



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

3 August 2026 - 6.00 pm

**Location:
Council Chambers
corner 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.



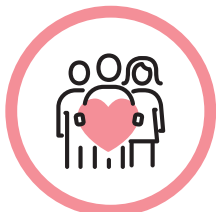
Design Excellence

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 PREVIOUS MINUTES

BUDJAR / CANTERBURY WARD

1 610-618 New Canterbury Road, Hurlstone Park

Alterations and additions to an existing Shop Top Housing Development, including the construction of an additional Level 5 to accommodate 10 affordable housing apartments with associated private open spaces

[Application made under s18 of the State Environmental Planning Policy (Housing) 2021]

3

BUNYA / REVESBY WARD

2 217 Bransgrove Road, Panania [Portion 154 in Plan 3051.2030 (154/752013)]

Construction of a temporary access track, located on Crown land on land mapped as 'Coastal Wetlands' under the Resilience and Hazards SEPP 2021, that will lead to the use of an ancillary site at 557 Henry Lawson Drive to support the construction of the Henry Lawson Drive 1B Project

The proposed works are 'designated development'

65

BUNMARRA / ROSELANDS WARD

3 51 Drummond Street, Belmore

Demolition of all existing structures and the construction of a six (6) storey shop top housing development consisting of a commercial tenancy and twenty-six (26) residential units, two (2) levels of basement parking, landscaping, and site works

91

Canterbury Bankstown Local Planning Panel - 03 August 2026

ITEM 1	610-618 New Canterbury Road, Hurlstone Park Alterations and additions to an existing Shop Top Housing Development, including the construction of an additional Level 5 to accommodate 10 affordable housing apartments with associated private open spaces [Application made under s18 of the State Environmental Planning Policy (Housing) 2021]
FILE	DA-1185/2025 – Budjar / Canterbury
ZONING	E1 Local Centre
DATE OF LODGEMENT	30 October 2025
APPLICANT	Ettalong 888 Pty Ltd
OWNERS	Ettalong 888 Pty Ltd
ESTIMATED VALUE	\$2,391,675.00
AUTHOR	Planning

REPORT

This application is referred to Council’s Local Planning Panel (the Panel) in accordance with Schedule 2 of the Local Planning Panels Direction – *Development Applications and Applications to Modify Development Consent, issued by the Minister for Planning and Public Spaces under section 9.1 of the Environmental Planning and Assessment Act 1979*. The application seeks consent for a “contentious development” that is the subject of ten (10) or more unique submissions by way of objection and must be reported to the Panel for determination.

This application has also been referred to Council’s Local Planning Panel (the Panel) as it seeks consent for a “sensitive development”, being a development to which State Environmental Planning Policy (Housing) 2021, Chapter 4, (Design of residential apartment development) applies and is four or more storeys in height. The application must therefore be reported to the Panel for determination.

The development proposed under DA-1185/2025 involves the alterations and additions to an existing shop top housing development, including the construction of an additional Level 5 to accommodate 10 affordable housing apartments with associated private open spaces.

Development Application DA-1185/2025 has been assessed having regard to the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, an assessment against the provisions contained within the *State Environmental Planning Policy (Housing) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *Canterbury Bankstown Local Environmental Plan 2023* and *Canterbury Bankstown Development Control Plan 2012* and complies with the requirements, with the exception of a pre-existing landscaping non-compliance.

The application was advertised and neighbour-notified from 12 November 2025 to 2 December 2025. In this time a total of 102 submissions were received, 3 of which, were in support of the development. The remaining submissions raised the following concerns:

- Building works rectification order, and risk to the existing building – Structural and safety concerns due to the proposed additions.
- Increased traffic congestion.
- Maximum building height.
- Overdevelopment of the site.
- Heritage impacts.
- Visual privacy.
- Local area character.
- Installation of a crane on common property.
- Noise, disruption and extended construction activity.
- Additional Strata and service fees to existing owners.
- Lack of tree planting.
- Accessibility issues in the building.
- Prior applications lodged for the subject site.
- Additional strain on shared facilities – lifts, parking, garbage disposal and plumbing.
- Overshadowing of existing units and adjoining properties.
- Supply of services.
- Property value.

Each of these issues are addressed in the body of this report.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that Development Application DA-1185/2025 **APPROVED** subject to Conditions of Consent in Attachment 2.

ATTACHMENTS

1. Section 4.15 Assessment Report
2. Conditions of Consent

DA-1185/2025 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site is known as 610-618 New Canterbury Road, Hurlstone Park and is legally described as SP89453. The site is a regular shaped allotment with a site area of 2,538m² and a frontage to New Canterbury Road of 43.948 metres. The site is located on the southern side of New Canterbury Road.



Figure 1: Aerial of subject site (outlined in red) **Source:** Nearmap



Figure 2: Street view of subject site **Source:** Google Maps

The site is currently occupied by a five-storey shop top housing development which was approved under DA-533/2012 and DA-533/2012/A. The site contains one vehicular access point on the north-western side of the site. The site contains trees

along the length of the southern (rear) boundary and will remain unchanged as part of this application. The land falls from New Canterbury Road (North) to the rear of the site (South).

As shown in Figure 3 below, the adjoining sites to the east consist of 1 and 2-storey commercial brick buildings (604A and 608 New Canterbury Road). Further east (on the corner of New Canterbury Road and Duntroon Street) is a six-storey shop-top housing development (590-602 New Canterbury Road).



Figure 3: Street view of adjoining developments to the East **Source:** Google Maps

West of the subject site at 626 and 628 New Canterbury Road, consist of single storey semi-detached dwellings (as shown in Figure 4 below). Further West at 630-634 New Canterbury Road is a five-storey shop top housing development with rooftop communal open space.

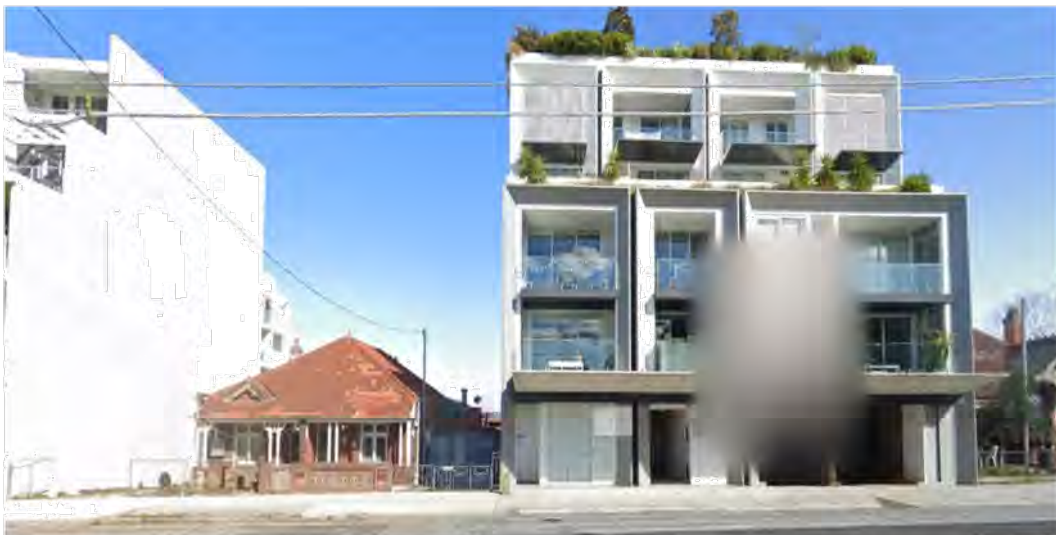


Figure 4: Street view of adjoining developments to the West **Source:** Google Maps

North of the subject site, on the opposite side of New Canterbury Road, are 2 shop-top housing developments containing 2 and 3-storeys (shown in Figure 5 below).



Figure 5: Street view of adjoining developments to the North **Source:** Google Maps

Directly adjoining the site to the South (rear) are 4 single storey dwelling houses at 5, 7, 9 and 11 Woodside Avenue (shown in Figure 6 below).



Figure 6: Street view of adjoining developments to the South along Woodside Avenue
Source: Google Maps

The site is zoned E1 Local Centre, as identified in the Canterbury-Bankstown Local Environmental Plan 2023.



Figure 7: Land Zoning Extract (site outlined in yellow)
Source: NSW Planning Portal Spatial Viewer

BACKGROUND

On 5 December 2013, an Independent Hearing Assessment Panel approved DA-533/2012 for the demolition, and construction of a mixed-use development with basement parking and Strata Title subdivision.

On 10 July 2014, an Independent Hearing Assessment Panel approved the modification DA-533/2012/A for modifications to the amended layout and design of the approved mixed-use development. This modification consisted of reconfigurations of the unit layout which increased the total number of residential units from 60 to 63 and provided for 19 additional off-street car parking spaces (or 121 in total).

On 28 April 2016, Council refused DA-543/2014 for the construction of one additional level on an approved mixed-use development and amendments to basement levels. This application was refused on the basis that the Clause 4.6 variation had not adequately demonstrated that compliance with the 18 metre height limit was unreasonable or unnecessary in the circumstances of this case, and that there were sufficient environmental planning grounds to justify the contravention of the 18 metre height limit.

On 16 May 2017, the Land and Environment Court refused the modification DA-533/2012/C for alterations and additions to the approved development by expanding basement levels 1 and 2 to accommodate 13 additional parking spaces for a total of 134 spaces, and the construction of a new sixth storey containing 10 new units and amend the subdivision plan to incorporate the additional 10 units & 13 additional car parking spaces. The main issues that related to the refusal of the application were that the increase in building height in the form proposed would not represent an appropriate built form outcome.

PROPOSED DEVELOPMENT

DA-1185/2025 proposes alterations and additions to an existing shop-top housing development, including the construction of an additional Level 5 to accommodate 10 affordable housing apartments with associated private open spaces.

The table below provides a breakdown of the proposed development

Specifics	
Basement 2 (To remain as existing)	No changes to this level are proposed as part of this application Approved basement 2 includes the following: - Vehicular access ramp to basement 1 - 4x stairwells - 2x lifts - Car Parking: • 1x courier • 12x commercial • 12x visitor • 32x unit/residential - Visitor carwash bay - Storage - Bike rack x12.
Basement 1 (To remain as existing)	No changes to this level are proposed as part of this application Approved basement 1 includes the following: - Vehicular access ramp - 4x stairwells - 2x lifts - Car Parking • 45 Unit/residential - Storage.
Ground (To remain as existing)	No changes to this level are proposed as part of this application Approved ground floor includes the following: - Vehicular access ramp to basement - 3x commercial tenancies and associated toilets - 10 residential units: • 3x 1 bed units • 3x 2 bed units • x 3 bed units - Common open space - Residential waste storage room - Commercial waste storage room - 4x stairwells - 2x lifts - Internal substation.
Level 1 (To remain as existing)	No changes to this level are proposed as part of this application Approved Level 1 includes the following: - 15 residential units: • Foyer Level 1A ○ 3x 1 bed units

Specifics	
	○ 3x 2 bed units ○ 1x 3 bed units • Foyer Level 1B: ○ 0x 1 bed units ○ 6x 2 bed units ○ 2x 3 bed units - 4x stairwells - 2x lifts.
Level 2 (To remain as existing)	No changes to this level are proposed as part of this application Approved Level 2 includes the following: - 15 residential units • Foyer Level 2A: ○ 3x 1 bed units ○ 3x 2 bed units ○ 1x 3 bed units • Foyer Level 2B: ○ 0x 1 bed units ○ 6x 2 bed units ○ 2x 3 bed units - 4x stairwells - 2x lifts.
Level 3 (To remain as existing)	No changes to this level are proposed as part of this application Approved Level 3 includes the following: - 15 residential units • Foyer Level 3A: ○ 1x 1 bed units ○ 2x 2 bed units ○ 2x 3 bed units • Foyer Level 3B: ○ 0x 1 bed units ○ 10x 2 bed units (6/10 of these units are 2 levels, and form part of level 4 – entrances to the units are located on Level 3) ○ 0x 3 bed units - 4x stairwells - 2x lifts.
Level 4 (To remain as existing)	No changes to this level are proposed as part of this application Approved Level 4 includes the following: - 8 residential units • Foyer Level 4A: ○ x 1 bed units ○ x 2 bed units ○ x 1 bed units • Foyer Level 4B: ○ 0x 1 bed units ○ 4x 2 bed units (Additionally, 6 units from level 3 lead to level 4, but have not been counted within the figures in this cell, as the entrances were on level 3) ○ 0x 3 bed units - 4x stairwells - 2x lifts.

Specifics	
Level 5 (Proposed)	Proposed – Level 5 includes the following: - 10 residential units (All proposed units are allocated for affordable housing) • Foyer Level 5A: ○ 0x 1 bed units ○ 1x 2 bed units ○ 1x 3 bed units • Foyer Level 5B: ○ 4x 1 bed units ○ 4x 2 bed units ○ 0x 3 bed units - 4x stairwells - 2x lifts

BACKGROUND

The subject Development Application was lodged with Council on 30 October 2025.

The application was advertised and neighbour-notified from 12 November 2025 to 2 December. In this time a total of 102 submissions were received, 3 of which, were in support of the development. The remaining submissions raised the following concerns:

- Building works rectification order, and risk to the existing building – Structural and safety concerns due to the proposed additions.
- Increased traffic congestion.
- Maximum building height.
- Overdevelopment of the site.
- Heritage impacts.
- Visual privacy.
- Local area character.
- Installation of a crane on common property.
- Noise, disruption and extended construction activity.
- Additional Strata and service fees to existing owners.
- Lack of tree planting.
- Accessibility issues in the building.
- Prior applications lodged for the subject site.
- Additional strain on shared facilities – lifts, parking, garbage disposal and plumbing.
- Overshadowing of existing units and adjoining properties.
- Supply of services.
- Property value.

On 24 February 2026, Council wrote to the applicant raising the following concerns:

1. Further information regarding the outstanding Building Work Rectification Order.
2. Urban Design:
 - a. Sustainability measures.
 - b. Common corridor.
 - c. Northern lift lobby.

3. State Environmental Planning Policy (Housing) 2021:
 - a. Additional information required to detail the existing building, and the proposed additional building height.
 - b. Balcony area as required in Part 4E of the ADG.
 - c. Bicycle and car parking as required in Part 3J (2) of the ADG.
 - d. Solar access as required in Part 4A of the ADG.
 - e. Natural Ventilation as required in Part 4B-3 of the ADG.
 - f. Apartment size and layout as required in Part 4D-1, and 4D-3 of the ADG.
 - g. Common circulation spaces as required in Part 4F-1 of the ADG.
 - h. Storage as required in Part 4G of the ADG.
 - i. Roof Design as required in Part 4N-3 of the ADG.
 - j. Part 4U-3 of the ADG.
4. Canterbury Bankstown Development Control Plan:
 - a. Solar access to neighboring development as per Chapter 5.2, Section 6.2.12 (C2, C3 & C4).
 - b. Building services, as per Chapter 5.2 Section 6.2.11 (C10).
 - c. Livable housing as per Chapter 5.2, Section 9 (C1).
5. Insufficient Information:
 - a. Demolition plan.
 - b. Architectural plans of the existing development, and details missing for the proposed changes on level 5.
 - c. Survey Plan.
 - d. Location of building services.

A period of 21 days was given to provide a response (by 10 March 2026).

A draft response to the matters raised in the letter was submitted by the applicant on 5 March 2026. An assessment of the draft response indicated that the responses to the RFI were generally addressed. However, further information was requested on 11 May 2026 about the outstanding Building Work Rectification Order. On 22 May 2026, the additional information was formally lodged onto the Planning Portal by the applicant. On 30 June 2026, additional documentation was submitted to further address the concerns regarding the Building Work Rectification Order. This document included a letter from the Building Commission NSW, stating that all the defective work as outlined within the Building Work Rectification Order has been rectified. The order was therefore revoked on 26 June 2026.

STATUTORY CONSIDERATIONS

When determining this application, the relevant matters for consideration listed in section 4.15(1) 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 (Sustainable Buildings) 2022*,
- *State Environmental Planning Policy (Resilience and Hazards) 2021*,
- *State Environmental Planning Policy (Housing) 2021*,
- *Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)*,
- *Canterbury Bankstown Development Control Plan 2012 (CBDPC 2023)*.

SECTION 4.15 ASSESSMENT

The following sections of this report provide for an assessment of the development having regard to the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*.

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

State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with SEPP (Sustainable Buildings) 2022, a BASIC 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, in order to satisfy the objectives of the SEPP. The BASIX Certificate requirements have been incorporated into standard conditions of consent and the certificate is listed with the approved documents.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. The SEPP states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

The development site has a history of residential uses and the development application seeks the continued use of the site for residential purposes. There is no indication to suggest that contamination is, or maybe, present at the site. The subject land has not been associated with any activities identified in Table 1 of the Managing Land Contamination Planning Guidelines that may cause contamination, nor have there been any activities carried out or undertaken on the site as listed in Appendix 1 of Council's Contaminated Land Policy.

The requirements of the SEPP are therefore considered to have been satisfied.

State Environmental Planning Policy (Housing) 2021

SEPP (Housing) 2021 aims to support the development of diverse and sustainable housing that meets the needs of all community members, particularly those who are vulnerable or on lower incomes. It focuses on ensuring housing is well-planned, environmentally responsible, and provides a good standard of living, while also integrating with local infrastructure and maintaining affordability. Additionally, it promotes well-designed housing that enhances its surroundings and supports short-term rentals in a balanced way that benefits local economies while managing social and environmental impacts.

Chapter 2, Section 15 requires that before imposing conditions on affordable housing, the consent authority must consider whether the housing fosters mixed, socially diverse communities that represent all income groups, with housing made available to very low, low and moderate-income households at appropriate rental rates. Additionally, the consent authority is to consider whether the affordable housing will be properly managed, maintained, and constructed to local standards, ensuring its continued use for its intended purpose while making effective use of the land.

This application is subject to assessment of the matters for consideration in Chapter 2, Division 1 – In-fill affordable housing. The details of this assessment are outlined in the table below:

State Environmental Planning Policy (Housing) 2021 Chapter 2 Affordable Housing Part 2 - Development for Affordable Housing Division 1 – In-fill Affordable Housing			
Clause	Requirement/Provision	Proposed	Comply
16 Development to which Division applies	The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component.	Site does not have a permissible floor space ratio control.	N/A
17 Floor Space Ratio	This section applies to residential development to which this division applies that is carried out – (a) By or on behalf of a relevant authority or registered community housing provider, and (b) On land with a maximum permissible floor space ratio of 2:1 or less.	The development is not proposed to be carried out by or on behalf of a community housing provider, nor does the site have a maximum permissible floor space ratio	N/A
18 Affordable housing requirements for additional building height	The maximum building height for a building used for shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30% subject to the percentage of the development used for affordable housing.	The affordable housing component of the project's gross floor area is 14%, equating to 753.7m² This allows for a 30% bonus to the maximum permitted building height of the LEP which is 18m, resulting in a new permissible height of 23.4m The development proposes a building height of 19.91m	Y

State Environmental Planning Policy (Housing) 2021 Chapter 2 Affordable Housing Part 2 - Development for Affordable Housing Division 1 – In-fill Affordable Housing			
Clause	Requirement/Provision	Proposed	Comply
		which complies with the maximum height permitted.	
19 Non-discretionary development standards – the Act, s4.15	Minimum site area of 450m ²	2,538m ²	Y
	Minimum landscaped area 30% of the site area.	No changes to the existing landscaping are proposed as part of this application. Landscaping was originally approved particularly along the rear boundary with a 6m width (Accounting for 522.4m² or 20.5% of the sites landscaped area). Additionally, landscaped areas were provided along the ground floor side boundaries, with planter boxes within one of the communal open spaces. Additional landscaping was also provided within planter boxes on level 1-4, facing the side and rear boundaries (Accounting for 53.6m² or 2.1% of the sites landscaped area). The proposed additions seek to increase landscaping with planter boxes. The additional landscaping equates to 8.5m² of landscaped area. Resulting in a total landscaped area of approximately 584.5m² (23%), which doesn't comply with the 30% requirement. However, there are no other opportunities to increase landscaping on this site.	N (See note below)
	Deep soil zone on at least 15% of the site area, where – i. Each deep soil zone has a minimum dimension of 3m, and ii. If practicable, at least 65% of the deep soil zone is located at the rear of the site.	Pursuant to Clause 19(3) in SEPP (Housing) 2021, the deep soil provisions do not apply to development to which Chapter 4 – Design of Residential Apartment Development applies.	N/A
	Living rooms and private open space in at least 70% of the	Pursuant to Clause 19(3) in the SEPP (Housing) 2021,	N/A

State Environmental Planning Policy (Housing) 2021 Chapter 2 Affordable Housing Part 2 - Development for Affordable Housing Division 1 – In-fill Affordable Housing			
Clause	Requirement/Provision	Proposed	Comply
	dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter, Parking at the following rate: Affordable Housing: • 0.4 spaces per 1-bedroom • 0.5 spaces per 2-bedroom • 1 space per 3-bedroom. Total of 4x 1-bedrooms, 5x 2-bedroom, and 1x3 bedroom requires 6 parking spaces. Market Rate Housing: • 0.5 spaces per 1-bedroom • 1 space per 2-bedroom • 1.5 spaces per 3-bedroom. Total of 8x 1-bedroom, 36x 2-bedroom, and 9x 3-bedroom require 53.5 car parking spaces. 60 residential car parking spaces are required.	the solar access provisions do not apply to development to which Chapter 4 – Design of Residential Apartment Development applies. Total residential car spaces within the basement is 77. 6 of these can be allocated to the affordable units, with 54 being allocated to the existing units. This results in the development still having 17 parking spaces in excess of the current requirement.	Y
20 Design requirements	Consent authority must consider whether the development is compatible with the character of the area or the desired character of an area in transition.	The proposal is consistent with the planned evolution of the New Canterbury Road corridor. The site is located within the E1 Local Centre zone, where higher-density mixed-use development is encouraged. Existing four and five-storey developments are already established within the immediate locality, including the five-storey shop top housing development at 590-602 New Canterbury Road. The addition of a recessed fifth storey above an existing four-storey approved building is therefore compatible with both the existing built form context	Y

State Environmental Planning Policy (Housing) 2021 Chapter 2 Affordable Housing Part 2 - Development for Affordable Housing Division 1 – In-fill Affordable Housing			
Clause	Requirement/Provision	Proposed	Comply
		and the desired future character.	
21 Must be used for affordable housing for at least 15 years	Consent must not be granted unless the consent authority is satisfied the affordable homes will be managed by a registered affordable housing provider for at least 15 years commencing on the day the occupation certificate is issued.	Condition of consent to be imposed.	Y

Note – Landscaping

As approved in DA-533/2012 and DA-533/2012/A, the site provided approximately 576m² (22.7%) of landscaped area – comprising paved areas and planter boxes within the communal open space in accordance with the definition of landscaped area in the SEPP (Housing) 2021. The proposed addition of level 5 incorporates 3 planter boxes to increase the existing landscaping within the site by 8.5m² resulting in a total landscaped area of 23%.

While the development does not achieve the 30% landscaping standard, the proposal does not reduce any existing landscaped area and is limited to rooftop additions. The proposal marginally increases the existing landscaping through additional planter boxes. Importantly, the established deep soil area along the southern boundary remains intact and continues to perform the key functions intended by the control, including visual screening, canopy provision and residential amenity. Given the constrained nature of a rooftop addition, strict compliance is not practically achievable without removing existing approved floor space. The proposal therefore achieves the intent of the control notwithstanding the numerical non-compliance.

Notwithstanding the non-compliance detailed above, the application has demonstrated an outcome consistent with the NSW ADG, and previous consent, through the provision of delivering better quality design for buildings that respond appropriately to the character of the area and the improvement of liveability through internal and external apartment amenity. The landscaping is, on balance, adequate for the proposed development.

Design Quality Principles

SEPP (Housing) 2021 aims to improve the design quality of residential apartment development across NSW and includes the Apartment Design Guide (ADG) for assessing “good design”.

In s29 of the Environmental Planning and Assessment Regulation 2021 requires the submission of a statement from a qualified designer at lodgement of the development application. A statement from a accompanies this application which declares that a

registered architect has reviewed the plans and verified that “the design quality principles” prescribed by Schedule 9 of State Environmental Planning Policy (Housing) 2021 and the objectives set out in Parts 3 and 4 of the Apartment Design Guide prepared by the NSW Department of Planning and Environment have been achieved by the development.

The ways in which the proposal meets the Design Principles are identified as follows:

Principle 1: Context and Neighbourhood Character

The development has been designed to respond sensitively to its context and to contribute positively to the neighbourhood character.

The design acknowledges the surrounding context of commercial, mixed-use residential apartments and single-dwelling houses, ensuring that the proposal integrates with the existing streetscape and complements the character of the commercial corridor of New Canterbury Road.

The southern setback of the proposal has been carefully configured to respect and minimise direct impact to existing apartments below, as well as to the residential properties of Woodside Avenue, Pearce Lane and Duntroon Street.

Principle 2: Built Form and Scale

The development introduces an additional fifth storey with a colour palette and roof profile which integrates with the existing building below. The additional building height is well-articulated and proposal optimises the site’s northern and southern views.

The proposed additions are contained within the site coverage envelope of the existing building.

Principle 3: Density

The density of the building is compatible with the desired future character of the locality presented within the Canterbury Bankstown LEP and DCP, notwithstanding the additional density provided to the proposal under the provisions of the SEPP (Housing) 2021.

Principle 4: Sustainability

The proposed development improves the sustainable design initiatives of the approved design. Six out of ten new apartments achieve northern solar access via glazing or clerestory windows.

Space allocation has been provided on the roof for solar panels.

Principle 5: Landscape

The development does not propose any changes to the existing/approved landscaping, which is predominantly along the southern boundary. The existing

lawned area with canopy tree shading offers good amenity to existing and new residents.

The additional planter boxes on the proposed fifth floor assist in providing a visual privacy barrier to the existing neighbours below, as well as to the adjoining sites.

Principle 6: Amenity

The development provides spacious living area, and well-sized bedrooms. The design provides cross ventilation and winter sunlight to habitable spaces and deep eave overhangs which assist in shading from the summer sun.

Visual privacy is achieved by setbacks, planters and screens creating sense of privacy from neighbours and the surrounding suburb.

Principle 7: Safety

The development does not diminish the safety and security aspects of the proposed development, as access to the building will remain as existing.

Security and separation between the public domain and private open spaces will remain as formerly approved.

Principle 8: Housing Diversity and Social Interaction

The proposed additions incorporate a mix of apartment sizes and layouts, which accommodates diversity, affordability and housing choice.

The additions to the approved development incorporate affordable rental units, which provide affordable housing, to meet demand and address housing affordability with the provision of the additional 4x 1-bedroom, 5x 2-bedroom and 1x 3-bedroom units within close proximity to public transport. The amended development contributes to housing diversity and affordability within the locality.

Principle 9: Aesthetics

The additional storey proposed above the existing development is well articulated and has been designed in accordance with the site context. The development proposal has been designed with the proposed addition to be consistent with the built form and materiality of the existing development.

Apartment Design Guide

Apartment Design Guide			
Section	Design Criteria	Proposed	Comply
Part 3 – Siting the Development			
3C Public Domain Interface	Upper level balconies and windows should overlook the public domain Length of solid walls should be limited along street frontages.	The external design from the ground floor to level 4 will remain as approved in DA-533/2012 and the associated modifications. As such, the provisions within those levels will remain compliant as per the design at the time of its approval. The proposed units on level 5 contain balconies that overlook the public domain. The design of the additional level is consistent with the existing development.	Y
3D Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site. Development achieve a minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)	Communal open space will remain as approved in DA-533/2012 and the associated modifications. 2 communal spaces were approved on ground floor along the eastern (side) boundary, and the landscaped area along the southern (rear) boundary. No changes are proposed to the existing communal open space as part of this application. Due to the proposed design containing increased setbacks from the rear, on the fifth floor, the solar access to the approved communal open space will remain as substantially the same as existing, and the proposed additions do not result in any significant additional shadows to the existing open space areas.	Y
3E Deep Soil Zones	Deep soil zones are to meet the following minimum dimensions.	No changes are proposed to deep soil as part of this application. The proposal is consistent with the approval	N/A

Apartment Design Guide					
Section	Design Criteria			Proposed	Comply
	<u>Site Area</u>	<u>Minimum Dimensions</u>	<u>Deep Soil Zone (% of site area)</u>	of DA-533/2012 and the associated modifications.	
	Less than 650m ²	-	7%	The proposed additions are limited to level 5 and therefore cannot provide additional deep soil area as part of this application.	
	650m ² – 1,500m ²	3m			
	Greater than 1,500m ²	6m			
	Greater than 1,500m ² with significant existing tree cover	6m			
3F Visual Privacy	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			The proposal exceeds the minimum rear separation requirements and achieves the required side separation distances to balconies. Where direct views may occur, privacy measures including blank walls, landscaping and window modifications are proposed. Conditions of consent requiring removal of the windows serving the private open space of Units 5.02 and 5.07 further mitigate overlooking opportunities. On balance, an acceptable privacy outcome is achieved.	Y
	<u>Building Height</u>	<u>Habitable Rooms & Balconies</u>	<u>Non-Habitable Rooms</u>		
	Up to 12m (4 storeys)	6m	3m		
	Up to 25m (5-8 storeys)	9m	4.5m		
	Note: An increased 3m building separation is required given the land to the south is a different zone (i.e. R3 Medium Density Residential & R2 Low Density Residential) that permits lower density residential development.				
3J Bicycle and Car Parking	For development within 800 metres of a railway station the minimum car parking requirement for residents and visitors is the lesser of that set out within the Guide to Traffic Generating Developments			Refer to assessment under Chapter 3.2 of the CBDP 2023.	Y

Apartment Design Guide			
Section	Design Criteria	Proposed	Comply
	or Council requirements as set out. Otherwise, the CBDCP 2012.		
	The car parking needs for a development must be provided off street.	Car parking is provided in Basement Level 1 & 2. Proposed additional units are compliant with parking requirements (See SEPP Housing 2021 table – parking assessment)	Y
Part 4 – Designing the Building			
4A Solar and daylight access	Living rooms and private open spaces of at least 70% of the apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	As per DA-533/2012, the development was approved with a total of 49 (82%) apartments receiving a minimum of two hours of sunlight between 9am and 3pm at the winter solstice. 80% of the proposed units receive 2 hours of sunlight to their living area and private open space. Unit 5.01 and 5.08 do not receive sunlight to their POS but are able to receive sunlight to their living room through clerestory windows.	Y
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allow adequate natural ventilation and cannot be fully enclosed.	Ventilation of the existing units from level 1-4 will remain as existing. The existing approved development achieves 77% cross ventilation (49 of 63 existing units). Clerestory windows have been included within the proposal to maximise cross ventilation within the proposed units, as a result of this, 6 of the 10 proposed units will be adequately cross ventilated. Resulting in 55 of 73 (75.3%) units being cross ventilated.	Y
	Overall depth of cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The additions do not propose any cross-over or cross-through apartments.	N/A
4C Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Floor to ceiling heights from ground floor to level 4 will remain as existing.	Y

Apartment Design Guide				
Section	Design Criteria		Proposed	Comply
	<u>Minimum Ceiling Height for Apartment and Mixed Use Buildings</u>		The proposed floor to ceiling heights for level 5 are 2.7m	
	Habitable rooms	2.7m		
	Non-habitable rooms	2.4m		
	For 2 storey apartments	2.7m main living area floor. 2.4m for second floor, where its area does not exceed 50% of the apartment area		
	Attic Space	1.8m at edge of room with a 30 degree minimum ceiling slope		
	If location in mixed use areas	3.3m for ground & first floor to promote future flexibility of use		
	These minimums do not preclude higher ceilings if desired.			
4D Apartment size and layout	Apartments are required to have the following minimum internal areas:		Apartments on Level 1-4 will remain as existing. No studio apartments are proposed on Level 5. Minimum 1-bedroom apartment size = 50m ² . Minimum 2-bedroom apartment size = 75m ² . Minimum 3-bedroom apartment size = 108.2m ² .	Y
	<u>Apartment Type</u>	<u>Minimum Internal Area</u>		
	Studio	35m ²		
	1-bedroom	50m ²		
	2-bedroom	70m ²		
	3-bedroom	90m ²		
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.			
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of		Complies.	Y	

Apartment Design Guide					
Section	Design Criteria			Proposed	Comply
	the room. Daylight and air may not be borrowed from other rooms.				
	Habitable room depths are limited to maximum of 2.5 x the ceiling height.			Room depths are compliant. Open plan arrangement, but areas are separated into designated spaces (i.e. living, dining, kitchen), and do not exceed 8m.	Y
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.			Room depths are compliant. Open plan arrangement, but areas are separated into designated space (i.e. living, dining, kitchen) and do not exceed 8m.	Y
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).			The proposed bedrooms meet the minimum size requirements.	Y
	Bedrooms have a minimum dimension of 3m (Excluding wardrobe space).			The proposed bedrooms meet the minimum size requirements.	Y
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1-bedroom apartments • 4m for 2 and 3-bedroom apartments.			Apartment layouts on level 1-4 will remain as approved. All living rooms or combined living/dining rooms of the proposed apartments on level 5 comply with these measurements.	Y
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.			No cross-over/cross-through apartments proposed as part of this application.	Y
4E Private open space and balconies	All apartments are required to have primary balconies as follows:			Balcony areas on level 1-4 will remain as existing.	Y
	Dwelling Type	Min. Area	Min. Depth	All private open space on level 5 meet or exceed the minimum area and dimensions.	
	Studio apartments	4m ²	-		
	1-bedroom apartments	8m ²	2m		
	2-bedroom apartments	10m ²	2m		
	3+ bedroom apartments	12m ²	2.4m		
The minimum balcony depth to be counted as contributing to the balcony area is 1m.			Complies.	Y	
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a			Not proposed as part of this application.	N/A	

Apartment Design Guide													
Section	Design Criteria	Proposed	Comply										
	minimum area of 15m2 and a minimum depth of 3m.												
4F Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight.	Number of units per circulation core on levels 1-4 will remain as existing. The existing development contains 2 lifts. The proposed units on level 5 are split with 2 and 8 units per circulation core.	Y										
	For buildings on 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Proposed development is less than 10 storeys	N/A										
4G Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1-bedroom apartments</td><td>6m³</td></tr><tr><td>2-bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartments	Dwelling Type	Storage size volume	Studio apartments	4m ³	1-bedroom apartments	6m ³	2-bedroom apartments	8m ³	3+ bedroom apartments	10m ³	The storage areas have been shown on the plans and the required minimum storage size for the relevant dwelling type has been met, with a combination of storage in the basement and within each apartment	Y
Dwelling Type	Storage size volume												
Studio apartments	4m ³												
1-bedroom apartments	6m ³												
2-bedroom apartments	8m ³												
3+ bedroom apartments	10m ³												
4H Acoustic Privacy	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses. Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas. Rooms with similar noise requirements are grouped together.	Ground level to level 4 will remain as existing. Proposed units will not be located adjacent to the existing driveway as the proposed additions are solely on level 5, and located a significant distance from the existing driveway. Rooms with similar noise requirements have been grouped together.	Y										

Canterbury Bankstown Local Environmental Plan 2023

The following clauses of the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023 were taken into consideration:

Section 1.2 – Aims of Plan

The proposal is consistent with the aims of the Plan, specifically regarding its compatibility with the desired future character of the area, providing a range of residential accommodation. The development achieves good urban design and concentrates trips near public transport, being 700m from the entrance of Hurlstone Park Train Station, and 700m from Dulwich Grove Light rail station.

Section 2.2 – Zoning of land to which Plan applies

The site is zoned E1 Local Centre under the Canterbury Bankstown Local Environmental Plan 2023 (CBLEP). There is an existing shop-top development on the subject site. The proposed development seeks to add a level of residential units to an already approved use that is permissible within the zone. The proposed addition of 10 units does not result in a change of the overall use of the development and therefore remains compliant with this clause.

Section 2.3 – Zone objectives and Land Use Table

Clause 2.3(2) of the CBLEP states that the consent authority “... *must have regard to the objectives for development in a zone when determining a development application in respect of land within that zon*”. The Land Use Table identifies the objectives of the Zone E1 Local Centre as being:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

The development remains consistent with the objectives of Zone E1 Local Centre. The proposal remains consistent with the proposed land use and does not deviate from compliance with the objectives of the zone.

Section 4.3 – Height of Buildings

The maximum permitted building height shown on the 'Height of Buildings Map' for the subject site is 18 metres. Utilising the bonus height provisions of Chapter 2 of SEPP (Housing) 2021 and allocating the required affordable housing units, a further 30% increase in building height is permitted. This brings the total permissible height to 23.4 metres. The proposed development will reach a height of RL 61.110 AHD over the corresponding natural ground level. The proposed maximum height of the development is therefore 19.91 metres, which complies with the bonus building height permitted for the site.

Section 4.4 – Floor space ratio

The site is not mapped with a maximum floor space ratio on the "Floor Space Ratio Map". As such, no floor space ratio restriction/provision applies to the subject site.

Section 6.2 – Earthworks

The proposed development only seeks to make changes on Level 5. This application does not seek any changes to the existing basement levels. Therefore, no further earthworks are proposed as part of this application, and this Clause does not apply.

Section 6.3 – Stormwater management and water sensitive urban design

The design of the stormwater management system for the proposed development has been reviewed by Council's Development Engineer. No objections have been raised to the final stormwater plans for the proposal, subject to conditions of consent.

Section 6.9 – Essential Services

The proposed development is capable of being appropriately serviced and is considered to satisfy the requirements of this Section. Adequate provision can be made for water, sewer, drainage, electricity, and waste management, and no servicing constraints have been identified that would prevent the development from operating effectively. Accordingly, the proposal is considered acceptable with respect to essential services.

Section 6.15 – Design excellence

The proposal satisfies the objectives of Clause 6.15 of the Canterbury-Bankstown Local Environmental Plan 2023, which seeks to ensure that development exhibits high-quality architectural, urban and landscape design. The application was referred to Council's Urban Design team for assessment against this clause, and detailed comments were provided to the applicant. In response, the applicant amended the plans to address the matters raised. The issues have been resolved through the revised design and conditions of consent to ensure compliance with the clause.

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

There are no applicable draft environmental planning instruments.

Development control plans [section 4.15(1)(a)(iii)]**Canterbury-Bankstown Development Control Plan 2023**

The development application has been assessed against the provisions contained within the Canterbury Bankstown Development Control Plan 2023 (CBDCP).

The relevant Parts of the DCP are listed below:

- Chapter 3.1 – Development Engineering Standards
- Chapter 3.2 – Parking
- Chapter 3.3 – Waste Management
- Chapter 5.2 – Former Canterbury LGA
 - Section 6 – Shop Top Housing.

The relevant controls within the CBDCP, and the manner in which this development addresses these controls, is detailed in the following table:

Canterbury-Bankstown Development Control Plan 2023			
Chapter/Clause	Requirement	Proposed	Comply
Chapter 3.1 – Development Engineering Standards	To ensure development provides satisfactory levels of engineering infrastructure and to minimise the impact of development on surrounds.	No changes are proposed to the existing VFC, basement access or parking spaces. The application has been reviewed by Council's Development Engineer, with specific regard to stormwater disposal. The proposal is considered suitable subject to conditions of consent.	Y
Chapter 3.2 – Parking	To ensure development achieves the parking requirements and to ensure the layout and design of car parks function efficiently and safely. The parking rates of SEPP (Housing) 2021 prevail over the parking rates of the DCP. <i>(e) unless a relevant planning instrument specifies a lower number—</i> <i>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</i>	Car parking rates meet the requirements contained within SEPP (Housing) 2021 (See above for calculation of parking rate). The site is within an accessible area, being within: • 700m from the entrance of Hurlstone Park Train Station • 700m from Dulwich Grove Light rail station 1 bicycle space is required for the subject development. This has been imposed through a condition of consent.	Y

Canterbury-Bankstown Development Control Plan 2023			
Chapter/Clause	Requirement	Proposed	Comply
	(ii) <i>otherwise—0.5 parking spaces for each private room,</i>		
Chapter 3.3 – Waste Management	To maximise resource recovery and encourage source separation of waste, reuse and recycling by ensuring development provides adequate and appropriate bin storage areas and collection areas.	The application has been reviewed by Council's Resource Recovery Officer who provided conditions of consent.	Y
Chapter 5.2 – Residential Accommodation (Former Canterbury LGA) Section 6 – Shop-top Housing	6.2.4 (C2) Site the development to avoid casting shadows onto neighbouring dwellings primary living area and private open space.	The development is solely for the addition of the fifth floor. The proposed fifth storey has been recessed from the building edges to reduce shadow impacts. Given the site's orientation and the location of the proposal above an existing four-storey building, some additional shadowing is inevitable. However, the additional setbacks substantially reduce the extent of the incremental shadow generated by the proposal. The resultant impacts are considered reasonable in the context of an E1 Local Centre site where increased residential density is anticipated.	Y
	6.2.12 (C2) Proposed development must ensure a neighbouring dwelling retains a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	The proposed development will result in the adjoining property to the west (626 New Canterbury Road) being overshadowed. 626 New Canterbury Road does not achieve the minimum 3 hours as required by the Development Control Plan, however the proposed development will impact this further, retaining only 1 hour of solar access at midwinter. Whilst this is not compliant with the control, the proposed development remains consistent with the height control and separation controls, and as such meet	N
	6.2.12 (C3) If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.		

Canterbury-Bankstown Development Control Plan 2023			
Chapter/Clause	Requirement	Proposed	Comply
		the expected building envelope for this area.	
	6.2.12 (C4) Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.	The proposed additions do not result in the overshadowing of photovoltaic systems on the adjoining properties.	Y

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

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

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

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

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

Section 4.15(1)(b) requires the likely impacts of a development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality are considered in the assessment of a development application.

As described above, the proposed development responds appropriately to the built environment and the emerging character of the locality. There are unlikely to be detrimental impacts as a result of the proposed development.

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

The development of the site for the purposes of an addition to a shop-top housing development is permitted with consent, and landscaping departures to the applicable development standards have been adequately justified. Moreover, the proposed built form responds appropriately to the conditions and context of the site. The site is therefore suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was neighbour notified and advertised for a period of 21 days from 12 November 2025 to 2 December 2025 in accordance with Council's adopted Community Participation Plan.

A total of 102 submissions were received with respect to the proposed development. 3 of the overall submission were in support of the development, whilst the objections raised the following concerns:

Submission: *Building Works Rectification Order and risk to the existing building – Structural and safety concerns due to the proposed additions*

Comment: The Building Works Rectification Order issued for the site was revoked by the NSW Building Commission on 26 June 2026. The identified defects were assessed and have since been rectified. A structural engineer has provided documentation to confirm that the proposed additions align with the building's original design, which allowed for future vertical expansion, and will not adversely impact the structural performance or adequacy of the existing building. It was noted that the existing structural system is capable of accommodating the proposed additional loading associated with the proposed additions.

Submission: *Increased traffic congestion*

Comment: The proposal does not alter the existing vehicle access arrangements to the site and includes an additional 10 dwellings only. Under the State Environmental Planning Policy (Transport and Infrastructure) 2021, the development is not classified as traffic-generating development, and the overall development will contain fewer than 75 dwellings. On this basis, the proposal is not expected to result in a significant increase in traffic volumes or have an unacceptable impact on the surrounding road network.

Submission: *Exceeds maximum building height*

Comment: While the proposal exceeds the 18m maximum building height prescribed under the Canterbury-Bankstown Local Environmental Plan 2023, it complies with the provisions of the State Environmental Planning Policy (Housing) 2021, which permits a maximum building height of 23.4m. The proposed development remains below this maximum height and is therefore permissible under the applicable planning controls.

Submission: *Overdevelopment of site*

Comment: The application site is located within Zone E1 Local Centre, as per the Canterbury-Bankstown Local Environmental Plan 2023. Due to the zoning, larger-scale developments are anticipated. The proposal has been designed within the envelope controls, to assist in minimising its overall bulk and scale when viewed from the public domain and support the transition toward the planned future character of the area.

Submission: *Heritage impacts*

Comment: This property and the adjoining properties are not heritage items, however the site is adjacent to a Heritage Conservation Area. As a result, the application was referred to Council's Heritage Advisor for their consideration. Council's Heritage Advisor reviewed the application and raised no objections to the overall proposal.

Submission: *Visual Privacy*

Comment: It is important to note, that whilst Council seeks to maintain privacy for adjoining property owners, Council cannot guarantee 100% privacy particularly in urban neighbourhoods. Whilst overlooking of adjoining properties is likely to occur, the proposed development has been amended to maximise visual privacy to the subject site and adjoining properties, through articulation, building separation, window locations, and additional landscaping.

Submission: *Local area character*

Comment: The application site is located within Zone E1 Local Centre, as per the Canterbury-Bankstown Local Environmental Plan 2023. Due to the zoning, larger-scale developments are anticipated. The proposal has been designed within the envelope controls, to assist in minimising its overall bulk and scale when viewed from the public domain and support the transition toward the planned future character of the area.

Submission: *Installation of a crane on common property*

Comment: The installation and location of a crane during construction are managed through conditions of consent. A condition has been imposed to ensure the crane is suitably located. As this is a temporary construction matter, it is not a planning consideration relevant to the assessment of the application.

Submission: *Noise, dust, disruption and extended construction activity*

Comment: Noise, dust and general disruption are temporary impacts associated with construction activities. Conditions of consent will be imposed to limit construction to approved hours and to minimise dust and other amenity impacts during the construction period. Accordingly, these impacts can be appropriately managed through the conditions of consent.

Submission: *Additional Strata and service fees to existing owners*

Comment: Impacts on Strata and service fees are not a matter which Council can consider when assessing development applications as it falls outside the scope of assessment under s4.15 of the Environmental Planning & Assessment Act 1979.

Submission: *NCC Compliance – Automatic Fire Sprinklers*

Comment: Conditions of consent will be imposed to ensure that the development complies with all relevant fire safety and building requirements prior to occupation.

Submission: *Lack of tree planting*

Comment: Council acknowledges concerns regarding the amount of tree planting proposed. As the application does not include any works at street level, no additional street tree planting is proposed. However, the development includes new landscaping and planting within the Level 5 addition, which will contribute to the softening of the overall built form, and create further opportunities to increase visual privacy.

Submission: *Compliance with the Apartment Design Guide, and applicants' submission of information*

Comment: The applicant provided sufficient information to enable a full assessment of the proposal. Where additional clarification was required, further information was requested and subsequently provided during the assessment process. The proposal has been assessed against the relevant planning controls, including the Apartment Design Guide, and is considered satisfactory about the applicable requirements.

Submission: *Accessibility issues in the building*

Comment: The application has been referred to Council's Building Surveyor for their consideration. Council's Building Surveyor reviewed the application and raised no objections to the overall proposal subject to conditions of consent.

Submission: *Prior applications lodged for the subject site*

Comment: While earlier applications were assessed under the relevant planning controls and standards that applied at the time, the current application has been assessed on its own merits against the relevant contemporary planning framework. The proposed development has been reviewed against the applicable current provisions and is considered to comply with those requirements. Accordingly, the proposal is considered acceptable having regard to the planning controls currently in force.

Submission: *Additional strain on shared facilities - lifts, parking, garbage disposal and plumbing*

Comment: The development complies with the Apartment Design Guide requirements relating to the number of apartments served by a circulation core and shared lift access.

Parking has been assessed against the relevant provisions of the SEPP (Housing) 2021, with parking to be re-allocated within existing spaces allocated to units owned by the applicant.

Waste management arrangements were reviewed by Council's Resource Recovery Officer, who raised no objections subject to conditions of consent. Accordingly, the development is not expected to result in an unreasonable strain on shared facilities.

The application has been assessed on its planning merits, and there is no evidence to indicate that the development would result in an unacceptable impact on the existing plumbing and drainage infrastructure. Any plumbing works associated with the development will be required to comply with the relevant Building Code and plumbing and drainage requirements. Conditions of consent have been imposed. Existing maintenance or operational issues within the building are separate matters and are not planning considerations relevant to the assessment of the application.

Submission: *Supply of services*

Comment: Essential services, including hot water provision, are important considerations in residential development. However, there is no evidence to indicate that the proposed development would adversely affect the capacity or performance of the existing hot water system. Any associated building and plumbing works will be required to comply with the relevant standards and requirements. Accordingly, the proposal is not expected to result in an unacceptable impact on essential services within the building.

Submission: *Overshadowing/ Solar Access*

Comment: The proposed development is below the maximum height permitted for the development as per the State Environmental Planning Policy (Housing) 2021.

It is acknowledged that the site is zoned E1, where larger scale developments are anticipated and encouraged. Given the site's orientation and the building envelope parameters established by the planning controls, some overshadowing is unavoidable; however, the proposal has been designed to minimise impacts as far as practicable.

Notwithstanding this, the applicant has designed the proposal with sufficient separation and articulation to maximise solar access to adjoining properties.

Submission: *Property Value*

Comment: Impacts on property values is not a matter which Council can consider when assessing development applications as it falls outside the scope of assessment under s4.15 of the Environmental Planning & Assessment Act 1979.

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

The public interest is best served by the consistent application of the requirements of the relevant planning legislation and by the consent authority ensuring that any adverse impacts on the surrounding area and environment are mitigated. As demonstrated in this report, the development largely satisfies the provisions contained within the applicable planning legislation, provides for a development that is in keeping with the existing and emerging character of the area, and responds appropriately to the immediately adjoining developments.

Further, the proposal delivers 10 additional affordable rental dwellings within walking distance of public transport. The development utilises the incentive framework established by the Housing SEPP as intended, namely the delivery of affordable housing in well-serviced urban locations.

As such, approval of the development would be in public interest.

CONCLUSION

This report provides a detailed assessment of the site and its surrounds, and the manner in which DA-1185/2025 responds and addresses the relevant planning legislation. The development successfully protects the environmental amenity of the area and is consistent with the desired future character of the locality.

The proposed development utilises the provisions within the SEPP (Housing) 2021 that afford a 30% increase in building height for additional affordable housing in a well suited and serviced location, achieving the relevant planning objectives.

It is concluded that the development has merit and is therefore worthy of support.

RECOMMENDATION

It is recommended that Development Application DA-1185/2025 be **APPROVED** subject to Conditions of Consent in Attachment 2.

CONDITIONS OF CONSENT

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 and Assessment Act 1979.

GENERAL CONDITIONS

No.	Condition																																																																																															
1.	Approved Plans and supporting documentation Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. <table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>DA-A-011</td><td>B</td><td>Site Plan</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-105</td><td>B</td><td>Level 5 Plan</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-106</td><td>B</td><td>Level 5 Roof Plan</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-107</td><td>B</td><td>Livable Housing – Silver Level</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-108</td><td>A</td><td>Livable Housing – Gold Level</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-200</td><td>B</td><td>Elevations</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-201</td><td>B</td><td>Elevations</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-202</td><td>B</td><td>Sections</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-203</td><td>B</td><td>Section</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-801</td><td>A</td><td>Storage Plan – Level 5</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>24_039</td><td>A</td><td>Storage Plan – Basement 2</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-900</td><td>B</td><td>External Finishes</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr><tr><td>DA-A-901</td><td>B</td><td>Level 5 Landscape Plan</td><td>Smith & Tzannes</td><td>05/03/2025</td></tr></table> <table><tr><th colspan="4">Approved documents</th></tr><tr><th>Document title</th><th>Version number</th><th>Prepared by</th><th>Date of document</th></tr><tr><td>BCA Compliance Assessment</td><td>-</td><td>New Crown Consulting</td><td>29/09/2025</td></tr><tr><td>Access Compliance Assessment Report</td><td>Rev 2</td><td>New Crown Consulting</td><td>27/10/2025</td></tr><tr><td>Waste Management Plan</td><td>-</td><td>Alix Dunbar</td><td>June 2022</td></tr></table> In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	DA-A-011	B	Site Plan	Smith & Tzannes	05/03/2025	DA-A-105	B	Level 5 Plan	Smith & Tzannes	05/03/2025	DA-A-106	B	Level 5 Roof Plan	Smith & Tzannes	05/03/2025	DA-A-107	B	Livable Housing – Silver Level	Smith & Tzannes	05/03/2025	DA-A-108	A	Livable Housing – Gold Level	Smith & Tzannes	05/03/2025	DA-A-200	B	Elevations	Smith & Tzannes	05/03/2025	DA-A-201	B	Elevations	Smith & Tzannes	05/03/2025	DA-A-202	B	Sections	Smith & Tzannes	05/03/2025	DA-A-203	B	Section	Smith & Tzannes	05/03/2025	DA-A-801	A	Storage Plan – Level 5	Smith & Tzannes	05/03/2025	24_039	A	Storage Plan – Basement 2	Smith & Tzannes	05/03/2025	DA-A-900	B	External Finishes	Smith & Tzannes	05/03/2025	DA-A-901	B	Level 5 Landscape Plan	Smith & Tzannes	05/03/2025	Approved documents				Document title	Version number	Prepared by	Date of document	BCA Compliance Assessment	-	New Crown Consulting	29/09/2025	Access Compliance Assessment Report	Rev 2	New Crown Consulting	27/10/2025	Waste Management Plan	-	Alix Dunbar	June 2022
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2.	Design Amendments Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans (stamped by Council) and supporting documentation: a. The windows serving the private open space of Unit 5.02 and Unit 5.07, must be removed and replaced with a blank wall to maximise privacy to adjoining developments. 1.102.S Condition reason: To ensure the orderly development of land.
3.	Substation No approval is granted for the siting of any substation on the site. Any change to this condition requires an application to be submitted and determined by Council. The application must demonstrate how the structure/ facility will be integrated into the design of the building without being located within the front setback area, landscaped area or in any area visible from the public domain. 1.901 Condition reason: To improve the presentation of the development within the streetscape.
4.	Fire Safety Provisions The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use. Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this determination notice. Condition reason: To ensure compliance with the relevant New South Wales legislation.

DEMOLITION WORK

5.	Demolition Any demolition on the site 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',
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	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. 3.201 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

6.	Payment of Fees Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier. a. Levies b. Bonds c. Contributions d. Inspection fees. 2.103.S Condition reason: To ensure compliance with the relevant New South Wales legislation.
7.	Long Service Levy Before the issue of the relevant construction certificate, payment of the long service levy is required, under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal Calculator at https://longservice.force.com/bci/s/levy-calculator. Payment must be made via the Long Service Levy Portal at https://www.longservice.nsw.gov.au. 2.104.S Condition reason: To ensure compliance with the relevant New South Wales legislation.
8.	Construction Cranes May Require Separate Approval Separate approval must be sought (where required) under the relevant Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height above the proposed development and consequently, may require separate approval under the Regulations. It is advisable that approval to operate equipment (i.e. cranes) be obtained before the issue of any construction certificate.

	2.105
	Condition reason: To ensure adequate approval of crane use.
9.	Conformity with BCA a) The Construction Certificate plans must demonstrate full compliance with the requirements of the BCA Compliance Assessment Report Amendment 2 issued by new crown consulting, Ref. No. NEW250722 dated 29/09/2025, and the requirements of the Access Compliance Assessment Report issued by new crown consulting, Ref. No. NEW250722 Rev.2 dated 27/10/2025. Additionally, the design of the development Services and Equipment (SECTION E, BCA) will be subject to review by an accredited Fire consultant and confirmed compliance prior to the issue of a Construction Certificate. Furthermore, details of any Fire Engineered Solutions in consultation with the NSW Fire Brigade and deemed-to-satisfy provisions must be provided in full for approval from the relevant authorities during the Construction Certificate process. b) The development is to be carried out in accordance with the Deemed-To-Satisfy (DTS) requirements of Section J of the Building Code of Australia BCA, Energy efficiency. A report covering compliance of the development with the relevant provisions contained in Section J must be provided in full for approval with the Construction Certificate, and to be reflected in the construction certificate plans and specifications. Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
10.	Bicycle Parking Spaces One (1) additional bicycle parking space is to be provided for the development. Note: The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 'Parking Facilities' Part 3: Bicycle Parking Facilities and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation.' 2.11 Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
11.	Submit Plans to Sydney Water 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. 2.202.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
12.	BASIX Certificate 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.

	2.206
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
13.	Utilities and Services
	Before the issue of the relevant construction certificate, the consent holder must submit the following written evidence of service provider requirements to the certifier: - a letter of consent from the relevant electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; and - a response from the relevant water authority as to whether the plans proposed to accompany the application for a construction certificate would affect any of the relevant water authority infrastructure, and whether further requirements need to be met; and a letter of consent from the relevant telephone and broadband authority demonstrating that satisfactory arrangements can be made for the installation and supply of telephone and internet; and - other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.
	2.207
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
14.	Mobility Access
	The building must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia.
	If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council through a modification application before a construction certificate being issued.
	2.208
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
15.	Erosion and Sediment Control Plan
	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: - Council's development control plan, - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and - 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.
	2.211.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
16.	Dilapidation report
	Before the issue of a construction certificate, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the certifier for the following properties: All existing residential units, commercial units and common areas within 610-618 New Canterbury Road, Hurlstone Park.

	Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the certifier, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be made available to Council upon request. 2.212.P
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
17.	Mechanical Ventilation The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and 2 – 'The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings'. Details of any mechanical ventilation and/or air-conditioning system complying with AS1668.1 and 2 – 'The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings', the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the certifier before the issue of a construction certificate. 2.214
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
18.	Combustible Cladding The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Before the issue of a construction certificate and occupation certificate the certifier must: - Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and - Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built. 2.216
	Condition reason: To ensure compliance with the BCA.
19.	Apply for Work Permit for Engineering Works 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: - Repair of any damage to the public road including the footway occurring during building works, and - 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. 2.302
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
20.	Works Requiring a Work Permit As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the <i>Roads Act 1993</i> and/or Section 68 of the <i>Local Government Act 1993</i>, 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' - Dig up, disturb, or clear the surface of a public footway or public road, - Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road, - Connect a road (whether public or private) to a classified road, - Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road, - Install utilities in, under or over a public road, - Pump water into a public footway or public road from any land adjoining the public road, - Erect a structure or carry out a work in, on or over a public road, - Require a work zone on the public road for the unloading and or loading of vehicles, - Pump concrete from within a public road, - Stand a mobile crane within a public road, - Store waste and recycling containers, skips, bins and/or building materials on any part of the public road, - The work is greater than \$25,000, and - 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. 2.304
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
21.	Stormwater Drainage Stormwater drainage from the development shall be designed so as to comply with Council's 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.										
	<table><tr><th>Plan Name</th><th>Number</th><th>Date</th><th>Prepared By</th></tr><tr><td>Stormwater Services</td><td>Drawing No: 03058-SW04, 03058-SW05, 03058-SW06 C02.</td><td>Revision P2 Date: 29/09/2025</td><td>C&M Consulting Engineers</td></tr></table>	Plan Name	Number	Date	Prepared By	Stormwater Services	Drawing No: 03058-SW04, 03058-SW05, 03058-SW06 C02.	Revision P2 Date: 29/09/2025	C&M Consulting Engineers		
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	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.										
22.	Traffic Management Plan										
	Before the issue of any construction certificate for this development, the consent holder must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below. A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN This plan shall include details of the following: a. Proposed ingress and egress points for vehicles to and from the construction site; b. Proposed protection of pedestrians, adjacent to the constructions site; c. Proposed pedestrian management whilst vehicles are entering/exiting the construction site; d. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period; e. Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3. f. Proposed route for transportation of bulk and excavation materials to and from the development site. The route for transportation to and from the development site of bulk construction and excavation materials shall be by the shortest practical route to the nearest "State Road", with every effort to avoid school zones on public roads. . Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days. The consent holder shall nominate the routes for approval by Council before commencement of any work on the site. All vehicles are to enter the on-street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted. An Agreement to Council's satisfaction, signed by the consent holder/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council before release of any Construction Certificate. All damage must be rectified upon completion of work.										

	Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council. The approved Site, Pedestrian and Traffic Management Plan is to be implemented before the commencement of any works on the construction site. In addition, a TfNSW (formerly RMS) Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads. Note: Approval by Council of a SPTMP may take up to six (6) months. Accordingly, it is recommended the application to Council be submitted well in advance of the need for a construction certificate. 2.318
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
23.	Construction Site Management Plan Before the issue of a construction certificate, a Construction Site Management Plan (CSMP) must be prepared and approved by the certifier. The plan must include the following matters: - The location and materials for protective fencing and hoardings on the perimeter of the site; - Provisions for public safety; - Pedestrian and vehicular site access points and construction activity zones; - Details of construction traffic management including: - Proposed truck movements to and from the site; - Estimated frequency of truck movements; and - Measures to ensure pedestrian safety near the site; - Details of bulk earthworks to be carried out; - The location of site storage areas and sheds; - The equipment used to carry out works; - The location of a garbage container with a tight-fitting lid; - Dust, noise and vibration control measures; - The location of temporary toilets; - The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: - AS 4970 – Protection of trees on development sites; - An applicable Development Control Plan; - An arborist's report approved as part of this consent. A copy of the construction site management plan must be kept on-site at all times while work is being carried out. A copy of the construction site management plan must be kept on-site at all times while work is being carried out. 2.401.
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
24.	Work Vehicle Route The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The consent holder shall nominate the route for approval by Council before commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by consent holder

	specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council before release of any construction certificate. All damage must be rectified before the issue of any occupation certificate. 2.402 Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
25.	Sight Triangles on Plans Sight triangles are to be marked on relevant plans, being provided at the intersection of the driveway and the property boundary in accordance with AS 2890.1: 'Figure 3.3 – Minimum Sight Lines for Pedestrian Safety'. A splay extending 2 metres from the driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. Any structures, plantings or fencing within these triangles is to be a maximum height of 600mm to ensure sight lines are kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate. 2.406 Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
26.	Return Bins to Council Before the commencement of any works, all domestic waste bins servicing the site are to be returned to Council. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
27.	Waste Management Plan Before the issue of a construction certificate, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters: The plan must be prepared: - in accordance with: - the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and - a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and - include the following information— - the contact details of the person removing waste, - an estimate of the type and quantity of waste, - whether waste is expected to be reused, recycled or sent to landfill, - the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. 2.502 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
28.	Plans to Include Bin Storage Area The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping. 2.503 Condition reason: To ensure compliance with the relevant Canterbury-Bankstown policy.

29.	Bin Carting Route The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate which identify that the bin carting route from the communal bin storage room to the waste collection point identified on stamped plans complies with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments": - Is as direct as possible - Is of non-slip material and free from obstacles and steps; - Is not located within a driveway or carpark; - Has a maximum grade of 1:30 (3%); - Has a kerbside ramp installed at the collection point; and - Has compliance with Work, Health and Safety legislation and standards Condition reason: To ensure the orderly collection of waste from the site.	2.504												
30.	Communal Bin Storage Room The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments": - Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting; - Floors must be finished so as to be non-slip with a smooth and even surface; - A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height. - Must be compatible with the overall design of the development; - Walls must be constructed of solid impervious material; - Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned; - Walls, ceiling and floors must be finished in a light colour; - An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room; - A self-closing door openable from within the room; - Must be constructed to prevent the entry of birds and vermin; - Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room; - Any doorways must be 2 metres wide and open outwards; and - Designed to fit the following bin allocations: <table><thead><tr><th>Number</th><th>Bin Size</th><th>Bin Type</th></tr></thead><tbody><tr><td>8</td><td>660L</td><td>Garbage (Red)</td></tr><tr><td>13</td><td>660L</td><td>Recycling (Yellow)</td></tr><tr><td>5</td><td>240L</td><td>Garden (Green)</td></tr></tbody></table> Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	Number	Bin Size	Bin Type	8	660L	Garbage (Red)	13	660L	Recycling (Yellow)	5	240L	Garden (Green)	2.505
Number	Bin Size	Bin Type												
8	660L	Garbage (Red)												
13	660L	Recycling (Yellow)												
5	240L	Garden (Green)												
31.	Bulky Waste Storage Room The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the bulky waste storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments": - One to be the storage area shown on the plans - A second, 6m² cage area within the bin room, closest to the collection door, to give a total of 10m²													

	c. Any doorways must be 2 metres wide and open outwards.	2.507
	Condition reason: To ensure the orderly collection of waste from the site.	
32.	Landscape Management A site wide landscape management plan is to be submitted to and approved by the certifier before the issue of a construction certificate. The plan is to demonstrate who is responsible for and how the landscape features will be installed and detail the responsibility of ongoing maintenance of the landscaping.	2.705
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.	
33.	Design Verification SEPP 65 A construction certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which development consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.	2.901
	Condition reason: To ensure compliance with the relevant New South Wales legislation.	
34.	No Air conditioning units visible No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall: a. Not be located on awnings or attached to the face of the building, b. Not be located on roofs in such a way that it is visible from any street, footpath or park, c. Be visually screened if located 1.8 metres above ground level in other locations, and d. Wiring shall be fully concealed. All construction certificate documentation is to demonstrate compliance with these requirements.	2.902
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	
35.	Air conditioning units – BASIX requirements The location of any air-conditioning and hot water units and associated infrastructure must be located to ensure that they are not visible from the street, and that they do not result in a non-compliance with the relevant built form controls and private open space controls contained within the Apartment Design Guide. Confirmation from a suitably qualified architect that the BASIX commitments do not compromise the design guidance as contained within the Apartment Design Guide must be provided to the certifier before the issue of a construction certificate.	2.903
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	
36.	Hydrant boosters on plans All hydrant boosters and associated services and shield walls are to be contained within cabinets and / or designed to match the appearance of the main structure of the development.	2.904
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	

37.	Rooftop equipment All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain. 2.905 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
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BEFORE BUILDING WORK COMMENCES

38.	Certifier details A construction certificate is required for the erection of a building in accordance with this Determination Notice. This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder. The following requirements apply before the commencement of building work in accordance with this Determination Notice: - 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, - 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, - 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, - the consent holder, if not carrying out the work as an owner-builder, has: - 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 - notified the principal certifier of the appointment, and - 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, - the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building. 3.202 Condition reason: To ensure compliance with the relevant New South Wales legislation.
39.	Section 73 Compliance Certificate A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water. It is recommended that the consent holder apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92. 3.203 Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.

40.	Temporary fence or hoarding
	A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured. Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval before the commencement of building work/s. 3.204
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
41.	Dilapidation report
	No less than 14 days before the commencement of any site or building work, the adjoining owner(s) must be provided with a copy of the dilapidation report for their property(ies). 3.205.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
42.	WC temporary toilet facilities on site
	Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period. 3.206
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
43.	Install Erosion control
	Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site). 3.207
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
44.	Soil and water management warning sign
	Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site. 3.208
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
45.	Sign with principal certifier details
	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. 3.209.P
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
46.	Contract of Insurance In the case of residential building work for which the <i>Home Building Act 1989</i> 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. 3.210.P
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
47.	Residential building work Residential building work within the meaning of the <i>Home Building Act 1989</i> 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. 3.211.P
	Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
48.	Tree protection measures Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place. 3.801.S
	Condition reason: To protect the natural environment of the development site and adjoining lands.

DURING BUILDING WORK

49.	Procedure for Critical Stage Inspections While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. 4.101.S
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	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
50.	Works in accordance with Building Code of Australia (BCA)
	Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
	4.201.P
	Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a).
51.	BASIX commitments
	While building work is being carried out, the consent holder must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
	4.203.P
	Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.
52.	Hours of Work
	Site work must only be carried out between the following times – a. 7.00 am and 5.00 pm on Monday to Saturday. b. No construction is to be carried out at any time on a Sunday or a public holiday.
	Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	4.204.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
53.	Noise and Vibration
	While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation.
	Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the site work is being carried out.
	4.205.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites
54.	Surveys by a registered surveyor
	While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier.
	4.206.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
55.	Civil and Hydraulic engineering works
	All civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's

	satisfaction. 4.301
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
56.	Stormwater drainage system The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the principal 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. 4.302
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
57.	Responsibility for Changes to Public Infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. 4.307.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
58.	Waste management While site work is being carried out: a. all waste management must be undertaken in accordance with the waste management plan, and b. upon disposal of waste, records of the disposal must be compiled and provided to, detailing the following: i. The contact details of the person(s) who removed the waste ii. The waste carrier vehicle registration iii. The date and time of waste collection iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v. The address of the disposal location(s) where the waste was taken vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council. 4.502.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
59.	Comply with Waste management plan The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following: a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997; and b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined

	by the Protection of Environment Operations Act 1997; and c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste; and f. All materials and resources that are to be stored on site during construction works are contained on the site; and g. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works. 4.503
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
60.	Hazardous finds Any new information revealed during building work/s that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the principal certifier. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the consent holder and/or owner which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information. 4.601
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
61.	No Stockpiling There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained. 4.605
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
62.	Implementation of the site management plans While site work is being carried out: a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and b. a copy of these plans must be kept on site at all times and made available to council officers upon request.

	4.701.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
63.	Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: - the work in the area of the discovery must cease immediately; - the following must be notified - for a relic – the Heritage Council; or - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: - for a relic – the Heritage Council; or - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. In this condition: “relic” means any deposit, artefact, object or material evidence that: - relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and - is of State or local heritage significance; and “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
	4.901.S
	Condition reason: To ensure the protection of objects of potential significance during works

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

64.	Occupation certificate The occupation or use of the building must not commence unless an occupation certificate has been issued.
	5.201
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
65.	Affordable Housing Registration Before to the issue of an occupation certificate, evidence is to be submitted to Council demonstrating that a restriction has been registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act</i> 1919, that will ensure that the following requirements are met: - For 15 years from the date of the issue of the occupation certificate, for the following ten (10) units: 5.01 5.02 5.03

	(iv) 5.04 (v) 5.05 (vi) 5.06 (vii) 5.07 (viii) 5.08 (ix) 5.09 (x) 5.10. That these units must be used for the purpose of affordable housing, and each of these units must be managed by a registered community housing provider. b) The occupation and management of these units must be in accordance with any other relevant requirement of State Environmental Planning Policy (Housing) 2021. Condition reason: To ensure compliance with stamped plans and relevant legislation.
66.	Appointment of a Registered Community Housing Provider The Applicant shall provide to Council documentation to demonstrate that arrangements are in place for appointment of a Registered Community Housing Provider to manage the ten (10) affordable housing units. Condition reason: To provide certainty that the affordable housing component, for which there was a height bonus, will be provided prior to works commencing.
67.	Number of car parking spaces Six (6) off-street car parking spaces must be provided, allocated and maintained for the use of Level 5 residents, in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained for the lifetime of the development. 5.105 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
68.	Noise Control Recommendations Prior to the issue of an Occupation Certificate, the builder/owners must submit to the Principal Certifier, a report from a practicing acoustic engineer verifying that the works as installed meet the noise control recommendations of the Acoustic report number 3791R20231026rcf dated 8/12/2023 issued by <i>Koikas acoustics Pty Ltd</i>. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
69.	Fire Safety Certificate A Fire Safety Certificate form under Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, must be completed and forwarded to the attention of the Council Fire Safety Officer at council@cbc.city.nsw.gov.au before an occupation certificate will be issued. Condition reason: To ensure compliance with the relevant New South Wales legislation.
70.	Encroachment on Council land Before the issue of an occupation certificate, the principal certifier must ensure that no portion of the approved structure, including gates and doors during opening and closing operations, provides for encroachment upon Council's footpath area. 5.202 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
71.	Slab certification 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. 5.203
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
72.	Preservation of survey marks Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that: - no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or - any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. 5.204.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
73.	Post-construction dilapidation report Before the issue of an occupation certificate, a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether: - after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and - where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and - a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). 5.205.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
74.	Completion of Public Utility Services Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. 5.207.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
75.	Section 73 certificate The Section 73 compliance certificate under the <i>Sydney Water Act 1994</i> must be submitted to the principal certifier before the issue of an occupation certificate. 5.208
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
76.	Mechanical ventilation Before issue of an occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the principal certifier. 5.209
	Condition reason: To ensure compliance with the relevant Australian Standard and

	National Construction Code.
77.	Work Permit Compliance required
	An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable). 5.301
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
78.	Repair of infrastructure
	Before the issue of an occupation certificate: a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or b. if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent. 5.302.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
79.	Works-as-executed plans and any other documentary evidence
	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 Councils relevant Development Control Plan. c. A copy of the plans must be provided to council with the occupation certificate. 5.303.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
80.	Agreement with Council
	Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste. 5.502
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
81.	Removal of Waste Upon Completion
	Before the issue of an occupation certificate: a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier. 5.503.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
82.	No Parking on waste collection days
	The consent holder is to obtain approval from the appropriate authority for the installation of a "No parking on waste collection days" (or similar) sign at the kerbside collection point at the designed waste collection point for the development.
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.

83.	Completion of Landscape and Tree Works Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. 5.701.S Condition reason: To protect the natural environment of the development site and adjoining lands and to ensure the development is built and remains consistent with approved plans and documentation.
84.	Key card access Before the issue of an occupation certificate, the principal certifier must ensure that access to the residential lobby is secured through a key card, swipe card, intercom or other method to restrict access to the lobby to only residents or visitors. 5.901 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
85.	Master locks Before the issue of an occupation certificate, the principal certifier must ensure that the letterboxes installed have non-master key locks, to prevent theft and fraud. 5.902 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
86.	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 28 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 manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

	All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour before opening and closing times of the premises. 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. 5.903
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
87.	Property numbering The buildings / dwellings must be readily identified from the street with the allocated house numbers. An official "property numbering" letter is issued to the consent holder indicating the proposed numbering of the new development. House numbering without Council's written approval is not permitted. 5.904
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
88.	Lighting must be provided to entries Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. All lighting must be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents. 5.906
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
89.	Design of lighting Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – 'The Control of the Obtrusive Effects of Outdoor Lighting'. 5.907
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code.
90.	Design principles SEPP 65 Before the issue of any occupation certificate a design verification from a qualified designer shall be submitted to the principal certifier. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65. 5.908
	Condition reason: To ensure compliance with the relevant New South Wales legislation.

OCCUPATION AND ONGOING USE

91.	Communal facilities
	The communal facilities must be available for the use all residents of the building and must be operated as common property on any strata subdivision of the site, with no exclusive use rights given. 7.104
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
92.	Parking spaces
	No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. 7.106
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
93.	Use of roof
	No approval is granted or implied for the use of any roof element for any purpose other than for gaining access to carry out maintenance or repairs. 7.114
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
94.	Car parking not for storage
	The approved car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles. 7.301
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation and to provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
95.	Waste generated on site
	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 <i>Protection of the Environment Operations Act 1997</i> . All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request. 7.504
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
96.	Maintenance of wastewater and stormwater treatment device
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable). 7.303.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
97.	Waste Management Plan
	The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out. 7.501

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
98.	Waste and recycling policy
	The development must be carried out in compliance with Council's "Domestic Waste and Recycling Service Policy and Guideline".
	7.506
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
99.	Waste containers
	No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
	7.507
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
100.	Collect and Return Service
	The nominated collect and return collection point are to be utilised to facilitate the collection of waste and recycling bins for the development.
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
101.	Maintenance of landscaping
	The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	7.701
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

- END -

Canterbury Bankstown Local Planning Panel - 03 August 2026

ITEM 2	217 Bransgrove Road, Panania [Portion 154 in Plan 3051.2030 (154/752013)] Construction of a temporary access track, located on Crown land on land mapped as 'Coastal Wetlands' under the Resilience and Hazards SEPP 2021, that will lead to the use of an ancillary site at 557 Henry Lawson Drive to support the construction of the Henry Lawson Drive 1B Project The proposed works are 'designated development'
FILE	DA-402/2026 – Bunya / Revesby
ZONING	RE1 Public Recreation
DATE OF LODGEMENT	27 March 2026
APPLICANT	Transport for NSW
OWNERS	Department of Land and Water Conservation
ESTIMATED VALUE	\$220,000.00
AUTHOR	Planning

REPORT

In accordance with the Local Planning Panels Direction made by the Minister for Planning and Public Spaces, the Canterbury-Bankstown Local Planning Panel is required to determine applications that are defined as “Designated Development”. The subject development triggers this referral criteria and as such, is reported to the Canterbury Bankstown Local Planning Panel for determination.

Development Application DA-402/2026 proposes the construction of a temporary access track, located on Crown land on land mapped as “Coastal Wetlands” under the Resilience and Hazards SEPP 2021, that will lead to the use of an ancillary site at 557 Henry Lawson Drive to

support the construction of the Henry Lawson Drive Stage 1B Upgrade project. The proposed works are “designated development”, proposed to be carried out by Transport for New South Wales, and are therefore Crown development.

The site does not have a formal street address as the proposal is located wholly within an unformed Crown Road reserve. The application has been identified by reference to 217 Bransgrove Road, Panania, being the property immediately adjoining the southern boundary of the proposal area and the closest identifiable address for notification purposes. The proposal does not formally form part of 217 Bransgrove Road, Panania.

DA-402/2026 has been assessed against the relevant provisions contained within the *Environmental Planning and Assessment Act, 1979*, including assessment against the following: *Water Management Act 2000*, *Biodiversity Conservation Act 2016*, *Coastal Management Act 2016*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the *Canterbury Bankstown Local Environmental Plan 2023* and the *Canterbury Bankstown Development Control Plan 2023*.

The application was advertised for a period of twenty-eight (28) days between 22 April 2026 to 19 May 2026. No submissions were received during this period.

It is considered that the proposal is worthy of being supported. It is recommended that the Panel determines the application by way of approval on a “deferred commencement” basis, requiring that prior to the activation of the development consent, Transport for New South Wales shall provide evidence that they have received approval for the Henry Lawson Drive Upgrade Stage 1B through the REF process.

POLICY IMPACT

The proposed development will not have any direct policy implications.

FINANCIAL IMPACT

The proposed development will not have any direct financial implications.

RECOMMENDATION

It is recommended that Development Application DA-402/2026 be **APPROVED**, on a deferred commencement basis, subject to Conditions of Consent in Attachment 2.

ATTACHMENTS

1. Section 4.15 Assessment Report
2. Conditions of Consent

DA-402/2026 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site comprises a portion of unformed Crown Road reserve located between Bransgrove Road, Panania and an ancillary construction site associated with the Transport for NSW (TfNSW) Henry Lawson Drive Stage 1B Upgrade Project. The land is legally described as Portion 154 in Plan 3051.2030 (154/752013) and is zoned RE1 Public Recreation under the Canterbury-Bankstown Local Environmental Plan 2023.

The site does not have a formal street address as the proposal is located wholly within an unformed Crown Road reserve. The application has been identified by reference to 217 Bransgrove Road, Panania, being the property immediately adjoining the southern boundary of the proposal area and the closest identifiable address for notification purposes. The proposal does not formally form part of 217 Bransgrove Road Panania.

The site comprises predominantly of disturbed vegetation and unformed land situated between major infrastructure and utility land uses. The surrounding locality is characterised by the M5 Motorway corridor to the north and Canterbury-Bankstown Council's Waste Management Facility to the south. The site where the works are proposed provides a connection between Bransgrove Road and the ancillary construction site required for the delivery of the TfNSW Henry Lawson Drive Stage 1B Upgrade Project.



Figure 1: Aerial of subject site in red **Source:** EIS March 2026

PROPOSED DEVELOPMENT

The proposal seeks approval for the construction and use of a temporary access track. Associated works include vegetation clearing (mapped 'Coastal Wetlands'), topsoil stripping, minor earthworks, subgrade stabilisation, pavement construction and temporary drainage infrastructure.

DESIGNATED DEVELOPMENT

The areas highlighted in solid blue in Figure 2, below, form part of coastal wetlands as identified on the Coastal Wetlands and Littoral Rainforests Area Map. Clause 2.7 of Chapter 2 – Coastal Management of the State Environmental Planning Policy (Resilience and Hazards) 2021 states that any development undertaken on land identified as a coastal wetland requires development consent. Clause 2.7(2) also provides that development on land within a coastal wetland is designated development for the purposes of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.



Figure 2: Mapped Coastal Wetlands Source: EIS March 2026

As such, prior to the preparation of an Environmental Impact Statement (EIS) the applicant applied to the NSW Department of Planning, Industry and Environment Planning Secretary for the environmental assessment requirements (SEARs) with respect to the proposed development. The required considerations of the SEARs have been addressed within the EIS submitted in support of the proposed development. Only the works that impact the areas mapped as coastal wetlands are Designated Development, with any other works being assessed through the REF proposal. As

such this report and the Panels determination is contained to the site identified in figure 1 (above).

STATUTORY CONSIDERATIONS

The subject development requires assessment against several Act's that sit outside the matters for consideration within Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These Act's are as follows:

- *Biodiversity Conservation Act 2016*; and
- *Water Management Act 2000*.

Biodiversity Conservation Act 2016 (BC Act 2016)

A Biodiversity Development Assessment Report (BDAR) has been prepared in accordance with the *Biodiversity Conservation Act 2016* (BC Act) and the Biodiversity Assessment Method (BAM). The BDAR identifies that the proposal will result in the removal of approximately 0.12 hectares of Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions, an Endangered Ecological Community listed under Schedule 2 of the BC Act.

Section 6.4 of the BC Act requires impacts on biodiversity values to be avoided and minimised prior to consideration of biodiversity offsets. The BDAR demonstrates that alternative access arrangements and alignments were investigated and that the proposed access track represents the option with the least impact on biodiversity values while still meeting the operational requirements of the Henry Lawson Drive Stage 1B Project. The access track has been located along the shortest and most direct route to the ancillary facility and has been aligned to utilise existing disturbed areas and access corridors where practicable. The alignment has been selected to minimise vegetation clearing, avoid higher value vegetation communities and reduce impacts on biodiversity values within the site.

The BDAR concludes that the proposal is unlikely to result in significant impacts on threatened species, threatened species habitat, aquatic habitat or Matters of National Environmental Significance. The impact on the local occurrence of the Swamp Oak Floodplain Forest TEC represents a minor proportion of the ecological community within the broader locality and is not considered likely to place the TEC at risk of extinction. The BDAR identifies that the proposal will require two ecosystem credits under the NSW Biodiversity Offset Scheme.

The biodiversity credits are calculated using the BAM-Credit Calculator (BAM-C) and allow for the development of a Biodiversity Offset Strategy and this would be integrated with the Biodiversity Offset requirements for the proposal. The biodiversity credit requirements for the EIS proposal are summarised in the following table:

Biodiversity Offset Requirements					
Vegetation Zone	Plant Community Type (PCT)	Associated Threatened Ecological Community	Impact Area (ha)	Vegetation Integrity Score	Ecosystem Credits Required
Zone 1	PCT 4023 – Coastal Valleys Swamp Oak Riparian Forest	Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Endangered)	0.12	27.1	2

Accordingly, it is considered that the proposal has adequately addressed the requirements of the *Biodiversity Conservation Act 2016* by demonstrating that biodiversity impacts have been avoided and minimised to the greatest extent practicable and that residual impacts will be offset in accordance with the NSW Biodiversity Offset Scheme.



Figure 3: Threatened Ecological Communities **Source:** EIS March 2026

Water Management Act 2000

Section 91 of the *Water Management Act 2000* requires an 'aquifer interference approval' to be issued for works that are an 'aquifer interference activity'. The works proposed under the subject Development Application are not considered to include works that result in aquifer interference activity as no groundwater bores have been identified and the works do not require deep excavation, drilling or piling at or below ground water levels. Regardless, while any interference would regularly require approval from Natural Resource Access Regulator (NRAR), an aquifer interference approval is not required as Section 41 of the *Water Management Regulation, 2018* provides an exemption for public authorities (such as Transport for New South Wales).

SECTION 4.15 ASSESSMENT UNDER THE EP&A ACT, 1979

When determining this application, the relevant matters listed in Section 4.15(1) 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 (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023),
- Canterbury Bankstown Development Control Plan 2023 (CBDPC 2023).

Environmental Planning Instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in non-rural areas		
Requirement	Comment	Comply
Note: Chapter 2 applies to the proposed removal of all non-exempt vegetation		
Note: As defined in Part 5A of the <i>Local Land Services Act 2013</i> No51, 'Native vegetation' means any of the following types of plants native to New South Wales – • Trees (including any sapling or shrub or any scrub), • Understorey plants, • Ground cover • Plants occurring in a wetland. A plant is native to New South Wales if it was established in New South Wales before European settlement (Does not extend to marine vegetation).		
Section 2.1 Aims of Chapter		
a. to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and		Y
b. to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.		Y
Section 2.3 Land to which Chapter applies		Y
Section 2.6 Clearing that requires permit or approval		Y

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in non-rural areas		
Requirement	Comment	Comply
a. A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.	See "Designated Development" assessment, above.	Y
b. A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.		
c. Subsection (2) does not apply to clearing on biodiversity certified land under the <u>Biodiversity Conservation Act 2016</u> , Part 8.		
d. Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.		
e. Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.		
f. For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.		
See "Designated Development" assessment, above.		
It is considered that the development is consistent with the relevant provisions of Chapter 2 of the SEPP.		

Chapter 6 Water Catchments

The site located within land identified with the Georges River Catchment therefore also subject to the provisions of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The EIS demonstrates that the proposal is not expected to adversely affect water quality, water flows, groundwater, aquatic ecology or flooding processes within the catchment. The proposal avoids direct disturbance to waterways, drainage lines and aquatic habitats and incorporates appropriate erosion and sediment controls to minimise the potential for pollutants entering downstream waterways. The proposal is temporary in nature, and the disturbed area will be rehabilitated following completion of the project.

Further, the proposal has been designed to minimise impacts on vegetation and ecological values and is not expected to result in unacceptable cumulative impacts on the Georges River Catchment.

Accordingly, the proposal is considered satisfactory having regard to clauses 6.6 (Water quality and quantity), 6.7 (Aquatic ecology), 6.8 (Flooding) and 6.10 (Total catchment management) of the State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2, Part 2.2, Division 1 – Coastal wetlands and littoral rainforests area

The subject site is partly identified as “Coastal Wetlands” on the Coastal Wetlands and Littoral Rainforests Area Map. The proposal comprises the construction of a temporary access track and associated ancillary works, including vegetation clearing, topsoil stripping, minor earthworks, subgrade stabilisation, pavement construction and temporary drainage infrastructure. Pursuant to Clause 2.7(1), these works require development consent.

As the proposal involves development on land mapped as Coastal Wetlands, Clause 2.7(2) provides that the development constitutes “designated development” for the purposes of the *Environmental Planning and Assessment Act 1979*. An Environmental Impact Statement (EIS) has therefore been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs).

The proposal has been assessed against Clause 2.7(4), which requires the consent authority to be satisfied that sufficient measures have been or will be undertaken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland.

The submitted EIS and Biodiversity Development Assessment Report (BDAR) demonstrate that:

- The access track has been located along the shortest and most direct route between Bransgrove Road and the approved ancillary construction site.
- Existing disturbed areas and informal tracks have been utilised where practicable to minimise vegetation clearing and habitat disturbance.
- Approximately 20 metres of the 100-metre access track traverses previously disturbed land.
- The proposal avoids direct disturbance to wetland water bodies, drainage lines and aquatic habitats.
- No significant alteration to surface water flows or wetland hydrology is proposed.
- Erosion and sediment controls, construction environmental management measures and rehabilitation works will be implemented throughout the duration of the project.
- The works are temporary in nature and the site will be rehabilitated following completion of the Henry Lawson Drive Stage 1B Project.

The proposal will result in the removal of approximately 0.12 hectares of Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions, a threatened ecological community listed under the *Biodiversity Conservation Act 2016*. However, the BDAR concludes that alternatives were investigated, and the proposed alignment represents the option with the least biodiversity impact while still achieving the operational requirements of the project. The biodiversity impacts are proposed to be offset in accordance with the Biodiversity Offset Scheme requirement as addressed earlier in this report.

Although the site is mapped as Coastal Wetlands, the mapped disturbance area is located on elevated land and does not form part of an active wetland system. The

proposal is not expected to adversely affect wetland hydrology, water quality, aquatic habitats, or ecological connectivity, subject to the implementation of the mitigation measures identified within the EIS and BDAR.

Accordingly, Council is satisfied that sufficient measures have been incorporated to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the mapped coastal wetland, consistent with the requirements of Clause 2.7(4).

Chapter 4 – Remediation of land

This State Environmental Planning Policy 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 the 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 Contaminated Land Assessment was conducted by WSP to determine if the site the subject of this application (the 'access track site') was contaminated and required remediation. It is noted this assessment only pertains to the section of the track mapped to contain "Coastal Wetlands". The assessment proposed the following conclusions:

- *Chemical results met the health-based criteria provided in NEPM, 2013 for commercial/industrial and recreational land uses.*
- *Chemical results met ecological-based criteria provided in NEPM, 2013 for commercial/industrial land use and recreational land use except for samples collected from HA01. No ecological concerns are considered to exist based on the site setting; and*
- *Asbestos was detected in one of the soil samples analysed, HA06_0.4-0.5 (chrysotile asbestos found in approx. 20x20x5mm cement sheet fragment).*

Based on the findings of this assessment, WSP considers that the site may pose a risk to construction workers given the identification of asbestos. Construction works should be undertaken in accordance with an Asbestos Management Plan.

Following completion of occupation of the site, an exit assessment will be undertaken to replicate the sample locations and analysis suite of this Entry Assessment to ensure site occupation have not introduced or exacerbated contamination of the site during their occupancy.

The location of sample HA06 is outside of the boundaries limiting the scope of this application as demonstrated by Figure 4 (below). Conditions of consent have been recommended to enforce the recommendations of this report and a condition requiring that if any unexpected soil contamination is encountered during any work, all work

must cease, and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant.

Subject to this, the site is considered to be consistent with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, and the consent authority can be satisfied that the land is suitable in its contaminated state for the proposed development, in accordance with Clause 4.6(1) of the SEPP.



Figure 4: Borehole Location Plan Source: EIS March 2026

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause	Proposal	Comply
Division 12A, Subdivision 2, 2.77 Development adjacent to pipeline corridors	The proposal is located above a Jemena gas pipeline corridor and was referred to Jemena for comment. Jemena raised no objection to the proposal subject to compliance with its standard requirements and conditions.	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)

An assessment of the Development Application revealed that the proposal complies with the provisions contained in the Canterbury Bankstown Local Environmental Plan 2023. The relevant provisions that apply to the proposed development are produced below:

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision/ Standard	Requirement	Proposal	Comply
Part 1 Preliminary			
1.3 Land to which plan applies	Area within the Land Application Map	The EIS area is located within the nominated area identified on the <i>Land Application Map</i> .	Y
Part 2 Permitted or Prohibited Development			
2.1 – 2.3 Zoning	RE1 Public Recreation	'Roads' are permitted with consent.	Y
Part 4 Principal Development Standards			
5.10 Heritage Conservation	The nearest heritage item is the Milperra Soldier Settlement (Roads) (Item I290), a local heritage item recognised for its historic subdivision pattern and road layout associated with the post-World War I Soldier Settlement Scheme	The proposed site is located approximately 110 metres south of the heritage item and is physically and visually separated from it by the M5 Motorway corridor. Given this separation, the site is not considered to be within the vicinity of the heritage item and the proposal is not expected to impact its heritage significance, setting or interpretation.	Y
5.12 Infrastructure development and use of existing building of the Crown	This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2.	The proposal is being undertaken by Transport for NSW, a public authority. The clause is noted.	Y
5.21 Flood Planning	The development is on land identified as being within the flood planning area.	The EIS notes the impact of the proposal on flood behaviour is expected to be minor due to the low flow velocities and the extent of existing floodplain inundation. The proposal would introduce a temporary area of less-permeable surface of approximately 0.12 ha during construction and is not expected to result in significant adverse flooding impacts. The EIS also identifies that a Flood Management Plan would be prepared to manage flood-related risks, including access and egress during flood events.	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision/ Standard	Requirement	Proposal	Comply
Part 6 Local Provisions			
6.1 Acid Sulfate Soils	The subject site is mapped as class 3 land on the 'Acid Sulfate soils map'	An Acid Sulfate Soils Management Plan shall be prepared and submitted to Council prior to the commencement of works.	Y
6.2 Earthworks	Before granting consent to development including earthworks, the following must be considered: a. drainage patterns and soil stability b. the likely future use or redevelopment of the land, c. quality of the fill or the soil to be excavated, or both, d. effect of development on existing and likely amenity of adjoining properties, e. the source of any fill material and the destination of any excavated material, f. the likelihood of disturbing relics, g. the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, h. appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks are considered satisfactory having regard to the matters for consideration under this clause.	Y
6.3 Stormwater Management and water sensitive urban design	Consent must not be granted unless: a. Water permeable surfaces are maximized having regard to soil characteristics affecting on-site stormwater infiltration. b. Includes on-site detention if practical as an alternative means of water supply. c. Avoids significant impacts of run-off on adjoining land or the environment or minimises and mitigates impacts.	The proposal is temporary in nature and will incorporate erosion and sediment controls and stormwater management measures during construction (as required by the recommended conditions of consent). The EIS concludes that the proposal is not expected to result in significant impacts on stormwater flows, water quality or receiving environments.	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision/ Standard	Requirement	Proposal	Comply
6.4 Biodiversity	Development consent must consider impacts on biodiversity values and measures to avoid, minimise and offset impacts where required.	A BDAR has been prepared in accordance with the <i>Biodiversity Conservation Act 2016</i> and the Biodiversity Assessment Method. The proposal will impact approximately 0.12 ha of the Swamp Oak Floodplain Forest Threatened Ecological Community (TEC). Alternative arrangements were investigated, and the proposal represents the least biodiversity impact option. Residual impacts will be offset through the retirement of two ecosystem credits.	Y

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

No relevant instruments to be considered.

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

Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023)

The following chapters of the CBDCP 2023 are relevant to the subject development:

Chapter 2.2 – Flood Risk Management

The submitted EIS includes an assessment of flooding and demonstrates that the proposal will not significantly increase flood risk, adversely impact flood behaviour, or increase flood impacts on surrounding properties. The applicant has noted a Flood Management Plan would be prepared to manage flood-related risks, including access and egress during flood events. Council is satisfied that the proposal is consistent with the objectives and relevant controls of Chapter 2.2 – Flood Risk Management of the CBDCP 2023.

Chapter 2.3 – Tree Management

The proposal involves the removal of vegetation protected by the CBDCP 2023, including vegetation located on land identified on the Biodiversity Values Map. The impacts of the proposed vegetation removal have been assessed in the submitted Biodiversity Development Assessment Report (BDAR) as addressed in earlier sections of this report. Council is satisfied that the proposal has appropriately avoided and minimised biodiversity impacts and that residual impacts will be managed in accordance with the Biodiversity Offset Scheme and recommended conditions of consent.

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

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

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

The proposed development is consistent with the relevant provisions of the Environmental Planning and Assessment Regulation 2001.

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

The proposal will result in the temporary disturbance of native vegetation, including approximately 0.12 hectares of the Swamp Oak Floodplain Forest Threatened Ecological Community. The EIS and BDAR conclude that impacts can be appropriately managed through the implementation of mitigation measures, rehabilitation works and biodiversity offsets. Subject to the recommended conditions of consent, the environmental impacts of the proposal are considered acceptable. It is not considered the proposal will result in any other adverse impacts.

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

The site is considered suitable for the proposed development which is permitted with consent in the RE1 – Public Recreation. The proposal is located within an existing disturbed corridor and has been designed to minimise any environmental impact. Any potential impacts relating to biodiversity, water quality and the greater environment have been assessed through the EIS and BDAR and can be appropriately managed through the proposed mitigation measures and conditions of consent. Accordingly, the site is suitable for the proposed temporary access track.

Submissions [section 4.15(1)(d)]

The application was advertised for a period of twenty-eight (28) days between 22 April 2026 to 19 May 2026. No submissions were received during this period.

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

Public interest is best served by the consistent application of the requirements of the relevant planning legislation and by the consent authority ensuring that any adverse impacts on the surrounding area and environment are avoided. As demonstrated in this report, the proposed development satisfies the provisions contained within the applicable planning legislation. As such, approval of the proposed development would be in the public interest.

Section 4.33 under the EP&A ACT 1979

Determination of Crown development applications

Section 4.33 of the *Environmental Planning and Assessment Act 1979* reads as follows:

4.33 Determination of Crown development applications:

- (1) *A consent authority (other than the Minister) must not—*
 - (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Transport for NSW is part of the Crown for the purposes of Division 4.6 of the *Environmental Planning and Assessment Act 1979* and section 294 of the *Environmental Planning and Assessment Regulation 2021*.

Pursuant to section 4.33(1)(b) of the *Environmental Planning and Assessment Act 1979*, a consent authority must not impose a condition of consent on a Crown development application except with the approval of the applicant or the Minister.

Regular communication has occurred between Council and TfNSW in respect to the wording provided to the recommended conditions of consent. Due to the lead time in having to have this report finalised so as to make the August LPP agenda, Council had not yet received a response to a set of draft conditions that had been prepared and forwarded to TfNSW. As such, the recommended conditions of consent that accompany this report have not been agreed to by TfNSW. Communication will continue up until the meeting of the Panel, in an attempt to obtain the Crown's approval.

CONCLUSION

The Development Application DA-402/2026 be **APPROVED** subject to the recommended Conditions of Consent. It is recommended that the Panel determine the application by way of approval on a deferred commencement basis, requiring that prior to the activation of the development consent, Transport for New South Wales shall provide evidence that they have received approval for the Henry Lawson Drive Upgrade Stage 1B through the REF process.

RECOMMENDATION

It is recommended that Development Application DA-402/2026 be **APPROVED**, on a deferred commencement basis, subject to Conditions of Consent in Attachment 2.

CONDITIONS OF CONSENT

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 and Assessment Act 1979.

DEFERRED COMMENCEMENT REQUIREMENTS

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of deferred commencement consent using the power in section 4.16(3) of the EP&A Act, subject to the conditions set out in this notice.

Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

No.	Condition
1.	Approval of Stage 1B project Prior to the activation of this development consent, Transport for NSW shall provide evidence that the Henry Lawson Drive Upgrade Stage 1B project has been approved under Part 5 of the <i>Environmental Planning and Assessment Act, 1979</i> and is authorised to proceed. Condition reason: To ensure the development is only built if the relevant related approval is issued.
2.	Crown Land Prior to the activation of this development consent, Transport for NSW shall provide evidence to the satisfaction of Council that any necessary approval, licence, permit or authorisation required under the <i>Crown Land Management Act 2016</i> for the occupation and use of the Crown road reserve has been obtained. Condition reason: To ensure the development is only built if the relevant related approval is issued.

Evidence of the above relevant matter(s) must be produced to the consent authority, within five (5) years of the date of the determination, otherwise the consent will lapse.

Under section 76(4) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the

date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

CONDITIONS OF DEVELOPMENT CONSENT

GENERAL CONDITIONS

No.	Condition																														
1.	Approved Plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. <table><tr><th colspan="5">Supporting Documentation</th></tr><tr><th>Ref Number</th><th>Revision number</th><th>Document title</th><th>Prepared by</th><th>Date of plan</th></tr><tr><td>EMF-PA-PR-0072-TT09</td><td>C</td><td>Henry Lawson Drive Upgrade Stage 1B – Temporary Access Track Part 4 - Environmental Impact Statement</td><td>WSP</td><td>23 March 2026</td></tr><tr><td>HLD1BDD-WSPAU-0508-EN-MEM-000007</td><td>C</td><td>Henry Lawson Drive Stage 1B – Waterfront land e-tool</td><td>WSP</td><td>20 March 2026</td></tr><tr><td>EMF-BD-GD-0010-TT5_RESOURCE 5</td><td>-</td><td>Henry Lawson Drive Upgrade Stage 1B – Temporary Access Track Biodiversity Development Assessment Report (BDAR)</td><td>Transport for New South Wales</td><td>March 2026</td></tr><tr><td>PS213237-WSP-NSW-SYD-CLM-LTR-001</td><td>A</td><td>HLD Stage 2 Work Compound - Contaminated Land Assessment, Bransgrove Road (South of South Western Motorway)</td><td>WSP</td><td>18 November 2025</td></tr></table> In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.	Supporting Documentation					Ref Number	Revision number	Document title	Prepared by	Date of plan	EMF-PA-PR-0072-TT09	C	Henry Lawson Drive Upgrade Stage 1B – Temporary Access Track Part 4 - Environmental Impact Statement	WSP	23 March 2026	HLD1BDD-WSPAU-0508-EN-MEM-000007	C	Henry Lawson Drive Stage 1B – Waterfront land e-tool	WSP	20 March 2026	EMF-BD-GD-0010-TT5_RESOURCE 5	-	Henry Lawson Drive Upgrade Stage 1B – Temporary Access Track Biodiversity Development Assessment Report (BDAR)	Transport for New South Wales	March 2026	PS213237-WSP-NSW-SYD-CLM-LTR-001	A	HLD Stage 2 Work Compound - Contaminated Land Assessment, Bransgrove Road (South of South Western Motorway)	WSP	18 November 2025
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PS213237-WSP-NSW-SYD-CLM-LTR-001	A	HLD Stage 2 Work Compound - Contaminated Land Assessment, Bransgrove Road (South of South Western Motorway)	WSP	18 November 2025																											
2.	Compliance with Approved Biodiversity Development Assessment Report (BDAR) The development must be carried out in strict accordance with the measures, commitments, mitigation measures, biodiversity offset requirements, management actions and recommendations contained in the approved Henry Lawson Drive Upgrade Stage 1B – Temporary Access Track Biodiversity Development Assessment Report (BDAR), EMF-BD-GD-0010-TT5 Resource 5, prepared by WSP for Transport for NSW, dated March 2026. All biodiversity management actions, including but not limited to impact avoidance and minimisation measures, biodiversity offsets, rehabilitation works, weed management,																														

	monitoring, and ongoing management requirements identified in the BDAR, must be implemented in full and maintained for the life of the development or as otherwise specified in the BDAR. In the event of any inconsistency between the approved BDAR and any other approved document, including approved plans, the BDAR shall prevail. In the event of any inconsistency between the approved BDAR and a condition of this consent, the condition of this consent shall prevail.
	Condition reason: To ensure compliance with the requirements of the <i>Biodiversity Conservation Act 2016</i> and to minimise impacts on biodiversity values, threatened ecological communities and habitat associated with the development.
3.	Compliance with Environmental Impact Statement The Environmental Impact Statement (EIS) prepared by WSP Australia Pty Ltd, titled 'Henry Lawson Drive Upgrade Stage 1B – Temporary Access Track Part 4', dated 26 March 2026, reference PS213237-WSP-NSW-SYD-CLM-LTR-001 RevA and all the mitigation measures stated within the EIS forms part of the development consent. Condition reason: To ensure compliance with the relevant New South Wales legislation.
4.	Compliance with Contaminated Land Assessment The contaminated land assessment prepared by WSP Australia Pty Ltd, titled 'HLD Stage 2 Work Compound - Contaminated Land Assessment, Bransgrove Road (South of South Western Motorway', dated 18 November 2025, reference PS213237-WSP-NSW-SYD-CLM-LTR-001 RevA and all the recommendations stated within the assessment forms part of the development consent. Condition reason: To ensure compliance with the relevant New South Wales legislation.

BUILDING WORK PRIOR TO WORKS COMMENCING

5.

Ecosystem credit retirement

Prior to the commencement of work, the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to the commencement of any works.

Table 1 - Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA subregion	Offset trading group
PCT 4023	2	Cumberland	Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. This includes PCT's: 1731, 3962, 3963, 3985, 3987,

				3993, 4016, 4023, 4026, 4027, 4028, 4030, 4035, 4038, 4040, 4048, 4049, 4050, 4056	
	Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> .				
6.	Development Contributions, Section 7.12 <u>Development Contributions of \$1,100.00 must be paid for this development before the issue of any construction certificate.</u> The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> . The contributions will be used to provide, extend or augment public amenities or public services. <u>Indexing of the contribution amount to be paid:</u> The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the "Consent to operate from date" which appears on the front page of this Determination Notice. <u>No construction certificate is to be issued and no construction is to commence until payment of development contributions.</u> The contribution must be paid to Council before the issue of any construction certificate. Construction of the development may NOT commence until the development contributions are paid. A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie. NOTE: <u>Development contribution amounts are non-refundable if you don't proceed with your development.</u>				
	2.102				
	Condition reason: To ensure compliance with the relevant New South Wales legislation.				
7.	Payment of Fees Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier. a. Levies b. Bonds c. Contributions d. inspection fees.				
	2.103.S				
	Condition reason: To ensure compliance with the relevant New South Wales legislation.				
8.	Long Service Levy Before the issue of the relevant construction certificate, payment of the long service levy is required, under the <i>Building and Construction industry Long Service Payments Act 1986</i> , section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal Calculator at https://longservice.force.com/bci/s/levy-calculator . Payment must be made via the Long Service Levy Portal at https://www.longservice.nsw.gov.au .				
	2.104.S				
	Condition reason: To ensure compliance with the relevant New South Wales legislation.				
9.	Submit Plans to Sydney Water 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. 2.202.S
	Condition Reason To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
10.	Waste Management Plan Before the commencement of any work, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters: The plan must be prepared: a. in accordance with: i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and b. include the following information— i. the contact details of the person removing waste, ii. an estimate of the type and quantity of waste, iii. whether waste is expected to be reused, recycled or sent to landfill, iv. the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. 2.502
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
11.	Erosion and Sediment Control Plan Before the commencement of any work, 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.
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
12.	Acid Sulfate Soil Management Plan Prior to the commencement of works, an Acid Sulfate Soils Management Plan must be prepared and submitted to Council. The Acid Sulfate Soils Management Plan must be prepared in accordance with Clause 6.1 of Canterbury-Bankstown Local Environmental Plan 2023.

	All recommendations contained within the approved Acid Sulfate Soils Management Plan must be implemented for the duration of the works. All works must be carried out in accordance with the approved Acid Sulfate Soils Management Plan and under the supervision of a suitably qualified environmental consultant. Any change to the site that will or is likely to impact the recommendations of the Acid Sulfate Soils Management Plan will require a further assessment and is to be submitted to Council prior to the commencement of the affected works. Condition reason: To ensure compliance with Clause 6.1 of Canterbury-Bankstown Local Environmental Plan 2023 and to appropriately manage acid sulfate soils during construction.
13.	Works Requiring a Work Permit As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the <i>Roads Act 1993</i> and/or Section 68 of the <i>Local Government Act 1993</i>, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before any works commencing 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' - Dig up, disturb, or clear the surface of a public footway or public road, - Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road, - Connect a road (whether public or private) to a classified road, - Undertake footway paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road, - Install utilities in, under or over a public road, - Pump water into a public footway or public road from any land adjoining the public road, - Erect a structure or carry out a work in, on or over a public road, - Require a work zone on the public road for the unloading and or loading of vehicles, - Pump concrete from within a public road, - Stand a mobile crane within a public road, - Store waste and recycling containers, skips, bins and/or building materials on any part of the public road. 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. Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

DURING WORK

14.	Unexpected Finds If unexpected soil and/or groundwater contamination is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines. If unexpected, contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines. The verification documentation must be provided to the satisfaction of the Principal Certifier, prior to the recommencement of any works. Condition reason: To ensure compliance with the relevant New South Wales legislation.
15.	Hours of Work Site work must only be carried out between the following times – 7.00 am and 5.00 pm on Monday to Saturday. - No construction is to be carried out at any time on a Sunday or a public holiday. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
16.	Civil and Hydraulic engineering works Any civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction. Condition reason: To ensure compliance with the relevant Canterbury-Bankstown policy.
17.	Importation of Fill Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014). Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an occupation certificate. All imported fill must be compatible with the existing soil characteristics of the site. Condition reason: To ensure compliance with the relevant New South Wales legislation.
18.	Waste management plan The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following: - The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997; and - All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by

	the Protection of Environment Operations Act 1997; and c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste; and f. All materials and resources that are to be stored on site during construction works are contained on the site; and g. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
19.	Soil assessment Any soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including Part 4 of the 'Waste Classification Guidelines' (NSW EPA, 2014) before off-site disposal. Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines. Condition reason: To ensure compliance with the relevant New South Wales legislation.
20.	Shoring and adequacy of adjoining properties 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: - Protect and support the building, structure or work from possible damage from the excavation, and - Where necessary, underpin the building, structure or work to prevent any such damage. 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. Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.
21.	Tree Protection During Work While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: - the construction site management plan (where approved) under this consent, - the relevant requirements of AS 4970 Protection of trees on development sites, - Council's relevant development control plan (in force as at the date of

	determination of this consent) and d. any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. Condition reason: To protect the natural environment of the development site and adjoining lands.
22.	Discovery of Relics and Aboriginal Objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a. the work in the area of the discovery must cease immediately; b. the following must be notified i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: c. for a relic – the Heritage Council; or d. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. In this condition: “relic” means any deposit, artefact, object or material evidence that: - relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and - is of State or local heritage significance; and “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. Condition reason: To ensure the protection of objects of potential significance during works.

POST USE

23.	Reinstatement / make good of the site Upon completion of the works, all temporary works, materials, plant, equipment, access tracks, stockpiles and ancillary facilities must be removed from the site and the land reinstated in accordance with the approved documentation listed in Condition 1. All reinstatement works must be completed to the satisfaction of Council. Condition reason: To ensure the site is appropriately rehabilitated and restored following completion of the temporary works.
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- END -

Canterbury Bankstown Local Planning Panel - 03 August 2026

ITEM 3	51 Drummond Street, Belmore
	Demolition of all existing structures and the construction of a six (6) storey shop top housing development consisting of a commercial tenancy and twenty-six (26) residential units, two (2) levels of basement parking, landscaping, and site works
FILE	DA-409/2025 – Bunmarra / Roselands
ZONING	E1 Local Centre
DATE OF LODGEMENT	23 April 2025
APPLICANT	Loucas Architects Pty Ltd
OWNERS	RK Engadine Investments Pty Ltd
ESTIMATED VALUE	\$10,150,331.00
AUTHOR	Planning

REPORT

This matter is reported to Council's Local Planning Panel (the Panel) as the application seeks consent for a development for which State Environmental Planning Policy (Housing) 2021 applies and is four or more storeys in height.

Development Application DA-409/2025 proposes the demolition of all existing structures and the construction of a six storey shop top housing development consisting of a commercial tenancy and twenty-six (26) residential units and two levels of basement parking at 51 Drummond Street, Belmore.

DA-409/2025 has been assessed having regard to the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, an assessment against the provisions contained within *State Environmental Planning Policy (Housing) 2021*, *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023*. The proposed development fails to comply with the requirements of building separation and floor space

ratio. The applicant has sought variations to these requirements and, having considered the relevant matters, Council has determined that the application is worthy of support, as outlined in the attached report.

The application was advertised and neighbour-notified for a period of 21 days from 7 May 2025 to 28 May 2025. One (1) submission was received during this period. This objection has been considered in the assessment report.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that Development Application DA-409/2025 be **APPROVED** subject to Conditions of Consent in Attachment 2.

ATTACHMENTS

1. Section 4.15 Assessment Report
2. Conditions of Consent

DA-409/2025 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site ("the site") is known as 51 Drummond Street, Belmore and is legally identified as Lot 200 DP 1062028. The site is an irregular shaped corner allotment, located on the western side of Drummond Street and the northern side of Drummond Lane.



Figure 1: Aerial view (site outlined blue) **Source:** Nearmaps

The site has a primary frontage to Drummond Street of 16.14m and a secondary frontage to Drummond Lane of 55.885m, and an overall site area of 1,086m².

The site is currently improved by a two-storey brick and concrete warehouse, with car-parking located to the front facing Drummond Street. A substation is located to the rear of the site, adjacent to Drummond Lane (the southwest corner).

To the immediate north of the site are a number of two storey warehouse/industrial buildings. To the east of the site, on the opposite side of Drummond Street, is a cleared site, presently being used for building storage. To the south of the site, on the opposite side of Drummond Lane and facing Canterbury Road, are a number of two-storey businesses, including a gym. These properties are serviced and have parking accessed from Drummond Lane. To the west of the site is a 5-6 storey mixed use development fronting Burwood Road, comprising shop-top housing and residential flat buildings.

The site is currently zoned E1 - Local Centre as identified in the Canterbury Bankstown Local Environmental Plan 2023.



Figure 2: Site Photo Source: Site inspection



Figure 3: Extract from Land Zoning Map Source: Espatial Viewer

PROPOSED DEVELOPMENT

Development Application DA-409/2025 proposes demolition of all existing structures and the construction of a six (6) storey shop top housing development consisting of a commercial tenancy and twenty-six (26) residential units, two (2) levels of basement parking, landscaping, and site works.

The proposed development involves the following:

Level	Proposed Development	
Basement Level 2	- 22 residential car parking spaces, - 21 Storage spaces, - 2 lift cores and access, - 2 bicycle parking spaces.	
Basement Level 1	- 5 Commercial car parking spaces, - 7 residential car parking spaces, - 5 visitor car parking spaces, - A car wash bay, - 4 motorcycle spaces, - 2 bicycle spaces, - 6 storage spaces, - 2 lift cores and access.	
Ground Floor	- Commercial premises, - 2 residential foyers, with lifts and access between towers, - Service area and rooms, including bin storage, - An area of communal open space.	
	Rear Tower	Front Tower
First Floor	- 1x 2-bedroom apartment, - 1x 1-bedroom apartment.	- 2x 2-bedroom apartment - 1x 1-bedroom apartment
Second Floor	- 1x 3-bedroom apartment, - 2x 2-bedroom apartment.	- 2x 2-bedroom apartment - 1x 1-bedroom apartment
Third Floor Plan	- 1x 3-bedroom apartment, - 2x 2-bedroom apartment.	- 2x 2-bedroom apartment - 1x 1-bedroom apartment
Fourth Floor Plan	- 1x 3-bedroom apartment, - 2x 2-bedroom apartment.	- 2x 2-bedroom apartment - 1x 1-bedroom apartment
Fifth Floor Plan	- 1x 3-bedroom apartment, - 2x 2-bedroom apartment.	- Communal open space, with access and lobby
Total Apartments = 26	- 14 Apartments: • 1x 1-bedroom, • 9x 2-bedroom, • 4x 3-bedroom.	- 12 Apartments: • 4x 1-bedroom, • 8x 2-bedroom.

SITE HISTORY AND BACKGROUND

On 10 December 2015, a Development Application (DA-609/2015) was lodged with former City of Canterbury Council for the demolition of existing structures and construction of a shop top housing development comprising 48 apartments above ground floor commercial tenancies with basement carpark at 49 and 51 Drummond Street. The application was refused by Council under delegated authority on 3 July 2017. This decision was appealed, however, the appeal was discontinued in 2019.

A Section 82 review of Council's refusal for DA-609/2015 was lodged on 22 December 2017. The review was withdrawn in 2019 at the same time as the above noted appeal.

On 30 March 2022, a Development Application (DA-114/2022) was lodged with Canterbury-Bankstown Council for the demolition of all existing structures and construction of a 5-storey shop top housing development including 2 levels of basement car parking, ground floor commercial tenancy, 26 residential units, associated landscaping, and site works. The application was withdrawn by the applicant on 4 April 2024.

Following the withdrawal of DA-114/2022, the applicant sought informal pre-development application discussions with the Council. A number of design amendments were proposed.

The subject development application was lodged with Council on 23 April 2025.

On 17 July 2025, Council wrote to the applicant seeking additional information related to:

- Traffic,
- Engineering,
- Waste Collection,
- Noise,
- BCA compliance,
- Tree Protection,
- Communal Open Space,
- Building Separation,
- Building Design,
- Solar Access,
- Apartment Sizes,
- Landscaping.

Additional information was received over September 2025 and October 2025.

A further assessment was carried out in December 2025, and it was noted that the proposed development was generally consistent with the controls, except for building separation and height of building. The matter was to progress to Local Planning Panel for determination.

However, in February 2026, an amendment to the Canterbury Bankstown Local Environmental Plan 2023 prescribed a floor space ratio to the site and increased the maximum building height standard. No savings provision was prescribed in relation to this amendment and as such a Section 4.6 Written Request for Floor Space Ratio was required to be submitted for the new Development Standard. This was submitted in April 2026.

The following internal and referrals were undertaken as part of this development application:

External	Summary of Response
Ausgrid	Consent Granted subject to conditions.
Water NSW	Consent Granted subject to conditions.
Internal	Summary of Response
Environmental Health Officer	Approve subject to conditions.
Building Surveyor	Approve subject to conditions.
Landscape Architect	Approve subject to conditions.
Development Engineer	Approve subject to conditions.
Traffic	Approve subject to conditions.
Resource Recovery Officer	Approve subject to conditions.

PERMISSIBILITY

The development is legally defined as a “shop top housing” development, which is defined in the Canterbury-Bankstown Local Environmental Plan 2023 as *“one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.”*

The site is located within a E1 Local Centre zone. Shop top housing is a nominated use permissible with consent in the zone.

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 (Biodiversity and Conservation) 2021,*
- *State Environmental Planning Policy (Sustainable Buildings) 2022,*
- *State Environmental Planning Policy (Resilience and Hazards) 2021,*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021,*
- *State Environmental Planning Policy 65 – Design Quality for Residential Apartment Development,*
- *Canterbury-Bankstown Local Environmental Plan 2023,*
- *Canterbury-Bankstown Development Control Plan 2023,*
- *Canterbury-Bankstown Community Participation Plan, and*
- *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022.*

Water Management Act 2000

Developments are required to obtain approvals from WaterNSW under the *Water Management Act 2000* for water management works approvals. These kinds of approvals apply to works relating to water supply, drainage and flood works. The subject application requires drainage works to pump groundwater out of the proposed two-storey basement. Accordingly, the application was referred to WaterNSW and General Terms of Approval were provided on 28 October 2025.

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 (Biodiversity and Conservation) 2021

Chapter 2 in this SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Chapter 2 applies to the whole of Canterbury-Bankstown Council, including the subject development site.

As the application seeks the removal of three (3) *Leptospermum petersonii* which is a species of shrub or small tree, the application was also referred to Council's Tree Management Officer who raised no objection to the proposal subject to the imposition of appropriate conditions. The proposal remains consistent with the aims of Chapter 2 of the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) applies to the development. The objectives of this SEPP are to ensure the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate for multi-dwelling housing, being Certificate No. 1268031M_02 dated 13 March 2025. The Certificate commits to environmentally sustainable measures. The Certificate demonstrates the proposed development would satisfy the relevant water, thermal and energy commitments as required by the SEPP (BASIX) and further, a condition of consent can be imposed on any approval on site requiring conformity with the requirements of the relevant BASIX Certificate.

State Environmental Planning Policy (Resilience and Hazards) 2021

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

The site is not identified within Council's Contaminated Land register or the NSW EPA list of contaminated sites. A review of the history of the site shows that the subject site has been used for non-residential purposes, which may have resulted in contamination.

A Preliminary Site Investigation (PSI) report submitted with the application. With the imposition of the recommendations of the PSI report, the development of the site is considered to be consistent with State Environmental Planning Policy (Resilience and Hazards) 2021.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

This policy applies to residential apartment development and is required to be considered when assessing this application. Residential apartment development is defined under SEPP 65 as development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. The development must consist of the erection of a new building, the conversion of an existing building or the substantial redevelopment or refurbishment

of an existing building. The building must also be at least 3 or more storeys and contain at least 4 or more dwellings. This development satisfies this criteria being for a new shop-top housing development in excess of three storeys and at least four dwellings.

SEPP 65 aims to improve the design quality of residential apartment development across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing “good design”. Section 29 of the Environmental Planning and Assessment Regulation 2021 requires the submission of a design verification statement from a qualified designer (registered architect) at lodgement of the development application. A statement accompanies this application which declares that a registered architect (registration number 12705) has reviewed the plans and verified that the design quality principles prescribed by Schedule 9 of State Environmental Planning Policy (Housing) 2021 and the objectives set out in Parts 3 and 4 of the Apartment Design Guide prepared by the NSW Department of Planning and Environment have been achieved by the development.

An assessment of the proposal against the design principles for residential apartment development in accordance with Schedule 9 of SEPP (Housing) 2021, as follows:

Principle 1: Context and Neighbourhood Character

The development responds appropriately to the existing and evolving character of the locality. The development is generally consistent with Council’s height controls and will align with the desired future character of the locality. The design ensures that the proposed development is appropriate in terms of scale and bulk.

Principle 2: Built Form and Scale

The proposed building demonstrates an appropriate built form and scale, with its height, bulk and massing consistent with the applicable planning controls. The development is designed to maintain a suitable relationship with adjoining development and the future streetscape.

Principle 3: Density

The density of the proposed development is satisfactory and a reasonable response to the existing and desired future context as it offers a high level of amenity for residents and each apartment.

Principle 4: Sustainability

A BASIX Certificate has been submitted, which details the resource, energy and water efficiency measures that will be incorporated into this proposal.

Principle 5: Landscape

The Landscape design principle states that good design is recognised when landscaping and buildings operate as an integrated and sustainable system,

resulting in attractive developments that contribute to the landscape character of the streetscape. It also states that good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity, provides for practical establishment and long-term management.

A Landscape Plan formed part of the documentation with this application which demonstrates a good landscape design that is in keeping with the nature of the zone. Adequate deep soil and communal open space are provided at the rear of the site. Therefore, the landscape treatment as proposed is considered satisfactory.

Principle 6: Amenity

The proposed development has been designed to maintain solar access. The proposed units will have appropriate internal amenity. Their size and room dimensions exceed the minimum standards within the Apartment Design Guide. As such they will provide more than adequate space to meet the needs of future occupants.

Principle 7: Safety

The safety design principle states that good design optimises safety and security within the development and the public domain. The proposal provides increased activation and passive surveillance to the street and the communal open space area. Additionally, residential entry and lobby areas are to be secured and well-lit and this has been confirmed with a condition.

Principle 8: Housing Diversity and Social Interaction

This principle aims to achieve good design by providing a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents. The proposed development offers a combination of one bedroomroom, two bedroomroom and three bedroomroom apartments. The location of the site is in good proximity to public transport, which widens the demographic and social mix.

Principle 9: Aesthetics

The articulation of external facades and general compliance with the relevant built form standards reduces the perceived visual bulk of the building. Also, the proposed development satisfactorily provides a ground floor that contributes to the activation of the local centre with a well-designed shop/commercial space on the ground floor. Together, these elements contribute to the desired future character of the locality and enhance the existing surrounding streetscapes.

A summary table of ADG design criteria follows:

NSW ADG					
Section	Requirement			Proposed	Comply
3D Communal and Public Open Space (1)	Communal open space (COS) has a minimum area equal to 25% of the site area.			An area of 250m ² on the rooftop and an area on the ground floor of 31m ² is provided for communal open space, which equates to 281m ² for a site with an area of 1086m ² or 25% of the site area.	Y
3D Communal and Public Open Space (2)	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).			The rooftop communal open space achieves solar access all day.	Y
3E Deep Soil Zones	Site Area	Min. Dim.	Deep Soil Area	79.3m ² (7.3%) of Deep soil provided at the rear of the site, maintaining a minimum 3m dimensions throughout.	Y
	650 m ² - 1,500 m ²	3m	7%		
3F Visual Privacy	Building Height	Habitable Rooms / Balconies	Non- Habitable Rooms	The development fails to provide adequate setback both with regard to habitable and balconies on site from Level 4 and 5. Levels 4 and 5 require an 18m building separation, however 13.2m are proposed. Given the need for the combination of separation distances between buildings on the same site. To mitigate the building separation non-compliances the proposal has been amended to include highlight windows and privacy screening to assist in limiting any adverse privacy impacts. The proposal has provided for sufficient privacy between buildings on site and those on the adjoining which meets the design objective for this criterion.	N
	12m (4 storeys)	6m	3m		
	25m (5-8 storeys)	9m	4.5m		
3G Pedestrian Access and Entries	Building entries and pedestrian access connects to and addresses the public domain.			The pedestrian entrances are viewable from the street frontage of Drummond Street and Drummond Lane. A singular access point to each building is	Y

NSW ADG				
Section	Requirement		Proposed	Comply
			provided, with secondary access provided internally from the front to rear building.	
3J Bicycle and Car Parking	The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments (GtTGD). The proposed development is considered a high density residential flat building as it contains more than 20 apartments. As a result, the parking requirement is: 0.6 spaces per 1 bedroomroom unit 0.9 spaces per 2 bedroomroom unit 1.40 spaces per 3 bedroomroom unit +1 space per 5 units (visitor parking)		The proposed development contains 5x 1-bedroom (x 0.6 spaces per unit) = 3 spaces, 17x 2-bedroom (x0.9 spaces per unit) = 15.3 spaces, 4x 3-bedroom (x1.4 spaces per unit) = 5.6 spaces, 23.9 spaces required (rounded up to 24). 29 residential spaces provided. 1 space per 5 units (26 units) = 5.2 spaces (rounded down to 5). 5 visitor spaces provided. n.b. commercial car parking is considered under DCP parking requirements.	Y
4A Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area.		22/26 units achieve access = 84%.	Y
4A Solar and Daylight Access	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.		No apartments received no solar access between 9am and 3pm at midwinter.	Y
4B Natural Ventilation	60% of apartments are provided with natural cross-ventilation.		17 out of 26 units achieve natural ventilation which is a rate of 65.38%.	Y
4C Ceiling Heights	Minimum 2.7 metre ceiling height for habitable rooms and 2.4 for non-habitable rooms. If located in mixed use areas 3.3 metres for ground and first floor to promote future flexibility of use.		The proposed development achieves the minimum floor to ceiling height requirements across all levels. 3.6m is provided for ground floor commercial premises.	Y
4D Apartment Size and Layout (1)	Apartment Type	Min. Internal Area	All apartments meet the internal minimum internal layout sizes.	Y
	1 bedroomroom	50m ²		
	2 bedroomroom	70m ²		

NSW ADG					
Section	Requirement			Proposed	Comply
	3 bedroomroom	90m ²			
4D Apartment Size and Layout (2)	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.			All habitable rooms have appropriate window sizes to allow for cross ventilation.	Y
4D Apartment Size and Layout (1)	Master bedroomrooms have a minimum area of 10m ² and other bedroomrooms 9m ² (excluding wardrobe space). Bedroomrooms have a minimum dimension of 3m (excluding wardrobe space).			All bedroomrooms achieve minimum dimensions.	Y
4D Apartment Size and Layout (3)	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1-bedroomroom apartments, • 4m for 2x and 3x bedroomroom apartments.			All apartments achieve the minimum required internal dimensions.	Y
4D Apartment Size and Layout (4)	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.			All apartments achieve a minimum 4m internal width.	Y
4E Private open space and balconies	Type	Min. Area	Min. Depth.	The private open space on the balconies meets the minimum sizes and depths.	Y
	1-bedroom	8m ²	2m		
	2-bedroom	10m ²	2m		
	3-bedroom	12m ²	2.4m		
4F Common Circulation and Spaces	Common circulation spaces achieve good amenity and properly service the number of apartments.			The proposed communal open spaces and circulation spaces are acceptable.	Y
4G Storage	Dwelling Type		Storage size volume	The proposed development includes appropriate storage spaces, and this will be supported by condition.	Y
	1 bedroomroom		6m ³		
	2 bedroomroom		8m ³		
	3+ bedroomroom		10m ³		
4J Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layouts of buildings.			The layout of the apartments facing Drummond Street and Drummond Lane is considered appropriate.	Y
4P Planting on Structures	Planting on structures contributes to the quality and amenity of communal open spaces.			The rooftop communal open space provides for planting around the perimeter of the area, as well as a communal vegetable	Y

NSW ADG			
Section	Requirement	Proposed	Comply
		garden and green roof which includes a variety of planting. The proposed landscaping is accessible to future users of the site.	
4Q Universal Design	A variety of apartments with adaptable designs are provided.	The proposed development contains a variety of apartment sizes capable of accommodating a range of future occupants.	Y
4T Awning and Signage	Awnings are well located and compliment and integrate with the building design.	Appropriate awnings have been proposed.	Y
4U Energy Efficiency	Development incorporates passive environmental design and adequate natural light is provided to habitable rooms.	The proposed development includes appropriate environmental design to meet energy efficiency requirements.	Y

3F – Visual Privacy

Non-compliant building separation distances are proposed on Levels 4 and 5 of the proposed rear tower. The adjoining property (facing Burwood Road) has similar non-compliant separation distances.

Despite the numerical non-compliance, the proposed development represents a suitable planning outcome as all living area windows face the front of the site (east), and the development receives appropriate solar access, which would not be improved by having living spaces facing the rear. Rooms facing the rear are predominantly bedroom windows, which are low use rooms and include some high level windows as well as screening to assist in the maintenance of visual privacy.

There is also an absence of overlooking impacts, given the orientation of the site and the location of existing private and communal open spaces. As a result, there will not be an unreasonable loss of amenity.

The proposed development has been designed, due to the requirement to include a turning circle for the waste collection which has been designed so that Drummond Lane can be appropriately serviced. This has warranted the two tower design and has necessitated an amount of flexibility to be incorporated into the design.

The proposed development does not impact solar access for the property to the rear (facing Burwood Road).

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP) aims to facilitate the effective delivery of infrastructure across the State.

Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to infrastructure and aims to facilitate the effective delivery of infrastructure across the State. The following divisions of the TISEPP have been considered as part of this assessment:

Division 5 - Electricity transmission or distribution

Subdivision 2 - Development likely to affect an electricity transmission or distribution network

2.48 - Determination of development applications—other development

This division aims to ensure that certain developments do not adversely impact the electricity transmission or distribution network. Specifically, the consent authority is required to give written notice to the electricity supply authority and take into consideration any response to the notice for works within 5m of an overhead electricity power line.

Council referred the application to Ausgrid who provided general terms of approval.

Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP2023)

The following clauses of the Canterbury-Bankstown Local Environmental Plan 2023 were taken into consideration:

Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP2023)			
Clause	Requirement	Comment	Comply
S1.2 Aims of Plan	(a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,	The proposed development would provide for a range of apartments, is consistent with relevant design controls and provides commercial space to promote business.	Y
	(d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,		
	(f) to provide a range of residential accommodation to meet the changing needs of the population,		
	(g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,		
	(j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,		
	(m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,		

Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP2023)			
Clause	Requirement	Comment	Comply
S2.2 Zoning of land to which Plan applies	E1 Local Centre.	The proposal for shop top housing is a permissible land use within the E1 Local Centre.	Y
S2.3 Zone objectives and Land Use Table	- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. - To encourage investment in local commercial development that generates employment opportunities and economic growth. - To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. - To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. - To encourage employment opportunities in accessible locations. - To maximise public transport patronage and encourage walking and cycling. - To promote a high standard of urban design and local amenity. - To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	The proposal provides a range of uses that encourage people to live, work and visit a vibrant area, and achieves a suitable residential development.	Y
S4.3 Height of buildings - Height of Buildings Map	(a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located, (c) to provide appropriate height transitions between development, particularly at zone boundaries, (f) to support building design that contributes positively to the streetscape and visual amenity of an area. To ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located.	The proposed development has a maximum height of 18.604m The maximum height of building standard is 24m.	Y
S4.4 Floor space ratio - Floor Space Ratio Map	The maximum FSR for this site is 2:1.	Site Area: 1086m² GFA 2430m² The proposed FSR is 2.2:1.	N [See Note 1]

Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP2023)			
Clause	Requirement	Comment	Comply
S4.6 Exceptions to development standards	To provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	The application is accompanied by a written s4.6 variation request which is considered sufficient in order to justify a departure from the standard.	Y [See Note 1]
S6.2 Stormwater management and water sensitive urban design	Designed to maximise permeable surfaces and include on-site stormwater retention.	The application has been appropriately designed and the application was referred to Council's drainage engineer who raised no objection to this proposal, subject to the imposition of conditions.	Y
S6.9 Essential Services	(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) waste management, (f) suitable vehicular access.	The application can be appropriately serviced.	Y
S6.15 Design Excellence	To ensure that development exhibits high quality architectural, urban and landscape design.	The proposed development demonstrates high quality design.	Y

Note 1 – Floor Space Ratio

Evaluation of Clause 4.6 Request to Vary a Development Standard

Clause 4.6 Exceptions to Development Standard of Canterbury Bankstown Local Environmental Plan (CBLEP) 2023 states in subsection 3, that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Variation of a Development Standard

The proposed variation relates to Floor Space Ratio. This matter is a Development Standard as defined in the Environmental Planning and Assessment Act 1979 and, as a result, the matter can be considered through Clause 4.6.

Written Request

Clause 35B of the Environmental Planning and Assessment Regulation 2021 requires the applicant to prepare a document (written request) that sets out the grounds on which these matters are demonstrated. The development application was accompanied by a written request (dated April 2026, prepared by GAT Planning) for the proposed Clause 4.6 variation.

Proposed Variation

The proposal seeks to vary Clause 4.4 - Floor Space Ratio, a development standard contained within CBLEP 2023, as indicated table below:

Clause	Development Standard	Proposal	Calculated Variation (m ²)	Calculated Variation (%)
CI 4.4: Floor space ratio	2:1	2.2:1	218m ²	10%

The objectives of Clause 4.4- Floor Space Ratio are:

- to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,
- to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,
- to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,
- to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,
- to provide a suitable balance between landscaping and built form in residential areas.

Accuracy of Written Request

In considering the written request, the consent authority is required to ensure there is sufficient, accurate material in the submission to allow them to understand the degree of variation and where it is. The submitted Clause 4.6 written request has been checked and correctly calculates the extent of the variation the consent authority can be satisfied that the matters in Clause 4.6(3)(a) and Clause 4.6(3)(b) have been demonstrated in the written request.

Unreasonable or Unnecessary

The Clause 4.6 written request put forward the following reasons which sought to address why compliance with the standard was considered unreasonable or unnecessary, including: -

- a. *Despite the non-compliance the objectives of the standard are not thwarted.*
- b. *The proposed development is consistent with, indeed is substantially below, the height standards meaning that the bulk and scale of the proposed development is consistent with that envisaged by the standard.*
- c. *The proposed development maintains internal and external amenity, and character of the area.*

Comments:

The proposed development will be of a height consistent with the controls, and the overall development is generally consistent with the envisaged development in the area [objectives a and b].

The proposed development exceeds the maximum permissible floor space ratio, however, it is noted that the ground floor requires to be designed to allow for turning of, for example, bin trucks in order to enter and exit the site safely due to the narrowness of the laneway, thus resulting in the two tower design. The proposed development achieves appropriate internal separation and ensures amenity to future occupants [objectives b and d].

Council is satisfied that the additional 218m² of gross floor area does not result in any discernible adverse impacts in terms of bulk, scale, overshadowing, privacy, traffic generation or infrastructure demand. The additional floor space facilitates a building form that appropriately responds to the operational constraints of the site while maintaining a high level of residential amenity. Furthermore, the development remains well below the maximum permissible building height and achieves satisfactory outcomes with respect to solar access, landscaping and residential amenity.

The application site is of an appropriate size and shape, to accommodate the proposed development and achieves the minimum site frontages not requiring consolidation with adjoining properties [objective c].

Objective (e) is not relevant to this assessment as the development is not located in a residential area.

Given the above, Council is satisfied that the proposed development is generally consistent with the objectives of Clause 4.4 and the E1 Local Centre zone. While the proposal exceeds the maximum floor space ratio development standard, the extent of the variation does not result in unacceptable environmental or amenity impacts and strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

Environmental Planning Grounds

The Clause 4.6 written request considered environmental planning grounds to justify the contravention of the development standard, including: -

- a. *There is an absence of environmental impacts.*
- b. *The introduction of the Standard with absence of a savings provision warrants flexibility.*
- c. *The proposed development is consistent with the objectives of the Act and the Zone.*

Comments:

The proposed development, as demonstrated in this assessment report, will not result in adverse amenity impacts on adjoining properties, despite the breach to floor space ratio. The proposed development achieves improved access due to the ground floor access which allows for the turning of trucks which is not currently possible along Drummond Lane.

Assessment of Clause 4.6 Written Request Summary

Council has considered the written request for varying Clause 4.4 Floor Space Ratio of Canterbury Bankstown Local Environmental Plan 2023.

Council has determined that the written request is accurate and is satisfied it demonstrates the extent of the variation.

The written request has argued that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. The consent authority is satisfied that the written request has adequately demonstrated that compliance is unreasonable or unnecessary in accordance with Clause 4.6(3)(a) of the Canterbury Bankstown Local Environmental Plan 2023.

Council has also considered whether sufficient specific environmental planning grounds have been argued in the written request. The consent authority is satisfied that the written request has adequately demonstrated sufficient specific environmental planning grounds in accordance with Clause 4.6(3)(b) of the Canterbury Bankstown Local Environmental Plan 2023.

Accordingly, the variation can be supported.

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

There are no draft environmental planning instruments relevant to the assessment of this application.

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

The development application has been assessed against the provisions contained within the Canterbury Bankstown Development Control Plan 2023 (CBDCP).

The relevant Parts of the CBDCP are listed below:

- Chapter 2.1 – Site Analysis.
- Chapter 3.1 – Development Engineering Standards.
- Chapter 3.2 – Parking.
- Chapter 3.3 – Waste Management.
- Chapter 3.7 – Landscape.
- Chapter 5 – Residential Accommodation (Canterbury).
- Chapter 7 – Commercial Centres (Façade Design).

Chapter 2.1 - A detailed site analysis plan is required for development applications proposing shop top housing.

The application is accompanied by a suitable site analysis plan which shows the site, its proximity to transport, commercial centres and other notable features. Given this, the proposed development complies with Chapter 2.1 of CBDCP 2023.

Chapter 3.1 - To ensure development provides satisfactory levels of engineering infrastructure and to minimize the impacts of development on surrounds.

The application has been referred to Council's Development Engineer who considered the proposed development in relation to Council's Development Engineering Standards and raised no objection to the proposed subject to the imposition of appropriate conditions in relation to access and stormwater. Given this, the proposed development complies with Chapter 2.3 of CBDCP 2023.

Chapter 3.2 - To ensure development achieves the parking requirements and to ensure the layout and design of car parks function efficiently and safely.

The parking rates of SEPP (Housing) 2021 prevail over car parking rates of the Development Control Plan. The proposed development has sufficient car parking to meet the requirements of the residential component of the shop-top housing development.

The proposed development includes a commercial premises, the appropriate parking rate for business premises in former Canterbury LGA is 1 space per 40m² of gross floor area. The commercial unit has a GFA of 180m². Thus requires 4.5 spaces (rounded up to 5). The proposed development includes 5 commercial spaces with Basement Level 1.

In addition, 1 bicycle space is required per 10 apartments. Thus, with 26 apartments, 2.6 bicycle spaces (rounded up to 3) are required. A bike room with 8 spaces is provided on the ground floor and 4 bicycle spaces are provided at basement level 1.

In terms of the functionality of the basement, Council's Development Engineer was consulted on the application, considered the proposed development against Chapter 3.2 and raised no objection in relation to the design and functionality of the basement, subject to the imposition of the conditions.

Given that the parking rates are met, and the functionality and safety of the basement has been considered, the proposed development is consistent with Chapter 3.2 of CBDP 2023.

Chapter 3.3 - To maximise waste recovery and encourage source separation of waste, reuse and recycling by ensuring development provides adequate and appropriate bin storage and collection areas.

The application has been reviewed by Council's Resource Recovery Officer who has provided conditions of consent. As a result, the proposed development is consistent with Chapter 3.3 of CBDP.

Chapter 3.7 - To promote attractive settings for development and the public domain, ensuring that the landscape design contributes to streetscape and amenity.

The application proposes to retain no existing landscaping which, given its current use and proposed is not unreasonable. The application was referred to Council's Landscape Architect who raised no concerns with the proposal. The landscape design will therefore appropriately address the requirements of Chapter 3.7 - Landscaping.

Chapter 5.2 - Section 6 Shop Top Housing seeks to:

To encourage lively business centres capable of accommodating a mix of retail, commercial and community activities, that caters to the community, relative to their size and intended function.

To ensure long-term social and economic viability of business centres is maintained and they remain significant to the community for their individual character, ease of access, and urbane appeal.

To maintain commercial activity at ground level to promote pedestrian activity and contribute to lively streets in centres.

To maintain facades in business centres where they contribute to the character of the streetscape.

To ensure frontages are appropriate for the location and will maximise activity at the public/private interface and provides weather protection for pedestrians.

To minimise impacts of commercial activities on adjacent residential properties.

The following table summarises the relevant controls contained with the Development Control Plan applicable to the assessment of this development application.

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 CHAPTER 5.2 RESIDENTIAL ACCOMMODATION (FORMER CANTERBURY) SECTION 6–SHOP TOP HOUSING 6.2 - SEPP 65 APPLICATIONS			
Control	Requirement	Proposed	Comply
6.2.3 (C1) Balconies and communal open space	Provide a minimum of 15% of the site area for the purposes of communal open space on redevelopment sites larger than 500m.	The proposed development proposed 25% of the site area as Communal Open Space (COS).	Y
6.2.3 (C2) Balconies and communal open space	Communal open space may be provided on podiums terraces, or in any deep-soil setback or separation between buildings. Roof top terraces will only be permitted in circumstances where there will be no adverse impacts to adjoining properties in terms of visual and acoustic privacy.	Roof top terrace COS provided. The proposed COS is not to adversely impact on the adjoining development.	Y
6.2.3 (C3) Balconies and communal open space	Each area of communal open space must have a minimum dimension of 6m and larger developments should consider greater dimensions.	All areas of Communal Open Space included within the above calculation meet the minimum requirement size.	Y
6.2.3 (C4) Balconies and communal open space	Provide consolidated areas of communal open space with reasonable area, facilities and landscape for the uses it will accommodate and design to generate a variety of visible pedestrian activity.	Lift access is provided to the roof terrace with internal access available between both towers.	Y
6.2.3 (C5) Balconies and communal open space	Provide communal open space in locations that are sunny, and are adjacent to, as well as visible from, the main building lobby.	Rooftop COS has adequate sunlight.	Y
6.2.3 (C7) Balconies and communal open space	Screen walls surrounding any communal area are to be no higher than 1.2m, although screens with 50% transparency may be up to 1.8m high.	1.2m high wall around the COS.	Y
6.2.3 (C8) Balconies and communal open space	Provision of child play areas within communal open space is encouraged.	Noted, that it is encouraged but not required. The landscape plan shows details of services to be provided.	Y
6.2.4 (C1) Layout and orientation	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	The proposed orientation is acceptable. The design ensures that there is solar access to COS and apartments.	Y
6.2.4 (C2) Layout and orientation	Site the development to avoid casting shadows onto neighbouring dwelling's primary living area,	There is no detrimental loss of solar access to adjoining properties, in particular	Y

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 CHAPTER 5.2 RESIDENTIAL ACCOMMODATION (FORMER CANTERBURY) SECTION 6–SHOP TOP HOUSING 6.2 - SEPP 65 APPLICATIONS			
Control	Requirement	Proposed	Comply
	private open space and solar cells.	primary living areas, private open space or solar cells.	
6.2.4 (C3) Layout and orientation	Coordinate design for natural ventilation with passive solar design techniques.	Achieved. Sufficient ventilation provided.	Y
6.2.4 (C4) Layout and orientation	Site new development and private open space to avoid existing shadows cast from nearby buildings.	Achieved.	Y
6.2.4 (C5) Layout and orientation	Site a building to take maximum benefit from cross-breezes and prevailing winds.	The proposed building has been designed to ensure cross ventilation is maximised	Y
6.2.5 (C1) Building envelope	<u>Floor to Ceiling Height</u> Refer to 4C Ceiling Heights of the ADG made under SEPP 65 for objectives, design criteria and design guidance in relation to minimum ceiling heights.	Achieved.	Y
6.2.9 (C1) Building design	<u>Building Entries</u> Provide accessible entries for all potential use such as the transporting of furniture.	The proposal has appropriately amended the building entries to allow for appropriate access to both buildings.	Y
6.2.9 (C2) Building design	<u>Building Entries</u> Face habitable rooms towards the street, private open space, communal space, internal driveway or pedestrian ways in order to promote positive social interaction and community safety.	Habitable rooms face the street, and communal open space, the design allows social interaction with driveways off the secondary street (Drummond Lane).	Y
6.2.10 (C1) Roof design and features	<u>Roof-Top Terraces</u> Roof terraces are permitted with consent in E1 and E3 Zones.	Noted, the roof terrace is therefore acceptable in this E1 Local Centre zone	Y
6.2.10 (C2) Roof design and features	<u>Roof-Top Terraces</u> A management strategy is required and must be approved by Council as part of the development application, for any proposed roof terrace.	A plan of management (PoM) was submitted with the application, and was considered by Council's Environmental Health Officer who raised no objection subject to a condition of consent, including the PoM in the approved documents.	Y
6.2.10 (C3) Roof design and features	<u>Roof-Top Terraces</u> Supplement open space on roof terraces by providing space and appropriate building systems to support the desired landscape design, incorporating shade	Suitable measures are shown on the landscape plan.	Y

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 CHAPTER 5.2 RESIDENTIAL ACCOMMODATION (FORMER CANTERBURY) SECTION 6–SHOP TOP HOUSING 6.2 - SEPP 65 APPLICATIONS			
Control	Requirement	Proposed	Comply
	structures and windscreens to encourage use of roof top open space.		
6.2.10 (C4) Roof design and features	<u>Roof-Top Terraces</u> Demonstrate that roof terrace has been designed so as to protect the privacy, solar access and amenity of adjoining buildings. Measures to minimise overlooking of adjoining properties include screening or planting between properties and preventing rooftop users from standing at the edge of roof terraces that look into adjoining properties through planting and screens.	The amenity of the adjoining development is maintained as a result of the roof-top terrace.	Y
6.2.10 (C4) Roof design and features	<u>Roof-Top Terraces</u> Allow for views and passive surveillance of streets and public open space from roof terraces.	Passive surveillance can be undertaken by level 5 apartments on the other tower.	Y
6.2.11 (C1) Building services	All letterboxes be installed to meet Australia Post standards.	Mailboxes provided in appropriate location.	Y
6.2.11 (C2) Building services	Design and provide discretely located mailboxes at the front of the property.	Mailboxes provided in appropriate location.	Y
6.2.11 (C3) Building services	Integrate systems, services and utility areas (such as plant rooms, hydrants, equipment's and the like) with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.	Utility spaces and rooms are shown within the building. The substation has been appropriately located. Conditions to require coordination of hydrants etc, can be provided.	Y
6.2.11 (C4) Building services	The location and design of substations must be shown on the plans.	Location and design of the existing substation is shown on the plans.	Y
6.2.11 (C5) Building services	Substations should be located underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	Noted. The location of the substation has been considered in relation to the proposed development and has been agreed by Ausgrid.	Y
6.2.11 (C6) Building services	Substations must not be located forward of the front building line.	The substation is located on the secondary frontage and is therefore appropriately located.	Y
6.2.11 (C4) Building services	Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required	All facilities located on balconies, for example, are well located. Other services are located within the	Y

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 CHAPTER 5.2 RESIDENTIAL ACCOMMODATION (FORMER CANTERBURY) SECTION 6–SHOP TOP HOUSING 6.2 - SEPP 65 APPLICATIONS			
Control	Requirement	Proposed	Comply
	setbacks or building separations.	building. There is no detrimental impact on landscaped areas.	
6.2.11 (C8) Building services	Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new buildings, or the desired green character of streetscapes.	All facilities have been designed appropriately and are to be hidden from public view.	Y
6.2.11 (C9) Building services	Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site: (a) Screen air conditioning units behind balcony balustrades; (b) Provide screened recesses for water heaters rather than surface- mounting them on exterior walls; and (c) Locate meters in service cabinets.	Air Conditioning units are located appropriately, service cabinetry has been provided for other services.	Y
6.2.11 (C10) Building services	Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation.	There is no proposed impact on the street as a result of any ducts, etc. Conditions of consent can be placed to ensure they are not visible from the primary frontage.	Y
6.2.11 (C11) Building services	Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	All services have been appropriately designed.	Y
6.2.11 (C12) Building services	Location and design of service areas should include: (a) Screening of clothes drying areas from public and semi-public places; and (b) Space for storage that is screened or integrated with the building design.	Storage spaces have been appropriately located and designed.	Y
6.2.11 (C13) Building services	Minimise visual impact of solar hot water systems by: (a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) Using a colour that is consistent with the colour of roof materials; (c) Designing solar panels, where	Hot water systems are to be integrated into the building.	Y

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 CHAPTER 5.2 RESIDENTIAL ACCOMMODATION (FORMER CANTERBURY) SECTION 6--SHOP TOP HOUSING 6.2 - SEPP 65 APPLICATIONS			
Control	Requirement	Proposed	Comply
	possible, as part of the roof; (d) Setting the solar panels back from the street frontage and position below the ridgeline; and (e) Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry).		
6.2.12 (C2) Amenity	<u>Solar Access to Neighbouring Development</u> Proposed development must ensure a neighbouring dwelling retains a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	Sufficient solar access maintained to the adjoining development. No adjoining dwellings impacted.	Y
6.2.12 (C3) Amenity	<u>Solar Access to Neighbouring Development</u> If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.	No adjoining dwellings impacted.	Y
6.2.12 (C4) Amenity	<u>Solar Access to Neighbouring Development</u> Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.	No adjoining dwellings impacted.	Y
6.2.12 (C5) Amenity	<u>Solar Access to Neighbouring Development</u> Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	No adjoining dwellings impacted.	Y
6.2.13 (C1)	Locate sensitive rooms, such as	The proposed layout is	Y

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 CHAPTER 5.2 RESIDENTIAL ACCOMMODATION (FORMER CANTERBURY) SECTION 6–SHOP TOP HOUSING 6.2 - SEPP 65 APPLICATIONS			
Control	Requirement	Proposed	Comply
Acoustic Privacy	bedroomrooms, from likely sources of noise such as major roads and neighbouring' living areas.	suitable for the location of the proposed development and minimises noise disturbance. An acoustic report submitted with the application was considered by Council's Environmental Health Officer who raised no objection to the proposed development, subject to conditions.	
6.2.13 (C2) Acoustic Privacy	Above ground access to new dwellings must not include communal balconies that would be located immediately next to a bedroomroom window.	An acoustic report submitted with the application was considered by Council's Environmental Health Officer who raised no objection to the proposed development, subject to conditions.	Y
6.2.13 (C3) Acoustic Privacy	Bedroomroom windows in new dwellings that would be located at or close to ground level are raised above, or screened from, any shared pedestrian pathway.	An acoustic report submitted with the application was considered by Council's Environmental Health Officer who raised no objection to the proposed development, subject to conditions.	Y
6.2.13 (C4) Acoustic Privacy	Screen balconies or windows in living rooms or bedroomrooms that would face a driveway or basement ramp.	An acoustic report submitted with the application was considered by Council's Environmental Health Officer who raised no objection to the proposed development, subject to conditions.	Y
6.2.13 (C6) Acoustic Privacy	Design the layout of lower levels facing the road or rail to: (a) The position of windows facing the noise source and ensure that total unprotected window area is minimal so as to limit the amount of airborne noise entering the built fabric. (b) Ensure that the detailing of the window types addressing the corridors are designed and constructed to attenuate excessive noise - (double and triple glazing and insulated to manufacturers standards); and (c) Ensure that balcony parapet walls are constructed of solid	Appropriate acoustic measures proposed. The application was also submitted to Council's Environmental Health Officer in relation to potential noise impacts, the Environmental Health Officer raised no objection to the proposed development from an acoustic privacy concern, subject to the imposition of conditions on any consent.	

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 CHAPTER 5.2 RESIDENTIAL ACCOMMODATION (FORMER CANTERBURY) SECTION 6–SHOP TOP HOUSING 6.2 - SEPP 65 APPLICATIONS			
Control	Requirement	Proposed	Comply
	masonry or materials of similar sound attenuating qualities.		
6.2.13 (C7) Acoustic Privacy	When designing the public spaces fronting busy roads and the rail corridor at ground level, consider the use of elements such as moving water and screens to achieve sound attenuation.	Noted. An acoustic report submitted with the application was considered by Council's Environmental Health Officer who raised no objection to the proposed development, subject to conditions.	Y

Chapter 7

Control 6.2.9 C3 of Chapter 5.2 Residential Accommodation requires Council to consider objectives and controls relating to façade treatment, found in Chapter 7, for shop top housing development.

The objectives of Section 3 – Façade Design, of Chapter 7.1 are as follows:

- O1 *To achieve high quality facade designs.*
- O2 *To integrate facade designs with the building form.*
- O3 *To encourage a diversity of facades that contribute to the character of centres.*
- O4 *To minimise the effect of blank walls.*
- O5 *To minimise the reflection of sunlight from buildings to surrounding areas and buildings.*
- O6 *To ensure building materials do not lead to hazardous, undesirable or uncomfortable glare to pedestrians, motorists or occupants of surrounding buildings.*

The proposed development is consistent with the controls found in the façade design chapter in that: -

The proposed design is vertically proportioned, with the façade appropriately designed for the site. In a modern and contemporary design using appropriate materials. The building has a distinguishable base, middle and top, with awnings provided for weather protection to Drummond Street.

Building entries have been appropriately designed and articulated and the design reflects the corner nature of the site, whilst acknowledging the internal break to allow for traffic ingress and egress to the site.

A condition of consent has been applied to avoid a blank wall on the northern elevation.

Given the above, the proposed development is generally considered compatible with the objectives and controls found in Chapter 7.1 for façade design.

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

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

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

The proposed development is consistent with the relevant provisions of the Environmental planning and Assessment Regulation, 2021.

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

The proposed increase in Floor Space Ratio will not bring about additional environmental, social or economic impacts. The proposed development remains well within the permissible building height and the resulting increase in density can be accommodated within the locality which provides easy access to a variety of services and transportation options.

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

The development of the site for the purposes of a Shop Top Housing development is permitted with consent, and the applicable development standards have been complied with, or where there are departures, these have been adequately justified. Moreover, the proposed built form responds appropriately to the conditions and context of the site, which is situated within employment zoned land and is required to be receptive to future developments to the north. The site is therefore suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was notified for a period of 21 days from 7 May 2025 to 28 May 2025. One objection was received during this period, which raised concerns relating to the proposed development.

Submission: *We recently received development application letter number DA - 409/2025. As the owner of nearby apartments. We disagree of the application. We can not provide approval about this 6 storey units to be going*

Comment: Council has considered the proposed development against the relevant state and local government policies, standards and controls. The proposed development has been found to be generally consistent with those policies, standards and controls.

Specifically in relation to the height of the proposed development, the proposed development has a maximum building height of 18.604m. The Canterbury-Bankstown Local Environmental Plan 2023 allows development on this site to have a maximum building height of 24m. The proposed development at part 5, part 6 storeys is therefore in keeping with the expected height for the site.

As a result, it is not considered that the refusal of consent is justified in this instance.

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

The public interest is best served by the consistent application of the requirements of the relevant planning legislation and by the consent authority ensuring that any adverse impacts on the surrounding area and environment are avoided or mitigated. As demonstrated in this report, the development largely satisfies the provisions contained within the applicable planning legislation, provides for a development that is in keeping with the emerging character of the area, and responds appropriately to the immediately adjoining properties. Furthermore, the proposal will deliver 26 additional dwellings within a local centre, co-located with employment opportunities, services and public transport, thereby supporting housing supply objectives while maintaining acceptable environmental amenity outcomes. As such, approval of the development would be in the public interest.

CONCLUSION

This report provides a detailed assessment of the site and its surrounds, and the manner in which Development Application DA-409/2025 responds to and addresses the relevant planning legislation. The development successfully protects the environmental amenity of the area in addition to preserving the desired future character of the locality.

While the proposal includes variation to building separation distances and floor space ratio, taking into consideration the constraints of the area, as well as the mitigation of potential impacts resulting from these non-compliances, the development is considered worthy of support as it provides for housing in the local centre with adequate access to services and transportation, provides a scale in keeping with the permissible building height and the expected future character of the area.

As such, the development has merit and is therefore worthy of being supported.

RECOMMENDATION

It is recommended that Development Application DA-409/2025 be **APPROVED** subject to Conditions of Consent in Attachment 2.

CONDITIONS OF CONSENT

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 and Assessment Act 1979.

GENERAL CONDITIONS

No.	Condition																																																																																																				
1.	Approved Plans and supporting documentation Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. <table><tr><th colspan="5">Approved plan</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>A-0700</td><td>J</td><td>Site Plan</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-0800</td><td>I</td><td>Basement 2 Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-0900</td><td>I</td><td>Basement 1 Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-1000</td><td>I</td><td>Ground Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-1100</td><td>I</td><td>L1 Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-1200</td><td>I</td><td>L2 Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-1300</td><td>I</td><td>L3 Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-1400</td><td>I</td><td>L4 Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-1500</td><td>I</td><td>L5 Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-1300</td><td>I</td><td>Rooftop Floor Plan</td><td>Loucas Architects</td><td>30 March 2026</td></tr><tr><td>A-2000</td><td>J</td><td>Elevations 01</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-2100</td><td>J</td><td>Elevations 02</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-2200</td><td>J</td><td>Elevations 03</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-2300</td><td>J</td><td>Elevations 04</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-2350</td><td>J</td><td>Elevations 05</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-2360</td><td>J</td><td>Elevations 06</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-2400</td><td>J</td><td>Streetscape Elevation</td><td>Loucas Architects</td><td>22 August 2025</td></tr><tr><td>A-2500</td><td>J</td><td>Section A-A</td><td>Loucas Architects</td><td>22 August 2025</td></tr></table>	Approved plan					Plan number	Revision number	Plan title	Drawn by	Date of plan	A-0700	J	Site Plan	Loucas Architects	22 August 2025	A-0800	I	Basement 2 Floor Plan	Loucas Architects	30 March 2026	A-0900	I	Basement 1 Floor Plan	Loucas Architects	30 March 2026	A-1000	I	Ground Floor Plan	Loucas Architects	30 March 2026	A-1100	I	L1 Floor Plan	Loucas Architects	30 March 2026	A-1200	I	L2 Floor Plan	Loucas Architects	30 March 2026	A-1300	I	L3 Floor Plan	Loucas Architects	30 March 2026	A-1400	I	L4 Floor Plan	Loucas Architects	30 March 2026	A-1500	I	L5 Floor Plan	Loucas Architects	30 March 2026	A-1300	I	Rooftop Floor Plan	Loucas Architects	30 March 2026	A-2000	J	Elevations 01	Loucas Architects	22 August 2025	A-2100	J	Elevations 02	Loucas Architects	22 August 2025	A-2200	J	Elevations 03	Loucas Architects	22 August 2025	A-2300	J	Elevations 04	Loucas Architects	22 August 2025	A-2350	J	Elevations 05	Loucas Architects	22 August 2025	A-2360	J	Elevations 06	Loucas Architects	22 August 2025	A-2400	J	Streetscape Elevation	Loucas Architects	22 August 2025	A-2500	J	Section A-A	Loucas Architects	22 August 2025
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A-2700	J	Section Details	Loucas Architects	22 August 2025
A-2750	J	Awning Detail	Loucas Architects	22 August 2025
ISO298DA1	E	Landscape Plan – Ground Floor	Isthmus	27 August 2025
ISO298DA2	E	Landscape Plan – FirstFloor	Isthmus	27 August 2025
ISO298DA3	E	Landscape Plan – Rooftop	Isthmus	27 August 2025
ISO298DA3	E	Landscape Plan – Details and Schedules	Isthmus	27 August 2025

Approved documents			
Document title	Version number	Prepared by	Date of document
Preliminary Site Investigation	E25284.E01_Rev O	Eiaustralia	1 September 2021
Plan of Management	P4253 Version 2	Gat and Associates	September 2025
BCA Assessment	1	Building Certification Services (NSW)	2 September 2025
Geotechnical Investigation	E25284.G03	Eiaustralia	8 December 2021
Arboricultural Impact Assessment Report	1	The Tree Guardian	12 September 2025
Statement of Compliance Access for People with a Disability	A	Accessible Building Solutions	15 February 2022
Acoustic Report	2025-246	Anavs-Acoustic Noise and Vibration Solutions	12 September 2025
Traffic and Parking Response		Stanbury Traffic Planning	27 August 2025
Waste Management Plan		Loucas Architects	

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

1.101.S

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

2.	Design Amendments Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans (stamped by Council) and supporting documentation: a. In accordance with the letter provided by ei asutralia, dated 22 October 2025, reference E25284.G20.01_Rev0, the basement will be designed and constructed as a fully watertight tanked basement.
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	b. The balcony balustrades facing Drummond Street and/or Drummond Lane will be amended to be solid and not see-through to a height of 1m above FFL to maintain privacy and to shield views into balconies from the street. c. The privacy screens shown on elevations 03 and elevations 06 (of the approved plans), must be removed for all rooms labelled bedroom 2. Instead, these rooms will have high level windows with a sill height of a minimum 1.5m above FFL for each level. d. the northern elevation shall be revised to incorporate architectural detailing and façade treatments to all prominent blank wall sections. The design shall incorporate textured, patterned or articulated masonry elements, comparable in intent to contemporary feature brickwork installations, to provide visual interest and improve the building's contribution to the public domain. e. the rooftop terrace shall be amended to incorporate a shade sail or similar lightweight shade structure to improve user comfort and amenity. The shade sail shall be designed to: • provide substantial shade coverage to the principal communal seating and recreation areas of the rooftop terrace; • be integrated with the architectural design of the building; • utilise durable, high-quality materials and finishes; and • minimise visual clutter when viewed from surrounding properties and the public domain. 1.102.S
	Condition reason: To ensure the orderly development of land.
3.	Commercial Units- Separate Approval No approval is granted or implied for the use of any retail and commercial tenancies. Separate development consent is to be obtained for the use of these premises, unless the use qualifies as 'exempt development'. Condition reason: To ensure compliance with the relevant New South Wales legislation.
4.	Fire Safety Provisions The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use. Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this determination notice. Condition reason: To ensure compliance with the relevant New South Wales legislation.

GENERAL TERMS OF APPROVAL – Water NSW

5.	GT0115-00001 – Dewatering Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed. Condition reason: To comply with relevant legislation.
6.	GT0119-00001 – Dewatering All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement. Condition reason: To comply with relevant legislation.

7.	GT0120-00001 - Dewatering The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0m below the natural ground surface. Condition reason: To comply with relevant legislation.
8.	GT0122-00001 - Dewatering Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme) Condition reason: To comply with relevant legislation.
9.	GT0123-00001 - Dewatering (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.

	(c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering Condition reason: To comply with relevant legislation.
10.	GT0150-00001 - Dewatering The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual. Condition reason: To comply with relevant legislation.
11.	GT0151-00001 – Dewatering Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term. Condition reason: To comply with relevant legislation.
12.	GT0152-00001 - Dewatering This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term. Condition reason: To comply with relevant legislation.
13.	GT0155-00001- Dewatering The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report. Condition reason: To comply with relevant legislation.
14.	GT0174-00001 - Dewatering Construction phase monitoring bore requirements GTA: (a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval (b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. (c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval.

	(d) The monitoring bores should be used to develop a water table map for the site and its near environs. (e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year. Condition reason: To comply with relevant legislation.
15.	GT0279-00001 – Dewatering A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force. Condition reason: To comply with relevant legislation.
16.	GT0281-00001 - Dewatering A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025. Condition reason: To comply with relevant legislation.
17.	Schedule 1 – Plans and Documents The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA-409/2025 as provided by Council: - Geotechnical Investigation, 51 Drummond Street, Belmore NSW, prepared for Wardell Building Pty Ltd, E25284.G03, dated 8 December 2021, by EI Australia Pty Ltd. - Preliminary Site Investigation, 51 Drummond Street, Belmore NSW, prepared for Wardell Building Pty Ltd, E25284.E01.Rev0, dated September 2021, by EI Australia Pty Ltd. - Statement of Environmental Effects, March 2025, 51 Drummond Street, Belmore, Demolition of all Existing Structures and the Construction of a Six (6) Storey Shop Top Housing Development Comprising a Commercial Tenancy and Twenty-Six (26) Residential Units, Two Basement Levels, Landscaping and Site Works, by GAT & Associates Pty Ltd. - Letter - Response to WaterNSW Request for Further Information (RFI) for 51 Drummond Street, Belmore NSW 2015 [DA-409/2025], Ref. E25284.G20.01_Rev0, dated 22 October 2025, by EI Australia Pty Ltd. - Architectural Plans, Residential Development, 51 Drummond Street, Belmore, Project Number: Pn-21010, Issue J, Amendments to Council, dated 22.08.2025, drawn by Loucas Architects. Condition reason: To comply with relevant legislation.

GENERAL TERMS OF APPROVAL – Ausgrid

18.	Ausgrid Underground Cables are in the vicinity of the development Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA). In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia – Excavation Code of Practice. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. The following points should also be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Condition reason: To comply with relevant legislation.
19.	Ausgrid Kiosk Substation in the vicinity of the development The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

	The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143. Condition reason: To comply with relevant legislation.
20.	New Driveways - Proximity to Existing Poles Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance. Condition reason: To comply with relevant legislation.
21.	New or modified connection To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries Condition reason: To comply with relevant legislation.

DEMOLITION WORK

22.	Demolition The demolition of structures 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,
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	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. 3.201 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
23.	Hazardous Material Survey Prior to demolition, the entire site (includes any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by an inspection body accredited by NATA. All recommendations in the above-mentioned report are to be implemented and a clearance certificate issued by an appropriately qualified occupational hygienist who has not previously been involved in the preparation of the Hazardous Materials (HAZMAT) Report, is to be submitted to Council prior to the issue of a construction certificate. Condition reason: To ensure that the development complies with Council's Environmental Health Policies.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

24.	Development Contributions, Section 7.11 <u>Development Contributions of \$443,890.45 must be paid for this development before the issue of any construction certificate.</u> The contributions are levied under Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i>. The contributions will be used to provide, extend or augment public amenities or public services required due to additional demand for these facilities created by the new development. The development contribution will be allocated to the following purposes under the contributions plan:
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Category		Amount
Open Space and Recreation facilities		\$281,162.87
Access and Public Domain Facilities		\$79,198.46
Community and Cultural Facilities		\$76,971.41
Plan Management & Administration		\$6,557.71
Total		\$443,890.45
<u>Indexing of the contribution amount to be paid:</u> The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the "Consent to operate from date" which appears on the front page of this Determination Notice. No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any construction certificate. Construction of the development may NOT commence until the development contributions are paid. A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie. NOTE: <u>Development contribution amounts are non-refundable if you do not proceed with your development.</u>		
Condition reason: To ensure compliance with the relevant New South Wales legislation.		
25.	Housing and Productivity Contribution	
	Before the issue of the first construction certificate issued as part of this consent, the housing and productivity contribution (HPC) set out in the table below is required to be made.	
Housing and productivity contribution		Amount
Housing and productivity contribution (base component)		\$ 281,682.08
The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution. The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.		

	Condition reason: To require contributions towards the provision of regional infrastructure.
26.	Payment of Fees Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier: - Levies - Bonds - Contributions - Inspection fees. 2.103.S
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
27.	Long Service Levy Before the issue of the relevant construction certificate, payment of the long service levy is required, under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal Calculator at https://longservice.force.com/bci/s/levy-calculator. Payment must be made via the Long Service Levy Portal at https://www.longservice.nsw.gov.au. 2.104.S
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
28.	Conformity with BCA The existing building must be brought into conformity with the following Performance Requirements of the Building Code of Australia (BCA), to protect persons using the building, and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby. Details indicating compliance with the Performance Requirements of the BCA must be provided to the certifier before the issue of a construction certificate. (a) Building Code of Australia (BCA) and Access Compliance The Construction Certificate plans must demonstrate full compliance with the following reports: - The BCA Assessment Report prepared by Building Certification Services (NSW), Revision 1, dated 02/09/2025. - The Access Compliance Report prepared by Accessible Building Solutions, Job No. 221218, Revision A, dated 15/02/2022. Details of any Performance Solutions and relevant Deemed-to-Satisfy (DtS) provisions must be clearly documented and submitted in full for review and approval with the Construction Certificate. (b) Geotechnical Investigation Requirements Prior to finalising the structural design and the issue of the Construction Certificate: - Further geotechnical investigation and design input must be undertaken in accordance with the Geotechnical Investigation Report No. E25284.G03, prepared by EI Australia, dated 08/12/2021. - Geotechnical inspections must also be carried out during construction to confirm the geotechnical and groundwater models and verify the design parameters outlined in the above report. (c) Energy Efficiency – BCA Section J Compliance The development must comply with the Deemed-To-Satisfy (DtS) provisions of Section J – Energy Efficiency of the BCA.

	- A report demonstrating full compliance with Section J must be submitted with the Construction Certificate application. - All energy efficiency measures must be clearly shown in the Construction Certificate plans and specifications.
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
29.	Construction Cranes May Require Separate Approval Separate approval must be sought (where required) under the relevant Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height above the proposed development and consequently, may require separate approval under the Regulations. It is advisable that approval to operate equipment (i.e. cranes) be obtained before the issue of any construction certificate. 2.105
	Condition reason: To ensure adequate approval of crane use.
30.	Car Parking Details Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 – 'Parking Facilities - Off-Street Carparking' and Council's development control plan. 2.110.3
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
31.	Access Intercom Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry, installed at least 4 metres recessed into the site, when measured from the property boundary with the street. The intercom is to be wired to all units. The intercom must comply with Australian Standard AS 1428.2: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23. 2.111
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
32.	Bicycle Parking Spaces A minimum of 3 bicycle parking spaces must be provided for the development. Note: The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 'Parking Facilities' Part 3: Bicycle Parking Facilities and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation.' 2.11
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
33.	Submit Plans to Sydney Water 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.
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
34.	BASIX Certificate
	The development must be carried out in accordance with the commitments contained in: • BASIX Certificate No. 1268031M_02, dated 13 March 2025, and • NatHERS Certificate No. 0007010180, prepared by Building & Energy Consultants Australia. All BASIX and NatHERS commitments approved as part of the Development Application must be clearly reflected in the Construction Certificate plans and specifications. 2.206
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
35.	Utilities and Services
	Before the issue of the relevant construction certificate, the consent holder must submit the following written evidence of service provider requirements to the certifier: - a letter of consent from the relevant electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; and - a response from the relevant water authority as to whether the plans proposed to accompany the application for a construction certificate would affect any of the relevant water authority infrastructure, and whether further requirements need to be met; and a letter of consent from the relevant telephone and broadband authority demonstrating that satisfactory arrangements can be made for the installation and supply of telephone and internet; and - other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them. 2.207
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
36.	Mobility Access
	The building must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia. If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council through a modification application before a construction certificate being issued. 2.208
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
37.	Adaptable Units
	Before the issue of the relevant construction certificate, the consent holder must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of AS 4299 – 'Adaptable Housing Standards'. 2.210.S

	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
38.	Erosion and Sediment Control Plan 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: - Council's development control plan, - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and - 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. 2.211.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
39.	Dilapidation report Before the issue of a construction certificate, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the certifier for the following properties: • 49 Drummond Street, Belmore • 691 Canterbury Road, Belmore • 697-701 Canterbury Road, Belmore • 703 Canterbury Road, Belmore • 707 Canterbury Road, Belmore • 709 Canterbury Road, Belmore • 713 Canterbury Road Belmore • 721 Canterbury Road, Belmore. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the certifier, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be made available to Council upon request. 2.212.P
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
40.	Mechanical Ventilation The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and 2 – 'The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings'. Details of any mechanical ventilation and/or air-conditioning system complying with AS1668.1 and 2 – 'The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings', the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in

	accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the certifier before the issue of a construction certificate. 2.214
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
41.	Combustible Cladding The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Before the issue of a construction certificate and occupation certificate the certifier must: - Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and - Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built. 2.216
	Condition reason: To ensure compliance with the BCA.
42.	Apply for Work Permit for Engineering Works 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 Heavy Duty VFC of in accordance with the Canterbury-Bankstown Development Control Plan 2023 and Development Engineering Standards and Standard Drawings. - Drainage connection to Council's drainage system, - A full width footway paving along the site's entire frontage to Drummond Street, - Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs, - Repair of any damage to the public road including the footway occurring during building works, and - 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. 2.302
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
43.	Basement Anchoring If the basement of the development is located adjacent to a Council public road reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's public road. 2.303
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.

44.	Works Requiring a Work Permit As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the <i>Roads Act 1993</i> and/or Section 68 of the <i>Local Government Act 1993</i>, 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. 2.304 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
45.	Finished surface levels 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. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council. 2.305 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

46.	Stormwater Drainage Stormwater drainage from the development shall be designed so as to comply with Council's 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. <table><tr><th>Plan Name</th><th>Number</th><th>Date</th><th>Prepared By</th></tr><tr><td>Basement 2 Drainage Plan and Details</td><td>2529-S1/5 Rev D</td><td>20 October 2025</td><td>John Romanous & Associates</td></tr><tr><td>Basement 1 Drainage Plan and Details</td><td>2529-S2/5 Rev D</td><td></td><td></td></tr><tr><td>Ground Floor Drainage Plan and Details</td><td>2529-S3/5 Rev D</td><td></td><td></td></tr><tr><td>Drainage Details</td><td>2529-S4/5 Rev D</td><td></td><td></td></tr><tr><td>Erosion and Sediment Control Plan and Details</td><td>2529-S5/5 Rev D</td><td></td><td></td></tr></table> Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.	Plan Name	Number	Date	Prepared By	Basement 2 Drainage Plan and Details	2529-S1/5 Rev D	20 October 2025	John Romanous & Associates	Basement 1 Drainage Plan and Details	2529-S2/5 Rev D			Ground Floor Drainage Plan and Details	2529-S3/5 Rev D			Drainage Details	2529-S4/5 Rev D			Erosion and Sediment Control Plan and Details	2529-S5/5 Rev D		
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47.	Pump Out System The pump out drainage system for the driveway/access ramp and car parking area/open space area shall be provided in accordance with Council's Development Engineering Standards. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate. The engineer must certify that the hydraulic design complies with the above relevant standards. Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.																								
48.	Pump Plans and Details Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate. Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.																								
49.	On-site Stormwater Detention System For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified engineer to prepare a final stormwater drainage and on-site detention system plan to be generally in accordance with the concept plan in the table below, and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall																								

certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.																											
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Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.																											
50.	Driveway Design The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the certifier before a construction certificate being issued. Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the certifier before the issue of the construction certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile. Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.																										
51.	Pavement Design An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by a qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the certifier for approval before the issue of a construction certificate. Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.																										
52.	Gated Vehicle Access Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the property boundary with the street. Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.																										

53.	Traffic Management Plan Before the issue of any construction certificate for this development, the consent holder must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below. A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN This plan shall include details of the following: - Proposed ingress and egress points for vehicles to and from the construction site; - Proposed protection of pedestrians, adjacent to the constructions site; - Proposed pedestrian management whilst vehicles are entering/exiting the construction site; - Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period; - Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3. - Proposed route for transportation of bulk and excavation materials to and from the development site. The route for transportation to and from the development site of bulk construction and excavation materials shall be by the shortest practical route to the nearest "State Road", with every effort to avoid school zones on public roads. . Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days. The consent holder shall nominate the routes for approval by Council before commencement of any work on the site. All vehicles are to enter the on-street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted. An Agreement to Council's satisfaction, signed by the consent holder/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council before release of any Construction Certificate. All damage must be rectified upon completion of work. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council. The approved Site, Pedestrian and Traffic Management Plan is to be implemented before the commencement of any works on the construction site. In addition, a TfNSW (formerly RMS) Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.
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	Note: Approval by Council of a SPTMP may take up to six (6) months. Accordingly, it is recommended the application to Council be submitted well in advance of the need for a construction certificate. 2.318
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
54.	Construction Site Management Plan Before the issue of a construction certificate, a Construction Site Management Plan (CSMP) must be prepared and approved by the certifier. The plan must include the following matters: - The location and materials for protective fencing and hoardings on the perimeter of the site; - Provisions for public safety; - Pedestrian and vehicular site access points and construction activity zones; - Details of construction traffic management including: - Proposed truck movements to and from the site; - Estimated frequency of truck movements; and - Measures to ensure pedestrian safety near the site; - Details of bulk earthworks to be carried out; - The location of site storage areas and sheds; - The equipment used to carry out works; - The location of a garbage container with a tight-fitting lid; - Dust, noise and vibration control measures; - The location of temporary toilets; - The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: - AS 4970 – Protection of trees on development sites; - An applicable Development Control Plan; - An arborist's report approved as part of this consent. A copy of the construction site management plan must be kept on-site at all times while work is being carried out. A copy of the construction site management plan must be kept on-site at all times while work is being carried out. 2.401.
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
55.	Work Vehicle Route The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The consent holder shall nominate the route for approval by Council before commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by consent holder specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council before release of any construction certificate. All damage must be rectified before the issue of any occupation certificate. 2.402
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
56.	Sight Triangles on Plans Sight triangles are to be marked on relevant plans, being provided at the intersection of the driveway and the property boundary in accordance with AS 2890.1: 'Figure 3.3 – Minimum Sight Lines for Pedestrian Safety'. A splay extending 2 metres from the

	driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. Any structures, plantings or fencing within these triangles is to be a maximum height of 600mm to ensure sight lines are kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate. 2.406
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
57.	Return Bins to Council Before the commencement of any works, all domestic waste bins servicing the site are to be returned to Council. 2.501
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
58.	Waste Management Plan Before the issue of a construction certificate, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters: The plan must be prepared: a. in accordance with: i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and b. include the following information— i. the contact details of the person removing waste, ii. an estimate of the type and quantity of waste, iii. whether waste is expected to be reused, recycled or sent to landfill, iv. the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. 2.502
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
59.	Plans to Include Bin Storage Area The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping. 2.503
	Condition reason: To ensure compliance with the relevant Canterbury-Bankstown policy.
60.	Communal Bin Storage Room The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements: a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting; b. Floors must be finished so as to be non-slip with a smooth and even surface; c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height. d. Must be compatible with the overall design of the development;

	e. Walls must be constructed of solid impervious material; f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned; g. Walls, ceiling and floors must be finished in a light colour; h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room; i. A self-closing door openable from within the room; j. Must be constructed to prevent the entry of birds and vermin; k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room; l. Any doorways must be 2 metres wide and open outwards; and m. Designed to fit the following bin allocations: <table><thead><tr><th>Number</th><th>Bin Size</th><th>Bin Type</th></tr></thead><tbody><tr><td>4</td><td>1,100L</td><td>Garbage (Red)</td></tr><tr><td>6</td><td>1,100L</td><td>Recycling (Yellow)</td></tr><tr><td>3</td><td>240L</td><td>Garden (Green)</td></tr></tbody></table> Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	Number	Bin Size	Bin Type	4	1,100L	Garbage (Red)	6	1,100L	Recycling (Yellow)	3	240L	Garden (Green)
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6	1,100L	Recycling (Yellow)											
3	240L	Garden (Green)											
61.	Bulky Waste Storage Room The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the bulky waste storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments": a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting; b. Floors must be finished so as to be non-slip with a smooth and even surface; c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height; d. A self-closing door openable from within the room; e. Must be constructed to prevent the entry of birds and vermin; f. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room; g. Any doorways must be 2 metres wide and open outwards; and h. Designed to a minimum size of 5m2. Condition reason: To ensure the orderly collection of waste from the site.												
62.	On-Site Waste Collection Before the issue of any construction certificate, the certifier must receive written confirmation from Council, that Council has been provided to its satisfaction with the following: a. Detailed plans showing that the waste storage rooms identified on stamped plans will be capable of being accessed from the designed access roadway by a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2, and that a loading area is available for the vehicle when collecting waste that meets the following requirements: i. Within 5 metres of the all waste storage rooms or temporary holding area; ii. A separate parking area for the collection vehicle; and iii. Include an extra 2 metres at the rear of the vehicle loading area. b. Certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed so as to support the following loading requirements: i. Heavy Rigid Vehicle can enter and exit the site in a forward position; ii. 30 tonne waste collection vehicles;												

	iii. Turning circle of 25 metres; iv. Length of 12 metres;									
	Condition reason: To ensure the orderly collection of waste from the site.									
63.	Commercial Storage Room The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements: a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting; b. Floors must be finished so as to be non-slip with a smooth and even surface; c. Must be compatible with the overall design of the development; d. Walls must be constructed of solid impervious material; e. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned; f. A self-closing door openable from within the room; g. Must be constructed to prevent the entry of birds and vermin; h. Roller door 1.2 meters; i. Designed to fit the following bin allocations: <table><tr><th>Number</th><th>Bin Size</th><th>Bin Type</th></tr><tr><td>1</td><td>240L</td><td>Garbage (Red)</td></tr><tr><td>1</td><td>240L</td><td>Recycling (Yellow)</td></tr></table>	Number	Bin Size	Bin Type	1	240L	Garbage (Red)	1	240L	Recycling (Yellow)
Number	Bin Size	Bin Type								
1	240L	Garbage (Red)								
1	240L	Recycling (Yellow)								
	Condition reason: To ensure the orderly collection of waste from the site.									
64.	Carpark Exhaust Before the issue of a construction certificate, the certifier is to ensure that all carpark exhaust does not directly vent into private or communal open space. 2.611									
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.									
65.	Design Verification SEPP 65 A construction certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which development consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65. 2.901									
	Condition reason: To ensure compliance with the relevant New South Wales legislation.									
66.	No Air conditioning units visible No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall: a. Not be located on awnings or attached to the face of the building, b. Not be located on roofs in such a way that it is visible from any street, footpath or park, c. Be visually screened if located 1.8 metres above ground level in other locations, and d. Wiring shall be fully concealed. All construction certificate documentation is to demonstrate compliance with these requirements. 2.902									
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.									

67.	Air conditioning units – BASIX requirements
	The location of any air-conditioning and hot water units and associated infrastructure must be located to ensure that they are not visible from the street, and that they do not result in a non-compliance with the relevant built form controls and private open space controls contained within the Apartment Design Guide. Confirmation from a suitably qualified architect that the BASIX commitments do not compromise the design guidance as contained within the Apartment Design Guide must be provided to the certifier before the issue of a construction certificate. 2.903
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
68.	Hydrant boosters on plans
	All hydrant boosters and associated services and shield walls are to be contained within cabinets and / or designed to match the appearance of the main structure of the development. 2.904
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
69.	Rooftop equipment
	All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain. 2.905
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

BEFORE BUILDING WORK COMMENCES

70.	Certifier details
	A construction certificate is required for the erection of a building in accordance with this Determination Notice.
	This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.
	The following requirements apply before the commencement of building work in accordance with this Determination Notice:
	a. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier, b. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work, c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, d. the consent holder, if not carrying out the work as an owner-builder, has: i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and ii. notified the principal certifier of the appointment, and iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,

	e. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building. 3.202
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
71.	Section 73 Compliance Certificate A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water. It is recommended that the consent holder apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92. 3.203
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
72.	Temporary fence or hoarding A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured. Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval before the commencement of building work/s. 3.204
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
73.	Dilapidation report No less than 14 days before the commencement of any site or building work, the adjoining owner(s) must be provided with a copy of the dilapidation report for their property(ies). 3.205.9
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
74.	WC temporary toilet facilities on site Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period. 3.206
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
75.	Install Erosion control Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site). 3.207

	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
76.	Soil and water management warning sign Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site. 3.208
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
77.	Sign with principal certifier details A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: - showing the name, address and telephone number of the principal certifier for the work, and - 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 - 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. 3.209.P
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
78.	Contract of Insurance In the case of residential building work for which the <i>Home Building Act 1989</i> 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. 3.210.P
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
79.	Residential building work Residential building work within the meaning of the <i>Home Building Act 1989</i> 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 — - In the case of work for which a principal contractor is required to be appointed— - the name and licence number of the principal contractor, and - the name of the insurer by which the work is insured under Part 6 of that Act, - In the case of work to be done by an owner-builder— - the name of the owner-builder, and - 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.

	3.211.P
Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.	

DURING BUILDING WORK

80.	Procedure for Critical Stage Inspections While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. 4.101.S Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
81.	Works in accordance with Building Code of Australia (BCA) Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA). 4.201.P Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a).
82.	BASIX commitments While building work is being carried out, the consent holder must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies. 4.203.P Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.
83.	Hours of Work Site work must only be carried out between the following times – a. 7.00 am and 5.00 pm on Monday to Saturday. b. No construction is to be carried out at any time on a Sunday or a public holiday. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. 4.204.S Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
84.	Noise and Vibration While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation. Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the site work is being carried out. 4.205.S Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites
85.	Surveys by a registered surveyor While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a. All footings / foundations in relation to the site boundaries and any registered and proposed easements

	b. At other stages of construction – any marks that are required by the principal certifier. 4.206.S Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
86.	Civil and Hydraulic engineering works All civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction. 4.301 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
87.	Stormwater drainage system The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the principal 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. 4.302 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
88.	Driveway adequacy A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion. 4.306 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
89.	Responsibility for Changes to Public Infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. 4.307.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
90.	Excavated safely 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. 4.308
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
91.	Shoring and adequacy of adjoining properties 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. 4.309.P
	Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.
92.	Retaining walls 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. 4.310
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
93.	Hazardous finds Any new information revealed during building work/s that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the principal certifier. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the consent holder and/or owner which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information. 4.601
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
94.	No Stockpiling There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

	4.605
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
95.	Keep free of water
	All excavations must be kept free from the accumulation of water. Before approval must be sought from Council to discharge any water into the Council's stormwater drainage system. Other options for the disposal of water include disposal to sewer with before approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.
	4.609
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
96.	Car wash bunding
	The carwash bay is to be bunded and connected to the sewer system to dispose of wastewater in accordance with the requirements contained in Council's Development Engineering Standards.
	4.612
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
97.	Implementation of the site management plans
	While site work is being carried out:
	a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and
	b. a copy of these plans must be kept on site at all times and made available to council officers upon request.
	4.701.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
98.	Threatening of trees
	If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.
	4.810
	Condition reason: To protect the natural environment of the development site and adjoining lands.
99.	Discovery of relics and Aboriginal objects
	While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:
	a. the work in the area of the discovery must cease immediately;
	b. the following must be notified
	i. for a relic – the Heritage Council; or
	ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.
	Site work may recommence at a time confirmed in writing by:
	a. for a relic – the Heritage Council; or
	b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

	In this condition: “relic” means any deposit, artefact, object or material evidence that: • relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and • is of State or local heritage significance; and “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. 4.901.S Condition reason: To ensure the protection of objects of potential significance during works
100.	Disposal of Excavated Soil All soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including the ‘Waste Classification Guidelines’ (NSW EPA, 2014) prior to off-site disposal. All waste material for disposal to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an occupation certificate. Condition reason: To ensure compliance with the relevant New South Wales legislation.
101.	Importation of Fill Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the ‘Waste Classification Guidelines’ (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014). Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an occupation certificate. All imported fill must be compatible with the existing soil characteristics of the site. Condition reason: To ensure compliance with the relevant New South Wales legislation.
102.	Duty to Report Contamination If the Duty to Report contamination to the NSW EPA under Section 60 of the <i>Contaminated Land Management Act 1997</i> is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA. Condition reason: To ensure compliance with the relevant New South Wales legislation.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

103.	Occupation certificate The occupation or use of the building must not commence unless an occupation certificate has been issued. 5.201 Condition reason: To ensure compliance with the relevant New South Wales legislation.
104.	Allocation of car parking spaces 34 off-street car spaces being provided in accordance with the submitted plans. This shall comprise:

	a. 24 residential spaces b. 5 residential visitor spaces c. 5 business / commercial spaces. All spaces are to be sealed and line marked and maintained for the lifetime of the development. Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
105.	Accessible car allocations For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building. 5.107 Condition reason: To ensure orderly development of land.
106.	Encroachment on Council land Before the issue of an occupation certificate, the principal certifier must ensure that no portion of the approved structure, including gates and doors during opening and closing operations, provides for encroachment upon Council's footpath area. 5.202 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
107.	Slab certification 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. 5.203 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
108.	Preservation of survey marks Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that: a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. 5.204.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
109.	Post-construction dilapidation report Before the issue of an occupation certificate, a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether: a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c. a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

	5.205.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
110.	Mechanical ventilation (Basement Car Park) Before the issue of an occupation certificate, the principal certifier must ensure that the car park is ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS 1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements. 5.206 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
111.	Completion of Public Utility Services Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. 5.207.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
112.	Section 73 certificate The Section 73 compliance certificate under the <i>Sydney Water Act 1994</i> must be submitted to the principal certifier before the issue of an occupation certificate. 5.208 Condition reason: To ensure compliance with the relevant New South Wales legislation.
113.	Mechanical ventilation Before issue of an occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the principal certifier. 5.209 Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
114.	Work Permit Compliance required An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable). 5.301 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
115.	Repair of infrastructure Before the issue of an occupation certificate: - 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 - 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.

	5.302.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
116.	Works-as-executed plans and any other documentary evidence 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: - All stormwater drainage systems and storage systems, and - The following matters that council requires to be documented in accordance with the Councils relevant Development Control Plan. - A copy of the plans must be provided to council with the occupation certificate. 5.303.S Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
117.	Agreement with Council Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste. 5.502 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
118.	Removal of Waste Upon Completion Before the issue of an occupation certificate: - all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and - written evidence of the waste removal must be provided to the satisfaction of the principal certifier. 5.503.S Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
119.	Completion of Landscape and Tree Works Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. 5.701.S Condition reason: To protect the natural environment of the development site and adjoining lands and to ensure the development is built and remains consistent with approved plans and documentation.
120.	Key card access Before the issue of an occupation certificate, the principal certifier must ensure that access to the residential lobby is secured through a key card, swipe card, intercom or other method to restrict access to the lobby to only residents or visitors. 5.901 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
121.	Master locks Before the issue of an occupation certificate, the principal certifier must ensure that the letterboxes installed have non-master key locks, to prevent theft and fraud. 5.902 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

122.	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: - principal entrance/s and exits; - all areas within the premise occupied by the public (excluding toilets); - staircases in multilevel premises; and - 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 28 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 manager/licensee is to notify the relevant Local Area Commander of the NSW Police. All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour before opening and closing times of the premises. 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. 5.903 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
123.	Property numbering The buildings / dwellings must be readily identified from the street with the allocated house numbers. An official "property numbering" letter is issued to the consent holder indicating the proposed numbering of the new development. House numbering without Council's written approval is not permitted. 5.904 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

124.	Lighting must be provided to entries Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. All lighting must be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents. 5.906 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
125.	Design of lighting Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – 'The Control of the Obtrusive Effects of Outdoor Lighting'. 5.907 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code.
126.	Design principles SEPP 65 Before the issue of any occupation certificate a design verification from a qualified designer shall be submitted to the principal certifier. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65. 5.908 Condition reason: To ensure compliance with the relevant New South Wales legislation.
127.	Acoustic Report The acoustic report submitted in support of this application prepared by ANVAS-ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L, titled 'Acoustic Report', reference number 2025-246, dated September 12 th 2025 and all the recommendations stated within the report, form part of the development consent. The principal certifier shall obtain a report from an appropriately qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above-mentioned acoustic report have been implemented and that the relevant noise criteria have been satisfied prior to the issue of any occupation certificate. A copy of the report is to be submitted to Council prior to the issue of any occupation certificate. Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

OCCUPATION AND ONGOING USE

128.	Communal facilities All common facilities must be available for the use all residents of the building, and must be operated as common property on any strata subdivision of the site, with no exclusive use rights given. 7.104 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
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129.	Parking spaces No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. 7.106 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
130.	Car parking not for storage The approved car parking spaces, driveways and manoeuvring areas are to be used for residents, employees and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles. 7.301 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation and to provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
131.	Waste generated on site 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 <i>Protection of the Environment Operations Act 1997</i>. All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request. 7.504 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
132.	Stormwater Detention The on-site stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council. 7.302 Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
133.	Maintenance of wastewater and stormwater treatment device During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable). 7.303.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
134.	Waste Management Plan The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out. 7.501 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
135.	Bin room signage Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. 7.505

	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
136. Waste containers	No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
	7.507
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
137. Maintenance of landscaping	The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	7.701
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
138. Compliance with Noise Control Legislation	The applicant must ensure that all activities within the premises comply with the relevant sections of the <i>Protection of the Environment Operations Act 1997</i> and Regulations and the Noise Policy for Industry (NSW EPA, 2017).
	Condition reason: To protect the amenity of the surrounding area.
139. Further Acoustic Assessment	Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a 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 situation. 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.
	Condition reason: To protect the amenity of the surrounding area.
140. Vibration	The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
	Condition reason: To protect the amenity of the surrounding area.
141. Amplified Music	Music and other amplified sound played on the premises must not give rise to offensive noise as defined under the provisions of the <i>Protection of the Environment Operations Act 1997</i> . The sound level output must not exceed five (5) dB(A) above the ambient background level at the boundary of the premises.
	Speakers must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed to direct the playing of music towards the outdoor areas associated with the premises.
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites

142.	Complaint Handling Procedure The building management must implement and maintain a complaint handling procedure. Every complaint must be recorded on a Complaint Form and kept in a Complaints Register. The Complaint Form must contain the following information: - Name, address and contact details of the complainant, - Time and date the complaint was received, - The nature of the complaint or incident (see below what constitutes an incident), - The time and date the incident occurred, - The name of the employee that received the complaint, - Actions taken to investigate the complaint and the summary of the results of the investigation, - Indication of what was occurring at the time the incident was observed, - Required remedial action, - Validation of the remedial action, and - Summary of feedback to the complainant and name of employee who gave the feedback. Incident includes: - Any breach of a plan of management (where applicable), - Any complaint by any person about the operation of the premises, - Any complaint by any person about noise emanating from the premises, or - Any event that may cause concern to any person as a result of the conduct and/or an act of any person(s) on, entering or exiting the premises. All complaints shall have an initial investigation commence within seven (7) days from the date of receipt of complaint. The Complaints Register must always be held on the premises and shall be reviewed monthly by <<building/childcare centre>> to ensure complaints are investigated and resolved in a timely manner. The Complainant must be notified of the results and actions arising from the investigation. The Complaints Register must contain a direction that all complaints of a criminal nature are to be reported to the Police immediately. A copy of the Complaints Register shall be provided to Council or Police immediately upon request. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites
143.	Communal Areas The use of the outdoor communal area(s) is subject to the following restrictions: - Hour of use is limited to 7.00am to 10.00pm, Monday to Saturday and 8.00am to 10.00pm, Sunday and Public Holidays, - Limited to a maximum of 10 people at any one time, and - Music and other amplified sound are not permitted. Condition reason: To protect the amenity of the surrounding area.
144.	Commercial waste All commercial uses must engage and utilise the services of a private waste collection service and must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

145.	Commercial waste contract
	The consent holder shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
146.	On-Site Collection Point
	The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is always to be kept clear of obstructions so not to restrict the collection of waste and recycling bins.
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

- END -