Planning Policy (Resilience and Hazards) 2021, states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

No historical evidence exists to suggest that the site was previously occupied by an activity or a land use that would cause it to be contaminated. As such it is not considered necessary for any further investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the proposed development pursuant to the provisions of Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021.

Canterbury Bankstown Local Environmental Plan 2023

The following clauses of the Canterbury Bankstown Local Environmental Plan 2023 (CBLEP) 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 6.2 – Earthworks

An assessment of the development application revealed that the proposal complies with the matters raised in each of the above clauses of CBLEP.

The site is zoned 'RE1 Public Recreation' under the CBLEP and is classified as 'Community Land' in accordance with the Local Government Act 1993.

The Dictionary in the CBLEP defines a 'Recreation area' as follows;

recreation area as a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or*
- (b) an area used for community sporting activities, or*
- (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

A 'recreation area' is permissible with the consent of Council in a 'RE1 Public Recreation' zone.

According to Councils Generic Plan of Management for Community Land and Crown Land, scoreboards are deemed an 'ancillary building' as referred to in the definition of 'recreation area' above, and specifically permits them at sportsgrounds.

The site is not subject to any building height or floor space ratio controls.

Based on the above, the construction of a scoreboard on the site is considered to constitute an ancillary building in a recreation area and is therefore permissible in the zone.

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

There are no draft environmental planning instruments applicable.

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

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

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

The development remains consistent with the provisions contained in the *Environmental Planning and Assessment Regulation 2021*.

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

The development will not have an impact on the locality for the following reasons:

- The scoreboard is located approximately 15 metres from the nearest public road (Miller Road).

- There is a stand of trees located between the closest residence (in Miller Road) and the scoreboard.
- The scoreboard, while close to existing vegetation, stands clear of the vegetation and their root zones.
- The size of the scoreboard in relation to the rest of the area will mean it will not dominate the environment.
- The location of the scoreboard is clear of pedestrian traffic, as it is 13m from the nearest pedestrian footpath.

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

The site is considered to be suitable to accommodate a scoreboard that will be used in association with the adjacent playing field.

Submissions [section 4.15(1)(d)]

Having regard to the provisions contained in the Canterbury Bankstown 'Community Participation Plan', the development application was not required to be neighbour notified nor advertised hence no public submissions have been received.

Furthermore, given the nature and scale of the development, the application was not required to be externally referred.

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

The proposed development would not contravene the public interest. The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments and by ensuring that any adverse impacts on the surrounding area and the environment are avoided. As the report has demonstrated, the development appropriately responds to the provisions and development standards of all applicable environmental planning instruments.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, State Environmental Planning Policy (Resilience and Hazards) 2021 and Canterbury Bankstown Local Environmental Plan 2023. The associated assessments did not identify any non-compliances with any relevant controls contained within the above-mentioned legislation.

RECOMMENDATION

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

GENERAL CONDITIONS

1.	<p>Approved Plans and supporting documentation</p> <p>Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>A102</td><td>A</td><td>Site, Roof, Analysis Plan</td><td>ABCON</td><td>12.05.2023</td></tr><tr><td>A103</td><td>A</td><td>Ground Floor Plan</td><td>ABCON</td><td>12.05.2023</td></tr><tr><td>A104</td><td>A</td><td>Elevation Page 1</td><td>ABCON</td><td>12.05.2023</td></tr></table> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	A102	A	Site, Roof, Analysis Plan	ABCON	12.05.2023	A103	A	Ground Floor Plan	ABCON	12.05.2023	A104	A	Elevation Page 1	ABCON	12.05.2023
Approved plans																										
Plan number	Revision number	Plan title	Drawn by	Date of plan																						
A102	A	Site, Roof, Analysis Plan	ABCON	12.05.2023																						
A103	A	Ground Floor Plan	ABCON	12.05.2023																						
A104	A	Elevation Page 1	ABCON	12.05.2023																						
2.	<p>Additional Signage Requires a Separate Application</p> <p>A separate application shall be submitted to Council before the erection of any additional signage A separate application shall be submitted to Council before the erection of any additional signage unless the proposed signage is "exempt development" in accordance with the relevant legislation.</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>																									

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

3.	<p>Payment of Fees</p> <p>Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier.</p> <ul style="list-style-type: none"> a. Levies b. Bonds c. Contributions d. inspection fees <p style="text-align: right;">2.103.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>

4.	<p>Long Service Levy</p> <p>Before the issue of the relevant construction certificate, payment of the long service levy is required, under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal Calculator at https://longservice.force.com/bci/s/levy-calculator. Payment must be made via the Long Service Levy Portal at https://www.longservice.nsw.gov.au.</p> <p style="text-align: right;">2.104.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
5.	<p>Submit Plans to Sydney Water</p> <p>The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.</p> <p>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™.</p> <p>Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.</p> <p style="text-align: right;">2.202.S</p> <p>Condition Reason To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
6.	<p>Erosion and Sediment Control Plan</p> <p>Before the issue of a construction certificate, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ul style="list-style-type: none"> a. Council's development control plan, b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p> <p style="text-align: right;">2.211.S</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
7.	<p>Pavement Design</p> <p>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 a qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the certifier for approval before the issue of a construction certificate.</p>

	2.314
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
8.	Council's Tree Management Order
	Separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the Council's Tree Management Order TMO to be breached shall be guilty of an offence and liable for prosecution.
	2.801
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

BEFORE BUILDING WORK COMMENCES

9.	Certifier details
	A construction certificate is required for the erection of a building in accordance with this Determination Notice.
	This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.
	The following requirements apply before the commencement of building work in accordance with this Determination Notice:
	<ul style="list-style-type: none"> a. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier, b. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work, c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, d. the consent holder, if not carrying out the work as an owner-builder, has: <ul style="list-style-type: none"> 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 certifier of the appointment, and iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work, e. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.
	3.202
	Condition reason: To ensure compliance with the relevant New South Wales legislation.

10.	<p>Temporary fence or hoarding</p> <p>A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.</p> <p>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 work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval before the commencement of building work/s.</p> <p style="text-align: right;">3.204</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
11.	<p>WC temporary toilet facilities on site</p> <p>Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.</p> <p style="text-align: right;">3.206</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
12.	<p>Sign with principal certifier details</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ul style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier 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. <p>Any such sign is to be maintained while the building work or demolition work is being carried out and must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p style="text-align: right;">3.209.P</p> <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
13.	<p>Tree protection measures</p> <p>Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.</p> <p style="text-align: right;">3.801.S</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>

DURING BUILDING WORK

	Condition
14.	<p>Works in accordance with Building Code of Australia (BCA)</p> <p>Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).</p> <p style="text-align: right;">4.201.P</p> <p>Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a).</p>
15.	<p>Affixing of signage</p> <p>The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia (BCA).</p> <p style="text-align: right;">4.202</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
16.	<p>Hours of Work</p> <p>Site work must only be carried out between the following times –</p> <ul style="list-style-type: none"> a. 7.00 am and 5.00 pm on Monday to Saturday. b. No construction is to be carried out at any time on a Sunday or a public holiday. <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p style="text-align: right;">4.204.S</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
17.	<p>Civil and Hydraulic engineering works</p> <p>All civil and hydraulic engineering works on site must be carried out in accordance with Council's Bankstown 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.</p> <p style="text-align: right;">4.301</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
18.	<p>Excavated safety</p> <p>All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.</p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the consent holder must, at their own expense:</p> <ul style="list-style-type: none"> a. Protect and support the building, structure or work from possible damage from the excavation, and b. Where necessary, underpin the building, structure or work to prevent any such damage. <p>This consent condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p>

	<p>The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.</p> <p style="text-align: right;">4.308</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
19.	<p>Shoring and adequacy of adjoining properties</p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the consent holder must, at their own expense —</p> <ol style="list-style-type: none"> Protect and support the building, structure or work from possible damage from the excavation, and Where necessary, underpin the building, structure or work to prevent any such damage. <p>This condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p style="text-align: right;">4.309.P</p> <p>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
20.	<p>Retaining walls</p> <p>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. Should it be required, separate approval must be obtained for retaining walls.</p> <p style="text-align: right;">4.310</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
21.	<p>Tree protection during work</p> <p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> the construction site management plan (where approved) under this consent, the relevant requirements of AS 4970 Protection of trees on development sites, Council's relevant development control plan (in force as at the date of determination of this consent) and d)any arborist's report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones</p> <p style="text-align: right;">4.807.S</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
22.	<p>Tree protection</p> <p>All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – 'Pruning of amenity trees' and Australian Standard AS 4970 – 'Protection of trees on development</p>

	<p>sites'. Site specific conditions relating to tree protection shall take precedence over this requirement.</p> <p style="text-align: right;">4.806</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
23.	<p>Threatening of trees</p> <p>If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.</p> <p style="text-align: right;">4.810</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
24.	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ol style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ol style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>In this condition: “relic” means any deposit, artefact, object or material evidence that:</p> <ul style="list-style-type: none"> • relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and • is of State or local heritage significance; and <p style="text-align: right;">4.901.S</p> <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
25.	Occupation certificate
	The occupation or use of the building must not commence unless an occupation certificate has been issued. 5.201
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
26.	Section 73 certificate
	The Section 73 compliance certificate under the <i>Sydney Water Act 1994</i> must be submitted to the principal certifier before the issue of an occupation certificate. 5.208
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
27.	Work Permit Compliance required
	An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable). 5.301
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

OCCUPATION AND ONGOING USE

28.	Scoreboard maintenance
	The scoreboard shall be maintained in good working order at all times. 7.116
	Condition reason: To protect and enhance the amenity of the occupants of the site.

-END-

Canterbury Bankstown Local Planning Panel - 04 March 2024

ITEM 3	28A Anglo Road, Campsie
	Alterations and additions to the ANZAC Park rotunda
FILE	DA-1176/2023 – Budjar / Canterbury
ZONING	RE1 Public Recreation
DATE OF LODGEMENT	14 November 2023
APPLICANT	Hector Abrahams Architects Pty Ltd
OWNERS	City of Canterbury Bankstown
ESTIMATED VALUE	\$205,427.15
AUTHOR	Planning

REPORT

This matter is reported to Council's Local Planning Panel as required under Schedule 2 of the Local Planning Panel Direction as the landowner is City of Canterbury Bankstown Council.

Development Application No. DA-1176/2023 seeks consent for alterations and additions to the existing Anzac Square Park rotunda. The application does not propose to erect any new structures in Anzac Square Park, being a heritage listed item itself.

This DA has been assessed against the matters of consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979, which includes the relevant provisions of the following:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Canterbury Bankstown Local Environmental Plan 2023, (CBLEP 2023)
- Canterbury Bankstown Development Control Plan 2023, (CBDCP 2023)

The application was notified for a period of 21 days in accordance with the Canterbury Bankstown Community Participation Plan. The notification period was undertaken from 29 November 2023 to 19 December 2023. No submissions were received during this period.

POLICY IMPACT

This matter has no direct policy impacts.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

ATTACHMENTS

- A. Assessment Report
- B. Conditions

DA-1176/2023 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 28A Anglo Road, Campsie and known as Anzac Square Park and as Anzac Park. The site is a regular allotment that is zoned RE1 Public Recreation under the CBLP 2023.

Anzac Square Park (previously known as Campsie Park Estate) is a state heritage listed item, which the rotunda structure is located within. The rotunda structure itself is not a listed heritage item.

The State Heritage Inventory lists the details as follows;

Campsie Park was laid out by the Anglo-Australian Land, Building and Investment Company in 1885 in anticipation of the Loopline to Liverpool which was to run just to south of the Estate. The Company successfully lobbied to have the line pass across the estate in the 1890s. The subdivision plan included two squares in the original design, which still remain. The bandstand in Anzac Square was built in 1914. It was beautified in 1916, and renamed after the commemoration stone was unveiled on 2nd September, 1916 (Source: State Heritage inventory, NSW Government)

Anzac Park is a heritage listed item as a Federation Urban Park. However only the rotunda is the subject of this DA. The site is a rectangular parcel of land with two central squares, Carrington Square and Anzac Square (originally Elgin Square). Anzac Square is an open park partially enclosed by trees and hedges.

The existing structures on the site include the following:

- Anzac Park playground (West)
- Access facilities for Anzac Mall including paving and a pedestrian crossing
- Rotunda (East)

Surrounding development generally comprises of commercial land uses and residential development.



Figure 1: Aerial of subject site in blue. Source: NearMaps 2019

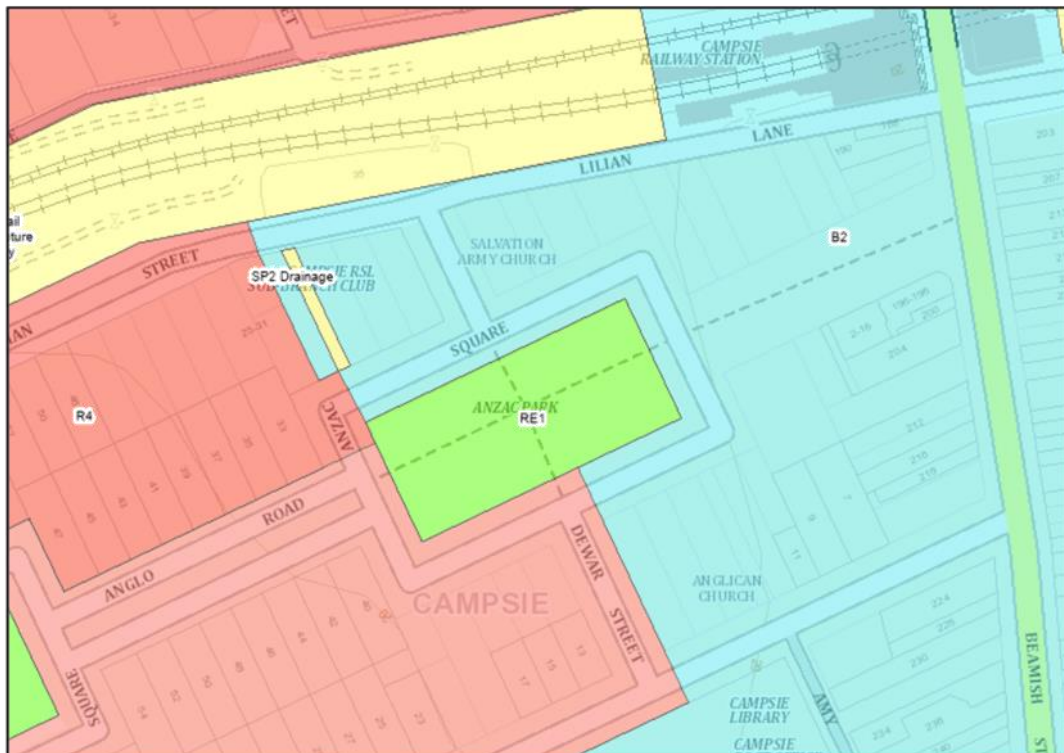


Figure 2: Zoning Map



Figure 3: Existing rotunda taken on site inspection, dated 1 February 2024

PROPOSED DEVELOPMENT

The Development Application proposes alterations and additions to the existing Anzac Park rotunda. Specifically, the works include:

- The demolition of the non-original fabric (columns, balustrade, ceiling and roof) above existing concrete slab
- Modify perimeter edge of existing concrete slab and reconstruct sandstone plinths for new columns
- Reconstruct new columns, timber balustrade, ceiling and roof to historical details
- Tile over existing concrete slab and stairs
- Provide new handrail to existing stairs
- Provide new lighting to rotunda
- Clean and repoint existing stonework

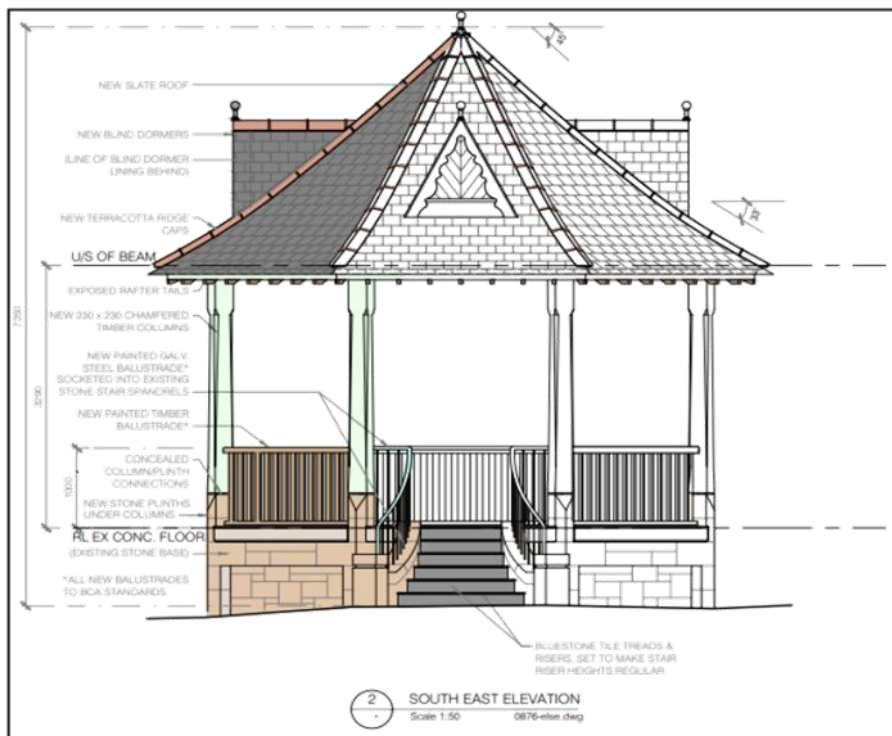


Figure 4: South East Elevation. Source: Hector Abrahams Architects

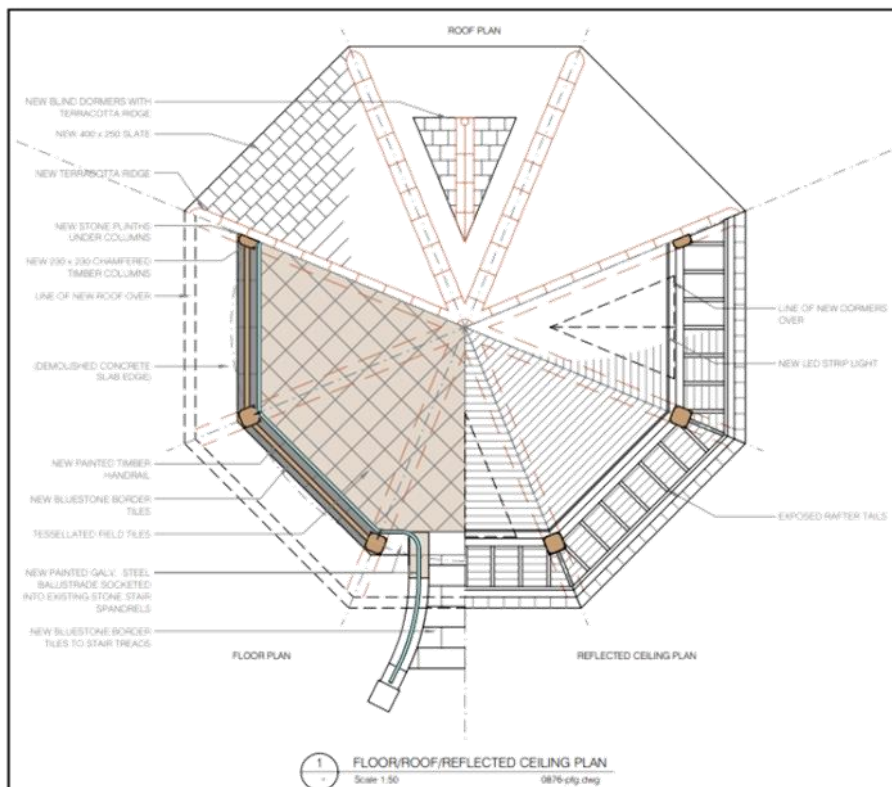


Figure 5: Floor/Roof/Reflected Ceiling Plan. Source: Hector Abrahams Architects

Statutory Considerations

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

- State Environmental Planning Policy (Resilience and Hazards) 2021
- Canterbury Bankstown Development Control Plan 2023 (CBDPC 2023)
- Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)
- Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)
- Heritage Act 1977

SECTION 4.15 ASSESSMENT

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

This State Environmental Planning Policy aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. The SEPP states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

A review of the history of the site shows that it has been used for the purpose of a park and pedestrian access for an extended period. Given the works proposed and the use of the site remains unchanged, the site is considered to be consistent with State Environmental Planning Policy (Resilience and Hazards) 2021.

Canterbury Bankstown Local Environmental Plan 2023

The following clauses of the *Canterbury Local Environmental Plan 2012* 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 5.10 – Heritage Conservation

An assessment of the Development Application revealed that the proposal complies with the matters raised in the above clauses. A more detailed assessment against the zoning, and environmental development standards contained in the abovementioned clauses is provided below.

Clause 1.2 Aims of Plan

The proposed development is consistent with the relevant aims of the CBLEP 2023, which are as follows:

“1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Canterbury-Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) The particular aims of this Plan are as follows—*
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,*
 - (b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,*
 - (c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,*
 - (d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*
 - (e) to restrict development on land that is sensitive to urban and natural hazards,*
 - (f) to provide a range of residential accommodation to meet the changing needs of the population,*
 - (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,*
 - (h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,*
 - (i) to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,*
 - (j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
 - (k) to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,*
 - (l) to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,*
 - (m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,*
 - (n) to ensure development is accompanied by appropriate infrastructure,*
 - (o) to promote ecologically sustainable development.”*

The subject proposal remains consistent with the relevant aims of this Plan as it maintains and improves the existing Rotunda which assists in providing recreational opportunities in open spaces to meet the needs of residents and visitors to Canterbury-Bankstown.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned RE1 Public Recreation, and the objectives of the zone are as follows;

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To promote a high standard of urban design and local amenity.*

The proposed development meets the objectives of the RE1 Public Recreation zone as it provides for the recreational needs of the community.

Clause 5.10 Heritage Conservation

The park in which the rotunda is located is Heritage Listed pursuant to CBLEP 2023 (known as item number I59 – Federation Urban Park, Anzac Park). The following subclauses contained within Clause 5.10 of CBLEP 2023 apply to the proposal:

(1) Objectives *The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Canterbury-Bankstown,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent *Development consent is required for any of the following—*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Comment: The application was referred to Councils Heritage Officer who has undertaken a full assessment of the proposal where no objections were raised. Refer to the below section for the full heritage assessment.

The proposal has also been assessed against other relevant controls contained in the Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023) and complies with the applicable controls.

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

Heritage Assessment

As the proposal is for a rotunda there are no specific controls in the Canterbury Bankstown Development Control Plan 2023 (CBDPCP 2023) relating to this form of development. However, the park in which the rotunda is located is heritage listed and therefore Chapter 4 – Heritage of CBDPCP 2023 applies.

The application has been referred to Councils Heritage Officer for comment. The details of the assessment can be found below:

The subject site is identified as a heritage item and its significance has been provided on the SHR (State Heritage Register) as follows:

The major estate involved in opening up the area for suburban development. Intimately associated with the re-routing of the railway line in the 1890s.

A Statement of Significance has been provided by the architects preparing the reconstruction drawings on page 10 of the HIS (Heritage Impact Statement) which reads as follows:

Anzac Park and the rotunda are notable as surviving evidence of the original Campsie Park Estate subdivision c.1884. Anzac Park shares an association to the Anglo Australian Assets Company Limited who influenced the alignment of the railway connections to Liverpool, which is evidenced by Campsie Station. The rotunda is closely associated with the commemoration of Canterbury locals war time efforts and contributions. The original rotunda design with steeply pitched slated roof, terracotta ridge, finials, protruding gable ends and exposed eaves demonstrates distinctive aesthetic attributes of the Federation Arts and Crafts style.

The proposal seeks approval for the partial demolition of the rotunda to allow for the reconstruction of the posts and roof to its original c 1914 design. Demolition will be all the fabric above the concrete slab including the removal of protruding perimeter edging to the concrete slab covering the sandstone podium. New work will include the reconstruction of the original slate roof with terracotta ridge capping, reconstruction of the timber balustrade and columns, new metal handrails and new tessellated tiles to the later addition slab.

The proposed works have been reviewed with consideration of the Canterbury Bankstown LEP and DCP as well as the significance of the rotunda/ Anzac Park.

The proposal will have a positive impact on the rotunda itself and the immediate park surrounds as well as the significance of the heritage item. The reconstruction works are authentic as the works are based on clear images of the original design, the detailing of which has been clearly provided in the attached documentation. A slight variation to the original design is proposed with the installation of a metal handrail, which is necessary for BCA compliance. This handrail does not take away from the overall integrity of the works and does not result in any diminishing of significance.

Having regard to the comments above the proposal is acceptable from a heritage point of view and supported.

There is no objection to the proposal.

The proposed works are considered minor in nature and has been assessed against both Chapter 4 Heritage of CBDP 2023 and Clause 5.10 of the CBLEP 2023 and complies with these requirements .The proposal is also supported by Councils Heritage Officer and has been recommended for approval subject to conditions ..

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

There are no planning agreements applicable to the proposed development.

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

The proposed development is consistent with the provisions of the Environmental Planning and Assessment Regulation 2021.

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

The proposed development will not result in any significant environmental, social or economic impacts on the locality.

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

The site is considered suitable for the proposed development. There are no constraints, hazards or risks that would prevent the development from proceeding subject to the recommended conditions.

Submissions [section 4.15(1)(d)]

The application was advertised/notified for a period of 21 days from 29 November to 19 December 2023. No objections were received during this period.

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

Approval of the proposed development will not contravene the public interest as it does not result in any adverse impacts on the amenity of the area, in terms of the existing community use. The restoration of the Rotunda will be in the public interest as it makes a positive contribution to the park environment and allow its continued use for public recreation.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *Canterbury Bankstown Local Environmental Plan 2023* and *Canterbury Bankstown Development Control Plan 2023*.

The integrity of the existing rotunda is retained through the proposed works, therefore the heritage controls within both the LEP and DCP are considered to be met and the proposal is supported by Councils Heritage Officer.

RECOMMENDATION

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

CONDITIONS OF CONSENT

1) Approved Plans and Supporting Documentation

Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
003	1	Demolition Plan and Elevation	Hector Abrahams Architects	12/09/2023
100	1	Proposed Rotunda Plan and Elevation	Hector Abrahams Architects	12/09/2023
101	1	Proposed Rotunda Typical Sections	Hector Abrahams Architects	12/09/2023
Approved Documents				
	Version	Document Name	Prepared by	Dated
	V1.0	Schedule of External Materials and Finishes	Hector Abrahams Architects	12/09/2023

In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

DEMOLITION WORK

2) Demolition Conditions

The demolition must be undertaken in accordance with all the following:

- a. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date,
- b. Written notice must be issued to Council for inspection a minimum of (7) days before the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor,

- c. Inspections being undertaken by Council including:
 - i. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and before demolition work commencing, and
 - ii. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice,
- d. Payment of an inspection fee at Council's current rate must be paid before inspection. Council requires 48 hours' notice to carry out an inspection,
- e. A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,
- f. All demolition work must be carried out in accordance with Australian Standard 2601 – 'The Demolition of Structures',
- g. Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,
- h. An asbestos clearance certificate issued under the *Work Health and Safety Act 2011* must be submitted to Council after the completion of demolition work,
- i. Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,
- j. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,
- k. Adhere to the requirements stipulated in the approved Waste Management Plan, and
- l. Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no building work/s is to be carried out at any time on a Sunday or a public holiday.

A copy of the final demolition inspection report must be submitted to the principal certifier before the commencement of any building work.

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

3) Payment of Fees

Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier.

- a. bonds
- b. inspection fees

Condition reason: To ensure compliance with the relevant New South Wales legislation.

4) Structural Adequacy Report

A certificate from a practising and suitably qualified structural engineer certifying that the existing structure is capable of supporting the new superimposed loads from the approved development shall be submitted before the issue of a construction certificate.

Note: The obligation to comply with requirements of the certificate may require building work to be carried out even though such works do not form part of this Determination Notice. In this instance, a modification application is to be submitted to and approved by Council before such works commencing on site.

Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.

5) Finished Surface Levels

Finished surface levels of all works must be as shown on relevant construction certificate plans.

Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

6) Waste Management Plan

Before the issue of a construction certificate, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters:

The plan must be prepared

- a. in accordance with:
 - i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
- b. include the following information—
 - i. the contact details of the person removing waste,
 - ii. an estimate of the type and quantity of waste,
 - iii. whether waste is expected to be reused, recycled or sent to landfill,
 - iv. the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

BEFORE BUILDING WORK COMMENCES

7) Certifier Details

A construction certificate is required for the erection of a building in accordance with this Determination Notice.

This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.

The following requirements apply before the commencement of building work in accordance with this Determination Notice:

- a. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier,
- b. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work,
- c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
- d. the consent holder, if not carrying out the 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 certifier of the appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
- e. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.

Condition reason: To ensure compliance with the relevant New South Wales legislation.

8) Temporary Fence or Hoarding

A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period 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 work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval before the commencement of building work/s.

Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.

9) WC Temporary Toilet Facilities on Site

Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.

Condition reason: To ensure compliance with the relevant New South Wales legislation.

10) Tree Protection Measures

Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

Condition reason: To protect the natural environment of the development site and adjoining lands.

DURING BUILDING WORK

11) Works in Accordance with Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a)

12) Hours of Work

Site work must only be carried out between the following times –

- a. 7.00 am and 5.00 pm on Monday to Saturday.
- b. No construction is to be carried out at any time on a Sunday or a public holiday.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

13) Noise and Vibration

While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation.

Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise,

when measured at any lot boundary of the property where the site work is being carried out.

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Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

14) Surveys by a Registered Surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- a) All foundations in relation to the site boundaries and any registered and proposed easements
- b) At other stages of construction – any marks that are required by the principal certifier.

Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

15) Responsibility for Changes to Public Infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.

16) Waste Management

While site work is being carried out:

- a. all waste management must be undertaken in accordance with the waste management plan, and
- b. upon disposal of waste, records of the disposal must be compiled and provided to , detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

17) Comply with Waste Management Plan

The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:

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

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

18) Hazardous Finds

Any new information revealed during building work/s that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the principal certifier. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the consent

holder and/or owner which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information.

Condition reason: To ensure compliance with the relevant New South Wales legislation.

19) No Stockpiling

There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

Condition reason: To ensure compliance with the relevant New South Wales legislation.

20) Implementation of the Site Management Plans

While site work is being carried out:

- a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and
- b. a copy of these plans must be kept on site at all times and made available to council officers upon request.

Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

21) Tree Protection during Work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- a. the construction site management plan (where approved) under this consent,
- b. the relevant requirements of AS 4970 Protection of trees on development sites,
- c. Council's relevant development control plan (in force as at the date of determination of this consent) and
- d. any arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones

Condition reason: To protect the natural environment of the development site and adjoining lands.

22) Tree Protection

All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – ‘Pruning of amenity trees’ and Australian Standard AS 4970 – ‘Protection of trees on development sites’. Site specific conditions relating to tree protection shall take precedence over this requirement.

Condition reason: To protect the natural environment of the development site and adjoining lands.

23) Threatening of Trees

If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.

Condition reason: To protect the natural environment of the development site and adjoining lands.

24) Discovery of Relics and Aboriginal Objects

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a. the work in the area of the discovery must cease immediately;
- b. the following must be notified
- c. for a relic – the Heritage Council; or
- d. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a. for a relic – the Heritage Council; or
- b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Condition reason: To ensure the protection of objects of potential significance during works.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

25) Occupation Certificate

The occupation or use of the building must not commence unless an occupation certificate has been issued.

Condition reason: To ensure compliance with the relevant New South Wales legislation.

26) Repair of Infrastructure

Before the issue of an occupation certificate:

- a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
- b. if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.

27) Removal of Waste Upon Completion

Before the issue of an occupation certificate:

- a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and
- b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

-END-