



**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	12 March 2025
<b>DATE OF PANEL DECISION</b>	12 March 2025
<b>DATE OF PANEL BRIEFING</b>	10 March 2025
<b>PANEL MEMBERS</b>	Annelise Tuor (Chair), Penelope Holloway, Glennis James
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Council interest DA Khal Asfour deliberated on a matter relating to the site during the term of Council

Papers circulated electronically on 3 March 2025.

**MATTER DETERMINED**

PPSSSH-174 – CANTERBURY-BANKSTOWN – DA-914/2024 at Lot 1 DP 818459 – 17A Phillips Avenue CANTERBURY and Lot 2 DP 818459 – 17 Phillips Avenue CANTERBURY and Unreferenced lot adjacent to 17 & 17A Phillip Avenue – Alterations and additions to Canterbury Olympic Ice Rink (as described in Schedule 1).

**PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Development application**

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The panel determined to approve the application for the reasons outlined in the Council Assessment Report as indicated below:

- The external planner's assessment report has considered the relevant matters under section 4.15 of the *Environmental Planning and Assessment Act 1979*
- The proposed development is permissible development with consent within the RE1 Public Recreation zone and is consistent with the relevant zone objectives. It complies with the applicable *State Environmental Planning Policies* and satisfied the relevant provisions of the *Canterbury Bankstown Local Environmental Plan 2023*

- The proposed development appropriately responds to the site, is compatible with the development within the surrounding area and does not result in unreasonable impacts on residential amenity.
- All outstanding issues have been satisfactorily resolved

### CONDITIONS

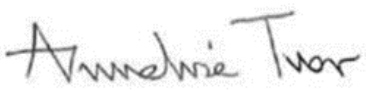

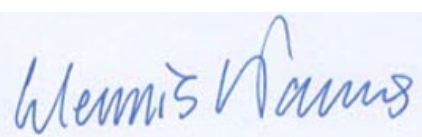
The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 2.25 amended to clarify that the approval does not grant consent for the removal of tree 15
- Condition 3.6 deleted for clarity as the application does not relate to residential building work
- Condition 5.8 amended for clarity to remove reference to 'residential' as the development does not relate to residential building works
- Condition 6.1 amended to require that any changes to the approved plan of management are approved by the Canterbury-Bankstown Council's Manager Development to enable a mechanism so that the plan of management can be updated if circumstances change.

The approved conditions, which include the above amendments, are in Schedule 2.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel noted that all 8 submissions were in support of the application.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Penelope Holloway
 Glennis James	

### SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSSH-174 – CANTERBURY-BANKSTOWN – DA-914/2024
2	PROPOSED DEVELOPMENT	Lot 1 DP 818459 – 17A Phillips Avenue CANTERBURY Lot 2 DP 818459 – 17 Phillips Avenue CANTERBURY Unreferenced lot adjacent to 17 & 17A Phillip Avenue
3	STREET ADDRESS	Alterations and additions to Canterbury Olympic Ice Rink
4	APPLICANT/OWNER	The Ice-Skating Club of NSW Co-operative Limited / Canterbury Bankstown Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Canterbury Bankstown Local Environmental Plan 2023</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Canterbury Bankstown Development Control Plan 2023</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 3 March 2025</li> <li>Written submissions during public exhibition: 8</li> <li>Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 11 November 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James</li> <li><u>Council assessment staff</u>: Natasha Parasiris, George Gouvatsos</li> <li><u>Council consultant assessment planner</u>: Rebecca Englund (Northern Beaches Planning)</li> <li><u>Applicant representatives</u>: Andrew Stanton, Alex Allan, Steve Kennedy, Duncan Reed, Leonard Slabbert</li> <li><u>DPHI</u>: Joel Burgess</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Site inspection: 21 October 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway</li> <li>○ <u>Council assessment staff</u>: Natasha Parasiris, George Gouvatsos, Alice Pettini</li> <li>○ <u>Council consultant assessment planner</u>: Rebecca Englund (Northern Beaches Planning)</li> </ul> </li> <li>• Briefing: 3 February 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway</li> <li>○ <u>Council assessment staff</u>: Natasha Parasiris, George Gouvatsos, Robert Steedman</li> <li>○ <u>Council consultant assessment planner</u>: Rebecca Englund (Northern Beaches Planning)</li> <li>○ <u>Applicant representatives</u>: Andrew Stanton (Hunter Scott), Steve Kennedy (Kennedy Associates), Duncan Reed (Kennedy Associates), Alex Allan (Canterbury Olympic IceRink), Steve Aird (Canterbury Olympic Ice Rink)</li> <li>○ <u>DPHI</u>: Amanda Moylan</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 10 March 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James</li> <li>○ <u>Council assessment staff</u>: Natasha Parasiris, Robert Steedman, Ian Woodward</li> <li>○ <u>Council consultant assessment planner</u>: Rebecca Englund (Northern Beaches Planning)</li> <li>○ <u>Applicant representatives</u>: Andrew Stanton (Hunter Scott), Steve Kennedy (Kennedy Associates), Duncan Reed (Kennedy Associates), Alex Allan (Canterbury Olympic IceRink)</li> <li>○ <u>DPHI</u>: Amanda Moylan, Nikita Lange</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report, as amended by the Panel. Approved conditions are in Schedule 2.

## SCHEDULE 2 – Approved Conditions of Consent

### SCHEDULE 1 – CONDITIONS

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

#### 1. General Conditions

##### 1.1 Approved plans and supporting documentation

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

Approved Plans				
Plan No.	Plan Name	Dated	Revision	Prepared By
2221-DA000	Cover Sheet	16.12.2024	C	Kennedy Associates Architects
2221-DA001	Introduction	16.12.2024	C	Kennedy Associates Architects
2221-DA010	Ground Floor – Demolition Plan	16.12.2024	C	Kennedy Associates Architects
2221-DA011	First Floor – Demolition Plan	16.12.2024	C	Kennedy Associates Architects
2221-DA012	Roof – Demolition Plan	16.12.2024	C	Kennedy Associates Architects
2221-DA090	Proposed Site Plan	16.12.2024	C	Kennedy Associates Architects
2221-DA100	Ground Floor – Proposed Plan	16.12.2024	C	Kennedy Associates Architects
2221-DA101	First Floor – Proposed Plan	16.12.2024	C	Kennedy Associates Architects
2221-DA102	Roof – Proposed Plan	16.12.2024	C	Kennedy Associates Architects
2221-DA200	Streetscape Elevations	16.12.2024	C	Kennedy Associates Architects
2221-DA201	Proposed Elevations (South & West)	16.12.2024	C	Kennedy Associates Architects
2221-DA202	Proposed Elevation (North & East)	16.12.2024	C	Kennedy Associates Architects
2221-DA300	Proposed Sections	16.12.2024	C	Kennedy Associates Architects
2221-DA400	External Finishes	16.12.2024	C	Kennedy Associates Architects
Sheet 1 of 2	Landscape Concept	20.12.2024	E	Landscape Plans
Sheet 2 of 2	Site Plan	20.12.2024	E	Landscape Plans
HSK-01	Hydraulic Spatial Requirements	08.07.2024	01	ADP Consulting
2221-SD101	First Floor – Proposed Plan	31.05.2024	P6	Kennedy Associates Architects
2221-SD102	Roof – Proposed Plan	31.05.2024	P6	Kennedy Associates Architects

Approved Documents		
Document	Dated	Prepared By

Arboricultural Impact Assessment Report	09.07.2024	Advanced Arborist Reporting
BCA Assessment Report	17.08.2024	Ventura Building Surveyors

Detailed Site Investigation	10.01.2025	Alliance Geotechnical
Noise Impact Assessment Report	02.08.2024	ADP Consulting
Plan of Management	17.12.2024	The Ice-Skating Club of NSW Co-Operative Limited
Section J Report	16.07.2024	ADP Consulting
Supplementary Contamination Assessment and Remedial Action Plan	29.01.2025	Alliance Geotechnical
Traffic Impact Statement	18.12.2024	Traffix
Waste Management Plan	-	-

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 all parties are aware of the approved plans and supporting documentation that applies to the development

## 1.2 Association with DA-1012/2021

In order to ensure consistency between development consents, the granting of development consent to Development Application DA-1012/2021, issued by Canterbury Bankstown Council on 26 September 2022 ("DA-1012/2021") is modified pursuant to s4.17(1)(c) and s4.17(5) of the Environmental Planning and Assessment Act 1979, and s67 of the Environmental Planning and Assessment Regulation 2021 by:

a. Including an additional condition under the heading 'Approved Development' to read:

- 1.1.a. *The layout of the 34 overflow car parking spaces as shown in the Approved Plans (within the grassy reserve to the north-west of the Existing Ice Rink Building) is indicative only and is subject to change with the prior written approval of Council. However, a minimum of 34 overflow spaces must be maintained at all times, arranged in a manner that is consistent with the relevant provisions of AS2890.*
- 1.1.b. *Trees T12, T17, T18, T19, T20, T21, T26 and T42 (as identified in the Approved Arborist Report referenced in DA-1012/2021) have been approved for removal under a separate application and their removal should not impact upon the issuing of an occupation certificate.*
- 1.1.c. *DA-914/2024 has the effect of amending in part the works authorised under DA-1012/2021. Where there is an inconsistency between the works approved under DA-1012/2021 and DA-914/2024, the works approved under DA-914/2024 prevail. The Conditions of DA-914/2024 apply only to the work authorised under this consent and do not set aside any Condition of DA-1012/2021.*

Reason: To ensure consistency between two separate development consents.

### **1.3 Ausgrid**

The design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets. The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Reason: Compliance with the advice of Ausgrid.

### **1.4 Comply with Development Consent**

The proposal shall comply with the conditions of this Development Consent.

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

### **1.5 Transport for NSW**

The Applicant must satisfy the following requirements of Transport for NSW:

- a. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- b. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
- c. The Applicant/Developer shall not at any stage block the corridor access gate on Phillips Avenue and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- d. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- e. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- f. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and

- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- g. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- h. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on Central\_Interface@transport.nsw.gov.au.
- i. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

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

### **2.1 Payment of Development Contributions**

Development Contributions of \$156,691.43 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Canterbury-Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.12 of the Environmental Planning and Assessment Act 1979. The contributions will be used to provide, extend or augment public amenities or public services.

Indexing of the contribution amount to be paid: 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: Development contribution amounts are non-refundable if you do not proceed with your development.



## **2.2 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

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

## **2.3 Long Service Levy**

Before the issue of the relevant construction certificate, payment of the long service levy is required, under the Building and Construction industry Long Service Payments Act 1986, 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>.

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

## **2.4 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.

Condition reason: To ensure adequate approval of crane use.

## **2.5 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.

## **2.6 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](http://www.sydneywater.com.au/tapin) for Sydney Water's Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://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.

## **2.7 Mobility Access**

The new elements of 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.

Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.

## **2.8 Accessible Walkways**

Construction certificate plans must demonstrate that all newly proposed on-site pedestrian pathways and footpaths open to the public comply with AS/NZS 4586 (including amendments) – 'Slip resistance classification of new pedestrian surface materials'.

Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.

## **2.9 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:

- a. Council's relevant 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.

## **2.10 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:

- a. The location and materials for protective fencing and hoardings on the perimeter of the site;
- b. Provisions for public safety;
- c. Pedestrian and vehicular site access points and construction activity zones;
- d. Details of construction traffic management including:
  - i. Proposed truck movements to and from the site;
  - ii. Estimated frequency of truck movements; and
  - iii. Measures to ensure pedestrian safety near the site;
- e. Details of bulk earthworks to be carried out;
- f. The location of site storage areas and sheds;
- g. The equipment used to carry out works;
- h. The location of a garbage container with a tight-fitting lid;
- i. Dust, noise and vibration control measures;
- j. The location of temporary toilets;
- k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
  - i. AS 4970 – Protection of trees on development sites;
  - ii. An applicable Development Control Plan;
  - iii. 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.

Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement/parking.

## **2.11 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 construction 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 Transport for New South Wales (TfNSW) requirements and AS1742.3 Traffic control devices for works on roads;
- 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 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 consent holder/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 before 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 before the commencement of any works on the construction site.

In addition, a TfNSW 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.

Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.

## **2.12 Building Code of Australia**

The Construction Certificate plans must fully comply with the requirements outlined in the following Approved Documents:

BCA Assessment Report	17.08.2024	Ventura Building Surveyors
Noise Impact Assessment Report	02.08.2024	ADP Consulting
Section J Report	16.07.2024	ADP Consulting

Additionally, any Fire Engineered Solutions and deemed-to-satisfy provisions must be detailed and submitted for approval with the Construction Certificate application.

Reason: Compliance with the BCA.

### 2.13 Retaining Walls

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

- a. The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the certifier before the issue of the construction certificate.
- b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

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

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

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

Conditions reason: to ensure the necessary permits are obtained.

### **2.15 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 Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before 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:

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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, 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.

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

### **2.16 Stormwater Drainage**

Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards. 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 referenced in Condition 1.1, above. 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 Development Engineering Standards and the relevant Australian Standards.

Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.

#### **2.17 Connect to Existing Stormwater System**

Stormwater runoff from all areas proposed for development shall be collected and connected to the existing stormwater system within the site, subject to the existing system being evaluated by a qualified professional Civil Engineer and found to be structurally adequate and to have the required hydraulic capacity, as required in Council's Development Engineering Standards. The existing system shall be upgraded or replaced as necessary to comply with the requirements above.

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

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

#### **2.18 Pre-Order Plant Stock**

All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect to issue of any Construction Certificate. The order confirmation shall include the supplier's name, address and contact details; and expected supply date.

All the tree supply stocks shall comply with the guidance given in the publication Specifying Trees: a guide to the assessment of tree quality by Ross Clark (NATSPEC, 2003).

Condition reason: To ensure that an appropriate landscaped outcome is achieved.

#### **2.19 Transport for NSW Requirement**

Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Certifier with the application for a Construction Certificate.

Condition reason: To comply with the requirements of TfNSW.

## **2.20 Transport for NSW Requirement**

Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Condition reason: To comply with the requirements of TfNSW.

## **2.21 Transport for NSW Requirement**

No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Condition reason: To comply with the requirements of TfNSW.

## **2.22 Waste Management Plan**

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

The plan must be prepared:

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

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

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



### 2.23 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 planting.

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

### 2.24 Bin Storage Enclosure

The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the bin storage enclosure that comply with the following requirements’:

- a. To be an enclosure as in the plans with a roof, with a minimum 1.6m unobstructed room height.
- b. Must be compatible with the overall design of the development;
- c. Walls must be capable of being cleaned;
- d. Ceilings must be capable of being cleaned;
- e. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- f. A self-closing door openable from within the room;
- g. Must be constructed to prevent the entry of birds and vermin;
- h. Any doorways must open outwards or roller door; and
- i. Designed to fit the following bin allocations:

Number	Bin Size	Bin Type
2	1,100L	Garbage (red)
1	1,100L	Recycling (Yellow)

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

### 2.25 Tree Removal: On-Site

Approval is granted for the removal of the following trees:

- a. Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling;
- b. Any declared noxious plant. The consent holder, 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;
- c. Any tree species listed under clause 2.4 of Canterbury-Bankstown Development Control Plan 2023, Chapter 2.3;
- d. Any of the following tree/s:

Tree Species	Location
T8 <i>Eucalyptus punctata</i> (Grey Gum)	western side of the development
T9 <i>Corymbia maculata</i> (Spotted Gum)	western side of the development
T10 <i>Corymbia maculata</i> (Spotted Gum)	western side of the development

T11 <i>Corymbia maculata</i> (Spotted Gum)	western side of the development
T16 <i>Corymbia maculata</i> (Spotted Gum)	western side of the development
T17 <i>Archontophoenix alexandrae</i> (Alexandra palm)	western side of the development

- e. For the avoidance of doubt, the removal of Tree 15 is not approved and must be safely retained.

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.

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

## 2.26 Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 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](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92.

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

## 2.27 Cleaners Sink

Construction certificate plans must show an in-sink and in-floor waste bucket traps to be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. Plans must show that works are to be carried out by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia.

Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.

# 3. Conditions to be Satisfied Before Construction

## 3.1 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.

### **3.2 WC temporary toilet facilities on site**

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

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

### **3.3 Temporary fence or hoarding**

A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.

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

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

### **3.4 Sign with 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.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

### **3.5 Insurance**

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

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

### **3.6 Demolition conditions**

Demolition works on the property must be undertaken in accordance with all the following:

- a. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date,
- b. Written notice must be issued to Council for inspection a minimum of (7) days before the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor,
- c. Inspections being undertaken by Council including:
  - i. A pre-commencement demolition inspection when all site works required as part of this determination notice are installed on the site and before demolition work commencing, and

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

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

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

## **4. Conditions to be Satisfied During Construction**

### **4.1 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.

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

### **4.2 Works in accordance with the Building Code of Australia**

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

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

#### **4.3 Hours of Work**

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

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

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

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

#### **4.4 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.

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

#### **4.5 Noise Limits**

Any noise caused by demolition, vegetation removal or construction must 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.

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

#### **4.6 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.

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

#### **4.7 Excavation safety**

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 his/her 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.

Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

#### **4.8 Excavation – Water**

All excavations must be kept free from the accumulation of water. Prior 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 prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

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

#### **4.9 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 required for retaining walls.

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

#### **4.10 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.

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

#### **4.11 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.

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

#### **4.12 Monitor for acid sulfate soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of potential acid sulfate soil or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site must be stopped, and Council is to be notified immediately. A suitably qualified environmental consultant must be contracted to further assess the site.

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

#### **4.13 Remediation**

Prior to the execution of works associated with the built form of the development, the site is to be remediated in accordance with:

- a. The approved Remedial Action Plan, prepared by Alliance Geotechnical Pty Ltd, titled Supplementary Contamination Assessment and Remedial Action Plan, dated 29 January 2025, reference 18587-ER-4-1,
- b. State Environmental Planning Policy (Resilience and Hazards) 2021,
- c. The guidelines in force under the Contamination Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.

Any variations to the approved remedial action plan must be submitted to and approved in writing by an NSW EPA Accredited Site Auditor and Council prior to the continuing of such work.

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

#### **4.14 Site Audit Statement**

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the consent holder, which is agreed to by Council.



Council may also request that an NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The consent holder must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

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

#### **4.15 Soil Assessment**

All soils and material, liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, the 'Waste Classification Guidelines' (NSW EPA, 2014), before off-site disposal.

The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by the Principal Certifier before off-site disposal. A copy of the waste classification report must be submitted to Council before issuing of an occupation certificate.

All waste material must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to Council before issuing of an occupation certificate.

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

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

#### **4.16 Duty to Report Contamination**

If the Duty to Report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 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.

#### **4.17 Tree Protection**

All neighbouring and street trees impacted by the demolition, construction and development of the site must be retained and protected in accordance with all aspects and requirements for the protection of these Trees as stated in the Australian Standard 2009, AS 4970-2009 Protection of Trees on Development Sites to allow for the healthy ongoing life of these trees. Please ensure that all neighbouring trees are not adversely impacted by the development and provide redesign or amendments to the development as required.

Condition reason: to minimise impacts upon retained trees.

#### **4.18 Waste Management**

While site work is being carried out:

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

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

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

#### **4.19 Waste management Plan**

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

- a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997; and
- b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997; and
- c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and
- e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of

waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste; and

- f. All materials and resources that are to be stored on site during construction works are contained on the site; and
- g. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and
- h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

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

## **5. Conditions to be Satisfied Before Occupation**

### **5.1 Survey**

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.

Reason: To ensure that the as-built works are consistent with the Approved Plans.

### **5.2 Occupation or Use**

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

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

### **5.3 Fire Safety Certificate**

The principal certifier must refer any performance solutions related to fire safety to Fire and Rescue NSW (FRNSW) during the occupation certificate stage. Additionally, the principal certifier must submit the final fire safety certificate and fire safety schedule for the completed building to the Council Fire Safety Officer via email at [Council@cbcicty.nsw.gov.au](mailto:Council@cbcicty.nsw.gov.au). Please use the standard template form provided by the NSW Government.

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

### **5.4 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).

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

## **5.5 Repair of Infrastructure**

Before the issue of an occupation certificate:

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

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

## **5.6 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.

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

## **5.7 Validation Report**

Prior to issue of the occupation certificate, the proponent must submit a detailed validation report to Council.

The validation report must be prepared in accordance with:

- a. 'Managing Land Contamination: Planning Guidelines (Department of Urban Affairs and Planning and NSW EPA, 1998),
- b. Relevant EPA Guidelines, noting the guidelines for 'Consultants Reporting of Contaminated Land 2020, and
- c. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The validation report must be prepared or reviewed and approved by an appropriately qualified environmental consultant.

The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Supplementary Contamination Assessment and Remedial Action Plan, dated 29 January 2025, reference 18587-ER-4-1.

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

## **5.8 Master Locks**

Before the issue of an occupation certificate, the principal certifier must ensure that the installation of deadlocks be fitted on all external doors, services access areas and letterboxes, to prevent theft and fraud in accordance with AS 4145.2—2008

Reason: CPTED.

## **5.9 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 coverage to:

- a. principal entrance/s and exits.
- b. Rear North facing along rail corridor and carparks.
- c. all areas within the premise occupied by the public (excluding toilets).
- d. staircases in multilevel premises; and
- e. 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 always be operated 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 to maintain the integrity of the recorded footage. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

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

#### **5.10 Removal of Waste upon Completion**

Before the issue of an occupation certificate:

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

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

#### **5.11 Section 73 Certificate**

The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifier before the issue of an occupation certificate.

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

#### **5.12 Inspection by Environmental Health Officer**

Before the issue of an occupation certificate, a pre-occupation premises inspection report is to be undertaken by Council's Environmental Health Officer.

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

#### **5.13 Business Registration**

Prior to the issue of any occupation certificate, a food business registration form must be completed and submitted to Council. This form is available online at [www.cbcity.nsw.gov.au](http://www.cbcity.nsw.gov.au). In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

Condition reason: To ensure that the development complies with Council's Environmental Health Policies.

#### **5.14 Acoustic Validation**

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 submitted acoustic report referenced within his determination notice have been implemented and that the relevant noise criteria have been satisfied before the issue of any occupation certificate. A copy of the report is to be submitted to Council before the issue of any occupation certificate.

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

#### **5.15 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.

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.

### **6. Conditions of Use**

#### **6.1 Plan of Management**

The premises are to be managed in accordance with the Approved Plan of Management referenced in this consent and as amended in accordance with conditions of this consent.

Any future changes to the Approved Plan of Management must be submitted to and approved by Canterbury-Bankstown Council's Manager Development.

Condition reason: To comply with the requirements of this consent.

#### **6.2 Fire Safety**

During occupation and ongoing use of the building, the consent holder must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

Condition reason: To ensure compliance with the relevant New South Wales legislation and to ensure compliance with the relevant Australian Standard and National Construction Code.

#### **6.3 Illumination of signs**

The signs shall only be illuminated during the trading hours associated with the use of the premises. The intensity of the lights illuminating the sign shall be limited to not cause nuisance to surrounding roadways or land uses. The signs must not flash.

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

#### **6.4 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.

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

#### **6.5 Waste Contract**

The consent holder shall enter/remain into a commercial contract (which can include Council) 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.

#### **6.6 Commercial Waste**

All commercial uses must engage and utilise the services of a private waste collection service (which can include Council) 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

#### **6.7 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 Protection of the Environment Operations Act 1997. 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.

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

#### **6.8 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.

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

#### **6.9 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.

#### **6.10 Protection of environment**

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

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

#### **6.11 Emergency response**

Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.

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

#### **6.12 Patrons leaving**

A clearly visible sign must be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and must leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

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

#### **6.13 Maintenance of lighting**

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

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.

#### **6.14 Method of Cooking**

The installation of any solid fuel (charcoal, wood fire etc.) cooking appliances is not permitted on the premises. The cooking of food at the premises by means of solid fuel is not permitted.

Condition reason: To ensure that the development complies with Council's Environmental Health Policies.

#### **6.15 Waste Food Oil Storage**

Where cooking by oil occurs, the premise shall contain adequate holding facilities for the reception of waste food oil. Waste food oil must be stored in a covered and bunded area and regularly removed by a waste oil recycler.

Condition reason: To ensure that the development complies with Council's Environmental Health Policies.