

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD ON 14 OCTOBER 2024**

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**PANEL MEMBERS**

**PRESENT**

Patrick Carl Scully - Chair  
Kate Bartlett - Expert Member  
Jason Perica - Expert Member  
Peter Menton - Community Representative  
Linda Eisler - Community Representative  
Steven Tuntevski - Community Representative.

**STAFF IN ATTENDANCE**

Giuseppina Rossi - Administration Officer Advisory Committees  
Brad McPherson - Manager Governance and Property Services (not present for the closed session)  
Ian Woodward - Manager Development (not present for the closed session)  
George Gouvatsos - Coordinator Planning East (not present for the closed session)  
Nicholas Aley – A/Coordinator Planning West (not present for the closed session)  
Jeremy Swan - External consultant, The Planning Hub (not present for the closed session)  
Alice Pettini - Executive Planner (not present for the closed session)  
Sophie Griffiths - Town Planner (not present for the closed session)  
Natasha Parasiris - Town Planner (not present for the closed session)  
Monica Samuel - Senior Town Planner (not present for the closed session).  
Fiona Kordahi - Senior Town Planner (not present for the closed session)

The Chairperson declared the meeting open at 6.00 pm.

**ACKNOWLEDGEMENT OF COUNTRY**

The Canterbury Bankstown Local Planning Panel acknowledges the traditional custodians of the land, water and skies of Canterbury-Bankstown, the Darug People. The Panel recognises and respects Darug cultural heritage, beliefs and relationship with the land and the Panel acknowledges the First Peoples' continuing importance to the CBCity community.

**INTRODUCTION**

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the reports, recommendations from the Council staff and the submissions made by objectors.

**APOLOGIES**

There were no apologies received.

**DECLARATIONS OF INTEREST**

The Chairperson advised that all Panel members had submitted written Declarations of Interest returns prior to the meeting.

The Chairperson also asked the Panel if any member needed to declare a conflict of interest in any of the items on the agenda.

Steven Tuntevski declared a non-pecuniary, non-significant conflict of interest in Item 4: DA-554/2024 - 38 Virginius Street, Padstow, being that a submitter to the development application is known to him via a friend and excluded himself from deliberation and voting on the matter.

There were no other declarations of interest.

### **CONFIRMATION OF PREVIOUS MEETING**

The minutes of the Canterbury Bankstown Local Planning Panel meeting held on 2 September 2024 were confirmed.

### **ITEMS**

- 1. DA-276/2024 - Lot 7061 DP 1058541, 571-577 Punchbowl Road, Lakemba**  
*Alterations and additions to the existing sports centre including the enclosure of the existing balcony with windows, installation of an awning and partition walls and stairlift forming a ladies gym and a sensory gym for disabled children in Parry Park*

#### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

#### **Public Addresses**

Rhonda Jamieou, ECC Pty Ltd/ Rockeman Planning (applicant) and Inaam Tabbaa, Australian National Sports Club Manager and Board member addressed the Panel.

#### **Community Member**

Peter Menton was the Community Panel Member present for the deliberation and voting for this matter.

#### **CBLPP Determination**

THAT Development Application DA-276/2024 be **APPROVED** on a **DEFERRED COMMENCEMENT** basis, subject to the conditions set out in the attachment to these minutes.

**Vote: 4 – 0 in favour**

#### **Reasons for decision**

In forming their decision, the Panel recognised that the application required further information in the form of clear and detailed architectural plans to align with the approval sought, and a comprehensive Plan of Management to address key operational matters such as uses, capacity, openness to all members of the community and hours of operation.

However, the Panel also recognised that the facility was a community run organisation, on Crown Land that offers important local health, fitness and services, including to special needs families in the area. The Panel noted that planning report also

demonstrated that the application was compliant with the key applicable state and local planning controls and, subject to provision of satisfactory additional information, is capable of approval.

In terms of owner's consent, the Panel was informed by Council staff that legally valid owner's consent had been provided, and there was no legal impediment to granting consent on this basis.

Accordingly, the Panel came to the view that, subject to satisfaction of certain "deferred commencement" conditions, the application could and should be approved.

**2. DA-748/2024 - 177-205 Bayview Avenue, Earlwood**

*Temporary use of Gough Whitlam Park between 4 November and 26 November 2024 for a Circus including 2 tents with parking, fencing, rides and animal enclosures*

**Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

**Public Addresses**

There were no public addresses in relation to this item.

**Community Member**

Linda Eisler was the Community Panel Member present for the deliberation and voting for this matter.

**CBLPP Determination**

THAT Development Application DA-479/2024 be **APPROVED** subject to the Council staff recommended Conditions of Consent.

**Vote: 4 – 0 in favour**

**Reasons for decision**

The Panel agrees with the Council staff report and the reasons for approval within that report.

The Panel noted one submission was received, although this raised a matter not of direct relevance to the proposal.

**3. DA-604/2022/A - 205A Homer Street, Earlwood**

*Alterations and additions to existing commercial tenancy, and conversion to a 34-place centre-based child care facility. PROPOSED MODIFICATION: Increase number of children from 34 to 40 places [Section 4.55(2)]*

**Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

### **Public Addresses**

A written submission from a resident (objector) was provided to the Panel.

### **Community Member**

Linda Eisler was the Community Panel Member present for the deliberation and voting for this matter.

### **CBLPP Determination**

THAT Modification Application DA-604/2022/A be **APPROVED** subject to the Council staff recommended Conditions of Consent that were originally imposed on DA-604/2022, and modified to reflect the proposed amendments, specifically amending conditions 1.1, 1.5, 1.6 and 1.11, and including additional conditions 5.26, 6.14, 6.15 and 6.16.

**Vote: 4 – 0 in favour**

### **Reasons for decision**

The Panel agrees with the Council staff report. The Panel also had regard to a memo from Council staff dated 14 October 2024 which sets out the reasons for the original conditions being amended.

The Panel considered the matters raised in submissions made during assessment of the proposal, and a late submission. The Panel agreed with the assessment of issues raised, as contained in the Council staff report. In terms of parking demand from increased children, the Panel noted the original DA was approved with 2 more car spaces than needed to meet the parking demand in Council's controls at the time, and this accords with the increased parking demand associated with the proposed Modification under Council's current controls.

#### **4. DA-554/2024 - 38 Virginius Street, Padstow**

*Demolition of all existing structures, construction of a Two-Storey Attached Dual Occupancy Dwelling and Pools, Torrens Title Subdivision into 2 proposed lots, and Construction of two Secondary Dwellings one on each subdivided lot*

### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

### **Public Addresses**

A written submission from a resident (objector) was provided to the Panel.

### **Community Member**

Steven Tuntevski was the Community Panel Member for this item, however, he excluded himself from deliberation and voting on the matter due to a non-significant non-pecuniary conflict of interest declared earlier in the meeting.

### **CBLPP Determination**

THAT Development Application DA-554/2024 be **REFUSED** for the reasons in the Council staff report.

**Vote: 3 - 0 in favour** (Steven Tuntevski did not vote)

#### **Reasons for decision**

The Panel agrees with the Council staff report and recommended Reasons for Refusal. The Panel also agrees with the assessment of issues raised by submitters, as outlined in the Council staff report.

#### **5. DA-436/2024 - 20 - 24 Parmal Avenue, Padstow**

*Demolition of existing structures, consolidation of three existing lots into one, construction of a four-storey in-fill affordable housing residential flat building comprising 35 apartments including 10 affordable housing units, basement car parking, associated landscaping and stormwater drainage works*

#### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

#### **Public Addresses**

Ziad Boumelhem, ZED Architects (applicant) and Steven Sammut, Developable Town Planning (representing applicant) addressed the Panel.

#### **Community Member**

Steven Tuntevski was the Community Panel Member present for the deliberation and voting for this matter.

#### **CBLPP Determination**

THAT Development Application DA-436/2024 be **APPROVED** subject to the Council staff recommended Conditions of Consent, with the following amendments:

- Additional condition 106A to read:  
106A Evidence of an agreement with a registered community housing provider for the management of the affordable housing component is to be given to the Registrar of Community Housing, including the name of the registered community housing provider. Evidence that this requirement has been met is to be provided to the consent authority prior to the issue of an occupation certificate.
- Deletion of condition 137.

**Vote: 4 – 0 in favour**

#### **Reasons for decision**

The Panel generally agrees with the Council staff report.

The Environmental Planning & Assessment (EP&A) Regulation 2021 requires a restriction/covenant condition as well as a condition requiring evidence of an agreement with a registered Community Housing Provider (CHP) for the management of the affordable housing component to be given to the Registrar of Community

Housing, including the name of the registered CHP. As such, the addition of condition 106A above is to satisfy of the requirements the EP&A Regulation.

Condition 137 imposes an obligation already covered by Condition 55, and if intended as a further obligation prior to Occupation Certificate, imposes an obligation not required by statute, which is unreasonable.

The Panel also agreed with the assessment of issues raised by submitters, as outlined in the Council staff report.

The meeting closed at 7.20 pm

**ITEM 1: DA-276/2024 - Lot 7061 DP 1058541, 571-577 Punchbowl Road, Lakemba**

*Alterations and additions to the existing sports centre including the enclosure of the existing balcony with windows, installation of an awning and partition walls and stairlift forming a ladies gym and a sensory gym for disabled children in Parry Park*

**CBLPP Determination**

THAT

**A. CONDITIONS OF APPROVAL - SCHEDULE 1 - DEFERRED COMMENCEMENT CONSENT**

This is a “Deferred Commencement” consent that is granted subject to a condition under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This “Deferred Commencement” consent is not to operate until the Applicant satisfies Canterbury Bankstown Council and its delegate as to the matters set out in Schedule 1 within six (6) months of the date of this Deferred Commencement Consent.

**Deferred commencement conditions**

This deferred commencement consent only relates to the enclosure of the existing balcony with windows, installation of an awning and partition walls and a stairlift and use of the space for the purposes of a ladies gym and a sensory gym for disabled children within the existing sports centre.

This development consent will not operate until the Council has advised in writing that it is satisfied of the following matters:

1. Updated Architectural Plans are to be prepared that clearly detail the following:
  - The plans shall clearly detail the extent of works described above. The plans are to detail all demolition works and proposed building works that are coloured with a key.
  - The floor plans are to clearly identify the internal layout, walls, fixtures, storage areas, equipment locations and the use of each space (i.e. ladies gym / sensory gym). The plans are to be dimensioned and to scale.
  - The updated plan set is to include a site plan, floor plans, elevations showing all works, and a section through the proposed works. Each plan is to have clear title references at the bottom of each page that includes a sheet title e.g. Plan 1/8, 2/8, amendment number and date of issue.
  - The plans are to make clear that no further works other than those described above form part of the application.
  
2. A Plan of Management (POM) is to be prepared that includes the following:
  - The POM shall clearly describe the ongoing use including break up of use, maximum number of people, staffing, hours of use, booking procedure and operational guidelines.
  - The POM shall include a complaint handling and review process.
  - The POM must make clear that any member of the public can access the gym.

- The POM is to be consistent with the description of the use as approved under the deferred commencement consent.
- The POM must ensure that access to the upper floor area is available to members of the public for a minimum of 2½ hours whilst the gym is open each day.

Subject to satisfying the above terms, the consent shall operate subject to the following conditions, and any further conditions or refinements reasonably arising from the additional information and details provided in response to the above.

**B. CONDITIONS OF APPROVAL - SCHEDULE 2 - THE APPROVED DEVELOPMENT –  
CONDITIONS ONLY APPLY UPON SATISFACTION OF SCHEDULE 1**

**1) Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of enclosure of the existing balcony with windows, installation of an awning and partition walls and a stairlift and use of the space for the purposes of a ladies gym and a sensory gym for disabled children within the existing sports centre.

*Reason: To confirm the use of the approved development.*

**2) Approved Plans and supporting documentation**

Development the subject of this determination notice must be carried out strictly in accordance with approved/endorsed plans and documentation submitted to satisfy Schedule 1 of this Notice of Determination.

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

*Reason: To ensure the development is carried out in accordance with the approved plans and documentation.*

**3) Compliance with Disability Discrimination Act 1992**

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under this Act.

*Reason: To inform of relevant access requirements for persons with a disability.*

*Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

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



*Prior to the release of a Construction Certificate the following conditions MUST be satisfied.*

**4) Application for a Construction Certificate**

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent.

**Reason:** *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

**Note:** *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.*

**Note:** *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

**5) Long Service Levy Payments**

A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.

**Reason:** *Statutory requirement.*

**6) Waste Management Plan**

A Waste Management Plan shall be completed and submitted to the PCA for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site throughout demolition, construction and ongoing use. Waste management and its storage must not pose a threat to public health or the environment.

**Reason:** *To minimise the amount of waste going to landfill.*

**7) Construction Management Plan**

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to mitigate construction risks in the protection of the environment as well as public health, safety and convenience. The CMP must address the following:

- (a) Details of site security.
- (b) Off-street parking for employees, contractors and sub-contractors.
- (c) Public safety in the use of roads and footpaths where development activities interacts with existing facilities and operations.
- (d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (e) Provision for loading and unloading materials.
- (f) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site.

- (g) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees).
- (h) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (i) External lighting and security alarms proposed for the construction site.
- (j) Firefighting measures to be available on-site during development and construction.
- (k) Sanitary amenities proposed on site during development and construction.
- (l) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.
- (m) Details of management of storm water run-off and the proposed sediment and erosion control measures.
- (n) Details of any air and dust management.
- (o) Details of noise and vibration controls.
- (p) Anticipated staging and duration of works.
- (q) Provision of Construction Traffic Management Plan (CTMP) and Traffic Control Plans (TCP) addressing construction related traffic issues.

**Reason:** *To ensure the safety, amenity and protection of public infrastructure and the environment.*

#### **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING**

##### **8) Prior to the Commencement of Work**

The building work in accordance with the development consent must not be commenced until:

- a. a construction certificate for the building work has been issued by the council or certifier, and
- b. the person having benefit of the development consent has:
  - i. appointed a principal certifier for the building work, and
  - ii. notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and
- c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
  - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii. notified the principal certifier of any such appointment, and
  - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building work.

**Reason:** *To comply with Councils requirements prior to the commencement of works.*

## 9) **Principal Certifying Authority Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA.
- The Principal Contractor by showing the Principal Contractor 's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Reason:** *Statutory requirement.*

## 10) **Temporary Onsite Toilet**

Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.

**Reason:** *To ensure that there are appropriate facilities on-site for construction workers.*

## 11) **Temporary Fence**

Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

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

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

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

### 12) **Hours of Work**

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

**Reason:** *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

**13) Compliance with Building Code of Australia**

The building work must be carried out in accordance with the requirements of the Building Code of Australia.

**Reason:** *Prescribed condition - EP&A Regulation clause 98(1)(a).*

**14) Hazardous Finds**

Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

**Reason:** *To ensure compliance with relevant New South Wales Legislation.*

**15) Waste Management**

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

When implementing the WMP the developer is to ensure:

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

material, disposal of concrete waste or activities which have potential to pollute drains and water courses.

- (g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

**Reason:** *To minimise the amount of waste going to landfill.*

#### **16) Disposal of Waste**

All waste materials generated during demolition and construction must be disposed of at an appropriately licensed waste facility for the specific waste.

All waste must be transported by a contractor licensed to transport the specific waste and in vehicles capable of catering the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

**Reason:** *To protect the amenity of the occupants of the development site and the occupants of adjoining sites.*

### **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

#### **17) Occupation Certificate**

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

**Reason:** *To ensure compliance with the relevant New South Wales legislation.*

#### **18) Work Permit Compliance Required**

An Occupation Certificate for the completed development must not be issued until all conditions relating to demolition, building have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).

A copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

**Reason:** *To ensure the development is built and remains consistent with approved plans and documentation.*

#### **19) CCTV surveillance cameras**

Before the issue of an occupation certificate, the principal certifier is to ensure that on-site CCTV surveillance cameras have been strategically installed and that they will operate and be maintained throughout the development with particular coverage to:

- a. principal entrance/s and exits;
- b. all areas within the premise occupied by the public (excluding toilets);
- c. staircases in multilevel premises; and
- d. the area within a 10m radius external to the public entrance(s) to the premise.

Installation of the surveillance system is to ensure suitable and clearly visible signage is displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".

All CCTV recording equipment and cameras shall be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.

CCTV recording discs or hard drive recordings shall be retained for 31 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.

All CCTV recording devices and cameras shall be regularly checked to ensure the equipment is operating correctly. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the security manager/Principle is to notify the relevant Local Area Commander of the NSW Police.

All CCTV recording devices and cameras shall be operated 24 hours a day 365 days a year.

The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

**Reason:** *To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.*

## **ONGOING USE**

### **20) Hours of Operation**

The approved hours of operation are:

<b>Use</b>	<b>Day</b>	<b>Hours</b>
Sensory gym:	Monday to Friday	9 am to 5 pm
Women's gym:	Monday to Friday	9 am to 7:30 pm

**Reason:** *To ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

**Note:** Any variation to these hours will require Council consent via the lodgement of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.

**21) Plan of Management**

The ongoing use is to comply with the endorsed operational plan of management.

**Reason:** To prevent loss of amenity to the area.

**22) Public Access**

Public access must be available to the gym and managed in accordance with the endorsed Plan of Management.

**Reason:** To allow access into community infrastructure.

**23) Noise**

Should a noise issue (relating to the development) not previously identified arise (through complaint or otherwise), the owner/occupier must, upon request by Council, employ the services of a suitably qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the noise issue. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member.

**Reason:** To prevent loss of amenity to the area.

**24) Waste Management**

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997. All waste generated must be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts must be made available to Council on request.

**Reason:** To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

**25) Offensive Activities**

Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997 and Regulations.

**Reason:** *To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.*

**26) Amenity of the Neighbourhood**

The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, wastewater, waste products, grit, oil or other harmful products.

**Reason:** *To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.*

**27) Lighting**

Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, 'Control of the obtrusive effects of outdoor lighting', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

**Reason:** *To ensure that the amenity of neighbouring properties is not compromised.*