

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 23 AUGUST 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**
(113) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the Ordinary Council Meeting held on 26 July 2016 be adopted.

SECTION 2: **LEAVE OF ABSENCE**
Nil

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

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SECTION 4: ADMINISTRATOR MINUTES

ITEM 4.1 YOUTH OFF THE STREETS

(114) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council support the request for financial assistance from Youth Off the Streets and waive the hire fee of \$1,800 for each of the two secure parking bays in the West Terrace Car Park and these funds be made available from Council's Section 356 Financial Assistance budget.

ITEM 4.2 ANNUAL TORCH PUBLISHING CHARITY GOLF DAY

(115) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council become a Gold Sponsor of the Torch Charity Golf Day to the value of \$1,000 and these funds be made available from Council's Section 356 Financial Assistance budget.

SECTION 5: PLANNING MATTERS

SUSPENSION OF STANDING ORDERS

(116) 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 Items 5.1, 5.3 and 5.5 be dealt with now.
- iii) Standing Orders then be resumed.

ITEM 5.1 EXHIBITION OF PLANNING PROPOSAL FOR 15-23 HOMER STREET, EARLWOOD

MR CHRIS FERREIRA (CONSULTANT FOR THE APPLICANT) ADDRESSED COUNCIL.

(117) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council not proceed with the exhibited controls for the site (17m).
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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.

ITEM 5.3 45-57 MOXON ROAD, PUNCHBOWL

DR SHANE GEHA (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

(118) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

**ITEM 5.5 103 CHISWICK ROAD, GREENACRE
TELECOMMUNICATIONS FACILITY COMPRISING 30M MONOPOLE AND
ANCILLARY EQUIPMENT**

DR MOHAMMED ASSEM (OBJECTOR) ADDRESSED COUNCIL.

(119) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-268/2016, submitted by Servicestream, accompanied by Drawing No. 240044-G1, 240044-G2, 240044-G3 and 240044-G4, Revision C, dated 21 June 2016, prepared by Servicestream, affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

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- a) Council's sports field lighting consultant – GRA PTY LTD (or their replacement as advised by Council) are to approve the final design of the telecommunications facility prior to the issue of a Construction Certificate. The final design is to be recessive in colour and is to be reflected on the Construction Certificate plans.
- b) The existing driveway from the Vehicle Footway Crossing (VFC) on Chiswick Road and the access area around the telecommunications facility is to be formalised with asphalt capable of accommodating the load of a 20 tonne crane. Council's Parks Officer is to approve the final design prior to the issue of a Construction Certificate.
- c) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.

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

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 5) 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.
- 6) 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™.

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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.

- 7) 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.
- 8) 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.
- 9) 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 \$2,400 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.

- 10) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) Replacement of the existing VFC at the property boundary with a heavy duty VFC.
 - b) Repair of any damage to the public road including the footway occurring during development works.
 - c) 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.

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Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

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

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

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

- 12) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

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

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- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

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

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 13) 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,
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- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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

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

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

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

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

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

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

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

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

- 14) The proposed use of the air conditioner shall not make an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*, and *Protection of the Environment Operations (Noise Control) Regulation 2000*.

Prior to the application for a Construction Certificate, the developer must submit to the Council or the accredited certifier a report from a qualified, practicing, acoustic engineer (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants). The report must be submitted with or before the application for a Construction Certificate and must:

- a) Include the measurements and calculations
- b) Certify that the method of treating the air conditioner will ensure that the noise level, as measured at the most or potentially most affective noise sensitive locations, will not exceed the recommended acceptable project specific noise levels, detailed in the Environment Protection Authority's *Industrial Noise Policy*

If the air conditioner is to be operated between 10pm-7am on weekdays and/or 10pm-8am on weekends and public holidays the report must also certify that when operated it will be inaudible from within a habitable room of another residential premises (regardless of whether any door or window is open).

After completion of the works, prior to the issue of an Occupation Certificate, the developer must submit to the Council or the accredited

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certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design conditions.

- 15) Prior to the release of the Construction Certificate, the Council must be provided with the following:
- a) A report demonstrating that the telecommunications facility complies with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth.
 - b) A report demonstrating that the telecommunications facility does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the telecommunications facility and reported to the Civil Aviation Safety Authority Australia.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 16) The building work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and

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- iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 17) 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.
- 18) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 19) 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.
- 20) 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.
- 21) Prior to the commencement of work, a fence must be erected around the area of the works. 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.

- 22) 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.
- 23) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 24) 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.
 - 25) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
 - 26) 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.
 - 27) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
 - 28) 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.
 - 29) 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.
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- 30) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 31) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.
- 32) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – ‘Managing Urban Stormwater: Soils and Construction’ (Landcom 2004), or its replacement.
- 33) Traffic control measures are to be taken during construction in accordance with Australian Standard S1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.
- 34) Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.
- 35) The construction of the telecommunications facility must comply with the relevant Australian Standards.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 36) The occupation or use of the telecommunications facility must not be commenced unless an occupation certificate has been issued for the building.
- 37) 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.
- 38) The telecommunications facility is to include anti-climb device preventing access to the monopole.
- 39) A legible weatherproof sign is to be displayed on the telecommunications facility to publicly advise the name and contact details of the carrier, operator or site manager.

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USE OF FACILITY

- 40) The redundant flood light pole is to be decommissioned and removed once an occupation certificate has been issued for the telecommunications facility. Any associated works relating to the sports field lighting including but not limited to refocussing any field lights will need to be undertaken at full cost by the applicant in conjunction with Council's sports field lighting consultant GRA PTY LTD (or their replacement as advised by Council).
- 41) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment.
- 42) The carrier is to remove the telecommunications facility, with consent from the Council, once it is no longer in use.
- 43) Maintenance works undertaken to the telecommunications facility are to be undertaken without driving a vehicle onto the site unless approved by Council's Parks' staff.
- 44) 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.
- 45) The use of the telecommunications facility shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.

STANDING ORDERS WERE RESUMED.

ITEM 5.2

DRAFT VOLUNTARY PLANNING AGREEMENT 308-310, 312-320 CANTERBURY ROAD AND 6-8 CANTON STREET, CANTERBURY

(120)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

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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.

ITEM 5.3 45-57 MOXON ROAD, PUNCHBOWL

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 117 ON PAGE 3 OF THESE MINUTES.

ITEM 5.4 BANKSTOWN DCP (AMENDMENT NO. 4)

(121)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

**ITEM 5.5 103 CHISWICK ROAD, GREENACRE
TELECOMMUNICATIONS FACILITY COMPRISING 30M MONOPOLE AND
ANCILLARY EQUIPMENT**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 118 ON PAGE 3 OF THESE MINUTES.

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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**

(122) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the matter be deferred for consideration to the next Ordinary Meeting of Council, scheduled for 27 September 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**

(123) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-1450/2015, submitted by DCN Development, accompanied by Drawing No. Basement 01 Plan, A1201, Issue D, dated 31 May 2016, Basement 02 Plan, A1200, Issue C, dated 12 April 2016, Ground Floor Plan, A1202, Issue E, dated 5 July 2016, Level 01, A1203, Issue E, dated 5 July 2016, Level 02, A1204, Issue E, dated 5 July 2016, Level 03, A1205, Issue E, dated 5 July 2016, Level 04, A1206, Issue E, dated 5 July 2016, Level 05, A1207, Issue E, dated 5 July 2016, Roof Plan, A1208, Issue B, dated 5 July 2016, East Elevation, A1500, Issue D, dated 5 July 2016, North Elevation, A1501, Issue D, dated 5 July 2016, West Elevation, A1502, Issue D, dated 5 July 2016, South Elevation, A1503, Issue C, dated 5 July 2016, Section A, A1700, Issue C, dated 5 July 2016, Section B, A1701, Issue A, dated 27 November 2015, Storage Diagram 01, A1057, Issue E, dated 2 August 2016, Storage Diagram 02, A1058, Issue E, dated 2 August 2016, prepared by Ghazi Al Ali Architect, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

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The development plans shall be amended as follows:

- a) Privacy screening shall be provided to the south western edge of the balcony areas to Units 402 for a distance of 1.5 meters.

Such privacy screening is to have a height of 1.8 metres measured from the finished floor level of the balcony and shall be of a design and finish that is consistent with the overall appearance of the development, and shall be of a design that effectively prevents views towards the adjoining properties, whilst allowing airflow and natural sunlight to the unit to which they serve. Details shall be shown on the construction certificate plans.

- 3) Prior to commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the north, south and west of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.

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

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

- 4) 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.
- 5) 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 will also be generally consistent with the Ground Floor plan depicting landscape plantings prepared by Ghazi Al Ali Architects Drawing No. A1202 Issue E. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant. The landscape plan must be in accordance with the following:

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- i. Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.7 of Bankstown Development Control Plan 2014 Part B11 – Tree Preservation Order.
 - ii. The tree is to be planted no closer than 3.5metres from the wall of any approved dwelling on the property.
 - iii. The tree shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
 - iv. The tree shall be planted prior to the issue of an occupation certificate.
 - v. The tree shall be maintained for the life of the development.
- 6) The landscape plan shall include provision for the replacement of all side and rear boundary fencing. A new 1.8m high fence must be provided along the side and rear boundaries of the site, and shall be constructed of masonry material unless otherwise specified elsewhere in this consent. This fence is to be erected wholly within the subject allotment at full cost to the developer. The selection of the materials and finishes must complement the proposal. The fence and materials must be constructed to a high quality professional finish. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 7) 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.
- 8) 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.

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- 9) 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.
- 10) 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.
- 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 \$120,500 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.

- 12) 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.
- 13) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
- a) A Heavy Duty VFC of maximum width of 6.0 metres at the property boundary.
 - b) Drainage connection to Council's system.
 - c) 1.2 metre wide concrete footway paving along the sites entire frontage to Leonard Street.
 - 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.

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Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

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

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

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

- 15) 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.
- 16) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 17) A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.

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- 18) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 19) 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 construction 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;
- 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.

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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.

- 20) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any Construction Certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- p) Dig up, disturb, or clear the surface of a public footway or public road,
- q) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- r) Connect a road (whether public or private) to a classified road,
- s) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- t) Install utilities in, under or over a public road,
- u) Pump water into a public footway or public road from any land adjoining the public road,
- v) Erect a structure or carry out a work in, on or over a public road
- w) Require a work zone on the public road for the unloading and or loading of vehicles
- x) Pump concrete from within a public road,
- y) Stand a mobile crane within a public road
- z) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- aa) The work is greater than \$25,000.
- bb) Demolition is proposed.

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

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The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

- 21) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 22) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 23) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan no: 2015 – 174 – H1 to H8 , Revision – 0 dated November 2015 prepared by Burgess, Arnott & Grava Pty Ltd, and in accordance with the requirements contained in Council's Development Engineering Standards. The final plans must reflect all of the Architectural Amendments as required by this Consent. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.
- 24) 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.
- 25) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.

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- 26) 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.
- 27) Sight distance to pedestrians shall be shown on the site plan at the driveway exit ramp, in accordance with AS 2890.1-2004 to comply with Fig 3.3, prior to the issue of a Construction Certificate.
- 28) Sight distance to approaching traffic shall be assessed using Fig 3.2 from AS 2890.1-2004. The report must state how many metres of unobstructed sight distance an existing vehicle has to approaching traffic from the north and south, demonstration of satisfactory design in accordance with the Australian standard is required to be shown on the Construction Certificate plans.
- 29) The applicant shall apply to the Bankstown Traffic Committee for the installation of a 36 metre long Works Zone at the site's frontage 8 weeks in advance of when construction is scheduled to begin.
- 30) Spaces numbered 38, 39, 40 and 41 on Basement 02 and spaces numbered 18, 19, 20 and 21 all require wheel stops to protect pedestrians at the lift area to be shown on the Construction Certificate plans.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 31) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

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- c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
- iii. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - iv. notified the principal certifying authority of any such appointment, and
 - v. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 32) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 33) Approval is granted for the removal of the following tree on Council's nature strip:

Tree Species	Location: 39 Leonard Street frontage
(1) <i>Callistemon viminalis</i> (Weeping bottlebrush) tree	Forward of the property

The tree removal works are subject to the following conditions:

- All tree works must be carried out by a qualified arborist (minimum qualifications AQF Level 3 or equivalent);
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);

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- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- Appropriate hazard signage to be in place at all times during the tree works.

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

- 34) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 35) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 36) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 37) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

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

- 39) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 40) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 41) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a. in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
 - b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 42) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a. showing the name, address and telephone number of the principal certifying authority for the work, and
-

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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, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 44) 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.
- 45) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 46) 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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- 47) 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.
- 48) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 49) 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.
- 50) 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.
- 51) All boundary fencing behind the building line shall be replaced in accordance with condition seven (7) of this consent. The fence and materials must be constructed to a high quality professional finish. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 52) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). *Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.*
- 53) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 54) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction

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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

- 55) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 56) 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.
- 57) The applicant is to plant the following tree/s on the nature strip forward of the property. The tree shall have a container size not less than 200 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201:

Tree Species	Location
	35-39 Leonard Street
2 x <i>Corymbia ficifolia</i> CVS	The trees are to be planted no closer than 2.5 metres from the edge of the vehicle crossing including (layback) 2.0 metres from any electricity pole and 1.5 metres from the kerb and gutter

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

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

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

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- 58) 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.
- 59) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.
- 60) A minimum of 66 off street car spaces being provided in accordance with the submitted plans. This shall comprise:
- A minimum of 10 spaces for visitors parking are to be provided in accordance with AS 2890 showing a minimum width of 2.6m and the remaining car parking spaces are to be maintained for residential car parking in accordance with AS 2890. An appropriate number of car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 61) 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.
- 62) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 63) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 64) 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

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Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

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

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

- 65) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.
- 66) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 67) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 68) Signs indicating 'No Parking' on waste collection mornings only shall be installed at the applicant's cost and subject to recommendation at Bankstown Traffic Committee. These signs will replace a portion of the temporary Works Zone when no longer needed. The approval of the Bankstown Traffic Committee must be given prior to the issue of any occupation certificate.

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USE OF THE SITE

- 69) Car parking spaces for 66 vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 70) A roller shutter door is to be installed with swipe card and intercom access for the basement.
- 71) Access into the residential lobby shall be via key/swipe card and/or intercom for visitors.
- 72) All storage areas are to be clearly identifiable and secured.
- 73) Pedestrian accesses should be well lit at all times and mirrors should be installed at blind corners.

ITEM 5.8

**2 JULIETTE AVENUE, PUNCHBOWL
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING FOR CONVERSION TO A
TWENTY-FOUR (24) PLACE CHILDCARE CENTRE**

(124)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-239/2016, submitted by Ridge Designs, accompanied by Drawing No. Job No. 15109, Drawing No. DA01, DA02, DA03, DA04, DA05, DA06, DA08, DA09 and DA10, Revision E, dated 6 July 2016, prepared by Ridge Designs and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

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- a) The staff room and kitchen windows on the western elevation at the first floor are to have a minimum sill height of 1.50 metres above finished floor level as marked in red on the approved plans.
- b) A 2 metre wide deep soil zone is to be provided along the Juliette Avenue and Mount Lewis Avenue frontages as marked in red on the approved plans.
- c) A 1.50 metre wide deep soil zone is to be provided around the perimeter of both outdoor play areas, as marked in red on the approved plans.
- d) The front fence along the Juliette Avenue frontage adjacent to Outdoor Play Area (B) is to reach a maximum height of 1.80 metres with the section of the fence comprising of solid construction not exceeding 1 metre above natural ground level. The remaining height of the front fence is to comprise of open style construction such as spaced timber pickets.
- e) Outdoor Play Area (A) is to be separated from the proposed parking area by a safety fence with gates.
- f) The development shall comply with the recommendations stated in Part 8 of the Acoustic Report from Acoustic Noise & Vibration Solutions P/L reference no. 2016-028 dated 24/03/2016. This includes the installation of an acoustic fencing barrier at full cost to the developer along part of the western property boundary. The acoustic fencing barrier is to be determined in conjunction with the adjoining property owner and is to be shown on the certified plans forming part of the Construction Certificate and installed prior to the issue of an Occupation Certificate.
- g) Privacy screening is to be provided in the form of a 300mm high self-supporting lattice/louvered structure immediately atop the replacement western boundary fencing as marked in red on the approved plans, or other suitable methods that achieve the objective of this condition. Such screening is to be determined in consultation with the adjoining property owner, nominated on plans submitted with the construction certificate, and installed prior to the issue of the occupation certificate. All costs associated with compliance with this condition are to be borne by the applicant/developer.
- h) Three (3) on-street timed "P10 minute 7:00am – 6:00pm Monday to Friday" car parking spaces are to be provided forward of the site on Mount Lewis Avenue between the two vehicle footway crossings at full cost to the developer. The spaces are to be provided to the satisfaction of Council's Traffic Engineer and are subject to approval by the Bankstown Traffic Committee prior to the issue of an Occupation Certificate. Both end spaces are to be 5.40 metres in length and the middle space is to be 6.30 metres.

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- i) 10 metres statutory No Stopping signage with yellow line markings is to be provided at full cost to the developer at the intersection of Juliette Avenue and Mount Lewis Avenue. The No Stopping signage is to be provided to the satisfaction of Council's Traffic Engineer and is subject to approval by the Bankstown Traffic Committee prior to the issue of an Occupation Certificate.

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

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) 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.
- 5) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 6) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 7) 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.

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- 8) 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.

- 9) 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.
- 10) 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.
- 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 \$3,581.60 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.

- 12) 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.
- 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:
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- a) Two medium duty VFCs at the eastern property boundary. The wings of both VFCs are to be 600mm.
- b) Drainage connection to Council's system.
- c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- d) Repair of any damage to the public road including the footway occurring during development works.
- e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 14) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan Project No. UMB 160050.SW.DA DWG 101,102 and 103 Issue D, dated 12 August 2016 prepared by Umbrella Civil. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 15) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

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

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

- 16) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 17) 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 construction 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;
- 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

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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.

- 18) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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o) A Swimming pool is proposed.

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

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

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

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

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

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

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

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

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's

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specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 19) A certificate from a professional engineer certifying the structural capacity of the existing building will be appropriate to the building's proposed new use or is capable of supporting the loads imposed by the new structure must be provided to the certifying authority prior to the issue of a construction certificate.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 20) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 21) 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
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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.

- 22) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 23) 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.
- 24) 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.
- 25) 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.

- 26) 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.

- 27) 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.
 - 28) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
-

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

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

29) Permission is granted for the demolition of structures as indicated on Drawing No. DA02, subject to strict compliance with the following: -

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

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

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

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 30) 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.
- 31) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 32) 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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- 33) 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.
- 34) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 35) 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.
- 36) 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.
- 37) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 38) 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).
- 39) The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia.
- 40) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall

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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.

- 41) The food premises must be designed, constructed and operated in accordance with the requirements of:
- a. The NSW Food Act 2003 and Food Regulation 2010
 - b. FSANZ Food Standards Codes 3.2.2 and 3.2.3
 - c. Australian Standard AS 4674-2004 (Construction and Fitout of Food Premises)
 - d. The Building Code of Australia
 - e. The Protection of the Environment Operations Act 1997
 - f. Australian Standard AS 1668 Part 1 and Part 2 (The use of ventilation and air-conditioning in Buildings)
 - g. Sydney Water Corporation (Trade Waste Section)

Walls

- 42) All walls (including partition walls) within the kitchen, food preparation and storage areas must be of solid construction (e.g. Bricks, cement or other approved material). These walls must be finished with glazed tiles; stainless steel or other approved material adhered directly to the wall to the full height of the wall.
- 43) Existing walls within kitchens, food preparation, and storage areas which are not of solid construction (e.g. stud walls) must be finished in tiles or other approved material from the floor level to the underside of the ceiling.

Floors

- 44) The floors within the kitchen, food preparation, storage, display and customer areas must be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent, impervious to moisture and of a light colour.
- 45) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles must be of a material that is non-absorbent and impervious to moisture e.g. Epoxy grout.

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- 46) The intersection of walls with floors and plinths in the kitchen, food preparation, storage and display areas must be coved to a minimum radius of 25 mm.
- 47) The floors must be graded and drained to floor waste/s connected to the sewer. The floor waste/s to consist of a removable basket within a fixed basket arrestor and is/are to comply with the requirements of Sydney Water.

Plinths

- 48) All plinths must be constructed of a material which is of solid construction e.g. concrete and impervious to moisture. The plinths must be:
- a. At least 75 mm high;
 - b. Finished level to a smooth even surface;
 - c. Recessed under fittings to provide a toe space of not more than 50 mm
 - d. Rounded at all exposed edges; and
 - e. Coved at the intersection of the floor and wall to a minimum radius of 25 mm. All sides must be tiled or a continuation of other approved floor material.

Ceiling

- 49) The ceiling must be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas must be painted with a washable paint of a light colour. The surface finish must be free of open joints, cracks, crevices or openings (DROP PANEL CEILING NOT PERMITTED). The intersection of walls and ceiling must be tight jointed, sealed and dust-proof.

Windows

- 50) Window openings in the kitchen and food preparation areas must be designed and constructed with the sill at least 300mm above the top of any bench, table or equipment. The sill must be splayed outwards at an angle of 45°.
- 51) All openable windows must be provided with tight fitting insect screens capable of being removed for cleaning.
- 52) Architraves, skirting boards and picture rails must be removed.

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INSTALLATION OF FIXTURES AND FITTINGS

- 53) All service pipes and electrical and data conduits must be either:
- a. Concealed in floors, walls, ceilings or concrete plinths, or
 - b. Fixed with brackets so as to provide at least 25 mm clearance between the wall and the pipe/conduit; AND 100 mm between the floor and the pipe/conduit. Pipes so installed are not to run underneath fittings.
- 54) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass must be designed and constructed so as to prevent the access of vermin and protect the structural integrity of such floor, wall and ceiling as the case may be.
- 55) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are NOT PERMITTED to be formed in the construction of the food premises including but not limited to food preparation, food display or storage areas, or in the installation of fixtures, fittings and equipment.
- 56) The hot water service unit must be positioned a minimum of 75 mm clear of the adjacent wall surfaces and mounted a minimum of 150 mm above the floor level on a stand of non-corrosive metal construction (eg. Stainless steel).
- 57) Refrigeration and frozen food cabinets/units must be supported on wheels, castors or stainless steel legs. If legs are used there must be a clear space of 150 mm between the floor surface and underside of such appliances/units. Refrigeration and frozen food cabinets/units up to 6 metres in length must be kept a minimum of 200 mm clear of the wall and 400 mm clear where the appliance exceeds 6 metres in length.
- 58) Cooking appliances must be installed in the following positions:
- a. At least 150 mm clear of the wall where such appliances do not exceed 1200 mm in a continuous run;
 - b. At least 300 mm clear of walls where such appliances are between 1200 mm and 2400 mm in a continuous run.
 - c. At least 450 mm clear of walls where such appliances exceed 2400 mm in a continuous run.
 - d. Equipment shall be moveable for cleaning, built into walls with the enclosure completely vermin proofed, butted against walls or other equipment and the joints sealed.

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Note: Where cooking appliances are fitted with wheels or castors and provided with flexible connections they may be located hard against the walls and butted against each other.

Shelving and Benches

- 59) The internal and external surfaces, including exposed edges, to all benches, counters and shelving in the food preparation, storage, display and serving areas must be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned.
- 60) All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall must be completely sealed.
- 61) All shelving being provided for the storage of food, equipment and containers is to have the lowest shelf at least 150 mm above the floor level.

Cool room / refrigeration

- 62) A temperature gauge must be provided to each cool room, chiller, freezer, refrigeration unit, and hot and cold food storage/display units. The temperature gauge must be accurate to one (1) Celsius degree and be readily accessible.

Mechanical Ventilation - Kitchen Exhaust

- 63) A commercial kitchen must be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where:
 - a. Any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h, or
 - b. A total maximum power input to more than one apparatus exceeds;
 - (i) 0.05 kW electrical power; or
 - (ii) 1.8 MJ of gas.
 - (iii) Per m² of floor area of the room or enclosure.
 - c. Where cooking operations are likely to cause a nuisance from buildup from oil or grease on the wall or ceiling.
 - d. Where dishwashing operations or equipment are likely to cause a nuisance from condensation forming on the walls or ceilings.

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- 64) Provide a mechanical exhaust ventilation system above all cooking appliances. The mechanical exhaust ventilation system must be designed and installed by an appropriately qualified person in accordance with Australian Standard AS1668. On completion of the installation of the mechanical ventilation system a certificate of completion and performance from the design engineer must be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standard AS1668.
- 65) The exhaust flue to the mechanical ventilation system must be located one metre above the highest point of any structure within a 30 metre radius.

LIGHTING

- 66) All fluorescent light fittings in food preparation or food storage areas must be fitted with a smooth faced diffuser. The light fittings must be either:
- a. Recessed so that the diffuser is flush with the ceiling; or
 - b. Designed to ensure that no horizontal surfaces exist which would allow dust and grease to accumulate.

WASHING AND CLEANING FACILITIES

- 67) A freestanding hand wash basin must be provided in a convenient position within the toilet/air-lock/kitchen/food preparation/serving areas. The hand wash basin must be provided with hot and cold water supplied through a single outlet and fitted with an approved hands free mixing device.
- 68) Suitable liquid soap/detergent and single use towel dispenser or other effective hand drying facilities must be fixed to the wall adjacent to the hand wash basin(s).
- 69) A double bowl sink or two compartment tub with hot and cold water supplied through a single spout must be provided in the kitchen/food preparation area. Double bowl sink or tubs must be supplied with water of at least 45 ° C in one bowl for washing purposes; and 80 ° C in the other bowl for rinsing purposes, together with a thermometer accurate to 1 C °.
- 70) A cleaner's sink with a supply of hot and cold water must be provided within or in close proximity to the food preparation area for the purposes of general cleaning.

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HYGIENE AND TEMPERATURE CONTROL

71) Hot and cold food display and/or holding appliances must be designed and capable of holding:

- a. Cold Perishable Foods below 5°C; and
- b. Hot Perishable Foods above 60°C;

when the appliances are OPERATING UNDER FULL LOAD. Details and specifications of these appliances must be furnished to Council prior to release of the Construction Certificate in support of the above.

72) Adequate provisions must be made for the storage of all staff personal effects, cleaning chemicals and equipment eg cupboards, lockers etc.

GREASE ARRESTORS

73) A Trade Waste application must be submitted to and approved by the Sydney Water Corporation regarding the installation of any proposed pre-treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment and of the Trade Waste Agreement must be furnished to Council prior to occupation of the premises.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

75) 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.

76) Operation of the premises must not commence until a final inspection has been carried out by Council's Environmental Health Officer and all conditions of this consent have been complied with.

77) Operation must not commence until an inspection of the premises has been carried out by the Principal Certifying Authority to ensure that the premises including the construction and installation of all equipment, fixtures, fittings and finish therein comply with ALL conditions of consent.

78) The food business is to appoint a Food Safety Supervisor (FSS). The Food Safety Supervisor will need to successfully complete a training course at a registered

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training organisation. You will find a list of approved training organisations together with guidelines on requirements on the NSW Food Authority website - www.foodauthority.nsw.gov.au

- 79) The food premises must be registered with Council by completing the Application for Registration form prior to trading.
- 80) The NSW Food Authority must be notified of the food business in accordance with the provisions of the NSW Food Act 2003. This may be done online at www.foodnotify.nsw.gov.au
- 81) Certification must be provided to the Principal Certifying Authority, prior to occupation, that the fitout of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004. It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.
- 82) Four (4) off street car spaces being provided in accordance with the submitted plans. One (1) of the car parking spaces is to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 83) 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.
- 84) Lighting must be provided to the entry, 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.
- 85) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater

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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.

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

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

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

- 87) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.

USE OF THE SITE

- 88) Car parking spaces for four (4) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 89) The hours of operation of the use shall be limited to between 7:00am and 6:00pm on weekdays.
- 90) The premises is restricted to a maximum of twenty-four (24) children at any one time.
- 91) All loading and unloading of goods shall take place within the site or from the adjoining service lane in a manner that does not interfere with parking areas, driveways or landscaping.

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- 92) 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.
- 93) 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.
- 94) All filtration devices for odour control shall be regularly maintained to prevent odour problems.
- 95) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

- 96) To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.
- 97) Music or singing shall be only undertaken inside the building with the windows and doors closed
- 98) The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. 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 other premises.
- 99) No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footway, utility service land, customer and/or employee parking area or the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.

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- 100) Identification number/s are to be conspicuously displayed at the front of the premises.
- 101) 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.
- 102) Any portion of the development used for the storage or sale of food is to be designed, constructed and operated in accordance with the requirements of the Food Act 2003 and Regulations; FSANZ Food Standards Code, AS4674, AS1668 Parts 1 and 2 and the Protection of the Environment Operations Act 1997
- 103) Signs shall display advertising relating only to the usage of the site and shall be maintained in good order at all times.
- 104) 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. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council’s discretion if Council considers there to be adverse effects on the amenity of the area.
- 105) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 106) Vehicular access to the site shall be restricted to two (2) access points.

ITEM 5.9

(125)

83-99 NORTH TERRACE AND 62 THE MALL, BANKSTOWN

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

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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.

ITEM 5.10 CANTERBURY ROAD CORRIDOR REVIEW OF PLANNING CONTROLS

(126)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 5.11 PRE LODGEMENT PROCESS FOR PLANNING PROPOSALS

(127)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

SECTION 6: REPORT OF THE GENERAL MANAGER

ITEM 6.1 FINANCIAL MANAGEMENT - INTERIM REPORT FOR PERIOD 13 MAY 2016 TO 30 JUNE 2016

(128)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

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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.

ITEM 6.2

UPDATE TO COUNCIL'S INSTRUMENT OF DELEGATIONS

(129)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 6.3

STRONGER COMMUNITIES FUND

(130)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

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ITEM 6.4 COUNCIL'S 2016-2017 COMMUNITY GRANTS & EVENTS SPONSORSHIP PROGRAM AND THE FINANCIAL ASSISTANCE PROGRAM

(131) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.5 REQUEST FOR FINANCIAL ASSISTANCE AND DONATIONS

(132) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

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ITEM 6.6 LGNSW ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND VOTING DELEGATES

(133) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.7 STATUS OF FLOOD RELATED STUDIES ACROSS THE LGA

(134) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.8 INSINKERATOR TRIAL UPDATE

(135) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

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ITEM 6.9 JIM RING RESERVE PLAN OF MANAGEMENT

(136) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.10 RELEASE OF DRAINAGE EASEMENTS

(137) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

**ITEM 6.11 EXECUTION OF LICENCE AGREEMENTS FOR ROOMS AT BELMORE YOUTH
RESOURCE CENTRE**

(138) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

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**ITEM 6.12 PROPOSED NEW LICENCE FOR OCCUPANCY OF PART OF DRAINAGE RESERVE
ADJACENT TO 26 THIRD AVENUE, ASHBURY**

(139) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.13 CASH AND INVESTMENT REPORT AS AT 31 JULY 2016

(140) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

SECTION 7: COMMITTEE REPORTS

**ITEM 7.1 MINUTES OF THE CANTERBURY TRAFFIC COMMITTEE MEETING HELD ON 1
AUGUST 2016 AND BANKSTOWN TRAFFIC COMMITTEE HELD ON 9 AUGUST 2016**

(141) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

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SECTION 9: MATTERS FOR INFORMATION

ITEM 9.1 DEVELOPMENT APPLICATIONS DETERMINED BY THE INDEPENDENT HEARING AND ASSESSMENT PANEL

(142) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the report be noted.

ITEM 9.2 DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL OFFICERS UNDER DELEGATION

(143) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the report be noted.

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil.

SECTION 11: CONFIDENTIAL SESSION

(144) 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 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

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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.

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.39 PM AND REVERTED BACK TO OPEN COUNCIL AT 6.42 PM.

ITEM 11.1 T30-2016 - TENDER FOR DESIGN OF SALT PAN CREEK TIP CLOSURE WORKS, KENTUCKY ROAD, RIVERWOOD

(145) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tender received from Coffey Environmental Australia Pty Ltd for the design of the Salt Pan Creek Tip Closure Works, Kentucky Road, Riverwood for an amount of \$289,204.00 (excluding GST).
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenders in writing and thanks them for tendering.

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**ITEM 11.2 T35-2016 - TENDER FOR CIVIL IMPROVEMENT WORKS IN THE BROADWAY,
PUNCHBOWL**

(146) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tender received from Citywide Civil Engineering Pty Ltd to construct kerb and gutter, road and drainage works in The Broadway, Punchbowl for an amount of \$1,369,212.48 (excluding GST).
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.3 T03-17 - SELECTIVE TENDER FOR CONSULTANT SERVICES FOR CITY OF
CANTERBURY BANKSTOWN BRAND STRATEGY**

(147) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tender received from Frost* Collection for an amount of \$375,900 (excluding GST) for providing Consultant Services for Canterbury-Bankstown Council Brand Strategy.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.4 BANKSTOWN LIBRARY AND KNOWLEDGE CENTRE - VENUE MANAGEMENT
OPTIONS**

(148) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council adopt the Combination Model for the future management of the Bankstown Library and Knowledge Centre as outlined in this report.

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2. Council continue to utilise Venue Management Services for the provision of management of the Bankstown Library and Knowledge Centre for a maximum of six months until July 2017 on the current terms or negotiations if required.
3. Council conduct an open tender process to lease the BLaKC Café to an external operator for a period of five (5) years with a five (5) year option for Council as outlined in the report.

THE MEETING CLOSED AT 6.43 PM.

Minutes confirmed 27 SEPTEMBER 2016

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Administrator