



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

4 September 2023 - 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.



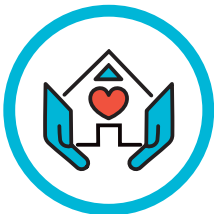
Naturally Green

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



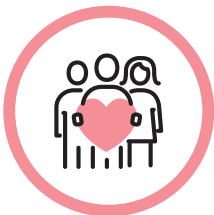
Design Excellence

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

BUNYA / REVESBY WARD

1 17 Gleeson Avenue, Condell Park

Demolition of existing garage and construction of a detached single-storey dwelling with attached garage

3

Canterbury Bankstown Local Planning Panel - 04 September 2023

ITEM 1	17 Gleeson Avenue, Condell Park Demolition of existing garage and construction of a detached single-storey dwelling with attached garage
FILE	Bunya / Revesby
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	26 April 2023
APPLICANT	ACM Civil & Structural Engineers Pty Ltd
OWNERS	Fadia Zakhia and Kamal Zakhia
ESTIMATED VALUE	\$110,550
AUTHOR	Jeremy Swan, Consultant Town Planner

SUMMARY REPORT

This matter is reported to the Canterbury Bankstown Local Planning Panel ('the Panel') in accordance with Schedule 2 of the Ministerial Direction "Local Planning Panel Directions – Development Applications" issued under section 9.1 of the Environmental Planning and Assessment Act, 1979. The subject application is defined as an application involving a "conflict of interest" as the applicant and landowner is a relative of a member of council staff who is principally involved in the exercise of council's function under the Environmental Planning and Assessment Act 1979.

Development Application No. DA-416/2023 proposes the demolition of an existing garage for the construction of a single-storey secondary dwelling and detached garage at 17 Gleeson Avenue, Condell Park.

The proposal has been assessed against the matters for consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979, which include being assessed against the relevant provisions of the following:

- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Housing) 2021;*

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *Bankstown Local Environmental Plan 2015 (BLEP); and*
- *Canterbury-Bankstown Development Control Plan 2023 (CBDCP).*

It is noted that the Canterbury Bankstown Local Environmental Plan (CBLEP) had not commencement at the time of lodgement. In accordance with Section 1.8 of the CBLEP, saving provisions apply as this development application was made prior to the commencement of the plan. An assessment is undertaken against the Draft CBLEP as it was publicly exhibited and adopted by the Canterbury Bankstown Local Planning Panel on 30 June 2020.

An assessment is also undertaken against the Canterbury-Bankstown Development Control Plan 2023 (CBDCP) which came into effect on 23 June 2023. It is noted that the savings provisions do not apply to the CBDCP.

The application was neighbour notified for a period of fourteen (14) days in accordance with the Canterbury Bankstown Community Participation Plan. The notification period was undertaken from 3 May 2023 to 17 May 2023. No submissions were received during this period.

The application has been referred to a number of internal departments including Council Development Engineers and Building Surveyors. No objections were raised subject to imposition of recommended conditions attached to this report.

POLICY IMPACT

This matter has no direct policy impacts.

FINANCIAL IMPACT

The 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-416/2023 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is commonly known as 17 Gleeson Avenue, Condell Park and is legally described as Lot 14 DP 13074. The site is a regular allotment that is currently zoned R2 Low density Residential.

The site has an area of approximately 619.7m² and a frontage of 14.32m to Gleeson Avenue. The site currently contains a single storey detached dwelling and associated structures including a shed. The boundaries to south, north and west each adjoin residential development. Vehicle access to the site is provided from Gleeson Avenue with a driveway extending along the northern boundary.

The site is located within the Condell Park locality and surrounding development generally consists of existing low-density residential development.

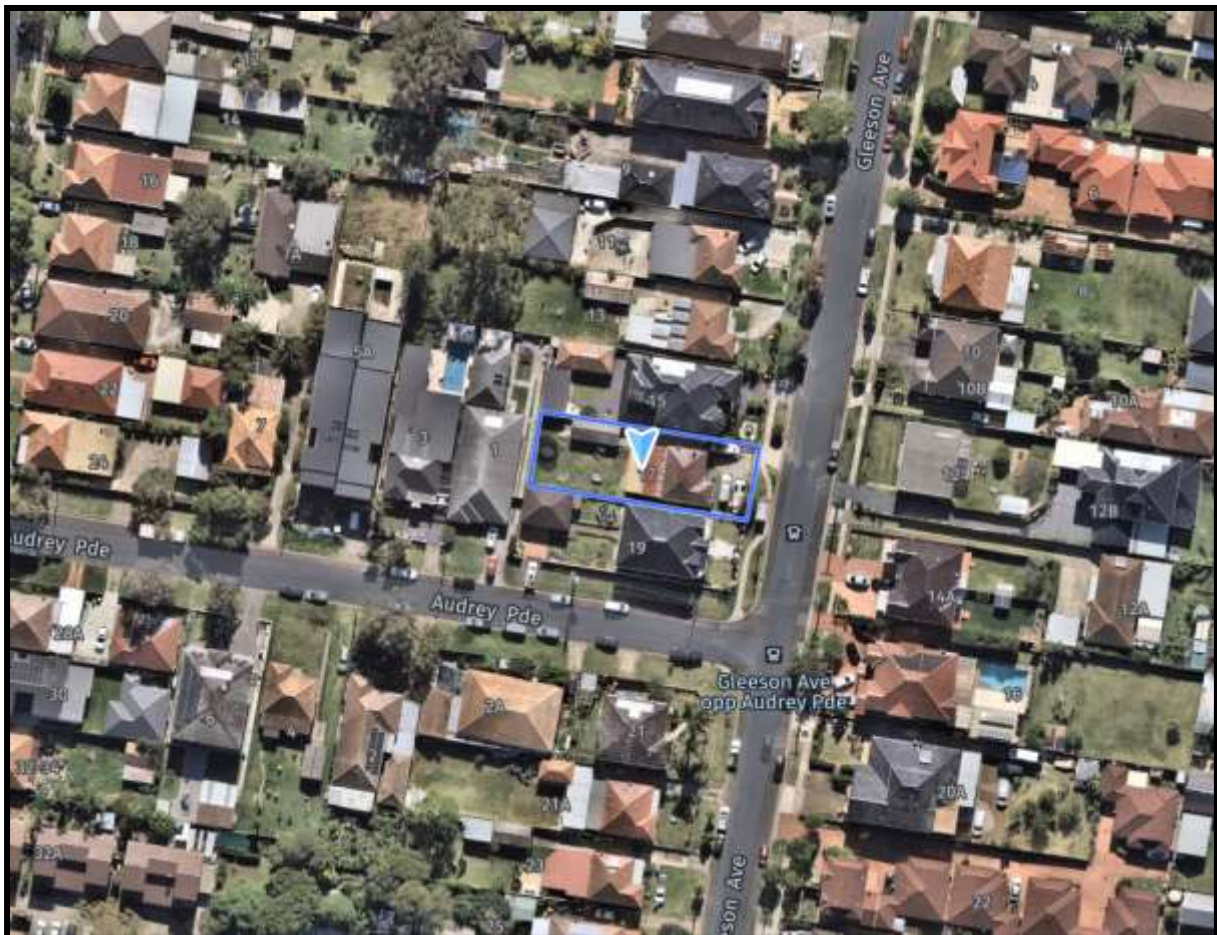


Figure 1: Aerial of subject site in blue. **Source:** NearMaps 2023



Figure 2: Zoning Map



Figure 3: View from Gleeson Avenue. Source: Google Maps 2021

BACKGROUND

On 26 April 2023, the subject Development Application (DA) for 17 Gleeson Avenue, Condell Park (DA-416/2023) was lodged proposing the demolition of an existing garage for the construction of a single-storey secondary dwelling and attached garage.

An initial assessment was undertaken with a request for additional information letter (RFI) issued to the Applicant on 16 May 2023. The letter outlined matters that needed to be addressed within 14 days. A summary of the matters raised is provided below:

- *The development fails to comply with Clause 3.27 of Part B5 of the BDCP 2015 which requires that Secondary dwellings must not result in the principal dwelling on the allotment having less than the required car parking spaces. The current proposal seeks to demolish the current covered parking space. Please provide further details on the car parking arrangement on site.*
- *The development seeks to have the new garage within the curtilage of the secondary dwelling which is not permissible as it presents as a 77sqm built form structure. The garage structure is to be detached and located closer to the primary dwelling, or alternatively replaced with an open carport structure.*

Amended information was received from the applicant on 2 June 2023. The proposed development was revised to the demolition of an existing garage and construction of a detached single-storey secondary dwelling and detached garage.

In accordance with the Canterbury Bankstown Community Participation Plan, the amended plans were unlikely to result in additional adverse impacts on any adjoining or nearby properties. As such, renotification was deemed not to be required.

PROPOSED DEVELOPMENT

The Development Application proposes the demolition of existing garage and construction of a detached single-storey secondary dwelling and detached garage. Specifically, the works include:

- The demolition of an existing fibro shed and construction of a new detached garage.
- The construction of secondary dwelling with a floor area of 59.95m² and comprising of a family/dining room, kitchen, 2 x bedrooms, bathroom and laundry area.
- Provision of a 1500L Water Tank.

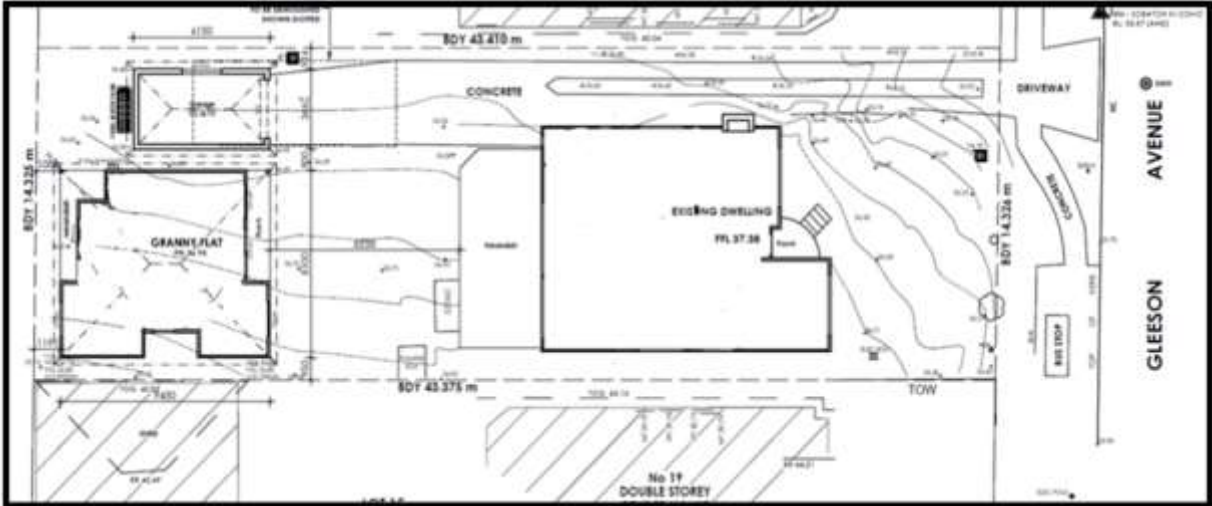


Figure 4: Site Plan. Source: ACM Civil & Structural Engineers

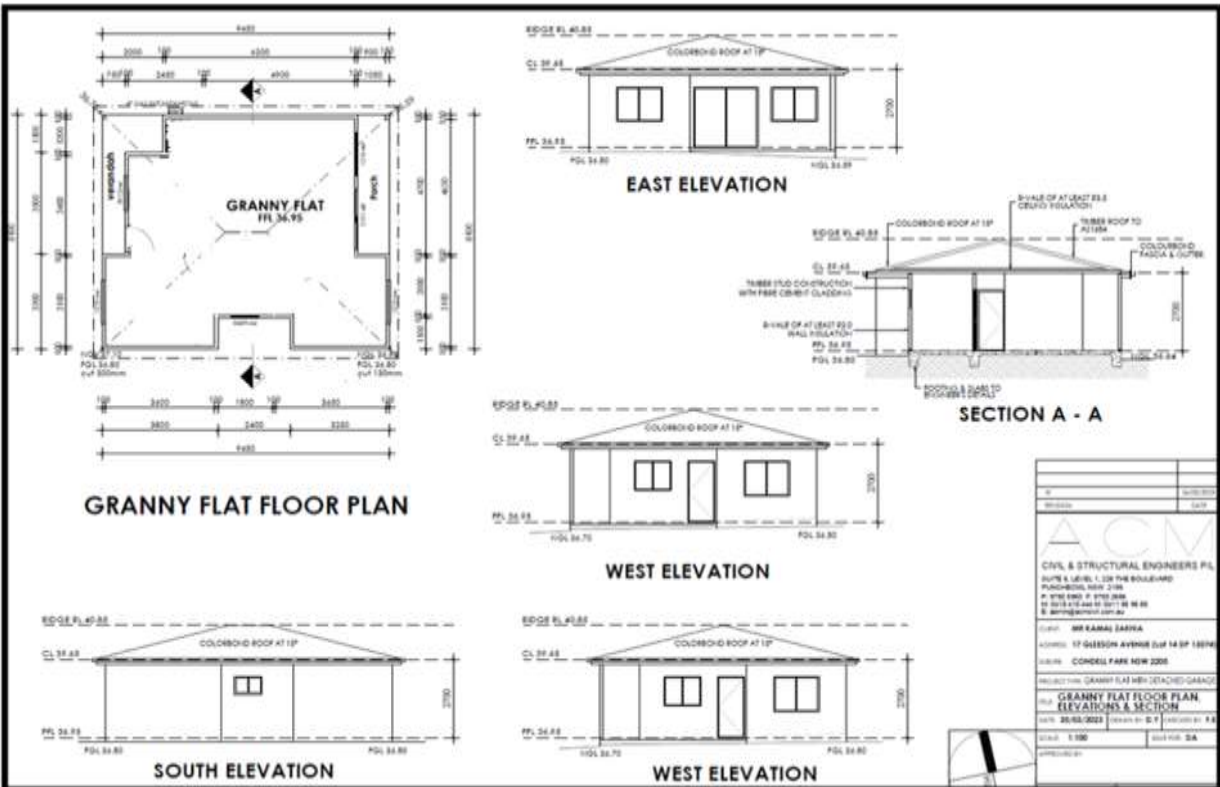


Figure 5: Granny Flat Floor Plan, Elevations and Sections. Source: ACM Civil & Structural Engineers

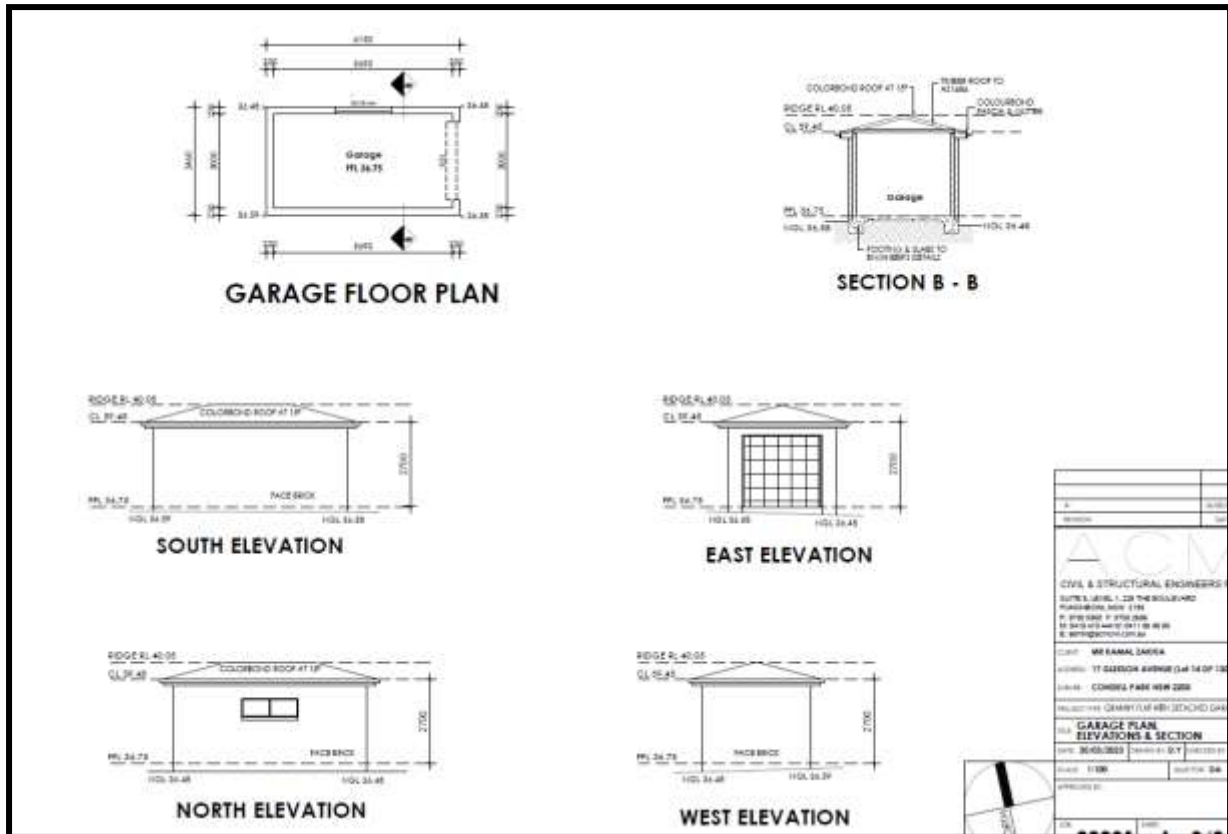


Figure 6: Garage Floor Plan, Elevations and Sections. Source: ACM Civil & Structural Engineers

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;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Housing) 2021;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *Bankstown Local Environmental Plan 2015 (BLEP); and*
- *Canterbury-Bankstown Development Control Plan 2023 (CBDCP).*

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

Chapter 4 – Remediation of Land

Chapter 4 of the SEPP aims to promote the remediation of contaminated land for the purpose 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 the subject site has only been used for residential purposes for an extended period of time and is not located within an investigation area. Given that the site has been used for only residential purposes, the site is considered to be suitable for the intended use and is therefore consistent with the State Environmental Planning Policy (Resilience and Hazards) 2021.

As such, no further investigation with regards to contamination is considered warranted for this application. The requirements of the SEPP are therefore considered to be satisfied in this regard.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

The site is located within the catchment area of the Georges River and is subject to Chapter 6 of the Biodiversity and Conservation SEPP 2021.

The proposal is considered to be consistent with Council's requirements for the disposal of Stormwater in the catchment. Therefore, it is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the aims, objectives and controls specified in the Biodiversity and Conservation SEPP 2021.

State Environmental Planning Policy (Housing) 2021

The aims of the Housing SEPP are to facilitate the effective delivery of affordable and diverse housing, to mitigate the loss of existing affordable rental housing and provide incentives for the development of new affordable rental housing.

An assessment of the proposed secondary dwelling against the relevant provisions of the SEPP is provided in the below table.

Housing SEPP 2021		
Chapter 3 Diverse Housing - Part 1 Secondary dwellings		
Clause	Requirement/Provision	Comment
50 Application of Part	This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is	The proposed development relates to the construction of a secondary dwelling on land zoned R2 Low Density Residential. Secondary Dwellings are permitted with

Housing SEPP 2021		
Chapter 3 Diverse Housing - Part 1 Secondary dwellings		
Clause	Requirement/Provision	Comment
	permissible on the land under another environmental planning instrument.	consent within the R2 zone.
51 No Subdivision	Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.	Subdivision is not proposed under this development application.
52 Development may be carried out with consent	<p>Development consent must not be granted for development to which this Part applies unless—</p> <p>(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and</p> <p>(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</p> <p>(c) the total floor area of the secondary dwelling is—</p> <p>(i) no more than 60m², or</p> <p>(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.</p>	<p>No other dwelling is proposed to be located on the land.</p> <p>The proposed 0.28:1 complies with the maximum of 0.5:1.</p> <p>The existing dwelling contains a total floor area of 114.6m². The proposed floor area of the granny flat is 59.95 m² and complies with the maximum of 60m².</p>
53 Non- discretionary development standards – the Act, s4.15	<p>The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—</p> <p>(a) for a detached secondary</p>	<p>Noted. Council must not require more onerous standards for the following matters.</p> <p>The site contain a site area of 619.7m² and complies with the</p>

Housing SEPP 2021		
Chapter 3 Diverse Housing - Part 1 Secondary dwellings		
Clause	Requirement/Provision	Comment
	dwelling—a minimum site area of 450m ² , (b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	minimum of 450m ² . The subject site currently contains 2 on-site car parking spaces associated with the existing dwelling. One space is located within the detached fibro shed and the other in form of tandem parking located within the driveway. The proposed development involves the construction of a detached garage and continues to permit parking in the driveway in a tandem layout. It is satisfied that the proposed development will not reduce the number of parking spaces provided on site immediately before the development is carried out and no additional parking is required for the secondary dwelling.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with BASIX SEPP, a BASIX Certificate accompanies this application. The Certificate makes a number of energy/resource commitments relating to water, energy and thermal comfort. The relevant commitments indicated on the BASIX Certificate have been shown on the plans in order to satisfy objectives of the SEPP. The BASIX Certificate requirements have been incorporated into conditions of consent.

Bankstown Local Environmental Plan 2015

The following table sets out the development standards and provisions of the Bankstown Local Environmental Plan (BLEP) 2015 that were taken into consideration in the assessment of the development application.

BLEP 2012		
Clause	Requirement/Provision	Comment
1.2 Aims of Plan	This Plan aims to make local environmental planning provisions for land in Bankstown in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	The proposal has been assessed as being consistent with all relevant aims of the BLEP 2012.
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	The zoning of the land is specified within the land zoning map as R2 Low Density Residential.

BLEP 2012		
Clause	Requirement/Provision	Comment
2.3 Zone objectives and Land Use Table	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone	The proposal has been assessed as being consistent with the objectives of the zone. Secondary Dwellings are permitted with consent. Furthermore, the detached garage is considered to be ancillary to the existing use of the site.
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition is proposed under this development application.
4.3 Height of buildings	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The proposed detached garage and secondary dwelling does not exceed the prescribed 9m maximum building height standard.
4.4 Floor space ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. • 0.5:1	The proposed 0.28:1 complies with the maximum of 0.5:1.
5.4 Controls relating to miscellaneous permissible uses	Secondary dwellings - If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 10% of the total floor area of the principal dwelling.	The existing dwelling contains a total floor area of 114.6m ² . The proposed floor area of the granny flat is 59.95 m ² and complies with the maximum of 60m ² .
6.2 – Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The works are minor and unlikely to have an adverse impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of BLEP 2015.

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

The Canterbury Bankstown Local Environmental Plan (CBLEP) 2023 had not commencement at the time of lodgement. In accordance with Section 1.8 of the CBLEP, saving provisions apply as this development application was made prior to the commencement of the plan.

Prior to the lodgement of the development application, the Draft CBLEP 2020 was publicly exhibited and adopted by the Canterbury Bankstown Local Planning Panel on 30 June 2020. While the draft instrument proposed the introduction of some additional provisions, in the most part, the Draft CBLEP 2020 provided for an administrative conversion of both the BLEP 2015 and CLEP 2012 into a combined document under the Standard Instrument LEP template.

With respect to the proposed development, the proposal is considered to be consistent with the aims and provisions of the draft instrument.

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

An assessment is undertaken against the Canterbury-Bankstown Development Control Plan 2023 (CBDCP) which came into effect on 23 June 2023. It is noted that the savings provisions do not apply to the CBDCP.

The following table provides a summary of the development application against the controls contained in *Chapter 3, 5 of the CBDCP 2023*.

Canterbury-Bankstown Development Control Plan 2023			
Part B General Controls			
Chapter 3 General Requirements			
STANDARD	REQUIRED	Proposed	Y/N
3.1 Development Engineering Standards			
Section 2 – Civil Engineering Requirements			
Vehicular footway crossing design and construction	2.1 Development requiring vehicular access across the Council footpath area must provide a vehicular footway crossing (VFC) with maximum and minimum widths in accordance with the following table.	Alterations are not proposed to the existing means of access.	Y
Internal driveway requirements	2.3 The on-site driveway layout must be designed so that a car may be able to access and exit all required car spaces in one motion. In addition, a required car parking space must be located so as to be outside and clear of any vehicular manoeuvring area or right of carriage way. Austroads standard turning path templates are to be used to determine acceptability.	The on-site driveway layout has been reviewed by Councils Development Engineers who raised no objection subject to recommended conditions attached to this report.	Y

Canterbury-Bankstown Development Control Plan 2023			
Part B General Controls			
Chapter 3 General Requirements			
STANDARD	REQUIRED	Proposed	Y/N
Sight distance requirements	2.4 The on-site driveway layout must be designed so that a car may be able to access and exit all required car spaces in one motion. In addition, a required car parking space must be located so as to be outside and clear of any vehicular manoeuvring area or right of carriage way. Austroads standard turning path templates are to be used to determine acceptability.	The proposed development will not impact on existing sight distances.	Y
Section 3 – Stormwater Drainage Systems			
Disposal of stormwater runoff	3.2 Site stormwater drainage systems should be designed to flow under gravity and be connected to Council's stormwater drainage system at the nearest suitable location or CDL benefiting the site. Site drainage design should follow the natural fall of the catchment to a pipeline connection point that has been designed for the runoff.	The proposed means of Stormwater Drainage has been reviewed by Councils Development Engineers who raised no objections to the proposed development subject to recommended conditions attached to this report.	Y
Roof gutter design	3.4 Roof, eave and/or box gutters and downpipes must be sized using the formulas and tables provided in accordance with the Australian Standard AS/NZS 3500 and Table 4b. In the case of OSD design, where overflow of the roof system cannot be directed to the OSD system, the roof stormwater drainage system must be designed for the 100-year ARI storm.	The proposed means of Stormwater Drainage has been reviewed by Councils Development Engineers who raised no objections to the proposed development subject to recommended conditions attached to this report.	Y
Requirements for site boundary fencing	3.15 All boundary fencing must be elevated at least 50mm from the finished ground level to the bottom of the fence panel or palings to allow for overland flow.	Alterations are not proposed to existing boundary fencing.	Y

Canterbury-Bankstown Development Control Plan 2023			
Part B General Controls			
Chapter 3 General Requirements			
STANDARD	REQUIRED	Proposed	Y/N
Section 4 – On-Site Detentions Systems			
Single dwellings and dual occupancies	<p>Single dwellings and dual occupancies will not require OSD where:</p> <ul style="list-style-type: none"> • It is proven to Council's satisfaction that the lack of OSD will not have an adverse effect on downstream drainage systems. A full local catchment analysis may be required. Applicants are advised to contact Council to find out specific OSD requirements for each catchment. • Dual occupancies and outbuildings have an impervious area of no more than 66% of the site area. • Development is proposed which does not significantly increase the post development stormwater runoff from the site. 	The proposed development includes the construction of a 1500L Water Tank. Councils Development Engineers raised no objections to the proposed development subject to recommended conditions attached to this report.	Y
3.2 Parking			
Section 2 Off -Street Parking Rates			
Off-street parking rates	<p>2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.</p> <ul style="list-style-type: none"> • Dwelling House – 2 car spaces; and • Secondary Dwelling – 1 car space. 	In accordance with Clause 53(2)(b) of the Housing SEPP 2021, Council must not require more onerous standards with regards to the number of parking spaces provided on the site. The proposed development involves the construction of a detached garage and continues to permit parking in the driveway in a tandem layout. It is satisfied that the proposed development will not reduce the number of parking spaces provided on site immediately before the development is carried out and no additional parking is required for the secondary dwelling onsite.	Considered Acceptable

Canterbury-Bankstown Development Control Plan 2023			
Part B General Controls			
Chapter 3 General Requirements			
STANDARD	REQUIRED	Proposed	Y/N
Section 3 – Design and Layout			
Parking location	<p>3.1 Development must not locate entries to car parking or delivery areas:</p> <p>(a) close to intersections and signalised junctions;</p> <p>(b) on crests or curves;</p> <p>(c) where adequate sight distance is not available;</p> <p>(d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island);</p> <p>(e) where right turning traffic entering may obstruct through traffic;</p> <p>(f) where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or</p> <p>(g) where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles.</p>	The proposed detached garage is located to the rear of the dwelling and is therefore acceptable. Alterations are not proposed to the existing driveway cross over which provides access to the site.	Y
Alternate parking arrangements	<p>3.4 Council may consider tandem parking in the following situations:</p> <p>Tandem parking for a maximum of two vehicles is permissible in dwelling houses, dual occupancies, attached dwellings, secondary dwellings, semi-detached dwellings, multi dwelling housing and multi dwelling housing (terraces) if the parking users reside in the same dwelling.</p>	The proposed development will maintain 1 tandem parking space within the driveway.	Y
Access driveway width and design	<p>3.8 The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.</p>	The length of the driveway remains generally consistent to existing provisions.	Y
	<p>3.11 For new residential development, necessary clear driveway widths are provided in the following table:</p>	The areas of the driveway proposed to be extended complies with the minimum of 3m for new residential	Y

Canterbury-Bankstown Development Control Plan 2023			
Part B General Controls			
Chapter 3 General Requirements			
STANDARD	REQUIRED	Proposed	Y/N
	One-way – 3m	development.	
3.3 Waste Management			
Section 2 – Standard Service Specification for Residential Development			
Development controls	<p>2.1 The bin sizes for residential development are:</p> <ul style="list-style-type: none"> • Dwelling houses and secondary dwellings – <ul style="list-style-type: none"> ○ General waste – 140L; ○ Recycling – 240L; ○ Garden Organics – 240L. 	A recommended condition of consent is imposed requiring the preparation of a Waste Management Plan.	Y
Section 3 – Residential development			
All residential development types	<p>3.1 Council or its contractors are solely to provide the waste services to all residential development types as required under the Local Government Act 1993.</p>	Alterations are not proposed to existing waste services.	Y
	<p>3.2 Each dwelling is to have:</p> <p>(a) A waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials.</p> <p>(b) A suitable space in the kitchen for a caddy to collect food waste.</p>	The secondary dwelling is capable of accommodating waste storage cupboards and an area for a caddy in the kitchen.	Y
	<p>3.4 The location of the bin storage area must not adversely impact on the streetscape, building design or amenity of dwellings.</p>	Alterations are not proposed to the location of the existing bin storage areas.	Y
3.7 Landscape			
Section 2 – Landscape Design			
Existing vegetation and natural features	<p>2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.</p>	New landscaped works are confined to the rear and unlikely to detract from the streetscape.	Y
	<p>2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.</p>	The proposed development minimises the extent of earthworks.	Y
Design and location of landscape	<p>2.5 The landscape of setbacks and deep soil zones must:</p> <p>(a) provide sufficient depth of soil to enable the growth of</p>	A recommended condition of consent is imposed requiring the preparation of a Landscape Plan. The plan is	Y

Canterbury-Bankstown Development Control Plan 2023			
Part B General Controls			
Chapter 3 General Requirements			
STANDARD	REQUIRED	Proposed	Y/N
	<p>mature trees;</p> <p>(b) use a combination of groundcovers, shrubs and trees;</p> <p>(c) use shrubs that do not obstruct sightlines between the site and the public domain; and</p> <p>where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer.</p>	to reflect the amended design and be prepared by a suitably qualified landscape architect.	
Trees	2.6 Development must consider the retention of existing trees in the building design.	Tree removal is not proposed under this DA.	Y
Section 3 – Biodiversity			
Biodiversity	3.1 Development must retain, protect and enhance indigenous/native vegetation and natural site features and incorporate it into the landscape design	The proposed development will not adversely impact on indigenous/native vegetation or natural site features.	Y

Canterbury-Bankstown Development Control Plan 2023			
Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
5.1 Former Bankstown LGA			
Section 2 Dwelling Houses			
Private Open Space	Dwelling houses must provide a minimum 80m ² of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5 metres throughout.	The site will retain an area of approximately 85m ² between each dwelling for the purpose of POS.	Y
Landscape	<p>2.29 Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown:</p> <p>(a) a minimum 45% of the area between the dwelling house and the primary street frontage;</p>	Alterations are not proposed to the landscaped area to the front of the primary dwelling.	Y

Canterbury-Bankstown Development Control Plan 2023			
Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
	(b) a minimum 45% of the area between the dwelling house and the secondary street frontage; and	N/A. The subject site does not contain a secondary frontage.	N/A
	(c) plant at least one 75 litre tree between the dwelling house and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury Bankstown); and	N/A. Alterations are not proposed to the landscaped area to the front of the primary dwelling.	N/A
	(d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody	The subject site is not located within a foreshore protection area.	Y
Section 3 Secondary Dwellings			
Lot size	3.1 A secondary dwelling is permissible on a site with a minimum lot size of 450m ² .	The subject site contains a site area of 619.7m ² and complies with the minimum of 450m ² .	Y
Site Cover	3.2 Council must not consent to development for the purpose of secondary dwellings unless:		
	(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and	Dwelling houses do not contain a maximum floor area under the Bankstown LEP. However, the subject site is subject to a maximum floor space ratio. The maximum area permitted on the site is 309.5m ² (0.5:1). The proposed development contains a gross floor area of 175.12 m ² and complies with the maximum of 309.5 m ² .	Y
	(b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an	Proposed 59.95m ² complies with the maximum of 60m ² .	Y

Canterbury-Bankstown Development Control Plan 2023			
Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
	environmental planning instrument, that greater floor area.		
Storey Limit (not including basement)	3.3 The storey limit for attached secondary dwellings is two storeys.	The proposed secondary dwelling is not attached.	Y
	3.4 The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	The proposed secondary dwelling is single storey and contains a wall height of 2.7m.	Y
	3.5 The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation. As such, the siting of the structure is considered appropriate.	The proposed development involves the construction of footings and does not result in elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Y
	3.6 Any reconstituted ground level on the site must not exceed a height of 600mm above the ground level (existing) of an adjoining site.	The proposed development does not result in the ground level exceeding a height of 600mm above the ground level (existing) of an adjoining site.	Y
Setback restrictions	3.7 The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	The secondary dwelling is not located within 9 metres of an existing animal boarding or training establishment.	Y
Street Setbacks	3.8 The minimum setback for a building wall to the primary street frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	The building wall is setback more than 5.5m from Gleeson Avenue.	Y
	3.9 The minimum setback to the secondary street frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.	The subject site does not have a frontage to a secondary street.	Y
Side and Rear setbacks	3.10 For the portion of the building wall that has a wall	The building remains below 7 meters in height. The	Y

Canterbury-Bankstown Development Control Plan 2023			
Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
	height less than or equal to 7 metres, the minimum setback to the side and rear boundaries of the site is 0.9 metre.	secondary dwelling is setback 1.08m from rear boundary and a minimum 0.95m from the side boundary. The setbacks to the rear and side comply with the minimum of 0.9m.	
Private Open Space	3.12 Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	The site will retain an area of approximately 85m ² between each dwelling for the purpose of POS.	Y
Access to sunlight	3.13 At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.	The secondary dwelling is orientated in a manner that permits at least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.	Y
	3.14 At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.	The single storey nature of the development is unlikely to affect living areas on adjoining sites receiving a minimum of three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.	Y
	3.15 A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox.	The development is sited in a manner that ensures 50% of the POS required on the development site and adjoining sites receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox.	Y
Visual Privacy	3.16 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling.	The proposed windows do not directly look into the living areas or bedroom windows of an existing dwelling. It is noted that windows along the west elevation will be adequately screened by existing fencing.	Y
	3.17 Where development proposes a window that directly looks into the private open space of an existing dwelling.	Windows will not directly look into the private open space of an existing dwelling on adjoining properties. It is noted that windows along the	Y

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Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
		boundaries will be adequately screened by existing fencing.	
	3.19 Council does not allow secondary dwellings to have roof-top balconies and the like.	Roof top balconies are not proposed.	Y
Building Design	3.20 The maximum roof pitch for attached secondary dwellings is 35 degrees	N/A. The secondary dwelling is not attached.	N/A
	3.22 The design of dormers must: (a) be compatible with the form and pitch of the roof	N/A. Dormers are not proposed.	N/A
	3.23 The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	The proposed 15 degrees complies with the maximum of 25 degrees. An attic or basement is not proposed.	Y
Building design (car parking)	3.26 Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.	In accordance with Clause 53(2)(b) of the Housing SEPP 2021, Council must not require more onerous standards with regards to the number of parking spaces provided on the site. The development involves the construction of a detached garage and will maintain one parking space in a tandem layout. It is satisfied that the secondary dwelling does not warrant additional parking spaces and will not result in the principal dwelling having less than the required car parking spaces.	Y
Landscape	3.27 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.	N/A. Tree removal is not proposed under this development application.	N/A
Section 12 – Ancillary Development (outbuildings)			
Restrictions	12.1 Council allows a maximum of one outbuilding on a site.	One outbuilding is proposed in the form of a detached garage.	Y
	12.2 The outbuilding must be established in conjunction with		

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Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
	<p>the principal dwelling on the same site and must ensure that:</p> <p>(a) it is separate from the principal dwelling and any secondary dwelling on the same site, and</p> <p>(b) it is not used as a separate dwelling, and</p> <p>(c) it does not contain cooking facilities, toilet and shower, and</p> <p>(d) it does not function or can be adapted to function for industrial purposes.</p>	<p>The garage is detached from the principle and secondary dwelling. The location of the garage is considered acceptable with regard to existing access arrangements.</p> <p>A condition is imposed ensuring the garage is not used as a separate dwelling.</p> <p>Cooking, toilet and shower facilities are not offered within the garage.</p> <p>The garage doesn't function, nor can it be adapted to accommodate an industrial function.</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>
Site cover	<p>12.3 The maximum site cover of the outbuilding is:</p> <p>(a) 60m² where the site is greater than 600m² in area.</p>	<p>The proposed garage covers a total area of approximately 21.27m² and complies with the maximum 60m² for sites with an area greater than 600m².</p>	Y
	<p>12.4 The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p>	<p>The outbuilding does not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p>	Y
Height	<p>12.5 The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.</p>	<p>The proposed garage is single storey and does not contain an attic or basement.</p>	Y
	<p>12.6 The maximum building height for the outbuilding is 4.5 metres above ground level (existing).</p>	<p>The proposed detached garage is a maximum of 3.57m from natural ground level and complies with the maximum of 4.5m.</p>	Y
	<p>12.7 The siting of the outbuilding and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves</p>	<p>The outbuilding is compatible with the slope of the site and adjoining sites. It is noted that the structures does not result in elevated platforms on columns; or excessive or unnecessary terracing, rock</p>	Y

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Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
	elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	excavation, retaining walls or reclamation.	
Street Setback	12.8 The outbuilding must locate behind the front building line.	The proposed outbuilding is situated to the rear and is therefore behind the front building line.	Y
Side and rear setbacks	12.9 The minimum setback to the side and rear boundaries of the site is:		
	(a) zero setback for carports or masonry walls that do not contain windows, eaves and gutters provided the structures comply with the National Construction Code; or	N/A. Zero setbacks are not proposed, and the outbuilding contains eaves and gutters.	N/A
	(b) 0.45 metre for non-masonry walls that do not contain a windows, eaves and gutters; or	N/A. The outbuilding contains eaves and gutters.	Y
	(c) 0.9 metre for walls with windows.	The northern wall contains a window, and the structure is setback 0.914m from boundary. Setbacks to other boundaries are in excess of 0.9m.	Y
	12.10 The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8 metres	The proposed garage is setback 0.9m from the secondary dwelling. Whilst it is a variation it is noted that the development application was lodged prior to the commencement of the CBDCP 2023. Under the former Bankstown Development Control Plan, there was no requirement specified for outbuildings to be setback from other structures onsite. The development provides adequate separation between the garage and secondary dwelling noting	Considered Acceptable

Canterbury-Bankstown Development Control Plan 2023			
Chapter 5 Residential Accommodation			
STANDARD	REQUIRED	Proposed	Y/N
		that the dwelling does not have any windows facing the garage therefore not resulting in any amenity impacts. Despite the minor non-compliance, the separation proposed ensures the development can satisfy the objectives of Section 12.10 of the DCP ensuring the outbuilding will be subservient to the principle dwelling in terms of visual bulk and scale and will not arise adverse amenity impacts on adjoining properties in terms of visual bulk, solar access and privacy.	
Building design	12.11 The maximum roof pitch for the outbuilding is 25 degrees.	The proposed detached garage contains roof pitch of 15 degrees and complies with the maximum of 25 degrees.	Y
	12.12 Council does not allow the outbuilding to have roof-top balconies and the like.	Roof-top balconies and the like are not proposed.	Y
Landscape	12.13 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the outbuilding.	Tree removal is not proposed.	Y
Section 14 – Site Facilities			
Building design (utilities and building services)	14.1 The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.	N/A. Plant rooms, hydrants, equipment and the like are not proposed under this application.	N/A
	14.2 Utilities and building services are to be integrated into the building design and concealed from public view.	The proposed development is situated the rear and is adequately screened from public view.	Y

The proposed development is consistent with the above numerical controls.

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 is not considered likely to result in any significant environmental, social or economic impacts on the locality. As detailed in this report, the development complies with the applicable requirements and in review is considered worthy of support. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

Suitability of the site [section 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 14 days from 3 May 2023 to 17 May 2023. No objections were received during this period which raised concerns relating to the sewer line to the rear of the property. A response to the various issues raised is provided below.

The application was neighbor notified for a period of fourteen (14) days in accordance with the Canterbury Bankstown Community Participation Plan. No submissions were received during this period.

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

Approval of the proposed development is not considered to contravene the public interest as it does not result in any adverse impacts on adjoining properties in terms of views, solar access, and the like. Additionally, the proposed development has been sited to the rear and therefore avoids adverse impact on the streetscape.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979 requiring, amongst other things, an assessment against State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; Bankstown Local Environmental Plan 2015 (BLEP); and Canterbury-Bankstown Development Control Plan 2023 (CBDP).

It is considered that the conditions placed on the determination notice ensure that an acceptable form of development is permitted and that impacts of adjoining properties can be appropriately mitigated and where necessary managed.

RECOMMENDATION

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

SCHEDULE 1 – CONDITIONS

These consent conditions have been imposed after taking into account the matters for consideration in determining a development application pursuant to s4.15 and in accordance with s4.17 of the Environmental Planning & Assessment Act 1979.

1. Approved Development.

1.1 Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Plan Name	Issue	Prepared By
22031 - A 1/3	Site & Floor Plan	26 May 2023	ACM Civil & Structural Engineers
22031 - A 2/3	Granny Flat Floor Plan, Elevation & Section	26 May 2023	
22031 - A 3/3	Garage Plan, Elevations & Section	26 May 2023	
1349644S_02	BASIX Certificate	31 March 2023	ACM Civil & Structural Engineers

Note: In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

1.2 Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

2. Conditions to be Satisfied Before the Issue of a Construction Certificate

2.1. 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:

- (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).

The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

- 2.2. 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™.

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™.

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.

- 2.3. Documentary evidence of Sydney Water's approval of the proposed connection to its drainage system is required to be submitted to the certifier before the issue of the construction certificate. All conditions imposed by Sydney Water shall be strictly complied with and incorporated into the approved drainage plan.

- 2.4. The consent holder shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:

- a. Repair of any damage to the public road including the footway occurring during building works, and
- b. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

- 2.6. Stormwater drainage from the development shall be designed so as to comply with Council's Bankstown Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 in accordance with the above requirements and shall generally be in accordance with the approved concept stormwater plan as shown in the table below. The final plan shall be certified by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 that it complies with Council's Bankstown Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

Additional stormwater drainage provision for the extension to the concrete driveway to be provided in the final stormwater plan.

- 2.7. Stormwater runoff from all areas proposed for development shall be collected and connected to the existing stormwater system within the site, subject to the existing system being evaluated by a qualified professional Civil Engineer and found to be structurally adequate and to have the required hydraulic capacity, as required in Council's Bankstown Development Engineering

Standards. The existing system shall be upgraded or replaced as necessary to comply with the requirements above.

The plan for the proposed drainage system together with the hydraulic evaluations shall be submitted to the certifier for approval with the application for the construction certificate.

2.8. Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans.

2.9. The development must be carried out in accordance with the commitments shown on the submitted BASIX Certificate. The BASIX commitments must be reflected in the construction certificate plans and specifications. Any proposed changes to the BASIX commitments after the construction certificate has been issued will require an updated BASIX Certificate.

2.10. Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

a. The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the certifier before the issue of the construction certificate.

b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

2.11. A Waste Management Plan outlining how waste will be managed during demolition, construction and ongoing use in line with Council's policies shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

2.12. A Landscape Plan prepared by a suitably qualified professional, consistent with the approved architectural design and conforming to all relevant conditions of consent, shall be submitted to Council for approval prior to the issue of the Construction Certificate.

3. Conditions to be Satisfied Before Construction

3.1. 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.

3.2. 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.

3.3. 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.

3.4. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- 3.5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —
- a. In the case of work for which a principal contractor is required to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - b. In the case of work to be done by an owner-builder—
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 3.6. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- 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.

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.

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.

- 3.7. The demolition of the existing garage on the property 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.

4. Conditions to be Satisfied During Construction.

- 4.1. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
 - 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.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval

- 4.2. Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 4.3. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
 - a. All footings/ foundations
 - b. At other stages of construction – any marks that are required by the principal certifier.
- 4.4. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 4.5. If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 4.6. 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 —
 - a. Protect and support the building, structure or work from possible damage from the excavation, and
 - b. Where necessary, underpin the building, structure or work to prevent any such damage.

This 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.

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.

- 4.7. 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.

- 4.8. The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards and the engineering plans and details approved by the principal certifier. Should the consent holder encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, then they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense.
- 4.9. The existing internal stormwater drainage system, and the stormwater drainage system draining the site shall be cleaned out, tested for leaks and repaired as necessary. A licensed plumber is to certify that the work has been carried out.
- 4.10. 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.
- 4.11. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

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:

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

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

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

- 4.12. 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 —
- a. Protect and support the building, structure or work from possible damage from the excavation, and
 - b. Where necessary, underpin the building, structure or work to prevent any such damage.

This 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.

- 4.13. 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.

5. Conditions to be Satisfied Before Occupation

- 5.1. The occupation or use of the building must not commence unless an occupation certificate has been issued.
- 5.2. A report as prepared by a registered surveyor must be submitted to the principal certifier verifying that the reduced level (RL) of the finished floor level at each level, the height of external walls, the maximum reduced level (RL) of roof structures / roof eaves overhangs and the external wall setbacks to the property boundaries all conform with the approved plans.
- 5.3. 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).
- 5.4. 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.
- 5.5. Before the issue of the relevant occupation certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:
- a. All stormwater drainage systems and storage systems, and
 - b. The following matters that council requires to be documented in accordance with the Council's relevant Development Control Plan.
 - c. A copy of the plans must be provided to council with the occupation certificate.

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