

The NEW City of **CANTERBURY BANKSTOWN**



Agenda for the
Ordinary Meeting

22 November 2016

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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1	Minutes of the Ordinary Meeting of Council of 25 October 2016	7
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PRESENT: Administrator – Richard Colley
General Manager – Matthew Stewart
Director Planning – Scott Pedder
Director Corporate – Ken Manoski
Director Operations – Anthony Vangi
Director Community Services – Graeme Beattie
Director City Future – James Carey
Executive Director – Simon Manoski
Director People & Performance – Simone Cook
Manager Governance – Brad McPherson

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES

(194)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 27 September 2016 be adopted.

SECTION 2: LEAVE OF ABSENCE

Nil

SECTION 3: DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST

Nil

SECTION 4: ADMINISTRATOR MINUTES

ITEM 4.1 BREAST CANCER AWARENESS MONTH

(195)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council support Breast Cancer Awareness Month and donate \$5,000 towards this cause and these funds be made available from Council's Section 356 Financial Assistance Fund.

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SECTION 5: PLANNING MATTERS

SUSPENSION OF STANDING ORDERS

(196) MOVED AND RESOLVED BY THE ADMINISTRATOR

That –

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Item 5.4 be dealt with now.
- iii) Standing Orders then be resumed.

ITEM 5.4 96-98 COLUMBINE AVENUE, PUNCHBOWL

DEMOLITION OF EXISTING STRUCTURES AND CONSOLIDATION OF EXISTING LOTS TO CREATE ONE NEW ALLOTMENT. CONSTRUCTION OF A MIXED COMMERCIAL/RESIDENTIAL FLAT BUILDING COMPRISING OF TWO RETAIL SHOPS, NINE (9) RESIDENTIAL UNITS AND BASEMENT CARPARKING

MR PETER CARD (HEAD PETITIONER) ADDRESSED COUNCIL.

(197) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Mr Card be given an extension of one minute to address Council.

(198) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 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. DA-799/2015 submitted by Mr Antonios Hanna, accompanied by Drawing No. 12.24/DA01, 12.24/DA02, 12.24/DA03, 12.24/DA04 and the Schedule of External Finishes, prepared by DC Development Consultants and affixed with Council's approval stamp, except where otherwise altered by the specific

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amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) The width of the residential entry shall be increased to 1.8m throughout. 'Unit 1' and 'Retail 2' shall be adjusted accordingly, and the western façade shall be amended to provide a residential entry treatment that is well-defined and distinct from the adjoining commercial shopfronts.
 - b) Visitor space 'V1' shall be replaced with secure bicycle parking facilities.
 - c) Fixed privacy screens shall be provided to the northern edge of the walkway on Levels 1 and 2. The screens are to achieve a minimum height of 1.8m above the finished walkway level and shall comprise the same material and finish as the screens provided to the Columbine Avenue balconies.
 - d) Convex safety mirrors are to be provided at the entry to the basement carpark. The mirrors and their installation shall comply with the relevant Australian Standards and must allow residents exiting the carpark a clear line of sight to any traffic or pedestrians in Pratten Lane.
- 3) If unexpected contaminants or materials are unearthed during demolition or construction, works are to cease until the situation is evaluated and an appropriate response determined by the applicant which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor or occupational hygienist is involved to assist with the assessment of any contamination information.
 - 4) Any activity carried out in accordance with this approval shall 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.
 - 5) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage qualifies as 'exempt development'.
 - 6) No approval is granted or implied for the use of the commercial floor area. Separate development consent for the use of the commercial floor area is required prior to occupation.

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:

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- 7) 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.
- 8) The existing common walls along the side boundaries must be retained and made weatherproof in accordance with the requirements of the Building Code of Australia. Structural details must be provided to the certifying authority for approval prior to the issue of a construction certificate.
- 9) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP, and shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 10) A Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with Council's relevant DCP. The plan shall be prepared by a suitably qualified professional and approved by the Principal Certifying Authority, prior to the issue of the Construction Certificate.
- 11) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please telephone 13 20 92 or refer to www.sydneywater.com.au for:

- Quick Check agents details – see Building Developing and Plumbing then Quick Check; and
 - Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating
- 12) 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.
 - 13) Prior to issue of a Construction Certificate, a Long Service Levy payment of 0.35% of the value of the work is required to be paid to Council on behalf of the Long Service Corporation prior to issue of the Construction Certificate.
 - 14) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) a contribution of \$16,350.00 shall be paid to Council.

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The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 15) 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.
- 16) 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) A medium duty VFC at the property boundary.
 - 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.

- 17) 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 job No. J551013, rev A dated 28/04/2016 prepared by JAS ENGINEERS. 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.

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- 18) 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.

- 19) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 20) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

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- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) 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.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.
- k) Proposed construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

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.

- 21) The Site, Pedestrian and Traffic Management Plan required at Condition 20 above shall include provisions to minimise the use of Pratten Lane for construction activities, including the loading and unloading of construction materials and machinery.
- 22) 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, 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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A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$50,000.
- 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.

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In determining a Works Permit, Council can impose conditions and require inspections by Council Officers. Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.bankstown.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.

- 23) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 24) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 25) The layout of the car parking area associated with the development (including the driveway, turning paths, sight distance requirements, aisle width, aisle length, and parking bay dimensions) shall be in accordance with AS 2890.1 – 2004, AS 2890.6 – 2009 and AS 2890.2 – 2002.
- 26) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.

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- 27) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 28) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 29) The building works 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 an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority 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 work as an owner-builder, has:
 - iii. 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
 - iv. notified the principal certifying authority of any such appointment, and
 - v. 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 erection of the building.

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- 30) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to the owners of properties directly adjoining the subject site. The report must clearly identify the condition of existing structures on these adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer.
- 31) 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.
- 32) 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.
- 33) 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.
- 34) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application 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 must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.
- 35) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 36) 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 the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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37) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

a. in the case of work for which a principal certifying is required to be appointed:

- i. the name and licence number of the principal contractor, and
- ii. the name of the insurer by which the work is insured under Part 6 of the Act,

b. in the case of work to be done by an owner-builder:

- i. the name of the owner-builder, and
- ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

38) Prior to the commencement of any building work a fence shall be erected along the property boundaries of the development site, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the site. 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 the construction to ensure that the site is secured and privacy of the adjoining properties is not compromised.

Where the development site is located within 3.6m of a public place then a Class A or Class B hoarding shall be constructed appropriate to the works proposed. A Works Permit for such hoardings shall be submitted to Council for approval prior to the issue of any Construction Certificate.

39) 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.

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- 40) For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition 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 during and 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.

Note: This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building, or in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

- 41) Permission is granted for the demolition of existing structures on the property, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Bankstown City Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Bankstown City Council:
 - (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

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NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412** or **9707 9635**.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean

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of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.

- k) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 42) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 43) The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.

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- 44) Prior to each floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished floor level and siting to the property boundary conforms with the approved plans.
- 45) 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.
- 46) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 47) If the 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.
- 48) If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) if necessary, must underpin and support the building in an approved manner, and
 - b) must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) must take all precautions to protect all of the structures from damage.

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.

- 49) 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).
- 50) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.

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- 51) 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.
- 52) All soils removed from the property shall be classified in accordance with the NSW EPA Waste Classification Guidelines 2009 and, if necessary, be disposed of to an appropriate EPA licensed waste facility.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 53) The use of a building in accordance with this Development Consent must not be commenced until Council or the PCA has issued an Occupation Certificate for the building and site works.
- 54) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 55) Prior to the issue of any Occupation Certificate, design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in SEPP No. 65.
- 56) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 57) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 58) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or

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directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

- 59) Lighting of the premises shall be installed in accordance with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of neighbouring premises or glare to motorists on nearby roads.
- 60) 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.
- 61) The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development.
- 62) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 63) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater

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Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

STANDING ORDERS WERE RESUMED.

ITEM 5.1

3 FETHERSTONE STREET, BANKSTOWN

EXTEND ONE OF THE EXISTING LIFT SHAFTS TO PROVIDE ACCESS TO THE ROOF LEVEL, AUTHORISE THE ADAPTATION OF THE PREVIOUSLY APPROVED ROOF ENCLOSURES INTO SIX (6) RESIDENTIAL STUDIO APARTMENTS AND PROVIDE FOR A COVERED METAL SHEET ROOFING ELEMENT AND A GLAZED PARTITION WALL FROM THE STAIR WELL TO THE STUDIOS

(199)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 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.DA-124/2011, submitted by The Owners of Corporation Strata Plan 71808, accompanied by Drawing Nos A1 (01 of 09, 02 of 09, 03 of 09, 04 of 09, 05 of 09, 06 of 09, 07 of 09, 08 of 09 and 09 of 09), all Job No 1101.03A, prepared by Alex Chistiakoff Architect, dated 10 February 2011 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.

The development plans shall be amended as follows:

- a) The lift overrun is to be at a maximum of 63.725 metres AHD.
- 3) The maximum height of the building must not exceed 63.725 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennae (of whatever type), lighting rods, any roof top garden plantings, etc.

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- 4) The roof should be of a conspicuous colour and should not blend with the surrounding background.
- 5) The building is to be obstacle lit with low intensity steady red obstacle lights at night in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998 (part 139 MOS) Chapter 9, Section 9.4. The proponent should refer to subsection 9.4.6 for the lighting characteristics.
- 6) The proponent must notify BAL in writing of the finished building height (in metres AHD), so that BAL can update its records.

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:

- 7) 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.
- 8) 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.
- 9) 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.
- 10) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 11) 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.

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The plan for the proposed drainage system together with the hydraulic evaluations shall be submitted to the PCA for approval with the application for the Construction Certificate.

- 12) The applicant shall comply with the following conditions or otherwise provide a Performance Solution, submitted as a report to the certifying authority, demonstrating compliance with the appropriate Performance Requirements of Volume 1 of the National Construction Code (BCA) prior to the issuing of a construction certificate.

(Note: If as a result of complying with these conditions of consent, that building works are required that have not been endorsed on the endorsed plans and this development consent, the applicant will be required to obtain the necessary development consent prior to the issuing of a construction certificate):

- a. The residential sole occupancy units at the roof terrace level and the proposed building works in relation to the development consent shall comply with the appropriate performance requirements of the BCA.
- b. Structural drawings and certification from a registered structural engineer, certifying that the design is in accordance with the relevant structural provisions of the BCA and Australian Standards and design codes shall be submitted to the certifying authority prior to the issue of the Construction Certificate.
- c. Certification justifying the capacity of the existing structure to carry the proposed new loads and to resist the loads, forces and moments arising from the proposed new use of the building, in accordance with the relevant performance requirements of Sections B and C of the BCA, shall be submitted by an appropriately qualified structural engineer to the certifying authority prior to the issue of the Construction Certificate.
- d. The residential sole occupancy units at the roof terrace level and the proposed building works in relation to the development consent, shall be constructed in Type A Construction in accordance with the appropriate requirements of Section C of the BCA. Attention is drawn but not limited to the following building elements:
 - External loadbearing and non-loadbearing walls.
 - Walls separating the proposed residential sole occupancy units
 - Floors and roof
 - Internal walls, internal beams, and internal columns
 - Window and door lintels.
 - Canopy
 - Structures on roof
- e. The use of lightweight construction within the residential sole occupancy units at the roof terrace level and the proposed building works in relation to the development consent, shall comply with the requirements of C1.8

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- of the BCA.
- f. All proposed materials, linings and surface finishes installed within the residential sole occupancy units at the roof terrace and the proposed building works in relation to the development consent, shall meet the requirements of C1.10 of the BCA.
 - g. The proposed new passenger lift shall be an emergency lift, complying with the requirements of C2.10, C2.11 and Part E3 of the BCA.
 - h. Doorways that open into the fire isolated stairways shall be protected by self-closing or automatic closing fire doors in accordance with the requirements of C3.8 of the BCA.
 - i. Self-closing fire doors shall be provided to all residential sole occupancy units in accordance with the requirements of Section C of the BCA.
 - j. That the services passing through a floor or wall that are required to have an fire resistance level (FRL) in accordance with the BCA, shall be protected in accordance with C3.12, C3.13 or C3.15 of the BCA.
 - k. Without passing through another sole-occupancy unit, every occupant of a storey or part of a storey of the building must have access to an exit, or at least two exits, in accordance with D1.2 of the BCA.
 - l. Unobstructed height and widths for the exits and paths of travels to the exits shall be provided in accordance with D1.6 of the BCA.
 - m. The ground floor fire isolated passageway serving the central fire isolated stairways shall be extended to discharge directly to the road, in accordance with D1.7 of the BCA.
 - n. The existing stairways and landings shall be made to comply with all of the requirements of D2.13 and D2.14 of the BCA.
 - o. The thresholds to exit doorways and to the entry doorways of the residential sole occupancy units at the roof terrace, shall comply with the requirements of D2.15 of the BCA.
 - p. Balustrades shall be provided to the roof terrace and to the fire isolated stairways in accordance with D2.16 of the BCA.
 - q. Handrails shall be provided to the fire isolated stairways in accordance with D2.17 of the BCA.
 - r. All doors serving as required exits or forming part of a required exit and any doors installed in a path of travel to a required exit, shall comply with the relevant requirements of D2.19, D2.20 and D2.21 of the BCA.
 - s. Warning signs shall be provided in accordance with D2.23 and E3.3 of the BCA.
 - t. Protection to the windows of the residential sole occupancy units at the roof terrace levels shall be provided in accordance with D2.24 of the BCA.
 - u. Access for people with disabilities shall be provided to the roof terrace level of the building in accordance with the requirements of Part D3 of the BCA.
 - v. The existing fire hydrant system shall be extended to the roof terrace level and be brought to total conformity with Performance Requirement EP1.3 of the BCA.

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- w. Hose reels shall be installed in accordance with E1.4 of the BCA.
- x. The existing sprinkler system shall be extended to the roof terrace level and be brought to total conformity with E1.5 and Specification E1.5 of the BCA.
- y. Portable fire extinguishers shall be provided, in accordance with E1.6 of the BCA.
- z. A fire control centre facility shall be provided within the building to meet Performance Requirement EP1.6 of the BCA
- aa. The existing automatic fire detection and alarm system shall be extended to the roof terrace and be brought to total conformity with Performance Requirements EP2.1 and EP2.2 of the BCA.
- bb. The fire isolated exit stairways and the connecting fire isolated passageways shall be provided with an automatic air pressurisation system in accordance with E2.2 of the BCA and Joint Standard AS/NZS 1668.1.
- cc. A system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3 and E4.4 of the BCA and Australian Standards AS 2293.1.
- dd. Exit and directional signs shall be provided in accordance with the requirements of E4.5, E4.6 and E4.8 of the BCA, and Australian Standards AS 2293.1.
- ee. A sound system and intercom system for emergency purposes in accordance with E4.9 of the BCA shall be installed throughout the entire building

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 13) 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 an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority 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:

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- 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 certifying authority 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.
- 14) 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.
- 15) 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.
- 16) 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 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.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 17) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

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

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 19) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 20) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate (where required).

ITEM 5.2

3 ROWLAND STREET, REVESBY

DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SINGLE-STOREY, 32-PLACE CHILD CARE CENTRE WITH BASEMENT PARKING

(200)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 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. DA-129/2016, submitted by Ultra Design and Engineering, accompanied by Drawing No. 1/4 & 2/4, prepared by Ultra Design, dated 27 April 2016 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.

The development plans shall be amended as follows:

- a) The maximum number of children permitted to be cared for in the centre is thirty two (32).
- b) Detailed design plans shall be provided of the proposed dividing fences, demonstrating how water will be collected from the angled sections, and not allowed to sheet flow onto neighbouring land.

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- 3) The food preparation area (kitchen) within the childcare centre must be designed, constructed and operated in accordance with the requirements of:
- i) The *NSW Food Act 2003* and *Food Regulation 2015*;
 - ii) Australia New Zealand Food Standards Code;
 - iii) Australian Standard 4674-2004, Construction and fitout of food premises;
 - iv) Australian Standard 1668.2-2012, The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings; and
 - v) Australian Standard 1668.1-1998, The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings
- 4) The child care centre shall be designed, constructed and operated in accordance with the requirements of the Department of Community Services and the *Children (Education and Care Services) Supplementary Provisions Regulation 2004 (CSPR 2004)*.

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

- 5) 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.
- 6) A detailed landscape plan prepared by a qualified landscape architect is to be approved prior to the issue of a Construction Certificate. The landscape plan is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary.

The landscape plan shall make provision for the following:

- a) The surface treatment of an outdoor play area must consider the "Best Practice Guidelines in Early Childhood Environments" (NSW Department of Community Services).
- b) Any landscaping must use hardy species with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 1 of Part B6: Child Care Centres, of the Bankstown Development Control Plan 2015).
- c) Avoid low branching trees in pedestrian traffic areas, and species with prickly/spiny leaves or fruit.
- d) Landscaping in an outdoor play area must not include the species listed in Appendix 2 of Part B6: Child Care Centres, of the Bankstown Development Control Plan 2015, or any of the following species:

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- plants known to produce toxins;
 - plants with high allergen properties;
 - plants with profuse scented flowers or known to attract high numbers of bees, spiders, and insects;
 - plants with thorns or spiky foliage and branches; and
 - any weed or potential weed species.
- e) The landscape plan shall also make provision for planting of appropriate species of plants adjacent to the boundary fence, in order to minimise the likelihood of children coming into contact with the fence.
- 7) The landscape plan shall include the provision for the replacement of boundary fencing as recommended in the Environmental Noise Assessment report No. AC016/V/J899/05, prepared by ABC Advanced Engineering, dated 15 September 2016, installed along the eastern, western and southern boundary of the child care centre at full cost to the developer. The fence is to be constructed of suitable material specified in the Noise Report unless the type of material is stipulated in any flood study prepared for the site. The colour of the fence is to complement the development and is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 8) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 9) The removal of the (2) neighbour trees need to be negotiated between the applicant and property owner of number 1 Rowland Street. A Tree Preservation Order Application Form for removal /prune trees will need to be submitted to Council with the owner's consent for Council's consideration.
- 10) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 11) 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

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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.

- 12) 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.
- 13) 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.
- 14) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$4,100 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 15) 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.
- 16) 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) A medium duty VFC of maximum width of 5.5 metres at the property boundary.
 - b) Drainage connection to Council's system.
 - c) 1.2 metre wide paving along the site's entire frontage.
 - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.

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- e) Repair of any damage to the public road including the footway occurring during development works.
- f) 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.

- 17) 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 No. Z:\2009\AR'199, issue B dated 04/08/2016 prepared by ULTRA DESIGN & ENGINEERING. 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.
- 18) 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.

- 19) 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

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or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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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 i.e. Hoardings, Work Zones etc.

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

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

- 20) The subject site is located adjacent to a drainage easement and shall comply with the following:
- a) The proposed building shall be located clear of existing drainage easements within the site. Amended plans to this effect shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. All approved construction details shall be consistent with this requirement.
 - b) Concrete pier and beam type footings shall be provided for all structures adjacent to the stormwater pipe/easement in accordance with the requirements contained in Council's Development Engineering Standards. Plans and details prepared by a qualified practising Structural Engineer, with details suitable for construction in accordance with the above Policy shall be incorporated into the details for approval of the Construction Certificate.

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- c) Landscaping within drainage easement shall be limited to grassed or paved surfaces only. Where pavers are to be used they shall be constructed integral with a concrete base to prevent scour and uplifting. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. A copy of the approved landscaping details shall be submitted to Council for information.
 - d) For concrete pavements built over drainage easements full depth construction joints shall be provided along the easement boundary, in accordance with the requirements contained in Council's Development Engineering Standards. Details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. A copy of the approved details shall be submitted to Council for information.
- 21) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
 - 22) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
 - 23) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
 - 24) The sum of the impervious areas associated with the car parking area, driveway and paths must not exceed 55% of the area between the dwellings and the primary frontage.
 - 25) All mechanical plant including air-conditioning equipment on the premises shall be selected, located and treated to ensure that the noise level from this equipment does not exceed 5dB(A) above the background noise level when measured at any residential boundary or the window of any residential building.
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- 26) The outdoor play space must be adequately shaded in accordance with guidelines published by the NSW Cancer Council under the title Shade for Child Care Services.
- 27) Access for people with disabilities must comply with the BCA and AS 1428 Parts 1 to 4 - Design for Access and Mobility.
- 28) All exposed concrete areas in the outdoor area shall be treated with soft play material to reduce noise.
- 29) The acoustic report submitted in support of this application, prepared by ABC Advanced Engineering titled *"Environmental Noise Assessment for Proposed Development of Childcare Centre at 3 Rowland Street, Revesby"* dated 15 September 2016, Report No. AC016/V/J899/05 and the noise attenuation recommendations stated in section six (6) of the report, forms part of the development consent. The Construction Certificate plans shall incorporate the recommended acoustic measures.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 30) The building / subdivision work in accordance with the development consent must not be commenced until:
 - a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority 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 certifying authority of any such appointment, and

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- 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 / subdivision work.
- 31) 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.

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

Tree Species	Location: Rowland Street frontage
(1) <i>Callistemon viminalis</i> , (Weeping bottlebrush)	Forward of the property / Councils nature strip

- The tree removal works are subject to the following conditions:
- All tree works must be carried out by a qualified arborist (minimum qualifications AQF Level 3 or equivalent);
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- Appropriate hazard signage to be in place at all times during the tree works.

All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.

- 33) The Applicant undertake root mapping by hand using an air spade or similar and running parallel with the applicants boundary fence to locate any possible

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structural roots that would be impacted by the proposed works. No roots greater than 30mm in diameter are to be severed and the exposed area must be filled in within 2.0 hours of being exposed and the affected areas watered to field capacity and allowed to drain. The works must be undertaken with advice from a consulting arborist with minimum AQF (Australian Qualification Network) Level 5 in Arboriculture.

- 34) 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.
- 35) 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.
- 36) 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.
- 37) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application 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 must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 38) 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.

- 39) 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.

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- 40) 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.

- 41) Permission is granted for the demolition of structures currently existing on the property, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
 - (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to

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carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412** or **9707 9635**.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

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- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
 - l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
 - m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
 - n) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
 - o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
 - p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- 42) A dilapidation report for the buildings located to the east, south and west of the site is to be completed and submitted to the Principal Certifying Authority prior to the excavation work commencing on the site. The report shall include details of the structural conditions of the existing buildings. On the completion of the proposed work, and prior to the issue of the final compliance certificate, a certificate prepared by an appropriately qualified engineer, to the effect that no damage has resulted to the adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or satisfactory agreement for rectification of the damage, is to be made with the affected person/s, as soon as possible and prior to occupation of the development

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- 43) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 44) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 45) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 46) 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.
- 47) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 48) 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.
- 49) 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.
- 50) Boundary fencing along the eastern, western and southern boundary of the child care centre shall be constructed in accordance with the Environmental Noise Assessment report No. AC016/V/J899/05, prepared by ABC Advanced Engineering, dated 15 September 2016. The fencing is to be constructed at full cost to the developer. The fence is to be constructed of suitable material

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specified in the Noise Report unless the type of material is stipulated in any flood study prepared for the site. The colour of the fence is to complement the development and is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

- 51) 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).
- 52) The applicant shall apply to the Bankstown Traffic Committee and to the satisfaction of Council's Traffic Engineer for the entire frontage on Rowland Street to be zoned "P15 Minute 7am-6pm Mon-Fri" at the applicant's cost.
- 53) 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.
- 54) Any warm-water system installed in the premises, must be installed, operated and maintained in accordance with the prescribed requirements in the *Public Health Act 2010* and *Public Health Regulation 2012*. A warm-water system is defined as a system being designed to heat and deliver water at a temperature of less than 60°C and includes thermostatic mixing valves. The warm water system must be registered with Council.
- 55) Wall Construction
All walls in the child care centre, including all new and existing partition walls, must be of solid construction and finished to a smooth, impervious surface that can be easily cleaned, as specified in Table 3.2 of Australian Standard 4674-2004. The finishing materials of the wall surfaces shall provide an even surface, free of buckles and ledges, fixing screws, open joint spaces, cracks or crevices. Cavity walls are not permitted.
- 56) Floor Construction
The floor construction within the food preparation (kitchen) area must be finished to a smooth, even non-slip surface, graded and drained to a floor waste connected to a sewer.

Floor wastes are to consist of a removable basket within a fixed basket arrestor and are to comply with the requirements of Sydney Water.

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57) Coving

Approved, recessed coving must be provided at all intersections of the floor with the walls/plinths within the manufacturing area. All coving must:

- a) Have a minimum concave radius of 25mm; or
- b) Be tiled 50mm minimum in width and splayed at 45°.

The coving must be installed so as to be integral to the surface finish of both the floor and wall in such a manner as to form a continuous, uninterrupted surface. Feather edge skirting and non-rebated coving are not permitted

58) Ceiling Construction

The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight-jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted in the manufacturing area or over areas where open food is displayed, handled or served.

59) Light Fittings

All light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a) Recessed so that the diffuser is flush with the ceiling; or
- b) Designed to ensure that no horizontal surfaces exist which would allow dust and grease to accumulate.

60) Penetrations/Service Lines

All service pipes, electrical conduit must be either:

- a) Concealed in floors, walls, ceilings or plinths; or
- b) Fixed with brackets so as to provide at least a 25mm clearance between the wall and the service line and 100mm clearance between the floor and the service line.

61) Preparation Benches

All food preparation benches must be constructed of stainless steel. All food contact surfaces are to be smooth, continuous and flush so as to avoid any exposed screw fixtures. The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, free of joints, cracks and crevices.

62) Storage Cabinets/Cupboards

All storage cabinets/cupboards (internal and external surfaces) must be finished in a smooth and non-absorbent material that is free of joints.

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63) Fixtures and Fittings

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning. False bottoms under fittings are not permitted.

All fittings and fixtures must be built into the wall and floor so to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following in accordance with Table 4.5 of Australian Standard 4674-2004:

- a) Plinths must be an integral part of the floor, constructed of solid materials similar to the floor, at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities;
- b) Fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device; or
- c) Fittings and fixtures can be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

64) Shelving

All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall must be completely sealed. All shelving must be constructed at least 150mm from the floor level.

65) Hot Water Service Unit

The hot water service unit must be positioned at least 75mm clear of the adjacent wall surfaces and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be of adequate size to enable a sufficient amount of hot water to all washing facilities throughout the working day.

66) Mechanical Exhaust Ventilation

A food premises must be provided with a kitchen exhaust hood complying with Australia Standard 1668.2-2012 and 1668.1-1998, where:

- a) Any cooking apparatus has:
 - i. A total maximum electrical power input exceeding 8 kW; or
 - ii. A total gas power input exceeding 29 MJ/h; or
- b) The total maximum power input to more than one apparatus exceeds:

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- i. 0.5 kW electrical power; or
 - ii. 1.8 MJ gas per m² of floor area of the room or enclosure; or
- c) Any deep fryer.

Prior to the issue of any Occupation Certificate or the occupation or use of the premises, certification from a suitably qualified professional engineer shall be submitted to the Principal Certifying Authority verifying that the exhaust system in the premises is installed and constructed in accordance with Australian Standard 1668.2-2012 and 1668.1-1998.

All mechanical exhaust ventilation systems shall be serviced regularly in accordance with the manufacturers and/or installers specifications. A record of all maintenance activities to the exhaust extraction equipment shall be maintained at the premises and provided to Council upon request.

67) Toilet Facilities

A toilet for staff must be provided within the premises. The toilet cubicle must be separated from areas where open food is handled, displayed or stored by one of the following:

- a) An intervening ventilated space fitted with self-closing doors; or
- b) Self-closing doors and mechanical exhaust systems that operate when the sanitary compartment is in use for at least 30 seconds after the cubicle is vacated.

A hand wash basin must be located within the toilet cubicle. The hand wash basin must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed to a temperature of at least 40°C and fitted with a hands-off type tap set. The hand wash basin must be provided with soap and disposable paper towels from a dispenser.

68) Hand Wash Basins

Hand wash basins must be provided in all parts of the premises where open food is handled and in utensil/equipment washing areas. Each hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height, either permanently fixed to a wall, to a supporting frame or set in a bench top and are accessible no further than five (5) metres away from any place where food handlers are handling open food.

Each hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand wash basin. A waste receptacle for used towels shall be provided.

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69) Equipment Wash Sinks

A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet.

A triple bowl sink must be installed and serviced with hot and cold water through a single outlet where rinsing is required before or after sanitising e.g. wash, rinse, sanitise procedure or wash, rinse/sanitise, rinse procedure.

Equipment wash sinks shall be provided with water at a temperature of not less than –

- a) 45°C for washing operations; and
- b) 80°C for sanitising if hot water sanitising takes place at the sink.

Equipment wash sinks shall be adequately sized to enable effective washing and sanitising of the largest piece of equipment.

70) Dishwashing Machines

Any dishwashing machine must be designed and able to operate in accordance with Australian Standard 4674-2004 and the Food Standards Code. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitizing rinse cycle must achieve a water temperature of 80°C for two (2) minutes or 75°C for 10 minutes.

Appropriate ventilation must be provided over the dishwashing system and be designed and installed in accordance with Australian Standard 1668.2-2012.

71) Cleaning Facilities

A cleaner's sink with a supply of hot and cold water must be provided for the purposes of general cleaning. Alternatively, hot and cold wall mounted taps must be installed fitted with hose connectors and positioned at least 600mm above the floor in a convenient and accessible location within the food preparation area and adjacent to the floor waste.

72) Storage Facilities

Adequate provision must be made for the storage of all staff personal belongings, cleaning chemicals and equipment.

73) Waste Storage Area/Room

The waste storage area/room must be provided with smooth and impervious walls and floors and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against

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pests. The area or room must be provided with water service hose connectors to enable easy cleaning.

Open waste storage areas must be appropriately covered and banded. The ground shall be paved with impervious material and shall be graded and drained to a waste water disposal system according to Sydney Water's requirements. A hose tap connected to a water supply shall be provided.

74) Waste & Recycling Storage, Collection and Disposal

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 disposed of by an authorised contractor.

Details of a Trade Waste Agreement with Sydney Water must be submitted to Council. If no Trade Waste Agreement or grease trap is required, a letter from Sydney Water is to be submitted to the accredited certifier to this effect.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 75) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 76) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 77) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 78) The applicant is to plant the following replacement tree on the nature strip forward of the property. The tree shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-202:

Tree Species	Location 3 Rowland Street Revesby
(1) Waterhousea floribunda 'Green	Tree is to be planted on the eastern boundary of proposed vehicle footpath crossing no

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Avenue' (Weeping lilly pilli).	closer than 2.5 metres from the edge of the vehicle crossing including (layback) 2.0 metres from any electricity pole and 1.5 metres from the kerb and gutter.
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Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new planting, the applicant is to:

- a. Carry out engineering works to protect those services from damage; or
- b. Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
- c. Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The tree is to be planted to the satisfaction of Councils Tree Management Officer. The Applicant shall contact Councils Tree Management Officer to arrange for a site inspection of the completed tree planting prior to the issue of an occupation certificate.

- 79) 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.
- 80) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

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A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 81) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 82) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 83) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 84) Any lighting of the premises shall be installed in accordance with Australian Standard 4282-1997, Control of the obtrusive effects of outdoor lighting so as 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 shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 85) Operation must not commence until a final inspection has been carried out by Council's Environmental Health Officer and all conditions of this consent have been complied with.
- 86) Operation must not commence until an inspection of the premises has been carried out by the Principal Certifying Authority and all conditions of this consent have been complied with.
- 87) The food premises must be registered with Council so that regular inspections can be carried out to ensure that food hygiene standards are maintained, by completing the Application for Registration form prior to operation.
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- 88) Verification is to be submitted, prepared by a qualified acoustic consultant that the recommended measures in the Environmental Noise Assessment report No. AC016/V/J899/05, prepared by ABC Advanced Engineering, dated 15 September 2016, have been satisfactorily implemented.

USE OF THE SITE

- 89) Car parking spaces for five (5) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 90) The childcare centre is restricted to a maximum of thirty two (32) children at any one time. The maximum of 32 children cannot be made up of more than the following numbers of children in the following age groups:
- Less than 24 months – not more than 4 children
24-36 months – not more than 10 children
Over 36 months – not more than 20 children
- 91) The hours of operation are restricted to 7.00am to 6.00pm Monday to Friday.
- 92) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 93) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 94) Identification number/s are to be conspicuously displayed at the front of the premises.
- 95) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 96) The childcare centre shall be operated in accordance with the requirements of the Department of Community Services at all times.
- 97) All windows and doors shall remain closed during indoor activities.

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- 98) All mechanical equipment including air conditioner shall operate within 5 dB(A) of the background noise level when in use.
- 99) All chemicals shall be stored, handled and disposed of in accordance with
- a) AS1940-1993. The Storage and Handling of Flammable and Combustible Liquids.
 - b) Department of Environment and Conservation's Environment Protection Manual for Authorised Officers: Technical Section (Bunding and Spill Management)
 - c) Department of Environment and Conservation's Guidelines titled "Assessment, Classification and Management of Liquid and Non Liquid Wastes 1999" and the Protection of the Environment Operations Act 1997.
- 100) 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.
- 101) Signs reminding staff and visitors to minimise noise at all times shall be installed at ingress/egress points from the childcare centre.
- 102) To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.
- 103) Any activity carried out in accordance with this approval shall 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; and
- 104) The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 105) A noise management plan shall be prepared and implemented within one (1) month of the commencement of the childcare centre operation. The management plan shall provide for measures that:
- a) Ensure children are supervised at all times to minimise noise generated by children.

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- b) Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
- c) Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a Complaint form. The complaint form should list:
 - i) The name and address of the complainant (if provided).
 - ii) The time and date the complaint was received.
 - iii) The nature of the complaint and the time and date the noise was heard.
 - iv) The name of the employee who received the complaint.
 - v) Actions taken to investigate the complaint, and a summary of the results of the investigation.
 - vi) Indicate what was occurring at the time the noise was heard, if possible.
 - vii) Required remedial action.
 - viii) Summary of feedback to the complainant.
- 106) A permanent register of complaints shall be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation.
- 107) The operator of the child care centre is to organise and chair a Neighbourhood Liaison Committee, within one (1) month of the commencement of the operation of the child care centre. The purpose of the Committee is for the operator and neighbours to resolve any issues, such as traffic and noise, arising from the operation of the child care centre. The operation of the Committee must ensure:
 - (a) The membership of the Neighbourhood Liaison Committee must include residents who live next to and opposite the child care centre.
 - (b) The Neighbourhood Liaison Committee must meet at least four times during the first twenty four (24) months of the child care centre operating.
 - (c) The operator of the child care centre must forward the meeting minutes to Committee members.
 - (d) The operator of the child care centre may forward the meeting minutes to Council for information purposes.
 - (e) The operator of the child care centre may terminate the Committee once it meets at least four times during the first 24 months of the child care centre operating, or may choose to extend the function of the Committee over a longer period of time.

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ITEM 5.3 220-222 SOUTH TERRACE, BANKSTOWN

DEMOLITION OF EXISTING DWELLING ON NO. 220 AND COMMERCIAL STRUCTURES AT NO. 222, CONSOLIDATION OF TWO (2) LOTS, RELOCATION OF EXISTING SEWER PIPE, CONSTRUCTION OF TWO (2) STOREYS OF BASEMENT CAR PARKING AND AT GRADE PARKING, CONSTRUCTION OF A NINE (9) STOREY MIXED USE BUILDING COMPRISING OF GROUND FLOOR COMMERCIAL PREMISES AND NINETY ONE (91) RESIDENTIAL UNITS WITH ASSOCIATED SERVICES, ON-SITE LANDSCAPING AND SITE WORKS

(201) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved on a deferred commencement basis subject to the following conditions.

DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

The following deferred commencement conditions must be complied with to the satisfaction of Council within twelve (12) months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

A1

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.*
- 2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.*
- 3. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.*
- 4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.*
- 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.*

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Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:

CONDITIONS OF CONSENT

- 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.DA-1314/2015, submitted by PSEC Project Services, accompanied by Drawing No.
 - D2001 Floor Plan Basement 2 Revision C dated 21 July 2016
 - D2002 Floor Plan Basement 1 Revision C dated 21 July 2016
 - D2003 Floor Plan Ground Level Revision C dated 21 July 2016
 - D2004 Floor Plan Level 1 Revision C dated 21 July 2016
 - D2005 Floor Plan Level 2-3 (typical) Revision C dated 21 July 2016
 - D2006 Floor Plan Level 4-8 (typical) Revision C dated 21 July 2016
 - D2007 Floor Plan Communal Roof Plan Revision C dated 21 July 2016
 - D3000 North/West elevations and schedule of finishes Revision C dated 21 July 2016
 - D3001 South/East elevations and schedule of finishes Revision C dated 21 July 2016
 - D3002 Internal South/East elevations and schedule of finishes Revision C dated 21 July 2016
 - D4000 Sections A & B Revision C dated 21 July 2016
 - D4001 Sections Vehicular access ramp detailed section Revision C dated 21 July 2016

prepared by PSEC Projects Services, 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.

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- 3) Ausgrid has both overhead & underground cables in the vicinity of this development. The developer is to ensure that the works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

Any work undertaken near overhead power lines needs to be done in accordance with:

- Workcover Document ISSC 23 "Working Near Overhead Power Lines".
- Ausgrid's Network Standards. In particular NS220 "Overhead Design Section 13 Clearances"
- Ausgrid's Electrical Safety Rules.

Excavation works near underground cables needs to be done in accordance with Ausgrid Network Standard 156 "Working Around Ausgrid Cables"

In addition, the developer will need to submit an "Application for Connection" to determine the method of supply to the development as a substation maybe required on the premises. Applications for Connections can be made to our Connections Group using their email ["contestability@ausgrid.com.au"](mailto:contestability@ausgrid.com.au)

- 4) No approval is granted or implied for the use of the commercial tenancy. Separate Development Consent for the use of the commercial floor space is required prior to occupation.
- 5) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the south and the east of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.
- 6) In order to achieve the energy efficiency requirements of Clause 4.4A of the BLEP 2015, the commercial floor space must achieve the following as a minimum standard:
- Energy
- Lighting efficiency with a minimum average of 70 lumens per watt. This is equivalent to a mix of fluorescent and LED lighting in all fittings.
 - Motion and daylight sensors in all common areas.
 - Air conditioning (air or water cooled) with an overall co-efficient of performance (CoP) of 5 or greater.

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Water

- 5-star WELS rated tapware in kitchen and bathroom tap fittings.
- 4-star WELS rated toilets.
- Where showerheads are installed, 4.5-6L/min showerhead.
- Waterless urinals (where urinals installed).

The construction certificate plans shall be consistent with the above requirements.

- 7) An Acoustic Report, prepared by a suitably qualified acoustics consultant demonstrating that the proposed development will comply with the requirements the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines" and the State Rail Publication "Rail related Noise and Vibration Guidelines", shall be prepared and submitted to Council or the PCA prior to the release to the Construction Certificate. The Construction Certificate plans shall include all of the attenuation measures recommended in the Acoustics Report. The development shall be constructed to include all of the recommended attenuation measures and the acoustic consultant shall certify that all recommendations have been incorporated into the development prior to the issue of the Occupation Certificate.

The Construction Certificate plans shall ensure that the following LAeq levels are not exceeded:

- In any bedroom in the development – 35dB(A) at any time between 10pm and 7am; and
- Anywhere else in the residential parts of the development (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

A report from a qualified acoustic consultant shall be submitted to the Principal Certifying Authority (PCA) confirming that this condition is complied with.

- 8) The "Deferred Commencement" documentation submitted to satisfy Schedule A forms part of this consent. The Construction Certificate plans must be consistent with the requirements set out.

**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:

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- 9) 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.
- 10) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 11) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 12) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 13) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 14) 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

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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.

- 15) 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.
- 16) 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.
- 17) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$219,419.90 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 18) 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.
- 19) 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) A heavy duty VFC at the property boundary.
 - b) Drainage connection to Council's system.
 - c) 1.2 metre wide / full width to match the existing concrete footway paving along the sites entire frontage to South Terrace and East Terrace.
 - d) Concrete kerb and gutter along the sites entire frontages to both South and East Terrace.
 - e) Pavement to be to Council's CBD Type 4 standard (Type 4 is 125mm depth fibre-reinforced concrete base with 40mm asphalt, Urbanstone 'Silver

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Grey' 400 x 400 x min 50mm concrete paver banding and header treatment).

- f) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- g) Repair of any damage to the public road including the footway occurring during development works.
- h) 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.
- i) 2 x Street trees in South Terrace to be 200litre *Tristaniopsis laurina* 'Luscious'
- j) 1 x Street trees in East Terrace to be 200litre *Tristaniopsis laurina* 'Luscious'
- k) Street trees to be planted to Banskton City Council Standard Detail S-207 (or S-207A)
- l) Existing street tree *Lophostemon confertus* (Brush Box) to be provided with porous 'Stonesett' or 'Terrabond' gravel matrix surrounding the trunk base to an area of approx. 2m x 1.2m. Gravel to be 'Tan' / Brown colour 5-7mm size.

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.

- 20) 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 with job No. 13045, issue B dated 29.06.2016 prepared by EZE HYDRAULIC ENGINEERS. 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.
- 21) 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

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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.

- 22) An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 23) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 24) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

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- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) 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.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

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.

- 25) 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:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
 - b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
 - c) Connect a road (whether public or private) to a classified road,
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- 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 Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.bankstown.nsw.gov.au

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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.

- 26) A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 27) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 28) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 29) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 30) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council

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for any temporary or permanent anchoring works under Council's Public Road.

- 31) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 32) Sight distance to approaching traffic shall be assessed using Fig 3.2 from AS 2890.1-2004. The area north and south of the entry/exit driveway shall be kept clear.
- 33) A bicycle parking area as shown on the plans must comply with Fig. B5(c) from AS 2890.3-2015. All construction certificate plans must be consistent with this requirement.
- 34) The applicant shall apply to the Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage to either or both East Terrace and South Terrace a minimum of 8 weeks in before construction is scheduled to begin.
- 35) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- 36) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- 37) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light

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might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 38) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 39) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- 40) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- 41) Permission is granted for the demolition of all structures currently existing on the property, subject to strict compliance with the following: -
 - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of

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the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:

- (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
- (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning 9707 9410, 9707 9412 or 9707 9635.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

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- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method

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of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- 42) All remediation works carried out on site shall be in accordance with the recommendations outlined in the conceptual Remediation Action Plan Project ID: E28674Krpt3-RAP dated 12 July 2016 submitted to Council. Council must be informed in writing of any variation to the proposed remediation works.
- 43) If unexpected soil contaminants are unearthed during excavation and/or construction works, which has the potential to alter previous conclusions made regarding potential site contamination; all work is to cease and Council notified immediately.

The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner, which is agreed to by Council, prior to the re-commencement of works.

- 44) All fill removed from the property shall be classified in accordance with the NSW EPA Waste Classification Guidelines 2009 and be disposed of to an appropriate EPA licensed waste facility.
- 45) Upon completion of remediation works and prior to the issue of a Construction Certificate, a Validation Report must be provided and be prepared by an appropriately qualified and experienced environmental consultant. This report will need to include a Clearance Certificate prepared by an Occupational Hygienist and must comply with the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2000.' This report must outline that the required remediation work has been completed and that the site is suitable for the proposed land use. This may also include an Environmental Management Plan (EMP) for any remained contamination onsite after remediation, which will require completion following the site remediation works.
- 46) Any fill imported on to the site shall be classified/validated to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant EPA Guidelines. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- 47) All site remediation works shall comply with the work health and safety requirements of the NSW WorkCover Authority

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

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- 48) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority 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 certifying authority 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 / subdivision work.
- 49) 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.
- 50) 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.

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- 51) 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.
- 52) 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.
- 53) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application 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 must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 54) 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.

- 55) 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.
- 56) 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 the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 57) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - a. in the case of work for which a principal certifying is required to be appointed:

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- i. the name and licence number of the principal contractor, and
- ii. the name of the insurer by which the work is insured under Part 6 of the Act,
- b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 58) 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.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 59) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 60) The building work must be carried out in accordance with the requirements of the Building Code of Australia.

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- 61) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 62) 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.
- 63) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 64) 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.
- 65) 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.
- 66) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 67) 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).
- 68) 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

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out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

- 69) If unexpected soil contaminants are unearthed during excavation and/or construction works, which has the potential to alter previous conclusions made regarding potential site contamination; all work is to cease and Council notified immediately.

The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner, which is agreed to by Council, prior to the re-commencement of works.

- 70) Any fill imported on to the site shall be classified/validated to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant EPA Guidelines. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 71) Any unrestricted frontage to the building shall have timed parking for the commercial component installed at the applicant's cost. The applicant must apply to the Bankstown Traffic Committee prior to the issuing of an Occupation certificate.
- 72) The developer must apply to Traffic Committee for 'No Parking Waste Collection Nights Only' signs in East Terrace. The applicant must apply to the Bankstown Traffic Committee prior to the issuing of an Occupation certificate.
- 73) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 74) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 75) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.
- 76) 129 off street car parking spaces shall be provided/maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.

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- 77) 129 off street car spaces being provided in accordance with the submitted plans. This shall comprise of a minimum:
- 91 residential spaces
 - 18 residential visitor spaces
 - 15 business / commercial spaces
- Car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 78) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development. The landscaping must include 2 x Street trees in South Terrace to be 200 litre *Tristanopsis laurina* 'Luscious' and 1 x Street trees in East Terrace to be 200 litre *Tristanopsis laurina* 'Luscious'. All street trees to be planted to Bankstown City Council Standard Detail S-207 (or S-207A)
- 79) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 80) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 81) Prior to the issue of any Occupation Certificate, verification from a qualified acoustic engineer shall be submitted to the Principal Certifying Authority to verify that the development complies with the requirements of Condition 7 of this development consent, and that any measures required to be installed to comply with the requirements of that condition, have been installed.
- 82) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.

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- 83) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 84) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 85) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 86) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.

USE OF THE SITE

- 87) Car parking spaces for 129 vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors

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vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.

- 88) All storage areas are to be clearly identifiable and secured. Any storage areas in alcoves need to be well lit and mirrors to be erected to assist with unclear sightlines.
- 89) CCTV system is to be installed for the commercial tenancy with the ability to store footage for a minimum of 21 days.
- 90) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282-1997 The Control of the Obtrusive Effects of Outdoor Lighting.
- 91) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 92) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 93) Commercial Garbage Storage Room should be signposted 'Commercial Waste & Recycling' with access restricted to commercial tenants only.
- 94) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 95) Garbage Storage Room - The storage area must fit 15 x 1100L bulk bins side-by-side with equal and convenient access to all bins by residents. The door and pathway to the collection area be at least 2500mm in width
- 96) Existing street tree *Lophostemon confertus* (Brush Box) to be provided with porous "Stonesett" or Terrabond' gravel matrix surrounding the trunk base to an area of approximately 2m x 1.2m. Gravel to be 'Tan'/Brown colour 5-7mm size.

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- ITEM 5.4** **96-98 COLUMBINE AVENUE, PUNCHBOWL**
- DEMOLITION OF EXISTING STRUCTURES AND CONSOLIDATION OF EXISTING LOTS TO CREATE ONE NEW ALLOTMENT. CONSTRUCTION OF A MIXED COMMERCIAL/RESIDENTIAL FLAT BUILDING COMPRISING OF TWO RETAIL SHOPS, NINE (9) RESIDENTIAL UNITS AND BASEMENT CARPARKING**
- THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 198 ON PAGE 2 OF THESE MINUTES.
-
- ITEM 5.5** **93-97 BONDS ROAD, RIVERWOOD: PLANNING PROPOSAL**
(202) MOVED AND RESOLVED BY THE ADMINISTRATOR
- That the planning proposal to rezone the land at 93-97 Bonds Road Riverwood from IN1 General Industrial to B5 Business Development not be supported for the reasons specified in this report and in Attachments A, B, C, D, E and F.
-
- ITEM 5.6** **CLAUSE 4.4A PLANNING PROPOSAL EXHIBITION SUMMARY**
(203) MOVED AND RESOLVED BY THE ADMINISTRATOR
- That -
1. Council adopt the revised planning proposal as shown in Attachment A.
 2. Council forward the revised planning proposal to the Department of Planning & Environment to draft and finalise the LEP Amendment.
-
- ITEM 5.7** **DRAFT BANKSTOWN DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 6).**
(204) MOVED AND RESOLVED BY THE ADMINISTRATOR
- That -
1. Council exhibit the Draft Bankstown Development Control Plan 2015 (Amendment No. 6) as shown in Attachments A and B.
 2. Council exhibit the Waste Management Guide for New Developments and template Waste Management Plan as shown in Attachment C and D.

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3. A further report be submitted to Council at the conclusion of the exhibition period.

**ITEM 5.8 APPOINTMENT OF THE CANTERBURY BANKSTOWN IHAP AND IHAP REVIEW
PANEL**

(205) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council confirm its decision to establish the Canterbury Bankstown Independent Hearing and Assessment Panel (IHAP) to consider and determine development applications referred to it by the General Manager.
2. In accordance with Section 377 of the *Local Government Act 1993*, Council establish the Canterbury Bankstown Independent Hearing and Assessment Review Panel (IHARP) to consider and determine reviews of development application decisions referred to it by the General Manager.
3. Council adopt the amended Canterbury Bankstown Independent Hearing and Assessment Panel Charter as attached to this Report
4. Council endorse the appointment of Panel Members and their remuneration as identified in this Report.
5. Required funding to administer the Panels be accordingly reflected in Council's 2016/17 budget.
6. Subject to item 1 and 2 above the Canterbury IHAP cease to operate and now be dissolved.

SECTION 6: REPORT OF THE GENERAL MANAGER

ITEM 6.1 CODE OF CONDUCT

(206) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council adopt the concept of the Code of Conduct Framework as outlined in the report.

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2. Council adopt the Canterbury-Bankstown Code of Conduct and the Procedures for the Administration of the Model Code as attached to this report.
3. Council adopt the Panel of Conduct Reviewers as appointed by the Southern Sydney Regional Organisation of Councils.
4. Further reports be prepared to consider the subsequent policies that support the Code of Conduct Framework, as required.

**ITEM 6.2
(207)**

AUDIT AND RISK COMMITTEE

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The contents of this report be noted.
2. Council adopts both the Audit and Risk Committee Charter and Internal Audit Charter.
3. Council approves the suggested remuneration for both the Chairperson and independent members as outlined in the report.

**ITEM 6.3
(208)**

COMMUNITY ADVISORY COMMITTEES

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council adopt the draft Community Advisory Committees Guidelines, Rules and Charters, as attached.
2. Council establish the Community Advisory Committees, as outlined in the report.
3. Expressions of Interest be sought from community representatives of the former Bankstown and Canterbury Community Advisory Committees for membership of the new Canterbury Bankstown Advisory Committees, as outlined in the report.
4. The Administrator appoint community representatives for each Committee.

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ITEM 6.4 REQUESTS FOR FINANCIAL ASSISTANCE AND DONATIONS

(209)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. A donation of \$262.00 (equivalent to the park hire fee) for the use of two Softball Diamonds at Kelso North by the Mental Health Sports Network (MHSN) on Friday 18 November, 2016.
2. A donation of \$1,280.00 be made to Pink October – Breast Cancer Awareness Campaign, Canterbury Region on behalf of the NSW Cancer Institute in support of the fundraising dinner being held at the Lantern Club, Roselands on Thursday, 20 October, 2016.
3. A donation of \$200 be made to the Seventh Australia Division AIF Association who have requested that costs associated with the use, erection and dismantling of a marquee for the annual reunion held at Remembrance Driveway, Bass Hill be waived.

ITEM 6.5 PROPOSED PUBLIC LAND RECLASSIFICATION OF SEVERAL COUNCIL-OWNED DRAINAGE RESERVES - AMENDMENT TO CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

(210)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. In accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and Local Government Act, 1993, Council proceed to carry out the required public consultation process to reclassify the following properties from community to operational land;
 - 13A Denman Avenue, Wiley Park, Lot 106 in Deposited Plan 6480
 - 71A Denman Avenue, Wiley Park, Lot 107 in Deposited Plan 6480
 - 61A Beauchamp Street, Wiley Park, Lot 35 in Deposited Plan 10980
 - 66A Beauchamp Street, Wiley Park, Lot 36 in Deposited Plan 10980
 - 1a Calbina Road, Earlwood, Lot 110 in Deposited Plan 10987
 - 13a Ryrie Road, Earlwood, Lot 111 in Deposited Plan 10987
 - 44a Cornelia Street, Wiley Park, Lot 170 in Deposited Plan 7298
2. A further report be provided to Council at the conclusion of the public consultation process.

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ITEM 6.6 DRAFT VOLUNTARY PLANNING AGREEMENT POLICY

(211)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The Draft Voluntary Planning Agreement Policy at Attachment A be placed on public exhibition for a period of 28 days.
2. The matter be reported back to Council following the public exhibition.

**ITEM 6.7 CODE OF MEETING PRACTICE - AMENDMENT TO 2016 SCHEDULE OF MEETINGS
AND 2017 SCHEDULE OF MEETINGS**

(212)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The 2016 Schedule of Council Meetings be amended and the Ordinary Meeting for 13 December 2016 be rescheduled to 6 December 2016.
2. The 2017 Schedule of Council Meetings be adopted.

**ITEM 6.8 LICENCE AGREEMENT WITH ROADS AND MARITIME SERVICES FOR CCTV
CAMERAS AT CARINYA RD, PICNIC POINT**

(213)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council agree in principle to Roads and Maritime Services installing CCTV Cameras at Picnic Point Reserve, as detailed in this Report.
2. Council give public notice of and exhibit the proposal to enter into the Licence Agreement, as required under the Local Government Act 1993.
3. Subject to Council receiving no submissions, Council enter into a Licence Agreement with Roads and Maritime Services to install CCTV cameras as detailed in the report.
4. The Administrator and General Manager be delegated authority to sign all documents in accordance with the resolutions above under the common seal of Council, as required.

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ITEM 6.9 CASH AND INVESTMENT REPORT AS AT 30 SEPTEMBER 2016

(214)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The Cash and Investments Report as at 30 September 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

SECTION 7: COMMITTEE REPORTS

ITEM 7.1 MINUTES OF THE CANTERBURY TRAFFIC COMMITTEE MEETING HELD ON 10 OCTOBER 2016 AND BANKSTOWN TRAFFIC COMMITTEE MEETING HELD ON 11 OCTOBER 2016

(215)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 10 October 2016 and the Bankstown Traffic Committee held on 11 October 2016, be adopted.

ITEM 7.2 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 11 OCTOBER 2016

(216)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Audit and Risk meeting held on 11 October 2016, be adopted.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

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SECTION 9: MATTERS FOR INFORMATION

ITEM 9.1 IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

(217)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the information be noted.

ITEM 9.2 AUSGRID VEGETATION MANAGEMENT ENGAGEMENT PROGRAM

(218)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the information be noted.

ITEM 9.3 PECUNIARY INTEREST RETURNS 2015/16

(219)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the tabling of the Pecuniary Interest Returns for 2015/16 be noted.

ITEM 9.4 DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL OFFICERS UNDER DELEGATION

(220)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the contents of the report be noted.

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil

SECTION 11: CONFIDENTIAL SESSION

(221)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine

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Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7 in confidential session for the reasons indicated:

- Item 11.1 T38-2016 - Tender for the Construction of Gough Whitlam Park Accessible Toilet Upgrade

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- Item 11.2 T11-17 The River Road Rehabilitation Stage II

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- Item 11.3 T14-17 Construction of Roundabouts and Associated Works at Norman Street, Condell Park and Noble Avenue, Greenacre

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- Item 11.4 T21-17 Construction of a Roundabout and Associated Works at Various locations in Panania and Padstow

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- Item 11.5 Morris lemma Indoor Sports Centre- Management Options

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

- Item 11.6 Property Matter - Coleman Avenue, Bankstown

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates

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to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 11.7 Sale of Portion of 24A Third Street, Ashbury

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.26 PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.29 PM.**

**ITEM 11.1 T38-2016 - TENDER FOR THE CONSTRUCTION OF GOUGH WHITLAM PARK
ACCESSIBLE TOILET UPGRADE**

(222) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Michael Camporeale Builders for an amount of \$156,303.99 (excluding GST) for the construction of Gough Whitlam Accessible Toilet Upgrade.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

ITEM 11.2 T11-17 THE RIVER ROAD REHABILITATION STAGE II

(223) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Starcon Group Pty Ltd for an amount of \$253,754.00 (excluding GST) for the provision of roadworks associated with the resurfacing of The River Road between Macarthur Avenue and Uranus Road, Revesby.

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2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.3 T14-17 CONSTRUCTION OF ROUNDABOUTS AND ASSOCIATED WORKS AT
NORMAN STREET, CONDELL PARK AND NOBLE AVENUE, GREENACRE**

(224) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Road link Asphalt Pty Ltd for an amount of \$433,896.00 (excluding GST) for T14-17.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.4 T21-17 CONSTRUCTION OF A ROUNDABOUT AND ASSOCIATED WORKS AT
VARIOUS LOCATIONS IN PANANIA AND PADSTOW**

(225) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from KK Civil Engineering Pty Ltd for an amount of \$334,253.50 (excluding GST) for the Black Spot Improvements Program (Weston St Panania to Alma Rd Padstow).
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

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ITEM 11.5 MORRIS IEMMA INDOOR SPORTS CENTRE- MANAGEMENT OPTIONS

(226)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council adopt the Combination Model for the future management of the Morris lemma Indoor Sports Stadium as outlined in this report.
2. Subject to item 1, Council conduct an open tender process to lease the gym, group fitness and health suites to an external operator for a period of five (5) years as outlined in the report.
3. Council continue to utilise the YMCA to manage the Morris lemma Indoor Sports Centre for a further period of six months until June 2017 as outlined in the report.

ITEM 11.6 PROPERTY MATTER - COLEMAN AVENUE, BANKSTOWN

(227)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council agrees in principle to the sale of road reserve adjacent to 60 Brancourt Ave, Bankstown, as outlined in the report.
2. Council carry out the required statutory road closure process in accordance with the Roads Act, 1993.
3. Council resolves to dedicate the drainage reserve section that traverses over Coleman Avenue as a public road, as outlined in the report.
4. The Administrator and General Manager be delegated authority to carry out all necessary functions and sign all documentation, under the common seal of council, as required.

ITEM 11.7 SALE OF PORTION OF 24A THIRD STREET, ASHBURY

(228)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council agrees to the sale of the property at 24a Third Street Ashbury, known as Lot 3 DP 1211967, to the adjoining owner of 24 Third Street, Ashbury subject to the terms as outlined in the report.

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2. The Administrator and General Manager be delegated authority to sign all relevant documentation under the common seal of council, as required.

THE MEETING CLOSED AT 6.30 P.M

Minutes confirmed 22 NOVEMBER 2016

.....
Administrator

2 LEAVE OF ABSENCE

**3 DECLARATIONS OF PECUNIARY INTEREST OR NON-
PECUNIARY CONFLICT OF INTEREST**

4 ADMINISTRATOR MINUTES

The following item is submitted for consideration -

4.1 Canterbury Corridor Collaboration

99

Administrator Minutes - 22 November 2016

ITEM 4.1

Canterbury Corridor Collaboration

Earlier this year (Council meeting of 26 July), I instructed the General Manager to conduct a review of the existing policy framework for the Canterbury Road Corridor, with a report to be brought back to Council recommending changes and improvements which set a clear long-term framework for development.

It makes sense that the findings of this review should complement the Sydenham to Bankstown Urban Renewal Corridor Strategy, being prepared by the Department of Planning and Environment. I am pleased to see the Department has embraced Council's collaborative approach which, I believe, is critical to the future planning of the Canterbury Road Corridor and community expectation that we meet its growing needs in a responsible manner.

Council's collaborative approach has also included other state government departments, including Transport for NSW and Roads and Maritime Services, because traffic and parking matters are among priorities which must be addressed.

I note a report updating Council on the progress of the review is listed later in these Business Papers.

This is a great example of how councils and the NSW Government can, and should continue to, work together to achieve appropriate development.

5 PLANNING MATTERS

The following item is submitted for consideration -

5.1	Canterbury Road Corridor: Update on Planning Proposals	103
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Planning Matters - 22 November 2016

ITEM 5.1 **Canterbury Road Corridor: Update on Planning Proposals**

AUTHOR **Planning**

ISSUE

This report relates to the planning controls and development outcomes along the New Canterbury Road and Canterbury Road corridor from Hurlstone Park to Salt Pan Creek in Punchbowl (the corridor).

RECOMMENDATION That -

1. Council note the status of the review of planning controls along Canterbury Road and the revised timeframe to complete the work.
2. Council act on the planning proposals and sites along the Canterbury Road Corridor as outlined in Table 2 of the report.
3. A further update be provided to Council in February 2017.

BACKGROUND

The corridor is one of the fastest growing areas of mixed use development in the former Canterbury Local Government Area (LGA) and is currently being shaped by many development applications and planning proposals.

Six of these proposals have been initiated by Council and relate to ongoing changes to the Canterbury Local Environmental Plan 2012 (CLEP) to ensure that it is able to deliver on the Canterbury Residential Development Strategy 2014 (RDS).

In addition, there are six planning proposals initiated by private land holders, currently under assessment or being progressed. These typically seek amendment of the Canterbury LEP 2012 to allow increased residential development yields by way of increases to the allowable height of building control and/or changes to the land use zone.

The RDS sets the planning framework for the corridor, to guide the required growth in the former Canterbury Council LGA and meet the NSW government's housing agenda through to 2031. It builds on the vision and direction established in the Canterbury Road Masterplan 2010 – for a revitalised place with quality mixed use development which still provides for the mobility function of the road.

Since 2014, there are a number of examples of development along the corridor that have been approved in excess of height and massing controls set by the CLEP and CDCP, affecting the RDS objectives.

In response to the apparent departure from the intended corridor vision and the pressure for further changes included in numerous planning proposals, on 26 July 2016 Council resolved to commence a strategic review of the existing policy framework for the corridor (Item 4.1 of Administrator Minutes), to determine how best to incorporate recent developments into a revised framework for the corridor.

Further details regarding this review were set out on 23 August 2016 when Council resolved to:

- adopt a methodology to guide a strategic review of the corridor; and
- endorse the establishment of a steering committee comprising representatives from Council, the Department of Planning and Environment, Roads and Maritime Services (RMS), and Transport for NSW (TfNSW).

The corridor strategic review has a broad scope relating to recent development approvals, current planning proposals, the current planning framework, the relationship to the NSW government's Sydenham to Bankstown urban renewal corridor and further analysis and investigation of issues which principally include traffic and transport, open space and community facilities, built form and design quality and economic factors associated with the mix of existing and potential land uses.

REPORT

Canterbury Road corridor review – project status update

The following is a summary of actions and progress in relation to the corridor strategic review to date.

- Data collection and analysis from available data sources to determine existing, approved and potential dwelling numbers within the corridor has commenced.
- The Canterbury Road Review Steering Committee inception meeting was held mid September. The meeting covered a range of matters, focussing particularly on the potential development yield, traffic and transport, and the importance and relevance of the forthcoming District Plans. The steering committee also considered Terms of Reference to guide the operation of the committee during the duration of the strategic review. The meeting was attended by representatives of Council, RMS, DP&E, the Greater Sydney Commission and TfNSW. It is intended that the steering committee will meet approximately every six weeks with the next meeting scheduled for November following release of the Greater Sydney Commission's release of District Plans.
- Council has engaged an experienced town planner to project manage and lead the corridor review, coordinate Council staff working on the review, and participate as one of Council's representatives on the steering committee.

- Consultant briefs and scopes of work for the required economic, urban design and transport/traffic specialist reports have been completed and distributed to the steering committee for input, ahead of a request for quotations following the next meeting of the steering committee.

The Administrator's Minute and resolution from 26 July 2016 anticipated completion of the corridor review by December 2016, with community consultation to follow. The subsequent resolution of council on 23 August set out a methodology and scope for the project and did not establish any timeframes or completion date.

The review is progressing well and a number of important milestones have been achieved and the current program estimates that the review will conclude early in the second quarter of 2017.

Factors that contribute to this timeframe include:

- The scope of the strategic review, as set out in the council resolution on 23 August 2016, requires a level of detailed investigation that was not known at the time that the December completion date was suggested in the July Administrator's Minute.
- The need to consider the District Plans and their relevance to a potential revised urban renewal vision for the corridor. The District Plans are anticipated for release at the end of November.
- The final Sydenham to Bankstown Urban Renewal Corridor Strategy is also significant to this strategic review and is anticipated for release late 2016 to early 2017.
- The economic, traffic/transport and urban design specialist consultants each have a broad scope of work. With the required input into these briefs by the members of the steering committee, Council will be looking to engage consultants across the December/January holiday period. To meet the expectations of all government agencies, the briefs are not able to be issued until following the next steering committee meeting, scheduled by the Chair for after public release of the District Plans.

Canterbury Road Planning Proposals

As noted above, in recent years a number of applicant initiated planning proposals have been lodged with Council along the corridor. Currently, there are six active applicant initiated planning proposals in the corridor, and a further six planning proposals which have stalled due to an unresolved agency objection and as a result of the process followed by the former Canterbury City Council these now have no formal status and would require a new gateway approval. This review will determine the outcome of those proposals.

All six of the applicant initiated planning proposals seek to permit development that would exceed the agreed vision for the corridor under the RDS.

There are a further six sites that the former Canterbury City Council resolved to rezone (and/or increase the height controls for) as part of a planning proposal to implement the RDS. The proposed changes to planning controls for these sites were exhibited as part of the broader planning proposal for the RDS, but were removed due to an unresolved objection from the NSW Roads and Maritime Services relating to traffic impact. The sites that remained in the RDS planning proposal were eventually made (gazetted). Consequently the proposals for the remaining six sites have no formal status and would require a new Council resolution and planning proposal if they were to be progressed.

The six sites have been included in this review of the Canterbury Road Corridor because the resolutions of the former Canterbury Council and the exhibition of proposed changes to these sites have created an expectation that the sites will be given additional development potential.

In total there are twelve planning proposals along the corridor, noting that six of those have no formal status at the moment. Table 1 below shows the overall status of the proposals.

Table 1: Status of planning proposals in the corridor

Status	Total
Applicant initiated planning proposals received but not submitted to DP&E for gateway determination	4
Applicant initiated planning proposals with Gateway Determination issued but not exhibited	1
Applicant initiated planning proposals with Gateway and exhibited	1
Sites part of the exhibited RDS planning proposal that did not proceed due to unresolved RMS objection	6
	12

Proceeding with these proposals now could exacerbate existing problems along the corridor caused by approving development that exceeds the strategic framework for Canterbury Road. Proceeding now would also pre-empt the outcomes of the review of controls that is currently underway and could result in development that is inconsistent with any new vision. In light of this it is recommended that further progress on nine of the twelve planning proposals be deferred until the review of the Canterbury Road Corridor has been finalised, and that no further action be taken on the remaining three planning proposals. As these proposals have no formal status, the implication will be that the existing zoning and controls will remain. The recommendations are outlined in Table 2 below.

Table 2: Recommended actions for planning proposals in the corridor

Address	About	Current status	Recommendation
Applicant initiated planning proposals			
251-267 Canterbury Road, Canterbury	Seeking to remove FSR controls from the site. Increase maximum building heights to 45 metres	Under assessment and not yet been reported to Council.	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
538-546 Canterbury Rd Campsie and 570-580 Canterbury Road, Belmore	Increase maximum building heights to 25 metres	Conditional Gateway Determination issued.	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
642 Canterbury Road, Belmore	Rezone from part B6 and part R3 to B5 Range of building heights up to 25 metres Remove FSR controls	Conditional Gateway Determination issued	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
677-687 Canterbury Road & 46-48 Drummond St, Belmore.	Rezone to B5 Business Development Increase maximum building height to 25 metres	Under assessment and not yet been reported to Council.	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
754-774 Canterbury Rd & 1A Trafalgar St, Belmore	Increase maximum building heights to 28 metres Remove FSR controls	Under assessment and not yet reported to Council.	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
998 Punchbowl Rd (1499 Canterbury Rd), Punchbowl	Rezone to R4 Increase maximum building height to 25 metres Increase maximum FSR to 2.8:1	Yet to be re-submitted for Gateway in form of latest Council resolution.	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
Sites part of the exhibited RDS planning proposal that did not proceed due to unresolved RMS objection			
403-411 Canterbury Rd & block bounded by Canterbury Rd, Una St, Perry St and Stanley St, Campsie	Rezone to B5. Increase building heights to part 14, part 18 and part 25 metres.	Requires new Council resolution and new Gateway Determination	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
548 Canterbury Rd, Campsie	Increase maximum building height to 25 metres.	Requires new Council resolution and new Gateway Determination	Take no further action. A DA was approved by former Canterbury City Council with a height of 25 metres.

Address	About	Current status	Recommendation
749-811 Canterbury Rd, Belmore (block bounded by Canterbury Rd, Chapel St, Wilson Lane and Thompson Lane)	Rezone part of street block (773-811 Canterbury Road) to B5 Remove FSR controls.	Requires new Council resolution and new Gateway Determination	Take no further action. This location has already benefited from zoning and building height uplift through the Canterbury LEP 2012.
844-854 Canterbury Rd, Roselands	Rezone the site to B5 Remove FSR controls	Requires new Council resolution and new Gateway Determination	Take no further action. This location has already benefited from zoning and building height uplift through the Canterbury LEP 2012.
1112-1186 Canterbury Rd, Roselands	Rezone the land to B5 Increase building height to 18 metres	Requires new Council resolution and new Gateway Determination	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.
1375 Canterbury Rd, Punchbowl (Godfrey's site)	Rezone to B5 Increase maximum building height to 18 metres	Requires new Council resolution and new Gateway Determination	Defer until the review of the Canterbury Road Corridor has been finalised and a clear policy direction is endorsed.

It is possible that proceeding with the recommendations outlined in Table 2 above will result in appeals to the NSW Department of Planning and Environment under the new Rezoning Review process. However, it should be noted that the department supports the review and is overseeing its progress as chair of the steering committee. If appeals are lodged, Council staff will have an opportunity to represent Council's views to the department and Joint Regional Planning Panel.

POLICY IMPACT

This report supports the Community Strategic Plan long term goal of Balanced Development.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the budget.

RECOMMENDATION That -

1. Council note the status of the review of planning controls along Canterbury Road and the revised timeframe to complete the work.
2. Council act on the planning proposals and sites along the Canterbury Road Corridor as outlined in Table 2 of the report.
3. A further update be provided to Council in February 2017.

ATTACHMENTS [Click here for attachments](#)

- A. Summary of Planning Proposals on Canterbury Road Corridor

6 REPORT OF THE GENERAL MANAGER

The following items are submitted for consideration -

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Report of the General Manager - 22 November 2016

ITEM 6.1 2015-16 Annual Financial Statements - Former Bankstown and Canterbury Councils

AUTHOR Corporate

ISSUE

In accordance with Sections 418 and 419 of the Local Government Act 1993, the former Bankstown City Council and former Canterbury City Council's 2015/16 Audited Annual Financial Reports, including the Auditors Report, have been publicly exhibited and are now being presented to Council for information.

Council's Auditor, PriceWaterhouseCoopers will be in attendance this evening to address Council on the 2015/16 Audited Annual Financial Reports.

RECOMMENDATION That -

1. Council note the 2015/16 Annual Financial Reports and Auditors Report for the former Bankstown City Council and the former Canterbury City Council.
2. Any submissions received and proposed actions relating to those submissions will be reported back to Council at the next Ordinary Meeting, if required.

BACKGROUND

On 12 May 2015 the Local Government (Council Amalgamation) Proclamation merged the former Bankstown City Council and the former Canterbury City Council.

The Proclamation required the new Council to prepare separate financial statements for the two former councils, being for the period 1 July 2015 to 12 May 2016.

Given the shortened reporting period, previous year actuals and budgets do not provide a true comparison when analysing the 2015/16 result and have therefore not been included in this report.

That said, this report provides a broad overview of each Council's financial result for the 2015/16 financial year to 12 May 2015.

REPORT

Broadly, both former Council's financial performance and position as at 12 May 2016 was considered sound and stable. Whilst required to separately report on the matter, overall Council's combined position is well regarded and forms a sound base for future planning for our new City.

Overall, some of the more pertinent details are as follows:

- Total combined Net Operating Result of \$63.6M, and a Net Result before Grants and Contributions of \$34.8M;
- A combined level of Capital Expenditure for the year of \$39.1M, and total infrastructure asset base of \$3B;
- Total Cash and Investment of \$218.6M;
- Total Liabilities of around \$101.0M, which are largely of an employee nature; and
- A combined outstanding debt balance of only \$3.7M.

It should be noted that Council's financial performance is somewhat distorted, given the shortened reporting period (shortened by seven weeks). Unspent funds of both former Council's have been carried over and will form part of the new Council's 2016/17 financial reports.

Notwithstanding Council's positive results, addressing Council's combined level of annual asset maintenance and infrastructure backlog will be one of Council's most pressing financial issue, going forward. In total, Council's combined backlog figure is estimated at around \$82.3M.

This issue, together with Council's ongoing operational funding requirements will further be assessed when Council prepares its new Long Term Financial Plan and Asset Management Strategy.

Former Council Financial Reports

Former Bankstown City Council

Overall, the former Bankstown City Council's (BCC) financial position as at 12 May 2016 is considered sound and stable. A summary of some of the more pertinent results is as follows:

- A surplus Operating Result from Continuing Operations of \$27.1M. A breakdown of the results is as follows:

Former Bankstown City Council
Financial Performance – Year-Ending 12 May 2016

Description	\$,000
INCOME FROM CONTINUING OPERATIONS	
Rates and Annual Charges	111,964
User Charges and Fees	10,615
Interest and Investment Revenue	3,807
Other Revenues	10,192
Grants and Contributions - Operating	12,679
Grants and Contributions - Capital	8,440
Net Gain from Disposal of Assets	436
TOTAL INCOME FROM CONTINUING OPERATIONS	158,133
EXPENSES FROM CONTINUING OPERATIONS	
Employee Benefits and On-costs	52,168
Borrowing Costs	250
Materials and Contracts	32,772
Depreciation and Amortisation	29,581
Other Expenses	16,294
TOTAL EXPENSES FROM CONTINUING OPERATIONS	131,065
OPERATING RESULT	27,068
Net Operating Result for the period before grants and contributions provided for capital purposes	18,628
Alternative Net Operating Result for the period before grants and contributions provided for capital purposes	6,881

- A Capital works program equating to \$24.4M, which has delivered on various roadworks, the maintenance of community buildings and assets, as well as a number of new initiatives and a general recurrent plant replacement program. Council's current written down value of its asset base is \$2B.
- Overall cash, cash equivalents and investments base of \$105.8M, which consisted of internal restrictions of \$70.0M and a further \$32.0M held for specific requirements imposed by legislation (e.g. Section 94, unexpended grants and domestic waste).

The major restrictions and their balances are as follows:

Restriction	\$M
Employee Leave	8.5
Land Investment Fund	20.3
Town Centres Improvement Fund	1.5
Security/Holding Deposits	2.0
Asset Replacement Reserves	27.2
Carryovers - General Funds	1.6
Loan Repayment Reserve	1.7

- Performing well against industry benchmarks for ratios set out in the financial accounts:

Description	Industry Benchmark	2015/16 Ratio	Meets Industry Benchmark
Operating Performance	>0%	12.1%	Yes
Unrestricted Current	>150%	341%	Yes
Rates Outstanding	<5.0%	16.9%	No
Debt Service Ratio	<10.0%	1.4%	Yes
Own Source Operating Revenue	>60%	87%	Yes
Cash Expense Cover	>3 mths	11.8mths	Yes

Council's shortened reporting period has meant that a higher level of rates were unpaid at the end of the reporting period (12 May 2016). If taken to 30 June 2016 and taking into account Pensioners who choose to defer their outstanding rates in line with Council's Pensioner Policy, the ratio falls to 3.7% which is within the accepted industry benchmark.

Former Canterbury City Council

Overall, the former Canterbury City Council's (BCC) financial position as at 12 May 2016 is also considered sound and stable. A summary of some of the more pertinent results is as follows:

- A surplus Operating Result from Continuing Operations of \$36.6M. A breakdown of the results is as follows:

Former Canterbury City Council
Financial Performance – Year-Ending 12 May 2016

Description	Budget \$,000
INCOME FROM CONTINUING OPERATIONS	
Rates and Annual Charges	79,455
User Charges and Fees	9,291
Interest and Investment Revenue	3,199
Other Revenues	4,749
Grants and Contributions - Operating	11,468
Grants and Contributions - Capital	20,456
Net Gain from Disposal of Assets	1,592
TOTAL INCOME FROM CONTINUING OPERATIONS	130,210
EXPENSES FROM CONTINUING OPERATIONS	
Employee Benefits and On-costs	39,477
Borrowing Costs	396
Materials and Contracts	29,165
Depreciation and Amortisation	12,405
Other Expenses	12,186
TOTAL EXPENSES FROM CONTINUING OPERATIONS	93,629
OPERATING RESULT	36,581
Net Operating Result for the period before grants and contributions provided for capital purposes	16,125
Alternative Net Operating Result for the period before grants and contributions provided for capital purposes	8,089

- A Capital works program equating to \$14.7M, which has delivered on various roadworks, the maintenance of community buildings and assets, as well as a number of new initiatives and a general recurrent plant replacement program. Council's current written down value of its asset base is \$990M.
- Overall cash, cash equivalents and investments base of \$112.8M, which consisted of internal restrictions of \$34.7M and a further \$73.0M held for specific requirements imposed by legislation (e.g. Section 94, unexpended grants and domestic waste).

The major restrictions and their balances are as follows:

Restriction	\$M
Employee Leave	8.3
Property Portfolio	5.5
Developer Contributions - general	63.6
Builders Security Deposits	6.0
Infrastructure Renewal Levy	2.7
SRV Capital Projects	1.8
Committed Works	2.7

- Performing well against industry benchmarks for ratios set out in the financial accounts:

Description	Industry Benchmark	2015/16 Ratio	Meets Industry Benchmark
Operating Performance	>0%	6.5%	Yes
Unrestricted Current	>150%	305%	Yes
Rates Outstanding	<5.0%	18.6%	No
Debt Service Ratio	<10.0%	3.3%	Yes
Own Source Operating Revenue	>60%	73.5%	Yes
Cash Expense Cover	>3 mths	14.5mths	Yes

Council's shortened reporting period has meant that a higher level of rates were unpaid at the end of the reporting period (12 May 2016). If taken to 30 June 2016, the ratio falls to 4.6% which is within the benchmark.

A complete set of financial reports for the former Council's is attached. As indicated earlier, Council's Auditor will be in attendance to address Council on the matter and provide a more detailed assessment of the former Council's results.

POLICY IMPACT

Council has met all related legislative requirements as set out in the Local Government Act 1993, associated Regulations and Local Government Code of Accounting Practice and Financial Reporting.

Section 420 of the Act also allows for any person to make submissions to Council with respect to the audited financial or Auditor's reports, which must be received by Council within seven (7) days of the public meeting.

The Act requires that Council assess all submissions and take such action as it considers appropriate in addressing the matter. In the event that Council receives any submissions, details of the issues and proposed actions will be reported back to Council at the next Ordinary Meeting of Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

The Auditor's reports indicates that both former Councils' financial positions are considered sound and stable.

The end year positions of the two former Councils will support a sound base for Council's 2016/17 and future budgets.

RECOMMENDATION That -

1. Council note the 2015/16 Annual Financial Reports and Auditors Report for the former Bankstown City Council and the former Canterbury City Council.
2. Any submissions received and proposed actions relating to those submissions will be reported back to Council at the next Ordinary Meeting, if required.

ATTACHMENTS [Click here for attachments](#)

- A. The former Bankstown Council - 15-16 Financial Statements
- B. The former Canterbury Council - 15-16 Financial Statements

Report of the General Manager - 22 November 2016

ITEM 6.2 **Quarterly Budget Review - Period Ending 30 September 2016**

AUTHOR **Corporate**

ISSUE

To provide Council with an overview of Council's budget position as at 30 September 2016.

RECOMMENDATION That -

1. Council adopt the September 2016 Quarterly Budget Review, as outlined in the report.
2. Council note the allocation of funding from its New Council Implementation Fund and estimated savings in costs due to the amalgamation, as outlined in the report.

BACKGROUND

In accordance with the Local Government (Council Amalgamation) Proclamation 2016, Council has separately adopted corporate budgets for both the Former Bankstown and Canterbury Councils.

Where appropriate, Council's individual budgets are adjusted to account for certain income and expenditure movements, particularly to reflect broader corporate items applied to the new council (eg. Corporate subscriptions and levies).

That said, Council's overall financial performance and position must be assessed by combining both budgets and comparing them to that originally planned.

This report provides a summary of Council's budget as at 30 September 2016. Being quite early in the financial year, this review traditionally looks to reflect any major variations and/or omissions, as well as reflect required carryovers commenced throughout 2015/16 but not yet completed.

A more detailed review of income and expenditure categories as well as projects and programs will be undertaken as a part of the December Quarterly Review process.

This report will focus on providing a summary of Council's consolidated position as at 30 September 2016. Separate budget statements for the former Council's is attached for information.

REPORT

Following a review of the first quarter's financial performance, Council's broader financial position continues to convey a sound and stable position and generally compares well to its budget estimates.

Having reflected all required adjustments, Council's revised Operating Result is expected to be a surplus of \$11.5M, a decrease of \$2.8M to that set as part of the original budget process. A summary of the major issues, which reflect the adjustment have been noted below.

Council's capital works and acquisition program is now expected to be \$104M, having increased by \$16.3M to that originally proposed. The adjustment largely relates to the need to account for carryover projects (\$26.4M) and other adjustments, particularly deferring certain projects, which are not expected to commence throughout this financial year.

In reflecting our carryover program and other adjustments made as a part of this revision, Council's level of cash and equivalents are expected to decrease by approximately \$34.0M (assuming no carryovers exist at 30 June 2017).

Having completed the review, Council's major ratios remain at acceptable industry levels.

CONSOLIDATED FINANCIAL PERFORMANCE – First Quarter

Council's actual income and expenditure for the quarter generally compares well with its planned forecast and broader budget expectations for the 2016/17 financial year.

In summary, Council's first quarter financial performance is as follows:

	Original \$,000	Sept* \$,000	Var \$,000	Actual \$,000	%
Rates & Annual Charges	206,968	207,613	645	51,953	25
Charges / Fees	22,724	22,724	-	5,169	23
Interest	5,146	6,677	1,531	1,865	28
Grants / Contributions	40,243	46,383	6,139	13,873	30
Other	15,697	15,784	87	4,685	30
Total Revenues	290,779	299,181	8,402	77,545	26
Employee Costs	122,079	122,164	85	30,055	25
Materials & Contracts	57,427	62,759	5,331	16,259	26
Borrowing Costs	135	135	-	43	32
Depreciation	47,320	48,568	1,248	12,163	25
Other	49,561	54,061	4,500	11,468	21
Total Expenditure	276,523	287,687	11,164	69,988	24
Net Operating Result	14,256	11,494	(2,762)	7,557	66

* Includes 2015/16 carryovers

Following the adjustments, Council's financial performance to-date is considered sound, with income and expenditure categories trending well when compared to that originally planned.

Whilst Council's budget trends are somewhat based on seasonal and/or specific expenditure patterns, in a broad sense, Council's actuals reflect around 26% of our income budget and 24% for our expenditure budget, which is considered reasonable at this stage of the financial year.

A summary of some of the more pertinent element associated with this quarterly review have been outlined for Councillors information.

Revenue

Council's total revenue for the 2016/17 financial year is \$299.2M, \$8.4M more than originally planned.

A summary of the variations reflected as part of this review are as follows:

Description	Variance \$,000
Grants and Contributions – Net Variation	3,260
Section 94 Contributions	2,880
Interest Income	1,531
Other adjustments	731
Net Income Variations	8,402

Explanations of some of the major variations and/or elements noted in the table above are as follows:

- Council is expecting to receive a number of new specific purpose Grants, not known at the time of preparing the original budget. In total, income from Grants and Contributions is expected to increase by \$3.3M.

Of this amount, \$2.6M relates to Grants for certain roadworks, CCTV cameras throughout the Bankstown CBD (\$0.2M), funding for design costs associated with widening Milperra Drain (\$0.2M) and upfront funding for the Sydney RID squad of \$0.5M.

Relevant operational and capital budgets have been adjusted to both reflect and account for all Grant and Contributions.

- Council has also revised expected income from section 94 to \$11.1M, increasing by \$2.9M to that originally planned. Given this, Council's level of expected interest income from cash investments has also been increased by \$1.5M to reflect the increased level of returns. These funds have been restricted and will be held for use in accordance with Council's Section 94 Plan.

A further detailed assessment of Council's revenues will be conducted as part of the December Quarterly Budget Review.

Operating Expenditure

Council's total operating expenditure for the 2016/17 financial year is \$287.7M, a net increase of \$11.2M to that originally planned.

The following elements make up the major variations as part of this review:

Description	Variance \$,000
Carryovers- Grants	3,821
Carryovers – Other Projects	1,506
Grant Funding	323
SES & Fire Board Levy	108
Morris Iemma Centre - YMCA subsidy	123
Depreciation & Tip Amortisation	1,248
Transfers to CAPEX (WASIP)	(993)
Amalgamation Costs	5,894
Amalgamation Savings	(1,004)
Other - Net	137
Net Operating Expenditure Variations	11,163

As indicated earlier, notwithstanding that it is relatively early on in the financial year, Council's overall operational expenditure is performing well compared to budget. In total 24% of Council's budget has been expensed, which is as expected at this stage of the financial year.

- One major variation traditionally reflected in each September Quarterly Review is that of funds carried over for specific projects/programs commenced yet not completed throughout the previous year.

In total \$5.3M of funds, which are separately funded from reserves established as part of the 2015-16 annual financial statements process, has been reflected as part of this budget review process.

- Separately, Council's budget has also been adjusted to account for certain amalgamation costs, which are largely funded from Council's Implementation Fund and certain savings expected as a result of the amalgamation. These items have separately been outlined below.

All Operational Expenditure categories are generally trending as expected at this stage of the year and will again be reassessed in more detail as part of the December 2016 Quarterly Review process.

CAPITAL EXPENDITURE (CAPEX)

As indicated earlier, Council's CAPEX is now expected to be \$104M, a net increase of \$16.3M to that originally planned.

The increase is primarily made up of carryovers from 2015-16, new grants received and adjustments for deferred projects.

A summary of the major capital adjustments reflected as part of this review are as follows:

Description	Funding Source	Variance \$,000
Carry over project funding	General Reserve	26,429
Grants - Roads	Grants	2,641
Grants - Other	Grants	440
WASIP – transfer from OPEX	Grants	993
Deferred Project - Canterbury Town Centre	Section 94A	(7,425)
Deferred Project - Ewen Park	Section 94A	(3,200)
Deferred Project – Other	Various	(3,666)
Other minor adjustments	Various	72
Net Variations – September		16,284

In total, \$8.7M has been spent throughout the quarter on Council's capital works program.

It should be noted that Council has the financial capacity to fund a large program, which looks to find an equitable balance between asset replacement, renewal and certain initiatives for the community.

Council will continue to review the capital works budget throughout the year and focus on ensuring that project delivery/completion dates are assessed and dedicated budgets are reviewed accordingly so as to accurately reflect planned expenditure.

LIQUIDITY, RATIOS AND RESTRICTIONS

Having incorporated all proposed variations as part of this review, Council's ratios for its major financial indicators are expected to be as follows:

Description	Industry Benchmark	Sept 16
Operating Performance	>0%	(4.02)%
Unrestricted Current	>150%	243%
Debt Service Ratio	<10.0%	0.46%
Own Source Operating Revenue	>60%	77%
Cash Expense Cover	>3 mths	10.5mths

With the exception of the Operating Performance ratio all other ratios meet or exceed industry benchmarks.

In finalising Council's September 2016 Review, a number of adjustments to specific external/internal restrictions have also been made to comply with certain statutory/policy and/or contractual requirements.

Having incorporate all the relevant adjustments, the following is a summary of the expected balance of major internal restrictions created as part of Council's annual budget process:

- Employee Leave Entitlements \$ 18.9M
- Asset Replacement Reserves \$ 23.4M
- Land Investment Fund/Property Portfolio \$ 21.2M

▪ Building/Holding Deposits	\$ 12.0M
▪ Loan Repayment Reserve	\$ 1.7M
▪ Developer Contributions	\$ 71.8M

In total, Council's planned balance of internal and external restrictions as at 30 June 2017 is expected to be \$105.5M and \$88.8M respectively.

Stronger Community Fund

The Stronger Communities Fund (SCF) was established by the NSW Government to provide newly merged Councils with funding to deliver projects that improve community infrastructure and services. The City of Canterbury Bankstown has been allocated \$10M in funding as a result of the two councils merging.

An amount of \$1.0M has been released from the fund to account for community grants. A further report outlining the allocations will be provided at Council's December 2016 Ordinary Meeting.

Implementation fund – Amalgamation costs

The NSW Government also provided \$10M to assist with amalgamation costs. The following funds have been released from this reserve to support amalgamation projects:

Project	\$M
Office Relocations	0.5
Project Management Costs	0.4
Management Restructure	0.9
Stronger Community Fund – Management Costs	0.1
Alignment of Microsoft Licensing	0.3
IT Transition Projects	3.3
Various Transition Projects – Transition Related	0.5
Total Release from Reserve	5.9

Amalgamation Savings

A number of savings have been identified as a result of the amalgamation of the former Bankstown Council and the former Canterbury council. These include:

Savings	\$M
External Audit Services	0.1
Workers Compensation costs (self-insured)	1.0
Senior Contract and Management staff	1.9
Total Release from Reserve	2.9

Whilst some of these savings will be of a permanent nature, other adjustments will be reallocated to support transitioning our new council, aligning council's services and building its strategic capacity.

Amalgamation costs and Savings will continue to be reviewed and reported on a quarterly basis.

POLICY IMPACT

This report is consistent with the strategic policy and financial commitments outlined in both former Council's Operational Plans and 2016-17 Budgets. The review is submitted to Council in compliance with the requirements of the Local Government Act, 1993.

FINANCIAL IMPACT OF RECOMMENDATIONS

The 2016-17 Quarterly Review continues to support a stable and sound financial position. Subject to their approval, all adjustments will be made to Council's 2016/17 budget. A further review will be carried out as part of Council's December 2016 Quarterly Budget Review.

RECOMMENDATION That -

1. Council adopt the September 2016 Quarterly Budget Review, as outlined in the report.
2. Council note the allocation of funding from its New Council Implementation Fund and estimated savings in costs due to the amalgamation, as outlined in the report.

ATTACHMENTS [Click here for attachments](#)

- A. Canterbury Bankstown Council - September 2016 Quarterly Revision
- B. Canterbury Branch - September 2016 Quarterly Revision
- C. Bankstown Branch - September 2016 Quarterly Revision

Report of the General Manager - 22 November 2016

ITEM 6.3 **Code of Conduct Framework - Supporting Policies**

AUTHOR **Corporate**

ISSUE

To adopt policies in support of Council's Code of Conduct Framework.

RECOMMENDATION That -

1. In principle, Council adopt the Councillor and Staff Interaction Policy, Gifts and Benefits Policy, Statement of Business Ethics, Public Interest Disclosures Policy and Public Interaction and Meeting Disclosures Policy as attached to this report.
2. The policies be referred to the Independent Commission Against Corruption for comment.
3. Following the Independent Commission Against Corruption Commission's review and subject to there being no suggested changes, the policies be adopted and implemented.
4. Further reports be prepared to consider other subsequent policies that support the Code of Conduct Framework, as required.

BACKGROUND

At the Ordinary Meeting on 25 October 2016, Council adopted a new Code of Conduct and Procedures for the Administration of the Model Code. Central to the preparation of the new Code of Conduct was the development of a Code of Conduct Framework. The Framework provides an important basis for good governance and transparency within Council, and comprises of a number of key governance documents that supplement the provisions of the Code as they relate to various aspects of ethical behaviour.

REPORT

This report recommends the adoption of a number of policies that support Council's Code of Conduct Framework.

Councillor and Staff Interaction Policy

The Councillor and Staff Interaction Policy guides Councillors in the exercise of their civic duty by specifically addressing their ability to interact and receive advice from authorised staff. This Policy supplements the provisions of Council's Code of Conduct, and nominates those Council staff authorised by the General Manager.

Gifts and Benefits Policy

The Gifts and Benefits Policy outlines the basis on which Council will manage the offer and acceptance of gifts, hospitality and benefits in accordance with the obligations set out in Council's Code of Conduct.

For the purpose of this Policy, token value is considered to be \$20. The Policy also stipulates that all offers or acceptance of gifts, benefits and hospitality, regardless of their value, must be disclosed.

To ensure the integrity of Council's decision making functions, there are also restrictions on the acceptance of gifts by Council officials involved in exercising regulatory and procurement functions.

Internal administrative processes including a Gifts and Benefits Register and Gifts and Benefits Disclosure Form will facilitate the implementation of this Policy.

Statement of Business Ethics

The Statement of Business Ethics supports the Code of Conduct by setting standards of behaviour and ethical business dealings, and providing guidance for all sectors of the community when conducting business with Council. This business may include the supply of goods and services, use of contractors and consultants, assessment of development applications and other dealings

The revised Statement of Business Ethics explains the mutual obligations and role of all parties; outlines possible consequences for unethical behaviour; and includes Council's new vision, mission and values and commitment to providing quality services to the community.

Public Interest Disclosures Policy

In accordance with the statutory requirements of the *Public Interest Disclosures Act 1994*, Council is required to have in place an effective and appropriate policy which is aimed at supporting public officials who wish to make disclosures of corrupt conduct, maladministration and serious and substantial waste in the public sector, including councils.

Council adopted its Public Interest Disclosures Policy on 14 June 2016. Following the recent realignment of Council's organisational structure, minor administrative changes have been recommended in the revised Public Interest Disclosures Policy, including the appointment of the Public Interest Disclosures Coordinator, Alternative Public Interest Disclosures Coordinator and the Public Interest Disclosures Officers.

Public Interaction and Meeting Disclosures Policy

The Public Interaction and Meeting Disclosures Policy complements the legislative requirements Council officials must abide by, and assists with establishing the method in which the Mayor, Councillors and Council's senior staff interact with the public on matters before Council, unsolicited proposals and requests for Council support in an ethical and transparent manner.

This Policy highlights Council's requirements in the areas of record keeping, access to information and meeting protocol; as well as reiterates the importance of declaring interactions and conflicts of interest to ensure the integrity and public accountability in Council's decision making process.

Internal administrative processes including a Register of Public Interaction, Record of Interaction form and an Attendee Meeting Disclosure Form will facilitate the implementation of this Policy.

POLICY IMPACT

Adoption of the policies subject of this report supplement the provisions of Council's Code of Conduct and ensures compliance with Council's legislative obligations.

Furthermore, these new policies supersede the previous policies adopted by the former Bankstown and Canterbury Councils.

Where appropriate, these policies will be submitted to the Independent Commission Against Corruption for review.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no financial impacts associated with this report.

RECOMMENDATION That -

1. In principle, Council adopt the Councillor and Staff Interaction Policy, Gifts and Benefits Policy, Statement of Business Ethics, Public Interest Disclosures Policy and Public Interaction and Meeting Disclosures Policy as attached to this report.
2. The policies be referred to the Independent Commission Against Corruption for comment.
3. Following the Independent Commission Against Corruption Commission's review and subject to there being no suggested changes, the policies be adopted and implemented.
4. Further reports be prepared to consider other subsequent policies that support the Code of Conduct Framework, as required.

ATTACHMENTS [Click here for attachments](#)

- A. Councillor and Staff Interaction Policy
- B. Gifts and Benefits Policy
- C. Statement of Business Ethics
- D. Public Interest Disclosures Policy
- E. Public Interaction and Meeting Disclosures Policy

Report of the General Manager - 22 November 2016

ITEM 6.4 Review of Council Participation in Catchment Management Committees

AUTHOR City Future

ISSUE

The merge of the former Canterbury and Bankstown City Councils has required a review of Council's role in Catchment Management Committees.

RECOMMENDATION That -

1. Council continue as financial member of the Parramatta River Catchment group.
2. Council continue as financial member of the Georges River Combined Councils Committee subject to the inclusion of Salt Pan Creek and a funding reduction for all members as outlined in the report.
3. A further report be presented to Council on its role in the Cooks River Alliance (CRA) based on the issues outlined in the report.
4. The General Manager be authorised to determine appropriate staff representatives as voting delegates to all Catchment Committees, as required.

BACKGROUND

Integrated Catchment Management considers environmental, economic and social issues to improve the natural environment, in particular waterways health, and our social interaction with it. As waterways and catchments cross Council borders Council has been an active member in three Committees: Parramatta River Catchment group; Georges River Combined Councils Committee; Cooks River Alliance.

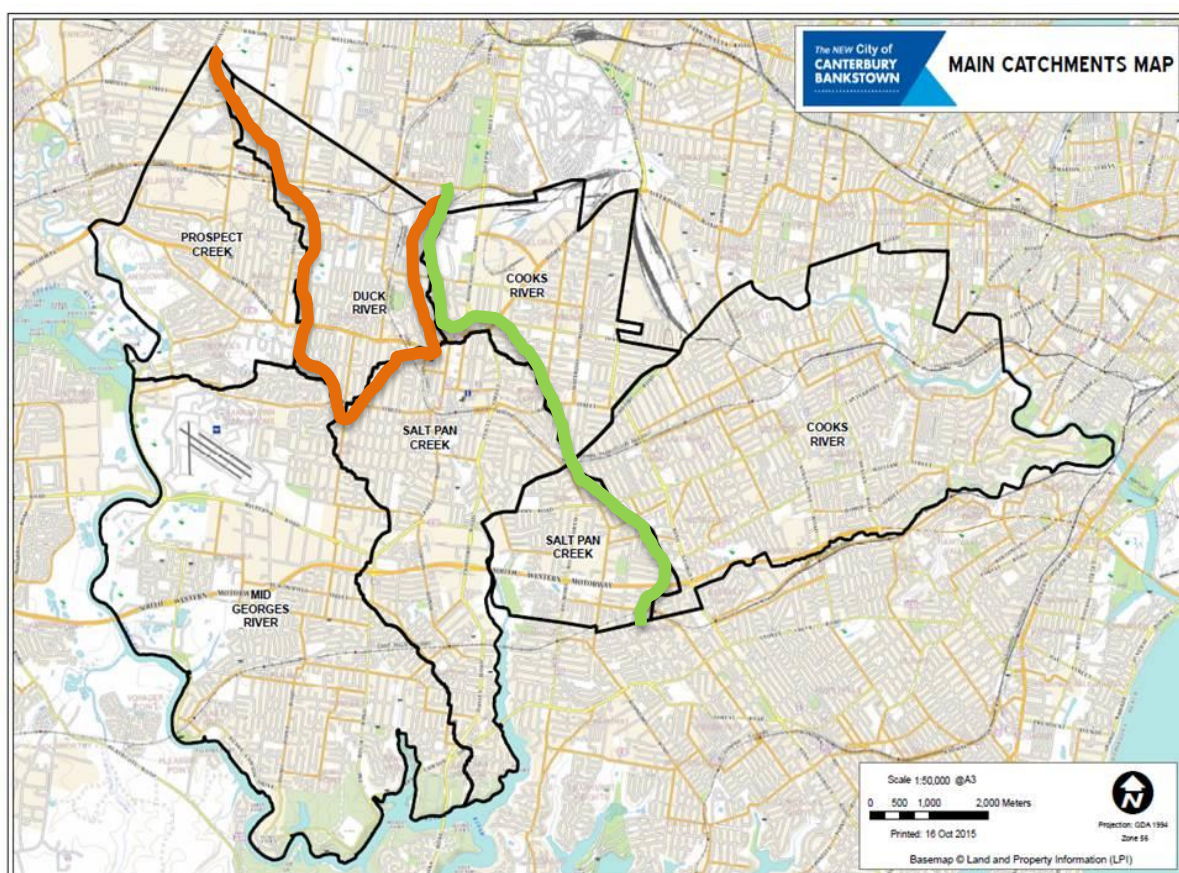
Council membership and participation in catchment committees is intended to assist in the delivery of identified term achievements of the Community Strategic Plan. Membership and contribution to the committees is not a requirement of State legislation and participation is optional from a legal perspective and is undertaken in accordance with an individual Memorandum of Understanding. Financial contribution, staff and management structures are unique for each committee.

Council representation on each is individual but is usually a combination of elected representatives and staff. In the unique situation of an Administrator ongoing participation on committees will require delegated authority to staff members to represent Council.

REPORT

Prior to the amalgamation of Council the former Bankstown City Council was a financial member of the Parramatta River Catchment Group, The Georges River Combined Councils Committee and the Cooks River Alliance. The former Canterbury City being a member of Cooks River Alliance only.

The Georges, Cooks and Parramatta River catchments are highlighted below.



Following the Council amalgamation an analysis was been undertaken to review ongoing benefits, membership and financial support of the Parramatta River Catchment Committee, the Georges River Combined Councils Committee and the Cooks River Alliance. A summary of findings is presented below, the following table indicates the catchment size and proportion within the former local government area and the proposed fees for 2016/17.

	Catchment area in each former LGA B'town / C'bury	Total area of new LGA	Catchment % in LGA	% of LGA in total catchment area	Estimate funding 2016/17
Georges River	58km ² + 9.74km ²	68km ²	61%	7%	\$58,000
Cooks River	+ 10km ² 24km ²	34km ²	31%	34%	\$130,000
Parramatta River	9km ² + 0.26km ²	9km ²	8%	4%	\$6,000

Parramatta River Catchment group:

Under all measures this is the smallest catchment in the city. The waterway (Duck River) is almost completely channelised and under the authority of Sydney Water. This Committee is assessed to provide minimum benefit to Council as the focus of their activities are on the higher order streams and promotion of activities for the Parramatta River.

However Council recognises its broader role in catchment management being at the top of the catchment. As a result it is recommended that Council continue as a financial member with a reduced level of staff participation appropriate to benefit.

Georges River Combined Councils Committee:

This catchment is the largest in the city in terms of area and percentage of the LGA but only represents a small portion of the total catchment.

This committee is assessed to be providing Council value for money. At this time the program provides best value for money and justifiable service of any catchment committee, collecting 13 tonnes of litter from our Georges River tributaries and foreshores being one outcome in 2015-16. Member Councils are eligible to apply for 50% funding from NSW Government for projects identified in the Georges River Coastal Zone Management Plan.

While it is recommended that Council retain its membership, the GRCCC has a reserve of unallocated funds. Therefore it is recommended that a review of the contribution be undertaken by the Committee until non allocated equity is reduced to an agreed reserves level.

Cooks River Catchment Committee:

While Council remains committed to the principle of total catchment management it needs to be demonstrated that a collaborative and financially viable catchment group can emerge from the amalgamated councils in the Cooks River catchment.

Georges River Council has already withdrawn from the alliance and it is anticipated that other members may also leave.

The future of the Alliance being hosted by Strathfield Council is considered to be uncertain after 2017 and the Executive Officer of the alliance and other key staff have resigned. While it is recognized that a grant has been successful by the Alliance it is not clear on the broader deliverables that could not have been delivered without the Alliance.

The following tables shows that Canterbury Bankstown has the largest proportion of the Cooks River catchment.

Councils Participating in CRA	% of Catchment in the LGA
Inner West Council	13
Canterbury Bankstown	34
Bayside	25
Strathfield	7
Total	79
Councils Not Participating in CRA	
Georges River	10
Auburn	1
Burwood	2
Randwick	1
Total	14

With the largest percentage of the catchment now within the Canterbury Bankstown LGA there is an opportunity to take the lead on managing an effective catchment group with other major councils within the catchment as partners.

As a result it is recommended that Council defer its payment and that consultation with neighbouring councils be undertaken including a review of the cost and benefits of membership, hosting and deliverables. A further report will be provided following this review.

POLICY IMPACT

There is no impact on Council Policy from this recommendation

FINANCIAL IMPACT OF RECOMMENDATIONS

Funding for all committees has been included in the current 2016/17 Operational Plan.

RECOMMENDATION That -

1. Council continue as financial member of the Parramatta River Catchment group.
2. Council continue as financial member of the Georges River Combined Councils Committee subject to the inclusion of Salt Pan Creek and a funding reduction for all members as outlined in the report.

3. A further report be presented to Council on its role in the Cooks River Alliance (CRA) based on the issues outlined in the report.
4. The General Manager be authorised to determine appropriate staff representatives as voting delegates to all Catchment Committees, as required.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.5 Requests for Financial Assistance and Donations

AUTHOR **Corporate**

ISSUE

To consider requests for financial assistance from community groups, local schools and individuals.

RECOMMENDATION That -

1. A donation of \$500.00 be made to Nicole Samsa of Greenacre on her selection to represent Australia at the World Junior and Under 23 Bocce Championships which are being held in Monaco from 28 November to 3 December 2016.
2. A donation to the value of \$361.00 (equivalent to the hire fee for the use of Buchanan Oval, Bankstown) be made to Creating Chances for their summer soccer program for boys and girls aged 12-20 years held every Monday Night from 4.00 to 6.00 pm during October 2016 to March 2017.
3. A donation of \$69.00 (equivalent to the hire fee for the use of Court House Reserve) be made to the City of Bankstown RSL Sub-Branch who held a Remembrance Day Service on 11 November 2016.
4. A donation of \$327.00 (equivalent to the hire fee for the use of the Panania Senior, Citizens' Centre) be made to the Panania-East Hills Orchid Society for their 64th Annual Spring Show which was held at the Panania Senior Citizens' Centre on 9 and 10 September 2016.

REPORT

Section 1 – Requests from Sporting Individuals/Groups

- Nicole Samsa of Greenacre has been selected to represent Australia at the World Junior and Under 23 Bocce Championships which are being held in Monaco from 28 November to 3 December, 2016. It is recommended that a donation of \$500.00 be made to Nicole Samsa of Greenacre.

Section 2 – Requests from and Donations to Non-Profit Organisations

- Creating Chances are hosting a summer soccer program for boys and girls aged 12-20 years held every Monday Night from 4.00 to 6.00 pm during October 2016 to March 2017 at Buchanan Oval, Bankstown and they are requesting that Council waive the hire fee for the use of the oval. It is recommended that a donation of \$361.00 (equivalent to the hire fee for the use of Buchanan Oval, Bankstown) be made to Creating Chances.
- The City of Bankstown RSL Sub-Branch held a Remembrance Day Service at the War Memorial in the Court House Reserve on 11 November 2016 and they are requesting that Council waive the hire fee of \$69.00. It is recommended that a donation of \$69.00 (equivalent to the hire fee for the use of Courthouse Reserve) be made to the City of Bankstown RSL Sub-Branch.
- The Panania-East Hills Orchid Society recently hired the Panania Senior Citizens' Centre on 9 and 10 September 2016 for their 64th Annual Spring Show and are requesting that Council waive the hire fee of \$327.00. Council previously donated to the Panania-East Hills Orchid Society at the Ordinary Meeting of 27 October, 2016.

Section 3 – Requests from Schools

Nil.

POLICY IMPACT

The former Bankstown City Council adopted a revised Grants and Donations Policy in April 2009 with the following funding criteria:

Individuals

- (i) Financial assistance to individuals will be assessed as follows:

\$100 for events held in NSW
\$250 for events held interstate
\$500 for events held overseas

Not-for-profit Groups and Organisations

- (i) Financial assistance to not-for-profit groups and organisations for specific projects for programs will be limited to \$750, (\$300 for general school fundraising efforts) with Council having discretion toward a higher amount in special circumstances.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report recommends donations totaling \$1,257.00 and those funds be made available from Council's Section 356 Financial Assistance Budget.

RECOMMENDATION That -

1. A donation of \$500.00 be made to Nicole Samsa of Greenacre on her selection to represent Australia at the World Junior and Under 23 Bocce Championships which are being held in Monaco from 28 November to 3 December 2016.
2. A donation to the value of \$361.00 (equivalent to the hire fee for the use of Buchanan Oval, Bankstown) be made to Creating Chances for their summer soccer program for boys and girls aged 12-20 years held every Monday Night from 4.00 to 6.00 pm during October 2016 to March 2017.
3. A donation of \$69.00 (equivalent to the hire fee for the use of Court House Reserve) be made to the City of Bankstown RSL Sub-Branch who held a Remembrance Day Service on 11 November 2016.
4. A donation of \$327.00 (equivalent to the hire fee for the use of the Panania Senior, Citizens' Centre) be made to the Panania-East Hills Orchid Society for their 64th Annual Spring Show which was held at the Panania Senior Citizens' Centre on 9 and 10 September 2016.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.6 Open Space Strategy for the former City of Canterbury

AUTHOR City Future

ISSUE

An Open Space Strategy was required for the former City of Canterbury area. The strategy will guide the future use and planning of open space for the city for the next 20 years and will correlate with the former Bankstown Open Space Plan.

RECOMMENDATION That -

1. The Open Space Strategy for the former City of Canterbury be placed on Public Exhibition.
2. A further report be submitted to Council at the conclusion of the exhibition period to consider any submissions.

BACKGROUND

The City of Canterbury Strategic Recreation Plan Review and Audit 2013 recommended the development of a new open space and recreation plan due to the significant increase in population forecasted for the Canterbury area.

In November 2015 an external consultant was selected to complete this strategy for the City of Canterbury. Consultation occurred in March and April 2016 and the formation of a demand supply and opportunities paper took place, helping to shape the final strategy.

REPORT

An Open Space Strategy has been drafted for the former City of Canterbury. The document is a 20 year strategy which will guide all future open space planning in the former City of Canterbury area. The strategy will guide how open space is used, planned for, obtained and expanded upon through acquisition and will provide direction for the spending of Section 94 Contribution funds for open space.

Work on the strategy started in late 2015, with consultation occurring with the following groups:

- Recreation Advisory Committee on 29 February 2016,
- Environment and Sustainability Committee on 1 March 2016,
- Sporting groups on 6 April 2016,
- Community 7 April 2016

An online survey was also available on Council's website during this time. Links to the website were placed on social media and the community consultation was advertised in local papers on Council's website, Council's social media pages and through letters or emails to local community groups and schools.

In May the City of Canterbury was amalgamated with Bankstown City Council. It was determined that the Open Space Strategy would proceed, however the format and planning principles have been modified to align with the existing Bankstown Open Space Plan where possible and practical. Although the strategies are separate pieces of work, the structure of the Open Space Strategy for the former City of Canterbury will provide the eastern side of the new local government area, the same direction that is already in place for the western side.

It is proposed that the Draft Open Space Strategy is placed on Public Exhibition so that the community can comment on the future direction for open space in the former City of Canterbury area. In due course this again will be considered as part of a combined Canterbury Bankstown Open Space Strategic Plan in the future.

POLICY IMPACT

This recommendation will result in a strategy which will be the basis of a new Council Policy, being the Open Space Strategy for the former City of Canterbury.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no financial impacts.

RECOMMENDATION That -

1. The Open Space Strategy for the former City of Canterbury be placed on Public Exhibition.
2. A further report be submitted to Council at the conclusion of the exhibition period to consider any submissions.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.7 Jim Ring Reserve Plan of Management

AUTHOR City Future

ISSUE

This report outlines the results of the exhibition of the draft Jim Ring Reserve Plan of Management 2016 and proposes adoption of the document by Council.

RECOMMENDATION

That the Jim Ring Reserve Plan of Management 2016 (attachment A) be adopted by Council.

BACKGROUND

The current Jim Ring Reserve Plan of Management (PoM) was prepared in 1999 and is outdated. It does not reflect current uses such as the Men's Shed.

At the Council meeting of 23 August 2016 Council recommended the exhibition of the draft Jim Ring Reserve Plan of Management 2016 (attachment A) in accordance with the requirements of the Local Government Act 1993.

The exhibition period has concluded and there were two written submissions. A public hearing was held on 26 September 2016 with 13 attendees, being local residents and sporting club representatives.

REPORT

The draft Jim Ring Reserve Plan of Management 2016 replaces the 1999 document (Attachment A).

The main changes proposed are summarised below.

Categories of Community land

Currently the community land at Jim Ring Reserve is categorised entirely as *Sportsground*. It is proposed to change the category of community land from *Sportsground* to *General Community Use* in the locations of the Birrong Bowling and Sports Club, Men's Shed and Birrong Leisure and Aquatic Centre to more accurately reflect the current and potential uses of the facilities. The rest of the site will remain *Sportsground* for active recreation.

Permissible Uses, Leases and Licences

For both categories of community land there is a comprehensive list of permissible uses and developments, and types of permissible leases and licences proposed. Generally the lists reflect more contemporary potential uses such as cafes and personal training and is consistent with the Generic Plan of Management over the majority of Community Land in the former Bankstown area.

Bowling Club lease

Birrong Bowling and Sporting Club leases a 0.9ha parcel of land on the south east corner of the reserve. The current 21 year lease expires in September 2017.

The 1999 Jim Ring Reserve PoM allowed for a potential lease extension of 22m x 50m to the north of the bowling greens, however this extension has not been taken up by club management. The draft 2016 Jim Ring Reserve PoM proposes a larger extension of 22m x 88m (approx.) to allow for a more functional expansion of the Club.

If the new leasee of the bowling club takes the option of the larger leased area, the two soccer fields on the eastern side of the site can still be accommodated within the grassed sportsground area by moving them slightly north. There will be costs associated with moving the soccer fields such as relocating the lights and cricket pitch. These expenses should be considered as part of the terms of a new lease.

Men's Shed

The maintenance shed previously used as a Council staff and equipment depot has been converted into a Men's Shed. Currently this is being operated as a casual hire agreement as the 1999 Plan does not allow for a license as it was not listed as permissible. The update to the Plan will allow for a license agreement for a longer period with the Men's Shed, rather than continue the current casual hire agreement.

Objectives and targets

The PoM concludes with a table of principles, objectives and performance targets required by the Local Government Act.

Exhibition of the draft *Jim Ring Reserve Plan of Management 2016*

The draft document was placed on exhibition from 6 September to 4 October 2016 on Council's website, at the Customer Service Centre, and at Bankstown, Greenacre and Chester Hill Library and Knowledge Centres. Written submissions were due by 18 October 2016.

Public Hearing and Outcomes Report

As the proposed amendments alter the categorisation of Community Land the Act requires a public hearing facilitated by a person who is not a Councillor or employee of the Council. The public hearing was held at the Chester Hill Community Centre on Monday 26 September 2016 at 6.00pm and was facilitated by *Cityscape* planning+projects, who also prepared an Outcomes Report. Council must consider this report before making any decision with respect to the matter to which it relates (Attachment B).

Issues raised at the Public Hearing

Concerns regarding the proposed re-categorisation of community land are listed below:

1. Ensure retention of a sufficient area for football and cricket fields, along with the potential expansion of General Community Use land.
2. Future development on General Community Use land must be compatible with existing sporting club use.
3. Future development on General Community Use land must be compatible with adjacent residential development.
In this regard the residents had many potential amenity and environmental concerns including noise, lack of suitable or sufficient parking spaces, increased traffic, light spill, rubbish and littering, flooding and anti-social behaviour by park users.
4. A specific concern was raised with regard to the potential for inappropriate development or expansion of the bowling club.
5. Future built forms on the site must not have adverse impacts on the streetscape, or cause privacy and amenity concerns for adjoining neighbours from increased noise etc.

Assessment by facilitator

While Jim Ring Reserve is currently operated primarily as a sportsground it also hosts a number of non-sporting activities which represent legitimate use of the community land. As such, the POM and land categorisation should reflect that legitimate use. The proposed re-categorisation will not dramatically alter current arrangements but actually only serves to confirm those existing arrangements.

Having regard to the matters addressed by the public hearing participants, it is concluded that the proposal to re-categorise the subject land is within the broader community's interest.

The Outcomes Report contains more discussion about the issue of re-categorisation of the community land.

Submissions

Written submissions were received within the exhibition period from the Birrong Sports Football Club and the Bankstown City Football Club.

A detailed submission from Birrong Sports Football Club requested that should the bowling club lease take up the option to increase their grounds on to the park, that Birrong Sports Football be consulted regarding the reorganisation of the sporting fields. The Club also had comments regarding lighting, fencing, tree planting and the potential for mobile cafes in the park. These comments do not require a change in the Plan of Management, but will be taken into account in the preparation of the subsequent master plan for Jim Ring Reserve.

The submission from the Bankstown City Football Club asked that the Club be listed as a 'key stakeholder'. The Club suggested enhanced field lighting and drainage.

As a result the Plan is proposed to be adopted as exhibited, with a few minor changes to improve clarity of the document.

POLICY IMPACT

This report adopts a new Jim Ring Plan of Management.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no financial implications as a result of this report.

RECOMMENDATION

That the Jim Ring Reserve Plan of Management 2016 (attachment A) be adopted by Council.

ATTACHMENTS

[Click here for attachments](#)

- A. Jim Ring Reserve Plan of Management FINAL October 2016
- B. Jim Ring Reserve Public Hearing Report 26 September 2016

Report of the General Manager - 22 November 2016

ITEM 6.8 Preparation of Masterplan and Plan of Management to guide the future use of Parry Park, Punchbowl

AUTHOR City Future

ISSUE

Council approval is sought to prepare a Masterplan and Site Specific Plan of Management for Parry Park, Punchbowl to determine the appropriate uses of the site and provide clear planning objectives for its future management.

RECOMMENDATION That

1. Council commence the preparation of a site specific Master Plan for Parry Park, Punchbowl.
2. Further reports be submitted to Council regarding the matter, as required.

BACKGROUND

Following an approach by United Muslims of Australia (UMA) proposing to use 5000-10000m² of Parry Park, Punchbowl as a location for a community facility in December 2013 the former Canterbury City Council resolved to:

- 1. Assist the United Muslims of Australia (UMA) to identify any potential sites in the City of Canterbury that might permit the UMA to establish new premises from which they could deliver their community programs and activities and pool.*

On 26 June 2014 a report to the former Canterbury City Council identified three possible sites for consideration by UMA. Council resolved to conduct further investigations into two of those properties:

- 61 Moxon Road, Punchbowl
- Parry Park, Lakemba.

It was reported that the owners of 61 Moxon Road had advised that the property is not for sale and alternatively a portion of the south-western end of Parry Park may offer the potential to cater for the UMA's requirements.

On the 14 August 2014 the former Canterbury City Council resolved:

- 1. The use of the western corner of Parry Park... be endorsed in principle.*
- 2. United Muslims of Australia be requested to provide further details of its proposal in order that Council and the Minister for Lands may formally consider the proposal in more specific detail.*

The Minister for Lands has given in principle support for the project but noted that it would be Council's final decision of whether the proposal would be supported once it has been reviewed through the planning processes.

REPORT

Parry Park is a relatively large Crown Land Reserve Gazetted in the care and control of Council (no. 52228). Bounded by King Georges, Punchbowl and Koala Roads the site is located on the boundary of the former Canterbury and Bankstown Councils. The surrounding areas are deficient in open space supply and there is high demand from a number of community groups to gain formal agreements for the ongoing and exclusive use of the reserve. The site is currently subject to a number of lease and licence agreements. See below:

Tenant	Use
Lakemba Sports & Recreation Club	Sport Club House and soccer fields
Australian National Sports Club	Indoor Sporting and Recreation complex and soccer fields
Kikoff Pty Ltd	Futsal courts and amenities



Parry Park Uses

The City of Canterbury Open Space Needs Review 2015 acknowledges that the suburb of Lakemba has a very low provision of open space with only 0.79 hectare per 1000 residents or 5.9% land area in 2011. The report recommends the acquisition of land to create additional open space to reduce the shortage that current and future residents will experience.

Parry Park is Crown Land and does not have a Specific Plan of Management for the site. Due to the current lease of tennis courts for futsal to Kikoff and the two existing community buildings/club houses it is appropriate under the Crown Lands Act 1989 that a Specific Plan of Management be completed for the site prior to any further unplanned development of site.

The City of Canterbury Bankstown has developed a draft Open Space Strategy and Community and Cultural Facilities Strategy (both for the former Canterbury area which contains Parry Park), an Aquatic Strategy (for the entire Canterbury Bankstown area) is also proposed.

As this proposal is requesting the use of open space in an area which is considered to have a very low provision and is also proposing a new community building with an aquatic facility, it is recommended that no decision is made on the proposal until the finalisation of these strategies.

Once this work has been completed consultation with all stakeholders of Parry Park to determine a long term Masterplan (and eventual Site Specific Plan of Management) should commence to determine the appropriate and sustainable use of the site and provide clear planning objectives for its future management.

POLICY IMPACT

This recommendation will result in a new Council Policy, being the Parry Park Plan of Management

FINANCIAL IMPACT OF RECOMMENDATIONS

Relevant funding to carry out the Master Plan will be reflected in the next available quarterly budget review process.

RECOMMENDATION That

1. Council commence the preparation of a site specific Master Plan for Parry Park, Punchbowl.
2. Further reports be submitted to Council regarding the matter, as required.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.9 Exhibition of Master Plan options for Gough Whitlam Park and Waterworth Park

AUTHOR City Future

ISSUE

A concept master plan has been created for Gough Whitlam Park and Waterworth Park in Earlwood, for the purpose of gaining community feedback on the plans through a public exhibition process. The final master plan will then guide the formation of a Plan of Management for the parks which is required due to the number of competing uses and proposals the parks are facing.

RECOMMENDATION That

1. Council endorses and places on public exhibition the Master Plan options as outlined in the report for Gough Whitlam Park and Waterworth Park.
2. A further report be submitted to Council at the conclusion of the exhibition period to consider any submissions.

BACKGROUND

The former Canterbury City Council resolved to complete a Plan of Management (POM) for Gough Whitlam Park and Waterworth Park in Earlwood. Both archery and a bike safety recreation facility had to be considered as part of this POM.

The newly formed Canterbury Bankstown Council has reviewed the previous resolutions and has determined that the POM be postponed and alternatively, master plan options will be publicly exhibited to determine the future uses of the sites. After a final master plan is developed and adopted, a POM will be written and exhibited for the site based on the adopted master plan for the parks.

REPORT

Gough Whitlam and Waterworth Parks make up an open space precinct at the eastern end of the local government area at Earlwood, located along the Cooks River and Wolli Creek. The parks are well-used areas of open space which contain passive areas of open space, natural areas, sporting fields, playgrounds, a café and the Canterbury velodrome.

The parks have been subject to a number of Canterbury City Council Resolutions in relation to the use of the parks which concern existing and proposed sporting uses, archery and children's bike safety facilities since July 2013.

Three resolutions particularly formed the recommendations and requirements of the POM for both parks:

1. At the Council meeting of 23 July 2015 it was resolved that a report to be prepared which endorses an archery facility at Waterworth Park on the western side next to Tempe Street, which was to include information on the works involved and be reported back to Council.
2. On the 27 August 2015 it was resolved that Gough Whitlam Park be the preferred location for the bike safety recreation facility within the vicinity of Undercliffe Road. It was also resolved to prepare a POM for Gough Whitlam and Waterworth Parks which examines the recreation needs of interested groups, community sentiment and the proposed bike safety facility and archery range. Permission to complete the POM was required to be sought from the Minister for Lands as the parks are on Crown Land.
3. On the 12 November 2015 it was resolved that the Cooks River Titans Football Club proposal for additional sporting facilities at Gough Whitlam Park and Waterworth Park, be considered in conjunction with the preparation of the POM. The club was established in 2015 and had over 290 players register in the first year.

Permission was received from the Minister for Lands and Water in November 2015 to complete a POM for the parks. Due to the previous Council Resolutions the inclusion of an archery range, bike safety recreation facility and additional soccer fields and associated facilities had to be considered as part of the process.

External consultants were appointed to complete the POM for the parks in December 2015. As part of this process the community and interested stakeholders, including environment, recreation and sporting groups were consulted in March and April 2016. Consultation included meetings at the park, at Council's Campsie Administration Building and at Earlwood Senior Citizens Centre. An online survey was also available to complete, with all consultation meetings and the survey being advertised on Council's website, Facebook, Twitter, posters in the parks, local newspapers and via letters to residents living next to the parks.

Following the formation of Canterbury Bankstown Council, previous resolutions have been reviewed with the POM for Gough Whitlam Park and Waterworth Park being postponed. Alternatively master plan options have been created to be publicly exhibited to determine community sentiment and their preferred future uses of the sites.

The master plan options allow for a choice of no archery or bike safety facility based on previous feedback from the community and stakeholders. An additional option for archery within the velodrome and a bike path around the playground has also been included. It should be noted that based on park restraints, functioning and previous feedback, the design and scale of these facilities has been changed to be more sensitive to the current park uses. This includes a reduction in size and change of proposed location within the parks. This is to ensure there is little impact on the existing park amenity if an archery facility or bike path is included in the final master plan.

This report seeks the approval to publicly exhibit Master Plan options for Gough Whitlam Park and Waterworth Park. The various Master Plan options will show the existing park layout and uses, confirmed works to upgrade the park to appropriate standard (non-discretionary) and additional extra works such as archery, bike paths etc. Interested parties will be able to comment on what additional extra works they would or would not like to see incorporated in the final master plan.

Based on this consultation a final master plan will be developed and presented to a future Council meeting seeking adoption. A Plan of Management will then be prepared by Council and exhibited for the site based on the adopted master plan for the parks.

POLICY IMPACT

This recommendation will result in a master plan which will be the basis of a new Council Policy, being the Gough Whitlam Park and Waterworth Park Plan of Management

FINANCIAL IMPACT OF RECOMMENDATIONS

Relevant funding to carry out the Master Plan will be reflected in a future quarterly budget review process.

RECOMMENDATION That

1. Council endorses and places on public exhibition the Master Plan options as outlined in the report for Gough Whitlam Park and Waterworth Park.
2. A further report be submitted to Council at the conclusion of the exhibition period to consider any submissions.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.10 Pest Animal Management

AUTHOR City Future

ISSUE

Management of pest animals, including European Foxes and European Rabbits and Australian White Ibis, in the Canterbury Bankstown Local Government Area.

RECOMMENDATION That

1. The information be noted.
2. Council in conjunction with the Invasive Species Animals Cooperative Research Centre participate in the 2017 national release of the new strain of Calicivirus.
3. Further reports be submitted to council regarding the matter, as required.

BACKGROUND

Management of pest animals is an increasing concern for many urban Councils including the City of Canterbury Bankstown. Management initiatives have been in place for Australian White Ibis for over ten years and more recently programs for European Foxes and European Rabbits have been undertaken.

REPORT

European Rabbits (*Oryctolagus cuniculus*)

Since 2014 there has been an increase in the reports of European rabbits in Milperra. Many members of the local Milperra community, as well as previous councillors have expressed a strong desire for Council to implement action to reduce rabbit numbers throughout the area. Council has been monitoring community reports and also evidence of damage to vegetation and rockwork in Newland Reserve. Council worked with a pest controller and also the Greater Sydney Local Land Services (GSLLS) to establish baseline rabbit numbers and to develop a suitable control program for the 3 hectare reserve.

In June a control pindone program for rabbits was undertaken in Newland Reserve at Milperra. This was a targeted approach to one section of the reported area impacted by rabbits. Control across all of the impacted residential area was not possible, however to assist residents, rabbit traps are available for use on private property. Prior to commencement, 850 local residents and businesses were notified of the program by hand delivered letter, and only one objection was received. The program involving the use of pindone poison, was undertaken over three weeks in June with the park closed to public access. A follow up rabbit density inspection (diggings, droppings and sightings) was conducted in mid-September and has shown an estimated 80% decrease in numbers in the reserve. Follow up actions include further site monitoring for rabbit activity and continued provision of rabbit traps for local residents.

Whilst pindone was immediately effective in Newland Reserve, it is not able to be used in any other area in Milperra due to minimum area requirements and the need for exclusion fencing.

In Newland Reserve trapping and shooting was not successful and no warrens suitable for treatment were found. Holes found under the adjacent kindergarten outdoor area were inspected and filled with concrete. It is understood from community and consultant reports, that the rabbits in this urban area are exploiting shrubbery and dense vegetation in reserves and also residential gardens throughout the area.

Community acceptance of the pindone program indicates that, with open communication there will be support for further action. An additional and effective control used by many councils and also recommended by GSLLS is biological control. A national release of a new strain of calicivirus (RHDV1 K5) will occur in March 2017. Council has been invited to participate in this release which will be coordinated by the NSW Department of Primary Industries. The benefits of participating in the RHDV1 K5 program include:

- RHDV1 K5 is one of the more humane methods of controlling wild rabbits
- RHDV1 K5 only targets the European Rabbit
- The Milperra rabbit population has been tested and is susceptible to the virus
- There is an effective vaccine available from vets to protect domestic pet rabbits
- Any predatory animals that eat rabbits infected by RHDV1 K5 do not develop an infection.

Prior to the national release of RHDV1 K5 the Invasive Animals Cooperative Research Council can assist Council with media coverage and enquiries. If Council agrees to participate in this program, a comprehensive community information program will be developed to ensure residents with domestic pet rabbits, understand the need for vaccination prior to the nation wide RHDV1 K5 release.

Australian White Ibis (*Threskiornis moluccus*)

Australian White Ibis (AWI) are a protected native species. Any action which impacts on breeding AWI, such as nest, egg or fledgling removal requires approval and a licence issued by National Parks and Wildlife Service. Bankstown adopted an Ibis Management Plan in March 2010 and Canterbury has prepared a Draft Ibis Management Plan 2016. The plans address various issues including the Ibis breeding colony at Lake Gillawarna and Ibis nesting in heritage palms in Canterbury.

Recently a growing concern, not specifically addressed in the plans, has become Ibis nesting and roosting overnight in isolated trees in the Central Business Districts. The impacts, including footpath fouling and odour have needed to be addressed.

Bankstown CBD

In August, work was undertaken to remove nesting Ibis in palms above the 'boat monument' in Saigon Place, Bankstown. In total 60 eggs and five nests were removed and all palms were trimmed. Follow up pruning is planned for March 2017 to prevent future nesting.

Ibis continue to roost overnight in the three large street trees at the bottom of Saigon Place near the drum monument (cnr Greenfield Parade). Monitoring shows numbers are not consistent however an average 30 are regularly observed arriving at dusk. As a result of the ibis roosting overnight, pavement cleaning under the trees is required two to three times per week. In an attempt to deter the roosting Ibis, spotlights and flashing lights mounted on lights poles were trialed. Despite some initial success, they have proved an ineffective deterrent. Council officers have met with the management of the hotel on the Corner of Saigon Place and Greenfield Parade and they are amenable to allowing access to their building's roof to trial further bird deterrents such as lasers and/or audio equipment. This is currently under investigation.

Lake Gillawarna and Canterbury

Ibis numbers at Lake Gillawarna remain relatively consistent at about 600 (September and October), and no action at this site is recommended at present. The Canterbury office continues to monitor Ibis numbers in their area, particularly in heritage listed Canary Island date palms. The Canterbury and Bankstown AWI plans will be reviewed and brought together as one new plan in 2017.

European Foxes (*Vulpes vulpes*)

Both Bankstown and Canterbury offices have been participating in the Southern Sydney Regional Fox program with grant funding from the Sydney Coastal Councils. To date over 100 European Foxes have been removed from the region with over 50% from the Sutherland Shire. Trapping and shooting have been most successful in Canterbury Bankstown and contractors have been engaged to locate and treat active fox dens where possible.

Regional Pest Animal Network

The SSROC Environmental Managers Committee has gained support from the SSROC General Managers to develop a Southern Sydney Pest Animal Network (SSPAN) to continue a coordinated regional approach to the management of pest animals (such as foxes, rabbits and ibis). The Greater Sydney Local Land Service and National Parks and Wildlife Service are very supportive of development of such a group which will begin work in early 2017. The benefits of this combined regional approach will include development of regional pest management plans, coordinated activities and potentially grant funding for on ground works.

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

Pest animal management activities are included in the current 2016/17 budget.

RECOMMENDATION That

1. The information be noted.
2. Council in conjunction with the Invasive Species Animals Cooperative Research Centre participate in the 2017 national release of the new strain of Calicivirus.
3. Further reports be submitted to council regarding the matter, as required.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.11 **Drainage Reserve Licence for 37 Bruce Avenue, Belfield**

AUTHOR **Corporate**

ISSUE

Execution of the new drainage reserve licence at 37 Bruce Ave, Belfield to adjoining owner.

RECOMMENDATION That -

1. A new licence be granted to the owner of Unit 5, 17-18 Bruce Avenue, Belfield, to permit the use and occupation of part 37 Bruce Avenue Belfield as outlined in the report.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

REPORT

Council owns a landlocked drainage reserve known as 37 Bruce Avenue, Belfield, as delineated in yellow in the aerial photograph below.



The approximate area of the lot is 385.1m². The majority of the property contains a concrete stormwater canal, over which Sydney Water retains rights. There is a triangular grassed section of land of approximately 80m² (as outlined in red in the above photograph) that Council needs to maintain. Previously Council staff were gaining access to the grassed area through 51 Bruce Avenue but the owner of that property would not formalise a right for Council to use their property for that access. So more recently access has been obtained through the yard of Unit 5, 17-18 Bruce Avenue, with the approval of the owner by temporarily disassembling and reassembling part of the Colorbond fence along the common boundary.

In recent years attempts have been made to have Sydney Water accept a transfer of 37 Bruce Avenue, Belfield. Sydney Water declined Council's invitations. Offers to purchase the triangular parcel of grassed land have also been made to adjoining owners. No suitable willing purchaser has been identified.

Effectively the grassed area would be incorporated into the owner's yard. The arrangement would also see the lessee maintain the land while ever the licensee occupies and uses the grassed triangular part of Council's lot.

POLICY IMPACT

There is no policy impact. .

FINANCIAL IMPACT OF RECOMMENDATIONS

The proposed licence fee is in accordance with the former Canterbury Council's adopted fees and charges.

RECOMMENDATION That -

1. A new licence be granted to the owner of Unit 5, 17-18 Bruce Avenue, Belfield, to permit the use and occupation of part 37 Bruce Avenue Belfield as outlined in the report.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.12 Execution of Lease to Riverwood Community Centre Limited - 151 Belmore Road North, Riverwood

AUTHOR Corporate

ISSUE

Consideration of a new lease to the Riverwood Community Centre Limited at 151 Belmore Road, Riverwood.

RECOMMENDATION That -

1. A lease be entered into with the Riverwood Community Centre Limited on the terms as outlined in the report.
2. The Administrator and General Manager are delegated authority to sign all documents under the common seal of council, as required.

REPORT

The former Canterbury City Council agreed to terms for a lease with Riverwood Community Centre Limited for the Community Centre Building located at 151 Belmore Road North, Riverwood. The Riverwood Community Centre provides important services such as aged and disability services, family support, housing communities program, Riverwood Children's Centre, Riverwood OOSH service and youth services for the local community. Whilst having agreed to the lease, the lease was incorrectly executed by Riverwood Community Centre, therefore it needs to be re-executed.

By way of background the pertinent terms and conditions are as follows:

Commencement:	1 March 2015
Term:	10 years
Expiry:	28 February 2025
Rent:	\$1 per annum
Reviews:	Not applicable
Outgoings:	The Lessor is responsible for all charges for: gas, electricity and excess water used or consumed on the premises; cleaning costs; Council rates; water rates; and land tax. The Lessor is responsible for the cost of alarm response call outs except for those call outs which are due to the negligence of the Lessee. The Lessor is responsible for cleaning, and caretaking.

Insurance: The Lessee is to insure for Public Liability for an amount of \$20M and for the contents and building.

Re- execution of the lease is recommended.

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

1. A lease be entered into with the Riverwood Community Centre Limited on the terms as outlined in the report.
2. The Administrator and General Manager are delegated authority to sign all documents under the common seal of council, as required.

ATTACHMENTS

Nil

Report of the General Manager - 22 November 2016

ITEM 6.13 **Release of two Drainage Easements - 105 Wattle Street, Punchbowl**

AUTHOR **Operations**

ISSUE

To consider the release of two redundant Drainage Easements at 105 Wattle Street, Punchbowl.

RECOMMENDATION That -

1. Council consent to the release of the two easements for drainage at 105 Wattle Street, Punchbowl.
2. The Administrator and General Manager be delegated authority to execute all documents, under the common seal of council, as required for Subdivision Certificate Application No. SUB 324/2016.

BACKGROUND

Development Applications No. DA 926/2012 and DA 926/2012/1 were issued on 13 June 2013 and 18 December 2015 respectively, for the "*Construction 87 Villa Homes with Community Title Subdivision*".

The development was proposed to be located over an existing 900mm diameter and 600mm diameter Council stormwater pipelines contained within existing 1.83m, 3.05m and variable width easements traversing the property. During construction of the development the pipelines were removed and reconstructed in more appropriate locations following the new private road alignments and between buildings. The development consent gave approval to these works and the creation of a new easement over the new pipeline to benefit Council.

REPORT

New 900mm, 750mm and 600mm diameter diversion stormwater pipelines have been constructed by the developer as per Council's requirements. The work was completed under the supervision of Council officers, therefore rendering the existing Easements for Drainage as redundant. The redundant easements are highlighted in Attachment A.

Subdivision Certificate Application No. SUB-324/2016 has been submitted to Council and proposes:

- Community Title Subdivision into 87 lots
- Creation of new Easements to Drain Water to benefit Council.
- Release Existing Easements for Drainage C741981 and K535824 which benefit Council.

As the existing easements are now redundant and a new easements are to be created under Subdivision Certificate No. 324/2016, it is reasonable to proceed with the endorsement of the Subdivision Certificate which proposes the release of the existing two Easements for Drainage.

POLICY IMPACT

This matter has no policy implications.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications to Council as costs will be covered by the applicant.

RECOMMENDATION That -

1. Council consent to the release of the two easements for drainage at 105 Wattle Street, Punchbowl.
2. The Administrator and General Manager be delegated authority to execute all documents, under the common seal of council, as required for Subdivision Certificate Application No. SUB 324/2016.

ATTACHMENTS [Click here for attachments](#)

- A. Redundant Easements - 105 Wattle Street

Report of the General Manager - 22 November 2016

ITEM 6.14 Cash and Investment Report as at 31 October 2016

AUTHOR Corporate

ISSUE

This report details Council's cash and investments as at 31 October 2016.

RECOMMENDATION That -

1. The Cash and Investments Report as at 31 October 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.
3. In accordance with the Local Government Act 1993 – Investment Order, the former Canterbury Council's Cash and Investment Policy be amended to permit deposits or investments in an Hour-Glass Investment Facility with the NSW Treasury Corporation, as outlined in the report.

BACKGROUND

In accordance with clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the council with a written report each month, which sets out the details of all money that council has invested under section 625 of the Local Government Act 1993.

Council's investments continue to be managed in accordance with the former Council's investment policies. The report below provides a consolidated summary of Council's total cash investments.

REPORT

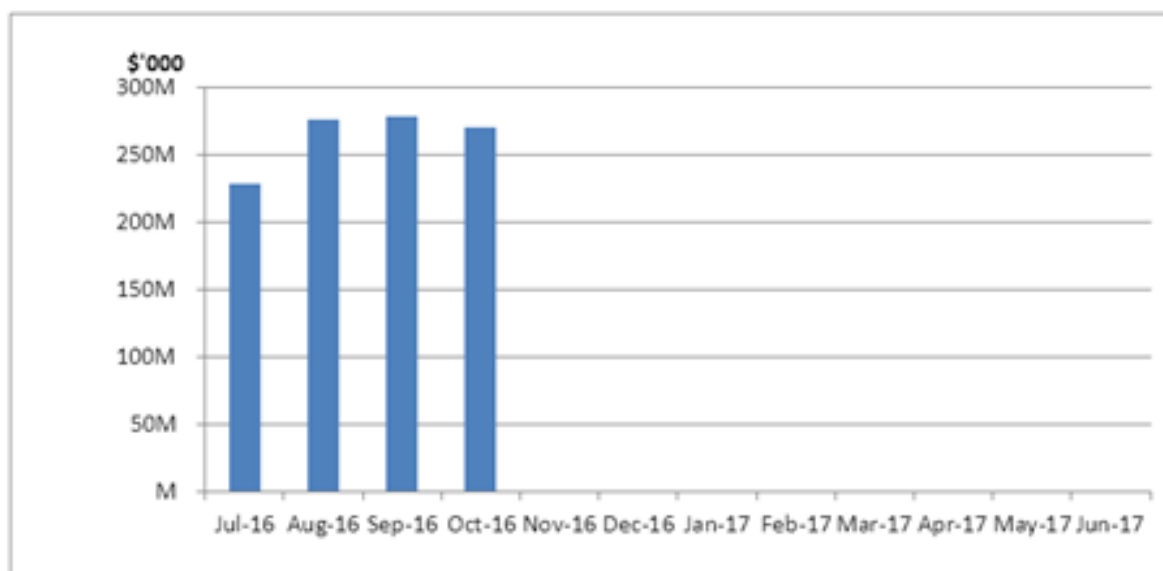
Cash and Investment Summary – as at 31 October 2016

In total, Council's Cash and Investments holdings as at 31 October 2016 is as follows:

Cash and Investments	\$
Cash at Bank	15,488,122
Deposits at Call	36,710,168
Term Deposits	200,970,000
Floating Rate Notes	16,501,485
Total Cash and Investments	269,669,775

Council's level of cash and investments varies from month to month, particularly given the timing of Council's rates and collection cycle, its operations and carrying out its capital works program. The following graph outlines Council's closing cash and investment balance for each month.

Cash and Investment Rolling Monthly Balance 2016-2017



A summary of Council's investment interest income earned for the period to 31 October 2016 is as follows:

Interest Income	October 2016 \$	Year-to-date Oct 2016 \$
Budget	385,916	1,543,664
Actual Interest	740,110	2,502,395
Variance	354,194	958,731
Variance (%)	92%	62%

Year to date investment interest is tracking well above budget. This is mainly due to the receipt of higher than anticipated S94 funds. The full year budget has therefore been amended as a part of the September quarterly budget review which will also be considered by council at this meeting.

Council is also required to ensure that its portfolio has an appropriate level of diversification and maturity profile. This is to ensure that funds are available when required and where possible to minimise any re-investment risk.

The tables below outline Council's portfolio by maturity limits and investment type:

Overall Portfolio Maturity Limits	
	Actual % of Portfolio
Portfolio % <= 1 Year	63%
Portfolio % >1 Year <=3 Years	21%
Portfolio % >3 Years <=5 Years	16%
Portfolio % >5 Years	0%
Total Cash and Investments	100%

Overall Portfolio by Investment Type	
	Actual % of Portfolio
Cash at Bank	6%
Deposits at Call	14%
Term Deposits	74%
Floating Rate Notes	6%
Total Cash and Investments	100%

At present, the former Council's existing Investment Strategies and Policies continue to apply. Council is currently finalising a quotation process for the selection of a single Investment Advisor. Following this appointment a single Cash Investments Policy will be developed. It is anticipated that the draft policy will be presented to council for consideration early in the new year.

In the interim until the new Cash Investment Policy is adopted, Council proposes that the former Canterbury Council's Investments Policy be amended to permit deposits or investments in an Hour-Glass Investment Facility with the NSW Treasury Corporation (excluding Growth Facility). This is consistent with former Bankstown Councils Cash Investment Policy.

The Hour-Glass Investment Facility with the NSW Treasury Corporation is an approved investment option under the Ministerial Order issued by the NSW Minister for Local Government.

A detailed analysis of each former Councils (Branches) Cash and Investments is attached for your information.

CERTIFICATION OF INVESTMENTS - RESPONSIBLE ACCOUNTING OFFICER

The Responsible Accounting Officer certifies that the cash and investments detailed in this report have been invested in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005, the Minister's Investment Order, the Division of Local Government's Investment Policy Guidelines and the former Council's Cash Investments Policy.

POLICY IMPACT

Council's investments are maintained in accordance with legislative requirements and its Cash and Investment Policy's.

FINANCIAL IMPACT OF RECOMMENDATIONS

Interest earned for this period has been reflected in Council's financial operating result for this financial year. Council's annual budget will be reviewed, having regard to Council's actual returns, as required.

RECOMMENDATION That -

1. The Cash and Investments Report as at 31 October 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.
3. In accordance with the Local Government Act 1993 – Investment Order, the former Canterbury Council's Cash and Investment Policy be amended to permit deposits or investments in an Hour-Glass Investment Facility with the NSW Treasury Corporation, as outlined in the report.

ATTACHMENTS [Click here for attachments](#)

- A. Canterbury Branch Cash and Investment October 2016
- B. Bankstown Branch Cash Investment Report October 2016
- C. CPG Research & Advisory Bankstown Branch Cash & Investment Report October 2016

7 COMMITTEE REPORTS

The following item is submitted for consideration -

7.1 Minutes of the Council Advisory Group Meeting held on 25 October 2016 171

Committee Reports - 22 November 2016

ITEM 7.1 **Minutes of the Council Advisory Group Meeting held on 25 October 2016**

AUTHOR **Corporate**

ISSUE

Minutes of the Council Advisory Group.

RECOMMENDATION

That the Minutes of the Council Advisory Group Meeting held on 25 October 2016 be adopted.

BACKGROUND

On 14 June 2016, Council resolved to establish the Canterbury-Bankstown Implementation Advisory Group and the Canterbury-Bankstown Local Representation Group (Council Advisory Group). The advisory group has powers to make recommendations but not decisions. Attached are the minutes from its meeting held on 25 October 2016.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no financial impacts.

RECOMMENDATION

That the Minutes of the Council Advisory Group Meeting held on 25 October 2016 be adopted.

ATTACHMENTS [Click here for attachments](#)

A. Minutes of the Council Advisory Group meeting held on 25 October 2016

8 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

There were no items submitted for this section at the time the Agenda was compiled.

9 MATTERS FOR INFORMATION

The following items are submitted for consideration -

- | | | |
|-----|---|-----|
| 9.1 | Code of Conduct Complaints Report | 177 |
| 9.2 | Minutes of the WSROC Annual General Meeting held on 20 October, 2016
and Minutes of the WSROC Board of Directors Meeting held on 20 October,
2016. | 179 |
| 9.3 | Development Applications Determined by the Independent Hearing and
Assessment Panel | 181 |
| 9.4 | Report on Development Applications and Section 96 Applications Determined
and to advise of the status of various DA related legal matters related for
October 2016. | 183 |

Matters For Information - 22 November 2016

ITEM 9.1 Code of Conduct Complaints Report

AUTHOR Corporate

ISSUE

To note the attached Code of Conduct Complaints Statistics Report prepared for the Office of Local Government.

RECOMMENDATION

That the information be noted.

BACKGROUND

In accordance with its procedures, Council is required to annually complete and submit relevant complaint statistics to the Office of Local Government.

The reporting period is 1 September 2015 to 31 August 2016. New councils are required to report separately on each former entity to the date of the merger, and also report on the new council thereafter.

REPORT

As is expected, Council carries out an assessment of all formal complaints received throughout the year, particularly those where they appear to breach Council's Code of Conduct.

Where necessary, Council's procedures require certain complaints to be independently assessed (eg. referred to a Conduct Reviewer) and relevant action taken, as determined/required.

Attached are the required annual returns for the preceding reporting period. The returns will be forwarded to the Office of Local Government as required.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no direct financial implications resulting from this recommendation.

RECOMMENDATION

That the information be noted.

ATTACHMENTS

[Click here for attachments](#)

- A. Complaints Statistics - Former Bankstown City Council
- B. Complaints Statistics - Former Canterbury City Council
- C. Complaints Statistics - Canterbury-Bankstown Council

Matters For Information - 22 November 2016

ITEM 9.2 **Minutes of the WSROC Annual General Meeting held on 20 October, 2016 and Minutes of the WSROC Board of Directors Meeting held on 20 October, 2016.**

AUTHOR **Corporate**

ISSUE

To receive the Minutes of the WSROC Annual General Meeting held on 20 October, 2016 and the Minutes of the WSROC Board of Directors Meeting held on 20 October, 2016.

RECOMMENDATION That -

1. The Minutes of the WSROC Annual General Meeting held on 20 October 2016 be noted.
2. The Minutes of the WSROC Board of Directors Meeting held on 20 October 2016 be noted.

BACKGROUND

WSROC provides a forum for the exchange of ideas between member councils, and an interface between governments, other councils and key bodies on issues of common interest.

The organisation acts as a facilitator of joint activities between councils which provide benefits through economies of scale. The organisation is a means of resolving issues and challenges that cross municipal boundaries, such as the environment and transport.

REPORT

The Minutes of the WSROC Annual General Meeting held on 20 October 2016 are attached. The Minutes of the WSROC Board of Directors Meeting held on 20 October 2016 are attached.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no financial impact associated with this report.

RECOMMENDATION That -

1. The Minutes of the WSROC Annual General Meeting held on 20 October 2016 be noted.
2. The Minutes of the WSROC Board of Directors Meeting held on 20 October 2016 be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Minutes of the WSROC Annual General Meeting held on 20 October 2016.
- B. Minutes of the WSROC Board of Directors Meeting held on 20 October 2016.

Matters For Information - 22 November 2016

ITEM 9.3 Development Applications Determined by the Independent Hearing and Assessment Panel

AUTHOR Corporate

ISSUE

The development applications listed in this report were determined by the Independent Hearing and Assessment Panel, in accordance with the powers delegated to them under the Act. The report is submitted for Council's information.

RECOMMENDATION

That the report be noted.

REPORT

The minutes of the Independent Hearing and Assessment Panel meetings held on 19 September and 17 October 2016 are provided in the Attachments. A summary of determinations is provided below.

Meeting date 19 September 2016

Applicant	Property	Ward	Development	Determination
Porters Lane Pty Ltd	364-374 Canterbury Road, Canterbury	Canterbury	Use of ground floor commercial premises as childcare centre, with associated landscaping and parking	APPROVED
C Havas	42-44 Albert Street, Belmore	Roselands	Alterations to lower ground floor level of existing registered club	REFUSED
Roselands Mosque Association	37 Ludgate Street, Roselands	Roselands	Modification to temporary place of public worship to make it permanent and extend operating hours	DEFERRED

Meeting date 17 October 2016

Applicant	Property	Ward	Development	Determination
Ms S Pan	31-31A Perry Street, Campsie	Canterbury	Demolition of existing structures and construction of a three storey plus attic infill affordable rental housing development with basement level parking	CONDITIONS RECOMMENDED FOR COURT DETERMINATION

Applicant	Property	Ward	Development	Determination
Roselands Mosque Association	37 Ludgate Street, Roselands	Roselands	Modification to temporary place of public worship to make it permanent and extend operating hours	APPROVED

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Balanced Development.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION

That the report be noted.

ATTACHMENTS

[Click here for attachments](#)

- A. Minutes 19 September 2016
- B. Minutes 17 October 2016

Matters For Information - 22 November 2016

ITEM 9.4 **Report on Development Applications and Section 96 Applications Determined and to advise of the status of various DA related legal matters related for October 2016.**

AUTHOR **Planning**

ISSUE

This report has been prepared to provide Council with the following information:

- (1) the number of development applications and Section 96 applications (amendments to approved development applications) determined for October 2016 by Ward; and
- (2) to advise of the status of various development application related legal matters.

RECOMMENDATION

That the contents of this report be noted.

REPORT

Development Applications and Section 96 Applications

The attached report shows that in the month of October 2016, a total of 161 Development Applications and 54 Section 96 applications were determined*.

October represents the first month that combined development statistics have been reported for the New City of Canterbury Bankstown. The gross median determination time for the processing of development applications was 58 days in October 2016. The total value of the construction work determined in that period was \$99,870,196.00

* Note: This is the number of applications determined by way of approval or refusal. The table included as Attachment B to this report also includes withdrawn and cancelled applications. Accordingly, the total determinations listed in the Attachment April and May differ from the figure quoted in this report.

Legal Matters for October 2016

A schedule of legal cases related to Development Applications for the month of October 2016 is included at Attachment D to this report.

POLICY IMPACT

This report has no policy implications.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no financial implications.

RECOMMENDATION

That the contents of this report be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Graph of Median Determination times
- B. Determined development applications (Campsie Branch) for October 2016
- C. Determined development applications (Bankstown Branch) for October 2016
- D. Legal cases as of October 2016

10 QUESTIONS FOR NEXT MEETING

11 CONFIDENTIAL SESSION

- 11.1 Property Matter - 50 Macauley Avenue, Bankstown
- 11.2 Compulsory Acquisition of Land for the Purpose of Constructing an Extension to the M5 Motorway
- 11.3 T68-2016 - Tender for Civil Improvement Works in Pacific Street, Kingsgrove
- 11.4 T12-17 Tender for the Provision of Debt Recovery Services
- 11.5 T17-17 - Tender for Lake Gillawarna (North) Water Quality and Natural Area Improvement Project
- 11.6 T18-17 English St Rehabilitation between Wilberforce Rd to Pivetta St, Revesby
- 11.7 T27-17 Provision of Food & Beverage for Council's Leisure, Aquatic, Fitness and Golf Facilities
- 11.8 Property Matter - The Mall Bankstown

General Manager's Statement

Confidentiality

Councillors and staff are reminded of their obligations in respect to the need for confidentiality and not disclose or otherwise misuse the information which is about to be discussed, failure to do so could result in a reference to the NSW Civil and Administrative Tribunal and/or result in a prosecution in accordance with Sec. 664 of the Act for which the maximum penalty is \$5,500.

CONFIDENTIAL SESSION

Section 10A(2) of the Local Government Act, 1993 provides that Council may, by resolution, close to the public so much of its meeting as comprises the receipt or discussion of matters as listed in that section, or for any matter that arises during the course of business during the meeting that should be treated as confidential in accordance with Section 10(2) of the Act.

Council's Agenda for this meeting contains reports that meet the criteria specified in Section 10A(2) of the Act. To consider these reports in confidential session, Council can adopt the following recommendation:

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8 in confidential session for the reasons indicated:

Item 11.1 Property Matter - 50 Macauley Avenue, Bankstown

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 11.2 Compulsory Acquisition of Land for the Purpose of Constructing an Extension to the M5 Motorway

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 11.3 T68-2016 - Tender for Civil Improvement Works in Pacific Street, Kingsgrove

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 11.4 T12-17 Tender for the Provision of Debt Recovery Services

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 11.5 T17-17 - Tender for Lake Gillawarna (North) Water Quality and Natural Area Improvement Project

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 11.6 T18-17 English St Rehabilitation between Wilberforce Rd to Pivetta St, Revesby

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 11.7 T27-17 Provision of Food & Beverage for Council's Leisure, Aquatic, Fitness and Golf Facilities

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 11.8 Property Matter - The Mall Bankstown

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.