

The NEW City of **CANTERBURY BANKSTOWN**

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Agenda for the
Ordinary Meeting

23 August 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 26 July 2016	7
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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 JULY 2016**

PRESENT: Administrator – Richard Colley
General Manager – Matthew Stewart
Director Community Services – Andy Sammut
Director City Development – Spiro Stavis
Director City Planning - Scott Pedder
Director Corporate Services - Ken Manoski
Director City Services - Graeme Beattie
Director Assets and Infrastructure (West) - Anthony Vangi
Director Assets and Infrastructure (East) – Wayne Cooper
Manager Corporate Services - Adam Brownlee
Group Manager Governance – Brad McPherson
Manager City Planning – James Carey

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES

(73)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 28 June 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

STRATEGIC REVIEW OF THE CANTERBURY ROAD CORRIDOR

(74)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council undertake a strategic review of the Canterbury Road Corridor as outlined in the Administrator's Minute.

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ITEM 4.2 SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR

(75)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator's Minute be received.

ITEM 4.3 STRONGER COMMUNITIES FUND

(76)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator's Minute be received.

ITEM 4.4 FINANCIAL ASSISTANCE - GEORGES RIVER SOFTBALL ASSOCIATION

(77)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council support the request for financial assistance from Georges River Softball Association and waive the \$1,354 hire fee for Kelso Park and these funds be made available from Council's Section 356 Financial Assistance budget.

ITEM 4.5 ISME COMMUNITY MUSIC ACTIVITIES COMMISSION

(78)

MOVED AND RESOLVED BY THE ADMINISTRATOR

RESOLVED that Council donate \$750 to Vyvienne Alba to assist with costs of attending the 32nd International Society for Music Education plus other international music events.

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SECTION 5: PLANNING MATTERS

SUSPENSION OF STANDING ORDERS

(79)

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 5.6 be dealt with now.
- iii) Standing Orders then be resumed.

ITEM 5.6

PLANNING PROPOSAL FOR NOS. 30–46 AUBURN ROAD IN REGENTS PARK

MR MATT DANIEL (CONSULTANT FOR THE APPLICANT) ADDRESSED COUNCIL.

(80)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council agree to be the relevant planning authority for a planning proposal to allow for higher density residential development at Nos. 30–46 Auburn Road in Regents Park.
2. Council submit a planning proposal to the Department of Planning & Environment to seek a Gateway determination as shown in Attachment A.
3. Council seek authority from the Department of Planning & Environment to exercise the delegation of the Minister for Planning regarding the plan making functions under section 59 of the Environmental Planning & Assessment Act 1979.
4. Subject to approval from the Department of Planning & Environment, Council exhibit the planning proposal to provide further community comment, and the matter be reported to Council following the exhibition.
5. Council delegate authority to the Interim General Manager to prepare a voluntary planning agreement as outlined in this report in accordance with the Environmental Planning & Assessment Act 1979.
6. Council exhibit the voluntary planning agreement concurrently with the planning proposal and the matter be reported to Council following the exhibition.

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STANDING ORDERS WERE RESUMED.

ITEM 5.1 77 HUME HIGHWAY, GREENACRE

**CONSTRUCTION OF A VEHICLE STORAGE FACILITY, ASSOCIATED WORKSHOP,
STORE ROOMS, OFFICE AND LANDSCAPING WORKS**

(81) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-1475/2015, submitted by Investments & Loans Pty Ltd, accompanied by Drawing No. 0074-2000, 0074-4001, 0074-4003, 0074-4004, 0074-5000, 0074-6000 and 0074-7000, Issue F, prepared by Centric Architects, dated 21/03/2016 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.
- 3) The acoustic assessment submitted in support of this development application, prepared by Wilkinson and Murray, Project Number 16109, dated 23 May 2016 and the noise attenuation recommendations stated on page nine (9) of the assessment forms part of the development consent.
- 4) A final acoustic report prepared by an accredited acoustic consultant, is to be submitted to Council post construction to certify that the premises complies with the relevant noise control regulations and conditions of development consent. This report shall include post construction validation test results.
- 5) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation unless they meet the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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

- 6) 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.

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- 7) 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.
- 8) 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.
- 9) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 10) 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.
- 11) 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.
- 12) 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 \$ 106,290.80 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.

- 13) 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.
- 14) 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) Repair of any damage to the public road including the footway occurring during development works.
 - b) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: 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.

- 15) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the Sydney Water Authority. All conditions imposed by Sydney Water shall be strictly complied with and incorporated into the approved drainage plan. 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. DA3.01, Revision 2, dated 21.04.16 prepared by NORTHROP. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the Sydney Water's requirements and the relevant Australian Standards.
- 16) 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

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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.

- 17) 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.
- 18) 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;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;

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- 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.

- 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 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,

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- 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.

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

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.

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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 affected by local overland flooding and shall comply with the following:
 - a) The minimum floor level of the proposed habitable structure(s) shall be constructed to RL 29.5m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- 21) 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.
- 22) 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.

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CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 23) The building work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building work has been issued by the council or 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:
 - 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.
- 24) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 25) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to

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the commencement of construction works and shall be maintained at all times.

- 26) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 27) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 28) Where required, 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.

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

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

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

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- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the work site is prohibited.

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 32) 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.
- 33) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 34) If in the event that any unintended tanks, cells or finds are uncovered on the development site, works must stop immediately and Council appropriately notified.
- 35) 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.

- 36) Any material brought on or removed from the site for the purposes or fill or the result of excavation shall be validated to ensure the material is suitable for the intended use. This validation must be undertaken by an appropriately qualified environmental consultant and a certificate of analysis submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.
- 37) 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.

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- 38) 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.
- 39) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 40) 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.
- 41) 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.
- 42) 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).
- 43) 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 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.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

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- 45) 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.
- 46) Council requires that an Environmental Management Plan be prepared and submitted prior to an Occupation Certificate being issued. The premises must be operated in accordance with the Environmental Management Plan at all times.
- 47) 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.
- 48) Lighting must be provided to the entries, 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.
- 49) 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 (if applicable) 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.
- 50) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 51) 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.
-

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- 52) Where applicable, the Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before operation of the development.

USE OF THE SITE

- 53) The hours of operation of the use shall be limited to between 7.00 am to 6.00 pm on weekdays and 7.00 am to 1.00 pm on Saturdays.
- 54) The recommendations of the acoustic assessment requires the following noise mitigation measures to be implemented:
- a) Roller doors to the workshop are to be remained closed except when vehicles are moved out of the workshop into the first floor car park; and
 - b) Inclusion of a 1.2 metre solid balustrade along the edge of the first floor car park.
- 55) All loading and unloading of goods shall take place within the site in a manner that does not interfere with parking areas, driveways or landscaping.
- 56) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 57) The premises shall be operated so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints and if it is considered by Council that excessive noise is emanating from the premises, the person(s) in control of the premises shall, at their own cost arrange, for an acoustic investigation to be carried out (by an accredited acoustic consultant) and submit a report to Council specifying the proposed methods for the control of excessive noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.
- 58) 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.
- 59) 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.
-

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- 60) The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Department of Environment, Climate Change and Water's Technical Guidelines for Assessing Vibration.
- 61) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282: 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. 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.
- 62) Servicing and detailing of vehicles or vehicle parts must be conducted in a covered, bunded area. Vehicles awaiting a service, under service or awaiting delivery shall not be stored, parked, or otherwise permitted to stand in a public street. All such vehicles shall be accommodated within the premises.
- 63) All automotive parts shall be stored wholly within the premises and no automotive parts shall be stored in the open.
- 64) Covered and bunded work areas including workshop bays are to be graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal and/or reuse.
- 65) Liquid wastes must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of an Occupation Certificate.
- 66) Spill kits, clean up facilities and equipment are to be provided to the premises in areas that are susceptible to spills, leaks and the like.
- 67) No spray painting shall be carried out on the premises, unless prior development consent has been obtained from Council.
- 68) No panel beating, dismantling or wrecking of vehicles shall be carried out on the premises.
- 69) All chemicals shall be stored, handled and disposed of in accordance with Australian Standard AS1940: The Storage and Handling of Flammable and Combustible Liquids.

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- 70) 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.
- 71) All chemicals shall be stored, handled and disposed of in accordance with:
- a) AS 1940 – 2004 The Storage & Handling of Flammable and Combustible Liquids.
 - b) NSW EPA 'Storing and Handling Liquids, Environmental Protection, Participants Manual 2007'.
 - c) NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- 72) 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.
- 73) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 74) 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.

ITEM 5.2

60 KITCHENER PARADE, BANKSTOWN

DEMOLITION OF EXISTING SITE STRUCTURES AND CONSTRUCTION OF FOUR (4) STOREY COMMERCIAL BUILDING WITH GROUND FLOOR CAFE AND ASSOCIATED ONSITE PARKING

(82)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council exhibit the Deed of Variation to the voluntary planning agreement for the property at No. 60 Kitchen Parade in Bankstown as shown in Attachment I. This matter is to be reported to Council following the exhibition.
2. A further report be submitted at the conclusion of the exhibition period.

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3. The Interim General Manager be granted delegated authority to determine the application once the Deed of Variation to the voluntary planning agreement is exhibited and approved by Council subject to the following modifications to the foreshadowed conditions adopted by Council on 22 October 2013, but also including the following amended conditions and additional conditions to be imposed by Council's Development Engineer and Traffic Engineer:
- A. Conditions 2, 3, 11, 13, 14 and 16 shall be amended to read as follows (changes shown in italics):
- 2) Development shall take place in accordance with Development Application No. DA-974/2012, submitted by Fouad Hazzouri, accompanied by Drawing No. A01/02 & A02/02, Issue B, prepared by Atelier Hazzouri Architects, dated 10 May 2013, *as modified by Section 96(2) Modification Application No. DA-974/2012/1, submitted by Trustee ZKFK Trust, accompanied by Drawings and reports set out in the following table, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval:*

<i>Drawings Prepared by Becerra Architects</i>			
<i>Drawing No.</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
A00	Site Plan	B	11/3/16
A02	Basement	B	7/3/16
A03	Ground Level	C	7/3/16
A04	Mezzanine Level	B	19/11/15
A05	Level 1	A	3/6/15
A06	Level 2	A	3/6/15
A07	Level 3	A	3/6/15
A08	Terrace	A	3/6/15
A09-A11	Elevations	B	7/3/16
A12-A13	Sections	B	7/3/16
A14-A15	Material Schedule	B	7/3/16
<i>Engineering Drawings (Storm Water and Civil Works), Prepared by John Romanous & Associates Pty Ltd</i>			
<i>Drawing No.</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
1350 – S1/3, S2/3 & S3/3	Stormwater Drainage/Sediment Control Details - Concept	E	11/3/2016
<i>Reports and Specifications</i>			
<i>Report No.</i>	<i>Name</i>	<i>Revision</i>	<i>Date</i>

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	<i>Traffic & Parking Assessment</i>		<i>10/3/16</i>
	<i>Data Sheet Work Parklift 413</i>		

- 3) *The Deed of Variation to the Voluntary Planning Agreement endorsed by resolution of Council dated [Insert Date] shall be executed in accordance with the terms of the Agreement.*
- 11) *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 \$15,470.00 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.

- 13) 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 single heavy duty VFC of maximum width of 7.5 metres at the property boundary. The existing stormwater pit to be modified with the removal of the lintel and installing a heavy duty butterfly grate and relocating the existing pit to a location further downstream with the construction of the lintel and the pit to the satisfaction of Council and Council's standards.*
 - b) Drainage connection to Council's kerb and gutter.
 - c) A new full-width footway shall be installed on Rickard Road and Kitchener Parade, which meets all requirements of Bankstown City Council's CBD Type 1 Specification - being 'Urbanstone' or approved equal concrete unit pavers, with dimensions of 400mm x 400mm x minimum 50mm mortared in over a 125mm thick fibre-reinforced concrete base. Pavement is to be laid in stretcher bond pattern, set perpendicular to the line of the kerb. Paver colours are 'Lamington' (infill pavers) and 'Silver Grey'

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(banding and header course) and are to be sealed with an approved sealant.

- d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- 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.

- D) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 1350 – S1/3, S2/3 & S3/3, Rev. E, prepared by John Romanous & Associates. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 16) All of the relevant and appropriate water conservation and energy efficient requirements of Bankstown DCP 2015 – Part B4 – Sustainable Development shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate.

B. The following conditions are added:

- *The applicant shall apply to the Bankstown Traffic Committee for the installation of a Works Zone for the entire site's frontage to Rickard Road, minus the minimum length of 'No Stopping' zone required after the Kitchener Parade intersection, eight (8) weeks in advance of when construction is scheduled to begin.*

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- *The car stacker shall be installed in accordance with the Data Sheet Worh Parklift 413 specification submitted with the application.*

**ITEM 5.3 CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT 12 - VARIOUS
HOUSEKEEPING AMENDMENTS AND DRAFT AMENDED CANTERBURY
DEVELOPMENT CONTROL PLAN 2012**

(83) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council adopt the various (housekeeping) amendments to the Canterbury LEP 2012 planning proposal as shown in Attachment A.
2. The proposed amendments relating to acquisition of land for the purposes of public car parks be deferred so that they can be considered in light of plans for the Sydenham to Bankstown Urban Renewal Corridor.
3. Council adopt the amendment to the Canterbury Development Control Plan 2012, as shown in attachment B, to be brought into effect in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.
4. Existing controls relating to sex services premises in the Canterbury Development Control Plan 2012 be retained.

ITEM 5.4 DRAFT CANTERBURY DEVELOPMENT CONTROL PLAN 2012

(84) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council exhibit the draft Canterbury Development Control Plan 2012 as shown in Attachment A.
2. This matter be reported be reported to Council following the exhibition period.

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ITEM 5.5 DRAFT AMENDMENTS TO CANTERBURY DCP 2012 (AMENDMENT 4)

(85)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council exhibit Draft Canterbury Development Control Plan 2012 (Amendment 4) as shown in Attachment A alongside the planning proposal for 642-644, 650-658 Canterbury Road, 1-3 Platts Avenue, 2, 2A, 2B, 2C, 2D Liberty Street, Belmore.
2. A further report be submitted to Council at the conclusion of the exhibition period.

ITEM 5.6 PLANNING PROPOSAL FOR NOS. 30–46 AUBURN ROAD IN REGENTS PARK

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 80 ON PAGE 3 OF THESE MINUTES.

ITEM 5.7 DRAFT VOLUNTARY PLANNING AGREEMENT OFFER - 717-727 CANTERBURY ROAD, BELMORE

(86)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Approval be given for Council staff to negotiate with the applicant a draft Voluntary Planning Agreement for 717-727 Canterbury Road, Belmore, for the purposes as outlined in this report.
2. Once prepared, the draft Voluntary Planning Agreement be placed on public exhibition.
3. At the conclusion of the public exhibition the draft Voluntary Planning Agreement be reported back to Council.

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SECTION 6: REPORT OF THE GENERAL MANAGER

ITEM 6.1 INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW

(87)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. A Canterbury-Bankstown Independent Hearing and Assessment Panel be established in accordance with the provisions of the attached Charter.
2. Authority be delegated to the Canterbury-Bankstown Independent Hearing and Assessment Panel under Section 377 of the *Local Government Act 1993* to consider and determine development applications referred to it by the General Manager.
3. The Canterbury-Bankstown Independent Hearing and Assessment Panel Charter included in the Attachments, be endorsed.
4. The Canterbury IHAP continue to operate until such time as the Canterbury-Bankstown Independent Hearing and Assessment Panel is established;
5. Prior to the establishment of the Canterbury-Bankstown Independent Hearing and Assessment Panel the General Manager's current determination delegations (to staff from the former Bankstown Council) be extended /transferred to all development assessment staff.
6. Following the establishment of the Canterbury-Bankstown Independent Hearing and Assessment Panel, the Canterbury IHAP be dissolved and members advised accordingly.
7. The General Manager call for Expressions of Interest and appoint suitably qualified panellists to form the Canterbury-Bankstown Independent Hearing Panel, as outlined in the report.
8. In consultation with the Administrator, the General Manager to determine the appropriate remuneration be paid to Panel Members.

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ITEM 6.2 REQUESTS FOR FINANCIAL ASSISTANCE AND DONATIONS

(88)

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. A donation of \$100.00 be made to Bradley Kilpatrick of Revesby who was selected in the U/19's Australian Boys' Softball team which competed at the Friendship Series held at the Blacktown International Sportspark (BISP), Sydney from 4-8 July, 2016.
2. A donation of \$100.00 be made to Monica Petrushevski of Yagoona on her selection to represent NSW at the School Sport Australia 12 Years and Under Tennis Championships which are being held at Albury, NSW in October, 2016.

ITEM 6.3 ACCESS TO INFORMATION POLICY

(89)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Access to Information Policy as attached be adopted.

ITEM 6.4 PRIVACY MANAGEMENT PLAN

(90)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Privacy Management Plan as attached be adopted and that a copy be provided to the NSW Privacy Commissioner.

ITEM 6.5 VARIOUS NAMING REQUESTS

(91)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council names the criterion at the Crest adjacent to the Dunc Gray Velodrome the 'Jack Walsh Criterion'.
2. Council names the Rehearsal Theatre at the Bankstown Arts Centre the 'Paull Rehearsal Theatre'.

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3. Council proceed with the community consultation process for the naming of the Salt Pan Creek Walkway the 'Pat Rogan Walkway' and that a further report be provided to Council on the outcomes of the community consultation process.

ITEM 6.6 LAKEMBA OUT OF SCHOOL HOURS SERVICE

(92) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council endorse the closure of the Lakemba Outside School Hours Care service at the end of Term 4, 2016.
2. The Manager Children's Services notify families and the relevant Government Departments of the closure of the Lakemba Outside School Hours Care (OSHC) prior to the end of Term 4, 2016.

ITEM 6.7 WESTERN SYDNEY ACADEMY OF SPORT

(93) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council cease financial support for the Western Sydney Academy of Sport including the 2016/17 financial year.
2. Council formerly advise the Western Sydney Academy of Sport of its decision.

ITEM 6.8 MASTER PLAN FOR WILEY PARK

(94) MOVED AND RESOLVED BY THE ADMINISTRATOR

That a further report on the potential of a Master Plan for a recreation precinct in Wiley Park be provided to Council once both the City of Canterbury Open Space Strategy and the Aquatics and Fitness Centres Future Service and Facilities Strategy are complete in late 2016.

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ITEM 6.9 PROPOSAL FOR BOTANIC GARDENS AT PEACE PARK

(95)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council take no further action towards the establishment of Botanic Gardens in Peace Park Ashbury.
2. Council further investigate the heritage significance and value of Peace Park Ashbury so as to inform future development of activities on the site.

ITEM 6.10

EXECUTION OF LEASE TO BELMORE BOWLING AND RECREATIONAL CLUB LIMITED

(96)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council execute the lease to Belmore Bowling and Recreational Club Limited over the Council-owned properties known as 1A, 1B and 1C Leyland Parade, Belmore.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

ITEM 6.11

EXECUTION OF LEASE TO CANTERBURY CHILDREN'S COTTAGE LIMITED

(97)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council execute the lease to Canterbury Children's Cottage Limited for the Council-owned property known as 2A Wilson Avenue, Belmore.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

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- ITEM 6.12** **EXECUTION OF LEASE TO CA&I P/L FOR PART OF 27 LESLIE STREET, ROSELANDS**
(98) MOVED AND RESOLVED BY THE ADMINISTRATOR
- That -
1. A new 12-months lease be entered into with CA&I Pty Ltd for part of 27 Leslie Street, Roselands.
 2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.
-
- ITEM 6.13** **EXECUTION OF LICENCE AGREEMENT FOR COMPOUND SITES AT WATERWORTH AND GOUGH WHITLAM**
(99) MOVED AND RESOLVED BY THE ADMINISTRATOR
- That -
1. Council approve the licence to KGB Coatings Site Services Pty Limited for the two compound sites at Waterworth Park and Gough Whitlam Park.
 2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.
-
- ITEM 6.14** **RELEASE OF POSITIVE COVENANT - 67C SECOND AVENUE, CAMPSIE**
(100) MOVED AND RESOLVED BY THE ADMINISTRATOR
- That -
1. The request to release the Positive Covenant from the title of the property 67C Second Avenue, Campsie be approved.
 2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

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ITEM 6.15 CASH AND INVESTMENT REPORT AS AT 30 JUNE 2016

(101)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The Cash and Investments Report as at 30 June 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 4 JULY 2016 AND BANKSTOWN TRAFFIC COMMITTEE HELD ON 12 JULY 2016

(102)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Canterbury Bankstown Traffic Committee meeting held on 4 July 2016 and the Bankstown Traffic Committee held on 12 July 2016 be adopted.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

SECTION 9: MATTERS FOR INFORMATION

ITEM 9.1 DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL OFFICERS UNDER DELEGATION

(103)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the report be noted.

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**ITEM 9.2 DEVELOPMENT APPLICATIONS DETERMINED BY THE INDEPENDENT HEARING
AND ASSESSMENT PANEL**

(104) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the report be noted.

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil

MATTER OF URGENCY

(105) MOVED AND RESOLVED BY THE ADMINISTRATOR

That urgency be permitted and Item 11.6 – Organisational Structure be considered.

SECTION 11: CONFIDENTIAL SESSION

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

Item 11.1 T26-16 Concrete & Bitumen Sawcutting and Footpath Grinding

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 Contract 01/2016 - Tender for Construction of Baseball Field, Fence and Infrastructure Works at McLaughlin Oval

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.

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Item 11.3 Greenacre Community Centre EOI

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 Kelso Future Update

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 CBD Renewal Strategy - Old Library Site

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 Organisational Structure

This report is considered to be confidential in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as it relates to personnel matters concerning particular individuals.

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.39 PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.41 PM.**

**ITEM 11.1
(107)**

T26-16 CONCRETE & BITUMEN SAWCUTTING AND FOOTPATH GRINDING

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept any of the submissions received for the propose contract.
2. In accordance with clause 178(3)(b) of the Local Government (General) Regulations 2005, Council invite fresh tenders to reflect the revised scope of service, as outlined in the report.

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3. Council notifies the tenderers of its decision in writing and thank them for their submission.

**ITEM 11.2 CONTRACT 01/2016 - TENDER FOR CONSTRUCTION OF BASEBALL FIELD, FENCE
AND INFRASTRUCTURE WORKS AT MCLAUGHLIN OVAL**

(108) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept any of the submissions received for the proposed contract.
2. In accordance with clause 178(3)(a) of the Local Government (General) Regulation 2005, Council cancel's the proposal for the contract.
3. Council develop a Recreation Masterplan Report for the Salt Pan Creek tip site, which encompasses McLaughlin Oval and the adjacent vacant community land, for Council's consideration.
4. Council notifies the tenderers in writing and thank them for tendering.

ITEM 11.3 GREENACRE COMMUNITY CENTRE EOI

(109) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council proceeds to selective tender with the following organisations:-
 - Creating Links (N.S.W) Ltd
 - Greenacre Area Community Centre
 - Melkite Catholic Eparchy Corporation
2. The outcome of the Selective Tender be reported back to Council for determination.
3. Council notifies the unsuccessful respondent in writing and thank them for expressing their interest.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 JULY 2016**

ITEM 11.4 KELSO FUTURE UPDATE

(110) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the information contained in this report be noted.

ITEM 11.5 CBD RENEWAL STRATEGY - OLD LIBRARY SITE

(111) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council endorse the sale of its property at 62 The Mall, Bankstown, based on the information and details as outlined in the report.
2. The General Manager be delegated authority to finalise the remaining steps, as outlined in this report.
3. The Administrator and the General Manager be delegated authority to sign all documents under the common seal of Council, as required.

ITEM 11.6 ORGANISATIONAL STRUCTURE

(112) MOVED AND RESOLVED BY THE ADMINISTRATOR

That –

1. In accordance with Section 332 of the Local Government Act 1993, Council determines its Organisational Structure, as contained in this report.
2. The Interim General Manager proceeds to implement the required changes to Council's Organisational Structure, as contained in this report.
3. The Interim General Manager proceeds to implement the changes to Council's Management Structure, as contained in this report.
4. Required funding to implement the changes be met from Council's existing 2016/17 budget and accordingly reflected/adjusted in future quarterly budget reviews, for Council's information.

THE MEETING CLOSED AT 6.42 PM.

Minutes confirmed 23 AUGUST 2016

.....
Administrator

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 JULY 2016**

2 LEAVE OF ABSENCE

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

4 ADMINISTRATOR MINUTES

The following items are submitted for consideration -

- | | | |
|-----|--|----|
| 4.1 | Youth Off The Streets | 47 |
| 4.2 | Annual Torch Publishing Charity Golf Day | 49 |

Administrator Minutes - 23 August 2016

ITEM 4.1 Youth Off The Streets

For a number of years, Youth Off the Streets (YOTS) has been operating an Outreach Service which is a very valuable and irreplaceable source of support for many of our youth and the Bankstown community at large. YOTS possesses the specialised skills and experience needed to effectively connect with, and positively guide Canterbury-Bankstown's most vulnerable and marginalised young people. As part of its initiative, YOTS provide Case Management Services which requires them to transport young people to various appointments across Sydney.

YOTS are requesting that Council waive the parking fees in the amount of \$1,800 for two secure parking bays for their company vehicles in the West Terrace Car Park as it is within walking distance of their Office at 1 West Terrace, Bankstown.

Given the important work carried out by YOTS in particular that they are able to make a difference for young people and the Canterbury-Bankstown Community, I recommend that Council support this service by waiving this fee. The funds will be made available from the Council's Section 356 Financial Assistance budget.

Administrator Minutes - 23 August 2016

ITEM 4.2

Annual Torch Publishing Charity Golf Day

The seventh Torch Publishing Charity Golf Day will be held later this year on Friday 21 October at the Georges River Golf Course.

Over the past six years, Council has had the pleasure of supporting the annual Torch Publishing Charity Golf Day which raises much needed funds for the Australian Cancer Research Foundation (ACRF). ACRF is one of Australia's most prominent cancer charities and not-for-profit organisations, with every dollar it receives being directly invested into prevention and research to find a cure for this insidious disease.

Cancer has a devastating and widespread impact on our nation. Statistics indicate that one in two Australian men and one in three Australian women will be diagnosed with cancer by the age of 85.

Given this, I recommend that Council continues its support of this worthy cause by becoming a Gold Sponsor and allocating \$1,000 from its Section 356 Financial Assistance Fund. This level of sponsorship will entitle Council to:

- Enter a team in the 18-hole four-ball ambrose event;
- The display of its logo in the Torch in the four weeks leading up to the event;
- Acknowledgement by the MC on the day; and
- Display its corporate banner on the day.

I commend the efforts of Trent Engisch and his family who have coordinated this annual event, raising more than \$150,000 since 2010.

5 PLANNING MATTERS

The following items are submitted for consideration -

5.1	Exhibition of Planning Proposal for 15-23 Homer Street, Earlwood	53
5.2	Draft Voluntary Planning Agreement 308-310, 312-320 Canterbury Road and 6-8 Canton Street, Canterbury	65
5.3	45-57 Moxon Road, Punchbowl	71
5.4	Bankstown DCP (Amendment No. 4)	79
5.5	103 Chiswick Road, Greenacre Telecommunications Facility comprising 30m monopole and ancillary equipment	83
5.6	6 McIntosh Avenue, Padstow Heights Demolition of Existing Structures and Construction of an Attached Dual Occupancy and Swimming Pool to the Rear of Each Dwelling with Torrens Title Subdivision	99
5.7	35 to 39 Leonard Street, Bankstown Demolition of existing site structures and construction of a six (6) storey residential flat building comprising of forty-eight (48) units and basement carpark	111

5.8	2 Juliette Avenue, Punchbowl Alterations and additions to existing dwelling for conversion to a twenty-four (24) place childcare centre	129
5.9	83-99 North Terrace and 62 The Mall, Bankstown	143
5.10	Canterbury Road Corridor Review of Planning Controls	147
5.11	Pre Lodgement Process for Planning Proposals	151

Planning Matters - 23 August 2016

ITEM 5.1 Exhibition of Planning Proposal for 15-23 Homer Street, Earlwood

AUTHOR City Planning

ISSUE

This report outlines the outcomes of the exhibition process for a planning proposal at 15-23 Homer Street, Earlwood and corresponding amendments to Canterbury Development Control Plan 2012 (CDCP 2012).

RECOMMENDATION That -

1. Council not proceed with the exhibited controls for the site (17m).
2. Council adopt the amendments made to the planning proposal and accompanying amendments to Canterbury Development Control Plan 2012 for land at 15-23 Homer Street as shown in the attachments (8.5m/10m/14m).
3. The Department of Planning and Environment be informed of the amendments to the planning proposal.
4. Council re-exhibit the amended planning proposal and supporting amendments to the Canterbury Development Control Plan 2012.

BACKGROUND

An applicant initiated planning proposal relating to land at 15-23 Homer Street was submitted to Council in May 2014.

The planning proposal sought to increase the maximum building height from 10m to 18m and to allow half the northern part of the site to accommodate ground level residential uses. The remainder of the site would be required to maintain ground floor commercial floor space.

A report recommending an increase to the height from 10m to 14m over part of the site was considered at the 13 November 2014 Council meeting. The Council resolved to proceed but at a maximum height of 17m.

A planning proposal was prepared and submitted to the DP&E for a Gateway Determination. A conditional Gateway Determination was issued in March 2015 allowing the planning proposal to proceed to public exhibition, subject to it being accompanied by an additional study to justify the proposed heights.

An independent urban design consultant Olsson & Associates Architects Pty Ltd was engaged by Council to carry out an additional study to justify and support the proposed 17m height on the site.

The Olsson & Associates study concluded that a 17m height limit in this location would be excessive and recommended alternative heights ranging from 8.5m, 10m and 14m for the site. This scheme closely aligns with the heights recommended to Council on 13 November 2014.

A separate report, commissioned by the proponent which sought to justify the proposed height, was submitted and exhibited with the planning proposal.

The purpose of this report is to summarise the key issues raised in the submissions and to recommend some changes to the exhibited draft controls. The recommended changes (while having a lesser impact) will alter the original intent of the planning proposal and will require re-exhibition. Should Council adopt these amendments, the next step is to inform the DP&E of the variation to the planning proposal and to re-exhibit the planning proposal.

The planning proposal was exhibited in accordance with the Gateway Condition. A significant number of submissions were made which objected to the proposal. Council received 126 submissions and a petition containing 511 signatures in response to the exhibition.

REPORT

Gateway Determination

The Department of Planning and Environment issued a gateway determination enabling Council to exhibit the planning proposal. A condition of the gateway determination required the planning proposal to be amended prior to public exhibition to include:

- *A preliminary acid sulphate soils assessment to address the requirements of S117 Direction 4.1 Acid Sulphate Soils;*
- *An amended Key Sites Map, to show ground floor residential development on the northern half of the site, taking into account the topography of the site;*
- *Further justification to support a maximum building height of 17metres on the site. An additional study that accurately represents and addresses the impact of future development on the character of the local area is to be made available with the planning proposal during the exhibition period.*

In relation to the requirement for an additional study to be carried out to justify and support the proposed 17m height on the site. The DP&E's planning assessment report provided the following reasons for the additional study:

"The Department is of the opinion that a building height of 17m across the entire site may be excessive with respect to the current and future planned scale and building form of the precinct, and the pedestrian uses along the river foreshore. It is therefore recommended that the planning proposal proceed to exhibition with an additional study to be prepared to justify the proposed maximum building height that addresses:

- *The scale and built form of the local area and the precinct;*
- *The precinct's relationship with the Cooks River and the river foreshore; and*

- *The precinct as a local hub.”*

An updated planning proposal including the additional information required by the Gateway Determination was submitted prior to public exhibition.

Olsson & Associates Architects Pty Ltd study

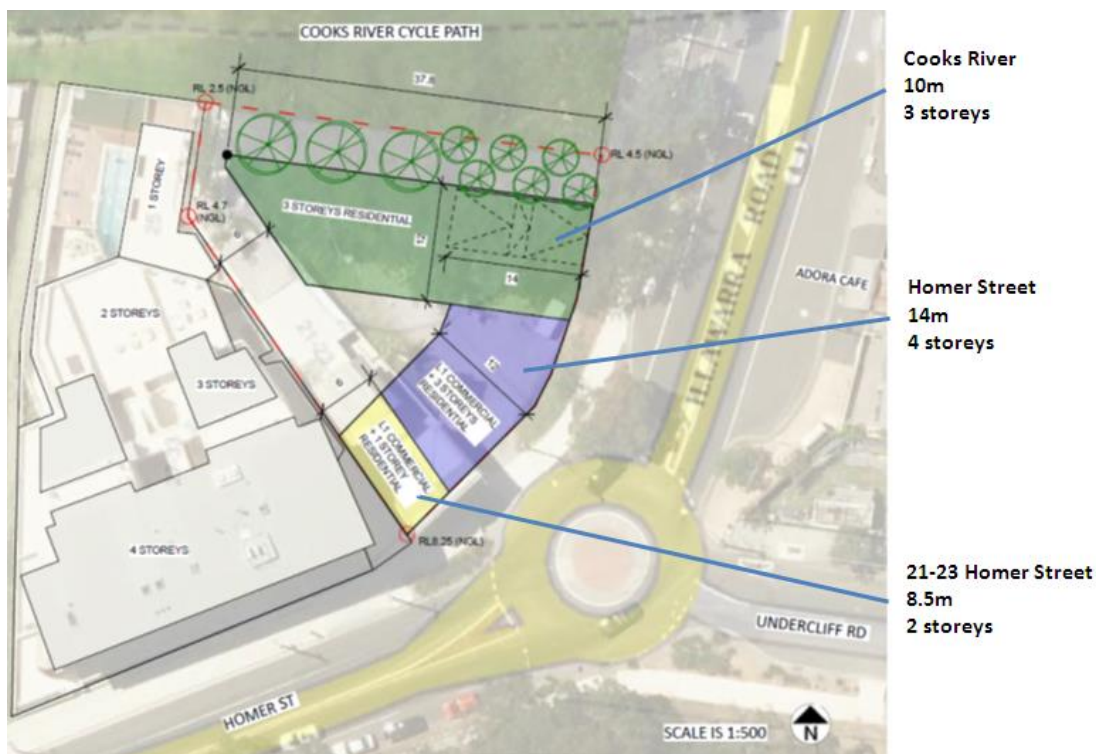
Council engaged an urban design consultant Olsson & Associates to provide a height study to justify the proposed 17m height for the site at 15-23 Homer Street, Earlwood. This study concluded that it could not support the terms of the Council resolution to allow the subject site to have a maximum building height of 17m. The study identified that a 17m height limit would be excessive for the study site. The following reasons were provided for their findings:

- *The adjacent development at 25-33 Homer Street only reaches 17m on a small part of the building and that part is set back approximately 12m from the street boundary.*
- *The smaller scale of a previously approved DA at 2-10 Homer Street (opposite) establishes a lower scale street edge massing on Homer Street.*
- *Various views from within and beyond the precinct establish that a lower maximum height is more consistent with the urban design principles.*

An alternative massing configuration for the site was recommended by the consultant. The following urban design principles were applied in determining appropriate heights for the site:

- *The development massing should be stepped down towards the river. This establishes an appropriate riverfront scale.*
- *There should be symmetry of built form from either side of Homer Street when viewed from the Cooks River bridge.*
- *There should be a human scale of massing particularly adjacent to the riverside pedestrian path.*
- *The massing should emphasis the intersection of Homer Street and Undercliffe Road as a prominent corner, perhaps by increasing its massing at this point.*
- *Development should aim to maintain the privacy and view lines of the 25-33 Homer Street development by stepping back its massing from this development.*
- *Use amalgamation to minimise car entry points and allow for mixed use development as is desirable for B1 zone.*
- *The development should interface with streets and other movement routes to activate these spaces.*
- *The development should acknowledge the active uses on the eastern side of Homer Street (currently the Adora Café) that have active ground floor uses.*
- *The development should promote the use of pedestrian and cycle networks*

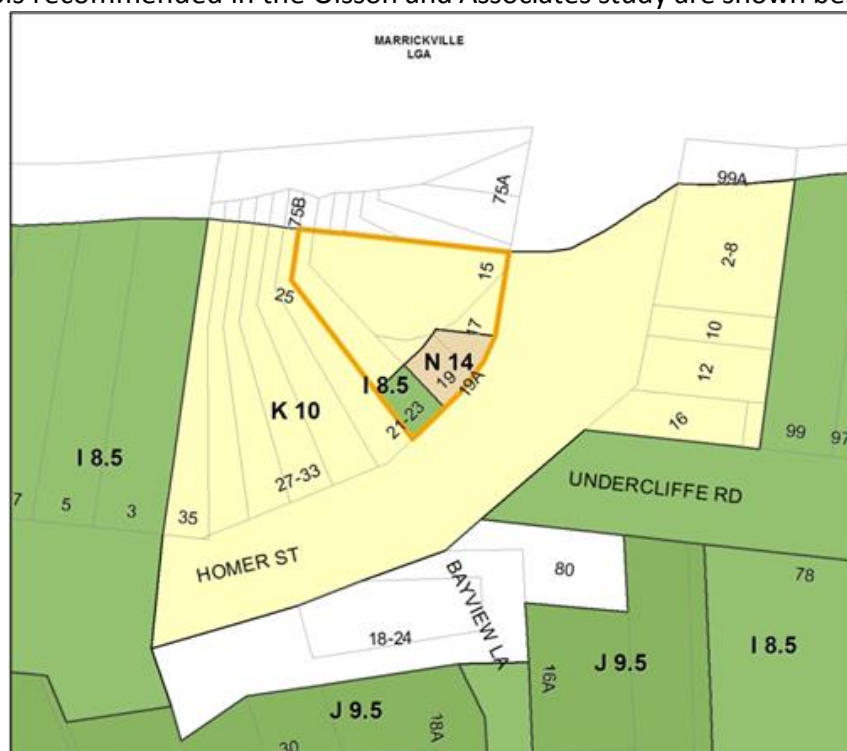
The scheme recommended by the consultant is shown in the diagram below:



A two storey limit is recommended for the existing carpet shop at 21-23 Homer Street. This restriction was recommended to maintain the privacy and view lines of 25-33 Homer Street. For two storey development, the former Canterbury City Council would typically apply an 8.5m building height which would be appropriate in these circumstances.

A copy of the consultant's report is included in the Attachments.

Height controls recommended in the Olsson and Associates study are shown below:



JBA – Planning Justification Report

A planning justification report prepared by JBA on behalf of the proponent was submitted in response to the DP&E's gateway requirement.

The report assessed the character of the local area, and addresses the potential impact of a 17m development on the site on this local character, as well as on the adjoining RFB at 27-33 Homer Street. The key findings in the report conclude that the proposed 17m height will not create any undue visual impact, results in a concept which is compatible with the built form of the area, and will not result in any impacts on neighbouring properties. This report was included in the public exhibition material.

Exhibition

Exhibition Process

Council exhibited the planning proposal from 2 June to 1 July 2016. The exhibition included:

- Displays at the Campsie customer service centre and the former Canterbury City Council website.
- Public notices in the local newspapers.
- Notification letters to property owners affected by changes to the proposed rezoning.
- Notification letters to public authorities.

Public exhibition material

The public exhibition material package included the following information:

- Gateway Determination
- Planning proposal report
- Mapping
 - Existing and proposed height of building (HoB) map of subject site
 - Existing and proposed key sites map of subject site
- Council report and council resolution dated 13 November 2014
- Proponent's planning proposal submission
 - Planning proposal report by BTP town planning consultants
 - Urban design report by Studio Zanardo
- JBA height study report
- Acid sulphate soil assessment report by Smec Testing
- Draft amendments to CDCP 2012

Public authority submissions

Public agency consultation was also carried out with Transport for NSW, Ausgrid, RMS and Sydney Water in accordance with the Gateway Determination for consultation. In addition, the Department of Lands and Primary Industries and Inner West Council were also consulted.

Two agencies Sydney Water and RMS responded, raising no objection to the Planning Proposal. Comments received related more broadly to outcomes achieved through the development application process rather than planning proposal process. The comments are noted, and would form part of the assessment of any future development application on the site. No change to the exhibited controls is recommended as a result of the public authority submissions.

Exhibition responses

A summary of the submission is provided below:

Type of submission	For	Against
Individual letters	0	20
Online written comments	0	106
Petitions (online and written)	0	511 signatures

As indicated in the table, written submissions were made by 126 parties (20 written, 106 online comment), with the majority objecting to the proposal. The main themes raised in the submission related to issues of excessive height, visual impact from Cooks River, the fact that the proposed heights were not initially supported by Council planning staff, overdevelopment, traffic and parking issues, inconsistency with DCP controls and amenity impacts.

A group submission was submitted on behalf of the owners and residents of the strata units at 27-33 Homer Street, Earlwood.

An online petition titled *'To stop the proposed building height allowance change at 15-23 Homer Street, Earlwood'* against the rezoning was created which attracted the bulk of online signatures and comments.

The key issues raised in the written submissions include:

Key issues	Council response
<ul style="list-style-type: none"> Excessive height. 17m height not in keeping with the neighbouring building at 27-33 Homer Street. Height does not follow the natural contours of the land, stepping down towards the river. Height inconsistent with Council recommendation made in the 13 November 2014 report which recommended 14m down to 10m at the river/walkway path. 	<p>A report on the planning proposal was considered at the 13 November 2014 Council meeting. An assessment of the proposed height was made and it concluded that while there was merit in allowing an increased height on the site so that it better related to the adjoining building at 27-33 Homer Street, any changes to heights should be moderated by an objective of stepping down towards the river. A 14m height for part of the site with the remainder of the land set at 10m was recommended so that it better complemented the predominant built form in the area being 3-4 storeys and to better relate to the Cooks river. A copy of the</p>

Key issues	Council response
<ul style="list-style-type: none"> A group submission on behalf of the owners and residents of the strata units at 27-33 Homer Street request Council revert back to 13 November 2014 council report recommendation of 14m. 	<p>report is attached. This scheme closely aligns with the heights recommended in the Olsson & Associates study.</p> <p>The concerns in relation to the proposed heights are valid and noted. The significant number of objections to the proposed height further substantiates that a 17m height limit would be excessive for the site and warrants amendments being made to the planning proposal.</p> <p>It is recommended that the planning proposal be amended to reduce the height controls on the site to part 8.5m, 10m and 14m. The revised heights for the land are consistent with the recommendations made in the 13 November 2014 Council report and from the study prepared by Olsson & Associates.</p>
<ul style="list-style-type: none"> Loss of sunlight Visual impact from 17m high wall Loss of views 	<p>The proponent's urban design report and JBA Height Study analysis both indicate compliance with SEPP 65 in relation to solar access requirements.</p> <p>The concept plan from the urban design report shows a 17m high party wall along the western boundary with no setbacks. The properties to be affected by the shadows are the units located along the eastern side of the adjoining apartments at 27-33. A number of these units rely on sunlight from their east facing windows and balconies.</p> <p>Submissions from the adjoining owners at 25 and 27-33 Homer St were made which all objected to the proposal on the grounds of loss of sunlight.</p> <p>The concerns raised in these submissions in relation to loss of sunlight can be largely addressed through the recommended reduction in heights consistent with the Olsson & Associates study.</p> <p>A two storey height limit on the part of the site (21-23) that adjoins 27-33 is recommended to help preserve the privacy</p>

Key issues	Council response
	<p>and view lines of balconies and windows of adjoining RFB at 27-33. This recommendation is considered to be reasonable and is supported.</p> <p>A reduction in overall maximum height to 14m will also improve sunlight access for affected units at 27-33.</p>
<ul style="list-style-type: none"> • Unacceptable visual impact from Cooks River and from bike track and pathway. • Excessive bulk close to river 	<p>The concerns are noted.</p> <p>The previous assessment from Council staff and the Olsson & Associates study both concluded a blanket height of 17m is excessive for the site. A 10m height should remain for the part of the land closer to the river frontage. This is consistent with previous approvals and planning controls in the area which have consistently applied the principle of stepping building heights down towards the river.</p> <p>The recommended reduction in height from 17m to 10m along the section of the river will provide a building that better relates to the riverfront.</p>
<ul style="list-style-type: none"> • Increased traffic generation. • Pedestrian safety and parking as a result of increased density and commercial use. 	<p>Previous traffic studies for the site have established that redevelopment of the site will not result in significant adverse impacts on the local road network.</p> <p>In addition, the RMS has also reviewed the planning proposal and they have provided the following response:</p> <p><i>“Roads and Maritime would raise no objection to the planning proposal, as the increase in development yield facilitated by the proposal is unlikely to have a significant impact on the classified road network.”</i></p> <p>Notwithstanding this, a detailed Traffic Impact Assessment will be required at the development application stage and this will provide a detailed assessment of the anticipated impact to the local road network, parking demand and safety issues.</p>

Key issues	Council response
<ul style="list-style-type: none"> Proposed height inconsistent with DCP controls for the site. 	<p>The provisions in CDCP 2012 contain specific heights for the precinct. A part 1 and part 2 storey height limit currently applies to the subject site. This differs to the proposed 17m (4-5 storey) for the site.</p> <p>The building envelope recommended for the site in the Olsson & Associates study suggests the site to have a combination of 2, 3 and 4 storeys. Should the recommended changes to the planning proposal be accepted, consequential amendments to the DCP to ensure consistency of controls will also be made.</p> <p>A copy of the proposed draft DCP changes is shown in the attachments.</p>
<ul style="list-style-type: none"> Proposed shops will become vacant and will not activate the area. 	<p>The proposed shop uses are consistent with the neighbourhood centre zone. An active commercial frontage along Homer Street is proposed for the site.</p> <p>In terms of the viability of these shops, this is speculative and will be dependent on market conditions.</p> <p>No change is warranted to the exhibited controls as a result of this submission.</p>
<ul style="list-style-type: none"> Loss of trees Retain land for open space 	<p>A tree report by Clouston & Associates was prepared as part of the DCP study for the site to assess the likely impact of the trees on the subject site. The report identified a group of trees situated along the western side of Illawarra Road on the Stafford Walk path. The report identified the group of trees commonly known as 'Black locust', an introduced species from the USA. They found the trees were in poor condition and could even be considered a 'potential hazard' due to thorns and propensity to sucker, creating a trip hazard.</p> <p>These trees are likely to be removed as they are non-native to the area. A planting strategy recommended by Olsson & Associates study suggests trees to be situated on the northern edge of the envelope which will contribute to the Cooks</p>

Key issues	Council response
	<p>river cycle path and provide additional privacy to the residents of the 3 storey residential component.</p> <p>In relation to retaining the site as open space. The site is in private ownership, it is adjacent to open space along the Cooks river and has a commercial B1 zoning. It has not been identified in Council's open space strategy for open space purposes and therefore this suggestion cannot be supported.</p>
<ul style="list-style-type: none"> • Flooding impacts 	<p>A small part of the site is below the 1 in 100 year flood level and the planning proposal will not affect the capability of development on the site to comply with Council's policy for flood prone land.</p>

Conclusion and Next Steps

The planning proposal was given a conditional Gateway requiring an additional study to justify the proposed 17m height. These studies were carried out. The results of the public exhibition process show all submissions objected to the proposal. A detailed study has been carried out by an independent urban design consultant that recommends modification to proposed heights which more appropriately address the unique characteristics of this site. These heights were developed using well researched and recognised urban design principles to development in sensitive locations such as this.

To enable the planning proposal to progress to the next stage it is recommended Council adopt the the amendments made to the planning proposal and accompanying amendments to the Canterbury Development Control Plan 2012 for land at 15-23 Homer Street and that the revised planning proposal and CDCP 2012 be re-exhibited. While there are no statutory requirements for further community consultation on revised planning proposals, it is considered necessary to re-exhibit the revised planning proposal due to the changes being significant (17m to 10m) and the high level of community interest. A further report will be provided to Council after exhibition.

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 -

1. Council not proceed with the exhibited controls for the site (17m).
2. Council adopt the amendments made to the planning proposal and accompanying amendments to Canterbury Development Control Plan 2012 for land at 15-23 Homer Street as shown in the attachments (8.5m/10m/14m).
3. The Department of Planning and Environment be informed of the amendments to the planning proposal.
4. Council re-exhibit the amended planning proposal and supporting amendments to the Canterbury Development Control Plan 2012.

ATTACHMENTS [Click here for attachments](#)

- A. Draft DCP 2012
- B. Maps
- C. Olsson & Associates study
- D. Council report - 13 November 2014

ITEM 5.2 **Draft Voluntary Planning Agreement 308-310, 312-320
Canterbury Road and 6-8 Canton Street, Canterbury**

AUTHOR **City Planning**

ISSUE

This report is an administrative requirement to implement a decision of the former City of Canterbury Council to exhibit a draft Voluntary Planning Agreement for land at 308- 320 Canterbury Road and 6-8 Canton Street, Canterbury to provide publicly accessible open space and to ascertain if Council supports the park being named.

RECOMMENDATION That -

1. The draft Voluntary Planning Agreement for 308-320 Canterbury Road and 6-8 Canton Street, Canterbury be placed on public exhibition subject to the deletion of seating at the rear of the park.
2. After the conclusion of the public exhibition period the outcomes be reported to Council.
3. The naming of the open space be carried out in accordance with the required regulatory process and Council's policy, and a further report be submitted for Council's consideration.

BACKGROUND

A report on a development application at 308-320 Canterbury Road and 6-8 Canton Street, Canterbury was submitted to the former City of Canterbury City Development Committee (CDC) meeting on 3 December 2015. The application was for the construction of additional levels on an approved mixed use development and to provide additional basement parking.

The CDC resolved at this meeting to approve the application. One of the approval conditions was as follows:

A Voluntary Planning Agreement be prepared by the Applicant that requires the communal open space located on 6-8 Canton Street to be burdened by a Section 88B instrument in favour of Council to allow the general public access to the space. The Voluntary Planning Agreement shall be executed prior to the issuing of a Construction Certificate furthermore the S88b instrument shall be registered with the Land Titles Office prior to the issue of an Occupation Certificate.

The developer shall prepare the Voluntary Planning Agreement at no cost to Council which provides the management conditions of this open space at no cost to Council. The deed shall include but not be limited to the following:

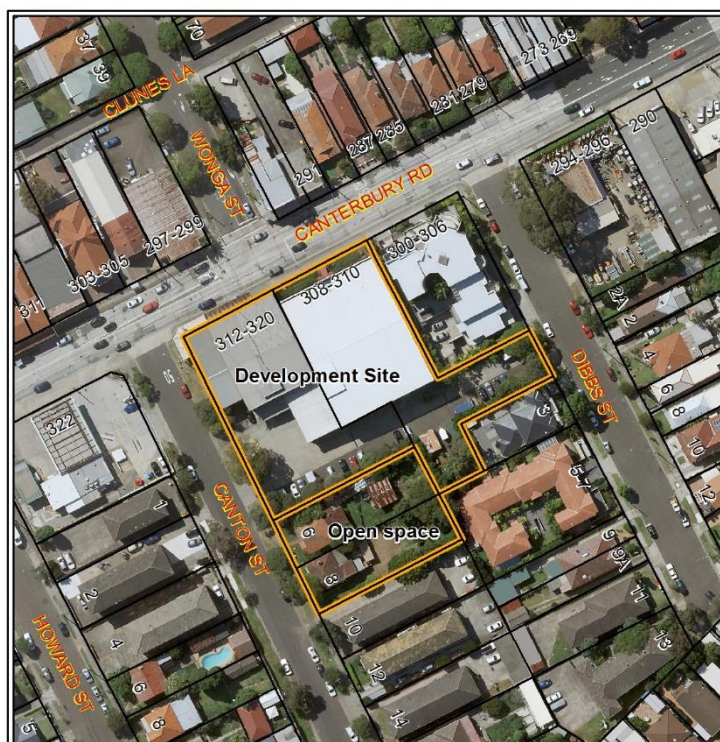
- *Times to which the space will be available to the public,*
- *Maintenance shall be undertaken by the strata at no cost to Council,*
- *The fixtures within the open space shall be of a quality to be suitable for the use by the general public,*
- *Measures to reduce the opportunities for crime,*
- *Details of boundary fencing,*
- *Public indemnity insurance at no cost to Council.*

REPORT

Negotiation of the Voluntary Planning Agreement

The developer prepared an initial draft Voluntary Planning Agreement for consideration of Council. After negotiation between the developer and Council staff the draft VPA has been amended to achieve an outcome acceptable to Council. A copy of the draft VPA is attached.

The focus of the VPA is the provision of publicly accessible open space, the location of which is shown on the map below. A copy of the landscape plan for the park is included as part of the VPA. The park area is approximately 1470m².



In relation to the VPA criteria sought by the former Canterbury City Council, the following comments are made:

1. *Times to which the space will be available to the public*

The space will be available to the public at all times which is specified in clause 21.2 (b) (a).

2. *Maintenance shall be undertaken by the strata at no cost to Council*

This is a requirement of the VPA in clause 21.2 (b) (d).

3. *The fixtures within the open space shall be of a quality to be suitable for the use by the general public*

Council's Landscape Architect has reviewed the fixtures to ensure they meet this criteria.

4. *Measures to reduce the opportunities for crime*

Council's Community Safety Officer has reviewed the park plans in consultation with NSW Police and in accordance with CPTED principles. The Community Safety Officer has no objection subject to:

- Ensuring that landscaping does not obstruct sight lines or cast shadows, and that it is maintained. This will assist with improving natural surveillance within the park.
- Removal of proposed seating at the rear of the park.

The VPA will require the maintenance of landscaping to ensure sight lines into the park are maintained in clause 21.2 (d) (ii). The seating will be removed from the plan that is to be publicly exhibited.

The former City of Canterbury had a 'Lighting of Public Spaces Policy'. An aim is to light public areas in accordance with the Australian/New Zealand Standards for Lighting.

The applicant's lighting consultant has certified that pursuant to the provisions of clause A2.2 of the Building Code of Australia 2015, the design is in accordance with normal engineering practice and meets the requirements of the Building Code of Australia 2015, and relevant Australian Standards listed. It complies with Lighting for roads and public spaces AS1158.3.1: 2005 Lighting Category – P7.

The future owners of the site will be responsible for any costs associated with the lighting of the park.

The Community Safety Officer consultation referred to above with NSW Police resulted in the ground level lights being introduced in the park and pole lighting operating on sensor between 5pm to 5am. Formal consultation with NSW Police will also occur as part of exhibition of the VPA.

5. *Details of boundary fencing*

Council's Landscape Architect has reviewed this aspect of the VPA. The park will be bordered by 1.8 metre high lapped and capped timber fencing where it meets adjoining properties.

The park will be open to the street to allow for unrestricted public access.

6. *Public indemnity insurance at no cost to Council*

This is a requirement of the VPA in clause 21.2 (b) (d) (iii).

Further to these aspects is that the park has been designed to appear separate from the adjoining development so it invites as much general public usage as possible. The park provision will also not result in an offset of Section 94 contributions.

Exhibition process

If Council is supportive of the draft VPA, then the next step is to place the draft VPA on public exhibition. Council endorsement for exhibition is a requirement of the former City of Canterbury Voluntary Planning Agreement Policy. Exhibition is required under the Environmental Planning and Assessment Act, 1979 for 28 days.

After exhibition the outcomes will be reported back to Council, including an assessment of any submissions received.

Naming of the open space

In the VPA, it is proposed to provide signage naming the park. The indicative name given is Canton Street Park.

It is appropriate for this open space to have a name, both to give it identity and also to provide a means of identification for emergency services and other authorities.

The Geographical Names Board has advised that Council could submit a place naming proposal for this open space.

If Council is supportive of naming the park, then naming options and the process involved can be presented in the post exhibition report to Council.

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 -

1. The draft Voluntary Planning Agreement for 308-320 Canterbury Road and 6-8 Canton Street, Canterbury be placed on public exhibition subject to the deletion of seating at the rear of the park.
2. After the conclusion of the public exhibition period the outcomes be reported to Council.
3. The naming of the open space be carried out in accordance with the required regulatory process and Council's policy, and a further report be submitted for Council's consideration.

ATTACHMENTS [Click here for attachments](#)

- A. Draft Voluntary Planning Agreement
- B. Draft VPA Annexure A
- C. Draft VPA Annexure B

Planning Matters - 23 August 2016

ITEM 5.3 **45-57 Moxon Road, Punchbowl**

AUTHOR **City Planning**

ISSUE

Council is in receipt of an application for a planning proposal for land at 45-57 Moxon Road, Punchbowl. This proposes amending the Canterbury Local Environmental Plan 2012 (CLEP 2012) from IN2 Light Industrial to B4 Mixed Use and increase the Floor Space Ratio from 1:1 to 1.5:1. The proposal also includes a request for a Voluntary Planning Agreement (VPA) to upgrade the amenity of the Salt Pan Creek parklands (Council-owned land), known as 2-7 Gow Street and 25A, 27A and 41A Moxon Road, but which incorporates an area of uncapped landfill.

RECOMMENDATION

That the planning proposal to rezone the subject lands from IN2 Light Industrial to B4 Mixed Use not be supported, for the reasons specified in the report.

REPORT

Background

Council is in receipt of an application for a planning proposal for land at 45-57 Moxon Road, Punchbowl, known as Lot B in DP 390488, Lot 1 in DP 618465, Lot 221 in DP840328, Lot 222 in DP84038 and Lot 23 DP 552521. The application seeks to amend Canterbury Local Environmental Plan 2012 (CLEP 2012) by rezoning the site from IN2 Light Industrial to B4 Mixed Use and increase the Floor Space Ratio from 1:1 to 1.5:1. This would enable redevelopment of the site for a yield of approximately 600 units, with approximately 3000m² of non-residential use, including 200-300m² of retail use. CLEP 2012 does not currently control height in industrial zones (and no change of height is sought) however, the submitted designs indicate a height of 18 metres.

The proposal also includes a request for a Voluntary Planning Agreement (VPA) to upgrade the amenity of the Salt Pan Creek parklands (Council-owned land), known as 2-7 Gow Street and 25A, 27A and 41A Moxon Road, but which incorporates an area of uncapped landfill.

Site and Local Context

The site location and character of the surrounding area is as follows:

The site is adjacent to properties (to the north and south) in the IN2 Light Industry zone.

Across Moxon Road to the east is an area of R3 Medium Density Residential, mainly single dwellings, with a few villas, townhouses and secondary dwellings. The majority of the dwelling stock is owned by the NSW Land & Housing Corporation and is typical of the mid-20th century detached bungalows produced for the purposes of public housing.

Salt Pan Creek adjoins the site to the west. The site is subject to flooding from Salt Pan Creek and its tributaries (including an open drain that runs alongside Wiggs Road).

The waterway corridor also contains a large, visually prominent HV power easement, which connects to a large substation on the western side of Salt Pan Creek. Beyond the waterway corridor on the western side of Salt Pan Creek is the large Padstow Industrial Area, which is of subregional significance as an employment land cluster. Separated only by the floodway/environmental corridor associated with Salt Pan Creek, the Moxon Road industrial area should be considered as part of a greater whole with the employment lands in the Padstow Industrial Area.

The site is located approximately 1,600 metres from the local centre in the area (Punchbowl) and 2 kilometres from Punchbowl Station (the closest rail station).

It is understood that the applicant has an agreement with adjoining land owners to the south for inclusion in the planning proposal, however they have not formally amended the planning proposal application to include these lands and no details regarding their future development as part of any such proposal has been submitted to date.



Site and surrounding context

Description of Proposal

A planning proposal submission was lodged on 18 November 2014 for land at 45-57 Moxon Road, Punchbowl, known as Lot B in DP 390488, Lot 1 in DP 618465, Lot 221 in DP840328, Lot 222 in DP84038 and Lot 23 DP 552521, to amend Canterbury Local Environmental Plan 2012 (CLEP 2012) by:

- Rezoning the site from IN2 Light Industrial to B4 Mixed Use (not a currently used zone in the Canterbury LEP 2012), and
- Increasing Floor Space Ratio from the current level of 1:1 to 1.5:1

This would enable redevelopment of the site for a yield of approximately 600 units. Development was initially proposed up to eight storeys, however, the revised plans submitted in July 2015 indicate development to five storeys. Some 2,750m² of non-residential use on the Moxon Road was initially proposed (including a small supermarket/provedore), however, this was reduced in the second submission (exact figure not provided).

A modified version of the proposal was resubmitted by the proponents following feedback in July 2015, which proposed a variety of approaches including a mix of residential over light industrial/employment uses in a large floor plate podium arrangement. This version allegedly scaled back the proposed retail component significantly, however, no detail was provided as to the actual new floorspace proposed.

The proposal also includes a request for a Voluntary Planning Agreement (VPA) to upgraded the amenity of the Salt Pan Creek parklands (Council-owned land) to the rear of the site, known as 2-7 Gow Street and 25A, 27A and 41A Moxon Road. This land has been previously subject to uncontrolled filling actions and is in effect uncapped landfill. The Council-owned open space to the south of the site at 63 Moxon Road was also suggested for improvement in later discussions with the applicant, however this site is known to be an uncapped landfill and would potentially present significant remediation issues if disturbed."



Strategic Assessment of Proposal

The key issues in the assessment of this request for a planning proposal are as follows:

- Lack of Strategic Justification
- Loss of Employment Lands
- Out-of-centre (medium-rise high-density residential and retail uses) development
- Flooding
- Acid Sulfate Soils (Class 2)
- Transport and access
- Suitability of proposed uses in location
- Potential land use conflict.

Metropolitan Context

Strategic Assessment of the proposal indicates that the proposal is inconsistent with the following key policies:

- State Environmental Planning Policies (SEPPs).
- S117(2) Local Planning Directions.
- Metropolitan Strategy for Sydney (A Plan for Growing Sydney).

A detailed assessment of the proposal against these policies has been included in Attachment 1.

The proposal has been assessed against the Industrial Lands Strategic Checklist (from the Metropolitan Strategy), and has been found not to meet the tests for rezoning land away from industrial purposes. The tests for rezoning industrial land to residential or other use outlined in s117(s) Direction 1.1 were also applied and similarly the proposal did not meet these tests.

The Local Planning Directions contained within s117 (2) of the Environmental Planning and Assessment Act, 1979 of relevance to the planning proposal are:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 7.1 Implementation of a Plan for Growing Sydney.

Local Strategic Context

The applicant is seeking an increase in Floor Space Ratio from the current 1.0:1 to 1.5:1. Under CLEP 2012, FSR controls in excess of 1.0:1 are generally only applied in the former Canterbury LGA within close proximity to railway stations or local centres (mostly within 400m), however the site is approximately four times this distance from areas with the attributes to support higher density.

The site is located 2km from Punchbowl and Riverwood Local Centres and their associated railway stations, which is beyond the generally accepted 800m walkable catchment. There is a general lack of facilities in the area as reflecting its current predominantly low density character, which will increase travel demand as this development will be similar to the most intensive development that currently exists in the city. This means that the proposal would represent out-of-centre development which may undermine the hierarchy of centre functions in the city as envisaged by CLEP 2012.

The planning proposal was assessed for suitability against the key local strategic planning policies adopted by Council, namely:

- Towards 2032 - City of Canterbury Economic Development & Employment Strategy
- Canterbury Residential Development Strategy

Rezoning of the site could lead to a precedent for rezoning the industrial holdings in Moxon Road and other flood affected industrial land holdings in the local government area. The potential impacts of the loss of employment land from the LGA are considerable and would contribute to a diminution of the City's economy, diminishing both employment and economic output. The Towards 2032 employment strategy for the City of Canterbury identifies this precinct as an area to be preserved for employment lands.

SGS Economics and Planning, the authors of Council's Economic Development and Employment Strategy, were engaged to undertake an independent review of the economic assessments prepared by MacroPlan (the applicant's consultant).

- SGS found insufficient evidence to demonstrate that the site is surplus to Light Industrial requirements and that the broader Moxon Road industrial precinct, along with the wider subregional demand for such land, would not be adversely affected should the site be rezoned away from industrial uses.
- Given the strategic importance of the Moxon Road employment lands to the LGA's ability to sustain industrial jobs, we recommend the applicant's re-zoning proposal be rejected, if considered purely on economic grounds.
- SGS found that insufficient evidence was provided to demonstrate that the industrial zoning of the site is surplus to requirements and that the broader Moxon Road industrial precinct, along with the wider subregional demand for such land, would not be adversely affected should the site be rezoned away from industrial uses.

Analysis of Site Suitability

The site is subject to a high risk flood hazard and is extremely flood prone, being regularly inundated. The Salt Pan Creek Flood Study has assessed flood risk in the area and is currently being reviewed and updated. The Flood Study indicates significant issues with flooding both on the subject site and the surrounding area, which has been inundated at least three times in the last ten years.

The applicant has put forward the view that introduction of residential use (and its associated financial yield) is necessary to address on-site flooding issues on the assertion that light industrial uses are more vulnerable to frequent flooding. Council does not share this view and instead consider that the intensification of land use and introduction of residential on the site would increase the number of people exposed to unacceptable flood risk.

Conclusion

The rezoning of the subject lands from IN2 Light Industrial to B4 Mixed Use is not supported for the following reasons:

- It runs counter to A Plan for Growing Sydney (Industrial Lands Strategic Assessment Checklist); s117(2) Direction 1.1 Industrial Lands; the Towards 2032 – City of Canterbury Economic Development and Employment Strategy; and the Canterbury Residential Development Strategy.
- Rezoning of the site would create an intrusion of non-industrial uses, especially residential into a developed industrial precinct, which would create amenity conflicts as well as fragmenting an existing consolidated area of employment land.
- The site demonstrates poor physical capability for the proposed zone and potential uses due to the impact of both frequent minor flooding (both mainstream and overland flow) and major flooding (100yr ARI+) events as well as the likely presence of Acid Sulfate Soils due to the site's low elevation (between 2-4m AHD).
- The site is poorly located for intensive mixed-use redevelopment with a high density residential component, being located more than 2km walking distance from the nearest railway station and local centre (Punchbowl) and approximately 1.6km walking distance from the nearest school (Punchbowl Public School).
- Insufficient demonstrated demand for the proposed uses in this location that would offer a sound reasoning to overturn the above policy non-compliances and physical deficiencies of the site for rezoning to a higher intensity use.
- Support for this proposal would contribute to the ongoing erosion of employment lands within the local government area which has in part led to the ongoing loss of employment within the local government area.
- Support for this proposal would create an undesirable precedent, thereby encouraging further speculative rezoning requests that do not accord with the strategic framework for the local government area.
- Support for a mixed-use zone in this location would contribute to the creation of out-of centre retail uses in the absence of a comprehensive retail strategy for the local government area.

POLICY IMPACT

The policy impact of support for the planning proposal would be to undermine the integrity of the following Council Statutory and Policy Documents:

- The Canterbury LEP 2012-
 - Predominant zoning pattern
 - Hierarchy of height and FSR controls
 - Out of centre development
 - Creation of new land use conflict & reverse amenity issues
 - Inconsistency with flooding controls.
- The Towards 2032 Canterbury Economic and Employment Strategy -
 - Loss of employment land
 - Fragmentation of an employment precinct identified for retention
 - Creation of a precedent encouraging further planning proposals seeking to fragment employment land in the city.

- The Canterbury Residential Development Strategy –
 - Approval of a site that does not meet the strategic tests for rezoning thereby weakening the integrity of the test
 - Promotion of a site that is surplus to requirements for future residential requirements when sufficient zoned capacity exists or is already identified in more suitable locations.

On the basis of the above impacts on Council Policy, it is recommended that the application not be supported.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no immediate financial impacts from the decision as the status quo is intended to remain.

RECOMMENDATION

That the planning proposal to rezone the subject lands from IN2 Light Industrial to B4 Mixed Use not be supported, for the reasons specified in the report.

ATTACHMENTS

[Click here for attachments](#)

- A. Moxon Road Planning Proposal Report
- B. Moxon Road - SGS Peer Review

Planning Matters - 23 August 2016

ITEM 5.4 Bankstown DCP (Amendment No. 4)

AUTHOR City Planning

ISSUE

This report summarises the exhibition of Bankstown Development Control Plan 2015 (Amendment No. 4) which provides development controls for certain land in Milperra known as the Riverlands Golf Course site.

RECOMMENDATION That -

1. Council adopt Bankstown Development Control Plan 2015 (Amendment No. 4) as shown in Attachment A.
2. Bankstown Development Control Plan 2015 (Amendment No. 4) is to come into effect on the date specified in the public notice and is to apply to any development applications under assessment at the time the amendments come into effect, as well as development applications lodged on or after this date.

BACKGROUND

At the Ordinary Meeting of 23 June 2015, Council adopted the planning proposal for certain land in Milperra known as the Riverlands Golf Course site.

The intended outcome of the planning proposal is to amend Bankstown Local Environmental Plan 2015 by rezoning part of the site (around 15 hectares) from Zone RE2 Private Recreation to Zone E3 Environmental Management. The rezoning would allow a limited range of development (dwelling houses and dual occupancies) which is compatible with the ecological and habitat values of the site.

The Department of Planning & Environment is currently reviewing the planning proposal and is making arrangements to draft the local environmental plan, which would give effect to the planning proposal.

In finalising the plan, the Department informed Council that it would not support the proposed Zone E3 Environmental Management on the former golf course part of the site (approximately 18% of the whole site).

The Department advised that it intends to vary the planning proposal submitted by Council by replacing Zone E3 exhibited with the Zone R2 Low Density Residential on the former golf course area.

In its view, the Department has identified that the Zone R2 would more appropriately align with the intended end use for the former golf course area. The balance of the Riverlands site would remain under the Zone RE1 Public Recreation and Zone RE2 Private Recreation as proposed by Council.

The *Environmental Planning & Assessment Act 1979* makes provisions that enable the Minister for Planning to vary Council's planning proposal following its public exhibition. The Department has also advised that it would ensure appropriate safeguards are in place to protect environmental qualities across the Riverlands site through a series of site specific requirements that would need to be satisfied by any future development.

At the Ordinary Meeting of 23 June 2015, Council also resolved to exhibit draft amendments to Bankstown Development Control 2015. The draft amendments, known as Bankstown DCP 2015 (Amendment No. 4), contain more detailed controls to support the planning proposal.

The draft amendments include:

- Requirements to ensure development implement the recommendations of the various specialist studies that informed the planning proposal.
- Requirements to ensure development integrate with the landform, overland flow path, vegetation and landscape of the site.
- Requirements to ensure development protect certain hollow bearing trees on the site.

The Council report in Attachment B outlines the planning proposal and Bankstown DCP 2015 (Amendment No. 4) in more detail.

This report is specific to the exhibition of Bankstown DCP 2015 (Amendment No. 4).

REPORT

Exhibition

The exhibition of Bankstown DCP 2015 (Amendment No. 4) took place from 21 October to 20 November 2015. The exhibition included:

- Displays at Council's customer service centre and corporate website.
- Public notices in the local newspaper.

Council received one submission in response to the exhibition. The submission is from the property owner of the Riverlands Golf Course site.

Issues and Response

The main issue raised in the submission is in relation to the proposed requirements to protect the hollow bearing trees on the site.

Bankstown DCP 2015 (Amendment No. 4) requires that adequate provision be made for protecting and conserving certain hollow bearing trees on the site in accordance with the 'Fauna Investigation and Tree Retention Advice' dated June 2015, prepared by NGH Environmental. The study recommends this adequate protection of these trees due to their habitat values, and it is important for Council to address this matter at a strategic level rather than at the development application stage.

The submission argues it is not possible to protect the hollow bearing trees due to the disturbed and degraded condition of most of the site. The submission requests that Council adopt a different approach to enable the removal of all trees and vegetation on the site.

Council reviewed this issue, and the review does not support the approach proposed in the submission for the following reasons:

- The loss of the hollow bearing trees is listed as a key threatening process to biodiversity under the Threatened Species Conservation Act.
- Their approach does not adequately maintain the valuable habitat trees on the site, nor does it consider improving the biodiversity value of the habitat trees.
- Maintaining the habitat connectivity throughout the site should remain a priority.

The submission raised other matters including:

- Requested changes to lot orientation and lot size.
- Deleting the requirement for development to be mostly in the form of dwelling houses or a balanced mix of dwelling houses and dual occupancies.
- Deleting the requirement for the integration of the streets and development with the overland flow paths.

These matters are considered to be inconsistent with the desired outcome and orderly development for the site, and the review does not support the approach proposed in the submission.

The submission also seeks to delete the requirement for the internal road network to comply with certain minimum road widths i.e. main thoroughfares (19 metres) and local roads (16 metres).

This amendment is supported allowing a minimum 17 metre road width (i.e. 10 metre wide carriageway and 3.5 metre wide footway on both sides of the road). This is in keeping with the current DCP provision which requires a minimum 17 metre road width in housing estates.

Each of these matters are addressed in more detail in Attachment C.

In summary, it is not proposed to amend Bankstown DCP 2015 (Amendment No. 4) in response to the issues raised in the submission other than an amendment to the proposed road width controls.

Next Steps

Council is awaiting the Department of Planning & Environment to determine the planning proposal and corresponding local environmental plan.

Bankstown Development Control Plan 2015 (Amendment No. 4) will come into effect on the same date that the Department publishes the local environmental plan on the NSW legislation website. It will apply to any development applications under assessment at the time the amendments come into effect, as well as development applications lodged on or after this date.

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

RECOMMENDATION That -

1. Council adopt Bankstown Development Control Plan 2015 (Amendment No. 4) as shown in Attachment A.
2. Bankstown Development Control Plan 2015 (Amendment No. 4) is to come into effect on the date specified in the public notice and is to apply to any development applications under assessment at the time the amendments come into effect, as well as development applications lodged on or after this date.

ATTACHMENTS [Click here for attachments](#)

- A. Bankstown DCP 2015 (Amendment No. 4)
- B. Council Report–Ordinary Meeting of 23 June 2015
- C. Review of Bankstown DCP 2015 (Amendment No. 4)

Planning Matters - 23 August 2016

ITEM 5.5	103 Chiswick Road, Greenacre Telecommunications Facility comprising 30m monopole and ancillary equipment
FILE	DA-268/2016 - Bankstown Ward
ZONING	RE1 Public Recreation
DATE OF LODGEMENT	1 April 2016
APPLICANT	Servicestream
OWNERS	Canterbury Bankstown Council
ESTIMATED VALUE	\$240,000
AUTHOR	City Planning

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

REPORT

This matter is reported to Council due to the number of objections received and because of a non-compliance with Clause 3.2(c) of Part B10 of Bankstown Development Control Plan (BDCP) 2015 requiring the telecommunications facility not to be visible from the street.

Development Application No. DA-268/2016 proposes the construction of a telecommunications facility comprising of a 30 metre monopole and ancillary equipment. The application has been assessed against the provisions contained in the policies below and found to be compliant, with the exception of the visual amenity controls contained within BDCP 2015 requiring the telecommunications facility not to be visible from the street.

- Telecommunications Act 1997
- Telecommunications Code of Practice 1997
- Communications Alliance Ltd Industry Code C564:2011 Mobile Phone Base Station Deployment
- State Environmental Planning Policy No. 55
- State Environmental Planning Policy (Infrastructure) 2007
- NSW Telecommunications Facilities Guideline Including Broadband

- Bankstown Local Environmental Plan (BLEP) 2015
- Bankstown Development Control Plan (BDCP) 2015

This application was notified for a period of fourteen (14) days between 11 April 2016 and 26 April 2016. Thirteen (13) objections were received which raise concerns relating to the health impacts associated with the development, visual impacts, impact on property values, precedence for future telecommunications facilities and safety. In addition, objectors also questioned whether opportunities to co-locate the proposed development with an existing telecommunications facility had been explored. The matters raised in the objections have been assessed and despite the concerns raised the application is considered to have merit and is recommended for approval.

Telecommunications facilities are required to be located at suitable heights in order to achieve coverage objectives and given that the proposed development will be located adjacent to structures of a similar form, such as existing flood light poles, will be partially screened from the street by existing mature plantings along the site boundaries and is separated from residential properties, strict compliance with the control requiring telecommunications facilities not to be visible from the street is considered to be unnecessary in this instance. It is therefore recommended that a variation be permitted to this requirement.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

DA-268/2016 ASSESSMENT REPORT

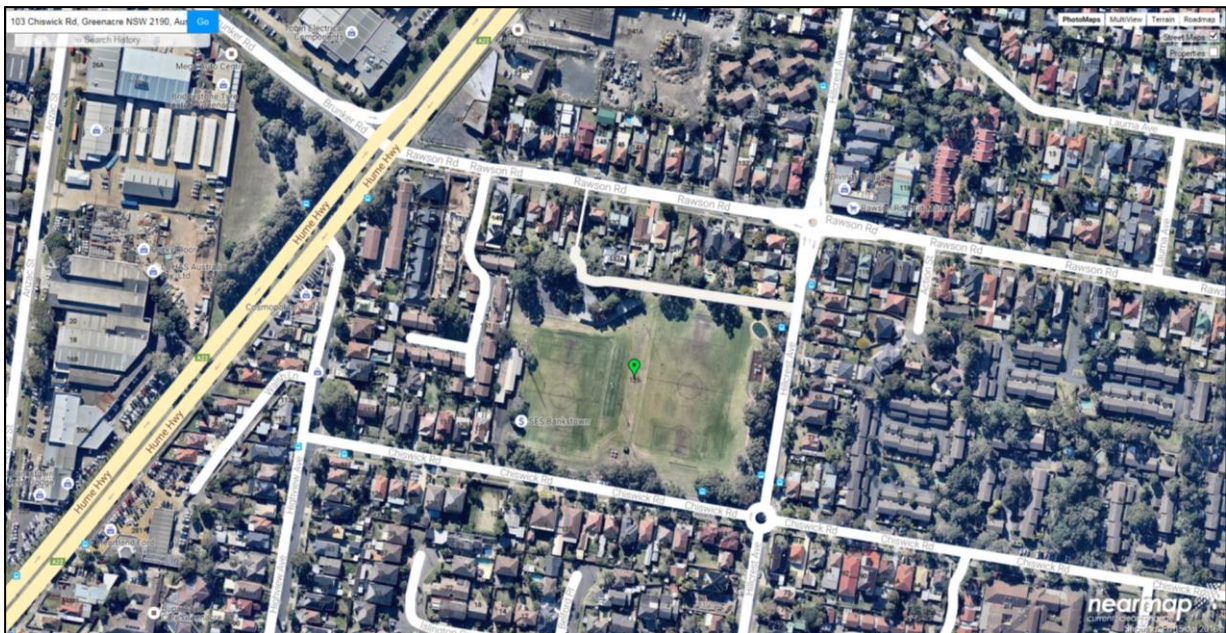
SITE & LOCALITY DESCRIPTION

The subject site is known as Gosling Park located at 103 Chiswick Road, Greenacre and comprises of twenty-two (22) individual allotments owned by Canterbury Bankstown Council. The proposed development is confined to Lot 27 of Deposited Plan 5724 which extends from the southern boundary to the centre of the site.

The site is a regular allotment, being rectangular in shape with an area of approximately 3ha. The site has a frontage to the east to Hillcrest Avenue of approximately 150 metres and to the south to Chiswick Road of approximately 200 metres. To the north and west the site is bound by residential properties whilst also having an access way to the north through to Rawson Road. The site rises 7 metres from east to west over a distance of 200 metres at a gradient of approximately 3 percent.

The site is zoned RE1 Public Recreation and contains two sporting fields with associated seating and flood light towers, a facilities building, a small utilities building, four water tanks, a children's playground and a car park accessed from Rawson Road. Additionally, the site contains an SES depot with a lattice tower to the western boundary.

The site is predominately grass covered, including the portion of the site where the development is proposed, except for the areas containing the buildings and structures discussed above. The northern, eastern and southern boundaries incorporate substantial trees of varying heights up to approximately 15 metres.



Source: Nearmap

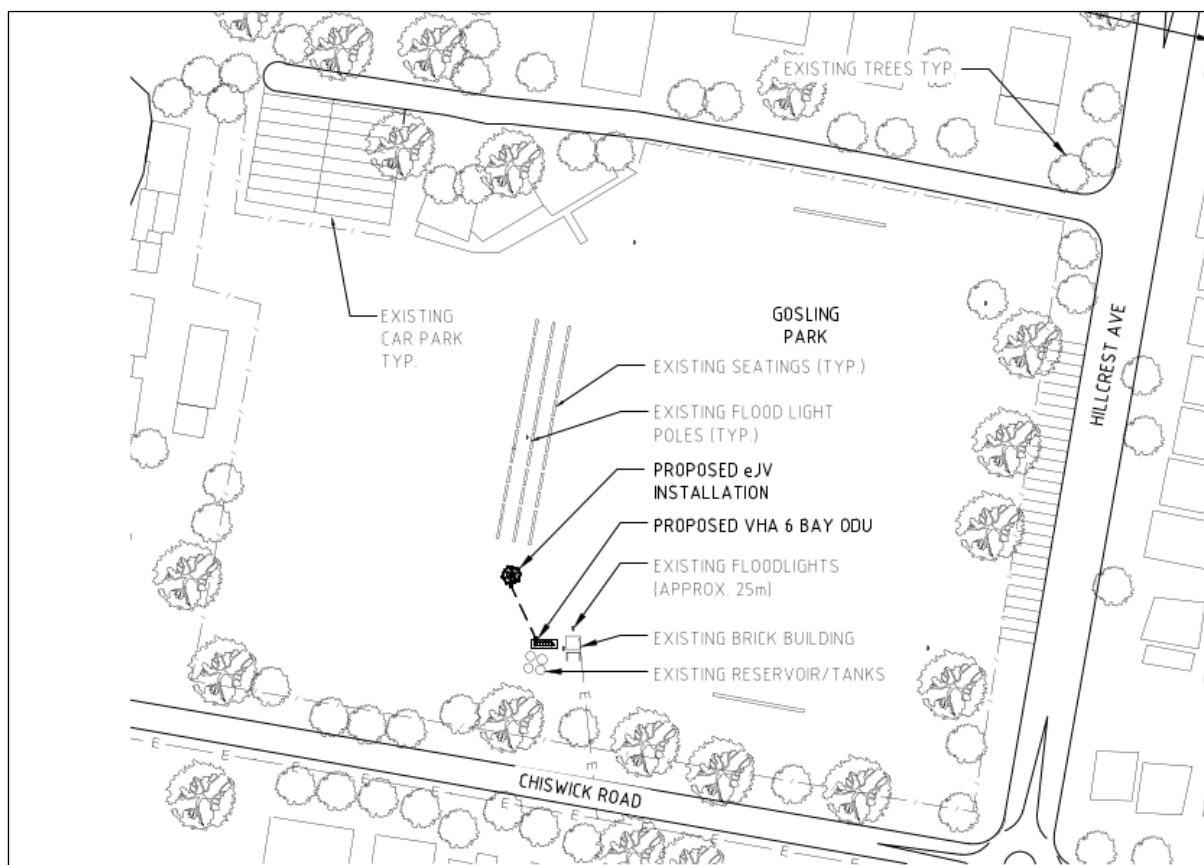
PROPOSED DEVELOPMENT

Development Application No. DA-268/2016 proposes the construction of a telecommunications facility comprising of the following:

- A 30 metre high monopole with a circular headframe, six (6) antennas, combiners, remote radio units, feeders, mast head amplifiers, associated equipment and floodlights.
- Two cable draw pits and an underground conduit.
- An outdoor equipment cabinet at ground level.

The proposed development is to be located between the southern end of the existing spectator seating within the centre of the site and the site's southern boundary, adjacent to the existing utilities building and water tanks. This is reflected in the figure below.

A condition of development consent will be imposed that requires the proposed monopole and ancillary equipment to be of a recessive colour with the final design to be approved by Council's sports field lighting consultant prior to the issue of a Construction Certificate.



Source: Servicestream

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C(1) of the Environmental Planning and Assessment Act, 1979. In determining, a development application, a consent authority is to take into consideration the following matters of relevance to the proposed development.

Environmental planning instruments [section 79C(1)(a)(i)]

Telecommunications Act 1997

Schedule 3 of the Telecommunication Act 1997 (Telco Act) empowers licensed carriers to install certain facilities without consent when they are classified as a 'low impact facility' under the Telecommunications (Low-Impact Facilities) Determination 1997. The proposed development is for a new telecommunications facilities and therefore is not classified as a 'low impact facility'. On that basis, approval is required under NSW planning legislation for the proposed development.

Telecommunications Code of Practice 1997

Section 2.11 of the Telecommunications Code of Practice 1997 requires licensed carriers to ensure that the design, planning and installation of new facilities, such as the proposed development, is undertaken in accordance with 'best practice'. 'Best practice' is conduct of the carrier that complies with an industry code registered by the Australian Communications Authority under Part 6 of the Telco Act. The relevant industry code is the Communications Alliance Ltd Industry Code C564:2011 Mobile Phone Base Station Deployment (the Code).

Communications Alliance Ltd Industry Code C564:2011 Mobile Phone Base Station Deployment

The Code provides requirements for the application of the precautionary approach to site selection and design for telecommunications facilities. The requirements within the Code are consistent with those under the NSW Telecommunications Facilities Guideline Including Broadband and the Bankstown Development Control Plan (BDGP) 2015 of which an assessment is provided below.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of Clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

There is no evidence to suggest that the site is contaminated, nor is it considered necessary for any further investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the proposed use and therefore satisfies the provisions of SEPP No. 55.

State Environmental Planning Policy (Infrastructure) 2007

Division 21 of State Environmental Planning Policy (Infrastructure) 2007 provides the requirements for telecommunications facilities development permitted without consent, exempt development, complying development and development permitted with consent. Clause 115 of SEPP (Infrastructure) 2007 states:

- (1) Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.*
- (2) (Repealed)*
- (3) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

The proposed development does not meet the requirements for development permitted without consent or exempt development. Therefore the proposed telecommunications facility is development permitted with consent under Clause 115(1) which allows the development within all zones under Bankstown Local Environmental Plan 2015.

In accordance with Clause 115(3), consideration is to be given to the NSW Telecommunications Facilities Guideline Including Broadband (the Guideline), which is addressed below.

NSW Telecommunications Facilities Guideline Including Broadband

The Guideline provides four (4) principles for the site selection, design, construction and operation of telecommunications facilities. The relevant provisions under each principle are reproduced and addressed below:

Principle 1: A telecommunications facility should be sited to minimise visual impact

- (d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical*

The proposed ancillary facilities are located adjacent to the existing utilities building within Gosling Park. This is considered an appropriate location.

Principle 2: Telecommunications facilities should be co-located wherever practical

- (b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radio communications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter*
- (d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.*
- (e) If a facility is proposed not to be co-located the proponent must demonstrate that colocation is not practicable.*

The purpose of the proposed development is to assist with improving building coverage (depth of coverage indoors) to houses and buildings currently experiencing reduced coverage and to provide coverage to those without any, within the cell area of the proposed telecommunication facility.

The applicant proceeded on the following site selection parameters:

- Compliance with planning instruments.
- Minimal impact on the environment during construction and operation.
- Avoidance of environmentally significant and heritage areas.
- Meeting the radio frequency objectives so that the required coverage can be provided to Greencare and the surrounding areas.
- Opportunities for co-location where possible.

The following existing facilities within the local government area were identified and considered for co-location:

- SES Tower – Lattice tower owned by the State Emergency Service adjacent to Gosling Park.
- RFNSA No: 2190007 – 55m tower owned by the NSW Government Telecommunications Authority at 110 Hume Highway Chullora
- RFNSA No: 2200026 – 30m high Telstra monopole, located within the Bankstown Water Tower site at 300 Hume Highway, Bankstown.

The applicant identified that the existing lattice tower was not structurally adequate to support the antennas required for the proposed telecommunications facility. The alternative two towers were discounted because they are outside of the Greenacre search area meaning that coverage objectives would not be met. On that basis, co-locating was not practicable.

Principle 3: Health standards for exposure to radio emissions will be met

- (a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.*

(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.

An electromagnetic energy (EME) Environmental Report was submitted with the application that demonstrates that the proposed development achieves compliance with the Radiation Protection Standard.

Principle 4: Minimise disturbance and risk, and maximize compliance

Suitable conditions of consent will be imposed so that the development achieves compliance with the above principle and the relevant provisions in relation to the construction and operation of the proposed telecommunications facility.

Bankstown Local Environmental Plan 2015

The following clauses of the Bankstown Local Environmental Plan (BLEP) 2015 were taken into consideration:

- Name of Plan
- 1.1AA Commencement
- Aims of Plan
- Land to which Plan applies
- Definitions
- Notes
- Consent authority
- Maps
- Application of SEPPs
- 1.9A Suspension of covenants, agreements and instruments
- 2.1 Land use zones
- 2.2 Zoning of land to which Plan applies
- 2.3 Zone objectives and Land Use Table
- 2.7 Demolition requires development consent
- Zone RE1 Public Recreation
- 6.2 Earthworks

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of BLEP 2015.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no applicable draft environmental planning instruments.

Development control plans [section 79C(1)(a)(iii)]

Bankstown Development Control Plan 2015

The proposed development is subject to the provisions of Part B10 of the BDCP 2015. An assessment of the proposal in relation to the primary controls of Part B10 is provided below.

STANDARD	PROPOSED	BDCP 2015 PART B10		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Location		An applicant must demonstrate that, in selecting a site for telecommunications facilities, it has adopted a precautionary approach to minimise the EMR exposures to the public by:		
	An Environmental EME report confirming compliance with the Australian exposure standard as prescribed by the Australian Communications Authority has been provided.	(a) Providing written confirmation that the proposed facility complies with the relevant Australian exposure standard as prescribed by the Australian Communications Authority	Yes	N/A
	A site and locality analysis plan has been provided.	(b) Providing a site and locality analysis plan.	Yes	N/A
	A 360 degree prediction map illustrating the EMR exposure levels and the cumulative impact has been provided.	(c) Providing a 360 degree prediction map illustrating the EMR exposure levels and cumulative impact of the proposed facility	Yes	N/A
	The proposed development complies with the EMR exposure levels and therefore will not affect sensitive or likely sensitive land uses.	Telecommunications facilities must avoid locations where it may affect sensitive or likely sensitive land uses.	Yes	N/A
	The proposed development is not located on or within the vicinity of a heritage item, within an area of heritage or in an area that will impact on endemic flora and fauna.	Telecommunications facilities (not including domestic satellite dishes) must not locate: (a) on a heritage item; (b) in the vicinity of a heritage item; (c) in an area of heritage significance; or (d) in an area that will impact on endemic flora and fauna.	Yes	N/A
Visual Amenity	Alternative infrastructure was considered (as addressed previously in this report) and found to be unsuitable.	An applicant must consider the range of available alternate infrastructure, such as low-impact telecommunications facilities and underground cables, to minimise the visual and cumulative visual impact on a building, structure, or streetscape.	Yes	N/A

STANDARD	PROPOSED	BDCP 2015 PART B10		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
		Where it is not possible to comply with clause 3.1, an applicant must locate and design telecommunications facilities to minimise the visual and cumulative visual impact on a building, structure, or streetscape. Measures may include but not be limited to:		
	The site does not contain a significant landmark, place of cultural heritage or heritage significance.	(a) avoiding landmarks or places of cultural or heritage significance;	Yes	N/A
	The proposal will not obstruct or interrupt significant public views.	(b) avoiding the obstruction or interruption of significant public views;	Yes	N/A
	The telecommunications facility will be partially visible from the street.	(c) locating a telecommunications facility where it is not visible to the street;	No	N/A
	The telecommunications facility is not attached to a building.	(d) integrating a facility with the architectural facade elements or roof of a building or structure;	N/A	N/A
	The telecommunications facility is partially screened by existing landscaping.	(e) screening a facility using building elements or landscaping;	Yes	N/A
	The proposal is not located on an existing building or structure.	(f) minimising the clutter of facilities on a single building or structure;	N/A	N/A
	A condition of consent is to be imposed that requires the proposed monopole to be of a recessive colour and for Council's sports field lighting consultant to approve the final design prior to the issue of a Construction Certificate.	(h) choosing appropriate colours and textures to match the colour and pattern of the background.	N/A	N/A
	The associated feeder cables are proposed to be located underground, concealing them from public view.	(i) concealing associated feeder cables from public view; or	Yes	N/A
	No additional measures have been imposed by the Council.	(j) any other measures to the satisfaction of Council.	Yes	N/A
Construction standards and access	The proposed telecommunications facility will not result in unnecessary or incidental EMR emissions and exposures.	An applicant must consider the range of available alternate infrastructure, such as new technologies, to minimise unnecessary or incidental EMR emissions and exposures as prescribed by the ACIF Code.	Yes	N/A

STANDARD	PROPOSED	BDCP 2015 PART B10		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
	A condition of consent will be imposed requiring compliance with the relevant Australian Standards during construction.	The construction of telecommunications facilities must comply with the relevant Australian Standards.	Yes	N/A
	A condition of consent will be imposed restricting public access to the telecommunications facility.	The design of telecommunications facilities must restrict public access to an antenna.	Yes	N/A
	A condition of consent will be imposed requiring a weatherproof sign to publicly advise the name and contact details of the carrier or on-site manager.	Telecommunications facilities must display a legible weatherproof sign to publicly advise the name and contact details of the carrier, operator or site manager.	Yes	N/A
	A condition of consent will be imposed requiring the removal of the telecommunications facility if it is no longer in use.	A carrier must remove telecommunications facilities where it is no longer in use.	Yes	N/A

The table indicates that there is one (1) non-compliance with respect to BDCP 2015. This is addressed below.

Visual Amenity

Clause 3.2(c) of Part B10 of BDCP 2015 requires telecommunications facilities to be located where they are not visible to the street. The proposed development will likely be partially visible from both Chiswick Road and Hillcrest Avenue.

Telecommunications facilities are required to be located at suitable heights in order to achieve coverage objectives which means that they generally protrude above other structures. Antennas that are located below a topographical line or below the line of surrounding trees and buildings are not able to provide consistent coverage. This is the underlying cause of their potential for visual impact which also makes it very difficult to completely screen this development from the streetscape. It is for this reason that telecommunications facilities are becoming an increasingly accepted part of the urban landscape much like electricity towers such as those found in Bromley Reserve located on Mimosa Road and Banksia Road approximately 700 metres south-east of the site.

The site contains light poles and a lattice tower which are currently partially visible from the street. When the proposed development is considered in its context, it is apparent that it is similar in form to other structures within its vicinity, in accordance with Objective (a) and (b) for Clause 3.2(c) which relate to visual compatibility, character and urban design. Additionally, Gosling Park includes extensive plantings of mature trees along both street frontages which partially screen the existing structures and will do the same for the proposed development.

It is also relevant to note that the separation distances to the closest residential properties are such the impact of the proposed development from a visual perspective on these properties is further mitigated. Residential properties south of the site are located over 60 metres from the proposed development whilst separation distances to the east and west are in excess of 125 metres and 85 metres respectively.

In response to the concerns raised by the objectors in relation to visual amenity during the notification period, the design of the headframe was amended from triangular to circular. This will suitably soften the appearance of the development when viewed from the local roads.

On that basis, whilst the proposed telecommunications facility will be partially visible from the streetscape, strict compliance with the requirement is unnecessary as the proposed development will be within the sightline of other structures of a similar form, will be partially screened by existing vegetation and sufficiently separated residential properties. Accordingly, consistency is achieved with Objective (a) and (b) of Clause 3.2(c) and it is therefore recommended that the variation be granted in this instance.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements that apply to this application.

The regulations [section 79C(1)(a)(iv)]

The proposal does not raise any issues with respect to the Regulations.

The likely impacts of the development [section 79C(1)(b)]

The likely impacts of the proposal have been managed through the design of the development which is compliant with the relevant planning controls, with the exception to the variation to the visual amenity control requirements of BDCP 2015 which have been addressed previously within this report.

Suitability of the site [section 79C(1)(c)]

Subject to the imposition of conditions, as described in this report, the site is considered suitable for the development.

Submissions [section 79C(1)(d)]

This application was notified for a period of fourteen (14) days between 11 April 2016 and 26 April 2016. Thirteen (13) objections were received which raise concerns relating to the health impacts associated with the development, visual impacts, impact on property values, precedence for future telecommunications facilities and safety. In addition, objectors also questioned whether opportunities to co-locate the proposed development with an existing telecommunications facility had been explored. The points of objection are discussed in further detail below.

Health Impacts

- *"There are numerous independent studies showing the harmful effects of EM radiation."*
- *"There is no doubt that the exposure to electromagnetic radiation will damage our cells and increase the incidence of cancers or chronic diseases".*
- *"At present there are concerns that EMF emitted from mobile phones is carcinogenic to humans".*

Comments

The Australian Communications and Media Authority (ACMA) is the commonwealth body that regulates the telecommunications industry in Australia. The ACMA oversees the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) which is the Commonwealth agency that establishes the Radiation Protection Standard to protect the health and safety of the community.

The applicant has submitted an electromagnetic energy (EME) Environmental Report in the format required by ARPANSA that shows the maximum EME level calculated for the proposed development is only 1.50% of the public exposure maximum. Compliance is therefore comfortably achieved with the EME exposure standard set by APRANSA.

Visual Impacts

- *"The height, width and location of the telecommunications facility does not reflect the beauty and nature of the reserve."*
- *"We strongly oppose this proposal as it is out of character with the parks, playgrounds and sporting fields on Gosling Park".*
- *"Introducing a tower 30m high will not only change the outlook of the area but will also become an eyesore for neighbouring homes".*
- *"The proposed 30m telecommunications tower will have a high visual impact that will not be compatible with the existing flood light poles installed around the park".*

The proposed development is located amongst existing flood light poles and within the vicinity of an existing lattice tower and power lines along both street frontages. These are accepted elements of the urban landscape which provide essential services to the community like telecommunication monopoles which are becoming more commonplace over time, as seen in both Roberts Park, Greenacre and Neptune Street Reserve, Revesby. The telecommunications facility is similar in form to these structures and will also be partially screened by existing mature trees along both road frontages and separated from residential properties. Accordingly, the proposed development is considered to be acceptable within its context.

Additionally, the function of Gosling Park will remain unchanged. The park will continue to function with playgrounds and sporting fields and the proposal will not impact any existing significant vegetation.

Impacts on property values

- *"There is no doubt that our property values will be diminished as nobody in their right mind would wish to live near a large telecommunication facility".*
- *"This in turn will affect property values in the area".*

- *“The visual impact of the tower and associated infrastructure with the perceived community concern about the health effects of EMF radiation will have a negative effect on property prices”.*

Comments

No evidence has been submitted that demonstrates that the proposed development will impact property values within the locality.

Precedence for future development

- *“As there are 3 major telecommunications companies in NSW i.e Vodafone, Telstra, Optus then approving such a development in a public park it will provide a precedence to have more of those in the future”.*

Comments

The proposed development is permissible with development consent within the RE1 Public Recreation Zone. Any future development application for a telecommunications facility at other locations would need to be considered in relation to the planning controls by Council.

Safety

- *“It is an obstacle for children playing in the park and a potential structural hazard”.*
- *“it is not a safe structure where children can simply play around”.*
- *“[telecommunications facilities] can attract crime”.*
- *“Will this monstrous structure attract criminals to the area rather than families and sporting organisations?”*

Comments

The proposed telecommunications tower and ancillary facilities are located between the existing two sporting fields within Gosling Park and away from the existing playground. On that basis, the park is of a sufficient size to accommodate both the existing facilities and the proposed development.

No evidence has been submitted that demonstrates that the proposed development will increase the rate of crime within the locality.

Consideration of alternative sites

- *“Under the code, the carrier is also required to co-locate facilities with the existing facilities of other carriers or public utilities or use public easements.”*
- *“The Council is responsible for ensuring proponents share telecommunication in order to minimize the impact on the municipal environment”.*

Comments

Opportunities for co-location have been previously addressed in this report.

The public interest [section 79C(1)(e)]

With regard to the relevant planning considerations, it is concluded that the proposed development would not contravene the public interest. The matters raised in the public submissions have been satisfactorily addressed, and it is considered that there will be no unreasonable impacts on the locality.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant planning controls.

The proposed development complies with all applicable planning controls, with the exception of the visual amenity control within BDCP 2015. It is recommended that the variation to this control be supported given that the proposed development will be located adjacent to structures of a similar form, will be partially screened by existing mature plantings along both road frontages and is separated from residential properties.

Whilst the application has attracted a number of submissions against the proposal, it is not considered that the matters raised in the submissions warrant refusal of the application. Therefore, approval of the development application is recommended.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Plan
- C. Site Plan
- D. Site Plan 2
- E. Elevation
- F. Objectors Map

Planning Matters - 23 August 2016

ITEM 5.6	6 McIntosh Avenue, Padstow Heights Demolition of Existing Structures and Construction of an Attached Dual Occupancy and Swimming Pool to the Rear of Each Dwelling with Torrens Title Subdivision
WARD	DA-447/2016 - Revesby Ward
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	16 May 2016
APPLICANT	Architecture Becka and Associates
OWNERS	Jone Nazih Naguib Eskandr
ESTIMATED VALUE	\$613,784
AUTHOR	City Planning

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

REPORT

This matter is reported to Council due to the number of objections received and because of a non-compliance with Clause 4.1A of Bankstown Local Environmental Plan (BLEP) 2015 in relation to the lot width at the front building line.

Development Application No. DA-447/2016 proposes the demolition of existing structures and the construction of an attached dual occupancy and swimming pool to the rear of each dwelling with Torrens Title Subdivision. The application has been assessed against State Environmental Planning Policy No. 55, Greater Metropolitan Regional Environmental Plan No. 2, BLEP 2015 and Bankstown Development Control Plan (BDGP) 2015 and complies with these provisions, with the exception of the lot width at the front building line control under BLEP 2015.

The applicant has submitted a request to vary the development standard, made pursuant to the provisions of Clause 4.6 of the BLEP 2015. Considering the justification provided by the applicant and given the irregular nature of the allotment which widens to the rear and owing to the minor nature of the non-compliance, it is the recommendation of this report that the variation to the width at the front building control be permitted.

This application was notified for a period of fourteen (14) days between 20 May 2016 and 2 June 2016. Six (6) objections were received which raise concerns in relation to traffic and parking, the lot width at the front building line, visual bulk and setbacks, drainage, the amount of fill proposed, privacy, solar access, view loss and quality of the notification plan. The matters raised in the objections have been assessed and despite the concerns raised the application is considered to have merit and is recommended for approval.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

DA-447/2016 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 6 McIntosh Avenue, Padstow Heights. The site is an irregular allotment with an area of 601.90m² and a frontage to McIntosh Avenue of 13.71 metres. The site rises 2.20 metres from the front north-eastern corner to the rear south-western corner. The site incorporates a landscaped area to the rear with a cluster of trees and further landscaping to the front of the site. There are also two street trees located forward of the front boundary. Council's tree officers have identified that the broad-leaved paperbark tree is significant enough to warrant retention whilst no objection is raised to the proposed removal of the weeping bottlebrush.

The site is zoned R2 Low Density Residential under the provisions of BLEP 2015 and is currently occupied by a single storey dwelling and a detached garage. The surrounding development predominantly consists of single storey detached dwellings.



Source: nearmap

PROPOSED DEVELOPMENT

Development Application No. DA-447/2016 proposes the demolition of existing structures and the construction of an attached dual occupancy and swimming pool to the rear of each dwelling with Torrens Title Subdivision.

Each dwelling contains four bedrooms and a single car garage. The second car space to each dwelling is to be “stacked” on the driveway. Each dwelling contains a balcony to the front, located off bedroom areas.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C(1) of the Environmental Planning and Assessment Act, 1979. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

Environmental planning instruments [section 79C(1)(a)(i)]

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, being a deemed SEPP under Clause 120 of Schedule 6 of the *EP&A Act, 1979*. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of Clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site has long been used for residential purposes and this will not change as part of the development application. There is no evidence to suggest that the site is contaminated, nor is it considered necessary for any further investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the development application and therefore satisfies the provisions of SEPP No. 55.

Bankstown Local Environmental Plan 2015

The following clauses of the Bankstown Local Environmental Plan 2015 were taken into consideration:

- Name of Plan
- 1.1AA Commencement
- Aims of Plan
- Land to which Plan applies
- Definitions
- Notes

- Consent authority
- Maps
- Application of SEPPs
- 1.9A Suspension of covenants, agreements and instruments
- 2.1 Land use zones
- 2.2 Zoning of land to which Plan applies
- 2.3 Zone objectives and Land Use Table
- Subdivision—consent requirements
- 2.7 Demolition requires development consent
- Zone R2 Low Density Residential
- 4.1A Minimum lot sizes and special provisions for dual occupancies
- 4.1C Minimum lot sizes for certain land
- 4.3 Height of buildings
- 4.4 Floor space ratio
- 4.5 Calculation of floor space ratio and site area
- 4.6 Exceptions to development standards
- 5.6 Architectural roof features
- 5.9 Preservation of trees or vegetation
- 6.1 Acid sulfate soils
- 6.2 Earthworks

The following table provides a summary of the development application against the primary numerical controls contained within BLEP 2015.

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Minimum lot for dual occupancies	Min. 500m ² lot area	601.90m ²	Yes
Minimum lot width	Min. 15m width at front building line	14.93m	No
Minimum lot size post subdivision	Min 250m ² lot area post subdivision	301.60m ² & 300.30m ²	Yes
Height of Buildings	Max 7m - wall Max 9m - building	6.914m 7.08m	Yes
Floor space ratio	Max. 0.50:1	0.50:1	Yes

The table indicates that there is one (1) non-compliance with respect to BLEP 2015 in relation to the lot width at the front building line. Clause 4.1A states:

- (2)** *Development consent must not be granted to development for the following purposes:*
- (a) a dual occupancy (attached) on a lot in Zone R2 Low Density Residential unless the lot has an area of at least 500 square metres and is at least 15 metres wide at the front building line.*

The front building line is defined within BLEP 2015 as follows:

"[the front building line is] the line the consent authority is satisfied is the minimum setback a building should be from the road alignment."

As per Clause 4.8(a) of Part B1 of BDCP 2015, the minimum setback is 5.5 metres as measured parallel from the road alignment. The site achieves a width of 14.93 metres at the front building line and therefore does not satisfy the minimum requirement.

The applicant has made a submission under the provisions of Clause 4.6 of BLEP 2015, seeking variation to the provisions of Clause 4.1A. The justification for the variation requested by the applicant is summarised as follows:

- The site is irregular in shape with the width increasing to over 18 metres at the rear building line and to 21.34 metres at the rear boundary.
- The non-compliance is minor, being only 0.07 metres short of the required 15 metres.
- The lot is of a sufficient size to accommodate the development as demonstrated by the fact that compliance is achieved with all the other requirements under BLEP 2015 and BDCP 2015.
- The non-compliance does not result in any adverse impacts on neighbouring properties.

It is agreed that the non-compliant lot width at the front building line is a consequence of the irregular shaped allotment which is unusually located between the bulb of a cul-de-sac and a ninety degree bend within McIntosh Avenue. As a result, the site widens significantly from 13.71 metres at the front boundary to 21.34 metres at the rear boundary. This is reflected in the minor nature of the non-compliance which is 0.07 metres or 0.47% at the front building line and in the fact that the allotment achieves the required 15 metre width 5.86 metres from the front boundary.

In accordance with Objective 1(a) and (b) of Clause 4.1A, it is also agreed that the allotment is capable of accommodating the development given that compliance is able to be achieved with all other requirements under BLEP 2015 and BDCP 2015. This ensures that both dwellings are provided with an appropriate level of amenity in terms of private open space, landscaping, access to sunlight and privacy. Additionally, the allotment size and width facilitate a design that affords a sufficient level of visual privacy and solar access to neighbouring properties and a development of a bulk that is appropriate for the zone.

Given the minor nature of the non-compliance, the development's consistency with all other requirements under BLEP 2015 and BDCP 2015 and on the basis of the applicant's submission, it is considered that compliance with the standard is unnecessary in this instance and that there are sufficient environmental planning grounds to support a variation.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no applicable draft environmental planning instruments.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application against the primary numerical controls contained within Part B1 of BDCP 2015.

STANDARD	PROPOSED	BDCP 2015 PART B1		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Storey Limit	2 storeys	Max. 2 storeys	Yes	N/A
Fill	Max. 600mm of fill	Any reconstituted ground level of an allotment is not to exceed 600mm above the natural ground level of adjoining allotments.	Yes	N/A
Front Setback	Min. 6m	Ground floor– Min. 5.5m.	Yes	N/A
	Min. 8m	First floor – Min. 6.5m	Yes	N/A
	6m	Garage – Min. 6m	Yes	N/A
Side setbacks	0.90m	0.90m	Yes	N/A
Private open space	Dwelling 6 – 114m ² Dwelling 6A – 127m ²	Min. 80m ² per dwelling	Yes	N/A
Solar access (site)	Dwelling 6 – achieved between 11:00am and 1:00pm to front lounge and between 1:00pm and 2:00pm to kitchen. Dwelling 6A – achieved between 8:00am and 12:00pm to front lounge room.	3 hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice to at least one living area of both proposed dwellings.	Yes	N/A
Solar access (private open space – site)	Achieved to rear private open space of both dwellings.	3 hours of sunlight between 9:00am and 5:00pm at the equinox to 50% of the required private open space for both dwellings.		
Solar access (adjoining properties)	Achieved to front facing living areas of both No. 5 and No. 7 McIntosh Avenue.	3 hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice to at least one living area of a dwelling on an adjoining allotment.	Yes	N/A
Solar access (private open space – adjoining properties)	Achieved to rear private open space of No. 5 and No. 7 McIntosh Avenue.	3 hours of sunlight between 9:00am and 5:00pm at the equinox to 50% of the required private open space for a dwelling that adjoins the development.	Yes	N/A
Visual Privacy (living areas)	No windows are proposed that look directly into living or bedroom windows of neighbouring properties. A condition of consent is to be imposed requiring a 1.80m privacy screen to the eastern side of the rear alfresco of dwelling 6A to prevent overlooking to neighboring windows and private open space.	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling the development must offset the windows; provide a minimum sill height of 1.5 metres above floor level; provide fixed obscure glazing; or use another form of screening.	Yes	N/A

STANDARD	PROPOSED	BDCP 2015 PART B1		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Visual Privacy (private open space)	No windows look directly into the private open space of neighbouring properties.	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where the window is to a bedroom, bathroom, toilet, laundry or storage room; the window has a minimum sill height of 1.5 metres above floor level; the window has obscure glazing to a minimum height of 1.5 metres above floor level; or the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	Yes	N/A
Roof pitch	4 degrees	Max. roof pitch 35 degrees	Yes	N/A
Car parking	1 covered and 1 uncovered space provided for both dwellings.	Min. 2 car parking spaces per dwelling, 1 of which must be covered	Yes	N/A
Landscaping	46%	Min. 45% of the area between the primary road frontage and the dual occupancy is to be landscaped	Yes	N/A
	A condition of consent will be imposed in accordance with this requirement.	1 x 75L tree between the dual occupancy and the primary road frontage	Yes	N/A

As demonstrated in the table above, an assessment of the Development Application has revealed that the proposal complies with all relevant controls contained within BDCP 2015.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements that apply to this application.

The regulations [section 79C(1)(a)(iv)]

The proposal does not raise any issues with respect to the Regulations.

The likely impacts of the development [section 79C(1)(b)]

The likely impacts of the proposal have been managed through the design of the development which is compliant with Council's planning controls, with the exception of the lot width at the front building line requirement contained within BLEP 2015 which has been addressed previously within this report.

Suitability of the site [section 79C(1)(c)]

The proposed dual occupancy is a permissible form of development on the subject site, and represents a built form that is compatible with the existing and desired future character of the locality. Whilst the site does not achieve the required width at the front building line, the site is capable of accommodating the proposed development, as set out previously in this report. Accordingly, the site is considered to be suitable for the proposed development.

Submissions [section 79C(1)(d)]

This application was notified for a period of fourteen (14) days between 20 May 2016 and 2 June 2016. Six (6) objections were received which raise concerns in relation to traffic and parking, the lot width at the front building line, visual bulk and setbacks, drainage, the amount of fill proposed, privacy, solar access, view loss and with the quality of the notification plan. The points of objection are discussed in further detail below.

Traffic and Parking

- *“The addition of another dwelling would not only require extra parking spaces, but would eliminate one of the existing parking spaces to make room for a driveway”.*
- *“The additional driveway on this property will eliminate a space to park along the kerb and gutter”.*
- *“This is a small cul-de-sac which is already congested”.*

Comments

The proposed development incorporates separate single driveways to access each dwelling. An alternative design incorporating a shared driveway crossing for both dwellings was not able to be achieved on site given the recommendation of Council’s Tree Management Officers to retain and protect the existing broad-leaved paperbark located within the front setback of the site. Whilst it is acknowledged that this will result in a loss of one (1) on-street parking space, the proposed development complies with the parking requirements of BDCP 2015 and is a permitted development type within the zone.

Front building line width

- *“Applications showing less [than the required width at the front building line] should not be considered as this would lead the way for further applications submitted under the compliance criteria”.*
- *“The measurement of the site frontage in the proposal diagram is also made by adding two lines at obtuse angle to maximum distance”.*

Comments

These matters have been addressed previously within this report. It is also noted that any future applications for dual occupancy development would be considered in relation to the relevant planning controls and on merit. The unique characteristics of the site and potential approval of this development application will not set a precedent for the approval of any future increasingly non-compliant development.

Visual bulk and setbacks

- *“The placement of new proposed buildings... clearly shows out of alignment compared to other properties in the cul-de-sac”.*
- *“Front setback is shown as 5.50m and Council’s DCP requires 6m for dual occupancies”.*

- *“Side boundary setbacks are shown on elevations as 900mm and the Council’s DCP requires 1.2m for side set backs for dual occupancies”.*
- *“The proposed development will have a negative visual impact on the street as it’s an over development in a small cul-de-sac and would look out of place”.*

Comments

Clause 4.8 of Part B1 of BDCP 2015 requires dual occupancies at the ground floor to be setback 5.50 metres from the primary road frontage. In accordance with Clause 4.30(b), a 6 metre setback is required for covered parking spaces when an uncovered space is provided forward of the building line, as proposed in this circumstance. Amended plans submitted by the applicant achieve compliance with these requirements, being setback a minimum of 6 metres from the primary road frontage.

Clause 4.10 of Part B1 of BDCP 2015 requires dual occupancies to incorporate a minimum side setback of 0.9 metres. The proposal provides for a setback of 0.9 metres to both side boundaries and therefore complies with this requirement.

In addition, the development complies with Clause 4.3 and 4.4 of BLEP 2015 in relation to building height and floor space and Clause 4.14 of Part B1 of BDCP 2015 in relation to private open space. These controls, in conjunction with the setback controls discussed above, restrict the overall bulk and scale of a development. On that basis, the site is capable of accommodating the proposed development and the proposed development is considered reasonable with respect to bulk and scale.

Drainage

- *“I have concerns in respect to storm water being collected on another roof area and channeled onto the street as residents already experience flooding across our blocks during heavy rainfall off properties higher up the hill”.*

Comments

A concept stormwater drainage plan was submitted with the application which has been assessed by Council’s Development Engineers and found to satisfy the provisions of Council’s Development Engineering Standards.

Fill

- *“There is a fall in the natural ground level from the back to front resulting in fill at the front which seems to exceed the 1m limit as per Council’s DCP.”*

Comments

Clause 4.4 of Part B1 of BDCP 2015 restricts the amount of fill outside of a dual occupancy to no more than 600mm above natural ground level and the amount of fill contained within the ground floor perimeter of the dual occupancy to be no more than 1 metre above natural ground level. The plans submitted with the application indicated fill in excess of these maximums.

Amended plans have been provided by the applicant which limit the amount of fill to a maximum of 600mm above natural ground level outside of the dual occupancy. The proposed development is now compliant with the fill maximum.

Privacy

- *“Window 24E is a tall vertical window with the window sill at the first floor level.”*
- *“The very large commercial looking glazed curtain wall to the east elevation on the first floor also facilitates overlooking.”*

Comments

Window 24E on the eastern elevation is at the second storey and is from the stairway providing access between the first and second storey of dwelling 6A. A condition of development consent is to be imposed requiring that the window has obscure glazing and is fixed closed to a minimum sill height of 1.50 metres above finished floor level. On that basis, the subject window is consistent with the parameters of Clause 4.19 and 4.20 of Part B1 of BDCP 2015.

The subject glazed curtain wall is located on the eastern elevation at the second storey from the master bedroom of dwelling 6A. The window is located to the front of the dual occupancy with the potential to overlook the front yard of the neighbouring property. The front yard is not considered to be private open space in accordance with BDCP 2015 and given it is forward of the building line, it is not an area within which privacy can reasonably be expected to be achieved.

Solar Access

- *“The shadow diagrams produced are deficient as they do not show for the western shadow encroaches on my living areas to the western façade of my home”.*
- *“My private yard is overshadowed in the afternoon and this where my swimming pool is and well as my private open space”.*

Comments

Clause 4.16 of Part B1 of BDCP 2015 requires that at least one living area of neighbouring dwellings must receive a minimum 3 hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice. This achieved to the north facing living rooms (i.e towards McIntosh Avenue) of both neighbouring dwellings

Clause 4.17 of Part B1 of BDCP 2015 requires that at least 50% of the private open space of a dwelling on an adjoining allotment receives 3 hours of sunlight between 9:00am and 5:00pm at the equinox. This is achieved to the rear private open space areas of dwellings on adjoining allotments.

View loss

- *“I have a wonderful view of the whole area. I require Council to assure me that the building of this building will not disturb my current view.”*

Comments

The building satisfies the controls for floor space, number of storeys and setbacks and is of acceptable bulk and scale. The loss of views referred to in the submission are of general landscape and distant views. There are no iconic views to be lost. Whilst the development is likely to have some impact on the views currently available to the neighbouring properties, given that the existing dwelling on site is single storey, the development is satisfactory having regards to the view sharing principle established by the Land and Environment Court.

Notification Plan

- *“The quality of notification drawings provided to us are deficient in several areas”.*

Comments

The plan provided to notified properties during the notification period was consistent with Clause 3.1 of the Introduction of BDCP 2015, being A4 in size and depicting the height, external configuration and siting of the proposed development. The notification plan provided sufficient information regarding the nature, form and scale of the proposed development. Additionally, as advised in the notification letter, a complete set of proposed development plans were available for viewing at the Bankstown office of the Council for a period of fourteen (14) days between 20 May 2016 and 2 June 2016.

The public interest [section 79C(1)(e)]

With regard to the relevant planning considerations, it is concluded that the proposed development would not contravene the public interest. The matters raised in the public submissions have been satisfactorily addressed, and it is considered that there will be no unreasonable impacts on the locality.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant planning controls.

The proposed development complies with all applicable planning controls, with the exception of the width at the front building line control contained within BLEP 2015. It is recommended that the variation is supported given the irregular nature of the site and owing to the minor nature of the non-compliance.

Whilst the application has attracted a number of submissions against the proposal, it is not considered that the matters raised in the submissions warrant refusal of the application. Therefore, approval of the development application is recommended.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Map
- C. Site Plan
- D. Elevations
- E. Objectors Map

Planning Matters - 23 August 2016

ITEM 5.7	35 to 39 Leonard Street, Bankstown Demolition of existing site structures and construction of a six (6) storey residential flat building comprising of forty-eight (48) units and basement carpark
FILE	DA-1450/2015 - Bankstown Ward
ZONING	R4 High Density Residential
DATE OF LODGEMENT	4 December 2015
APPLICANT	DCN Development
OWNERS	Kim Tho Tran and Thi Tuyet Hau Lu
ESTIMATED VALUE	\$12, 050, 000
SITE AREA	2023.5m²
AUTHOR	City Planning

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

REPORT

This matter is reported to Council due to the project value being \$12,050,000.

Development Application No. DA-1450/2015 proposes demolition of existing structure and construction of a six (6) storey residential flat building comprising of forty-eight (48) units and basement car parking.

The development application has been assessed against State Environmental Planning Policy No. 55- Remediation of Land, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The application was advertised for a period of twenty-one (21) days. No submissions were received.

The proposal seeks consent for a six (6) storey residential building and proposes some minor variations to the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (ADG) and the associated Apartment Design Guide. In particular the report identifies and discusses the proposed variation to solar access to the adjoining property, noncompliance with setbacks to the rear boundary and a number of minor variations in terms of room sizes, communal open space and private open space requirements in accordance with the ADG. The variations are minor and in many cases isolated to a limited number of units.

Despite the non-compliances proposed to the application, it is considered that the development application is an appropriate outcome in the context of the surrounding locality and has been recommended for support.

POLICY IMPACT

This matter has no direct policy implications. The proposed variation to the solar access requirements are appropriate in the context of the site, its surrounds and the legislation under which the DA has been assessed against.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

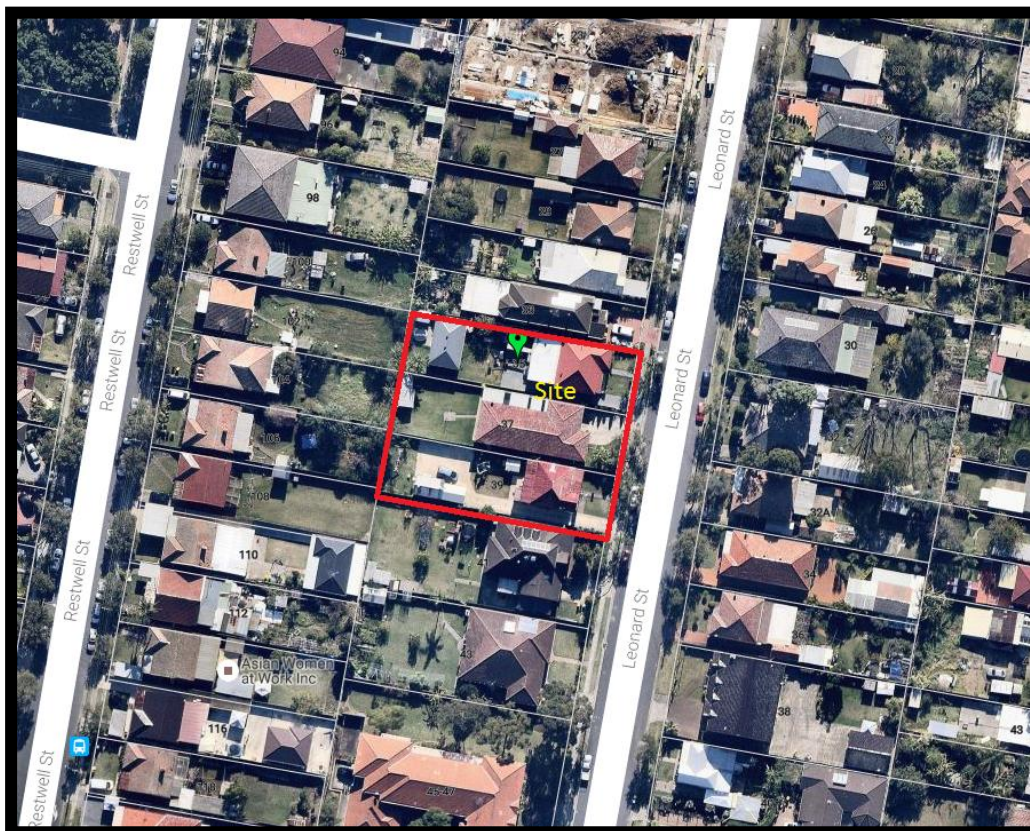
DA-1450/2015 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 35 - 39 Leonard Street, Bankstown. The site is a regular allotment that is currently zoned R4 High Density Residential. The consolidated site has a total area of 2023.5m², and a frontage to Leonard Street of 40.23m. There is a fall of approximately 1.5m from the north to the south, and there are no significant trees on the sites. Of the subject site, No. 37 -39 Leonard Street contain single-storey dwellings, of varying age and condition with their associated residential structures on each lot. The third site, No. 35 Leonard Street, contains a single-storey dwelling, and a secondary dwelling with its associated residential structures.

Immediately to the north and south are two storey residential dwellings of varying age and condition, whilst to the east and west are single-storey, single dwellings, again of varying age and condition. Otherwise, the surrounding development consists predominately of single-storey dwellings of varying age and condition, with some newer two-storey dwellings and residential flat buildings developments nearby.

The site is located in a recently rezoned R4 High Density zone. Council have approved a number residential flat buildings along Leonard Street in recent months, most notably a six storey 38 unit residential flat building at 21-25 Leonard Street and a 44 unit residential flat building was approved at 41-43 Leonard Street. A number of other applications in this area are currently under assessment.



PROPOSED DEVELOPMENT

The Development Application proposes the demolition of all structures on site, and construction of a six (6) storey residential flat building comprising of forty-eight (48) residential units with basement car parking, landscaping and associated site works.

Vehicular access for the development is located off Leonard Street and parking on site is contained within 2 basement levels providing a total of 71 parking spaces. The design incorporates a mix of materials and finishes including brick, concrete, render and wood texture screens.

The proposal has a mix of apartment sizes containing 1 x studio unit, 6 x one (1) bedroom units, 39 x two (2) bedroom units and 2 x three (3) bedroom units, with the ground floor (level 1) containing 9 units and waste facilities, levels 2-4 containing 10 units, level 5 containing 6 units and level 6 contains 3 units.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy No. 55 – Remediation of Contaminated Land

SEPP 55 requires the consent authority to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The sites have a history of residential use dating back to the early part of the 20th century. In accordance with the Managing Land Contamination Planning Guidelines, the historical uses of the site would not warrant the need for further consideration of contamination.

As such, in light of the fact that there is no evidence of contamination in the historical use of the sites, it is therefore considered that the consent authority can be satisfied that the development site is suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

It is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles, planning considerations and policies and recommended strategies.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)

SEPP No. 65 applies to residential flat buildings having 4 or more units and 3 or more storeys. Accordingly the SEPP applies, and an assessment against the nine Design Quality Principles in SEPP 65 and the accompanying Apartment Design Guide (ADG) has been carried out.

The proposed development is considered to be consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site's context. Moreover, the application generally conforms with the key 'design criteria' contained in the Apartment Design Guide, as illustrated in the table below, with the exception of solar access to the adjoining site, communal open space, setbacks and minor variations to room sizes and private open space.

'DESIGN CRITERIA'	PROPOSED	COMPLIES?
<p>3B-2 Overshadowing of neighbouring properties</p> <p>Solar access to living rooms, balconies and private open space of neighbours should be considered</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures that solar access to neighbouring properties is not reduced by more than 20%</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums outlined in 3F</p> <p>Overshadowing should be minimised to the south or down hill by increased upper setbacks</p>	<p>The proposal will result in a reduction in solar access for the residential dwelling to the south.</p> <p>The adjoining site would currently receive three hours solar access to the existing two storey dwelling, however DA 1146/2015 approved the demolition of existing structures and construction of a six (6) storey Residential flat building (RFB) containing forty-four (44) units on that site.</p> <p>The setbacks proposed are compliant to the southern side in accordance with the provisions of the ADG. For the applicant to amend the design to comply with solar access to the southern property, for either the existing two storey dwelling (proposed for demolition under DA 1146/2015), or to the approved RFB under DA 1146/2015, it is considered the extent of the redesign due to the poor design of the southern approval is onerous for the reasons outlined in the discussion below</p>	<p>No (see below)</p>

<p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings</p>		
<p>3D-1 Communal open space</p> <p>25% of the site area is to be communal open space (505.8sqm), and 50% of the COS must receive at least 2 hours direct sunlight between 9am-3pm on 21 June.</p>	<p>358.93m² (17.7%) of the site area is provided as communal open space on the ground floor. At least 50% of the COS is able to achieve at least 2 hours direct sunlight between 9am-3pm on 21 June.</p>	<p>No. The majority of ground floor units contain private open space that significantly exceeds the required 15sqm. All balconies also meet the minimum area and depth requirements.</p> <p>The scale of the development (i.e. 48 units) does not warrant an increase in the dedicated communal open space area proposed, particularly when generously sized private open space areas to most ground floor terrace units is achieved and when accessibility to public open space is taken into account. The development site is located a walkable distance from Memorial Oval, which is located at 195 Chapel Road, accessible off Restwell Street.</p> <p>Given the extent of private open space provided, the scale of the development (i.e. 48 units) and the proximity of the site to the Bankstown Memorial Oval, it is considered that the provision of COS area provided at 17% is satisfactory and does not warrant a larger area of dedicated communal open</p>

		space. The proposal is acceptable in this instance.
3E-1 Deep Soil Zones Sites greater than 1500m ² must provide 7% of the site as DSZ, 6m wide	141.6m ² with a 6m dimension of deep soil is required. 148.5m ² of deep soil with a dimension of 6m has been proposed with a total area of deep soil of 268 m ² provided for on site.	Yes
3F-1 Visual Privacy (Building separation) 6m setback up to 4 storeys (3m to non-habitable rooms). 9m setback, 5-8 storeys (4.5m to non-habitable). 12m setback, 9+ storeys (6m to non-habitable rooms).	<p><i>The east of the site is bound by Leonard Street.</i></p> <p><u>North</u></p> <p>Level 1, (ground floor) the proposal has located the COS to the north of the site, with the building wall being setback 8m to the northern boundary</p> <p>Levels 2-4, 6m setback to the balcony</p> <p>Levels 5, 9m setback to the building wall containing windows and balconies</p> <p>Level 6, 9m setback to the balconies</p> <p><u>West</u></p> <p>Level 1, (ground floor) 4m setback to building wall containing habitable rooms</p> <p>Levels 2-4, 4m setback to building wall containing habitable rooms</p> <p>Levels 5, to the north west (unit 401) a setback of 7m to a building wall containing no habitable rooms, to the south west 402 a 6m setback to a building wall containing habitable rooms and a balcony</p> <p>Level 6, 9m setback to the building wall and balcony edge</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, discussed below</p> <p>No, discussed below</p> <p>No, discussed below</p> <p>Yes</p>

	<p><u>South</u></p> <p>Level 1, (ground floor) 6m setback to the building wall</p> <p>Levels 2-4, 6m setback to the building wall and balconies</p> <p>Levels 5, 9m setback to the building wall containing windows and balconies</p> <p>Level 6, 9m setback to the balconies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3J-1 Car Parking</p> <p>Minimum car parking requirement must be provided on site</p>	<p>71 car parking spaces are provided, in excess of the minimum 52 required under the Roads and Maritime Services (previously Roads and Transport Authority) Guide to Traffic Generating Developments, RTA 2002.</p> <p>The development complies with the minimum car parking requirements of 66 spaces as contained in the BDCP 2015, Part B5.</p>	<p>Yes</p>
<p>4A-1 Solar access</p> <p>70% of units should receive 2hrs solar access between 9am – 3pm midwinter.</p>	<p>36 of 48 (75%) units receive 2hrs direct solar access between 9am – 3pm midwinter.</p>	<p>Yes</p>
<p>4A-3 Solar access</p> <p>A maximum 15% of apartments receive no direct sunlight between 9am and 3pm mid winter</p>	<p>7 apartments (or 14.5%) receive no direct sunlight at the relevant time</p>	<p>Yes</p>
<p>4B-3 Natural cross-ventilation</p> <p>60% of units to be naturally cross-ventilated.</p> <p>Overall depth cross-over or cross-through</p>	<p>41 units (85%) are naturally cross-ventilated.</p> <p>Maximum 16.2m</p>	<p>Yes</p> <p>Yes</p>

apartment does not exceed 18m, when measured glass line to glass line		
4C-1 Ceiling heights Min. 2.7m for habitable rooms. If variation is sought then satisfactory daylight access must be demonstrated.	Floor-to-ceiling heights are 2.7m to all floors.	Yes
4D-1 Unit size 1 bed – min. 50m ² 2 bed – min. 70m ² 3 bed – min. 90m ² Add 5m ² for each additional bathroom/WC Every habitable room must have a window in an external wall	1 Studio, - min. 35 m ² 1 bed, 1 bath – min. 50 m ² 2-bed, 2 bath – min 75m ² 3-bed, 2 bath – min. 90m ² All habitable rooms have a window in an external wall	Yes Yes
4D-3 Apartment layouts <ul style="list-style-type: none"> • Master Beds: 10m² min • Other beds: 9m² min • Bedrooms min dimension of 3m • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	Most rooms achieve compliance GO4 proposes a studio apartment with a 'room' that contains bifold door (no permanent enclosing walls), the bedroom area would exceed 10m ² minimum, however when 'closed' would not achieve an area 3 x 3 proposing 2.75 x 4.12. Unit G09 proposes a two bedroom accessible unit with one bedroom not achieving an area of 3 x 3, however the design depicted shows a usable functional room that exceeds the minimum bedroom size	No, However most rooms generally comply and the two non-compliances are considered supportable as the design and functionality of the unit will accommodate a usable layout and sufficient level of amenity
4E-1 Private Open Space 1 bed: Min 8m ² , 2m depth 2 bed: Min. 10m ² , 2m depth	All units meet required minimum areas and dimensions for level 2-6 Ground floor units G01, G02, G07 all meet and exceed the minimum 15m ²	No, However all three apartments adjoin the communal open space and it is considered that the functionality of the ground floor units put forward in

3 bed: Min 12m ² , 2.4m depth to primary balconies. Ground level units: Min 15m ² , 3m depth	of POS required however, fail to achieve 3m depth	the design is acceptable given the proximity to the COS on site
4F-1 Internal circulation 1. Max. 8 units accessed from a single corridor. 2. For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40	5 apartments on levels 2-4 accessed from a single corridor, one to the east and one to the west. 3 apartments on level 5 accessed from a single corridor one to the east and one to the west. 1 apartment on level 6 accessed from a single corridor one to the west and 2 apartments accessed from the east. The proposal is a 6 storey residential flat building containing 48 residential units, two lifts are proposed (one accessing the eastern units one accessing the western units)	Yes Yes Yes
4G-1 Storage 1 beds: 6m ³ , 2 beds: 8m ³ , 3 beds: 10m ³ (At least half to be provided within the unit)	All units provided with sufficient storage, and at least half provided within the unit	Yes

The following comments are provided in respect to the departures as identified in the table above:

Solar Access

Setbacks to the south have not been increased in order to reduce any loss of solar access to the residential dwelling at 41 Leonard Street as the dwelling has been approved for demolition under DA 1146/2015. The proposed development will result in the adjoining two-storey dwelling immediately to the south at No. 41 Leonard Street being significantly overshadowed at the winter solstice (21 June). Living area windows to the adjoining dwelling will not receive direct solar access for two hours and the existing solar panels will be overshadowed.

It is also important to acknowledge that the immediate locality is in transition, having recently been re-zoned under the BLEP 2015 to R4 High Density Residential, from its 2(a) “low density” residential zoning under the BLEP 2001. In such instances, it is expected that there will be some difficulty in ensuring all aspects of low density residential “expectations” will be achieved, whilst the transition from low to high densities is occurring. In this instance, it is important to consider the planning principle established by the Land and Environment Court of NSW, firstly by Senior Commissioner John Roseth, and subsequently updated by Senior Commissioner Tim Moore.

Both senior commissioners felt that, *“in areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered, as well as the existing development”* and *“at higher densities, sunlight is harder to protect and the claim to retain it is not as strong”*. Furthermore *“overshadowing arising out of poor design is not acceptable... The poor quality of a proposal’s design may be demonstrated by a sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours”*, and each of these elements form part of the planning principle on how the Court assesses solar access.

The living area windows of the dwelling occupying No. 41 Leonard Street are located along the northern and western elevations, towards the rear of the dwelling. The eastern elevation contains windows facing the street located off bedrooms.

The construction of a 6-storey residential flat building on the property immediately to the north will result in a significant level of overshadowing of the existing dwelling at No. 41 Leonard Street, despite the provision of a compliant setback of at least 6m from the common boundary between the development and adjoining site.

In this instance, the dwelling at No. 41 Leonard Street, will be overshadowed to a significant degree at the winter solstice (21 June). The living area window on the north elevation of the dwelling would currently receive three (3) hours to at least 50 percent of the window between 10am and 1pm and the window/sliding doors on the western elevation would achieve solar access between 1pm – 4pm. The living area windows on the northern elevation of the adjoining dwelling will not receive any direct solar access as a result of the proposed development. The windows on the western elevation will maintain solar access from approximately 2.30pm to 4pm.

It should be noted that the dwelling will still receive sunlight in the morning on 21 June at the front (east) of the dwelling (from 8am until 10am), but this light will be to bedrooms and not to a living area as is generally accepted as the minimum standard. The private open space provided to No. 41 Leonard Street will receive solar access to 50% from 1pm onwards, increasing through the day when measured at both the winter solstice (21 June) and the equinoxes (21 March and 21 September).

The existing solar panels at 41 Leonard Street will be significantly overshadowed with no solar access achieved. To amend any proposal for a residential flat building and maintain 4 hours solar access to the solar panels on a two storey dwelling at No. 41 Leonard Street, immediately to the south of the development would severely constrain the development potential of the subject site. The retention of solar access to solar collectors on a low density residential development (approved for demolition) is not feasible and redesign is not considered appropriate.

Whilst 41 Leonard Street has a high density zoning under the BLEP 2015 the existing built form is that of a low scale residential nature and makes compliance with the development controls for single dwelling amenity difficult to achieve. Solar access is still provided to the dwelling, albeit not to a living area. The setback of the development will still allow for natural light to the living area windows of the adjoining dwelling, albeit not direct solar access, and the private open space provided to the dwelling will have access to sunlight to 50 percent of its area from 1pm onwards in midwinter. As such, it is considered that the issue of overshadowing to the dwelling and the solar panels is not of significant weight to justify a redesign of the application.

Leonard Street is an area in transition being recently rezoned for R4 High Density Residential and a recent approval of a six (6) storey residential flat building at No. 41-43 Leonard Street has been considered in terms of solar access. Of the 44 units approved, 19 under the current approval achieve the required solar access. In accordance with ADG 3B-2, *“where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%”*. This would require that any development proposed must not impact more than 4 units. The current proposal will reduce the number of compliant units by 6 (19 to 13), being an exceedance of 2 units.

It is considered, that to require an increase in setback to the southern boundary in order to allow for the approved RFB under DA 1146/2015 to retain solar access, which is already non-compliant, is excessive and would require unreasonable redesign to facilitate the retention of 2 additional units to comply with the control given above.

In this instance it is considered that the level of solar access afforded to the RFB approved at No. 41-43 Leonard Street, is a direct result of the internal layout and design of that development rather than as a consequence of the design of the subject development. The imposition and insistence on the subject proposal to be redesigned to better respond to the adjoining development is considered onerous and unreasonable, in this instance.

It is considered that the support of the variation as proposed to solar access to both the existing dwelling, solar panels and future building are acceptable for the reasons stated above and are considered worthy of support, and consistent with the planning principles outlined above.

Setbacks

Objective 3F-1 of the Apartment Design Guide (ADG) sets out ‘design criteria’ for building setbacks to property boundaries, in order to ensure appropriate visual privacy can be maintained between units in residential flat buildings.

The proposed western elevation seeks consideration of reduced setbacks to levels 1-4 and level 5. Levels 1-4 proposes a 4m setback to habitable rooms and level 5 proposes a setback of 6m to habitable rooms and a balcony. In accordance with the ADG, the setbacks for a building wall containing non habitable rooms for levels 1-4 is 3m and levels 5-9 is 4.5m. The minimum setbacks as proposed for levels 1-5 would exceed the requirements for setbacks to non-habitable rooms.

The design of the level 1-5, is such that all windows facing the western elevation have a minimum sill height of 1.7m from finished floor level, thus alleviating any potential visual privacy impacts. Where habitable rooms are provided with highlight windows, these are considered the same as blank or non-habitable walls, as there are no privacy implications from highlight or high-sill windows.

The design of level 5 however has incorporated the positioning of a balcony balustrade setback 6m from the western side boundary. The balcony generally orientates towards the north wes. With the installation of privacy screening 1.5 metres long to be conditioned will assist in restricting any significant views to the western property.

It is considered that the design of the development meets the side and rear setback objectives of the ADG and is assessed as being satisfactory subject to a condition to install a privacy screen to the western elevation for unit 402 balcony for a length of 1.5 metres.

In light of the above, the proposal ensures that an appropriate degree of visual privacy is maintained to the adjoining properties and for future residents. Despite the numerical non-compliances, sufficient separation and visual privacy is achieved to each boundary due to the use of architectural treatments and floor plan layout and is considered worthy of support subject to a condition in regards to privacy screening.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate accompanies the Development Application. The Certificate details the thermal, energy and water commitments which are also detailed on the submitted plans. The proposal satisfies the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and is supported in this instance.

Bankstown Local Environmental Plan 2015

The following clauses of *Bankstown Local Environmental Plan (BLEP) 2015* are relevant to the proposed development and were taken into consideration:

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.9 – Preservation of trees or vegetation
- Clause 6.1 – Acid sulfate soils
- Clause 6.2 – Earthworks

An assessment of the development application has revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2015*.

The below table is provided to demonstrate the proposals compliance with the numerical controls as set out in the BLEP 2015.

STANDARD	PROPOSED	BLEP 2015 COMPLIANCE
Clause 4.1B	40.23m 20.23m ²	Yes – minimum 30m frontage and minimum 1500m ² required
Clause 4.3 Height	19m proposed	Yes (19m max)
Clause 4.4 FSR	1.75:1 proposed	Yes 1.75:1

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments that are applicable in this instance.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application against the controls contained in Part B1 and B5 of the Bankstown Development Control Plan 2015.

STANDARD	REQUIRED	PART B1 and B5 of BDCP 2015	
		PROPOSED	COMPLIANCE
B1 Section 9			
Storey limit	13 metres - 4 storeys (no attic) 16 metres - 5 storeys (no attic) 19 metres - 6 storeys (no attic) 25 metres- 8 storeys (no attic)	19m height limit – 6 storeys	Yes
Primary setback	Minimum 6m	6m setback provided	Yes
Side and rear setbacks	Min. 4.5m provided the average setback is 0.6 multiplied by the wall height.	The maximum wall height of the proposed development is 18.8m, therefore a minimum setback of 4.5m is required to the side boundaries with an average setback of 11.28m.	No., However the proximity of the building to the side boundaries of the site has been assessed in detail above under the building separation control contained in the ADG, and is considered to be satisfactory.

STANDARD	REQUIRED	PART B1 and B5 of BDCP 2015	
		PROPOSED	COMPLIANCE
			It is therefore considered that the proposed development is acceptable with respect to the side and rear setback, and the development generally achieves the intent of this control.
Basement setback	Min. 2m to side and rear boundaries	2m setback or greater provided	Yes
Driveway setback	1m minimum	Setback of greater than 1m to boundary	Yes
Private open space	Located behind the front building line, with the exclusion of balconies used to articulate the façade.	The ground floor eastern units contain private open space that is within the 6m front setback of the site. The patios of these units are setback a minimum of 1m from the eastern boundary.	No, However the patios are satisfactorily screened by landscaping and fencing. The patios also serve to articulate the front façade, and improve street activation as these units are provided with direct access from Leonard Street. This non-compliance is therefore considered to be acceptable.
Demolition	Development must demolish all existing dwellings on the allotment	All structures are proposed to be demolished	Yes
Adaptable Housing	RFBs with 10 or more dwellings must provide at least 1 adaptable dwelling per 50 in accordance with AS4299 – Adaptable Housing	Provided	Yes
Roof Pitch	Maximum roof pitch for RFBs is 35 degrees	The proposal provides a Flat roof	Yes
Building design	Council does not allow residential flat buildings to have roof-top balconies and the like.	No attic spaces are proposed	Yes
Car Parking	Development must locate car parking spaces behind the front building line	All car parking spaces are contained within basement level accessible via primary frontage, Leonard Street	Yes

STANDARD	REQUIRED	PART B1 and B5 of BDCP 2015	
		PROPOSED	COMPLIANCE
Waste Storage	To be in accordance with Appendix 7 of Part B1 of the BDCP 2015	Provided on Ground Level in secure room and in accordance with Council requirements	Yes
Part B5 Parking			
Car Parking	R4 Zone 1 Bed = 1 car space 2 bed = 1.2 car spaces 3 bed = 1.5 car spaces Visitors parking 1 per 5 units (7) 1 Bed units = 7 x 1 = 7 39 x 2 Bed units = 46.8 2 x 3 Bed Units = 3 1 visitors space per 5 dwellings 48/5 = 9.6 Total (7+ 46.8+ 3+9.6 = 66.4 (66) Required		Yes – proposed 75 car parking spaces

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to this development application.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not considered to be inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

The likely impacts of the development [section 79C(1)(b)]

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As detailed in this report, where non-compliances with the relevant development controls and/or the 'design criteria' in the ADG occur, they have been addressed and are considered worthy of support subject to conditions when required, with limited impact as a result. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

Suitability of the site [section 79C(1)(c)]

The site is considered suitable for the proposed development.

Submissions [section 79C(1)(d)]

The application was advertised for a period of 21 days. No submissions were received.

The public interest [section 79C(1)(e)]

Approval of the proposed development is not considered to contravene the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, assessment against State Environmental Planning Policy No. 55- Remediation of Land, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

Subject to the imposition of conditions to address minor matters, the assessment of the application has found that the development is generally capable of complying with the relevant development controls and requirements, with the exception of a number of minor variations including solar access, communal open space, private open space and room sizes which are considered worthy of support in this instance for the reasons outlined elsewhere in this report. It is considered that the development application is an appropriate outcome in the context of the surrounding locality.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Map - Neighbour Notification
- C. Architectural Plans

Planning Matters - 23 August 2016

ITEM 5.8	2 Juliette Avenue, Punchbowl Alterations and additions to existing dwelling for conversion to a twenty-four (24) place childcare centre
FILE	DA-239/2016- – Bankstown Ward
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	24 March 2016
APPLICANT	Ridge Designs
OWNERS	Patricia Akiki and Stephanie Akiki
ESTIMATED VALUE	\$358,160
AUTHOR	City Planning

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

REPORT

This matter is reported to Council due to the number of objections received.

Development Application No. DA-239/2016 proposes alterations and additions to an existing dwelling, including the addition of a second storey and demolition of the existing garage and conversion to a twenty-four (24) place childcare centre. The application has been assessed against State Environmental Planning Policy No. 55, Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, Bankstown Local Environmental Plan (BLEP) 2015 and Bankstown Development Control Plan (BDCP) 2015 and complies with these provisions, with the exception of the side setback control, side boundary fence height control and deep soil zone requirements contained within BDCP 2015.

The side setback non-compliance to the ground floor at the western boundary results from the proposal continuing the setback of the existing building. Given that an existing setback is being relied upon and given that the extent of the non-compliance is extremely minor and will not result in any adverse amenity impacts on the neighbouring property, it is the recommendation of this report that the variation be permitted.

With respect to the non-compliant side boundary fence height, the extent of the non-compliance is also minor and the additional height has been recommended by the applicant's acoustic consultant to reduce noise transfer, which is supported by Council's health officers. On that basis, it is recommended that the variation be permitted.

The non-compliance with the deep soil zone requirements are to be remedied through conditions of development consent.

Consideration has also been given to the staffing and play area requirements of the Education and Care Services National Regulations and the Children (Education and Care Services) Supplementary Provisions Regulation 2012 with which compliance has been achieved.

The application was advertised for a period of twenty-one (21) days between 6 April 2016 and 26 April 2016. Twelve (12) objections were received during this period, including one petition with fifty-four (54) signatures of people from twenty-nine (29) different addresses.

Following the receipt of amended plans, the application was re-notified for a further period of fourteen (14) days from 27 June 2016 to 11 July 2016. Eight (8) objections were received during this period, of which seven (7) were from people who had objected to the proposal during the initial advertising period and one (1) was a petition with sixty-three (63) signatures of people from twenty-seven (27) different addresses.

The objections raise concerns relating to traffic and parking, overshadowing, visual and acoustic privacy, unauthorised building works, impacts on property values and compliance with outdoor play area requirements. Concerns were also raised regarding the number of childcare centres within the vicinity of the site.

The matters raised in the objections have been assessed and despite the concerns raised, the application is considered to have merit and is recommended for approval.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

DA-239/2016 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 2 Juliette Avenue, Punchbowl and is located at the corner of Juliette Avenue and Mount Lewis Avenue. The site is an irregular allotment and presents as generally triangular in shape. The site has an area of 557.60m², a primary frontage to Juliette Avenue of 23 metres and a secondary frontage to Mount Lewis Avenue of 39.46 metres. The site has a slight fall of approximately 0.90 metres from west to east (i.e towards Mount Lewis Avenue) and predominately comprises hard stand areas except for a small pervious area that is lightly vegetated in the north-eastern corner.

The site is zoned R2 Low Density Residential under the provisions of BLEP 2015 and is currently occupied by a single storey dwelling and detached garage. The surrounding development predominantly consists of single and two storey detached dwellings.



Source: nearmap

PROPOSED DEVELOPMENT

Development Application No. DA-239/2016 proposes alterations and additions to an existing dwelling, including the addition of a second storey, demolition of the existing garage and conversion to a twenty-four (24) place childcare centre. A total of four (4) car spaces are proposed on site, all of which are accessed from Mount Lewis Avenue.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C(1) of the Environmental Planning and Assessment Act, 1979. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

Environmental planning instruments [section 79C(1)(a)(i)]

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, being a deemed SEPP under Clause 120 of Schedule 6 of the *EP&A Act, 1979*. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of Clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site has long been used for residential purposes and the development application proposes to change the use to a childcare centre. There is no evidence to suggest that the site is contaminated, nor is it considered necessary for any further investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the proposed change of use and therefore satisfies the provisions of SEPP No. 55.

Bankstown Local Environmental Plan 2015

The following clauses of the Bankstown Local Environmental Plan 2015 were taken into consideration:

- Name of Plan
- 1.1AA Commencement
- Aims of Plan
- Land to which Plan applies
- Definitions
- Notes

- Consent authority
- Maps
- Application of SEPPs
- 1.9A Suspension of covenants, agreements and instruments
- 2.1 Land use zones
- 2.2 Zoning of land to which Plan applies
- 2.3 Zone objectives and Land Use Table
- 2.7 Demolition requires development consent
- Zone R2 Low Density Residential
- 4.1B Minimum lot sizes and special provisions for certain dwellings
- 4.3 Height of buildings
- 4.4 Floor space ratio
- 4.5 Calculation of floor space ratio and site area
- 5.9 Preservation of trees or vegetation
- 6.6 Development in areas subject to aircraft noise
- 6.8 Special provisions applying to childcare centres

The following table provides a summary of the development application against the primary numerical controls contained within BLEP 2015.

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Minimum lot sizes and special provisions	Min. 20m width at front building line	21.75m	Yes
Height of Buildings	Max. 9m	7.90m	Yes
Floor space ratio	Max. 0.40:1	0.40:1	Yes
Special provisions applying to childcare centres	Vehicular access not provided from a classified road, a cul-de-sac or a road with a carriageway width of < 10m	Vehicular access is from Mount Lewis Avenue which is not a classified road or a cul-de-sac and has a carriageway width of 10.95m.	Yes

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of BLEP 2015.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no applicable draft environmental planning instruments.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application against the primary numerical controls contained within Part B6 of BDCP 2015.

STANDARD	PROPOSED	BDCP 2015 PART B6		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Traffic management (environmental capacity)	The application was referred to Council's traffic officers with the streets within the vicinity of the site not exceeding their environmental capacity.	Development for the purpose of a childcare centre must not result in a street within the vicinity of the site to exceed the environmental capacity maximum	Yes	N/A
Traffic management (level of service)	The application was referred to Council's traffic officers. The level of service provided to the street intersection will not be below a of service of B.	Development for the purpose of a childcare centre must not result in a street intersection in the vicinity of the site to have a level of service below B.	Yes	N/A
Traffic impact study	A traffic impact study was submitted addressing existing and proposed conditions.	A traffic impact study must be submitted addressing existing and proposed conditions.	Yes	N/A
Capacity	24 children	Max. 29 children	Yes	N/A
Frontage	21.75m	Min. 20m width at front building line	Yes	Yes
Storeys	2 storeys	Max. 2 storeys	Yes	N/A
Primary Frontage Setback	6.90m	Min. 5.50m	Yes	N/A
Secondary frontage setback	1.55m	Min. 3m	No (existing non-compliance)	N/A
Side setback	1.42m	1.50m	No	N/A
Outdoor areas	One outdoor area to the rear of the site and one outdoor area to the front of the site.	Outdoor areas are to be located to avoid: <ul style="list-style-type: none"> • A living area or bedroom of an adjoining dwelling. • A road and driveway that may have noise or a possible pollution impact on children. • Any other potential noise or pollution source. • Any potential traffic hazard locations where an out-of-control vehicle may injure children 	Yes	N/A
Deep soil zones	Landscaped area of varying width up to 7m	2m wide deep soil zone along the primary and secondary frontage	No	N/A
Deep soil zones	Synthetic turf	1.50m wide deep soil zone around the perimeter of the outdoor play area	No	N/A
Access	A condition of consent is to be imposed for compliance	Child care centres must be easily accessible and comply with the BCA and AS 1428 Parts 1 to 4 – Design for Access and Mobility	Yes	N/A

STANDARD	PROPOSED	BDCP 2015 PART B6		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Car parking	4 spaces	4 spaces (1 per staff member)	Yes	N/A
Solar access	3 hours to western facing living area of No. 4 Juliette Avenue	3 hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice to at least one living area of a dwelling on an adjoining allotment.	Yes	N/A
Solar access	3 hours of sunlight to rear private open space area of No. 4 Juliette Avenue.	3 hours of sunlight between 9:00am and 5:00pm at the equinox to 50% of the required private open space for a dwelling that adjoins the development.	Yes	N/A
Building design	Presents as a dwelling house	The external building design of a purpose-built centre must give the appearance of a dwelling house	Yes	N/A
Front fences	A condition of consent is to be imposed for compliance	Component of front fence of solid construction must not exceed 1 metre with the remainder to be open style construction with a maximum height of 1.80 metres	Yes	N/A
Acoustic privacy	An acoustic report prepared by a qualified acoustic consultant was submitted with the application.	An acoustic report prepared by a qualified acoustic consultant must be submitted with the application.	Yes	N/A
Noise Attenuation fences	2.10m attenuation fence	Max. height 2m	No	N/A
House of operation	7:00am to 6:00pm Monday to Friday	Limited to 7:00am to 6:00pm Monday to Friday	Yes	N/A
Outdoor play areas	Children within the outdoor play areas can be supervised from within the centre.	Allow supervision from within the centre.	Yes	N/A
Outdoor play areas	Located on predominately flat ground with shading and a soft fall/synthetic surface.	Located on predominately flat ground, include shaded areas and have a surface treatment in accordance with best practice guidelines.	Yes	N/A
Safety and security	The front door and multiple windows to face street.	The front door and at least one window to face the street.	Yes	N/A
Safety and security	A condition of consent is to be imposed for compliance	Outdoor play areas must be separated from a car park with a safety fence and gates.	Yes	N/A

The table indicates that there are four (4) non-compliances with respect to BDCP 2015. These matters are dealt with as follows.

Setback

Clause 3.6(c) of Part B6 of BDCP 2015 requires a 1.50 metre setback to any side boundary. The development relies on the existing 1.42 metre side setback to the western boundary for the proposed 1.40 metre addition to the western portion of the ground floor. The subject wall is without windows and is single storey and will therefore not have any adverse visual privacy impacts on the neighbouring property. It is considered that strict compliance with the standard is unnecessary in this instance, owing to its minor nature and given that the existing side setback is being relied upon.

Noise attenuation fence

Clause 5.3 of Part B6 of BDCP 2015 specifies that the maximum height for noise attenuation walls and fences along the boundary of an allotment is 2 metres. The proposed development incorporates a 2.10 high metre fence along part of the western boundary to act as a sound barrier between the site and No. 4 Juliette Avenue. The fence is typical to 1.80 metres in height with an additional 45 degree cantilever to create a 2.10 metre high fence. It is considered that compliance with the standard is unnecessary in this instance given that the non-compliance will further protect the acoustic amenity of the neighbouring property whilst the visual impact is mitigated as a result of the treatment to the top 300mm of the fence.

Deep soil zones

Clause 3.10(a) of Part B6 of BDCP 2015 requires a minimum 2 metre wide deep soil zone along the primary road frontage and secondary road frontage of an allotment. This is able to be achieved to the primary frontage. Accordingly, it is recommended that a condition of development consent be introduced to require a 2 metre wide deep soil zone to the front setback, except where the landscaped area is interrupted by an access ramp and the shared area associated with the disabled parking space.

Due to the existing setback non-compliance to the secondary frontage, compliance cannot be achieved with the deep soil zone requirement. It is recommended that a condition of development consent be introduced to require deep soil landscaping for the extent of the existing setback area between the secondary frontage and the eastern elevation and to a minimum depth of 2 metres adjacent to the shared parking area and within the outdoor play area.

Clause 3.10(b) of Part B6 of BDCP 2015 requires a minimum 1.50 metre wide deep soil zone around the perimeter of outdoor play areas. The proposed development incorporates synthetic turf around the perimeter of the outdoor play areas. Accordingly, it is recommended that a condition of development consent be introduced for compliance with this requirement.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements that apply to this application.

The regulations [section 79C(1)(a)(iv)]

The proposal does not raise any issues with respect to the Regulations.

The likely impacts of the development [section 79C(1)(b)]

The likely impacts of the proposal have been managed through the design of the development which is compliant with Council's planning controls, with the exception of variations to the side setback and side boundary fence height requirements of BDCP 2015 which have been addressed previously within this report.

Suitability of the site [section 79C(1)(c)]

Subject to the imposition of conditions, as described in this report, the site is considered suitable for the development.

Submissions [section 79C(1)(d)]

The application was advertised for a period of twenty-one (21) days between 6 April 2016 and 26 April 2016. Twelve (12) objections were received during this period, including one petition with fifty-four (54) signatures of people from twenty-nine (29) different addresses.

Following the receipt of amended plans, the application was re- notified for a further period of fourteen (14) days from 27 June 2016 to 11 July 2016. Eight (8) objections were received during this period, of which seven (7) were from people who had objected to the proposal during the initial advertising period and one (1) was a petition with sixty-three (63) signatures of people from twenty-seven (27) different addresses.

The objections raise concerns relating to traffic and parking, overshadowing, visual and acoustic privacy, unauthorised building works, impacts on property values and compliance with outdoor play area requirements. Concerns were also raised regarding the number of childcare centres within the vicinity of the site. The points of objection are discussed in further detail below.

Traffic and Parking

- *"What is the minimum number of car spaces required for a twenty four place childcare centre?"*
- *"There will be an increase of traffic and congestion in the street for which we are against."*
- *"The amended development application will not be providing enough car spaces/parking on site... for every employee working in the centre, and all the people picking up and dropping off their children at the centre."*
- *"The proposal does not provide any on-site parking to accommodate for all the extra cars, dropping off/picking up children and visiting the centre, every day."*
- *"Too many cars are already parked on the streets and there is not enough parking available for local residents."*
- *"The lack of onsite parking for staff parents and visitors will create an unacceptable risk to the children and will impact on the residents."*
- *"I am concerned that, given the number of vehicles which will be trying to park on Mount Lewis and Juliette Avenues to access the proposed child care centre..... there is an extremely increased risk of motor vehicle pedestrian accidents."*

Comments

Clause 3.13 of Part B6 of BDCP 2015 requires that one (1) car space is provided for each employee. In accordance with the Education and Care Services National Regulations and the Children (Education and Care Services) Supplementary Provisions Regulation 2012, four (4) staff members are required for the proposed child care centre and therefore four (4) car parking spaces are required. The proposed development incorporates four (4) car parking spaces, with one (1) to the northern corner and three (3) to the southern end of the site. It is therefore considered that sufficient parking is provided on site.

The proposed development indicates two (2) drop off/pick up spaces to be provided on Mount Lewis Avenue. The application was referred to Council's Roads and Infrastructure Department who provided the following comment:

The RMS Guide to Traffic Generating Facilities 2002 expects an average visit time of 6.8 minutes per car, which gives a turnover rate of approximately 8.8 vehicles an hour per car space. The proposed two (2) timed P10 minutes will accommodate approximately 18 vehicles an hour. As the proposed centre is for 24 children, three (3) spaces are needed for the drop-off/pick up

Accordingly, it is recommended that a condition of development consent be introduced to require three (3) P10 minute pick up/ drop off spaces be provided along the Mount Lewis Avenue frontage of the site as this is deemed sufficient for the intensity of the development.

There is no evidence to suggest that the proposed development will increase the risk of motor vehicle accidents within the vicinity of the site. The proposal has been assessed by Council's traffic officers who have deemed the road network capable of accommodating any change in traffic conditions.

Overshadowing

- *"My concern is to do with the amount of shadow that this second storey will now produce."*
- *"How will the proposal affect our adequate daylight/winter sun into our property?"*
- *"We are also concerned that the proposed development will cast shadow over our property especially in winter".*

Comments

While a certain extent of overshadowing on the adjoining properties is unavoidable as a result of the orientation of the site, the extent of shadows cast will be within the parameters set in Council's controls for solar access and overshadowing and not dissimilar to a typical dwelling. Compliance will be achieved with the requirement for neighbouring dwellings, in this case being to the south and west, to receive 3 hours solar access to a living area at the mid-winter solstice and to 50% of the private open space area at the equinox.

Visual and acoustic privacy

- *"The noise emanating from the increase in traffic plus car doors slamming open and close and of course the noise from the children".*
- *"Noise pollution from children".*

- *“The windows of the proposed development at No. 2 are directly aligned with the existing windows at my property”*
- *“Another concern is how the proposal will affect our privacy”.*

Comments

The applicant submitted an Acoustic Report with the application which was considered as part of the assessment, including being reviewed by Council’s Environmental Health Officers. The Acoustic Report has recommended that a solid 2.10 metre high acoustic barrier be installed along part of the western boundary of the site to mitigate potential noise impacts. Council will impose a condition of consent in this regard. Additionally, a condition will be imposed requiring a post construction validation of the results in the acoustic report to confirm that the acoustic treatment is satisfactory.

In terms of visual privacy, it is noted that due to the sites dual frontage and alignment forward of the property to the south, the only neighbouring property with the potential to be impacted is that to the west. The portion of the western elevation that is non-compliant with the side setback requirement at the ground floor does not incorporate any windows and will therefore have no visual privacy impacts on the neighbouring property.

The remaining ground floor windows to the western elevation will be screened by the western boundary fence to a minimum height of 1.50 metres above finished floor level, with the exception of the glass sliding doors accessing the covered area from Indoor Play Area (B) which will be screened to 1.40 metres above finished floor level. A condition of development consent is to be imposed requiring 300mm lattice to the top of the 1.80 metre high western boundary fence for the extent of the outdoor covered area. In conjunction with the 2.10 metre high acoustic barrier, this will screen the ground floor western elevation windows and the covered area to a minimum height of 1.70 metres above finished floor level, mitigating visual privacy impacts.

To the first storey, there are three windows on the western elevation. A condition of development consent is to be imposed requiring the three windows to have a minimum sill height of 1.50 metres above finished floor level to mitigate visual privacy impacts. The only window to the southern elevation is from a bathroom which will not cause any visual privacy impacts.

Unauthorised building works

- *“My first and foremost complaint... is to do with a new built garage type structure that was built towards the back of the property.”*
- *“The existing day care facility operating from that address is currently operating from a garage. We believe this garage might been built without consent from Council/Sydney Water.... If the existing garage is not approved by your Council then the garage should be used for any purpose until the approval issue is resolved.”*

Comments

The existing garage is proposed for demolition. Car parking proposed in the area shown where the existing garage stands will be open parking.

Devaluation of properties

- *"A commercial business in a prime residential street would adversely affect the lifestyle and value of the surrounding properties. Property values have steadily increased in the immediate area and Juliette Avenue is a well sort after street, and the addition of a childcare centre would disadvantage the continued growth."*
- *"The proposed development is not compatible with existing land use of both Juliette Avenue and Mount Lewis Avenue due to the fact that both streets are free from commercial property or activity. The enjoyment and value of our properties will be significantly compromised if the development is approved."*
- *"I would like to add that this childcare centre will have a dramatic affect on the value of properties."*

Comments

No evidence has been submitted that the proposed development will negatively impact property values within the vicinity of the site.

Outdoor play areas

- *"Does the layout and size of the site meet the childcare centre guidelines for active and passive outdoor space provisions?"*

Comments

The Children (Education and Care Services) Supplementary Provisions Regulation 2012 requires that 168m² of outdoor play area be provided for a child care centre with a capacity for twenty-four (24) children. The proposed development incorporates a total of 174m² of outdoor play area, separated into two (2) areas of 123m² and 51m².

Number of child care centres

- *"There are too many childcare centres in the area with lots of vacancies"*
- *"There are so many child care facilities/centres located close to the community facilities/within educational establishments in our area. We don't think that there should be a need for much more those facilities in our area, especially on the local roads similar to Juliette Avenue and Mount Lewis Avenue, Punchbowl NSW".*

Comments

The development is a permitted within the zone, and like any permitted form of development, it can be reasonably expected that such development may occur in the locality. The demand for childcare centres is not a valid consideration as part of the assessment of this development application.

The public interest [section 79C(1)(e)]

With regard to the relevant planning considerations, it is concluded that the proposed development would not contravene the public interest. The matters raised in the public submissions have been satisfactorily addressed, and it is considered that there will be no unreasonable impacts on the locality.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant planning controls.

The proposed development complies with all applicable planning controls, with the exception of the side setback control, side boundary fence height control and deep soil zone requirements under BDCP 2015. It is recommended that the variations are supported as the departures from the setback controls are minor and primarily due to the proposal relying on the setbacks of the existing building and as the additional fence height proposed will further protect the amenity of neighbouring properties. Non-compliances associated with the deep soil zone requirements are to be remedied through conditions of development consent.

Whilst the application has attracted a number of submissions against the proposal, it is not considered that the matters raised in the submissions warrant refusal of the application. Therefore, approval of the development application is recommended.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Map
- C. Site Plan
- D. Elevations North South
- E. Elevation East West

Planning Matters - 23 August 2016

ITEM 5.9 **83-99 North Terrace and 62 The Mall, Bankstown**

AUTHOR **City Planning**

ISSUE

This report provides Council with an update on the progress on the Planning Proposal for the Compass Centre and the Old Library sites and requests an amendment to the Planning Proposal to increase the maximum height permissible on the site.

RECOMMENDATION That -

1. The update regarding the Planning Proposal for 83-99 North Terrace and 62 The Mall, Bankstown be noted.
2. The Planning Proposal for 83-99 North Terrace and 62 The Mall, Bankstown, be amended to reflect the relevant building heights as outlined in this report.
3. A request for an amended Gateway Determination be submitted to the Department of Planning and Environment seeking an amendment to the maximum permissible height for 83-99 North Terrace and 62 The Mall, Bankstown from 72 metres to 83 metres.

BACKGROUND

In April 2015, Fioson Pty Ltd (proponent) approached Council to commence discussions regarding intent for the Old Library Site and to test the possibility for changes to the planning rules for the Compass and Old Library sites.

On 28 July 2015, Council considered a report in relation to the Old Library site to commence investigating possible options for the Old Library and Compass sites.

On 22 September 2015, Council agree, in principle to sell the Old Library Site, with the view to entering into a Voluntary Planning Agreement (VPA). The VPA provides for a component of the commercial space to be dedicated to Council for the purposes of its new administration building. The report also provided for the General Manager to negotiate the commercial terms, as outlined in the report.

On 24 November 2015, Council resolved to submit a planning proposal to the Department of Planning & Environment to seek a Gateway determination to amend the planning rules for the Compass Centre and the Old Library sites. The planning proposal was subsequently amended (15 December 2015) to reflect larger commercial floor to floor levels, which increased the estimated height from 62 to 72 metres.

A Gateway Determination to progress and exhibit the proposal was issued by the Department on 22 January 2016.

On 26 July 2016, Council reaffirmed the former Bankstown Council decision to sell its Old Library site, and for the General Manager to finalise the remaining commercial aspects/negotiations regarding the sale and associated planning matters.

At present, Council is continuing to negotiate the final commercial/financial aspects of the proposal with the proponent

REPORT

Planning Matters

The planning proposal seeks to amend Bankstown Local Environmental Plan 2015 to increase the maximum building height for the site from 53 metres to 72 metres, increase the maximum floor space ratio from 4.5:1 to 5.0:1, and permit dwellings on the first floor.

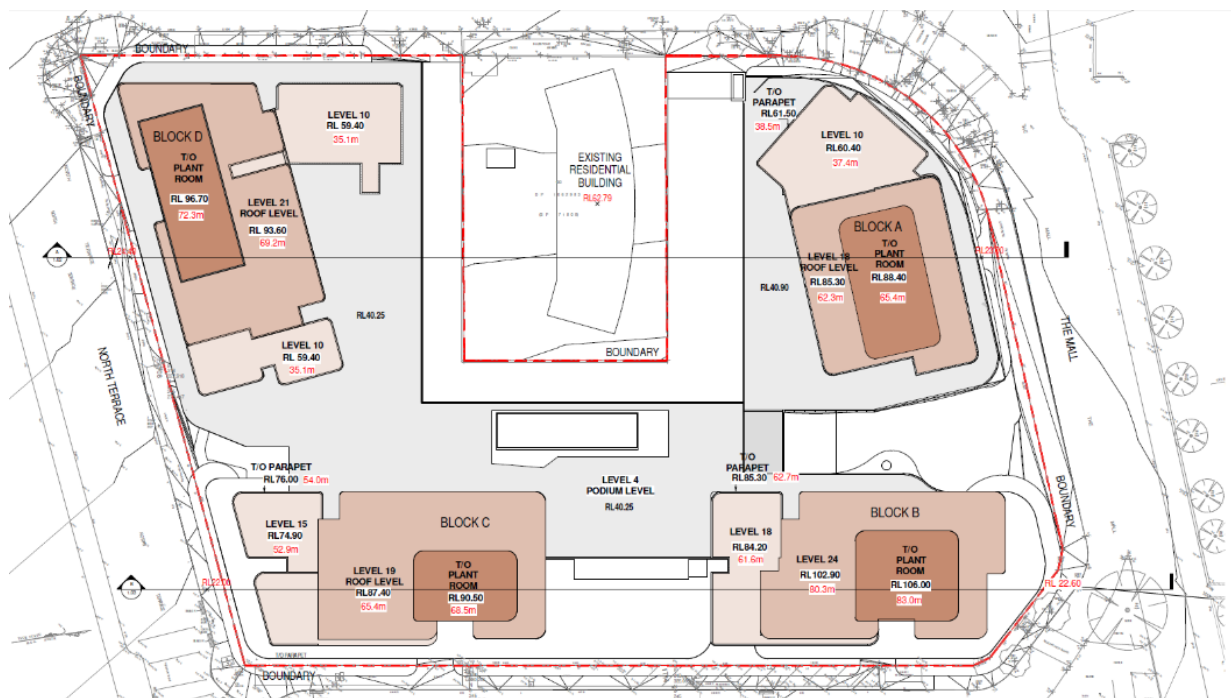
In further refining the concept proposal in preparation of a development application (to be jointly exhibited with the planning proposal), the proponent has indicated a number of changes to the concept proposal including a change in maximum height. The proponent has sought an additional increase in height from 72 metres (approximately 21 storeys) as reflected in the Gateway Determination issued by the Department of Planning and Environment to 83 metres (approximately 24 storeys).

The proposed change in height will be subject to approval by the Commonwealth Department of Infrastructure and Regional Development to safeguard against operations at Bankstown Airport and require a new Gateway Determination from the Department of Planning and Environment.

The proposed increase in height does not affect the proposed floor space ratio of 5:1 for the site. The delivery of a new administrative centre for Council as previously outlined to Council would continue to be an integral feature of the site's redevelopment.

It should be noted that the changes have no material financial bearing on the commercial aspects associated with the VPA or the sale of Council's old library site.

The proposed heights have been illustrated below and reflect the final concept design.



Justification

The proponent has indicated the proposed change in heights has resulted from a detailed review of massing, height and built form across the site. Rationale for the proposed increase in height specifically relates to:

- alleviating the perceived sense of bulk and scale from the main vantage points in the public domain
- delineating the base and the towers by providing a minimum three-metre upper-level street setbacks above the podium
- creating more slender towers above podium with increased separation distances (18 to 24 metres) between towers
- ensuring building depths of the towers are 22 metres maximum, including articulation zones.

The revised built form design would provide greater variety in building heights and setbacks to add visual interest with Building B to remain as the highest building site. This approach will work to assist in breaking up the overall massing of the proposed concept development.

The height of Buildings A, C and D are less than or equal to 72 metres as supported by the Gateway Determination. The proposed reduction in levels from Building C have been transferred to Building B, so as to provide for more variation in building height along the Appian Way (western) elevation.

The proponent has also indicated that the revised design will assist in providing the required level of solar access to the existing residential flat building on Fetherstone Street and in complying with SEPP 65 design principles and the Apartment Design Guide.

The concept design and proposed increase in height should be supported and revised Gateway Determination sought. In principle, the proposal continues to reinforce the role of the Bankstown CBD as a Strategic Centre offering a range of retail, commercial and housing opportunities that will refresh and revitalise the existing Compass and Old Library site – a prominent block within Bankstown CBD. The proposal will also continue to deliver an A Grade commercial building for Council and public domain improvements.

Importantly, prior to exhibition, the proposal will undergo significant scrutiny during the development application process to ensure relevant State and local planning development controls are adhered to and the amenity of surrounding residents and shops is considered.

Notwithstanding support from Council, the proposed increase in height is also subject to separate approval from Commonwealth Government relating to potential interference with operations at Bankstown airport. This is being sought separately by the proponent.

POLICY IMPACT

Council's objectives under the Bankstown CBD Local Area Plan is to continue to maintain Council's administrative presence in the Civic Precinct, particularly in close proximity to Council's Chambers, Library and Knowledge Centre and Paul Keating Park.

Renewal of the Compass and Old Library sites consistent with the planning proposal will transform a key area within the Bankstown CBD. The planning proposal demonstrates strategic merit as it directly aligns with local and State strategic planning for Bankstown, will introduce increased jobs, housing and investment and strengthen the role and function of the Bankstown CBD as a Strategic Centre under *A Plan for Growing Sydney*.

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no direct financial impact resulting from this recommendation.

RECOMMENDATION That -

1. The update regarding the Planning Proposal for 83-99 North Terrace and 62 The Mall, Bankstown be noted.
2. The Planning Proposal for 83-99 North Terrace and 62 The Mall, Bankstown, be amended to reflect the relevant building heights as outlined in this report.
3. A request for an amended Gateway Determination be submitted to the Department of Planning and Environment seeking an amendment to the maximum permissible height for 83-99 North Terrace and 62 The Mall, Bankstown from 72 metres to 83 metres.

ATTACHMENTS [Click here for attachments](#)

- A. Item 5.5 - 24 November 2015 Ordinary Meeting - Planning Proposal and VPA
- B. Item 5.5 - 15 December 2015 Ordinary Meeting - Planning Matters

Planning Matters - 23 August 2016

ITEM 5.10

Canterbury Road Corridor Review of Planning Controls

AUTHOR

City Planning

ISSUE

This report provides an update in regards to the strategic review of planning controls along the Canterbury Road corridor. It recommends the way forward and in particular how the strategic review should proceed to ensure that there is an appropriate planning framework in place for the Corridor that will deliver housing and working opportunities without compromising the amenity of surrounding residential properties.

RECOMMENDATION

That -

1. Council adopts the methodology set out within this report; and
2. Council endorse the establishment of a steering committee with the Department of Planning and other relevant state agencies – including the RMS – to guide the review.

BACKGROUND

Scope of proposed review

On 26 July 2016 the Council approved the commencement of a strategic review of the Canterbury Road Corridor. The Strategic Review will make recommendations for the long term vision of the Corridor.

In particular, the Strategic Review will consider:

- Recent development approvals along the Corridor;
- Current Planning Proposals (both Council and applicant initiated);
- The current planning framework for the corridor (and any relevant supporting studies);
- Accessibility to community facilities, services and open space;
- The proposed traffic solutions, including the use of laneways; and
- The draft Sydenham to Bankstown Corridor Urban Renewal Strategy.

The review will make recommendations in regards to the following:

- Whether the corridor is suitably located to facilitate further increases in density;
- The appropriateness of existing zones along the corridor,
- Traffic, transport and car parking issues;

- Urban design and built form controls along the corridor (including adjacent low density residential zones);
- Identify measures to address environmental issues including noise and pollution; and
- The character of New Canterbury Road as distinct from the rest of the Corridor.

The review will also have regard to the incoming Stage 2 Sydney Metro City and Southwest and associated Sydenham to Bankstown Urban Renewal Corridor Strategy currently under preparation by the Department of Planning and Environment; and relevant directions as a result of the district plans (when they become available).

A Steering Committee of Council officers, Department of Planning and RMS is proposed to guide the review. An inception meeting with the Department of Planning will be held late August 2016 to discuss terms of reference, membership and key deliverables.

REPORT

Proposed methodology

Council officers have met to devise the methodology and identify the resources required to complete the review.

The following methodology is proposed to undertake the Strategic Review of the Canterbury Road Corridor:

1. Undertake an audit of all recent development applications from the gazettal of Canterbury Local Environmental Plan 2012 (CLEP 2012) and all planning proposals (both council and applicant initiated) from 2012 onwards relating to the Canterbury Road Corridor and New Canterbury Road (underway).
2. Review the CLEP 2012, Canterbury Development Control Plan 2012 (CDCP 2012), Canterbury Residential Development Strategy and Canterbury Road Master Plan to determine their relevance in light of approved developments and planning proposals. This audit should also review existing reports commissioned by Council to inform these outcomes. An analysis of their recommendations, Corridor constraints, transport issues, car parking and the like should be included.
3. Review the proposed Sydenham to Bankstown Urban Renewal Strategy from the Department of Planning and Environment including proposed densities and accompanying reports including open space and community facilities. Consultation with the Department of Planning and Environment will be undertaken with regard to the proposed densities, anticipated outcomes, value capture mechanisms for the provision of soft and hard infrastructure and other relevant issues.
4. Revisit Council's vision for the corridor and update the vision having regard for both the strategic context and the role of the Sydenham to Bankstown Urban Renewal Strategy.
5. Provide recommendations on how to proceed in relation to both applicant and Council initiated planning proposals along the corridor in line with the vision established in Point 4.

6. Preparation of a visual indicative streetscape diagrams for Canterbury Road Corridor and New Canterbury Road. The streetscape visual diagrams will show the approved development heights as viewed from the street and indicate the LEP maximum height limit pertinent to each site. These visual streetscape diagrams should also include, separately, the heights envisaged under the Sydenham to Bankstown Urban Renewal Strategy where applicable.
7. A new demographics and forecast analysis is to be undertaken in light of recent approvals, as audited in points 1 and 2 above, and utilising data from the Department of Planning and Environment and Bureau of Transport Statistics. Census data should not be solely relied upon in order to provide an accurate demographic profile and population forecast.
8. An updated Open Space study is to be undertaken to build on the existing Open Space Needs Review and Canterbury Strategic Recreation Plan. The update is to consider the likely needs of the future population in view of the forecast population and demographics anticipated as a result of the Sydenham to Bankstown Urban Renewal Strategy and approved dwellings audited as per task 1. The update is to audit and recommend linkages and accessibility to community facilities, community services and open space. Where appropriate, recommendations regarding land acquisition should be included and social infrastructure requirements identified for the short, medium and long term.
9. Building upon council's existing traffic studies including Town Centres Parking Strategy, the Traffic Impact Assessment – Canterbury Residential Development Strategy (see attached) and other council reports, a consultant shall be commissioned to update and make recommendations around traffic alleviation strategies along the Corridor and New Canterbury Road including the use of laneways. Extensive consultation with the RMS and Department of Planning and Environment will be required given advice previously received from RMS advising that the corridor is currently at or near capacity.
10. Based on the review of the above and the findings, specialist urban designers, architects and other relevant experts will work with Council's planning experts to identify options for changes to the LEP and DCP for the Corridor and New Canterbury Road. A holistic urban design approach around design excellence is expected for the future built form in these areas with an emphasis on community accessibility by car, public transport and walking within the Corridor over the short to long term.

Resources required

The following supporting technical studies will be required to inform the review:

- Review/analysis of planning controls;
- Residential Development Strategy;
- Transport and traffic; and
- Social infrastructure/open space.

POLICY IMPACT

This matter has no direct policy implications

FINANCIAL IMPACT OF RECOMMENDATIONS

The financial implication for Council arising from a review of the corridor will be dependent on the costs associated with preparing the necessary report/studies from external consultants.

RECOMMENDATION

That -

1. Council adopts the methodology set out within this report; and
2. Council endorse the establishment of a steering committee with the Department of Planning and other relevant state agencies – including the RMS – to guide the review.

ATTACHMENTS

[Click here for attachment](#)

- A. Traffic Impact Assessment

ITEM 5.11 Pre Lodgement Process for Planning Proposals

AUTHOR City Planning

ISSUE

This report recommends establishing a formal pre-lodgement process for applicant initiated planning proposals and sets out the basic procedural and policy requirements for such a process. It also examines the concept of initiating, in certain circumstances, the seeking of the views of the community on certain types of planning proposals as part of their initial assessment and reporting to Council.

RECOMMENDATION That -

1. The pre-lodgement process for planning proposals, as outlined in the report, be adopted.
2. The discretionary pre-gateway consultation process, as outlined in the report, be adopted.
3. The operation of these processes be reviewed after one year.

BACKGROUND

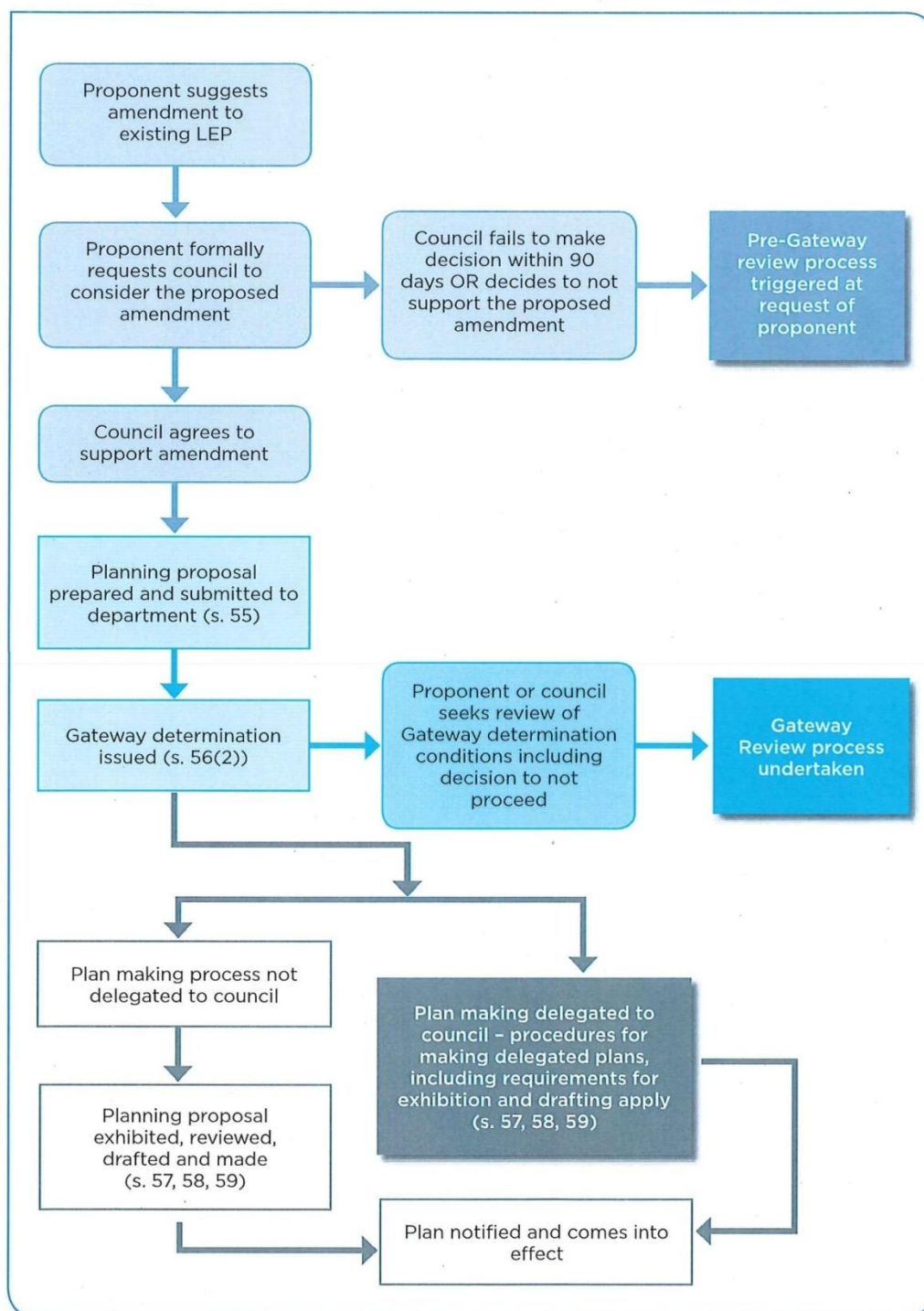
Introduction

The Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, and various guidelines produced by the Department of Planning and Environment, set out the planning proposal process.

However there are a few areas of the planning proposal process that have not been defined in the above legislation or guidelines. Such areas are therefore reliant on Council setting its own policy direction to provide clear guidance. They particularly relate to the process prior to formal lodgment of a planning proposal, and undertaking some form of community consultation prior to a report being prepared for Council's consideration.

To make the process as efficient and transparent as possible, it is recommended that these "missing" areas be identified and guidelines be developed for the benefit of all affected parties. This will also encourage applicants to submit proposals that are thorough and complete so that delays are reduced.

A simplified version of the process is shown in the following diagram:



Source: *Department of Planning and Environment, A guide to preparing local environmental plans, April 2013*

REPORT

Current Guidance

While there currently is no formal procedure or pre-lodgement process, a number of proponents for planning proposals do seek meetings with Council officers prior to formal lodgement. Where these take place there is usually benefit to be gained as it gives Council officers the chance to offer commentary on various aspects of the upcoming planning proposal submission. This typically results in a more robust and complete proposal being lodged. These meetings and discussions however, when they occur, are usually informal.

Pre-lodgment meetings between Council and the applicant are an extremely effective way of communicating advice, information, requirements and issues relating to a planning proposal. They can save considerable time and effort in narrowing the key matters needing to be addressed by the planning proposal at an early stage.

Both the former Bankstown and Canterbury guides to preparing planning proposals suggest it is beneficial for proponents to engage with Council officers in preliminary discussions. While there is no need to alter this, it is desirable to establish a formal pre-lodgement facility where written advice can be provided to proponents to better guide them in preparing a planning proposal for submission to Council.

Firstly, it is recommended that this pre-lodgment process be free of charge. As Council technically cannot require an applicant to attend a pre-lodgment meeting, a meeting without cost removes one of the most significant barriers to an applicant attending. It is considered the benefits of encouraging potential applicants to utilise the pre-lodgement facility will outweigh any costs associated with providing this service. Further, it is considered that it will not involve a great number of planning proposals in the same way it does for the DA pre-lodgement service.

It is suggested that the following steps form the basis of a planning proposal pre-lodgement service provided by Council.

1. Submit application for a Pre-lodgement Meeting. Submission must include:
 - Application form and checklist plus supporting documentation.
 - A summary report of the planning proposal, including concept plans where relevant.
 - Demonstrating consistency with relevant State and local policies and strategies, including *A Plan for Growing Sydney* and Section 117 Directions
 - Justification for any inconsistencies with State or local planning plans and strategies.
2. Internal preliminary assessment of the proposal by Council to determine whether the proposal demonstrates strategic merit.
3. Pre-lodgement meeting (meeting should generally held within two weeks of application, depending on size and complexity of proposal). Scope of pre-lodgement will generally include:

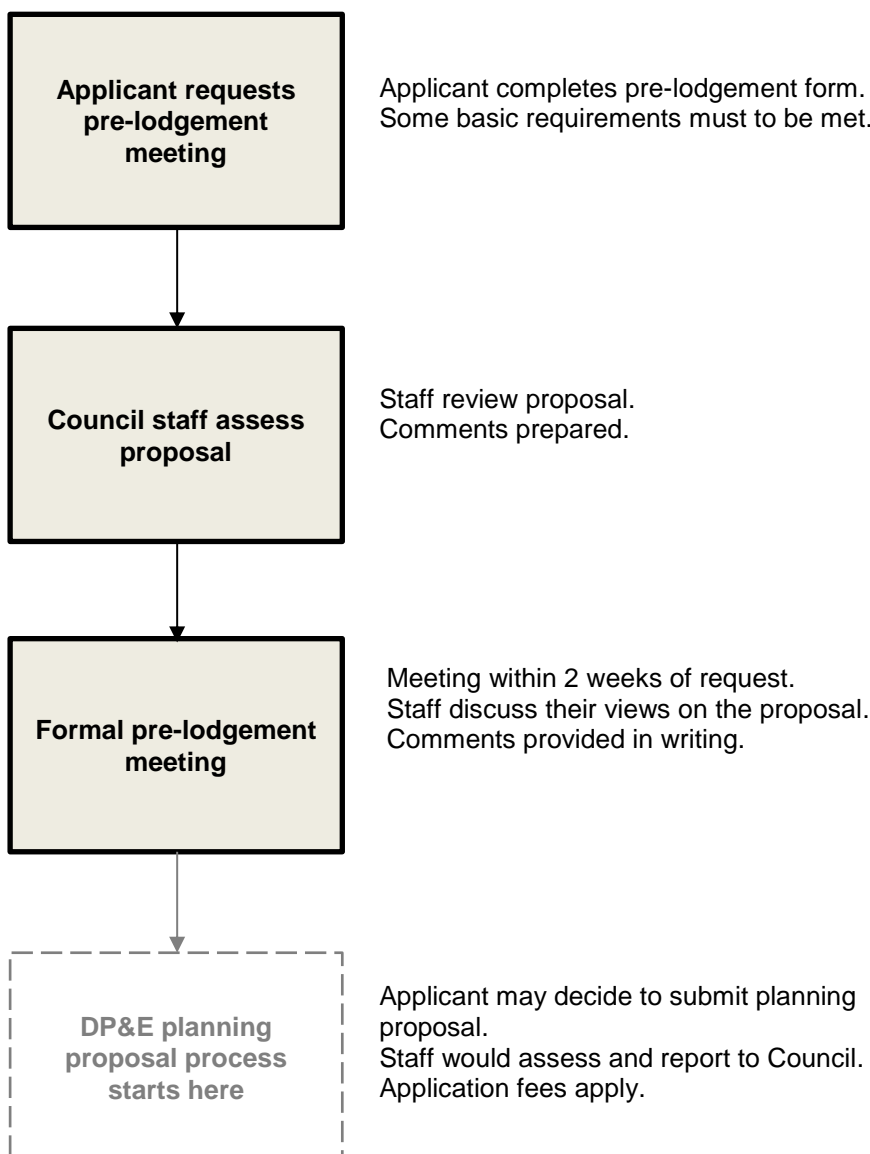
- Applicant presents summary of proposal and terms of planning proposal being sought.
- Discussion of key issues and relationships to strategies and other relevant policy positions of Council.
- No indication will be offered by Council officers as to the likely level of support or otherwise that may be given for the proposal. The intent of the pre-lodgement meeting is to identify whether the proposal demonstrates strategic merit and key planning issues that will need to be considered in determining whether the proposal is likely to proceed.

Note:

Dependent on the type and complexity of the proposal, Council officers including from strategic planning and relevant technical specialists will be present at pre-lodgement meetings.

Summary notes of the meeting will be prepared by Council and written advice will be provided to the applicant within ten business days of meeting (discussed further below).

A diagram summarising the proposed process is shown below.



Pre-lodgement advice provided to proponents

It is considered that written pre-lodgement advice provided back to potential proponents need not be overly complex or unnecessarily detailed. It should summarise the key features of the foreshadowed planning proposal, provide details of any commentary provided and discussions held, and highlight the key issues and give an indication as to the relative level of concern associated with those issues.

Pre-Gateway Consultation

Public consultation and exhibition of a planning proposal is normally a requirement of a Gateway Determination issued by the DP&E.

However there may be instances where it is appropriate to undertake some community consultation prior to planning proposals being formally reported to Council. This would allow Council to, when considering whether or not to support a planning proposal and forward it for a Gateway Determination, be aware of the views of the local community before making that decision.

Any pre-gateway consultation should only be for proposals that are of such a significant scale and intensity that some initial consultation with the community would benefit Council's formal consideration of the planning proposal or where the planning proposal will result in significant change to current policy. It is however difficult to establish a hard and fast rule for planning proposals which will need preliminary consultation and those which do not. In this context it is considered appropriate that the Director, in consultation with the General Manager, be delegated this decision on the basis of what the Director considers to be in the best interests of the Council and the local community.

Where a decision to go to a pre-gateway consultation is made, it is suggested the minimum period of consultation time be twenty-one (21) days, although this could be extended depending on the size and complexity of what is being sought.

Relevant exhibition material would be placed in each Customer Service Centre along with display on the web site. Nearby households would also be advised in writing.

Planning Proposal Lodgment Checklist and Guidelines

Both the former Bankstown and Canterbury Councils have guidelines for the rezoning of land that are available to the public.

In the longer term it will be necessary for both of these guides to be reviewed and a single combined Guideline and Checklist prepared. This will help ensure potential applicants are aware of Council's requirements in terms of documentation and supporting studies, as well as assisting in making the process as transparent as possible and minimising processing delays through insufficient information being provided. It is suggested however that this does not have the same level of priority as firstly establishing a pre-lodgement process. In the interim, the guides and checklists of the former councils can adequately continue to operate.

The new guides and checklists will incorporate the above recommended actions in relation to both pre-lodgement and pre-consultation of planning proposals.

POLICY IMPACT

This report supports our Community Strategic Plans' long term goal of Balanced Development

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

1. The pre-lodgement process for planning proposals, as outlined in the report, be adopted.
2. The discretionary pre-gateway consultation process, as outlined in the report, be adopted.
3. The operation of these processes be reviewed after one year.

ATTACHMENTS

Nil

6 REPORT OF THE GENERAL MANAGER

The following items are submitted for consideration -

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6.13 Cash and Investment Report as at 31 July 2016	209

Report of the General Manager - 23 August 2016

ITEM 6.1 **Financial Management - Interim Report for period 13 May 2016 to 30 June 2016**

AUTHOR **Corporate Services**

ISSUE

To provide Council with:

- an overview of Council's financial performance for the interim financial period, being 13 May 2016 to 30 June 2016;
- seek approval to carryover funding to complete certain capital and operating projects commenced throughout 2015/16; and
- process certain regulatory functions regarding the writing-off of Rates & Charges and Sundry Debts, in accordance with Local Government Act 1993, Regulation and Council's Instrument of Delegation.

RECOMMENDATION That -

1. The Budget Review Statement for the interim financial period, being 13 May 2016 to 30 June 2016, including relevant budget adjustments be endorsed.
2. Council authorise the carryover of \$31.3M of funding to complete certain capital and operating projects commenced throughout the 2015/16 financial year, as outlined in the report.
3. Council apply all rates and charges written off during the year to its rating database in satisfying its obligations under the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. Council endorse the write-off of sundry debts for the 2015/16 financial year, as outlined in the report.

BACKGROUND

Having regard to clause 24 of the Local Government (Council Amalgamations) Proclamation 2016 (the “proclamation”), and clause 211 of the Local Government (General) Regulation 2015 (the “Regulation”), Council, at its Extraordinary Meeting held on 24 June 2016, approved expenditure and voted money for the interim financial period, being 13 May 2016 to 30 June 2016 (report attached).

This report provides a:

- preliminary summary of Council’s financial performance for the interim period and importantly, requests that Council endorse the carryover of unspent funds to complete certain capital and operating projects commenced throughout 2015/16; and
- separately, seeks approval to finalise certain regulatory and/or processing adjustments regarding rates and sundry debt amounts.

REPORT

Interim Financial Period – 13 May 2016 to 30 June 2016

Financial Performance

Having regard to the relevant provisions/clauses of the Proclamation and Local Government Act 1993, Council was required to authorise expenditure for a short seven (7) week period, pending the commencement of its 2016/17 operational plan (annual budget).

The parameters to determining the required level of expenditure for the interim period was based on:

- the remaining 2015/16 budget/funds from the former councils be re-voted to the new council for the purposes of estimating Council’s income and expenditure (both opex and capex) for the seven (7) week period till the adoption of the operational plan;
- separately, the proposed budget variations, previously identified by the former councils as part of their March 2016 Quarterly Budget Review process, be incorporated as part of this process; and
- in accordance with clause 211 of the Regulation, relevant unspent funds - as at 30 June 2016, be carried over and incorporated in Council’s 2016/17 Budget, as required.

Whilst preliminary in nature and subject to external audit (ie. finalising the former councils 2015/16 financial reports), Council’s financial performance for the interim period was as follows:

CANTERBURY-BANKSTOWN COUNCIL**INCOME STATEMENT****Budget Review for Interim Period - 13 May 2016 to 30 June 2016**

Description	Budget \$,000	Actual \$,000	Variance \$,000
INCOME FROM CONTINUING OPERATIONS			
Rates and Annual Charges	25,475	26,047	572
User Charges and Fees	2,440	2,655	215
Interest and Investment Revenue	739	1,452	713
Other Revenues	1,673	1,863	190
Grants and Contributions - Operating	2,502	23,277	20,775
Grants and Contributions - Capital	1,782	3,195	1,413
Net Gain from Disposal of Assets	26	153	127
TOTAL INCOME FROM CONTINUING OPERATIONS	34,637	58,642	24,005
EXPENSES FROM CONTINUING OPERATIONS			
Employee Benefits and On-costs	15,664	15,019	645
Borrowing Costs	43	36	7
Materials and Contracts	13,574	7,657	5,917
Depreciation and Amortisation	6,467	6,297	170
Other Expenses	11,815	6,048	5,767
TOTAL EXPENSES FROM CONTINUING OPERATIONS	47,563	35,057	12,506
NET OPERATING RESULT FOR THE INTERIM PERIOD	(12,926)	23,585	36,511
Net Operating Result for the Interim Period Before Grants and Contributions Provided for Capital Purposes	(14,708)	20,390	35,098

As Council will note, Council's Net Operating Result for the interim period before capital items was \$20.4M, a net improvement of \$35.1M to that expected. Whilst quite significant, the variation is largely due to certain expected major variations, including:

- Income
 - Grants – Stronger Community Fund \$10.0M
 - Grants – Implementation Fund \$10.0M
 - Grants – Various Operating \$ 1.4M
 - Investment Interest \$ 0.7M

- Operating Expenditure

- Deferred Expenditure (carryovers) (\$6.0M)
- Other net savings/adjustments – preliminary (\$6.0M)

Whilst the financial information is preliminary in nature and subject to change, the result does suggest that Council's financial performance as at 30 June 2016 is considered sound.

A more detailed assessment of the former Councils' financial performance and results will be provided as part of the year-end external audit process, which is expected to be carried out over the coming months.

Capital Expenditure

In terms of capital works, the following table provides a preliminary summary of Council's level of expenditure and proposed carryovers for the interim financial period.

CANTERBURY-BANKSTOWN COUNCIL

CAPEX STATEMENT

Budget Review for Interim Period – 13 May 2016 to 30 June 2016

Description	Budget \$,000	Budget Adjustments \$,000	Actual \$,000	Proposed Carryovers \$,000
Canterbury Branch	11,005	(1,318)	3,435	6,252
Bankstown Branch	29,305	(5,598)	4,596	19,111
Total Capital Program	40,310	(6,916)	8,031	25,363

A listing of budget adjustments and suggested carryovers has been provided to Council for consideration (report provided to Administrator).

Notwithstanding the timing of the Proclamation and its associated financial reporting requirements, the following table provides a twelve (12) month assessment of both the former and the new Council's capital works programs.

The information provides a more meaningful and/or better understanding of Council's overall performance, in terms of projects completed and those to be carried over for completion in the 2016/17 financial year.

CANTERBURY-BANKSTOWN COUNCIL
CAPEX STATEMENT
Budget Period – 01 July 2015 to 30 June 2016

Description	Total Budget \$,000	Actual \$,000	Proposed Carryovers \$,000
Canterbury Branch	21,600	15,347	6,253
Bankstown Branch	46,613	27,502	19,111
Total Capital Program	68,213	42,849	25,364

As Council will note, a total of \$42.9M (68%) of funds were spent on projects throughout 2015/16. Given the nature and timing of certain projects, a further amount of \$25.4M will be carried over for specific projects for completion throughout 2016/17. The majority of these projects are nearing completion and are expected to be finalised throughout the early part of the 2016/17 financial year.

Financial Indicators and Liquidity

Whilst a complete assessment of Council's financial ratios will be submitted to Council once the external audit of the former Councils accounts have been completed, the result for the Interim Period indicates that Council's overall financial position is considered sound.

Similarly, Council's level of liquidity (available cash) is quite strong. Council holds large levels of reserves for specific purposes, both those specified by legislation and/or determined by Council. All surplus funds are being invested in various institutions, which accord with the Ministers Order and the former Councils investment policies.

Council's balances as at 30 June 2016 are as follows:

CANTERBURY-BANKSTOWN COUNCIL
CASH SUMMARY
As at 30 June 2016

Description	Total \$,000
Internal Restrictions	121,437
External Restrictions	108,864
Unrestricted Cash	12,980
Total Cash	243,281

Council's level of available working capital (working funds) is \$10.7M, which is 3.3% of the Total Income from Continuing Operations or 2 weeks cashflow. That said, Council's working fund balance is considered adequate.

Amalgamation costs and savings during the interim period

During the Interim Period there was no material amalgamation costs or savings to be reported.

Amalgamation Implementation Fund

During the interim period, an amount of approximately \$0.2M of expenditure incurred (transition consultants, employee learning & development costs and audit costs) was directly attributed to the amalgamation.

Stronger Communities Fund

During the interim period, there was no expenditure incurred from the Stronger Communities Fund.

Writing off of Rates and Charges and Sundry Debtors

In accordance with certain statutory requirements as outlined in the Local Government Act, 1993 and Council Policies, Council is required to make necessary adjustments to the level of income received by Council throughout the financial year, specifically relating to Rates and Annual Charges and Sundry Debts.

A broad summary of the required changes are as follows:

Rates and Annual Charges

The major component of the adjustments is to reflect the amount of rates and charges written off which are attributable to pensioners' and for those properties that become eligible for exemption from all rates throughout the year in accordance with the Local Government Act 1993.

The table below details a summary of the adjustments to rates and annual charges during the whole 2015-16 financial year:

Description	BCC \$	CCC \$	Total \$
Rates & Charges	22,652	96,296	118,948
Pensioner - Statutory	3,156,629	2,406,664	5,563,293
Pensioner – Council	498,175	-	498,175
Total	3,677,456	2,502,960	6,180,416

* Includes amounts for Rates, Annual Charges and Interest

Pursuant to clause 131 of the Local Government (General) Regulation 2005 it is proposed that Council resolve to apply the noted adjustments to its rating database.

Sundry Debts

The General Manager's delegation authorises the writing off of debts (individual transactions) due to Council which are considered uncollectable (up to \$10,000), provided such write offs are reported to Council.

Debts are only written off if:

- The debt is not lawfully recoverable.
- A court has determined that the debt is to be written off.
- The Council or the General Manager believes on reasonable grounds that any attempt to recover the debt would not be cost effective.

The agreed write-offs have each been individually assessed with Council's mercantile agent in arriving at its decision.

The following table details a summary of the sundry debtor amounts written-off by the General Manager under delegation as well as those amounts needing to be written off by way of Council resolution.

Description	Total \$
Canterbury Branch	
Licencing	6,314.50
Park Bookings	924.10
Other Sundry Debtors	3,545.39
Total	10,783.99
Bankstown Branch	
Commercial Waste	2,416.65
POEO Administration Fees	910.00
Road and Footpath Restorations	4,433.00
Other Sundry Debtors	2,516.57
Total	10,276.22
Council Total	21,060.21

A list showing the full details of each amount proposed to be written off, and containing the information required to be specified under s213(4) of Local Government (General) Regulation 2005 is held by Council.

Budget Review Statement – Responsible Accounting Officer

The Responsible Accounting Officer confirms that this Budget Review Statement for Canterbury-Bankstown Council for the interim period ended 30 June 2016 indicates that Council's financial position as at 30 June 2016 is satisfactory, having regard to the preliminary statement of income and expenditure and that Council's budgetary review procedures are operating satisfactorily.

POLICY IMPACT

This report is consistent with the financial commitments outlined under the Proclamation, including the former Council's statutory Plans and 2015-16 Budgets.

FINANCIAL IMPACT OF RECOMMENDATIONS

Council's financial position as at 30 June 2016 confirms a sound performance throughout the Interim Period, both in terms of service provision and capital expenditure.

RECOMMENDATION That -

1. The Budget Review Statement for the interim financial period, being 13 May 2016 to 30 June 2016, including relevant budget adjustments be endorsed.
2. Council authorise the carryover of \$31.3M of funding to complete certain capital and operating projects commenced throughout the 2015/16 financial year, as outlined in the report.
3. Council apply all rates and charges written off during the year to its rating database in satisfying its obligations under the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. Council endorse the write-off of sundry debts for the 2015/16 financial year, as outlined in the report.

ATTACHMENTS [Click here for attachments](#)

- A. Item 7.2 - Financial Management Report - Proclamation Issues

Report of the General Manager - 23 August 2016

ITEM 6.2 Update to Council's Instrument of Delegations

AUTHOR Corporate Services

ISSUE

To revise Council's Instrument of Delegations.

RECOMMENDATION

That the Instrument of Delegations, as attached to this report, be adopted.

BACKGROUND

Following consideration of its recent report regarding the establishment of the Canterbury-Bankstown Independent Hearing and Assessment Panel (IHAP), and the amendments to the delegations required by that report, Council is required to review its standing Instrument of Delegation from Council to the General Manager to reflect the required changes.

REPORT

Instrument of Delegations

Section 377 of the Act enables a Council to delegate to the General Manager, or any other person or body, any of the functions of the Council excepting a range of functions so specified.

By virtue of the resolutions made at the 26 July 2016 Ordinary Meeting, Council is now required to review its standing Instrument of Delegation to reflect Council's decision.

The Instrument of Delegations will now be amended to provide the General Manager the ability to determine certain development applications or modifications of consents consistently across Canterbury-Bankstown.

Attached to this report is the proposed Instrument of Delegations as foreshadowed above. Subject to the recommendations contained within this report being endorsed, the General Manager will separately review the relevant sub-delegations (as required pursuant to Section 378 of the Act) to staff to ensure consistency for the new council.

POLICY IMPACT

The adoption of this Instrument of Delegations ensures that Council meets its statutory requirements pursuant to the Local Government and other Acts as the case may be.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no financial impacts arising from the adoption of the recommendations in this report.

RECOMMENDATION

That the Instrument of Delegations, as attached to this report, be adopted.

ATTACHMENTS

[Click here for attachments](#)

- A. Instrument of Delegations
- B. Item 6.1 - Independent Hearing and Assessment Panel Review - 26 July 2016 Ordinary Meeting
- C. Item 2.1 - Instrument of Delegations, Appointment of Statutory Officers - 24 May 2016 Ordinary Meeting

Report of the General Manager - 23 August 2016

ITEM 6.3 Stronger Communities Fund

AUTHOR City Planning

ISSUE

This report is to provide information on the Stronger Communities Fund which has been established by Council with funding provided by the NSW Government to ensure the delivery of projects that improve community infrastructure and services as part of the 'Fit for the Future' reform program.

RECOMMENDATION That -

1. Council note the information regarding NSW Government's Stronger Communities Fund as contained in this report.
2. Council endorse the Stronger Communities Fund Assessment Panel Terms of Reference as attached.
3. Further reports be provided to Council regarding the matter, as required.

BACKGROUND

The Stronger Communities Fund (SCF) has been established by the NSW Government to provide newly merged Councils with funding to kick start the delivery of projects that improve community infrastructure and services. The City of Canterbury Bankstown has been allocated \$10 million funding as a result of the two councils merging. Councils are to consult with their community to allocate the SCF through two programs:

- *A Community Grant Program* – Allocating up to \$1 million in grants of up to \$50,000 to incorporated not-for-profit community groups, for projects that build more vibrant, sustainable and inclusive local communities; and
- *A Major Projects Program* – Allocating all remaining funding to larger scale priority infrastructure and services projects that deliver long term economic and social benefits to communities.

Councils are responsible for determining projects, consistent with the NSW Government SCF Guidelines, which include a focus on community consultation. An overview of Council's implementation plan including requirements for consultation, governance, assessment and reporting is contained in this report.

REPORT

Community Grant Program

Local incorporated not-for-profit community groups within the City of Canterbury Bankstown will be able to apply for community grants of up to \$50,000 for projects that are consistent with the SCF guidelines and criteria developed by Council.

To be successful for funding, community projects must meet the following criteria:

- Deliver social, cultural, economic or environmental benefits to local communities;
- Address an identified community priority;
- Be well defined with a clear budget;
- Demonstrate that any ongoing or recurrent costs of the project can be met by the community group once grant funding has been expensed; and
- The organisation must demonstrate the capacity to manage funds and deliver the project.

As recommended in the Administrator Minute on July 26 2016 Council facilitated a focus group with local not-for-profit community organisations to identify community priorities for the Community Grant Program.

The focus group included community networks known to and working with Council. Each network was encouraged to nominate one person to represent their network to discuss their community priorities. This model ensured wide-reaching community representation that helped contribute to the community priorities for the program.

The priorities identified through the focus group will form part of the Community Grant application form. Applicants will be required to demonstrate how their project will address one or more of the community priorities identified.

Applications for the Community Grant Program will open on Wednesday 24 August 2016 and close on Monday 3 October 2016. If additional funding rounds are required a further report will be provided outlining the details of the additional rounds.

Major Projects Program

Under the Major Projects Program, Councils are to fund projects that deliver new or improved infrastructure or services to the community.

Projects that are prioritised for funding must meet the following criteria:

- Have been through a community consultation process;
- Demonstrate social and/or economic benefits to the community;
- Consider issues of sustainability and equity across the broader community;
- Demonstrate project feasibility and value for money, including full lifecycle costs;
- Did not have funds allocated by the former councils; and

- Give consideration to the processes and procedures outlined in the capital expenditure review guidelines issued by the Office of Local Government (OLG).

Council is required to notify the Office of Local Government (OLG) of their three year plan for allocating the SCF by December 2016. Additionally, councils are to notify the OLG of the projects that have been approved for funding. Notification is to include information on council's governance arrangements, consultation, prioritisation, processes, and a list of the projects to be funded, including costings, timeframes and expected benefits.

To identify community priorities Council will be engaging with the community and local stakeholders from August 2016.

Council has formed an internal working group of staff with expertise in planning, infrastructure, community and governance to make recommendations to the Stronger Communities Assessment Panel, who will be responsible for assessing projects and making recommendations to Council.

Stronger Communities Assessment Panel

In accordance with the Guidelines issued by the Department of Premier and Cabinet, Council must establish a Stronger Communities Fund Assessment Panel with responsibility to assess projects and make recommendations to council for funding. The Panel will consider the community grant program submissions as well as those developed and nominated by council for funding under the major projects program. Membership of the Stronger Communities Fund Assessment Panel is proposed to include:

- Administrator, or delegate;
- State Members of Parliament or representative;
 - State Member for Bankstown;
 - State Member for Canterbury;
 - State Member for East Hills;
 - State Member for Oatley; and
 - State Member for Lakemba.
- Regional Coordinator of the Department of Premier and Cabinet, or delegate;
- An independent probity adviser, appointed by the Administrator to advise the Panel on their deliberations and assessment process; and
- Other members, appointed by the Administrator, as required.

With respect to the 'Other Members' category, Council is proposing to invite a number representatives that have demonstrated experience in grants assessment, combined with a strong understanding of local community needs, such as ClubGRANTS representatives from Canterbury and Bankstown.

The Governance arrangements and process for the Assessment Panel are set out in the attached Terms of Reference, which have been developed with reference to the Guidelines issued by the Department of Premier and Cabinet. The proposed Terms of Reference are attached to this report.

Stronger Communities Fund – Sub Committee & Applications Process

A report to the 14 June 2016 Council meeting established a number of Council Committees in accordance with guidance issued by the Department of Premier and Cabinet. To support these Committees, three sub-committees were established to ensure that important public matters have a dedicated forum for discussion and community input. One of the sub-committees established was for the Stronger Communities Fund.

The sub-committee will work in coordination with the Stronger Communities Assessment Panel as set out in the attached Terms of Reference as a key community voice in the decision making process. Within the Terms of Reference is a detailed process for the assessment of grant applications for the Stronger Communities Fund.

In short, the model established by Council ensures that the process is both transparent and follows a structured governance framework in determining the allocation of funding.

The structure established by Council provides for:

- An open community forum and broad advertisement, providing information regarding the Stronger Communities Grants and the process for application;
- Engagement with all State Members across the Canterbury-Bankstown LGA for their input and/or comment;
- Consultation with a dedicated advisory committee of Council to make both a preliminary assessment and recommendations for projects received through the program;
- A dedicated technical advisory panel to assist with relevant governance and probity considerations.

To facilitate these various functions, a number of meetings and where appropriate, through electronic means, will be conducted by Council.

Timeframe

Councils are accountable for the expenditure of the SCF in accordance with the Guidelines. Council is required to notify the OLG of their three year plan for allocating the SCF by December 2016. In addition, the SCF is to be spent or committed by June 2019 and all funding acquitted before 31 December 2019.

Council has consulted with the OLG before preparing an implementation plan. The timeframe ensures the following:

- Compliance with guidelines issued by the NSW Government;
- Effective and responsible governance of the SCF; and
- Ensure high quality meaningful engagement is undertaken for both programs.

Milestone	Timeframe
Community Grant Program – Focus Group	Thursday 18 August 2016
Community Grant Program Opens	Wednesday 24 August 2016
Community Grant Program Information Session - Campsie	August – September 2016
Community Grant Program Information Session - Bankstown	August – September 2016
Community Grant Program Closes	Monday 3 October 2016
Stronger Communities Fund – Panel and Sub-Committee Review	August – September 2016
Engagement for Major Projects Round 1	August – September 2016
Stronger Communities Fund – Panel and Sub-Committee Review	October 2016
Progress report to November Council Meeting	November 2016
Announcement of Community Grant Projects	December 2016
Announcement of Major Projects identified – Round 1	December 2016
Reporting requirements – Office of Local Government	December 2016
Engagement for Major Projects Round 2	February – March 2017
Announcement of Major Projects identified – Round 2	April 2017

It ought to be noted that the Community Grants Program closes on Monday 3 October. Following receipt of all applications, Council's internal working group will collate all the applications and subsequently begin the process outlined above.

POLICY IMPACT

The proposed Terms of Reference for the Stronger Communities Fund Assessment Panel reflect the requirements as outlined in the Office of Local Government's Meeting Practice Notes 2009, and are prepared pursuant to guidance distributed from the Department of Premier and Cabinet.

FINANCIAL IMPACT OF RECOMMENDATIONS

A budget of \$50,000 has been allocated under Council's Implementation Fund to help cover the expenses associated with the approach outlined in this report. Expenditure will be captured and reported to Council and in accordance with the Office of the Local Government reporting requirements.

RECOMMENDATION That -

1. Council note the information regarding NSW Government's Stronger Communities Fund as contained in this report.
2. Council endorse the Stronger Communities Fund Assessment Panel Terms of Reference as attached.
3. Further reports be provided to Council regarding the matter, as required.

ATTACHMENTS [Click here for attachments](#)

- A. Stronger Communities Fund Terms of Reference

Report of the General Manager - 23 August 2016

ITEM 6.4 Council's 2016-2017 Community Grants & Events Sponsorship Program and the Financial Assistance Program

AUTHOR Community Services

ISSUE

The purpose of this report is to commence the process of bringing the former Canterbury Financial Assistance (FAP) Program and the former Bankstown Community Grants and Events Sponsorship Program together with recommendations for \$485,854 funding to 155 community programs.

RECOMMENDATION That -

Council approve:-

1. The funding for the Canterbury Financial Assistance Program applications, as outlined in Attachment A.
2. The funding for the Bankstown Community Grants & Event Sponsorship Program applications, as outlined in Attachment B.
3. The ongoing subsidies as listed in this report and that these amounts be CPI adjusted annually.

BACKGROUND

Both the Financial Assistance Program at Canterbury and the Community Grants and Event Sponsorship Program at Bankstown have operated for many years. For the 2016-2017 Financial year, each program was operated under its existing procedure prior to a review and integration into a single program in 2017-2018.

At the time of amalgamation Canterbury Council's Financial Assistance Program (FAP) was open offering small grants to community groups and organisations within the former Canterbury Local Government Area for activities that will benefit the community.

The Bankstown Council Community Grants and Event Sponsorship Program opened on Tuesday, 7 June 2016 offering local community-based organisations the opportunity to apply for funding of projects/activities/events that will address the needs of the residents of the former Bankstown Local Government Area.

REPORT

Canterbury Financial Assistance Program (FAP)

Applicants can seek funding within four categories:

- Social Activities and Equipment;
- Celebrating Diversity and Connecting Communities;
- Community Building (Small); and
- Community Building.

All the 78 applications received seeking funding were assessed against the aims of the FAP and a recommendation is made to meet funding requests to the maximum allowable amount.

A summary of the recommended funding amounts is included as Attachment A to this report.

Successful applicants will receive a funding agreement and invitation to a cheque presentation ceremony on 23 September 2016.

Bankstown Community Grants & Event Sponsorship Program

Applicants can seek funding within five categories:

- Community;
- Arts/Cultural;
- Youth;
- Sport & Recreation and;
- Event Sponsorship.

In all 135 applications seeking a total of \$925,513 were received and assessed on their compliance with the Program Guidelines and their capacity to address a priority outcome.

A summary of the recommended funding amounts is included as Attachment B to this report.

Successful applicants will receive a funding agreement and invitation to a cheque presentation ceremony on 23 September 2016.

The recommendations of this report comply with Bankstown City Council's Grants and Donations Policy, Council's Events Policy and funding category guidelines.

Within the grants there are several programs that are recommended for funding as recipients of subsidies as was determined at the Ordinary Meeting held in October 2007. These are City of:

- Bankstown Arts Society – Annual Exhibition \$2,000
- Bankstown Canterbury Community Transport – Vehicle Maintenance \$23,880
- Bankstown Historical Society – Quarterly newsletter and room hire \$2,271
- Multicultural Network – Administration of Canterbury Bankstown Migrant Interagency \$3,180

- Bankstown Community Resource Group – Administration of Children’s Service Forum \$5,500

Given that there are other grant applications that have similar characteristics, Council resolved that a review of the subsidy component of the grants be undertaken, with the findings to be reported to Council for consideration prior to the 2016-2017 funding round. Due to the Council amalgamation the review findings have been incorporated into this report.

This review was undertaken and identified a number of applications were considered to be appropriate for consideration as ongoing subsidies due to the nature of the application, the benefit to Council and the community, the history of the support and the desire to continue such support. The following five projects were identified as being suitable for being recommended to Council for ongoing support:

- Bankstown Harness Racing & Agricultural Society – Bankstown City Cup - \$8,000
Council has provided sponsorship to the race for many years.
- Lebanese Film Festival Association – Lebanese Film Festival - \$8,000
Council has been a strong supporter of the Film Festival since its inception in 2011.
- Hope Point Church – Catering of Midnight Basketball - \$5,600
Council has provided this grant for the past three years in order to allow Hope Point to coordinate community volunteers to purchase ingredients and prepare healthy meals for the participants and volunteers of Council’s successful Midnight Basketball Program.
- Local Youth Organisations – Joint School Holiday Programs - \$7,000
Council has provided grants to local youth organisations on a rotational basis in order to organise school holiday activities that bring together young people from across the LGA. Participating youth organisations are each allocated around 10 places per activity. Grants for this purpose have been provided annually for the past 10 years with positive results.
- Staff Social Club annual allocation \$12,000.

It is recommended that subsidies be reviewed annually as part of the new Grants program.

POLICY IMPACT

The recommendations of this report comply with Canterbury and Bankstown City Council’s Grants and Donations Policy, Council’s Events Policy and funding category guidelines.

A review of the Financial Assistance and the Community Grants & Event Sponsorship Program will be undertaken in order to integrate the two programs into one. The findings of this review will be reported to Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

Funds for the Canterbury Financial Assistance Program and Bankstown Community Grants and Events Sponsorship programs are available from within the adopted Operational Budgets for 2016–2017.

RECOMMENDATION That -

Council approve:-

1. The funding for the Canterbury Financial Assistance Program applications, as outlined in Attachment A.
2. The funding for the Bankstown Community Grants & Event Sponsorship Program applications, as outlined in Attachment B.
3. The ongoing subsidies as listed in this report and that these amounts be CPI adjusted annually.

ATTACHMENTS [Click here for attachments](#)

- A. 2016-2017 Financial Assistance Program
- B. 2016-2017 Council Grants & Event Sponsorship Application Summary

Report of the General Manager - 23 August 2016

ITEM 6.5 Request for Financial Assistance and Donations

AUTHOR Corporate Services

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 Yehia Hasanen of Bankstown who has been selected to represent Australia at the 17th Oceania Karate Federation Championships 2016 to be held in Noumea, New Caledonia from 16-18 September 2016.
2. A donation of \$250.00 be made to the Zonta Club of Sydney West for sponsorship of their Year 10 Citizenship Award program for local young women.
3. A donation of \$472.00 (equivalent to the annual fee for the use of the Council footway, outside 4-6 Revesby Place, Revesby) be made to Bankstown East Hills Handicapped Association (BEHHA) to display goods for sale in front of their Op Shop.
4. A donation of \$300.00 be made to Chester Hill North Public School to assist with hosting their fete in the school grounds on Wednesday, 21 September 2016.
5. A donation of \$300 be made to Birrong Public School Parents and Citizens Association who are hosting their Fathers Day event at the School on Friday, 2 September 2016.

REPORT

Section 1 – Requests from Sporting individuals/Groups

- Yehia Hasanen of Bankstown has been selected to represent Australia at the 17th Oceania Karate Federation Championships 2016 to be held in Noumea, New Caledonia from 16-18 September 2016. Council previously donated to Yehia Hasanen at the Ordinary Meeting on 25 August, 2015. It is recommended that a donation of \$500.00 be made to Yehia Hasanen.

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

- The Zonta Club of Sydney West is seeking support for their annual Year 10 Citizenship Awards from young women from twelve local high schools. Zonta International is a global organisation of executives and professionals working together to advance the status of women worldwide through service and advocacy. Council previously donated to the Zonta Club of Sydney West at the Ordinary Meeting on 25 August 2015. It is recommended that a donation of \$250.00 be made to the Zonta Club of Sydney West as a sponsorship of their Award program for local young women.
- Bankstown East Hills Handicapped Association (BEHHA) are seeking a donation of \$472.00 (equivalent to the annual fee for the use of the Council footway outside 4-6 Revesby Place, Revesby) so they can display goods for sale in front of their Op Shop. Council previously donated to BEHHA at the Ordinary Meeting on 22 September 2015. It is recommended that a donation of \$472.00 (equivalent to the annual fee for the use of the Council footway outside 4-6 Revesby Place, Revesby) be made to BEHHA.

Section 3 – Requests from Schools

- Chester Hill North Public School are holding their fete on the school grounds on Wednesday, 21 September 2016. All monies raised on the day are going to support student resources. It is recommended that a donation of \$300.00 be made to Chester Hill North Public School.
- Birrong Public School P and C Association are holding their Fathers Day Event on the school grounds on Friday, 2 September 2016. All monies raised on the day are going to support student resources. Council previously donated to Birrong Public School P and C Association at the Ordinary Meeting of 28 July 2015. It is recommended that a donation of \$300.00 be made to Birrong Public School P and C Association.

POLICY IMPACT

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 or programs will be limited to \$750, (\$300 for general school fundraising efforts) with Council having discretion to award a higher amount in special circumstances.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report recommends donations totaling \$1,822.00 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 Yehia Hasanen of Bankstown who has been selected to represent Australia at the 17th Oceania Karate Federation Championships 2016 to be held in Noumea, New Caledonia from 16-18 September 2016.
2. A donation of \$250.00 be made to the Zonta Club of Sydney West for sponsorship of their Year 10 Citizenship Award program for local young women.
3. A donation of \$472.00 (equivalent to the annual fee for the use of the Council footway, outside 4-6 Revesby Place, Revesby) be made to Bankstown East Hills Handicapped Association (BEHHA) to display goods for sale in front of their Op Shop.
4. A donation of \$300.00 be made to Chester Hill North Public School to assist with hosting their fete in the school grounds on Wednesday, 21 September 2016.
5. A donation of \$300 be made to Birrong Public School Parents and Citizens Association who are hosting their Fathers Day event at the School on Friday, 2 September 2016.

ATTACHMENTS

Nil

Report of the General Manager - 23 August 2016

ITEM 6.6 **LGNSW Annual Conference - Submission of Motions and Voting Delegates**

AUTHOR **Corporate Services**

ISSUE

To inform Council on the motions proposed for submission to the 2016 Local Government NSW Annual Conference.

RECOMMENDATION That -

1. Council endorse for submission the Motion included in this report.
2. The Administrator be nominated as Council's voting delegate for the LGNSW Annual Conference.

BACKGROUND

The Local Government NSW (LGNSW) Annual Conference will be held from 16-18 October 2016, in Wollongong.

The Conference is the annual policy-making event for all NSW Councils, including Associate members and the NSW Aboriginal Land Councils. Members are provided an opportunity to discuss, debate and consider key priorities for local government across the state.

Importantly, once a motion is adopted at the Conference, LGNSW, as the peak industry advocacy body, then formulates policy positions and advocacy initiatives accordingly.

REPORT

Motions

LGNSW are currently calling on Councils to submit motions for consideration at the conference under the following categories:

- Industrial relations and Employment
- Economic
- Social Policy
- Environmental
- Governance/Civic Leadership

The LGNSW Board has resolved that motions will be included in the Business Paper for the Conference only where they:

- Are consistent with the objects of the Association;
- Relate to Local Government in NSW and/or across Australia;
- Concern or are likely to concern Local Government as a sector;
- Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
- Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- Are clearly worded and unambiguous in nature; and
- Do not express preference for one or several members over one or several other members.

LGNSW prefer that Councils submit their motions by 22 August 2016, however motions will be accepted until 18 September 2016.

The following motion is proposed for Council's endorsement and submission to the conference.

Environmental

Private Certification

Detail of issue

The Private Certification industry continues to raise many issues that affect the ability of NSW Councils to provide the best services for the community. Issues surrounding questionable practices and unsatisfactory building defects which greatly impacts on Council's resources, have been well documented across Local Government and incorporated in the recent Independent Review of the Building Professionals Act.

It is important to note that Private Certifiers are not qualified to assess the architectural merits of medium density housing, and the proposed expansion of Complying Developments will result in housing that is incompatible with the prevailing character and amenity of the Local Government Area.

Currently, Council and Private Certifiers can approve Complying Developments. Council's experience has shown that a large part of the assessment is based on merit assessment, and the skills of qualified practitioners such as architects and town planners are better equipped to ensure:

- better quality design for buildings;
- diversity in the housing mix and choice of housing; and
- housing developments respond appropriately to the character of the area, landscape setting and surrounding built form.

In December 2015, the former Bankstown Council made a submission to the Department of Planning and Environment Discussion Paper, clearly outlining reasons for not supporting the proposal to expand complying development to include medium density housing. To date there has been no action resulting from the conclusion of the Independent Review of the Building Professionals Act.

Council is therefore seeking the implementation of better controls around private certifiers, adequate penalties for those that do not comply with standards, and more opportunities for Council and community feedback on medium density housing proposals.

Motion

That LGNSW advocates that the NSW Government takes the following steps to implement better controls around private certifiers through:

- the creation of safeguards in the complying development process;
- the introduction of adequate penalties for non-compliance; and
- increased opportunities for Council and community feedback on medium density housing proposals.

Voting Delegates

Due to the recent Council amalgamations, LGNSW has this year proposed special arrangements for the Conference to enable recently formed Councils to participate in debate on motions.

It is LGNSW's position that newly amalgamated Councils are unable to vote in the formal stages of the Conference given they were not member Councils on 1 March 2016 (in accordance with LGNSW Rules).

Should LGNSW's proposal that the Conference adjourns into committee be agreed to on the Conference floor by the formal voting delegates, Administrators of newly amalgamated Councils who are financial members on 3 October 2016 will be allocated one vote each.

LGNSW will also undertake a recalculation of voter entitlements prior to the conference to address the rural/regional and metro/urban imbalances caused by the dissolution of the merged councils.

POLICY IMPACT

The submission of Motions to the annual Local Government NSW Conference provides an important opportunity for Council to continue its advocacy on issues impacting local government and our community, making it an ideal platform to seek a policy response at the state level.

FINANCIAL IMPACT OF RECOMMENDATIONS

Costs associated with attendance at the LGNSW Annual Conference are in accordance with the Policy for the Payment of Expenses and Provision of Facilities to Councillors and will be met from the adopted 2016/17 budget.

RECOMMENDATION That -

1. Council endorse for submission the Motion included in this report.
2. The Administrator be nominated as Council's voting delegate for the LGNSW Annual Conference.

ATTACHMENTS

Nil

Report of the General Manager - 23 August 2016

ITEM 6.7 Status of Flood Related Studies across the LGA

AUTHOR City Planning

ISSUE

To summarise the current status of flood related studies across the Canterbury-Bankstown LGA and provide broad strategic recommendations.

RECOMMENDATION That -

1. Council endorse in principal the establishment of the Canterbury-Bankstown Floodplain Risk Management Committee and its processes as contained in this report.
2. A further report be provided outlining the proposed Terms of Reference, Charter and Membership for the Floodplain Risk Management Committee for Council's consideration.

BACKGROUND

The Canterbury-Bankstown Local Government Area (LGA) contains 45 km river frontage to the Georges River (including Salt Pan Creek) and Cooks River (including Wolli Creek), and is part of three major river systems. Approximately 57% of the LGA drains to the Georges River, 35% drains to the Cooks River and 8% drains to the Parramatta River. Figure 1 shows the major catchments of the Canterbury-Bankstown LGA.

To better understand and address flooding in the catchments, Council undertakes both Flood Studies and Floodplain Risk Management Plans. Flood Studies are a technical assessment of flood behavior identifying the risk including the extent, level and velocity of floodwaters for different events. Floodplain Risk Management Plans are prepared to identify management options to mitigate the impact of flooding. This may include property modifications, development controls, evacuation, education and flood modification measures.

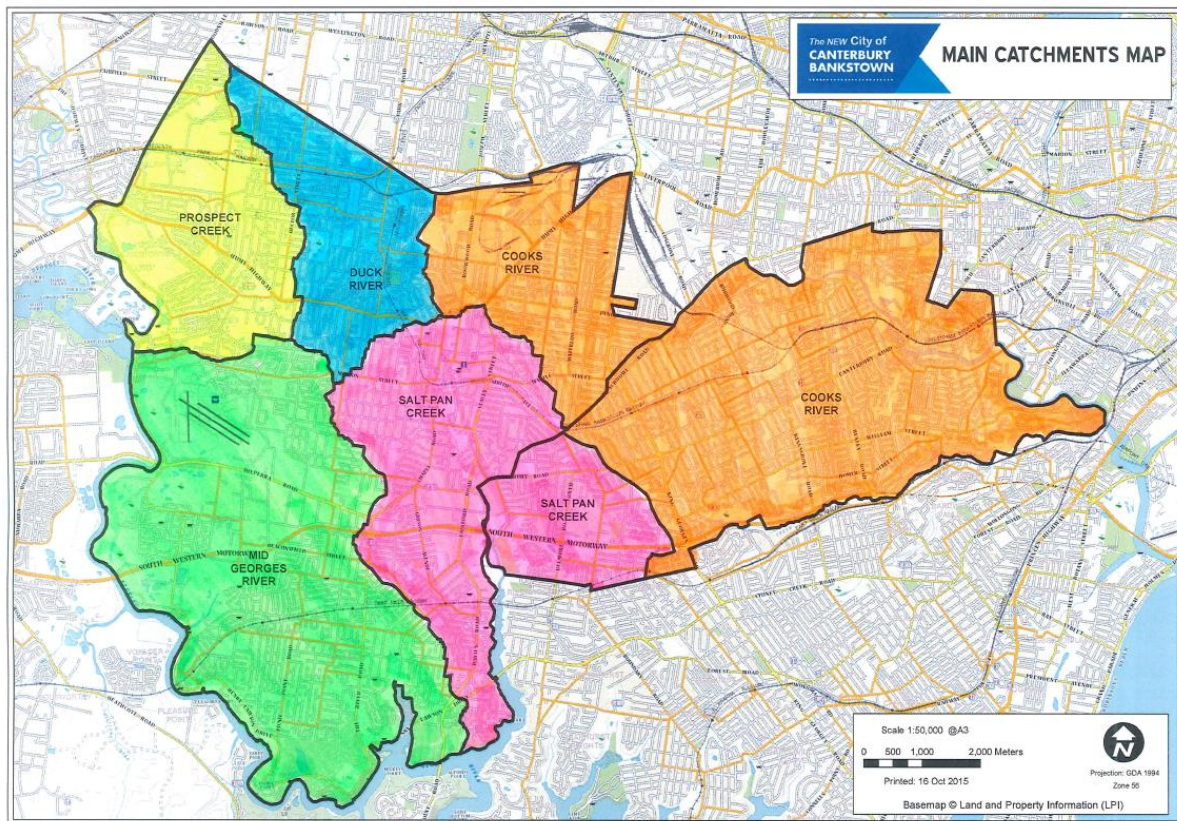


Figure 1: Major Catchments of Canterbury-Bankstown LGA

The NSW's Flood Prone Land Policy requires Council to prepare Flood Studies and Floodplain Risk Management Studies and Plans in accordance with the Floodplain Development Manual. Councils Flood Studies and Floodplain Risk Management Studies and Plans have been prepared in accordance of with the Floodplain Risk Management Process documented in the Manual and given in Figure 2 below.

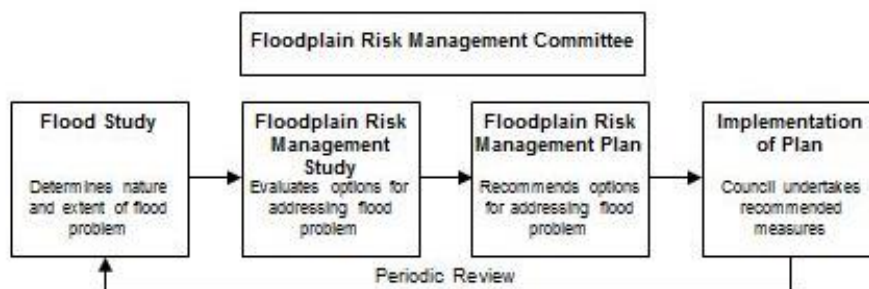


Figure 2: The Floodplain Risk Management Process

Under Section 733 of the *Local Government Act 1993*, Councils and their staff are provided with indemnity for decisions made and information provided in good faith from the outcomes of the management process, provided that preparation of Flood Studies and Floodplain Risk Management Plans is undertaken in accordance with the Floodplain Development Manual.

REPORT

This report has been prepared to provide an overall status of flood related studies across the LGA, and sets out details of riverine and storm water flooding separately.

Riverine Flooding

Council is affected by riverine flooding (this is sometimes known as mainstream flooding) from two Major River Systems, the Georges River and the Cooks River. In the former City of Bankstown, riverine flooding of Salt Pan Creek was included in the Georges River flood Study, however, within the former City of Canterbury it has been presented separately. A summary of the status of riverine flood related studies is given in the table below.

Table 1: Status Flood Studies and Flood Risk Management Plans – Riverine

Major Catchment	Flood Study Prepared / Adopted	Flood Study Details	Flood Risk Management Plan Prepared / Adopted
Former City of Bankstown			
Georges River (inc. Salt Pan Creek)	PWD 1991 and DLWC 1999 / Adopted 2004 ¹ Currently under review with Liverpool Council.	Design flood levels from MIKE-11 Model	Bewshers, 2004 Adopted 2004 May need to be reviewed after the Flood Study is completed
Former City of Canterbury			
Cooks River	PB MWH Joint Venture, 2009 (Commissioned by Sydney Water)	WBNM Hydrologic Model / TUFLOW 1D / 2D hydraulic modelling (7m grid)	Webb, McKeown and Associates - Study, 1994; Plan, 1997 ²
Salt Pan Creek	WMA Water, 2011	WBNM Hydrologic Model / TUFLOW hydraulic model	WMA Water, 2014

¹ A new Flood Study is currently being prepared by BMT WBM.

² Applied for grant in 2016 to update FRMS&P

Stormwater Flooding

Council is affected by stormwater flooding (this is sometimes known as overland flooding) from three catchments, the Georges River (including Salt Pan Creek), the Parramatta River (Duck River) and the Cooks River. A summary of the status of stormwater flood related studies is given in the table below.

Table 2: Status Flood Studies and Flood Risk Management Plans – Stormwater

Major Catchment	Sub-catchment	Flood Study Prepared / Adopted	Flood Model	Conduit Capacity Assessment	Flood Management Study & Plan Prepared / Adopted	Risk Plan /
Former City of Bankstown						
Salt Pan Creek	Salt Pan Creek, Fairford Road, Padstow, Davies Road	Bewshers, 2009, BMT WBM 2010	TUFLOW ¹	Completed	Bewshers, 2013 / 2013	
Duck River	Duck River, Wolumba	Bewshers, 2009, BMT WBM 2010	TUFLOW ¹	Completed	Molino Stewart, 2013 / 2013	
Mid Georges River	Little Salt Pan Creek, Lucas Road, East Hills, Kelso Creek, Picnic Point, Morris Gully, Milperra	Bewshers, 2009, BMT WBM 2010 - 2015	TUFLOW ¹	Completed	BMT WBM, On exhibition – likely 2016	
Cooks River	Greenacre Park, Cooks River, Punchbowl, Rookwood Road	BMT WBM, 2010- 2012	TUFLOW ¹	Completed	Future Study ²	
Prospect Creek	Villawood, Georges Hall, Miller Road, Lansdowne	Civic Design / BMT WBM, 2009, BMT WBM, 2013	TUFLOW ¹	Completed	Future Study	
Former City of Canterbury						
Salt Pan Creek	Salt Pan Creek	Cardno, 2016 - on exhibition	XP-RAFTS / SOBEK	Future study	Future Study	
Cooks River	Cooks River, Wolli Creek	Cardno, 2016	XP-RAFTS / SOBEK	Future study	Future Study ²	

¹1D/2D Direct Rainfall

² The former City of Canterbury applied for a grant to undertake this study, clarification will be sought if this grant can extend to Cooks River catchments in the former City of Bankstown.

The above summary identifies that the majority of riverine and overland flood studies have been completed. However, it is worth noting that this is an ongoing process with studies being updated as new information becomes available or changes in the catchment occur.

Floodplain Risk Management Plans have been completed to address Riverine Flooding, however some may need to be reviewed in the future to be cognisant of new Flood Studies. The development of a Plans to address stormwater flooding for the catchments of Cooks River, Salt Pan Creek (part) and Prospect Creek is still required.

Council is currently reviewing its processes for developing and managing Flood Studies / Floodplain Risk Management Plans and providing stormwater information to customers. A review of flood related Development Controls will be undertaken.

Floodplain Risk Management Committee

Under the NSW Government Floodplain Risk Management Process the formation of a Floodplain Risk Management Committee is required. This Committee is advisory in nature and provides assistance to Council in the development and implementation of Floodplain Risk Management Plans for the Council.

Both former Councils had Committees and it is recommended that a new single Committee be formed to support the organisation in the future management of flooding across the local government area. The membership of the Committee and its Chair will be determined by the Administrator; typical members include elected members of Council, community members, external organisations / agencies and Council staff from engineering, planning and environmental disciplines.

POLICY IMPACT

This recommendations contained in this report have no policy impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

This Council Paper has no associated financial impacts.

RECOMMENDATION That -

1. Council endorse in principal the establishment of the Canterbury-Bankstown Floodplain Risk Management Committee and its processes as contained in this report.
2. A further report be provided outlining the proposed Terms of Reference, Charter and Membership for the Floodplain Risk Management Committee for Council's consideration.

ATTACHMENTS

Nil

Report of the General Manager - 23 August 2016

ITEM 6.8 Insinkerator Trial Update

AUTHOR City Planning

ISSUE

The purpose of this report is to provide information on the use of 'food waste disposal' units as a Council Waste Avoidance or Resource Recovery Initiative.

RECOMMENDATION That –

1. Council does not financially support a 'food waste disposal unit' trial, in any development across the Canterbury Bankstown LGA.
2. Notify Emerson Commercial and Residential Solutions of the outcome.

BACKGROUND

On 28 April 2016, the former Canterbury Council resolved:

1. The allocation of \$33,000 to assist the proposed trial to install Insinkerators within 2A Charles Street, Canterbury be approved;
2. The trial be funded from the Waste Management Fund Reserve.

Council has since been:

1. Advised that the trial is unable to take place within 2A Charles Street, Canterbury as the installation phase has not aligned with the construction phase;
2. Advised that a new site of appropriate size and at the right stage of construction is being investigated;
3. Approached to trial insinkerators in a unit complex in the former Bankstown area.

REPORT

Insinkerator is the most active brand in the Food Waste Disposal (FWD) market. The FWD unit allows households to dispose foodwaste via their kitchen sink. A unit is installed under the kitchen sink and is activated by a button and the cold water tap. Food scraps are placed into the sink and fed into the unit via the plug hole. The food is then ground into tiny particles (without the use of blades), and then flushed out of the unit into the sewage system.

The former Canterbury Council agreed to financially support a trial to install Insinkerator FWD brand units into a newly constructed high rise development at 2A Charles Street, Canterbury.

The objective of the trial was to determine if these FWD units could reduce the amount of waste generated, therefore reducing the bin numbers and/or collection costs.

In supporting a new trial site to be funded by the Domestic Waste Fund reserve, Council should consider a range of factors. These are outlined below.

NSW EPA Policy

The NSW EPA have a strong focus on assisting local government and business to increase recycling. This is evident via their 5 year, \$465.7 million program; Waste Less and Recycle More. This package dedicates \$70 Million towards organics infrastructure and \$137.7 Million for Local Government Waste & Resource Recovery Programs.

In four years, no projects for FWD units have been approved under this scheme. Whilst the NSW EPA do not have a policy position on the use of FWD units, project proposals for FWD units have been rejected. The justification being it is not promoting a high order waste outcome, and not in line with the NSW EPA's waste and resource recovery objectives.

FWD units are not recognised as a Waste Avoidance or Resource Recovery Initiative.

Sydney Water Policy

Sydney Water also do not have a policy position on the use of FWDs in residential premises. However, they are exploring the possibilities of accepting separated food waste from Local Government, as they plan to generate 20% of their own electricity by means of 13 anaerobic digesters by 2020.

As a result, the Local Government sector are asking questions around the delivery of food to Sydney Water via the pipe network. Sydney Water do not have a public position on this matter, yet preference receiving food direct, via trucks, to their facilities. This is based on the results of their pilot project at the Cronulla facility, which is already taking pulped fruit and vegetable waste from businesses, and proving to be successful.

Impacts to the Aging Pipe Network and Water Quality

In researching the use of FWD unit, Council should consider potential impacts on the Sydney Water pipe network and the water quality from deep ocean outflows and sewage overflows.

It is difficult to determine the actual impacts however, with the predicted population growth in the Sydney Metropolitan area, there will be impacts to the pipe networks and water quality, without the added food to the network.

Therefore it is difficult to support this trial, as Insinkerators or any FWD units are not recognised as a Waste Avoidance or Resource Recovery Initiative from the NSW EPA, will not be supported by Sydney Water and may have potential impacts on Sydney Waters Aging Pipe Network.

Alternative Food Collection Methods

Sydney Water is exploring the possibilities of accepting separated food waste from Local Government. There is an option for consideration, which includes the use of FWD units that do not connect to the sewerage system, but to an on-site bin storage system via a separate pipe network.

Currently, a Sydney metropolitan council is investigating this option, so it is recommended that Council follow the outcomes of this investigation.

Funding a project that is not recognised as a Resource Recovery Initiative

The development address of 2A Charles Street, Canterbury that was identified for the trial in the April 2016 Council resolution, is no longer suitable for the trial due to timing. This trial was to be funded by the Domestic Waste Management Fund Reserve, which under the Act is allocated for costs associated with the Domestic Waste Service.

As this report has identified that this initiative is not a Waste Avoidance or Resource Recovery Initiative that links to the Domestic Waste Service and the trial site is no longer available, the resolution should be re-considered.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

Adoption of this report has no financial impacts for Council.

RECOMMENDATION That –

1. Council does not financially support a ‘food waste disposal unit’ trial, in any development across the Canterbury Bankstown LGA.
2. Notify Emerson Commercial and Residential Solutions of the outcome.

ATTACHMENTS

Nil

Report of the General Manager - 23 August 2016

ITEM 6.9 Jim Ring Reserve Plan of Management

AUTHOR City Planning

ISSUE

The current Jim Ring Reserve Plan of Management (the Plan) was prepared in 1999. An updated Plan has been prepared to bring it in line with current requirements and is required to be placed on exhibition prior to final consideration.

RECOMMENDATION That -

1. Council exhibit the draft Jim Ring Reserve Plan of Management 2016 in accordance with the requirements of the Local Government Act 1993.
2. A further report be prepared and submitted to Council at the conclusion of the exhibition period to consider any submissions.

BACKGROUND

Under the *Local Government Act 1993* Council is required to prepare Plans of Management (PoMs) for all its community land. As a consequence, the Jim Ring Reserve PoM was adopted by Council in 1999. Since the adoption of this plan improvements at the site have included upgrades to the aquatic centre (carpark, landscape, water play area), construction of a shared pedestrian/cycle path along the western edge of the park, improved parking and access along Woods Road, installation of play equipment, safety fencing along the stormwater channel, tree planting and improvements to the sports grounds and supporting infrastructure. The 1999 PoM is now out-of-date and requires review.

REPORT

The draft Jim Ring Reserve PoM replaces the 1999 document. 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. Established in the early 60s, the Club provides an active sporting and social facility for the local community. It has district and city wide significance based on competition teams, informal recreational use, and community social activities. The current 21 year lease expires in September 2017.

The 1999 Jim Ring Reserve PoM allowed for a 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 Bowling Club takes possession 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 recently 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 five year 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

The *Local Government Act* requires a public exhibition period of 28 days, with a further 14 days to receive submissions. The document will be exhibited on Council's website, in the Customer Service Centre and in the libraries. During the exhibition period consultation will occur with relevant users groups.

The *Local Government Act* also requires a public hearing in respect of a proposed PoM (including an updated PoM) if the plan proposes altering the categorisation of community land. As the new PoM is proposing changing a portion of Sportsground to General Community Use, a hearing will be held.

Master Plan and Works Action Plan

Following adoption of the new Jim Ring Reserve PoM, a master plan and works action plan will be prepared. This will ensure works are included in Council's works program in a timely manner. Examples of the types of improvements which have been identified in the Plan include:

- Complete missing sections of the standard footpath along Gascoigne Road.
- New paths from the clubhouse to the bridge (over the channel) and to the playground.
- Investigate options to improve connectivity over the entire site as currently access is limited to narrow bridges over the concrete channel.
- Signs on the rear (north facing) side of the clubhouse and amenities building, to direct people approaching from the north.
- Directional signage to Jim Ring Reserve at Sefton train station.
- More shaded seating and/or picnic tables for sports participants to rest and view sport.
- Multi-purpose hardcourts north of the clubhouse on Woods Road to increase the range of sports available, e.g. netball, basketball.
- Upgrade fences at Jim Ring Reserve to a consistent style and high standard.
- Investigate a new toilet block in the eastern half of the reserve in accordance with the Disability Discrimination Act 1992 and to enable eastern fields to operate independently.
- Liaise with Sydney Water regarding future naturalisation of the concrete stormwater channel.
- Increase vegetation in the reserve to improve shade and habitat.
- Promote small park-based businesses such as mobile cafes and personal training.

The master plan will graphically illustrate the proposed improvements, and the works action plan will describe the proposed works in terms of timeframe, approximate cost and staff responsibility.

POLICY IMPACT

The new Jim Ring Reserve Plan of Management 2016 will replace the current Jim Ring Reserve Plan of Management 1999.

FINANCIAL IMPACT OF RECOMMENDATIONS

The Plan does not have any financial implications at this stage. Any future works identified as part of the Masterplan will be considered through the normal Operational Planning process.

RECOMMENDATION That -

1. Council exhibit the draft Jim Ring Reserve Plan of Management 2016 in accordance with the requirements of the Local Government Act 1993.
2. A further report be prepared and submitted to Council at the conclusion of the exhibition period to consider any submissions.

ATTACHMENTS [Click here for attachment](#)

- A. Jim Ring Reserve draft Plan of Management

Report of the General Manager - 23 August 2016

ITEM 6.10 Release of Drainage Easements

AUTHOR Assets and Infrastructure (Bankstown Branch)

ISSUE

To consider the release of a redundant drainage easement at 29A Simmat Avenue, Condell Park.

RECOMMENDATION That -

1. Council consent to the release of the easement to drain water at 29A Simmat Avenue, Condell Park.
2. The Administrator and Interim General Manager be delegated authority to execute all documents, under the Common Seal of Council.

BACKGROUND

Development Application No. DA 407/2013 was issued on 26 June 2013 for the "*Construction of a Detached Dual Occupancy with Torrens Title Subdivision*".

The development was proposed to be located over a 375mm diameter Council pipeline and 1.83m wide drainage easement draining the upstream catchment. The application proposed construction of a new diversion stormwater pipe within the site. The development consent gave approval to these works and the creation of an easement over the new pipeline to benefit Council.

REPORT

New 375mm diameter diversion stormwater pipeline was constructed by the developer as per Council's requirements. The work was completed under the supervision of Council officers on 18 September 2015, therefore, rendering the existing Easement to Drain Water as redundant. The redundant easement (C) is highlighted in Attachment A.

Subdivision Certificate Application No. SUB-307/2015 has been submitted to Council and proposes:

- Subdivision of existing Dual Occupancy into two lots.
- Creation of new Easement to Drain Water 2m Wide over the diverted stormwater pipeline to benefit Council.

Note: The Subdivision Certificate for the Torrens Title Subdivision has been endorsed by Council and released to the developer for registration at Land and Property Information.

The developer has proposed to concurrently register a Dealing as follows:

- Transfer Releasing Existing Easement to Drain Water which benefits Council created by Dealing L510472 shown within Lot 1 DP 528892.

As the existing easement is redundant and a new easement is to be created under Subdivision Certificate No. 307/2015, it is reasonable to proceed with the endorsement of the Transfer Releasing Existing Easement.

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 easement to drain water at 29A Simmat Avenue, Condell Park.
2. The Administrator and Interim General Manager be delegated authority to execute all documents, under the Common Seal of Council.

ATTACHMENTS [Click here for attachment](#)

- A. Plan of Subdivision of Lot 1 DP 528892

Report of the General Manager - 23 August 2016

ITEM 6.11 Execution of Licence Agreements for Rooms at Belmore Youth Resource Centre

AUTHOR Corporate Services

ISSUE

This report seeks the execution of licence agreements under the Council seal for use of rooms at Belmore Youth Resource Centre.

RECOMMENDATION That -

1. The licence to Barnardos Australia for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore be approved.
2. The licence to Mission Australia for a room at Belmore Youth Resource Centre, Building 3, 38 Redman Parade, Belmore be approved.
3. The licence to Sydney Local Health District for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore be approved.
4. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

REPORT

Belmore Youth Resource Centre is a Council owned and operated facility that provides a base for the development of social support programs for youth throughout the city with a focus on at-risk youth. Council employs the Team Leader Youth Services and receives funding from the NSW Government towards the salaries of the Youth Activities Officer and Youth Support Officer. The service relies on partnerships with government funded organisations including Barnardos, Youthblock Youth Health Service and Mission Australia to deliver a diverse range of programs from the centre and throughout the local community. These organisations locate staff in offices in the Centre and utilise activity spaces in the facility to run programs such as post-release youth justice programs, youth mental health services, medical and health education programs, streetwork, employment support, cultural and recreation services.

Barnardos Australia

Barnardos Australia is a not for profit entity that promotes the health and well-being of young people as part of building stronger communities. They build relationships between children, young people, their families and the community.

Barnardos Australia advocates for children and young people and contribute to community knowledge about their issues. This is achieved through information and referral, case management, outreach and early intervention programs.

Prior to the Proclamation of the new City of Canterbury-Bankstown on 12 May 2016, terms were agreed for a new licence agreement with Barnardos Australia for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore. The terms agreed are as follows:

Licensee:	Barnardos Australia
Commencement:	4 May 2016
Term:	3 years
Expiry:	3 May 2019
Licence fee:	\$350 per month + GST
Reviews:	CPI per annum
Legal Fees:	Payable by the licensee.

Execution of the licence by Council under Council Seal is recommended.

Mission Australia

Mission Australia is a not for profit group that work with schools, families and communities to look for signs that young people are at risk of disengaging from school, developing drug and alcohol problems, losing contact with their family, becoming homeless or getting involved in crime. Mission Australia youth and community workers provide support through tailored art and music, alternative education, body image education, mental health awareness and drug and alcohol programs. Mission Australia provides youth services that support young men and women as they journey towards adulthood. They develop and deliver support services for our young people.

Prior to the Proclamation of the new City of Canterbury-Bankstown on 12 May 2016, terms were agreed for a new licence agreement with Mission Australia for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore. The terms agreed are as follows:

Licensee:	Mission Australia
Commencement:	1 May 2016
Term:	3 years
Expiry:	30 April 2019
Licence fee:	\$350 per month + GST
Reviews:	CPI per annum
Legal Fees:	Payable by the licensee.

Execution of the licence by Council under Council Seal is recommended.

Youthblock

Sydney Local Health District (Youthblock) has occupied Belmore Youth Resource Centre since 2001. Youthblock is a not for profit group that provide a service called 'The Corner Youth Health Service' which provides services to young people including outreach counselling and Youth Medical/Nursing Clinic three times per week.

Prior to the Proclamation of the new City of Canterbury-Bankstown on 12 May 2016, terms were agreed for a new licence agreement with Sydney Local Health District (Youthblock) for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore. The terms agreed are as follows:

Licensee:	Sydney Local Health District
Commencement:	1 May 2016
Term:	3 years
Expiry:	30 April 2019
Licence fee:	\$350 per month + GST
Reviews:	CPI per annum
Legal Fees:	Payable by the licensee.

Execution of the licence by Council under Council Seal is recommended.

Breakthru Mental Health Support

It is noted that Breakthru Mental Health Support services is the only other agency based at the centre and their licence to occupy the facility is not considered in this report as it is not due to expire until November 2016.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Access to Services.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

1. The licence to Barnardos Australia for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore be approved.
2. The licence to Mission Australia for a room at Belmore Youth Resource Centre, Building 3, 38 Redman Parade, Belmore be approved.
3. The licence to Sydney Local Health District for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore be approved.
4. 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 - 23 August 2016

ITEM 6.12 **Proposed New Licence for Occupancy of Part of Drainage Reserve Adjacent to 26 Third Avenue, Ashbury**

AUTHOR **Corporate Services**

ISSUE

To grant a licence to permit the use and occupation of 24B Third Street and Part 2D Andrews Avenue, Ashbury.

RECOMMENDATION That -

-
1. A new licence be granted to permit the use and occupation of 24B Third Street, Ashbury and Part 2D Andrews Avenue, Ashbury based on the terms and conditions of the existing licence.
 2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

BACKGROUND

In 2011 Council entered into a licence to permit the resident at 26 Third Avenue, Ashbury, to occupy part of a Council-owned drainage reserve adjacent the property.

REPORT

Council is contracted to sell part of the land currently occupied (24A Third Avenue) to the neighbouring property at 24 Third Avenue. Settlement of the sale is due to take place on 26 August 2016. The existing licence with the resident at 26 Third Avenue will terminate on settlement of the sale. A new licence for the resident to occupy the remaining area of Council-owned land (24B Third Avenue) has been prepared based on the same legal terms and conditions as the existing licence.



It is recommended that the licence be executed under Council seal.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Access to Services.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

1. A new licence be granted to permit the use and occupation of 24B Third Street, Ashbury and Part 2D Andrews Avenue, Ashbury based on the terms and conditions of the existing licence.
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 - 23 August 2016

ITEM 6.13 Cash and Investment Report as at 31 July 2016

AUTHOR **Corporate Services**

ISSUE

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

RECOMMENDATION That -

1. The Cash and Investments Report as at 31 July 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

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

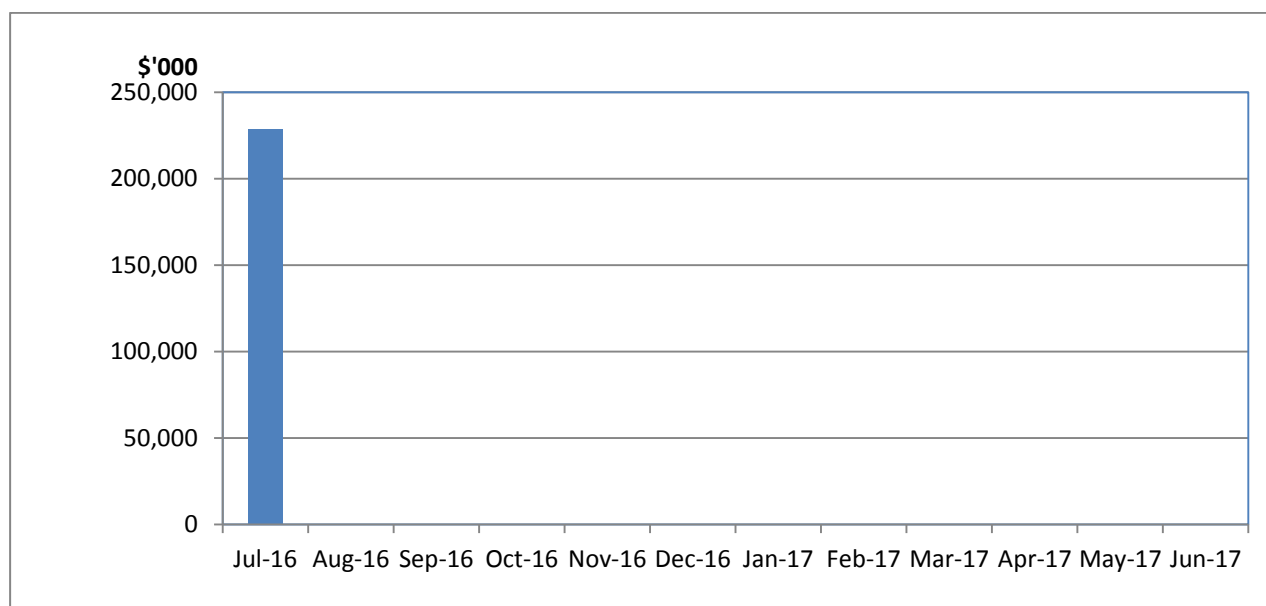
Cash and Investment Summary – as at 31 July 2016

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

Cash and Investments	\$
Cash at Bank	3,116,436
Deposits at Call	42,308,591
Term Deposits	168,470,000
Floating Rate Notes	14,516,305
Total Cash and Investments	228,411,332

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 for July 2016.

Cash and Investment Rolling Monthly Balance 2016-2017



A summary of Council's investment interest income earned as at 31 July 2016 is as follows:

Interest Income	July 2016 \$	Year-to-date July 2016 \$
Budget	385,916	385,916
Actual Interest	567,679	567,679
Variance	181,763	181,763
Variance (%)	47%	47%

Council is also required to ensure that it has an appropriate level of diversification and maturity profile of its portfolio, particularly to ensure that funds are available when required and where possible, 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	74%
Portfolio % >1 Year <=3 Years	19%
Portfolio % >3 Years <=5 Years	7%
Portfolio % >5 Years	0%
Total Cash and Investments	100%

Overall Portfolio by Investment Type	
	Actual % of Portfolio
Cash at Bank	1%
Deposits at Call	19%
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.

A detailed analysis of each former Councils (Branches) Cash and Investment is attached for 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 July 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ATTACHMENTS [Click here for attachments](#)

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

7 COMMITTEE REPORTS

The following item is submitted for consideration -

- 7.1 Minutes of the Canterbury Traffic Committee Meeting held on 1 August 2016
and Bankstown Traffic Committee held on 9 August 2016 215

Committee Reports - 23 August 2016

ITEM 7.1 **Minutes of the Canterbury Traffic Committee Meeting held on 1 August 2016 and Bankstown Traffic Committee held on 9 August 2016**

AUTHOR **Assets and Infrastructure (East and West)**

ISSUE

Recommendations of the Canterbury Traffic Committee and the Bankstown Traffic Committee.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 1 August 2016 and the Bankstown Traffic Committee held on 9 August 2016, be adopted.

BACKGROUND

Attached are the minutes of the Canterbury Traffic Committee held on 1 August 2016 and the Bankstown Traffic Committee meeting held on 9 August 2016.

The two Committees have been constituted to advise and make recommendations in relation to traffic activities. They have, however, no delegated authority and cannot bind Council.

The recommendations of the Committees are in line with the objectives of the Committees and with established practices and procedures.

FINANCIAL IMPACT OF RECOMMENDATIONS

Potential costs arising out of recommendations of the Traffic Committees are detailed in future Works Programs for Roadworks/Traffic Facilities.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 1 August 2016 and the Bankstown Traffic Committee held on 9 August 2016, be adopted.

ATTACHMENTS

[Click here for attachments](#)

- A. Minutes of the Canterbury Traffic Committee meeting held on 1 August 2016
- B. Minutes of the Bankstown Branch Traffic Committee meeting held on 9 August 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 Development Applications Determined by the Independent Hearing and
 Assessment Panel 221
- 9.2 Development Applications Determined by Council Officers Under Delegation 223

Matters For Information - 23 August 2016

ITEM 9.1 Development Applications Determined by the Independent Hearing and Assessment Panel

AUTHOR Corporate Services

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.

BACKGROUND

The minutes of the Independent Hearing and Assessment Panel meetings held on 4 July and 18 July 2016 are provided in the Attachments. A summary of determinations is provided below.

REPORT

Meeting date 4 July 2016

Applicant	Property	Ward	Development	Determination
Blu Print Designs	29 Pembroke Avenue, Earlwood	Canterbury	Demolition, construction of two storey dwelling with attic, detached garage, inground swimming pool and front fence	APPROVED
Modum Pty Ltd	1 Ward Avenue, Canterbury	Canterbury	Alterations and additions to semi-detached dwelling	APPROVED
Mr Thanh Ha	99 Croydon Street, Lakemba	Roselands	Alterations/additions to dwelling and use of outbuilding as secondary dwelling	APPROVED

Meeting date 18 July 2016

Applicant	Property	Ward	Development	Determination
Artmade Architectural Pty Ltd	17 Howard Street, Canterbury	Canterbury	Demolition of other structures, alterations/additions to building and use as child care centre	APPROVED
Sydesign Pty Ltd	83-85 Knox Street, Belmore	Canterbury	Consolidation into one lot, demolition and construction of two storey residential building with basement parking	APPROVED
S Khoury	56 Richmond Street, Earlwood	Canterbury	Review of refused application for alterations/additions to semi-detached dwelling including conversion of attic for storage use	APPROVED
J Ioannou	56A Richmond Street, Earlwood	Canterbury	Review of refused application for alterations/additions to semi-detached dwelling including conversion of attic for storage use	APPROVED
Mr A A Sattar	105 Ernest Street, Lakemba	Roselands	Review of refused application for demolition and construction of three storey dwelling	REFUSED

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 of 4 July 2016 meeting
- B. Minutes of 18 July 2016 meeting

Matters For Information - 23 August 2016

ITEM 9.2 Development Applications Determined by Council Officers Under Delegation

AUTHOR City Development

ISSUE

The development applications in Attachment to this report were determined by Council Officers, in accordance with the powers delegated to them under the Act.

RECOMMENDATION That -

The report be noted.

REPORT

A number of development applications have been determined by Council Officers under delegation. The relevant applications are listed in the attached table. The report is submitted for information.

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 attachment](#)

A. Development Applications

10 QUESTIONS FOR NEXT MEETING

11 CONFIDENTIAL SESSION

11.1 T30-2016 - Tender for Design of Salt Pan Creek Tip Closure Works, Kentucky Road, Riverwood

11.2 T35-2016 - Tender for Civil Improvement Works in the Broadway, Punchbowl

11.3 T03-17 - Selective Tender for Consultant Services for City of Canterbury Bankstown Brand Strategy

11.4 Bankstown Library and Knowledge Centre - Venue Management Options

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 in confidential session for the reasons indicated:

Item 11.1 T30-2016 - Tender for Design of Salt Pan Creek Tip Closure Works, Kentucky Road, Riverwood

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 T35-2016 - Tender for Civil Improvement Works in the Broadway, Punchbowl

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 T03-17 - Selective Tender for Consultant Services for City of Canterbury Bankstown Brand Strategy

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 Bankstown Library and Knowledge Centre - Venue 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.