

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 7 MARCH 2022

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Mr Grant Christmas - Expert Member
Mr Stephen Kerr - Expert Member
Ms Inaam Tabbaa - Community Representative Bass Hill and Bankstown Wards

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr Mitchell Noble (Manager Spatial Planning, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning West, not present for the closed session)
Mr Patrick Lebon (Coordinator Strategic Assessments, not present for the closed session)
Ms Robyn Winn (Coordinator Governance)
Mr Camille Lattouf (Team Leader City Shaping Projects Spatial Planning, not present for the closed session)
Mr Ryan Bevitt (Senior Town Planner, not present for the closed session)
Mr Jeremy Swan (External Consultant, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.03 PM.

INTRODUCTION

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

APOLOGIES

There were no apologies received.

DECLARATIONS OF INTEREST

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

The Chairperson also asked the Panel if any member needed to declare a conflict of interest in any of the items on the agenda. There were no declarations of interest.

CBLPP Determination

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **15 December 2021 and 20 December 2021 Electronic Determination** be confirmed.

DECISION

1 DA-969/2021: PUBLIC DOMAIN IMPROVEMENT WORKS TO APPIAN WAY AND THE INTERFACE OF THE WSU BANKSTOWN CAMPUS AND PAUL KEATING PARK.

Site Visit

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

Public Addresses

The following individual addressed the meeting in relation to this item:

- Michael Watson – Senior Town Planner, Walker Corporation (applicant)

Panel Assessment

Ms Inaam Tabbaa was the Community Panel Member present for the deliberation and voting for this matter.

The Panel agrees with the report and the recommendations.

The Panel also considers that the proposal is consistent with the development consent approved for Western Sydney University (WSU) and consistent with that consent the construction hours on Saturdays can be extended to 5:00pm as requested by the applicant.

CBLPP Determination

THAT Development Application DA-969/2021 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendment to the recommended conditions:

4.1 to be amended to read as follows:

The construction and demolition work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 5.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

Vote: 4 – 0 in favour

2 DA-539/2021 1A ALCOOMIE STREET, VILLAWOOD: CONSTRUCTION OF A NEW COMMUNITY CENTRE COMPRISED OF THREE SEPARATE BUILDINGS CONNECTED VIA LARGE INTERLOCKING AWNINGS ADJACENT A CENTRAL EXTERNAL COURTYARD, ASSOCIATED LANDSCAPE WORKS AND ASSOCIATED WORKS.

Site Visit

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

Written Submission

A written submission was received for this matter from:

- Carol Fulton
- Omar Khodr

Public Addresses

The following individual addressed the meeting in relation to this item:

- Cassandra Kiss, Terroir Pty Ltd (applicant)

Panel Assessment

Ms Inaam Tabbaa was the Community Panel Member present for the deliberation and voting for this matter.

The Panel agrees with the report and recommendations.

The Panel notes that a concern was raised with amenity impacts on the properties close to the site. The Panel has received additional noise advice including conditions which will be incorporated with an updated Plan of Management to address acoustic impacts on adjoining residents.

A full set of updated conditions has been provided to the Panel to take these matters into account.

CBLPP Determination

THAT Development Application DA-539/2021 be **APPROVED** subject to the following conditions:

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.539/2021, submitted by Terroir Pty Ltd accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Revision	Dated	Prepared by
DA-10-00	Site Analysis and Demo Plan	1	28/06/2021	Terroir
DA-20-15	Site Plan	1	28/06/2021	Terroir
DA-20-00	Floor Plan	1	28/06/2021	Terroir
DA-20-01	Roof Plan	1	28/06/2021	Terroir
DA-20-10	Elevations	1	28/06/2021	Terroir
DA-20-15	External Windows and Schedule	1	28/06/2021	Terroir
DA-20-20	Sections	1	28/06/2021	Terroir
DA-10-02	Material Schedule and External Colours and Finished	1	28/06/2021	Terroir
401	Softworks Plan	C	18/06/2021	Terroir
601	Landscape Details	C	18/06/2021	Terroir
700	Landscape Specification	C	18/06/2021	Terroir
HY-101	Hydraulic Services Site Plan	2	18/06/2021	Terroir
HY-102	Hydraulic Services Ground Floor	2	18/06/2021	Terroir
HY-103	Hydraulic Services Ground Floor	2	18/06/2021	Terroir
C3.1	Internal Civil Works Concept Stormwater Management & Levels Plan	A	24/06/2021	Terroir
C3.2	Internal Civil Works Long Section	A	24/06/2021	Terroir

-	Operational Plan of Management (POM)		07/03/2022	Canterbury Bankstown Council
-	Waste Management Plan (WMP)	-	June 2021	-
-	Transport Impact Assessment		3/1/22	Peopletrans

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

Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 3A) The recommendations of the Acoustic Report prepared by Northrop dated 16 June 2021 (Ref: NL202092-EAU01;Rev: 3) are to be incorporated into amended plans and POM as follows:
 - (a) as per section 7.2. 1 (pages 11 and 12),
 - (b) as per the alternative to close down the Central Courtyard after 10pm in section 7.2.3 (page 13),
 - (c) as per section 7.3 (page 14),
 - (d) as per section 7.5 (page 15), and
 - (e) as per section 7.6 (page 15)

The amended plans and POM shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. In addition, the applicant is to provide certification from an appropriately qualified acoustic engineer to the Certifying Authority that all recommendations have been incorporated into the amended plans and the proposed development will comply with the NSW EPA Noise Policy for Industry (2017).

- 3B) A Noise Management Plan is to be prepared incorporating all operational noise recommendations of the Acoustic Report prepared by Northrop dated 16 June 2021. The Noise Management Plan is to form part of the amended POM and is to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certification. In addition, the applicant is to provide certification from an appropriately qualified acoustic engineer to the Certifying Authority that all recommendations have been incorporated into the Noise Management Plan and the proposed development will comply with the NSW EPA Noise Policy for Industry (2017).
- 4) The Landscape Plan prepared by Arcadia, Issue C, Dated June 21 is to be amended as follows:
 - a. The following trees are to be clearly identified as being removed:
 - i. Any trees where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling;
 - ii. Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
 - iii. Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
 - iv. The following trees:

Tree Species	Location
5 x <i>Eucalyptus paniculata</i> (Grey Ironbark)	T4-T8 in construction footprints as per Arborists Report

- b. The following on-site trees are to be clearly identified as being retained and protected

Tree Species	Location	Protection Zones*
2 x <i>Eucalyptus tereticornis</i> (Forest red gum)	T2 & T3 as per plan in Arborist Report on western side of proposed development construction site	TPZ 4.2m SRZ 2.5m
3 x <i>Eucalyptus paniculate</i> (Grey Ironbark)	T9, T10 & T11 as per plan in Arborist Report on eastern side of the proposed development construction site	TPZ 4.2m SRZ 2.0m

* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

- c. The following street trees are to be clearly identified as being retained and protected

Tree Species	Location	Protection Zones*
4 x <i>Corymbia maculate</i> (Spotted gum)	T12-T15 as per Arborist Report on the nature strip to the left hand side of the mowing entry gate	TPZ 4.2m SRZ 2.5m

* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

The amended Landscape Plan shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

- 5) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 6) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 7) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.

- 8) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 9) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

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

- 10) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) Extra Heavy duty VFC at the property boundary on Lowana Street.
 - b) Drainage connection to Council's system.
 - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - d) Repair of any damage to the public road including the footway occurring during development works.
 - e) 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: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 11) 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 a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan. Rev A dated 24/6/2021 prepared by NORTHROP. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 12) A soil erosion and sediment control plan must be prepared by a suitably qualified professional in accordance with Council's Demolition and Construction Guidelines and Development Engineering Standards and submitted to the certifier for approval prior to the issue of a construction certificate.

- 13) The layout of the proposed car parking areas associated with the subject development including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with the Australian Standard AS 2890 parking series.
- 14) The subject site is affected by local overland flooding and shall comply with the following:
- a) The minimum floor level of the proposed structure(s) shall be constructed to RL 28.5m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- 15) The Council approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.
- Please refer to www.sydneywater.com.au/tapin
- For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.
- Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.
- 16) A long service levy payment which is 0.35% of the total cost of the building work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 17) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

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WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles

- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Councils Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 18) A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Management Guide for New Developments and including 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. The floors must be finished so that is non-slip and has a smooth and even surface.
 - c. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
 - d. The walls must be constructed of solid impervious material.
 - e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
 - f. Walls, ceiling and floors must be finished in a light colour.
 - g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - h. A self-closing door openable from within the room.
 - i. Must be constructed to prevent the entry of birds and vermin.
 - j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
 - k. Any doorways and pathways to and from the Waste Storage Room must be 2m wide.
 - l. Designed to fit 2 x 240L recycling bins
 - m. Designed to fit 1 x 240L garbage bins
 - n. Designated 1m x 1m area for the holding of a compost bin or worm farm for on-site food waste segregation and recycling (if present).
- 19) A design certificate and detailed plans are to accompany any CC application which demonstrate that the bin carting route from the waste storage room to nominated collection point has been designed to be constructed in accordance with the following requirements:
- a. Direct and less than 10 metres,
 - b. Minimum 2m wide hard surface;
 - c. Non-slip, free from obstacles and steps;
 - d. Not within a driveway or carpark, this is considered a conflict point for vehicles and collection staff;
 - e. A maximum grade of 1:30 (3%); and
 - f. Layback installed at the nominated collection point.
- 20) A design certificate and detailed plans certified by a traffic engineer are to accompany the CC application that confirms that the development can be accessed and serviced by Development that has a waste storage room proposed nominated Heavy Rigid Vehicle waste collection vehicle in accordance with the Waste Management Guide for New Developments. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004 for a Heavy Rigid Vehicle.

The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements (as per AS2890.2-2004 for a Heavy Rigid Vehicle):

- (a) 30 tonne waste collection vehicles
- (b) Turning circle of 25 metres
- (c) Length of 12 metres
- (d) Clearance height of 4.5 metres (6m if using hook lift bins)

- 21) Parking restrictions (ie. No Stopping zone and P10 Minutes parking on the indented parking bay) including 'No Entry' and 'No Left Turn (Vehicles over 6m)' are to be installed along Lowana Street and Alcoomie Street, as shown on the signage plan at Appendix B of the Transport Impact Assessment, issue B, dated 3/1/22 prepared by PeopleTrans, subject to Traffic Committee and Council approval processes. The changes to the parking restrictions along Lowana Street and Alcoomie Street are to be referred to the Traffic Committee for approval at its next available meeting. The Applicant is to be required to undertake consultation with the affected residents regarding the proposed changes to the parking restrictions prior to Traffic Committee consideration and the results of the consultation process are to be submitted to Council's Traffic Unit for inclusion in the Traffic Committee report. All costs associated with the supply and installation of the appropriate signs are to be paid for by the Applicant at no cost to Council.
- 22) A Construction Traffic Management Plan (CTMP) / Site Pedestrian Traffic Management Plan (SPTMP) shall be required to be submitted six months prior to the commencement of works on the site, for both demolition and construction phases of the development / project.

Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic and Transport 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;

- a) Proposed protection of pedestrians, adjacent to the constructions site;
- b) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- c) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- d) 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.
- e) 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 and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", 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.

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate.

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 prior to the commencement of any works on the construction site.

In addition, a 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.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING

- 23) The building work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building work has been issued by the council or certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifier for the building work, and
 - ii. notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifier of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building work.
- 24) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 25) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.

- 26) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 27) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 28) A compliance certificate must be must obtained from Sydney Water under section 73 of the Sydney Water Act 1994. An assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

A section 73 Compliance Certificate must be completed before an occupation certificate will be issued. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

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

- 30) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 31) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

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

- 32) Approval is granted for the removal of the following trees:

- Any trees where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling;
- Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
- Any of the following trees:

Tree Species	Location
5 x <i>Eucalyptus paniculata</i> (Grey Ironbark)	T4-T8 in construction footprint as per Arborists Report

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction damage and pruning. The Tree Management Order protects trees over 5m in height.

- 33) The following tree/s shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location	Protection Zones*
2 x <i>Eucalyptus tereticornis</i> (Forest red gum)	T2 & T3 as per plan in Arborist Report on western side of proposed development construction site	TPZ 4.2m SRZ 2.5m
3 x <i>Eucalyptus paniculata</i> (Grey Ironbark)	T9, T10 & T11 as per plan in Arborist Report on eastern side of the proposed development construction site	TPZ 4.2m SRZ 2.0m

*TPZ and SRZ in metres measured from the centre of the trunk of the tree.

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

- The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at a metre radius from the trunk of the scientific name (Common name). The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;
- The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:

- a. The Development Consent number;
 - b. The name and contact phone number of the consultant arborist / site manager (nominate whoever is applicable);
 - c. The purpose of the protection zone;
 - d. The penalties for disregarding the protection zone;
- (Note to user: delete any of a – d as appropriate)

- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
- If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.

- 34) The applicant shall ensure full compliance with the recommendations numbered 3.1-3.9 in the Arborist Report prepared by Tree IQ, Project no.Thur/Comm/21, Revision A, dated 24/5/21, which was submitted to Council as part of this application.
- 35) No excavation, trenching, soil level changes or filling shall be carried out within the Tree Protection Zone / Structural Root Zone / 3 metres of trees to be retained, unless specifically approved in the Development Consent. Any additional excavation, trenching, soil level changes or filling can only be carried out with the approval of the project arborist or Council.
- 36) Underground services should use common trenches outside the Tree Protection Zone. If services need to be run within the Tree Protection Zone then all utility pipes and similar are to be installed using appropriate directional boring techniques. No tree roots are to be severed or damaged during this work.
- 37) The applicant shall ensure all overhead electrical wires between the power pole and approved structures are located outside the crowns of existing trees and in accordance with the clearances specified by the energy authority. The overhead wires are also to be located to avoid future conflict with any trees planted in accordance with the development consent.
- 38) The following street tree/s shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location	Protection Zones*
4 x <i>Corymbia maculata</i> (Spotted gum)	T12-T15 as per Arborist Report on the nature strip to the left hand side of the mowing entry gate	TPZ 4.2m SRZ 2.5m

* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

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

- The trees to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- The area of Council's nature strip – excluding the concrete footpath – shall be fenced off for a distance of 2.5 metres radius measured from the trunk of the (4) *Corymbia maculata* (Spotted gum) located on Alcoomie Street outside Thurina Park adjacent to construction site prior to the commencement of demolition / construction. The tree protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works.
- The applicant will display in a prominent location on the fencing of each tree protection zone a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - a) The Development Consent number;
 - b) The name and contact phone number of the consultant arborist / site manager (nominate whoever is applicable);
 - c) The purpose of the protection zone;
 - d) The penalties for disregarding the protection zone;NB: Delete any of a – d not applicable to the site
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced off Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced off Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced off Tree Protection Zone.
- Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
- Pruning of Council street trees/s can only be carried out under the authority of a Works Permit approving tree pruning and in accordance with the conditions imposed.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 39) Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.
- 40) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 41) An identification report by a registered surveyor must be submitted to the principal certifier prior to the ground floor slab being poured to verify the buildings wall setback and floor level conform to the approved plans.

- 42) 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.
- 43) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 44) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 45) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 46) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 47) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 48) Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.
- 49) Requirements of the approved WMP shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the WMP the developer is to ensure:

- (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*

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

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 50) An identification report by a registered surveyor must be submitted to the principal certifier to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 50 a) Certification from an appropriately qualified acoustic engineer is to be provided to the Certifying Authority prior to the issue of an occupation certificate for any building that details all acoustic measures have been incorporated into the development and the development will comply with the NSW EPA Noise Policy for Industry (2017).
- 51) A section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the principal certifier before an occupation certificate will be issued.
- 52) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 53) An Occupation Certificate for the completed development must not be issued until all conditions relating to demolition, building have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
- 54) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.

- 55) A copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 56) Tree planting on site shall be as per planting schedule in the Landscape plan by Arcadia, Issue C, Dated June 21.
- 57) Prior to the issue of any OC, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval, WMP. Specifically, the path of travel for all waste, from point of disposal to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and doorway dimensions, truck turntables, and that all waste facilities are fit for purpose.
- 58) Prior to the issue of any OC, a traffic engineer is to inspect and approve all waste vehicle access and manoeuvring/turning movements to ensure they comply with the development approval and design certificate, and that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide for New Developments. Specifically, the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004.

ONGOING USE

- 59) The approved WMP is to be implemented throughout the ongoing use of the development. The WMP must outline who is responsible for ensuring allocated waste bins are available for weekly collection from the Waste Storage Room when hirers are not present.
- 60) The development must operate in full compliance with Council's waste management collection requirements
- 61) 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.
- 62) The temporary bin holding area will be required to be of sufficient size to allow the temporary storage of all allocated bins for the development. Developments proposing a temporary holding area will require a caretaker to transfer all allocated bins from the bin storage area to the temporary holding area the day before the designated collection day and return them once emptied
- 63) All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal. You must be able to show your waste collection contract if it is requested by a Council Enforcement Officer.
- 64) Contracts (or agreements) with hirers must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:
 - (a) Responsibility for cleaning and maintaining waste storage bins and containers
 - (b) Responsibility for cleaning and maintaining waste storage room
 - (c) Responsibility for the transfer of bins to the nominated collection point

- (d) Method of communication to new hirers concerning the developments waste management system.
 - (e) Responsibility for maintaining the onsite compost bin or worm farm
- 65) No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 66) 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.
- 67) The largest delivery vehicle to be used by the proposed development on a regular basis is to be restricted to a 7.7m bus.
- 68) The ongoing use is to comply with the final approved POM /Noise Management Plan as approved with the construction certificate and as may be further amended in the future with the Councils consent.
- 69) The operation of the community centre, Multi-purpose room is to be limited as follows:
Hours of Use - 8am – 10pm Sunday to Thursday, 8am – Midnight, Friday and Saturday
Maximum number of people at any one time – 150 persons
- 70) The operation of the community centre, Meeting Room 1 is to be limited as follows:
Hours of Use - 8am – 10pm Sunday to Thursday, 8am – Midnight, Friday and Saturday
Maximum number of people at any one time – 20 persons
- 71) The operation of the community centre, Meeting Room 2 is to be limited as follows:
Hours of Use - 8am – 10pm Sunday to Thursday, 8am – Midnight, Friday and Saturday
Maximum number of people at any one time – 48 persons
- 72) The operation of the community centre, Central Courtyard is to be limited as follows
Hours of Use – 8am – 10pm 7 days a week
Maximum number of people at any one time – 30 persons.

Vote: 4 – 0 in favour

3 Application to Amend Bankstown Local Environmental Plan 2015: 1 and 1A North Terrace, Bankstown

Site Visit

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

Public Addresses

The following people addressed the meeting in relation to this item:

- David Waldron National Head of Design Vicinity Programs (applicant)
- Chris Pratt, Project Director, Vicinity Centres (applicant)

Panel Assessment

Ms Inaam Tabbaa was the Community Panel Member present for the deliberation and voting for this matter.

The Panel supports the Planning Proposal which is consistent with the relevant Council and State Government strategic plans as outlined in the report to the Panel.

The Panel suggests the inclusion of the following matters as part of the recommendation to the Council:

- a Clarification of ownership and timing of delivery of the public park
- b Ensuring that the proposed DCP be prepared prior to public exhibition and finalised prior to any development applications arising from the Planning Proposal being assessed.
- c Ensure that the DCP will include (along with the various matters identified in the report) the following matters:
 - car parking rates
 - affordable housing target
 - staging of the construction
 - detailed built form controls
 - communal and public open space
 - long term arrangements for bus lay-bys (in conjunction with TfNSW).
- d Confirming that the Planning Agreement will be finalised and executed prior to the amended LEP coming into operation and that the Planning Agreement benefits will be in addition to the standard development contributions.
- e Finalising in the planning agreement the staging of the delivery of the benefits.

The Panel also notes that Council has put forward its view to TfNSW about possible solutions for the long term bus arrangements, but that the issue still needs to be resolved. The Council staff recommendation highlights the importance of resolving this issue, and that is supported by the Panel.

CBLPP Recommendation

The application to amend the Bankstown Local Environmental Plan 2015 proceed to Gateway subject to the following (refer to Figure 4 in the Council report for a map of the precincts):

1.
 - a. Permit a maximum FSR between 3:1 to 7:1 in four separate precincts and an FSR of 3.9:1 for the site overall.
 - b. Permit a maximum building height of 86m for the Town Centre Precinct, 83m for the North Terrace Precinct, 50m, 67m and 70m for the Rickard Road Precinct and 35m, 46m and 55m for the Stacey Street Precinct.
 - c. Insert a subclause to exclude the subject site from obtaining up to 0.5:1 bonus FSR under Clause 4.4A 'Additional gross floor area for more sustainable development in Bankstown CBD commercial core'. This is to provide certainty regarding the maximum FSRs that will apply to the site.
 - d. Remove the site from the existing Special Provisions Map and amend Clause 6.9 to achieve the intended outcomes as follows:
 - i. Enable residential development within the Rickard Road Precinct without the need to provide commercial premises or other non-residential purposes on the ground and first floor levels; and
 - ii. Stipulate (a) a minimum 50% of non-residential floor space within the Town Centre Precinct and (b) a minimum 40% non-residential floor space across the entire site.

2. Before the plan is finalised:
 - a. Council exhibits a draft Planning Agreement generally in accordance with the planning agreement Letter of Offer received from the proponent dated 4 February 2022 (including the proponents Statement of Intent dated 4 February 2022) to deliver public benefits / infrastructure to meet the needs for the future worker, resident and visitor population, as outlined in Section 4 of the Council report. This would be subject to the standard development contributions under s7.11 and s7.12 being payable in addition to the public benefits being provided consistent with Council's Planning Agreement Policy. The planning agreement is to include clarification of details of ownership / easement, construction and short and long term maintenance of the public park together with the timing of providing each of the benefits (including the whole of public park at one time).
 - b. A site specific DCP is prepared and exhibited with the Planning Proposal to define the development controls for all of the development and ensure close integration with the master planning for the Bankstown CBD, and specify the staging of the future development, as outlined in the Council report and this recommendation. The site specific DCP should be finalised before any development applications are submitted and a further clause should be added to the Planning Proposal to this effect. Along with the matters referred to in the Council report the DCP should include details about:
 - (i) how affordable housing will be provided on the site, consistent with the Statement of Intent provided by the applicant.
 - (ii) car parking rates
 - (iii) staging of the construction
 - (iv) detailed built form controls
 - (v) communal and public open space
 - (vi) long term arrangements for bus lay-bys (in conjunction with TfNSW).
 - c. Council and the proponent continue to work with Transport for NSW (TfNSW) to address traffic and transport related matters raised in TfNSW's preliminary comments received on the Planning Proposal. This should involve resolving the permanent location of the Bankstown bus interchange whether it is located on or off the subject site noting that the removal of the bus layover on the current site will require a rethinking of the way buses move through and layover in Bankstown.
3. The Planning Proposal and the relevant supporting reports are updated prior to the exhibition of the Planning Proposal.
4. After the Planning Proposal, DCP and Planning Agreement have been exhibited, a report be provided to Council outlining submissions received and the proponent's response to the issues raised from the exhibition and if necessary, from the Council report (for this current recommendation).
5. The Planning Agreement is to be finalised and executed before the LEP Amendment is made and published on the NSW Legislation website.
6. Council seek authority from the Department of Planning and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.

Vote: 4 – 0 in favour

The meeting closed at 6:23pm