

The NEW City of **CANTERBURY BANKSTOWN**



Agenda for the
Ordinary Meeting

25 October 2016

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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1 Minutes of the Ordinary Meeting of Council of 27 September 2016.....7

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**MINUTES OF THE
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HELD IN COUNCIL CHAMBERS
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PRESENT: Administrator – Richard Colley
General Manager – Matthew Stewart
Director City Planning - Scott Pedder
Director Assets and Infrastructure (West) - Anthony Vangi
Director Assets and Infrastructure (East) – Wayne Cooper
Group Manager Governance – Brad McPherson
Manager City Planning – James Carey
Manager People and Performance – Simone Cook
Manager Recreation Leisure and Customer Service – Katherine Forman
Manager Land Use and Environmental Planning – Mitchell Noble

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES

(149)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 23 August 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 INVITATION TO MINISTER FOR PLANNING TO VISIT CAMSPIE CENTRE

(150)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That I write to the Minister for Planning and invite him to join me to visit Campsie and to see first-hand the opportunities the Campsie town centre has to offer in supporting the State Government's intentions under the draft Corridor Strategy and to highlight some of the key issues that will need to be addressed in the Sydenham to Bankstown Urban Renewal Corridor Strategy when released later this year.

ITEM 4.2 AUSTRALIA DAY EVENTS AND AWARDS

(151)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator Minute be received.

ITEM 4.3 DUNC GRAY VELODROME

(152)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council officers prepare a report outlining options for the management and operation of the Dunc Gray Velodrome to be considered at a subsequent Ordinary Meeting of Council.

ITEM 4.4 LGNSW MEMBERSHIP

(153)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council make representations to LGNSW seeking a review of Canterbury-Bankstown Council's subscription fee and demonstration of value for money and following advice from LGNSW, the General Manager provide a report to Council.

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ITEM 4.5 BANKSTOWN POETRY SLAM

(154) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council support the request for financial assistance from Bankstown Poetry Slam and provide a donation of \$1,000 towards the cost of staging their event and these funds be made available from Council's Section 356 Financial Assistance Fund.

ITEM 4.6 SECTION 356 FINANCIAL ASSISTANCE FUND REVIEW

(155) MOVED AND RESOLVED BY THE ADMINISTRATOR

That a review be undertaken of Council's Section 356 Financial Assistance Fund and a report be provided at a subsequent meeting of Council detailing options.

ITEM 4.7 CITY OF CANTERBURY BANKSTOWN BRAND STRATEGY

(156) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator Minute be received.

SECTION 5: PLANNING MATTERS

SUSPENSION OF STANDING ORDERS

(157) 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, 5.4 and 5.5 be dealt with now.
- iii) Standing Orders then be resumed.

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ITEM 5.1

**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**

MS RAMONA IBRAHIM (ON BEHALF OF THE OWNER) ADDRESSED COUNCIL.

(158)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The submission made pursuant to Clause 4.6 of Bankstown Local Environmental Plan 2015 be supported; and
2. Development Application No. DA-447/2016 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-447/2016, submitted by Architecture Becka and Associates, accompanied by Drawing No. DA01, DA03, DA05 and DA06, dated 5 August 2016, prepared by Architecture Becka and Associates and Swimming Pool Plan, prepared by becka and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) Window 24E on the eastern elevation of Dwelling 6A is to be fixed closed with obscure glazing to a height of 1.50 metres above finished floor level, as marked in red on the approved plans.
- b) Privacy screening is to be provided to the rear alfresco of Dwelling 6A along the eastern elevation to a minimum height of 1.80 metres from the finished floor level to prevent direct looking from within the property to the adjacent dwelling as marked in red on the approved plans. The privacy screening is limited in solid construction to a maximum height of 1.20 metres.

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

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

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 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.
 - a) The landscape plan is to include a 1 x 75L pot size tree located in the front setback. It is to be planted prior to occupation and is to be maintained for the life of the development.
 - b) The landscape plan is to give preference to native vegetation endemic to the City of Canterbury Bankstown.
- 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

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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.

- 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 \$6,137.84 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

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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:
- a) A light duty VFC of maximum width of 3 metres at the western end of the property boundary.
 - b) Drainage connection to Council's system.
 - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - d) Repair of any damage to the public road including the footway occurring during development works.
 - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 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 No. 02-05-16-D1 Sheet 1 of 2, dated 2 May 2016 and prepared by ComConstruction P/L. 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

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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.

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
 - b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
 - c) Connect a road (whether public or private) to a classified road,
 - d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
 - 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.
-

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

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

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

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

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

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

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. 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.

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- 18) The sum of the impervious areas associated with the car parking area, driveway and paths must not exceed 55% of the area between the dwellings and the primary frontage.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 19) 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.
- 20) 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

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Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

Trees to be Retained and Protected

The following tree shall be retained and protected from removal and damage for the duration of the development.

Species	Location	Structural root zone (SRZ)	Tree protection zone (TPZ)
(1) <i>Melaleuca quinquenervia</i> , (Broad-leaved paperbark)	Forward of site	2.5m	7.2m

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

- i. The tree is to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Area (SRZ) shall be marked on all demolition and construction drawings.
- ii. All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- iii. A designated Tree Protection Zone shall be created on site by erecting a continuous tree protection fence at 2.5 metre radius from the trunk of the *Melaleuca quinquenervia*, (Broad-leaved paperbark). The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to demolition, shall not be removed or altered, and is to remain in place for the duration of the site works;
- iv. The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - a. The Development Consent number;
 - b. The purpose of the protection zone;
 - c. The penalties for disregarding the protection zone;
- v. No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- vi. All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- vii. Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.

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- viii. Tree marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
- ix. All roots with a diameter greater than 50mm are to be cut cleanly using sharp hand tools and not ripped.
- x. Any pruning works shall be carried out by a qualified arborist and shall comply with Australian Standard AS4373-2007 Pruning of Amenity Trees.

Trees on adjoining properties: Protection Measures

The following tree protection measures are to be complied with to protect the neighbours (*Ficus microcarpa* var. *hillii*) Hill's weeping fig tree located on the adjoining property at 7 Mc Intosh Avenue Padstow Heights:

- The stormwater line and associated pits are to be located no closer than 2.5m metres from the tree. No tree roots greater than 25mm in diameter are to be severed.
 - Excavation along the south eastern edge of the proposed driveway shall be carried out by hand by a qualified arborist (minimum qualification AQF Level 3 or equivalent) and any tree roots found are to be severed cleanly using sharp hard tools prior to any mechanical excavation being undertaken. No tree roots greater than 25 mm in diameter are to be severed or damaged.
- 21) 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.
 - 22) 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.
 - 23) 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.
 - 24) 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

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Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 25) 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.

- 26) 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.
- 27) 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.
- 28) 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.

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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.

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

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

- 30) 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.

- 31) Permission is granted for the demolition of structures currently existing on the property, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address,

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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**.

- 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

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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 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

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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

- 32) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 33) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 34) 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.
- 35) 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.
- 36) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 37) 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.
- 38) 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.
- 39) 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

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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.

- 40) The swimming pool is to be enclosed by a child resistant barrier comprising fences and gates designed, constructed, installed and maintained in accordance with Australian Standard 1926-2012 - Swimming Pool Safety Part 1: Safety barriers for swimming pools.

A notice containing the words "Young Children Should be Supervised When Using this Swimming Pool" and "Pool Gates Must Be Kept Closed At All Times" and "Keep Articles, Objects and Structures At Least 900 Millimetres Clear Of The Pool Fence At All Times" together with a simple flow sequence containing details of resuscitation techniques must be displayed in a prominent position in the immediate vicinity of the pool.

Overflow and discharge pipes from the pool and filtration unit must be connected to the sewer.

- 41) The proposed use of the pool / spa filter equipment must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.
- 42) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 43) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, 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.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

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- 45) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 46) The swimming pool / spa shall not be used until Council or the PCA has issued a final Compliance Certificate.
- 47) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 48) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 49) 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.
- 50) 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 drainage 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 drainage system.

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.

- 51) 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.

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CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

- 52) Prior to the issue of the Subdivision Certificate, the following items are to be complied with:
- (a) The developer shall create the following easements, where necessary over the relevant lots, on the plan of subdivision under provisions of the Conveyancing Act. A statement shall be placed on the Section 88B Instrument that nominates Canterbury-Bankstown Council as the authority empowered to release, vary or modify the easements created.
 - a. Easements to drain water (for inter-allotment drainage).
 - b. Easement for services (for utilities).
 - c. Right of carriageway (for internal driveway, vehicle manoeuvring).
 - d. Easement for overhang (for eaves and gutters).
 - (b) The following information shall be submitted to Council or accredited certifier (where applicable) with an application for a Subdivision Certificate:
 - i. Original plan of subdivision prepared and signed by a qualified surveyor, plus five (5) copies;
 - ii. Copy of the relevant development consent, including all Section 96 Modifications if applicable,
 - iii. Evidence that all conditions of consent relevant to the release of the subdivision certificate have been complied with,
 - iv. A certificate of compliance (Section 73 Certificate) from Sydney Water if required,
 - v. Certification by a registered surveyor that all services such as stormwater, drainage, water, gas, electricity and telephone are contained separately within each lot or within easements created to accommodate such services
 - vi. A certificate from a Registered Surveyor which demonstrates that the height and location of all floor slabs and external walls complies with the approved plans. In this regard, the certificate from the Registered Survey is required to identify the finished floor level of the floor slabs and external walls and the offsets to property boundaries.

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- vii. A Work As Executed Plan prepared by a registered surveyor, together with certification from a qualified professional civil engineer of the constructed on-site drainage and/ or stormwater detention system, shall be obtained prior to release of the linen plans.

The Work As Executed plans shall be shown on a copy of the approved stormwater drainage plan and shall contain all information specified in Council's Development Engineering Standards.

The Work As Executed information shall be shown in red on a copy of the approved plans. The information shall be submitted to the Engineer prior to certification.

A copy of the work as executed information together with the certification shall be submitted to Council for information prior to issue of the linen plan.

- viii. Copy of the Work Permit Compliance Certificate, where required.
- ix. A copy of the Final Occupation Certificate.
- (c) An application and appropriate fees for the issue of a Subdivision Certificate shall be submitted to Council upon submission of the information referred to in part (b) of this condition.

The subdivision certificate shall not be issued until the requirements of this condition have been complied with.

ITEM 5.4

HURLSTONE PARK HERITAGE ASSESSMENT STUDY

DR MARIE HEALEY (PROPERTY OWNER) ADDRESSED COUNCIL.

(159)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Stage 1 of the Hurlstone Park Heritage Assessment Study is endorsed, noting that community consultation will occur as part of the exhibition of the planning proposal.
2. Stages 2 and 3 of the Hurlstone Park Heritage Assessment Study involving preparation of inventory sheets, consultation strategy and Development Control Plan controls be undertaken.

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3. A planning proposal be prepared for the listing of the identified heritage items and heritage conservation areas in Hurlstone Park, and submitted to the Department of Planning and Environment under Section 56 of the EPA Act for a gateway determination.
4. A report be submitted to Council prior to public exhibition of the planning proposal.
5. Council make Interim Heritage Orders in accordance with section 25 of the Heritage Act 1977 for the potential heritage items identified by the Hurlstone Park Heritage Assessment Study and listed in Attachment B.

ITEM 5.5 MILTON STREET, ASHBURY - PLANNING PROPOSALS (149-163 & 165-171)

MS JANE WILLIAMSON AND MR MATT BURKE (ASHBURY COMMUNITY GROUP) ADDRESSED COUNCIL.

MR DAVID HOY (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

MR ARAS LABUTIS (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

(160) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The applications for planning proposals submitted for 165-171 and 149-163 Milton Street are not supported for the reasons outlined in the report.
2. A planning proposal be prepared by Council on the basis of the findings of the report by GM Urban Design and Architecture Pty Ltd, including the indicative designs and development standards contained therein, and that it be submitted to the Department of Planning and Environment for a Gateway Determination.
3. A Development Control Plan be prepared in conjunction with the planning proposal to provide detailed guidance on the nature of the proposed development of the two sites at 149-163 Milton Street and 165-171 Milton Street, Ashbury.

STANDING ORDERS WERE RESUMED.

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ITEM 5.2 203 BIRDWOOD ROAD, GEORGES HALL

SECTION 82A REVIEW OF DETERMINATION OF COUNCIL'S REFUSAL OF DA 1320/2015 FOR THE DEMOLITION OF ALL EXISTING SITE STRUCTURES AND THE CONSTRUCTION OF A NEW MIXED USE DEVELOPMENT COMPRISING GROUND FLOOR BUSINESS PREMISES, RESIDENTIAL UNITS AND BASEMENT CARPARKING

(161) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the section 82A 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-1320/2015/1, submitted by Birdwood and Co Pty Ltd, accompanied by Drawing No. A01 Revision I, A03 Revision K, A04 Revision K, A05 Revision K and A10 Revision H dated 18 August 2016, A18 Revision A dated 31 August 2016, and A02 Revision J, A07 Revision K, A08 Revision I and A09 Revision I dated 12 September 2016, prepared by Architects Becerra and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) The recommendations of the DA Acoustic Assessment by Acoustic Logic dated 19 August 2016 are to be fully implemented. Post construction validation test results must be submitted to Council.
- 4) All works carried out on site shall be in accordance with the recommendations and conclusion outlined as per the Remedial Action Plan prepared by Benviron Group reference E663 dated September 2015.
- 5) Any new information which comes to light during works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.

If unexpected materials are unearthed, works are to cease until the situation is evaluated and an appropriate response determined by the applicant which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor or occupational hygienist is involved to assist with the assessment of the new contamination information.

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- 6) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise, or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997.
- 7) No approval is granted or implied for the use of the commercial floor area. Separate development consent for the use of the commercial floor area is required prior to occupation.
- 8) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage qualifies as 'exempt development'.

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:

- 9) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 10) Prior to the issue of a Construction Certificate, documentary evidence of Bankstown Airport Limited's approval of the proposed development is to be submitted to Council.
- 11) A landscape plan shall be prepared and submitted for approval with the Construction Certificate. Landscaping of the development is to be generally in accordance with the concept plan prepared by Matthew Higginson Landscape Architecture Pty Ltd, Issue E dated 27 June 2016.
- 12) A Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with Council's relevant DCP. The plan shall be prepared by a suitably qualified professional and approved by the Principal Certifying Authority, prior to the issue of the Construction Certificate.
- 13) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details – see Building Developing and Plumbing then Quick Check; and

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- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating
- 14) 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.
- 15) Prior to issue of a Construction Certificate, a Long Service Levy payment of 0.35% of the value of the work is required to be paid to Council on behalf of the Long Service Corporation prior to issue of the Construction Certificate.
- 16) 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 \$84,187.24 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.

- 17) 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.
- 18) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) A heavy duty VFC of maximum width of 6.0 metres at the property boundary in Georges Crescent for the basement access ramp.
 - b) Drainage connection through an above ground on site detention system to Council's system. An overland flow path of minimum width 1.0 m must be provided without any obstructions to the overland flow, along the 300mm diameter pipe line alignment at the southern boundary of the site.
 - 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.

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- 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.

- 19) Stormwater runoff from within the property shall be collected and controlled by means of an above ground on site detention system in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed to a drainage control pit to be located at midway along the southern boundary of the site and from there, through a 300mm diameter pipe in an overland flow path along the southern boundary and connected to the Council's existing storm water pipe along Georges Crescent. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan no: 15MB6784/ D01 to D05, Revision – B dated 23/02/2016 prepared by United Consulting Engineers Pty Ltd. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 20) 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.

- 21) 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.
- 22) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

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

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- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.
- k) Proposed construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

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

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

- 23) The Site, Pedestrian and Traffic Management Plan required at Condition 22 above shall include provisions for the engagement of suitably and appropriately qualified traffic control staff, and shall limit the movement of large trucks, cement mixers and the like to outside times when students from neighbouring schools are arriving or departing school (i.e. between 7.30am – 9.30am and between 2.30pm – 4.30pm).
- 24) 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,
-

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- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$50,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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

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

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

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

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

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

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work

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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.

- 25) 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.
- 26) 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.
- 27) 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.
- 28) The layout of the car parking areas associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1 – 2004, AS 2890.6 – 2009 and AS 2890.2 – 2002.
- 29) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 30) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this

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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.

- 31) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 32) The building works in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner- builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - iii. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - iv. notified the principal certifying authority of any such appointment, and
 - v. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.
- 33) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to the owners of properties directly adjoining the subject site. The report must clearly identify the condition of existing structures on these adjoining properties prior to the commencement

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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.

- 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) 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.
- 36) 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.
- 37) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 38) 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.

- 39) 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.
- 40) 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:

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- 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.

- 41) Prior to the commencement of any building work a fence shall be erected along the property boundaries of the development site, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the site. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high.

All fencing is to be maintained for the duration of the construction to ensure that the site is secured and privacy of the adjoining properties is not compromised.

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

- 42) 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.
- 43) For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

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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 during and outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

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

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

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

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) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 45) 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.
- 46) All remediation works are to be conducted within the hours of site works stipulated in Condition 45 above.
- 47) The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.
- 48) Prior to each floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's

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finished floor level and siting to the property boundary conforms with the approved plans.

- 49) 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.
- 50) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 51) If the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 52) If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a) if necessary, must underpin and support the building in an approved manner, and
 - b) must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) must take all precautions to protect all of the structures from damage.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

- 53) 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).
- 54) 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.
- 55) 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.

- 56) Any fill imported on to the site shall be classified/validated to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant EPA Guidelines. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- 57) All soils removed from the property shall be classified in accordance with the NSW EPA Waste Classification Guidelines 2009 and be disposed of to an appropriate EPA licensed waste facility.
- 58) All site remediation works shall comply with the work health and safety requirements of the NSW Workcover Authority.
- 59) The removal of UPSS shall be undertaken in accordance with:
 - a) The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.
 - b) NSW EPA 'Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Systems) Regulation 2008.
 - c) AS4976 – 2008 The Removal and Disposal of Underground Petroleum Storage Tanks.
 - d) Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011.
 - e) NSW Workcover Authority requirements - Workcover must be notified of the abandonment of a UPSS.
- 60) After completion of remediation work and removal of the UPSS, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant. This report must comply with the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2000' and Clause 13 – Clause 15 of the 'Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008'.
- 61) The Validation Report must be reviewed by a NSW EPA accredited site auditor and a copy of the site audit statement provided to Council. The site audit

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statement must indicate that the site has been remediated to the level required for the proposed land use. This site audit statement must be submitted to Council prior to the issue of a Construction Certificate for works above ground level.

- 62) Any work undertaken near overhead power lines needs to be done in accordance with:
- Workcover Document ISSC 23 "Working Near Overhead Power Lines".
 - Ausgrid's Network Standards. In particular NS220 "Overhead Design Section 13 Clearances".
 - Ausgrid's Electrical Safety Rules.

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

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 63) The use of a building in accordance with this Development Consent must not be commenced until Council or the PCA has issued an Occupation Certificate for the building and site works.
- 64) 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.
- 65) Prior to the issue of any Occupation Certificate, design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in SEPP No. 65.
- 66) A total of 42 off street car spaces are to be provided in accordance with the submitted plans. This shall comprise:
- 29 resident spaces.
 - 5 visitor spaces.
 - 8 commercial spaces.

Car parking spaces for people with mobility impairment are to be provided in accordance with AS 2890.6 2009. All car parking spaces shall be allocated and marked according to these requirements.

- 67) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the
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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.

- 68) 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.
- 69) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 70) Lighting of the premises shall be installed in accordance with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of neighbouring premises or glare to motorists on nearby roads.
- 71) 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.
- 72) The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development.
- 73) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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

- 74) 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.

**ITEM 5.3 EXHIBITION OF DEED OF VARIATION FOR NO. 60 KITCHENER PARADE IN
BANKSTOWN**

(162) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council approve the Deed of Variation as shown in Attachment A.
2. The Administrator and Interim General Manager be delegated approval to sign the Deed of Variation under the common seal of Council.

ITEM 5.4 HURLSTONE PARK HERITAGE ASSESSMENT STUDY

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 159 ON PAGE 21 OF THESE MINUTES.

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ITEM 5.5 MILTON STREET, ASHBURY - PLANNING PROPOSALS (149-163 & 165-171)

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 160 ON PAGE 22 OF THESE MINUTES.

**ITEM 5.6 DRAFT VOLUNTARY PLANNING AGREEMENT - 717-727 CANTERBURY ROAD,
BELMORE**

(163) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The exhibited draft Voluntary Planning Agreement for 717-727 Canterbury Road, Belmore be endorsed and the necessary steps taken to execute the relevant document.
2. The Interim General Manager be given delegation to make minor mapping and wording changes to the document necessary to satisfy legal necessities, so long as these do not alter the intent or substance of the deed.

SECTION 6: REPORT OF THE GENERAL MANAGER

**ITEM 6.1 DRAFT 2015/16 UNAUDITED ANNUAL FINANCIAL REPORTS FOR THE FORMER
BANKSTOWN AND CANTERBURY CITY COUNCILS**

(164) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The Administrator resolves that the 2015/2016 Annual Financial Reports for the former Bankstown City Council and the former Canterbury City Council, covering the period from 1 July 2015 to 12 May 2016 (date of Proclamation), have been prepared in accordance with the relevant sections and parts of the Local Government Act and Regulations.
2. The Administrator, General Manager and Responsible Accounting Officer declare on behalf of the former Bankstown City Council and duly sign the Statement of Council's Annual Financial Reports.

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3. The Administrator, General Manager and Responsible Accounting Officer declare on behalf of the former Canterbury City Council and duly sign the Statement of Council's Annual Financial Reports.
4. The former Bankstown City Council's Statement of Council's Annual Financial Reports and 2015/2016 Annual Financial reports be referred to Council's Auditor in finalising the year-end audit process.
5. The former Canterbury City Council's Statement of Council's Annual Financial Reports and 2015/2016 Annual Financial reports be referred to Council's Auditor in finalising the year-end audit process.
6. The General Manager be authorised to set the date for the public meeting and give notice in accordance with the Local Government Act 1993.

ITEM 6.2

(165)

EMERGENCY SERVICES PROPERTY LEVY

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council agree to enter into the Memorandum of Understanding between Council and the NSW Government, as outlined in the report.
2. The General Manager be delegated authority to sign relevant documentation, as required.
3. A further report(s) be submitted to Council, providing relevant information regarding the Emergency Services Property Levy, including its likely impact on Council and the Community, as information becomes available.

ITEM 6.3

(166)

UPDATE ON LEISURE AND AQUATICS

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council appoint a suitably qualified industry consultants to align the former Bankstown and Canterbury Leisure and Aquatics Future Service and Facilities strategies into one future service and facilities strategy and Master Plan for the new City of Canterbury Bankstown.

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2. The Greenacre Leisure and Aquatic Centre remains closed for the 2016/17 season subject to the future service and facilities strategy and further investigation into the structural integrity of the pools.
3. Schools that have booked the Greenacre Leisure and Aquatic Centre for the upcoming season be relocated to other Centres in the LGA.
4. The Administrator be delegated authority to establish a Leisure & Aquatics Sub-Committee and relevant Terms of Reference to assist Council in preparing Council's strategy.
5. Subject to item 4, the Administrator be delegated authority to appoint relevant former Councillors to the Sub-Committee.
6. Further reports regarding the matter be submitted to Council for its consideration, as required.

ITEM 6.4

(167)

FREE CAR PARKING AGREEMENTS

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council publicly exhibit the proposal to classify No. 68 Evaline St, Campsie as Operational Land in accordance with Section 650 of the Local Government Act 1993, and Guidelines issued by the Office of Local Government, for the purposes of administering a Free Car Parking Agreement, and
2. Council receive a further report at the completion of the exhibition period.

ITEM 6.5

(168)

REQUESTS FOR FINANCIAL ASSISTANCE AND DONATIONS

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. A donation to the value of \$250.00 be made to St. Christopher's Soccer Club, Panania for donatable items in support of their Presentation Day which is being held on Sunday, 9 October, 2016.
2. A donation of \$7,500.00 be made to the Bankstown City Council Social Club who are hosting their annual Family Christmas Picnic Day on Sunday, 4 December, 2016 at Steve Folkes Reserve, Georges Hall.

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3. A donation of \$2,288.00 be made to The Bankstown Elders Group who have requested that Council waive the hire fee for the use of the Yagoona Senior Citizens' Centre for their Aboriginal Arts and Culture Group Meetings during the 2016/2017 financial year.
4. A donation of \$604.00 be made to the Georges River Softball Association in support of their fee waiver for the Under 13's State Tournament which was held at Kelso Park – Softball, Panania on 10 and 11 September, 2016.
5. A donation of \$300.00 be made to George Bass School, Bass Hill (Children with Special needs) who are hosting a trivia night at the school on Friday, 21 October, 2016.

ITEM 6.6 RELEASE OF TWO DRAINAGE EASEMENTS - 5 ROBYN STREET, REVESBY AND 249A EDGAR STREET, CONDELL PARK

(169) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council consent to the release of the easement for drainage at 5 Robyn Street, Revesby and easement for drainage at 249 Edgar Street, Condell Park.
2. The Administrator and Interim General Manager be delegated authority to execute all documents, under the common seal of council, as required for Subdivision Certificate Application No. SUB 173/2016 and Subdivision Certificate Application No. SUB 234/2016.

ITEM 6.7 PROPOSED NEW LEASE AND LICENCE TO NSW TOUCH FOOTBALL ASSOCIATION INCORPORATED - PART VELODROME, 2 BAYVIEW AVENUE, EARLWOOD

(170) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. A new lease and licence be entered into with NSW Touch Football Association Inc on the terms detailed in this report.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 SEPTEMBER 2016**

ITEM 6.8 CASH AND INVESTMENT REPORT AS AT 31 AUGUST 2016

(171) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The Cash and Investments Report as at 31 August 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

AT THIS STAGE THE ADMINISTRATOR INDICATED THAT A LATE REPORT ITEM 6.9 – DUNC GRAY VELODROME – PROPOSED SUBLEASE HAS BEEN SUBMITTED.

MATTER OF URGENCY

(172) MOVED AND RESOLVED BY THE ADMINISTRATOR

That urgency be permitted and Item 6.9 – Dunc Gray Velodrome – Proposed Sublease be considered.

ITEM 6.9 DUNC GRAY VELODROME- PROPOSED SUBLEASE

(173) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council consent to the Bankstown District Sports Club's request of the proposed sublease as outlined in the report.
2. Council and Bankstown District Sports Club jointly request support and consent from the Minister for Sport and Recreation to the proposed sublease of the Handle Bar Tavern.
3. The Administrator and General Manager be delegated authority to finalise the matter and affix the common seal of council to all relevant documentation, as required.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 SEPTEMBER 2016**

SECTION 7: COMMITTEE REPORTS

ITEM 7.1 COUNCIL ADVISORY COMMITTEES AND SUB-COMMITTEES

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

**ITEM 7.2 MINUTES OF THE CANTERBURY TRAFFIC COMMITTEE MEETING HELD ON 5
SEPTEMBER 2016 AND BANKSTOWN TRAFFIC COMMITTEE MEETING HELD ON 13
SEPTEMBER 2016**

(175) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the recommendations contained in the minutes of the Canterbury Traffic
Committee meeting held on 5 September 2016 and the Bankstown Traffic
Committee held on 13 September 2016, be adopted.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

SECTION 9: MATTERS FOR INFORMATION

ITEM 9.1 CHANGES TO THE PRE-GATEWAY REVIEW PROCESS

(176) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the information be noted.

ITEM 9.2 YAGOONA COMMUNITY CENTRE

(177) MOVED AND RESOLVED BY THE ADMINISTRATOR
That Council note the progress of the new Yagoona Community Centre Project.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 SEPTEMBER 2016**

- ITEM 9.3** **MINUTES OF THE WSROC BOARD MEETING OF 18 AUGUST 2016**
(178) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the Minutes of the WSROC Board Meeting held on 18 August 2016 be noted.
- ITEM 9.4** **MINUTES OF THE SSROC BOARD MEETING OF 18 AUGUST, 2016**
(179) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the SSROC meeting held on 18 August, 2016 be noted.
- ITEM 9.5** **DEVELOPMENT APPLICATIONS DETERMINED BY THE INDEPENDENT HEARING
AND ASSESSMENT PANEL**
(180) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the information be noted.
- ITEM 9.6** **DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL OFFICERS UNDER
DELEGATION**
(181) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the contents of the report be noted.
- ITEM 9.7** **REPORT ON (1) DEVELOPMENT APPLICATIONS AND SECTION 96 APPLICATIONS
DETERMINED, (2) TO UPDATE THE STATUS OF VARIOUS SOCIAL HOUSING
PROJECTS, (3) TO ADVISE OF ANY JRPP PROJECTS WHICH HAVE BEEN
DETERMINED, AND (4) TO ADVISE OF THE STATUS OF VARIOUS DA RELATED LEGAL
MATTERS RELATED TO THE BANKSTOWN BRANCH FOR JULY AND AUGUST 2016.**
(182) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the contents of this report be noted.
-

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 SEPTEMBER 2016**

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil

AT THIS STAGE THE ADMINISTRATOR INDICATED THAT TWO LATE REPORTS
ITEM 11.8 – SYDNEY OLYMPIC FOOTBALL CLUB – DEBT TO COUNCIL AND ITEM
11.9 – APPOINTMENT OF SENIOR OFFICERS HAVE BEEN SUBMITTED.

MATTER OF URGENCY

(183)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That urgency be permitted and Item 11.8 – Sydney Olympic Football Club – Debt to Council and Item 11.9 – Appointment of Senior Officers be considered in Confidential Session.

SECTION 11: CONFIDENTIAL SESSION

(184)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9 in confidential session for the reasons indicated:

Item 11.1 T33-16 - Construction of Yagoona Community Centre

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 T33-2016 - Tender for the Construction of Cooks River Cycleway Upgrade at Illawarra Road Bridge, Earlwood

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.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
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- Item 11.3 T36-2016 - Tender for Irrigation and Field Improvement Works in Ewen Park, Hurlstone Park

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 T50-2016 - Tender for Construction of Bioretention System at Kingsbury Reserve, Kingsgrove

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

- Item 11.5 T01-17 Cooks and Duck River Catchments Pipe and Pit Condition Assessment and Reporting

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

- Item 11.6 T08-17 Marion Street Road Rehabilitation and Drainage Works - Stage 4

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

- Item 11.7 Provision of Pound Services/ Holding Facilities for the Bankstown Branch of Canterbury - Bankstown Council

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.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
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Item 11.8 Sydney Olympic Football Club - Debt to Council

This report is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 11.9 Appointment of Senior Officers

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

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.43PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.52PM**

**ITEM 11.1
(185)**

T33-16 - CONSTRUCTION OF YAGOONA COMMUNITY CENTRE

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Camporeale Holdings Pty Ltd for an amount of \$2,460,553 (excluding GST) for the construction of the new Yagoona Community Centre.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.2
(186)**

**T33-2016 - TENDER FOR THE CONSTRUCTION OF COOKS RIVER CYCLEWAY
UPGRADE AT ILLAWARRA ROAD BRIDGE, EARLWOOD**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Talis Civil Pty Ltd for an amount of \$599,033.37 (excluding GST) for the construction of Cooks River Cycleway Upgrade, Illawarra Road Bridge, Homer Street, Earlwood.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
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ON 27 SEPTEMBER 2016**

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 T36-2016 - TENDER FOR IRRIGATION AND FIELD IMPROVEMENT WORKS IN EWEN PARK, HURLSTONE PARK

(187) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Neverstop Irrigation Pty Ltd to construct irrigation and field improvement works in Ewen Park, Hurlstone Park for an amount of \$241,743.60 (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 11.4 T50-2016 - TENDER FOR CONSTRUCTION OF BIORETENTION SYSTEM AT KINGSBURY RESERVE, KINGSGROVE

(188) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The tender of Lamond Contracting Pty Ltd, for the construction of bioretention system at Kingsbury Reserve, Kingsgrove, at a cost of \$408,221.38 (excluding GST), be accepted.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's decision above.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
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ON 27 SEPTEMBER 2016**

**ITEM 11.5 T01-17 COOKS AND DUCK RIVER CATCHMENTS PIPE AND PIT CONDITION
ASSESSMENT AND REPORTING**

(189) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Environmental Services Group for an amount of \$198,850.00 (excluding GST) for Cooks and Duck River Catchments Pipe and Pit Condition Assessment and Reporting.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's decision above.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.6 T08-17 MARION STREET ROAD REHABILITATION AND DRAINAGE WORKS - STAGE
4**

(190) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Starcon Group Pty Ltd for an amount of \$514,404.00 (excluding GST) for rehabilitation of road and drainage works at Marion Street, Bankstown.
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 11.7 PROVISION OF POUND SERVICES/ HOLDING FACILITIES FOR THE BANKSTOWN
BRANCH OF CANTERBURY - BANKSTOWN COUNCIL**

(191) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council endorse the transitional servicing arrangements for the ongoing Provision of Pound Services / Holding Facilities, as outlined in this report.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
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2. Council participate in the proposed detailed study being conducted by WSROC regarding the longer term options for the service throughout the Greater Western Region.
3. A further report(s) be prepared and submitted to Council for its consideration regarding the matter, as required.

ITEM 11.8 SYDNEY OLYMPIC FOOTBALL CLUB - DEBT TO COUNCIL

(192)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council endorse the actions outlined in the report.

ITEM 11.9 APPOINTMENT OF SENIOR OFFICERS

(193)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The information be noted.
2. Council acknowledge that this process satisfies the requirements of Section 337 of the Local Government Act 1993.

THE MEETING CLOSED AT 6.53 PM.

Minutes confirmed 25 OCTOBER 2016

.....
Administrator

2 LEAVE OF ABSENCE

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

4 ADMINISTRATOR MINUTES

The following item is submitted for consideration -

4.1 Breast Cancer Awareness Month

67

Administrator Minutes - 25 October 2016

ITEM 4.1 Breast Cancer Awareness Month

Breast cancer is, unfortunately, one of the biggest killers in Australia. According to BreastScreen NSW, one in eight women in NSW develop breast cancer, and nine out of 10 women who develop the disease do not have a family history of breast cancer.

Most women who develop breast cancer are aged 50 years or over and the average age of a person diagnosed is 59. It can also occur in men, but is rare.

The good news is, it is preventable!

Breast screening can find cancers before they can be felt or noticed and women have a better chance of survival when breast cancer is found early. International studies have shown, regular mammograms in women 50-69 years can reduce the death rate from breast cancer by at least 30 percent.

Importantly, a woman does not need a doctor's referral or Medicare card to have a screening mammogram. It is provided free of charge to all women aged 40 and over.

October is Breast Cancer Awareness Month and staff of the City of Canterbury once again showed their support on Pink Ribbon Day (24 October). Council has also established the Jane McGrath Garden, adjacent to Paul Keating Park, commemorating the work Jane started and the impact her legacy has had on our local community. The garden, unveiled in May this year by former Bankstown Mayor Khal Asfour, contains 20 Jane McGrath Pink Roses.

The McGrath Foundation has funded the employment of 110 Breast Care Nurses which have assisted more than 40,000 families, including in excess of 250 in Bankstown alone. These nurses particularly encourage women from ethnic backgrounds to undergo regular breast screenings.

Recently, the Chairman of the NSW Cancer Institute, and former Premier, Morris Iemma, informed me that, under a new initiative, a mobile screening van will be servicing Canterbury, while a new permanent breast screening service is to be established in Campsie. This is due to the fact, screening rates in Canterbury are well below the NSW average. Mr Iemma indicated that, in order to promote these new services, funding is required. Council will, therefore, donate \$5,000 to this very worthy cause.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|-----|
| 5.1 | 3 Fetherstone Street, Bankstown
Extend one of the existing lift shafts to provide access to the roof level, authorise the adaptation of the previously approved roof enclosures into six (6) residential studio apartments and provide for a covered metal sheet roofing element and a glazed partition wall from the stair well to the studios | 71 |
| 5.2 | 3 Rowland Street, Revesby
Demolition of Existing Structures and Construction of a Single-Storey, 32-place Child Care Centre with Basement Parking | 87 |
| 5.3 | 220-222 South Terrace, Bankstown
Demolition of existing dwelling on No. 220 and commercial structures at No. 222, consolidation of two (2) lots, relocation of existing sewer pipe, construction of two (2) storeys of basement car parking and at grade parking, construction of a nine (9) storey mixed use building comprising of ground floor commercial premises and ninety one (91) residential units with associated services, on-site landscaping and site works | 99 |
| 5.4 | 96-98 Columbine Avenue, Punchbowl
Demolition of existing structures and consolidation of existing lots to create one new allotment. Construction of a mixed commercial/residential flat building comprising of two retail shops, nine (9) residential units and basement carparking | 117 |
| 5.5 | 93-97 Bonds Road, Riverwood: Planning Proposal | 135 |

5.6	Clause 4.4A Planning Proposal Exhibition Summary	141
5.7	Draft Bankstown Development Control Plan 2015 (Amendment No. 6).	145
5.8	Appointment of the Canterbury Bankstown IHAP and IHAP Review Panel	149

Planning Matters - 25 October 2016

ITEM 5.1	3 Fetherstone Street, Bankstown Extend one of the existing lift shafts to provide access to the roof level, authorise the adaptation of the previously approved roof enclosures into six (6) residential studio apartments and provide for a covered metal sheet roofing element and a glazed partition wall from the stair well to the studios
FILE	DA-124/2011 – Bankstown
ZONING	3(a) - Business - CBD
DATE OF LODGEMENT	17 February, 2011
APPLICANT	The Owners Of Strata Plan 71808
OWNERS	The Registered Proprietors of Strata Plan 71808
ESTIMATED VALUE	\$90 000
SITE AREA	1393.5m²
AUTHOR	Planning

RECOMMENDATION

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

REPORT

This matter is reported to Council due to the nature of the development and the history of the site.

The subject site is currently occupied by a thirteen (13) storey mixed use residential and commercial building with basement car parking. Approval to construct the building was issued by Council on 13 September 2000 through Development Consent No. DA-1967/1999.

A number of modifications have been approved to the building over the years, each of which have been reported to Council for determination. The most relevant of which relates to the issuing of modification application DA-1967/1999/3 which allowed for the courtyard areas on the roof terrace to be enclosed. It is these enclosed rooftop terraces that the applicant seeks approval to convert into six (6) studio apartments.

Development Application No. DA-124/2011 (the subject development application) seeks approval to:

- (i) Extend one of the existing lift shafts to provide access to the roof level
- (ii) Authorise the adaptation of the previously approved roof enclosures into six (6) residential studio apartments thereby bringing the density of the development to sixty five (65) units
- (iii) Provide for a covered metal sheet roofing element and a glazed partition wall from the stair well to the studios so as to assist residents in inclement weather conditions to access their studios.

NOTE: The adaptation of the previously approved roof enclosures into six (6) residential studio apartments has already been undertaken.

The development application has been with Council for a significant amount of time. This is due to matters associated with the building that are unrelated to this application, as well as because of complications associated with the works which are the subject of this application due to Building Code of Australia issues which have required resolution.

Owing to the passage of time between lodgment of the application and its reporting to Council, a number of planning controls have changed. However, savings provisions within those controls mean that the development application is assessed in accordance with the plans and policies that applied at the time of lodgment of the application.

DA-124/2011 has been assessed against the relevant provisions contained within *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development*, *Deemed State Environmental Planning Policy – Georges River Catchment*, the draft *Bankstown CBD Planning Proposal*, the *Bankstown Local Environmental Plan 2001* and the *Bankstown Development Control Plan 2005*.

Building works associated with this proposal are confined to an extension to one of the existing lift shafts to provide access to the roof level and to provide for a covered metal sheet roofing element and a glazed partition wall from the stair well to the studios in the event that the conversion of the enclosed rooftop terraces into six (6) studio apartments has already been undertaken.

The extent of the non-compliance relates to the departure of the building height control as contained in clause 3.1.2 of Part D4 of the Bankstown Development Control Plan 2005.

The application was both advertised and notified for a period of twenty one (21) days. At the conclusion of the exhibition period one (1) submission was received. The vast majority of the concerns raised in the submission are not those required to be considered under Section 79C(1) of the EP& A Act as they relate to possible increase in strata fees, the current state of the building and questioning how strata fees are currently being spent on site.

POLICY IMPACT

While a further minor breach is sought to the maximum permitted building height through this application, the proposed increase will, in the most part, be unnoticeable given the size, scale and built form of the development. The footprint of the lift overrun is relatively small with the increase in building height not detracting from the building form nor the visual amenity of the locality. Additional overshadowing impacts caused by the additional height provided to the lift overrun are considered negligible. As such there are no significant policy impacts as a result of this proposal.

FINANCIAL IMPACT

This matter has no direct financial implication.

RECOMMENDATION

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

DA-124/2011 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is legally described as Lot 0 in Strata Plan 71808 and is known as No 3 Fetherstone Street, Bankstown. The site is located on the eastern side of Fetherstone Street, midway between the streets intersection with The Mall and North Terrace. The site has an area of 1393.5m².

The site is zoned 3(a) – Business – CBD under the Bankstown Local Environmental Plan 2001 and is currently occupied by a thirteen (13) storey mixed use residential and commercial building with basement car parking.

Adjoining the site to the south is the Compass Centre while to the east and west are typically single, two and three storey commercial developments. To the north of the site is the Bankstown City Library.

An aerial photo of the site and its locale is provided below.



PROPOSED DEVELOPMENT

The applicant is seeking approval to undertake alterations and additions to the existing mixed use residential and commercial building at No 3 Fetherstone Street, Bankstown including authorising the adaptation of the previously approved non-habitable roof enclosures into six (6) residential studio apartments.

Specifically the applicant seeks approval for the following works:

- (i) Extend one of the existing lift shafts to provide access to the roof level
- (ii) Authorise the adaptation of the previously approved roof enclosures into six (6) residential studio apartments thereby bringing the density of the development to sixty five (65) units
- (iii) Provide for a covered metal sheet roofing element and a glazed partition wall from the stair well to the studios so as to assist residents in inclement weather conditions to access their studios.

NOTE: The adaptation of the previously approved roof enclosures into six (6) residential studio apartments has already been undertaken.

BACKGROUND / HISTORY

Relevant background details are provided as follows:

21 September 1999

Development Application No 1967/1999 was lodged with Council seeking approval for the demolition of the existing buildings occupying Nos 3 – 7 Fetherstone Street, Bankstown and the construction of a mixed use commercial / retail / residential development with three levels of basement car parking, shops and offices on the ground and first floors and ten (10) floors containing 56 x 2 bedroom units.

8 August 2000

A report was prepared for Council's Development Committee Meeting in which it was recommended that Development Application No 1967/1999 be approved subject to conditions. Council resolved that:

Development Application No 1967/1999 be deferred to the Presentation Evening of Council to be held on the 15th August 2000 before a further report be brought back to the Ordinary meeting of Council held on the 29th August 2000.

15 August 2000

In accordance with Council's resolution of 8 August 2000, a presentation was made of Development Application No 1967/1999.

29 August 2000

Council resolved to approve Development Application No 1967/1999 (subject to conditions).

13 September 2000

Development Consent No 1967/1999 was issued.

19 April 1991

A Section 96(2) application (DA-1967/1999/1) was lodged with Council seeking approval to modify Development Consent No 1967/1999 by way of reducing on-site car parking from an approved rate of 1.5 spaces / residential unit to 1 space / residential unit (effectively modifying Condition 7 relating to on-site parking).

12 June 2001

Council resolved, at its Development Committee Meeting, that:

Section 96(2) Application seeking a reduced parking rate to residential units approved under DA 1967/1999 be approved allowing for car parking for residential units shall be approved at a minimum rate of 1 space per unit for the residents and 1 space per 5 units for visitors.

4 July 2001

Consent to modify Development Consent No 1967/1999 (DA-1967/1999/1) was issued.

11 December 2002

A Section 96(2) application (DA-1967/1999/2) was lodged with Council seeking approval to modify Development Consent 1967/1999 involving the following:

- Provide three (3) additional units to the southern side of level 11 previously left as roof terrace
- Provision of a roof terrace
- Internal alterations to the retail and commercial units to provide storage areas and other changes
- Alteration to the car parking payout in basement level 1
- Pergola over balconies to the top floor units

12 August 2003

A report was prepared for Council's Development Committee Meeting in relation to DA-1967/1999/2.

Contained within the report was the following:

The additional units on level 11 have already been constructed. Council has commenced legal action in the Land and Environment Court regarding the unauthorised work.

...

While the main structure of the building has been erected in accordance with the construction certificate an additional 3 units proposed on level under the proposed section 96 application have been constructed without approval. Council officers first became aware of the unauthorised work during a joint inspection by compliance staff and the private certifier on 13 June 2003. The Private Certifier has subsequently served Notice on the applicant because of the unauthorised work.

Council initially resolved to approve DA-1967/1999/2 in addition to commencing legal action in the Land and Environment Court against the owner with respect to the unauthorised works however at the conclusion of the Council meeting a rescission motion was lodged.

23 September 2003

Council resolved, at its Ordinary Meeting, to approve DA-1967/1999/2, in effect modifying the description of the development so as to allow for the provision of fifty nine (59) residential units, modifications to Conditions 1 and 7 and the addition of Conditions 48(A) and 81.

2 October 2003

Consent to modify Development Consent No 1967/1999 (DA-1967/1999/2) was issued.

29 September 2008

A section 96(2) application (DA-1967/1999/3) was lodged with Council seeking approval to modify Development Consent 1967/1999 involving the following (as provided in the report prepared for Council's consideration):

- *Deletion of landscaped areas on the rooftop terrace*
- *Enclosure of the northern side of the private courtyard areas with glass from the top of the existing masonry walls to the underside of the roof over the courtyards*
- *Enclosure of the southern side of the private courtyard areas with fixed louvers from the top of the existing masonry wall to the underside of the roof over the courtyards.*
- *Enclosure of the western side of the westernmost private courtyard area and the eastern side of the easternmost private courtyard area with glass from the top of the existing masonry blade walls to the undersides of the roof over the courtyards (2.6 metre high masonry blade walls were approved in this location for part of the width of the courtyard areas, with the remaining part open)*
- *Extension of the solid roof over the private courtyards to cover the entire private courtyard areas (courtyard areas were approved as being only partially covered by a part solid part permeable roof structure, with part being uncovered)*
- *Separation of the individual courtyard areas with masonry walls in lieu of part masonry part open style construction.*

16 December 2008

Council resolved, at its Development Committee Meeting, to approve Development Application No DA-1967/1999/3, having the effect of modifying Condition 1 and the addition of Conditions 5a and 5b.

6 February 2009

Consent to modify Development Consent DA-1967/1999 (DA-1967/1999/3) was issued.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C(1) of the *Environmental Planning and Assessment Act, 1979*.

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

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

SEPP 65 aims to improve the design of residential flat buildings and provides an assessment framework, the Residential Flat Design Code, for assessing 'good design'.

Although SEPP 65 was gazetted in July 2002, after development consent was originally granted by Council to construct the mixed use development, an assessment of the development against SEPP 65 has been provided in the event that the development proposes a further six (6) studio apartments within a residential flat development well in excess of 3 storeys high.

Residential Flat Design Code

An assessment of the proposal under the 'rules of thumb' in the Residential Flat Design Code is provided below.

Note – at the time of lodgment of the DA the Residential Flat Design Code applied NOT the Apartment Design Guide.

The principle 'rules of thumb', with respect to this development, primarily relate to solar access and natural ventilation.

Each of the studio apartments provide for extensive north facing glazing thereby achieving sufficient solar access to the living areas while cross ventilation is achieved satisfying the requirements relating to natural ventilation.

While the 'rules of thumb' provide for provisions relating to communal open space, the approval previously issued by Council to allow for the enclosure of the rooftop terraces, effectively eliminated the opportunity for the area to serve any communal open space function.

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

The development will have no impact on the environment of the Georges River either in a local or regional context. Furthermore the development is not inconsistent with the general and specific aims, planning principles, planning considerations and policies and recommended strategies of the deemed SEPP.

Bankstown Local Environmental Plan 2001

The subject site is zoned 3(a) – Business – CBD under the Bankstown Local Environmental Plan 2001 (BLEP).

The following clauses of the BLEP were taken into consideration in the assessment of the application:

Clause 2 - Objectives of this plan

The proposed development is consistent with the objectives of the Plan as provided in clause 2.

Clause 11 – Development which is allowed or prohibited within a zone

The proposed development is permissible in the zone with the consent of Council.

Clause 16 – General objectives of these special provisions

The development is consistent with the objectives of Part 4 of the BLEP.

Clause 17 – General environmental considerations

The development will not result, contribute or cause any adverse environmental impacts.

Clause 24 – Airports

The site is located within an area where the maximum building height limit is specified as 51 metres AHD (in relation to the Bankstown Airport and the obstacle height limits).

In the event that the plans that accompanied the application provide for the lift overrun to a height of 63.75 metres AHD approval was sought from the Department of Infrastructure and Transport.

Correspondence has been provided from the Department of Infrastructure and Transport approving the proposal subject to the following conditions:

1. *The maximum height of the building must not exceed 63.725 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennae (of whatever type), lightning rods, any roof top garden plantings, etc.*
2. *The roof should be of a conspicuous colour and should not blend with the surrounding background.*
3. *The building is to be obstacle lit with low intensity steady red obstacle lights at night in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998 (part 139 MOS) Chapter 9, Section 9.4. The proponent should refer to subsection 9.4.6 for the lighting characteristics.*
4. *The proponent must notify BAL in writing of the finished building height (in metres AHD), so that BAL can update its records.*

Plans accompanying the development application provide for the lift overrun to a height of 63.75 metres AHD. It is recommended that a condition be imposed on the development consent requiring the lift overrun to be at a maximum of 63.725 metres AHD so as to comply with the conditions as issued by the Department of Infrastructure and Transport. Accordingly a condition of consent has been provided within Attachment B to this effect.

Clause 30 – Floor space ratios

In the '3(a) – Business CBD' zone the permissible floor space ratio is 4.5:1.

As the background to this report indicates, consent was sought to modify Development Consent No. DA-1967/1999 (being DA-1967/1999/3) by way of enclosing the courtyard areas on the roof terrace. The Council report prepared for the Development Committee Meeting of 16 December 2008 in respect of this proposal, in part, reads as follows:

The proposed enclosure of the courtyard areas on the rooftop terrace results in these areas as being counted as gross floor area under Bankstown Local Environmental Plan 2001, as they will now have a wall height of greater than 1.4 metres. The enclosure of the courtyards brings the floor space ratio for the development to 4.69:1.

The proposed development does not provide for any additional floor area rather the use of these previously approved enclosed rooftop courtyard areas as studio apartments.

An extension to one of the existing lift shafts to provide access to the roof level and the covered walkway providing access to these studio apartments likewise does not result in a change to the total gross floor area of the development as the definition of gross floor area in Schedule 1 of the BLEP excludes 'lift towers' and the fact that the covered walkway is not enclosed.

Clause 32 – Access for people with disabilities

The building remains compliant with respect to providing adequate access for people with disabilities.

Clause 48 – Objectives of the Business zones

The development is consistent with the objectives of the Business zone as provided in clause 48.

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2001*.

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

During the course of the assessment of the development application, the Bankstown Local Environmental Plan 2015 was drafted, exhibited and published.

Clause 1.8A of the Bankstown Local Environmental Plan 2015 states that ... *"if a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced"*.

For completeness, the following comments are offered in respect to the provisions currently contained within the Bankstown Local Environmental Plan 2015.

Building Height

A maximum building height of 41 metres applies to the site. While the proposed lift overrun will provide for additional height to the building, with a maximum height of 39.6 metres (as measured to the top of the lift overrun) compliance with the standard is achieved.

FSR

A maximum FSR of 4.5:1 applies to the site. As indicated earlier in the report, while the current building exceeds this standard, the proposed development does not provide for any additional floor area to the development.

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

The following table provides a summary of the development application against the relevant controls contained in Part D4 (Business Zones) of *Bankstown Development Control Plan 2005*.

STANDARD	PROPOSED	BDCP 2005 PART D4		LEP 2001 COMPLIANCE
		REQUIRED PERMITTED /	COMPLIANCE	
Floor Space Ratio	While the development has a current FSR of 4.69:1 no additional floor area is proposed	A maximum floor space ratio of 4.5:1	Existing non compliance	Existing non compliance
Building Height	The maximum height of the building is proposed at 39.6 metres (as measured to the top of the lift overrun)	A maximum building height of 36 metres	No	N/A
Private Open Space	No areas of private open space have been provided for each of the rooftop terraces	Minimum area of 15m ² per dwelling with a minimum depth of 3 metres	No	N/A
Communal Open Space	No additional areas of communal open space proposed with this application	Minimal communal open space of 1475m ² required for 59 residential units The additional 6 units proposed as part of this development would require a further 150m ² of communal open space	See below	N/A

As the details provided in the above table indicate the development fails to satisfy the maximum building height control as contained in clause 3.1.2 of Part D4 of the Bankstown Development Control Plan 2005.

Height

Clause 3.1.2 of Part D4 of the Bankstown Development Control Plan 2005 reads as follows:

A development must comply with the Building Height Plan in Figure 3.2.

The Building Height Plan refers to a maximum building height of 36 metres for the subject site.

Building works associated with this proposal are confined to an extension to one of the existing lift shafts to provide access to the roof level and to provide for a covered metal sheet roofing element and a glazed partition wall from the stair well to the studios.

Previously when Council approved the enclosure of the rooftop terraces (through DA-1967/1999/3) it had the effect of increasing the height of the building to RL62.70 AHD (the RL of the rooftop terraces). While the roofing element providing weather protection for the residents to access their studios sits below RL 62.70, the plans provide for the lift overrun to be at RL63.75 AHD.

While a further minor breach is sought to the maximum permitted building height through this application, the proposed increase will, in the most part, be unnoticeable given the size, scale and built form of the development. The footprint of the lift overrun is relatively small with the increase in building height not detracting from the building form nor the visual amenity of the locality. Additional overshadowing impacts caused by the additional height provided to the lift overrun are considered negligible.

Furthermore, approval has been given by the Department of Infrastructure and Transport to the proposed height having to the airport height restrictions. In addition, the provisions of Bankstown Local Environmental Plan 2015 permits a height limit of 41 metres. Whilst LEP 2015 does not apply to the proposal because of the savings provisions in the LEP it does demonstrate that the proposal will not be inconsistent with the current planning controls that apply to the site.

Private and Communal Open Space

Clauses 8.1 and 8.2 of Part D4 of the Bankstown Development Control Plan 2005 read as follows:

8.1 *For a residential flat building:*

- (a) the minimum private open space per dwelling is 15m; and*
- (b) the private open space per dwelling must have a minimum depth of 3 metres; and*
- (c) the private open space may be in the form of a balcony.*

8.2 *A residential flat building with 10 or more dwellings must:*

- (a) provide communal open space to the sum of a minimum of 25m² of open space per dwelling; and*
- (b) design of the communal open space as a single space with a minimum width of 15 metres throughout; or*
- (c) design the communal open space as two single spaces with each space having a minimum width of 10 metres throughout.*

The original development was found to have satisfied all minimum requirements as provided in Bankstown Development Control Plan No 16 (the DCP applicable at the time the development was originally approved) relating to open space / recreational amenity. That is, it was a requirement of DCP 16 that a minimum of 15m² be provided as 'private open space' for each dwelling with the DCP stating that the private open space could be provided as a balcony in a multi-unit development. The applicant satisfied this requirement.

DCP 16 was silent with respect to requiring areas for communal open space purposes - relevant in this case as it could have been construed that the previously approved rooftop terrace was required to serve this purpose.

The previously approved rooftop courtyard enclosures were not required so as to satisfy any open space / recreation area requirement hence their conversion to studio apartments will not bring about any departure to Council's former controls in this regard.

With respect to Council's current controls in relation to private and communal open space, as provided in Clauses 8.1 and 8.2 above, it would be onerous to require the applicant to meet the required communal open space provisions for the following reasons:

- No communal open space was requested or required for the previously approved fifty nine (59) residential units – to require it to be provided retrospectively would be unreasonable.
- The applicant proposes 6 studios – effectively below the threshold as provided in Council's controls re communal open space. While the building contains more than 10 dwellings (being the threshold) it could be argued that the development comprises the introduction to the site of only 6 dwellings hence the control should not apply.
- The development does not result in an effective loss of existing communal open space – the rooftop terraces were previously approved as private courtyards with the remainder of the rooftop terrace available as communal open space. Converting the private courtyards to studios and retaining the remainder of the rooftop terrace area as communal open space will therefore not result in a loss of existing communal open space.

While the occupants of the studios do not have access to any private open space (i.e balconies) they are afforded immediate access to a sizeable area of communal open space. Their amenity is therefore unlikely to be diminished as a consequence.

The following table provides a summary of the development application against the relevant controls contained in Part D8 (Parking) of *Bankstown Development Control Plan 2005*.

STANDARD	PROPOSED	BDCP 2005 PART D8		LEP 2001 COMPLIANCE
		REQUIRED / PERMITTED	COMPLIANCE	
Resident parking	65 spaces	1 space / residential unit = 65 spaces	Yes	N/A
Visitor parking	13 spaces	1 space / 5 units = 13 spaces	Yes	N/A
Commercial / Retail parking	13 spaces (no change required)	As per Condition 7 of Development Consent No DA-1967/1999 (as amended) = 13 spaces	Yes	N/A

As the details provided in the above table indicate the development satisfies the requirements contained within Part D8 of the Bankstown Development Control Plan 2005.

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

A planning agreement has not been entered into under section 93F.

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

The rooftop courtyard areas are currently being used as residential studio apartments. Although occupied it is necessary that the applicant undertake works to the building and the studio apartments, so as to comply with the Building Code of Australia (BCA).

The application has been assessed under clause 94 of the EP&A Regulation 2000 and the measures contained in the building are currently inadequate to protect persons using the building, and to facilitate their egress from the building, in the event of a fire, or restrict the spread of fire from the building to other buildings nearby.

It is necessary therefore to require the existing building to be brought into conformity with the BCA to provide an adequate level of fire safety and health and amenity for the occupants of the proposed rooftop studio apartments.

Conditions to bring the building into conformity with the BCA are contained within Attachment B.

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

With respect to the visual impact, the additional lift overrun and covered walkways provide for a negligible impact having regard to the bulk and scale of the overall building form while the conversion of the courtyard areas to studios provides for no additional visual impact whatsoever.

Vehicle movements generated by the occupants of the additional units will provide minimal impact on the immediate locality particularly as they are only studio apartments.

In short the proposed development provide for no adverse impacts.

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

The site is suitable to accommodate a multi-storey mixed use development as reflected by the controls contained within Part D4 of the Bankstown DCP and Bankstown LEP particularly as the site is afforded the highest permissible floor space ratio within the local government area.

The additional six (6) studio apartments, bringing the density of the development to sixty five (65) units, will only aid in strengthening the site and its immediate surrounds as representing the core of the central business district. As such the site is deemed suitable to accommodate the development.

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

The application was both advertised and notified for a period of twenty one (21) days. At the conclusion of the exhibition period one (1) submission was received. The following concerns were raised in the submission:

Objection: When I first bought the apartment it was open plan where it was outlined that I had access to the terrace where the extra apartments will be built. Nowhere in my contract did it say subject to further construction.

Comment: The issue of whether a contract of sale referred to future building work occurring on the site is not a matter for consideration under Section 79C(1) of the EP&A Act. Consent from the Registered Proprietors of Strata Plan 71808, being the owners of the property, was provided to the lodgement of the application.

Objection: I think the amount paid to the strata is high enough. How will this effect my strata payments? How much more will I have to pay?

Comment: Concerns relating to the possible increase in strata payments is not a matter for consideration.

Objection: The value of my property will decrease and that's not the reason why we invest.

Comment: No evidence has been submitted to Council substantiating the claim that the development will devalue units within the building.

Objection: As we are expected to pay strata fees punctually the same way as owners expect the building to be kept in a clean, healthy environment and this is not the case as the building is in an acceptable condition so where is our money going? And on top of this we will be charged more for 6 apartments that we were never warned about.

Comment: Concerns relating to the current state of the building and how the strata fees are being spent is not a matter for consideration. In order to determine how the fees are being spent the objector should contact the strata body.

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

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and by the consent authority ensuring that any adverse impacts on the surrounding area and environment are avoided. The public interest is considered to have been achieved in so far as the development provides for additional housing choice within the local government area without compromising the amenity of the locality.

CONCLUSION

Having considered all the matters for consideration contained in section 79C(1) of the Environmental Planning and Assessment Act 1979, which includes the relevant provisions contained in *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development*, the *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, the *Bankstown Local Environmental Plan 2001* and Parts D4 and D8 of the *Bankstown Development Control Plan 2005* the application is recommended for approval subject to conditions of consent.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Plan
- C. Development Plans
- D. Objectors Map

Planning Matters - 25 October 2016

ITEM 5.2	3 Rowland Street, Revesby Demolition of Existing Structures and Construction of a Single-Storey, 32-place Child Care Centre with Basement Parking
FILE	DA-129/2016 – Revesby
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	19 February 2016
APPLICANT	Ultra Design and Engineering
OWNERS	Rebecca Rahme and Jessica Taouk
ESTIMATED VALUE	\$410,000
SITE AREA	569.9m²
AUTHOR	Planning

RECOMMENDATION

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

REPORT

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

Development Application No. DA-129/2016 proposes demolition of existing structures and construction of a single-storey, 32-place child care centre with basement parking.

DA-129/2016 has been assessed against the provisions of the relevant environmental planning instruments including the *State Environmental Planning Policy No. 55 – Remediation of Land*, *Greater Metropolitan Regional Environmental Plan No. 2*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and the application fully complies with the controls.

The application was advertised and notified for a period of twenty one (21) days from 9 March 2016 to 29 March 2016. A total of seven (7) objections were received during this period, which raise concerns relating to noise, traffic, parking, privacy, nature and size of development, need for development, amenity issues, devaluation of properties, loss of natural light, dust and pollution during construction and amenity impacts. The subject report details how the above matters have been satisfactorily addressed

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

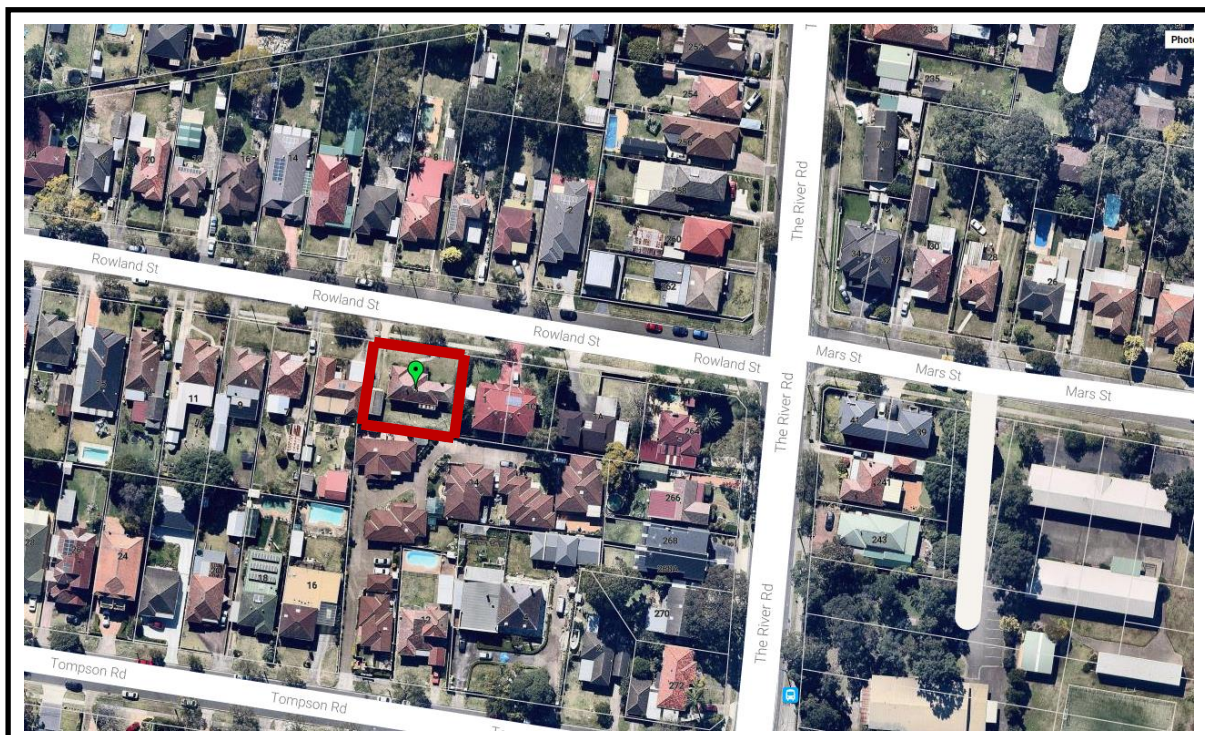
DA-129/2016 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 3 Rowland Street, Revesby and is located on the southern side of Rowland Street between The River Road and Eastern Avenue. The site is a regular allotment with a frontage of 25.22m to Rowland Street and a site area of 569.9m². The site is currently zoned R2 Low Density Residential.

The site contains a metal-clad single-storey cottage and a fibro garage. The site has gentle slope from the southeastern end to the northwestern end with a fall of 1.5m. There is no significant vegetation located on the site.

The surrounding development consists of single dwellings, duplexes and villa developments. Immediately to the east is a two-storey duplex. To the south is a villa development. To the west and on the northern side of Rowland Street are single-storey detached dwellings. The Revesby Public School is located approximately 140m to the east.



PROPOSED DEVELOPMENT

The Development Application proposes demolition of existing structures and construction of a single-storey child care centre with basement parking. The operational details of the proposed centre are as follows:

- Number of children: 32 (The number of children to be cared for was reduced from 34 to 32 by the applicant)
- Hours of operation: Monday to Friday – 7.00am to 6.00pm
- Number of staff: 5

The following assessment relates to thirty-two (32) children.

SECTION 79C ASSESSMENT

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

In this instance, it is considered that the consent authority can be satisfied that the development site is suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

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

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

Bankstown Local Environmental Plan 2015

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

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

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

STANDARD	PERMITTED/REQUIRED	PROPOSED	COMPLIANCE
Height of buildings	Max. 9m building height.	Max. 6m building height	Yes
Floor space ratio	Max. 0.4:1 (for non-residential use)	0.27:1	Yes
Allotment Width	Min. 20m	25.22m	Yes
Vehicular access	Not permitted from a classified road	Rowland Street is not a classified road	Yes
	Not permitted from a cul-de-sac	Rowland Street is not a cul-de-sac.	
	Not permitted from a road where is the carriageway between kerbs is < 10m	Carriageway width is 13m	Yes

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

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

The following table provides a summary of the development application against the controls contained in Parts B5 and B6 of *Bankstown Development Control Plan 2015*.

STANDARD	PROPOSED	BDCP 2015 PART B5 and B6	
		REQUIRED/PERMITTED	COMPLIANCE
Building design	Purpose-built child care centre the appearance of which is consistent with that of a dwelling	A purpose-built centre providing the exterior has the appearance of a dwelling house	Yes
Traffic impact	Rowland Street is capable of accommodating the additional vehicle movements generated by the proposed centre	Not to result in the environmental capacity of the street being exceeded	Yes
Maximum number of children	32 children proposed to be cared for on site	Maximum of 40 children to be cared for on site	Yes
Car parking	5 spaces provided	1 space per employee (5 spaces required)	Yes
Minimum allotment width at the front building line	25.22m	Minimum allotment width of 25m for centres caring for >29 children at the front building line	Yes
Setback:			
Front	Min. 6.65m	5.5m	Yes
Side/rear boundary	Min. 1.5m provided	1.5m	Yes
Height	One storey	Maximum of two storey	Yes

Hours of operation - Child care Centre	Monday to Friday 7.00am to 6.00pm	Monday to Friday 7.00am to 6.00pm	Yes
Landscaping: To street frontage	Minimum width of 2m	Minimum width of 2m	Yes
Along the perimeter of the outdoor play area	Minimum width of 1.5m	Minimum width of 1.5m	Yes
Boundary fence			
• Front fence	1.8m high - 0.9m high of brick with 0.9m infill timber panels above.	Max. 1.8m – solid section not exceeding 1m	Yes
• Side/rear	2m high at the boundary with up to 0.5m additional section of polycarbonate material atop inclined inward	Max. 2m along the boundary	Yes

As demonstrated in the above table the proposal fully complies with the provisions of the BDCP 2015.

Children (Education and Care Services) Supplementary Provisions Regulation 2004 and Education and Care Services National Regulations

The table below demonstrates the proposals compliance or otherwise with the *Children (Education & Care Services) Supplementary Provisions Regulations 2004*

DOCS requirements	<i>Children (Education and Care Services) Supplementary Provisions Regulation 2004 and Education and Care Services National Regulations</i>	Provided	Compliance
Space requirements for 32 children:			
Indoor play space	3.25m ² unencumbered indoor play space per child Total area: 104.5m ²	3.5m ² per child 112.3m ²	Yes
Outdoor play space	7m ² unencumbered outdoor play space per child Total area required: 224m ²	7.14m ² per child 228.7m ²	Yes
Facilities:	Separate administration area and staff respite area	Provided within the centre	Yes
	Laundry	Provided within the centre	Yes
	Food preparation facilities	Provided within the centre	Yes
	Toilet & washing facilities	Provided within the centre	Yes

DOCS requirements	<i>Children (Education and Care Services) Supplementary Provisions Regulation 2004 and Education and Care Services National Regulations</i>	Provided	Compliance
	Storage facilities	Provided within the centre	Yes
	Craft preparation (not next to kitchen or nappy changing area)	Provided within the centre	Yes

The above table confirms the development satisfies the *Children (Education and Care Services) Supplementary Provisions Regulation 2004* and *Education and Care Services National Regulations* subject to the number of children to be cared not exceeding 32.

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

There are no planning agreements or draft planning agreements applicable to the proposed development.

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

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

Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates [section 79C(1)(a)(v)]

The proposed modifications do not contravene any relevant provisions of the Georges River Estuary Coastal Zone Management Plan.

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

The proposal was accompanied by a traffic and parking assessment report and an acoustic report. An assessment against the noise and the traffic and parking issues is provided below:

Noise

An acoustical assessment was prepared by ABC Advanced Engineering for the proposed child care centre. The report assessed the noise associated with indoor and outdoor play and car park and road traffic noise.

The report concluded that “*The proposed Architectural plans ... with full implementation of this report recommendation will achieve compliance with Council assessment criteria, L_{Aeq} 50dB(A) along the eastern and western boundary and 46 dB(A) along the southern boundary for indoor and outdoor children activities*”.

The noise control measures include:

- Treatment of external walls, windows and doors
- Sound barrier fence up to 2.5m high
- Management of outdoor play

The reports also recommends the adoption of a Noise Management Policy that deal with the following matters:

- *Dividing children in groups of not more than 10 during the outdoor play time*
- *Staff supervision of children at all times to prevent any excessive noise.*
- *All windows to be kept closed during any noisy activities.*
- *Loudspeaker system is not to be used indoor or outdoor without prior evaluation and approval.*

The report was reviewed by Council's Environmental Officer and no objection was raised to the proposal subject to the recommendation contained in the acoustic report being implemented during design/construction and operation.

From the above assessment, it is considered that the proposed development satisfies the noise criteria and is not likely to adversely impact the amenity of the adjoining residents subject to the noise attenuation measures recommended in the acoustic report including the erection of an acoustic fence is carried out.

Access, Traffic and Parking

A Traffic and Parking Impact Assessment prepared by Hemanote Consultants was submitted in support of the development application. The report concluded that "*... the proposed childcare centre to be located at 3 Rowland Street, Revesby ... will have no major impacts on current traffic or parking conditions:*

- *The current traffic flows on Rowland Street are considered to be low and appropriate for a local road in a residential area, with free flowing traffic without any major queuing or delay in peak traffic periods.*
- *The external impact of the traffic generated by the proposal is considered to be satisfactory and will not result in an unacceptable peak hour traffic generation.*
- *The potential increase in the number of vehicle movements in and about Rowland Street will remain well within the Environmental capacity of the streets, with no adverse impacts on the amenity of the area.*
- *The subject site has good access to public transport services in the form of regular train and bus services.*
- *The on-site car parking layout and circulation is adequate in accordance with Australian Standards AS2890.1 :2004 and AS2890.6:2009.*
- *The level of on-site car parking provision and ample on-street car parking opportunities are considered to be adequate for the proposed centre.*
- *The proposed development will have no major impact on parking.*

Council's Traffic Engineer reviewed the report and the layout and raised no objection on traffic and parking grounds subject to the entire street frontage being zoned "P15 minute 7am-6pm Mon-Fri" at the applicant's cost.

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

The site is considered suitable for the development proposed.

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

The application was advertised and notified for a period of twenty-one (21) days from from 9 March 2016 to 29 March 2016. A total of seven (7) objections were received during the notification period. A summary of the concerns raised by the objections and responses to these concerns are provided below:

- Objection:** *Size and nature of development*
- *The proposed development is an overdevelopment of the site*
 - *The site is not suitable for such a large development.*
 - *The child care centre will “stick out like a sore thumb”.*
 - *Frontage of site is not 25m the standard requirement by Bankstown Development Control Plan.*
 - *Rowland Street is a quiet street and a commercial child care centre will change the nature of the street.*

Comment: The proposed development is a permissible use on the site. The site has a frontage of 25.22m and satisfies the frontage required for a 32-place child care centre. The development complies with the FSR, setback and height controls and provides sufficient indoor and outdoor space for the proposed child care centre. Adequate parking is provided for the staff.

The building is single-storey and has the external appearance of a dwelling house with basement parking. It is of an acceptable bulk and scale and is compatible with the one- and two-storey developments in the vicinity of the site. For these reasons the development is not considered to be an overdevelopment of the site.

- Objection:** *Traffic concerns:*
- *Increased traffic causing levels of congestion, noise and air pollution.*
 - *Lack of on-site drop off/pick up area.*
 - *Increased danger for vehicles turning in and out of Rowland Street onto the River Road.*
 - *Risk to pedestrian and children using the street.*
 - *Loss of kerb-side parking to centre staff and parents.*

Comment: The traffic and parking impact from the development has been discussed earlier in this report. Based on the traffic report the development will generate 12 to 14 peak-hour vehicle trips. The traffic report assessed the external traffic impact from the development as “...to be of low impact on existing flows on Rowland Street. The traffic generated by the operation of the proposed child care centre will not alter the current Level of Service and additional traffic generated can be readily accommodated”. The report concluded that “... the additional vehicle movements generated by the development will not adversely impact the successful functioning and operation of the adjoining and nearby land uses”.

Council's Traffic Engineer reviewed the report and concurs with the conclusions reached within the report. Rowland Street is a wide thoroughfare street and is capable of accommodating the additional vehicle movements generated by the development.

There is no requirement in Council's DCP to provide a drop-off/pick-up area on-site. To facilitate smooth drop-off/pick-up, the frontage of the development will be restricted for 15 minute parking during the operation of the child care centre.

Objection: Provides inadequate patron parking on site

Comment: The development provides sufficient parking based on Council's parking requirement for the uses.

Objection: Amenity concerns

- *The quiet and peaceful environment of Rowland Street will be destroyed.*
- *The construction and mainly digging of the underground parking will affect health of residents due to dust and pollution.*
- *The development will bring parasites, rodents and bacteria due to the higher amount of rubbish that is to be disposed daily.*
- *The development will take away light, privacy, safety and peace.*

Comment: The proposed development is permissible on the site under the zoning, and complies with all relevant Council controls. As such, there are insufficient grounds for Council to support a refusal of the proposed application with regard to these areas of concern.

Objection: Adverse acoustic effects from children arrivals/departures and playing in the outdoor area.

Comment: The noise impact from the child care centre has been assessed through a Noise Impact Assessment prepared by an acoustics consultant, submitted with the application and reviewed by Council's Health Officers. The report recommends a series of noise attenuation measures as discussed earlier in this report, which will be incorporated in the site planning, building construction and operation of the facility.

Additionally the operator will be required to prepare a noise management plan to address any noise concerns from the surrounding residents.

Objection: There are two other child care centres within walking distance on The River Road and Kennedy Street and whether this centre is required.

Comment: Council's DCP has no specific requirement regarding the proximity of child care centres. The objectives for location of child care centres are as follows:

- (a) *To have intensive trip generating child care centres in locations that are most accessible to rail transport.*
- (b) *To have the location and size of child care centres maintain the existing environmental capacity and service levels of streets.*

- (c) *To have child care centres avoid locating within close proximity to another existing or approved centre unless it can be demonstrated that the cumulative impacts relating to traffic generation and on-street car parking are within acceptable limits for the area.*
- (d) *To have the size of child care centres limited in established residential areas to ensure this type of trip generating activity does not adversely impact on the existing residential amenity.*

As seen from the above assessment, the proposal satisfies these objectives. The traffic and parking report assessed the impact from the development on the existing traffic and parking including the impact from those centres located in the vicinity of the site. In the absence of any specific locational requirements in the DCP prohibiting childcare centres within a specified distance, there are insufficient grounds to refuse the application for being close to another centre.

Objection: The development will set a precedent for similar other developments in Rowland Street.

Comment: Any other new proposal will be based on merit and if found to similarly comply with all relevant controls, then such development could be approved, regardless of whether this application is approved.

Objection: The development will take away natural light and make homes dark and cold.

Comment: The proposed child care centre building is a single-storey structure setback a minimum of 1.5m from the side boundaries and more than 6m from the rear boundary. There is sufficient separation to allow natural light to the adjoining properties.

Objection: Devaluation of properties.

Comment: There has been no evidence provided to suggest that the proposal will devalue properties in the area.

Objection: Conflicting details about age and number of children

Comment: Council has raised the issue of conflicting information with the applicant. Amended reports and plans/details have been submitted, confirming the number of children as being 34. Council's assessment of the application has found that the centre has a maximum capacity of 32 children, based on the internal and external play areas proposed. A condition will be imposed limiting the maximum number of children at the centre to 32. All reports submitted (traffic/parking, acoustic, etc) are based on 34 children. As such, the impact of 32 children will be less than that assessed in the reports, which were found to be satisfactory.

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

Having regard to the relevant planning considerations, it is concluded that it would not be against the public interest to approve the proposed development.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, including the *Children (Education & Care Services) Supplementary Provisions Regulation 2004*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *Greater Metropolitan Regional Environmental Plan No. 2*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The proposal is consistent with all relevant objectives and standards in the policy and is recommended for approval.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Plan
- C. Site Plan, Elevations, Floor Plans and Landscape Plan
- D. Boundary Fencing Plan
- E. Objectors Map

Planning Matters - 25 October 2016

ITEM 5.3	220-222 South Terrace, Bankstown Demolition of existing dwelling on No. 220 and commercial structures at No. 222, consolidation of two (2) lots, relocation of existing sewer pipe, construction of two (2) storeys of basement car parking and at grade parking, construction of a nine (9) storey mixed use building comprising of ground floor commercial premises and ninety one (91) residential units with associated services, on-site landscaping and site works
FILE	DA-1314/2015
ZONING	B4 Mixed Use
DATE OF LODGEMENT	2 November 2015
APPLICANT	Topwei International Unit Trust
OWNERS	Mr Ommar Sabbagh
ESTIMATED VALUE	\$ 21,941,990 (inclusive of GST)
AUTHOR	Planning

RECOMMENDATION

It is recommended that the application be approved on a deferred commencement basis subject to the attached conditions.

REPORT

This matter is reported to Council due to the project value being \$21,941,990 inclusive of GST, however the capital investment value (CIV) is \$19,947,264 (exc. GST). This matter is reported to Council and not the Sydney West Joint Regional Planning Panel in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011, as the proposed development has a capital investment value (CIV) of less than \$20 million.

Development Application No. DA-1314/2015 proposes demolition of existing dwelling on No. 220 and commercial structures at No. 222, consolidation of two (2) lots, relocation of existing sewer pipe, construction of two (2) storeys of basement car parking and at grade parking, construction of a nine (9) storey mixed use building comprising of ground floor commercial premises and ninety one (91) residential units with associated services, on-site landscaping and site works.

The development application has been assessed against State Environmental Planning Policy No. 55- Remediation of Land, [State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development](#) and the associated Apartment Design Guide, State Environmental Planning Policy (Infrastructure) 2007, [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#), [Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment](#) (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The application was advertised for a period of 28 days and then re-notified for a period of 14 days following the submission of amended plans. One objection was received which raised concerns relating to traffic and car parking issues, not only with this development, but generally in the Bankstown CBD.

The proposal seeks consent for a 9 storey mixed use development and proposes some minor variations to [State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development](#) and the associated Apartment Design Guide (ADG). In particular the report identifies and discusses the proposed non-compliances with the setbacks to the eastern and southern boundary and a number of minor variations in terms of room sizes, deep soil and kitchen depth requirements in accordance with the ADG.

Despite the non-compliances proposed with the application, it is considered that the development application is an appropriate outcome in the context of the surrounding locality and has been recommended for approval on a deferred commencement basis subject to the applicant satisfying the requirements of Sydney Trains.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved on a deferred commencement basis subject to the attached conditions.

DA-1314/2015 ASSESSMENT REPORT

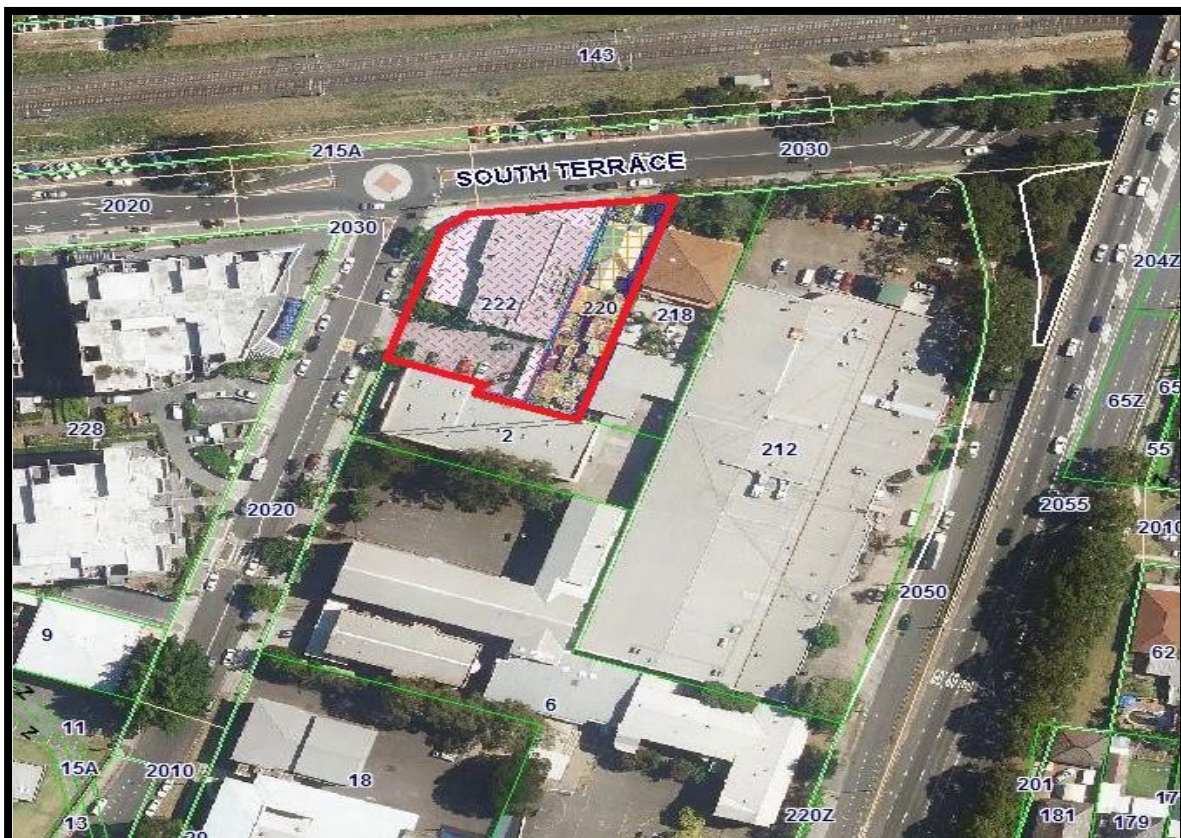
SITE & LOCALITY DESCRIPTION

The subject site is known as 220 – 222 South Terrace, Bankstown. The site is a corner allotment that is currently zoned B4 Mixed Use. The consolidated site has a total area of 2178.9m², and a primary frontage of 36.57m to East Terrace and a secondary frontage of 43.24m to South Terrace. There is a fall of approximately 1.8m from the north to the south, and there are no significant trees on the sites. Of the subject sites, No. 220 South Terrace contains a single storey weatherboard clad dwelling and its associated residential structures. No. 222 South Terrace contains a part two storey mixed commercial building containing 2 restaurants.

Immediately to the north of the development site is the Bankstown Rail line, to the east contains a two storey brick building known as St Jude's refuge. To the south exists a single storey commercial building (St Vincent De Paul), with the development on the opposite side of East Terrace to the west comprising of a residential flat building.

The wider area contains a mix of developments including (but not limited to) a mix of residential flat buildings, commercial premises and educational establishments.

An aerial photo of the site is provided below:



PROPOSED DEVELOPMENT

- The Development Application proposes the demolition of all structures on site, and construction of a nine (9) storey mixed use development comprising of one (1) ground floor commercial tenancy and ninety one (91) residential units with at grade and basement car parking, landscaping and associated site works.
- The proposal has a ground floor containing at grade car parking, one (1) commercial tenancy and waste services facilities. Vehicular access for the residential units is located off East Terrace, with an exit only located on South Terrace for commercial vehicles. The design incorporates a mix of materials and finishes including treated masonry walls, glazing and wood textured materials.
- The proposal has a mix of apartment sizes containing 51 x one (1) bedroom units, 32 x two (2) bedroom units and 8 x three (3) bedroom units, with levels 1-3 containing 12 units and levels 4-8 containing 11 units per floor.
- The proposal has indicated the ground floor commercial unit as a future restaurant, but does not seek approval for the use in this application and will be subject to a future application. However, parking has been calculated on the basis of a restaurant use to ensure future parking compliance.

SECTION 79C ASSESSMENT

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

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

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

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

The sites have a history of a mix of residential and commercial uses and as such a stage 1 and stage 2 Environmental Site Assessment (ESA) was completed and a subsequent Remediation Action Plan (RAP) prepared, based on the recommendations of the stage 2 ESA. The report notes that contaminants were encountered on site and recommends remediation strategies to undertake the remediation required. Council officers have reviewed the ESA reports, the RAP submitted and test results and are satisfied that the site will be suitable subject to conditions of consent for the residential use.

It is therefore considered that the consent authority can be satisfied that the development site is suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

It is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles, planning considerations and policies and recommended strategies contained within the GMREP No.2.

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

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

The proposed development is consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site's context. Moreover, the application generally conforms with the key 'design criteria' contained in the Apartment Design Guide, as illustrated in the table below, with the exception of setbacks, deep soil and minor variations to room sizes/design.

'DESIGN CRITERIA'	PROPOSED	COMPLIES?
3D-1 Communal open space 25% of the site area is to be communal open space (544sqm), and 50% of the COS must receive at least 2 hours direct sunlight between 9am-3pm on 21 June.	705m ² (32%) of the site area is provided as communal open space between the ground floor and the roof top. At least 50% of the COS is able to achieve at least 2 hours direct sunlight between 9am-3pm on 21 June.	Yes
3E-1 Deep Soil Zones Sites greater than 1500m ² must provide 7% of the site as DSZ, 6m wide	152.5m ² with a 6m dimension of deep soil is required. 130m ² of deep soil with a dimension of 6m has been proposed with a total area of deep soil of 198 m ² provided for on site. The remaining area having a dimension of 3.5m.	No, however it is considered that sufficient deep soil planting is provided on site. The proposal provides for 5.9% of the deep soil with the dimension as set out. The total area of deep soil provided on site achieves 9% and is considered satisfactory.

<p>3F-1 Visual Privacy (Building separation)</p> <p>6m setback up to 4 storeys (3m to non-habitable rooms).</p> <p>9m setback, 5-8 storeys (4.5m to non-habitable).</p> <p>12m setback, 9+ storeys (6m to non-habitable rooms).</p> <p>6m setback up to 4 storeys (3m to non-habitable rooms).</p> <p>9m setback, 5-8 storeys (4.5m to non-habitable).</p> <p>12m setback, 9+ storeys (6m to non-habitable rooms).</p>	<p><u>North (South Terrace Frontage)</u></p> <p>Level 1, (ground floor) 3m setback to ground floor building wall</p> <p>Level 2-9, zero set back is proposed</p> <p><u>East</u></p> <p>Level 1, (ground floor) has a 4.3m setback to the fire stairs and a 6m setback to the utility rooms, and building wall</p> <p>Levels 2, 6m setback to the balcony and building wall containing habitable rooms</p> <p>Levels 3-4, 6m setback to the balconies and building wall containing habitable rooms</p> <p>Level 5-8, 9m setback to the balconies and building wall containing habitable rooms</p> <p>Level 9, 9m setback to the balconies and building wall containing habitable rooms</p> <p><u>West (East Terrace Frontage)</u></p> <p>Level 1 (ground floor) – 9, zero setback is proposed</p> <p><u>South</u></p> <p>The southern boundary is irregular as it extends horizontally from the western boundary for 20.725m and then steps in (dog leg) to the south and runs vertically for a distance of 2.44m, then continues horizontally to the east for a further 21.94m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, see below</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<u>Eastern end of the southern boundary</u>	
	Level 1, (ground floor) over 10m setback to the building wall as the proposal has at grade car park adjacent to the southern boundary	Yes
	Levels 2, 6m to the edge of a balcony and 10m setback to the building wall containing windows on the south eastern section of the building	Yes
	Levels 3-4, 10m setback to the building wall containing windows and balconies on the south eastern section of the building	Yes
	Level 5-8, 10m setback to the building wall containing windows and balconies on the south eastern section of the building	No, see discussion below
	Level 9, 9m setback to the balconies and building wall containing habitable rooms	Yes
	<u>Western end of the southern boundary</u>	
	6m setback up to 4 storeys (3m to non-habitable rooms).	Yes
	9m setback, 5-8 storeys (4.5m to non-habitable).	Yes
	12m setback, 9+ storeys (6m to non-habitable rooms).	Yes
	Levels 3-4, 10m setback to the building wall containing windows and balconies on the south western corner section of the building	Yes

	<p>Level 5-8, 10m setback to the building wall containing windows and balconies on the south western section of the building</p> <p>Level 9, 10m setback to the balconies and building wall containing habitable rooms</p>	No, see discussion below
<p>3J-1 Car Parking</p> <p>Minimum car parking requirement must be provided on site</p>	<p>129 car parking spaces are provided, in excess of the minimum 89 required under the Roads and Maritime Services (previously Roads and Transport Authority) Guide to Traffic Generating Developments, RTA 2002, for the residential units.</p> <p>The development complies with the minimum car parking requirements of 109 spaces for residential as contained in the BDCP 2015, Part B5.</p>	Yes
<p>4A-1 Solar access</p> <p>70% of units should receive 2hrs solar access between 9am – 3pm midwinter.</p>	<p>66 of 91 (72%) units receive 2hrs direct solar access between 9am – 3pm midwinter.</p>	Yes
<p>4A-3 Solar access</p> <p>A maximum 15% of apartments receive no direct sunlight between 9am and 3pm mid winter</p>	<p>6 apartments (or 7%) receive no direct sunlight at the relevant time</p>	Yes
<p>4B-3 Natural cross-ventilation</p> <p>60% of units to be naturally cross-ventilated.</p>	<p>55 units (60%) are naturally cross-ventilated.</p>	Yes

Overall depth cross-over or cross-through apartment does not exceed 18m, when measured glass line to glass line	All cross through apartments less than 18m	Yes
4C-1 Ceiling heights Min. 2.7m for habitable rooms. If variation is sought then satisfactory daylight access must be demonstrated. Min. 3.3m to ground floor commercial	Floor-to-ceiling heights are 2.7m to all floors. Minimum 3.3m provided	Yes Yes
4D-1 Unit size 1 bed – min. 50m ² 2 bed – min. 70m ² 3 bed – min. 90m ² Add 5m ² for each additional bathroom/WC Every habitable room must have a window in an external wall	1 Studio, - min. 35 m ² 1 bed, 1 bath – min. 50 m ² 2-bed, 2 bath – min 75m ² 3-bed, 2 bath – min. 95m ² All habitable rooms have a window in an external wall	Yes Yes
4D-2 unit performance maximised In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Most rooms achieve compliance. Units 101, 110, 201, 210, 408, 508, 608, 708 and 808 fail the control and provide an 8.6m setback to the kitchen wall, however achieve 8m when measured to the kitchen bench.	No, the non-compliances are considered supportable as the design and functionality of the unit will accommodate a usable layout and sufficient level of amenity, whilst not compromising environmental performance.

<p>4D-3 Apartment layouts</p> <ul style="list-style-type: none"> • Master Beds: 10m² min • Other beds: 9m² min • Bedrooms min dimension of 3m <p><u>Living Rooms</u></p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	<p>Most rooms achieve compliance</p> <p>Unit 06 on every level and unit 03 levels 1-4 propose one bedroom that does not achieve an area of 3 x 3m, however the design depicted shows a usable, functional room that exceeds the minimum bedroom size</p>	<p>No, However most rooms generally comply and the two non-compliances are considered supportable as the design and functionality of the unit will accommodate a usable layout and sufficient level of amenity and is considered consistent with the design guidance set out in the ADG.</p>
<p>4E-1 Private Open Space</p> <p>1 bed: Min 8m², 2m depth 2 bed: Min. 10m², 2m depth 3 bed: Min 12m², 2.4m depth to primary balconies. Ground level units: Min 15m², 3m depth</p>	<p>All units meet required minimum areas and dimensions</p>	<p>Yes</p>
<p>4F-1 Internal circulation</p> <p>1. Max. 8 units accessed from a single corridor.</p>	<p>The building proposes two corridors containing 2 lifts within each.</p> <p>6 apartments on levels 2-4 accessed from each corridor, one to the east and one to the west.</p> <p>5 apartments on level 4-8 accessed from a single corridor one to the east and 6 apartments to the west accessed from a single corridor.</p> <p>The proposal is a 9 storey mixed use development</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

2. For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40		
4G-1 Storage 1 beds: 6m ³ , 2 beds: 8m ³ , 3 beds: 10m ³ (At least half to be provided within the unit)	All units provided with sufficient storage, and at least half provided within the unit	Yes

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

Setbacks

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

The proposed eastern and southern elevation seeks consideration of reduced setbacks to level 9. Level 9 proposes a 9m setback to habitable rooms containing windows and balconies on the eastern boundary and a 10m setback to the southern boundary containing windows to habitable rooms and balconies. In accordance with the ADG, the setbacks for a building wall containing non-habitable rooms for level 9 and above is 6m and 12m for building walls containing habitable rooms and balconies. The minimum setbacks as proposed for level 9 would exceed the requirements for setbacks to non-habitable rooms, however would fail the requirements by 3m and 2m respectively for habitable rooms.

It is considered that the variation to the 9th storey proposed to the eastern and southern boundary can be supported, as the proposed design is considered to be a good quality design, and generally in keeping with the ADG guidance, in that the addition of a further step to level 9 would add little to the design and would merely accentuate the upper floor and provided unusable areas of transition between levels 8 and 9.

The ADG design guidance highlights that the design of RFB's should limit steps in built form as heights increase and notes that design should ensure that 'Additional steps should be careful not to cause a 'ziggurat' appearance'. It is considered in this instance that the design proposed is acceptable and the variation to the the setback to the 9th storey is acceptable in terms of the design, as well as its outcome and impacts.

It is considered that the design of the development is satisfactory in the context of its surroundings, given the adjoining developments and the minor nature of the departure. It is not considered that significant visual privacy impacts are likely for the existing adjoining developments, being that they are of single and two storey form. The minor variation to the side setback on the 9th storey is not likely to cause any significant impact. It is further considered that the proposal would not cause significant visual privacy issues to any likely future development on the adjoining sites.

Despite the numerical non-compliances, sufficient separation and visual privacy is achieved to each boundary through the use of architectural treatments and the floor plan layout proposed. As a result, the variations are considered worthy of support.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) (ISEPP)

In accordance with the provisions of the ISEPP the development application has been referred to Sydney Trains and Ausgrid.

Sydney Trains

The proposal has been referred to Sydney Trains pursuant to Division 15, Subdivision 2, Clause 86 'Excavation in, above or adjacent to rail corridors' of the ISEPP 2007. The proposal seeks consent for excavation and building works within 25m of a rail corridor and is referred to Sydney Trains for concurrence. Sydney Trains have reviewed the development application and have raised no objection to the proposal and have provided concurrence on the basis of a deferred commencement consent. The deferred commencement matters outlined in schedule A, refer to Geotechnical and structural reports and drawings, construction methodology and additional drawings and details required.

The technical component and design detail requested are considered acceptable matters and have been imposed as part of Schedule A of this consent attached.

The proposal has also been reviewed in accordance Clause 87 'Impact of rail noise or vibration on non-rail development' in accordance with ISEPP 2007. As such a condition of consent has been recommended to ensure compliance with the requirements for internal noise amenity for future residents.

It is recommended that prior to any Construction Certificate being issued, an Acoustic report in accordance with the Cl. 87 of the ISEPP and relevant Australian Standards be prepared and the recommendations contained be demonstrated on the Construction Certificate plans. A follow up condition of consent has been recommended that a suitably qualified consultant certify that the works have been undertaken in accordance with the report's recommendations, prior to the issue of any Occupation Certificate for the development.

Ausgrid

The proposal has been referred to Ausgrid pursuant to Division 5, Subdivision 2, Clause 45 'Determination of development applications – other development' of the ISEPP, as the works involved are within 5m of an exposed overhead powerline. Ausgrid have reviewed the proposal and raise no objection, subject to conditions being imposed in regards to work cover, electrical safety rules and network standards.

Conditions of consent have been recommended to satisfy the Ausgrid requirements.

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

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

Bankstown Local Environmental Plan 2015

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

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.4A – Additional gross floor area for more sustainable development in Bankstown CBD commercial core
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 6.2 – Earthworks

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

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

STANDARD	PROPOSED	BLEP 2015 COMPLIANCE
Clause 4.3 Height	33.7m proposed	Yes (35m max)
Clause 4.4 FSR	3.48:1 proposed	Yes 3.5:1 (subject to 4.4A compliance)
Clause 4.4A Additional gross floor area for more sustainable development in Bankstown CBD commercial core	3.48:1 across the development site. Compliant in this regard.	Yes An assessment has been undertaken as to whether the proposal meets the energy efficiency targets set out in the clause, and the proposal is compliant in this regard.

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

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

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

The following table provides a summary of the development application against the controls contained in Part A1 and B5 of the Bankstown Development Control Plan 2015.

STANDARD	PROPOSED	PART A1 and B5 of BDCP 2015		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Part A1 Centres				
Primary and secondary setback	North (South Terrace) Level 1 (Ground Floor) setback 3m to Building wall for both residential and commercial	Nil setback required	Yes	N/A
	Levels 2-9, Zero setback to the building wall or balconies		Yes	N/A
	West (East Terrace) Level 1 (Ground Floor) – 9, Zero setback to the building wall or balconies	Nil setback required		
Part B5 Parking				
Car Parking	336m2 restaurant provided, parking study submitted. It has been considered the recommendations of the traffic assessment and the provision of	Restaurants Bankstown CBD - - Less than or equal to 100m2 of total dining, bar area: No requirement. - More than 100m ² of total dining bar area: Parking study	Yes – proposed 129 car parking spaces	N/A

STANDARD	PROPOSED	PART A1 and B5 of BDCP 2015		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
	<p>15 car spaces for the commercial component is satisfactory as they have provided these at the DCP rate for "Other Town Centre's", which are not as frequently serviced by public transport</p> <p>B4 mixed use rate</p> <p>91 units x 1 (minimum) = 91</p> <p>91 x 3 = 273 (maximum)</p> <p>1 visitors space per 5 dwellings 91/5 = 18.2</p> <p>Total (assuming the minimum) 91+ 18.2 + 15 = 124.2 (124)</p> <p>Required</p> <p>Total (assuming the maximum) 273 + 18.2 + 15= 306 required</p>	<p>required.</p> <p>In Zone B4 A minimum of 1 car space and a maximum of 3 car spaces per dwelling; and 1 visitor car space per 5 dwellings.</p>		

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

There are no planning agreements applicable to this development application.

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

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

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

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

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

The site is considered suitable for the proposed development.

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

The application was advertised and notified for a period of 28 days and re notified for a period of 14 days with amended plans. One objection was received during this period, which raised concerns relating to traffic and parking.

Objection: *Concerns are raised over the impact of the proposal on the street network and congestion of the local area and the increase in the prevalence of reckless drivers*

Comment: The proposed development is a permitted form of development within the B4 Mixed Use zone. The proposal provides for a mix of residential and commercial tenancies and is considered to be consistent with State Government directives to provide additional housing for Sydney's projected increased population. Increased traffic is expected as developmental growth increases throughout the Local Government Area placing more demand on local roads and town centres.

Council is currently in discussions with the Roads and Maritime Services (RMS) to improve pedestrian safety at the intersection of South Terrace and East Terrace.

In relation to the concerns raised in regards to the reckless and negligent drivers, Council has no delegated powers with respect to enforcing breaches of driving behaviour.

In terms of traffic congestion a Traffic and Parking Impact Assessment has been submitted and reviewed. Access to the site for residential units has been located on East Terrace with limited access (exit only) proposed onto South Terrace. The proposal has been reviewed and it is considered the impact of the proposed development in terms of traffic generation will not see a significant detrimental impact on the road network with the proposal satisfactorily providing for the parking as required by SEPP 65 - Apartment Design Guidelines and the Bankstown Development Control Plan 2015 and the resultant increased vehicle movements not impacting the performance of the nearby intersections.

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

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

CONCLUSION

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

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

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Architectural plans
- C. Objector Map

Planning Matters - 25 October 2016

ITEM 5.4	96-98 Columbine Avenue, Punchbowl Demolition of existing structures and consolidation of existing lots to create one new allotment. Construction of a mixed commercial/residential flat building comprising of two retail shops, nine (9) residential units and basement carparking
FILE	DA-799/2015
ZONING	B1 Neighbourhood Centre
DATE OF LODGEMENT	14 July 2015
APPLICANT	Mr Antonios Hanna
OWNERS	Mr Antonios Hanna
ESTIMATED VALUE	\$1,635,000.00
AUTHOR	Planning

RECOMMENDATION

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

REPORT

This matter is reported to Council due to the number of submissions received and proposed variations to the building height, lot width and car parking requirements of the *Bankstown Development Control Plan 2015*.

Development Application No. DA-799/2015 proposes to demolish the existing buildings and structures at the subject site, and construct a mixed commercial and residential development with basement car parking. DA-799/2015 has been assessed against *State Environmental Planning Policy No. 55 (Remediation of Land)*, *State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)*, *State Environmental Planning Policy (BASIX) 2004*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*. The application fails to comply in regards to building height, lot width and car parking, however despite the non-compliances represents an appropriate outcome for the site.

The application was advertised and notified on lodgement for 21 days. It was then renotified for 14 days following the lodgement of amended plans and additional information. Submissions from 5 separate households were received in response to the notification of the proposed development, as well as a 19-signatory petition. The submissions raise concerns relating to traffic and parking, site frontage and building height, privacy, drainage and stormwater, *Building Code of Australia* considerations, design issues, and impacts during construction. The concerns raised in the submissions have been adequately addressed and do not warrant refusal or further modification of the proposed development.

POLICY IMPACT

This matter has no direct policy implications. The proposed variations to the *Bankstown Development Control Plan* are appropriate in the context of the site.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

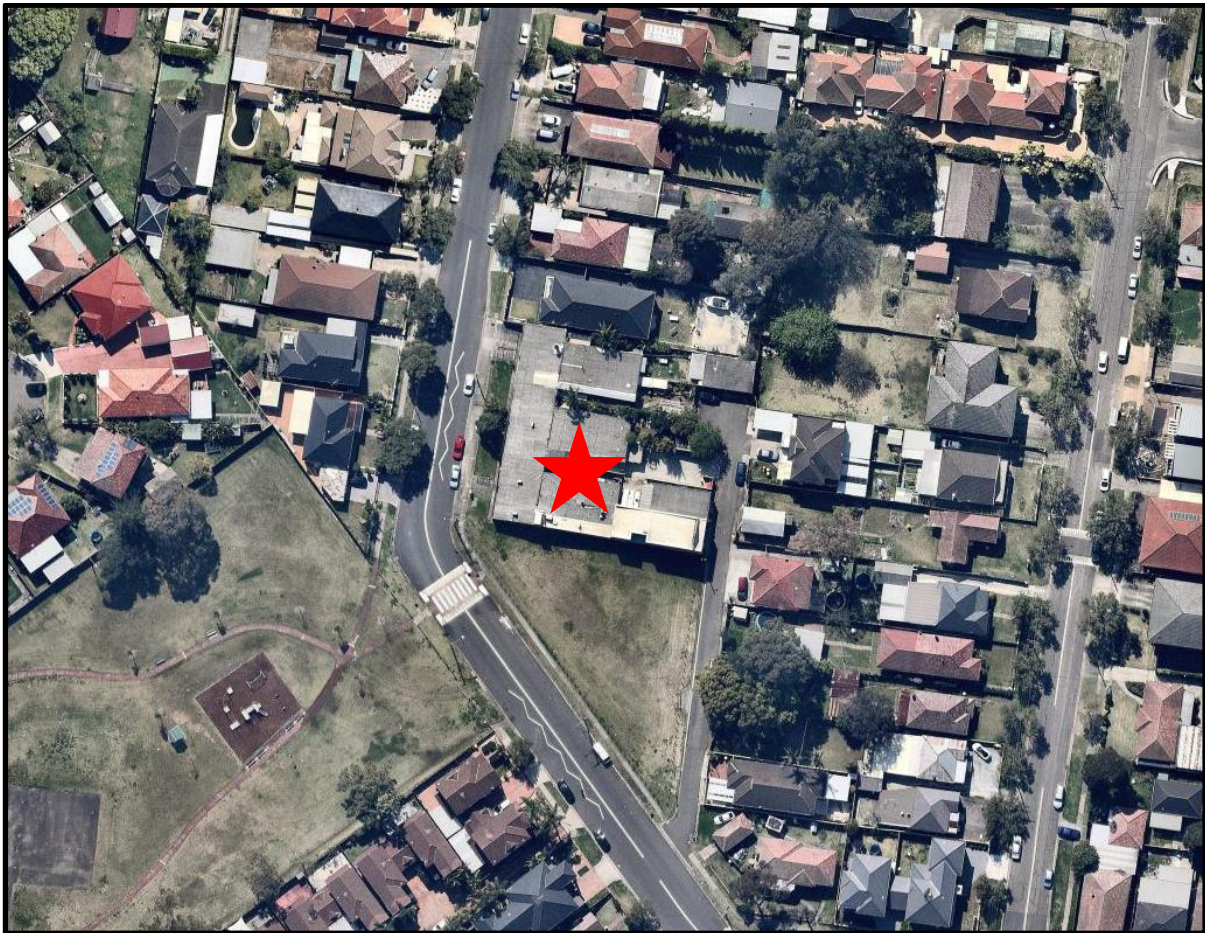
DA-799/2015 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site, known as 96 – 98 Columbine Avenue, Punchbowl, is zoned B1 – Neighbourhood Centre and has a combined area of 628m². It contains two existing, rectangular allotments and has a frontage of 14m to Columbine Avenue. The site also has a frontage to Pratten Lane, which is where existing vehicular access is provided. The land falls away from Columbine Avenue, approximately 2m down to the laneway.

The site is located within a small cluster of local shops, and contains single storey commercial buildings occupied by a mixed business use and a hair dressing salon. Existing vehicular access is provided from Pratten Lane.

The adjoining property to the north is occupied for residential purposes. Immediately to the south is a mixed use building that contains an ice cream and sweets shop that presents to Columbine Avenue with a residential unit to the rear. Residential dwellings are located opposite the site on Columbine Avenue and Pratten Lane. A public park (Arthur Park) is located opposite the site to the south-west. The context of the site is illustrated in the aerial photo below.



PROPOSED DEVELOPMENT

DA-799/2015 proposes the following works:

- Demolition of existing structures.
- Construction of a mixed use development containing 9 residential apartments (7 x 2-bedroom apartments and 2 x 3-bedroom apartments) and 98m² of commercial space fronting Columbine Avenue.
- Basement parking for 14 cars.

The proposed building generally adopts a 3-storey envelope, and contains a mix of 2-bedroom and 3-bedroom apartments. The apartments are arranged in 2 separate building elements over a common podium and basement, and it is proposed to maintain vehicular access from the eastern end of the site, at Pratten Lane. The proposed basement projects almost entirely above natural ground level at the Pratten Lane frontage, due to the natural fall of the land.

SECTION 79C ASSESSMENT

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

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

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

The subject site is located within the Georges River Catchment and accordingly the REP applies (now a 'deemed SEPP'). The proposed works are consistent with the relevant planning principles outlined in the REP, and do not propose any of the specific development types listed in the '*planning control table*'.

State Environmental Planning Policy No. 55 – Remediation of Land

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

Both allotments that make up the development site are completely impervious, with existing buildings, structures and hard-stand areas extending the full width and depth of the site. The existing buildings are occupied by small scale commercial activities, and are of a size and nature that would not likely accommodate any potentially contaminating land uses.

However having regard to the commercial nature of the site, and given that it is proposed to undertake excavation of the site for the provision of basement parking, it would be appropriate to require the preparation of an 'unexpected finds protocol' as part of any approved development, to ensure that any potential sources of contamination encountered during works are appropriately addressed. It is recommended that this requirement be included as a condition of consent.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to the proposed development, and an assessment against the design quality principles and the accompanying Apartment Design Guide has been undertaken. The proposal has adequate regard for the design quality principles and responds appropriately to the site's context. Moreover, the application generally conforms to the key design criteria contained in the Apartment Design Guide, as discussed in the table below.

DESIGN CRITERIA	PROPOSED	COMPLIES?
Communal open space Min. 25% of the site with a min. 2hrs sunlight to 50% between 9am – 3pm on 21 June.	Communal open space is not provided.	No. However the scale of the development (i.e. 9 units) does not warrant a dedicated communal open space area, particularly when accessibility to public open space is taken into account. The development site is located directly opposite Arthur Park, which is on the western side of Columbine Avenue.
Deep soil zones Minimum 7% of the site with a min. 6m dimension.	29m ² (5%) of the site is provided as a podium level deep soil area, with a min. 4.8m dimension.	No. However given the modest site area, opportunities for deep soil zones are limited.
Building separation Min. 12m between habitable rooms/balconies and 6m between non-habitable rooms.	12m separation provided at Level 1, however only 10.8m is provided at ground/podium level.	No. However the non-compliance occurs at podium level, which contains a deep soil area and private terraces which would provide privacy to the ground floor units therefore satisfying the intent of the control.
Ceiling height Min. 2.7m for habitable rooms. Min. 3.3m for ground and first floor to promote flexibility of uses.	2.7m for habitable rooms and 3.2m for the ground floor.	No. However the non-compliance is limited to 100mm at the ground floor only. Given the modest commercial floor area the proposed ceiling height is satisfactory.
Solar access Min. 70% apartments must receive min. 2hrs direct sunlight between 9am – 3pm on 21 June. Max. 15% of apartments to receive no direct sunlight between these hours.	78% units receive the required solar access (7 out of 9 units)	Yes
Cross ventilation Min. 60% apartments to be naturally cross ventilated.	89% units are cross ventilated (8 out of 9 units)	Yes

Apartment size 2 bed – Min. 70m ² 3 bed – Min 90m ² (Add 5m ² per additional bathroom)	Min. 75m ² Min. 100m ²	Yes Yes
Room layout Min. 10m ² for master bedroom and 9m ² for others. Min. 3m bedroom dimension (exc. robes). Min. 4m width for living rooms in 2/3 bed apartments.	Min. 11m ² for master bedroom and min. 9m ² for others, except for Unit 1 which is min. 8m ² . Min. 3m bedroom dimension except Unit 1 which is 2.7m. Min. living room width is 3.5m.	No. However the non-compliances are minor (i.e. in the order of 1m ² in area or up to 500mm in width) and do not have any significant impact on the usability or amenity of the rooms in question.
Balcony size 2 bed – 10m ² (2m depth) 3 bed – 12m ² (2.4m depth)	Min. 10m ² with 2m depth Min. 17m ² with 2.4m depth	Yes Yes
Ground level POS Min. 15m ² with min. 3m depth.	Podium level units have more than 15m ² private open space. Unit 3 relies on a depth of 2.7m for part of this area.	No. However a total of 18m ² is provided to Unit 3, all of which is easily adaptable as private open space. 11m ² of this area achieves the required depth.
Circulation Max. 8 apartments from a circulation core.	Maximum 4 units.	Yes
Storage 1 bed – 6m ³ 2 bed – 8m ³ 3 bed – 10m ³ (Min. 50% to be provided within the apartment).	Minimum storage areas have been provided, including storage within the proposed apartments.	Yes

Bankstown Local Environmental Plan 2015

The proposed development is satisfactory with regard to the relevant provisions of the Bankstown Local Environmental Plan 2015 (the LEP), including the following:

Clause 1.2 Aims of Plan

The proposed development is consistent with the relevant aims of the BLEP 2015, including:

- (a) to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community;*
- (d) to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown;*
- (f) to provide a range of housing opportunities to cater for changing demographics and population needs;*
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth;*
- (i) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety; and*
- (k) to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and road network.*

Clause 2.3 Zone objectives and Land Use Table

The site is located in zone B1 – Neighbourhood Centre, which permits development for the purposes of 'residential flat buildings', 'shop top housing', 'shops' and 'business premises'. The elements that make up the proposed development fall within these definitions and are therefore permitted with consent at the subject site. Moreover, the proposal is consistent with the objectives of the B1 zone, being:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood; and*
- *To provide for certain residential uses that are compatible with the mix of uses in neighbourhood centres.*

Clause 4.3 Height of buildings

According to the LEP Height of Buildings Map, the maximum permitted building height at the subject site is 11m. The proposed development has a maximum height of 11m and complies with this standard. It is noted that the proposed car park exhaust riser projects above the maximum 11m height plane, however the LEP definition of 'building height (or height of building)' excludes these types of structures.

Clause 4.4 Floor space ratio

According to the LEP Floor Space Ratio Map, the maximum permitted floor space ratio at the subject site is 1.5:1. The proposed development has a gross floor area of 913m², which equates to a floor space ratio of 1.45:1 and complies with this standard.

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

There are no draft EPI's applicable to the proposed development.

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

The following table provides a summary of the development application against the controls contained in Parts B2 and B5 of *Bankstown Development Control Plan 2015*.

STANDARD	REQUIRED	BDCP 2015 PARTS B2 and B5	
		PROPOSED	COMPLIES?
Lot width	Minimum primary frontage for mixed use development that contains dwellings is 26m	Combined frontage of 13.98m	No
Storey limit	Maximum 2 storeys plus attic	3 storeys	No
Floor to ceiling height	Minimum 2.7m	2.7m	Yes
Primary and secondary setback	Nil setback permitted	Nil setback to balconies	Yes
Side setback	Nil setback for blank building walls with no window or balcony	Nil setback	Yes
Setback within the site	Minimum 9m between enclosing walls	10.8m between enclosing walls	Yes
	Minimum 6m between balconies	No internal balconies are proposed	N/A
Car Parking	1.2 spaces per 2-bed dwelling (8) 1.5 spaces per 3-bed dwelling (3) 1 visitor space per 5 dwellings (2) 1 space per 40m ² commercial (2) TOTAL of 15 spaces	12 residential spaces 2 residential visitor spaces No commercial spaces TOTAL of 14 spaces	No

Lot width

Clause 2.2 of Part B2 of the *Bankstown Development Control Plan 2015* requires a minimum 26m primary frontage for shop top housing and mixed use development that contains dwellings. The subject site has a total primary frontage of 13.98m and does not comply with this requirement.

The development site is located in a small cluster of properties that are zoned B1 – Neighbourhood Centre. Beyond these lots to the south is a small pocket park, and immediately to the north is land that is zoned R2 – Residential. Columbine Avenue provides a street frontage to the west, and Pratten Lane provides a laneway frontage to the east. There are 6 lots in this neighbourhood centre, and the subject development site occupies 2 of them. There is 1 lot to the south of the development site, however this lot has already been redeveloped and comprises a shop fronting Columbine Avenue and a residential unit toward the rear, accessed from Pratten Lane. It would therefore only be feasible for the development site to consolidate with properties to the north.

There are 3 properties to the north of the development site. In order to meet the minimum 26m DCP frontage requirement, the development site would need to consolidate with 2 of these properties. However this would leave only 1 property remaining at the northern end of the centre, with a frontage of only 7m. Development options for this single, 7m wide lot would be considerably constrained.

The combined frontage of the 3 properties north of the development site is 21m. While this also fails the minimum 26m required by the DCP, it is considered a sufficient lot width for a development that realises the potential of the standards and controls contained in the LEP and DCP. Although non-compliant, the proposed development site would preserve the opportunity for the neighbouring sites to be developed in an appropriate manner, and is preferred over a scenario that excludes a single, 7m wide site for the sake of numerical compliance.

The final possible development scenario for this centre involves the consolidation of the proposed development site with all 3 properties to the north. This would yield a compliant 35m frontage, however involves the inclusion of 1 more lot than is necessary to achieve the minimum 26m frontage, and relies on the amalgamation of 4 separate properties. Given that the proposed development is considered to be acceptable in its own right, and would still preserve the ability for the neighbouring properties to the north to be development in an appropriate manner, it would be onerous to require that all properties to be consolidated in order to overcome the DCP frontage control.

Storey limit

Clause 2.4 in Part B2 of the *Bankstown Development Control Plan 2015* limits the height of development at the subject site to 2-storeys plus an attic. The proposed 3-storey built form does not comply with this requirement.

However as noted earlier in this report, the proposed development complies with the maximum building height prescribed by clause 4.3 of the *Bankstown Local Environmental Plan 2015*, and has a floor space ratio that is less than the maximum 1.5:1 permitted by clause 4.4. The proposed variation is therefore limited to a DCP control, and would not breach a development standard in any of the relevant environmental planning instruments.

The provision of a full third storey in lieu of a compliant 2-storey plus attic arrangement promotes a more contemporary building façade, and would not have a significant or unreasonable overshadowing or privacy impact. Given that there would not be any direct, additional amenity loss through the provision of a full third storey, and given that the non-conforming height would not cause the development to depart from the maximum floor space ratio standard, it would be appropriate to allow the BLEP height control to facilitate the built form outcome in this instance.

Car parking

Part B5 of the *Bankstown Development Control Plan 2015* requires that car parking be provided for 'shops' and 'business premises' at a rate of 1 space per 40m² gross floor area. The proposed development includes 98m² commercial floor space and according to the provisions of the DCP requires 2 car parking spaces. The proposed development does not provide commercial car parking spaces and fails to comply with this requirement.

The proposed commercial floor space is arranged as 2 separate tenancies, each with a 1 space parking demand. Unrestricted kerbside parking is provided on Columbine Avenue, with sufficient width for 2 car parking spaces to be accommodated across the frontage of the development site. These spaces are the most likely to be used by visitors and customers of the commercial tenancies, given that the basement carpark for the development is accessed from Pratten Lane at the rear of the site, via Warwick Street. It is also noted that additional off-street parking is available across the frontage of the pocket park to the south of the site.

Given the modest size of the proposed commercial tenancies, and having regard to the existing on-street parking opportunities in the immediate vicinity of the development site, the proposed departure from the commercial car parking requirements of the DCP is deemed to be worthy of support in this case.

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

There are no planning agreements applicable to the proposed development.

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

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

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

As discussed in this report, the proposed development is acceptable with regard to its likely environmental, social and economic impacts on the locality.

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

The proposed development is permitted with consent at the subject site. The proposed variations to the maximum DCP building height, minimum allotment width and commercial car parking requirements are acceptable in the context of the development and the proposal represents an appropriate built form outcome.

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

The application was advertised and notified on lodgement for 21 days. It was then renotified for 14 days following the lodgement of amended plans and additional information. Submissions from 5 separate households were received in response to the notification of the proposed development, as well as a 19-signatory petition. The submissions raise concerns relating to traffic and parking, site frontage and building height, privacy, drainage and stormwater, *Building Code of Australia* considerations, design issues, and impacts during construction. The matters raised in the objections are summarised and discussed below.

Traffic and parking

- *Pratten Lane is already very congested with current residents and extra cars. Having a building with an extra 9 apartments will make the laneway much more congested and traffic will not be able to flow smoothly.*
- *Extra garbage will be produced as there will be too many residents living in such a narrow laneway. The weekly garbage collection will be impossible due to the extra residents and cars being parked in the laneway.*
- *Having an extra 9 units will cause more traffic and this in turn can be dangerous due to the extra traffic flowing in and out of the laneway.*
- *The street will become too busy. And there will not be enough car spots.*
- *We already have a shortage of car parking spaces along Pratten Lane.*
- *Traffic blockages in Pratten Lane will be inevitable during construction and also for the working life of the building.*
- *Traffic entry to the site via Pratten Lane will not be sustained by the laneway. It barely copes in servicing with the current load.*
- *No traffic report has been provided to support car parking access from Pratten Lane.*
- *There is no turning bay to allow cars to turn easily in the basement.*
- *The proposal does not include a pedestrian and traffic management plan. As Pratten Lane has no footpath visitors and residents of Pratten Lane and Columbine Avenue are required to walk along the road to access these properties. Increased density will lead to greater probability of pedestrian collision. Cars exiting the site at the boundary will not have a clear view up the lane when pulling out onto the street.*

Comment:

According to the provisions of Part B5 – Parking of the BDCP, a total of 13 residential car parking spaces are required for the 9 apartments included in the development. The proposed basement carpark meets this requirement, and it must therefore be accepted that the development would not need to rely on Columbine Avenue or Pratten Lane for resident parking. Moreover, as discussed earlier in this report, unrestricted kerbside parking is provided on Columbine Avenue, with sufficient width for the 2 required commercial car parking spaces to be accommodated across the frontage of the development site.

Given the modest scale of the proposed development, a traffic and parking report was not required. The necessary guidance can be found in the NSW Roads and Maritime Services 'Guide to Traffic Generating Developments' which suggest that a '*medium density residential flat building*' (i.e. according to RMS definitions '*a building containing at least 2 but less than 20 dwellings*') would generate between 3.8 – 4.8 additional vehicle trips per hour. This extent of traffic generation would not be expected to have any unreasonable or significant impact on traffic flows in Pratten Lane, nor at its intersection with Warwick Street

The proposed layout and dimensions of the basement carpark meet the requirements of the relevant Australian Standard. However it is agreed that the installation of mirrors at the entry to the basement carpark would assist the safe movement of vehicles onto Pratten Lane and any potential conflict with pedestrians. This requirement has been included in the recommended conditions of consent attached to this report.

Potential impacts from garbage collection and construction vehicles are discussed later in the sections headed 'impacts during construction' and 'other matters'.

Site frontage and building height

- *The maximum number of levels has been exceeded for the site frontage.*
- *The development has 1 more storey than allowed by the DCP. The extra FSR can be accommodated within an attic space within a pitched roof. This would dramatically reduce the bulk of the development and allow more light into the courtyard area.*
- *The desired character of the neighbourhood centre is 2 storeys with a minimum frontage of 26m with well-designed streetscapes, with distinctive entry for the residential components. The aims and objectives of the DCP are to restrict development in this area to match the surrounding R2 zones of 2 storeys. The proposal has no architectural merit and is not the desired model for future development of the zone.*
- *A building of this size is not suitable for this area as it will not only cause traffic congestion, but will be an eyesore. All current housing in this area is a mixture of 2 storeys.*
- *The 3 storey building will be too tall in our neighbourhood.*
- *The height of the building will be too tall and ugly.*
- *The proposed 3-storey plus basement represents an overdevelopment of the site that is out of character with the residential neighbourhood and is not consistent with the aims and objectives of the LEP or DCP.*
- *Having less than 26m frontage does not allow for a visually appealing façade, with 6m minimum shop fronts all available space is used for the entry and services.*

Comment:

The DCP objectives relevant to the proposed development require that it be 'compatible' with the character of the surrounding area. However for a development to be 'compatible' does not mean that it needs to be the same, nor does it need to 'match' the scale of the development around it, particularly where that development is located in a different land use zone. The merits of the proposal to provide a full third storey rather than a pitched roof and attic arrangement are discussed earlier in this report. So too are the merits of the proposed variation to the minimum frontage width prescribed by the DCP. The proposed development would indeed be taller than the existing residential dwellings in the surrounding locality. However the BLEP provisions allow an 11m maximum building height within this neighbourhood centre and the proposal complies with this standard.

The proposed building presentation is considered to be compatible with the character of the locality. Despite the deficient frontage, the building envelope achieves an appropriate balance and the proposed finishes are neutral and contemporary. The proposed shopfronts are modest, however are typical for a small local centre such as this.

Privacy

- *We will lose all privacy as the building will be higher than all the current residences in this street.*
- *We will lose privacy.*
- *There will be no privacy for neighbours.*
- *The proposed elevated walkway will remove all neighbours' privacy.*

Comment:

It cannot be reasonably held that there would be privacy impacts to the west, over Columbine Avenue and the front yards of properties opposite the site. Similarly, to the south is a commercial property and a pocket park hence the potential for privacy impacts in this direction is minimal. The eastern facade of the proposed development includes balconies to four apartments which would overlook Pratten Lane. While there are a number of dwellings located in this direction, only one of these presents its open space to the laneway. The existing development at 100 Columbine Avenue, immediately adjacent the development site, contains an elevated balcony that has a line of sight directly into this open space area. Although the proposed development would introduce four additional balconies with the same line of sight, the privacy of this open space has already been compromised.

The one remaining scenario to be considered with respect to potential privacy impacts concerns overlooking into the neighbouring properties the north. It is agreed that the walkway between apartments at Levels 1 and 2 may allow overlooking into these properties and fixed privacy screening would indeed be warranted. A recommended condition of consent has been included to address this issue.

Drainage and stormwater

- *The Council owned drain will be demolished as part of the basement excavation and Council will have no ability to then drain stormwater. All shops will likely flood as freeboard above this drain to the floor levels is minimal.*
- *The stormwater documents do not meet the minimum requirements.*
- *The drainage concept plan does not address the common box gutter that runs in front of the property. The area has flooded several times in heavy rain.*
- *The current pipes are very old and always congested which causes water to build up in the laneway. Having 9 extra units will make this problem worse.*

Comment:

A stormwater concept plan was lodged in support of the proposed development. This plan involves draining the site via an on-site detention system, with a detention basin at the midpoint of the site, that extends from ground level into the basement. A basement pumpout system is also proposed. Council's Development Engineers have assessed the proposed stormwater concept plan and advise that it is satisfactory, subject to standard engineering conditions. It is noted that the stormwater concept for the development does not involve any change to the existing box gutter at the front of the property. Any damage to this system during construction works would need to be rectified to Council's satisfaction. It is recommended that the dilapidation report noted above also include all assets and infrastructure within the Columbine Avenue road reserve at the front of the site, as well as any such items located in Pratten Lane to the rear.

Building Code of Australia

- *The development contains balconies to the east and west façade with openings with zero setbacks from the north and south façade. These openings represent a security, fire and privacy risk and do not comply with the BCA.*
- *The plans do not show car parking exhaust stacks which are required to be 6m from all boundaries and 1m above the roof. This fan will add additional height to the development and add to the residual background noise.*
- *The proposal does comply with the BCA with regard to corridor width, disabled access, fire stairs (separate ascending and descending exits and the issue of re-entering the building when exiting the fire stair).*

Comment:

The proposed development has been amended to address concerns regarding potential compliance with the relevant provisions of the *Building Code of Australia*. Council's Certification Team has assessed the amendments and advises that the proposed development is capable of complying with the requirements of the BCA, subject to conditions that are included in the recommended conditions of consent attached to this report.

Design issues

- *The single entry to the apartments is not well defined. The entrance is only 1m wide and would only allow 1 person at a time to walk down this narrow corridor. People travelling in the opposite direction would need to wait at each end of the corridor until it was free. There will be letterboxes and possibly meters in this area also.*
- *The proposed design fails to enhance the streetscape and meet the objectives of the DCP. It fails to inspire.*

Comment:

It is agreed that the proposed residential entry would benefit from an increased width and improved design treatment. The plans show a circulation and passing space at the midpoint of the corridor in order to satisfy BCA requirements. However it is recommended that a condition of consent be imposed that requires further widening of the residential entry to 1.8m throughout, and that the entry be amended to ensure that it is well-defined and distinct from the adjoining commercial shopfronts.

The proposed streetscape presentation of the development is linear and contemporary. The proposed finishes include neutral toned face brick and rendered sections, with contrasting screen and awning elements, and is not inconsistent with the character of similar development elsewhere within the LGA.

Impacts during construction

- *Documentation does not include details of the footings or flashings above the common walls. The excavation of the carpark and removal of the asbestos roof over these common walls will significantly affect neighbouring properties. Exposing the common walls would lead to moisture penetration and damp issues within the neighbouring buildings.*
- *During the construction phase, we will lose access to our residence and will be a major inconvenience to the rest of the street.*
- *Pratten Lane is an extremely narrow laneway. Its width is 6.1m and has a trafficable width of only 5m. Blockages to Pratten Lane will be inevitable during construction.*
- *There is no construction management plan for the site. With barely any space around the site a management plan that provides no construction traffic whatsoever through the lane would be in order.*
- *All properties from 90 – 100 Columbine Avenue are working businesses. The proposed works will disrupt these businesses. Power will be cut off during demolition, telephones and internet cut off as the telecom pits are in the colonnade. Sewer and water cut off during the building process. Concrete trucks, concrete pumps and cranes will be required to block off both Pratten Lane and Columbine Avenue. A smaller development on the site would create less disruption to the residents' amenity and disruption to business.*

Comment:

The proposed development was amended to allow retention of the existing common walls that are currently shared with the adjoining properties, 100 Columbine Avenue to the south and 94 Columbine Avenue to the north. Council's Certification Team have reviewed this aspect of the proposal and advise of their satisfaction, subject to a condition of consent that requires the common walls to be made weatherproof and submission of structural details prior to the issue of a construction certificate. It would also be appropriate to require the preparation of a dilapidation report as part of the development.

The recommended conditions of consent attached to this report includes Council's requirement for a Site, Pedestrian and Management Plan. This Plan typically addresses access points for construction vehicles, protection of pedestrian safety, loading and unloading of construction materials and machinery, and traffic control measures. However given the context of the development site and to ensure that neighbouring residents' concerns are properly addressed, it would be appropriate to expand on these requirements to also include measures to minimise the use of Pratten Lane where possible for construction activities. It would also be appropriate to ensure that all relevant service providers are properly consulted with respect to any potential service disruptions during construction, and to require that adequate notice be given to any potentially affected properties according to the service provider requirements.

Other matters

- *The drawings and rendered images do not match.*
- *The proposal does not contain a solar collection system or solar hot water system to offset the CO2 emissions added by the development. It also ignores the imbedded energy of the materials to build the apartments.*
- *All removalist and delivery trucks will inevitably block Pratten Lane as there is no loading bay or similar as part of the proposal.*
- *The proposed development will add another 22 bins to Pratten Lane, creating more obstacles and longer waiting times to exit the street while waste is removed. If the site was 26m wide the site could accommodate a parking bay for the truck to load the garbage and not block the traffic.*
- *The proposed development has no bike storage, or any auxiliary storage from the tiny apartments sizes.*

Comment:

The proposed finishes are generally consistent with the rendered images submitted in support of the development. Moreover, the proposed built form is consistent with the architectural plans, with the exception of the latest amendments which introduce certain measures to resolve potential *Building Code of Australia* compliance concerns.

There are no provisions in the applicable planning controls that mandate the provision of solar energy or the offsetting of the imbedded energy of building materials.

Removalist and delivery vehicle access would not be limited exclusively to Pratten Lane as the Columbine Avenue frontage can be utilised for these activities. Given the modest scale of the development a dedicated on-site loading bay for removalist and visitor vehicles is not considered to be warranted.

The development provides a garbage storage room that meets the numerical requirements of the DCP. Although garbage collection from Pratten Lane would be for a slightly longer period given additional bins would need to be collected, the collection would only occur infrequently (likely only 1 or 2 days a week) thus any potential impact on traffic in the laneway would be minimal.

The basement includes a dedicated storage area for each of the proposed 9 units. Provision is also made within each of the units for internal storage. It is agreed that bicycle parking should be provided, thus it is recommended that the surplus visitor space 'V1' be amended to provide bicycle parking facilities.

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

The proposed development would not contravene the public interest. It responds appropriately to the development controls contained in *Bankstown Development Control Plan 2015*, as well as the relevant standards contained in *Bankstown Local Environmental Plan 2015*. Requirements of the applicable State Environmental Planning Policies have been met, and matters raised in public submissions have been satisfactorily addressed.

CONCLUSION

DA-799/2015 has been assessed against *State Environmental Planning Policy No. 55 (Remediation of Land)*, *State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)*, *State Environmental Planning Policy (BASIX) 2004*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*.

The proposed development is consistent with the objectives of the B1 – Neighbourhood Centres zone and represents an appropriate built form for the site. Relevant planning controls have been appropriately responded to and no significant, unresolved matters have been raised in public submissions.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Site Plan
- C. Elevations
- D. Objector Map

Planning Matters - 25 October 2016

ITEM 5.5 93-97 Bonds Road, Riverwood: Planning Proposal

AUTHOR Planning

ISSUE

Council is in receipt of an application for a planning proposal for land at 93-97 Bonds Road, Punchbowl. The proposal involves rezoning the land from the current IN1 General Industrial zone to the B5 Business Development zone in order to permit redevelopment for a combination of retail, commercial and residential land uses. It also seeks to increase the floor space ratio from the current maximum of 1:1 to 1.6:1.

RECOMMENDATION

That the planning proposal to rezone the land at 93-97 Bonds Road Riverwood from IN1 General Industrial to B5 Business Development not be supported for the reasons specified in this report and in Attachments A, B, C, D, E and F.

BACKGROUND

Applicant: Bonds Projects Pty Ltd, c/- Australian Consulting Architects

Owner: Mighty Clean Pty Ltd

In 2014 a planning proposal was submitted seeking to rezone the subject land from IN1 General Industrial to a hybrid/composite B5/B6 zone in order to permit high rise residential and retail/commercial development.

An independent assessment of the planning proposal (Attachment B) was undertaken by SGS Economics and Planning on behalf of Council. This recommended that the planning proposal not be supported. This was reported to the former Canterbury City Council on 23 October 2014, 27 November 2014 and 12 February 2015 (Attachment C) where it was deferred for further consideration on each occasion. A second independent assessment was undertaken on behalf of Council by DFP Planning (Attachment D) in March 2015. This report also concluded the planning proposal should not be supported. The matter however was not the subject of any further reports to Council.

In 2016 a new revised planning proposal was submitted seeking the rezoning of the land from IN1 General Industrial to B5 Business Development in order to permit development for mixed residential/retail and commercial uses.

An independent assessment, as well as a peer review of the proponent's economic justification, was undertaken on behalf of Council by SGS Economics and Planning. Both of these reports (Attachments E and F) recommended the submitted planning proposal not be supported.

REPORT

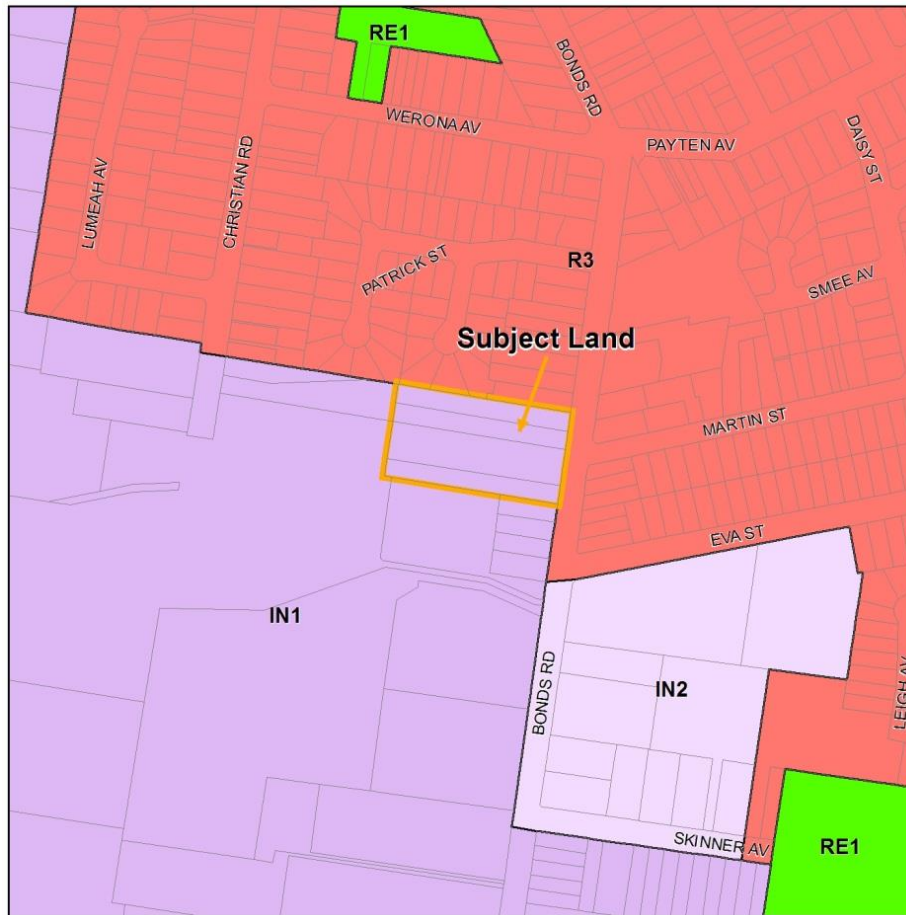
Site and local context

The site has an area of approximately 10,000 m² and is situated at the northern edge of a large and key industrial precinct which has high levels of accessibility to the M5. The site is relatively low lying and is significantly impacted by overland water flow (Overland Flow Study – Salt Pan Creek Catchment, Cardno 2016).

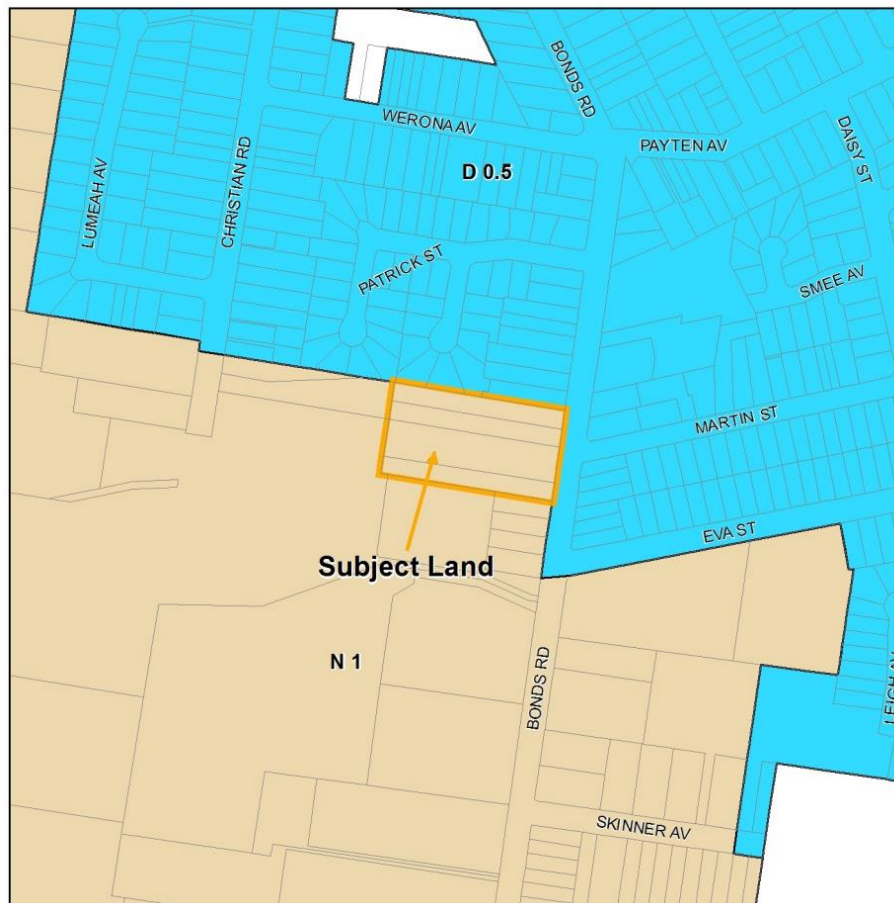


Aerial photo/locational context

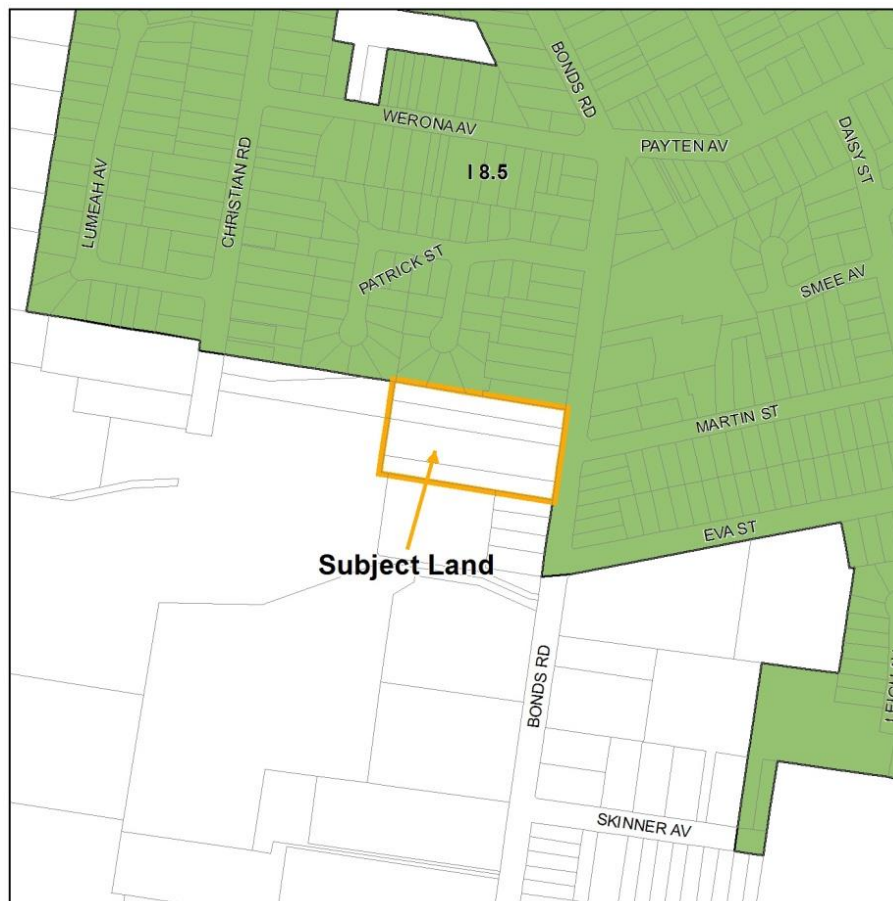
Surrounding development to the north and east is low density residential (Zone R3) with a maximum building height of 8.5 metres and floor space ratio of 0.5:1. As the land is zoned for industrial purposes there is no maximum building height.



Current zoning extract



Current floor space ratios (N – 1:1 FSR)



Current building heights (no specified maximum for industrial zoned land)

Description of Proposal.

The current request for a planning proposal seeks to have the subject land rezoned from IN1 General Industrial to B5 Business Development in order to facilitate redevelopment of the site for a variety of residential, retail and commercial land uses. It is also proposed to increase the floor space ratio from the current maximum of 1:1 to 1.6:1. Envisaged development includes approximately 6,600 m² of residential floor space (approximately 90 dwellings) and 9,400 m² of commercial and retail floor space. Maximum building heights of 15 metres are being sought. A copy of the applicant's planning proposal submission is at Attachment A.

Strategic Assessment of Proposal

There are a number of key issues in the assessment of this request for a planning proposal. Both of the previous SGS reports and the DFP report (Attachments B, D, E and F) have undertaken a thorough assessment of the key strategic considerations relevant to this request, including relevant State Environmental Planning Policies, Local Planning Directions under Section 117(2) of the Act, the Metropolitan Strategy (A Plan for Growing Sydney). All of these have consistently concluded that any proposed rezoning of this land from Industrial purposes to another zone couldn't be supported, either in the form of the original planning proposal submission (2014) or the revised submission from 2016. Consequently this report provides a summary of that previous work.

Summary of previous assessments

Requests to rezone the land at 93-97 Bonds Road Riverwood go back as far as the preparation of the Residential Development Strategy (RDS) (however it is unclear whether those initial requests in 2013 were on behalf of the current applicant). The planning proposal requests submitted after the RDS have been the subject of three separate and independent reviews. These reviews have concluded that the land should not be rezoned from its current IN1 General Industrial zoning, whether it be to a B4 Mixed Use zone (as initially sought) or a B5 Business Development (as per the current submission). The following table provides an overview of the history relative to this site.

Proposal	Reported	Author	Recommendation	Outcome
2013 Rezone either all or part of site to R4 and increase heights and FSR. Submission by: Mecone Pty Ltd Land owner: Mighty Clean Pty Ltd	October 2013 (part of report on RDS)	GLN Planning	Retain current IN1 zone	Deferred by Council pending further information on employment land, traffic, heights, etc.
2014 Planning proposal request. Rezone to B5/B6 hybrid, increase heights to 34m, increase FSR. Submission by: Robert's Day on behalf of Devus Pty Ltd Land owner: Mighty Clean Pty Ltd	October 2014	SGS + Council officers	Retain current IN1 zone	Deferred by Council to allow further information to be provided in relation to employment and traffic issues.
	November 2014	SGS + Council officers	Retain current IN1 zone	Deferred by Council for further traffic and parking commentary.
	February 2015	SGS + Council officers	Retain current IN1 zone	Deferred by Council for further information in relation to concept plans and employment capabilities.
	July 2015	DFP and Council officers	Retain current IN1 zone	Report prepared but not considered by Council.
2016 Planning proposal submission to rezone to B5, increase FSR to 1.6:1, increase height to 15.5 metres (5 storey) Submission by: Bonds Project Pty Ltd c/Australian Consulting Architects Land Owner: Mighty Clean Pty Ltd	October 2016	SGS (review of PP plus peer review of economic justification) and Council officers	Retain current IN1 zone	Decision pending

Key conclusions from the independent assessments include:

- the need to retain the land for future employment
- the undesirable precedent that could be established for other industrial sites
- the scale and intensity of the concepts proposed are excessive and out of scale and character with the local area
- the site not being needed for residential development.

Further, the proposed rezoning is not supported by strategic studies including the former Canterbury City Council's Residential Development Strategy or Economic Development and Employment Strategy and can't be justified in terms of the State Government Metropolitan Strategy (A Plan for Growing Sydney). The rezoning does not meet the criteria set in the Industrial Lands Strategic Checklist which need to be addressed where any rezoning of industrial land is being contemplated (SGS report, 2016, p18).

Fundamentally this proposal is about allowing a residential development to establish and intrude into one of Council's most significant and strategically important industrial precincts. It would also allow such a development to establish in an otherwise low density residential environment, in an out-of-town-centre location and one well removed from good access to public transport, most notably rail access.

POLICY IMPACT

Support for the planning proposal would undermine the integrity of the following strategic and policy documents:

- Canterbury Local Environmental Plan 2012
- Towards 2032 : Economic Development and Employment Strategy
- Building Employment Opportunities in Sydney's South
- Canterbury Residential Development Strategy

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no immediate financial impacts from the decision.

RECOMMENDATION

That the planning proposal to rezone the land at 93-97 Bonds Road Riverwood from IN1 General Industrial to B5 Business Development not be supported for the reasons specified in this report and in Attachments A, B, C, D, E and F.

ATTACHMENTS [Click here for attachments](#)

- A. Planning Proposal Submission April 2016
- B. SGS Report August 2014
- C. Report to Council 12 February 2015
- D. DFP Planning Report March 2015
- E. SGS Assessment of Planning Proposal September 2016
- F. SGS Peer Review of Economic Justification September 2016

Planning Matters - 25 October 2016

ITEM 5.6 Clause 4.4A Planning Proposal Exhibition Summary

AUTHOR **Planning**

ISSUE

This report summarises the exhibition of the planning proposal to amend Clause 4.4A of Bankstown Local Environmental Plan 2015.

RECOMMENDATION That -

1. Council adopt the revised planning proposal as shown in Attachment A.
2. Council forward the revised planning proposal to the Department of Planning & Environment to draft and finalise the LEP Amendment.

BACKGROUND

Clause 4.4A utilises a floor space bonus scheme to encourage development within the commercial core of the Bankstown CBD to achieve higher environmental design and efficiency outcomes. The clause came into effect as a part of the Bankstown Local Environmental Plan 2015.

At the Ordinary Meeting of 23 June 2015, Council resolved to make a minor grammatical correction to clause 4.4A(4)(c)(i). This amendment proposed to allow the application of clause 4.6 in relation to building height by replacing the word 'and' with 'or' as follows:

- 4.4A(4)(c) *any increase in the gross floor area referred to in subclause (3):*
- (i) *does not result in the building exceeding the maximum building height shown for the land on the Height of Buildings Map, ~~and~~ or*
 - (ii) *does not adversely impact on adjoining and neighbouring land in terms of visual bulk and overshadowing,*

The intent of the change is to provide an appropriate degree of flexibility to exceed the building height in cases where development can demonstrate the environmental objectives of the clause are met. This would permit the application of clause 4.6 of Bankstown Local Environment Plan 2015 to achieve better built form outcomes.

This amendment is consistent with the objectives of the clause as it continues to ensure the increase in floor space is compatible with surrounding buildings in terms of bulk, height and amenity.

This amendment is justified as it clarifies the implementation of clause 4.4A(4)(c) as intended by Council.

The purpose of this report is to summarise the key issues raised by submissions during the consultation and exhibition stages of process.

Refer to the council report (Item 5.5) for the Ordinary Meeting of 23 June 2015 (Attachment B) for further background about Clause 4.4A.

REPORT

Gateway Determination (Pre-Exhibition Consultation Stage)

The Department of Planning & Environment issued a Gateway Determination on 9 May enabling Council to exhibit the planning proposal. A condition of the Gateway Determination requires Council to consult with the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport Limited prior to the exhibition of the planning proposal.

Council notified these public authorities in July 2016 and received a submission from each. The key issues raised in the submissions are:

Key Issues	Council response
The Department of Infrastructure & Regional Development advises Council to consider the inclusion of references to the National Airports Safeguarding Framework in any future review of its planning documents.	Noted.
The Department of Infrastructure & Regional Development confirms that neither the <i>Airports Act 1996</i> nor the <i>Airports (Protection of Airspace) Regulations 1996</i> require or enable them to approve planning decisions such as the removal of building height limits.	Noted.
The Department of Infrastructure & Regional Development directs Council to refer specific proposed structures which would intrude into an airport's protected airspace to the relevant airport operator.	Council will continue to consult with Bankstown Airport Limited (BAL) as a part of the development assessment process.

Bankstown Airport Limited reiterates that it is bound by the Airports Act 1996 and the Regulations, and encourages Council to align any planning amendments with the Bankstown Airport Prescribed Airspace.	Noted.
Bankstown Airport Limited (BAL) requests that Council continue the current protocol of referring proposed developments which may penetrate the Obstacle Limitation Surface and / or the PANS / OPS to BAL for assessment.	Council will continue the current protocol of referring development applications which may penetrate the Obstacle Limitation Surface and / or the PANS / OPS to Bankstown Airport Limited for assessment.

Following a consideration of the submissions from the public authorities, it is proposed:

- A1.** To update Part 3 (Section 6) of the planning proposal to reflect the pre-exhibition consultation process in accordance with the Ministerial (117) Direction 3.5- Development Near Licensed Aerodromes.

Exhibition (Community Consultation Stage)

Council exhibited the planning proposal from 24 August to 20 September 2016. The exhibition included:

- Displays at Council's customer service centre (Bankstown Branch), and corporate website (including Council's Have Your Say page).
- Public notice in the local newspaper that circulates in the area affected by the planning proposal (The Bankstown – Canterbury Torch).
- Notification letters to the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport Limited.

Council did not receive any submissions in response to the exhibition. It is proposed to make certain administrative amendments to Part 5 of the planning proposal to reflect the outcomes of the exhibition process.

POLICY IMPACT

The adoption of the revised planning proposal and eventual gazettal of the LEP Amendment will change Council policy in relation to this specific matter.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

RECOMMENDATION That -

1. Council adopt the revised planning proposal as shown in Attachment A.

2. Council forward the revised planning proposal to the Department of Planning & Environment to draft and finalise the LEP Amendment.

ATTACHMENTS

[Click here for attachments](#)

- A. Planning Proposal to Amend Bankstown Local Environmental Plan 2015 (Clause 4.4A) dated September 2016
- B. Council Report (Item 5.5) for the Ordinary Meeting of 23 June 2015

Planning Matters - 25 October 2016

ITEM 5.7 Draft Bankstown Development Control Plan 2015 (Amendment No. 6).

AUTHOR Planning

ISSUE

This report outlines certain changes to the waste provisions of Bankstown Development Control Plan 2015 for exhibition purposes.

RECOMMENDATION That -

1. Council exhibit the Draft Bankstown Development Control Plan 2015 (Amendment No. 6) as shown in Attachments A and B.
2. Council exhibit the Waste Management Guide for New Developments and template Waste Management Plan as shown in Attachment C and D.
3. A further report be submitted to Council at the conclusion of the exhibition period.

BACKGROUND

In November 2015, Bankstown and Canterbury Councils (pre-merge) commenced a joint project to review the waste management components of the DCP. As the waste controls had not been reviewed since 2005, Officers recognised the potential for improvement, to better meet the needs of the area that is rapidly developing at a scale not provided for in the existing DCP.

A consultant with experience in waste management and planning was engaged to conduct the project on behalf of both organisations.

Extensive consultations were conducted across both organisations to gather input into suggested improvements to the existing controls.

As a result of consultation:

- a) Minor changes were proposed to the Canterbury DCP (Part 6.9) and template Waste Management Plan. This was exhibited and closed for comment on 7 October 2016.
- b) Broader changes were proposed for development in the Bankstown area:
 - i. Updating waste controls and create a stand-alone chapter for waste (Part B13);
 - ii. Updating the template Waste Management Plan; and

- iii. Supporting the DCP controls (Part B13) with a more detailed Waste Management Guide for New Developments which will assist Developers in the pre-planning stage.

REPORT

Proposed Amendments to Bankstown Development Control Plan 2015

Based on the review, the proposed key changes to the Bankstown Development Control Plan 2015 are:

1. Insert a new Chapter - Part B13–Waste Management and Minimisation

Reason: In order to elevate waste services (an essential service for health, hygiene and amenity) during the planning phase of developments, it is strongly recommended as well as demonstrated in a number of other large councils, to have waste controls in a stand-alone chapter. Make reference to Attachment B.

2. Delete former waste provisions in certain other parts of the DCP

Reason: To further demonstrate the importance of waste as an essential service, any mention of waste throughout the DCP will be removed and reference made only in the stand-alone chapter B13. Make reference to Attachment A for the sections of the existing DCP to be deleted.

Waste Management Guide for New Developments

Reason: The area of waste management across all development types extends beyond what should be included in part B13 of the DCP. In order to provide expert guidance to Developers during their planning phase, the Guide provides additional technical specifications upfront instead of when plans have been submitted. Make reference to Attachment C.

Waste Management Plan template

Reason: Developers are now required to consider the development's waste impact from demolition through to the ongoing use of the development. The WMP will be assessed more thoroughly in a check-list style and has been made relatively similar to the Canterbury Branch template (with more detail in the Bankstown Branch WMP template). Make reference to Attachment D.

Next steps

The next step is to exhibit the proposed Bankstown DCP Part B13 and the Waste Management Guide for New Developments, and for Council to consider the submissions following the exhibition period.

Integration of the Bankstown and Canterbury Development Control Plans will be considered when the broader review commences.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

Adoption of this report has no financial impacts for Council.

RECOMMENDATION That -

1. Council exhibit the Draft Bankstown Development Control Plan 2015 (Amendment No. 6) as shown in Attachments A and B.
2. Council exhibit the Waste Management Guide for New Developments and template Waste Management Plan as shown in Attachment C and D.
3. A further report be submitted to Council at the conclusion of the exhibition period.

ATTACHMENTS [Click here for attachments](#)

- A. Proposed Amendments to Bankstown DCP 2015
- B. Part B13 Bankstown DCP 2015
- C. Waste Management Guide for New Developments
- D. Template Waste Management Plan

Planning Matters - 25 October 2016

ITEM 5.8 Appointment of the Canterbury Bankstown IHAP and IHAP Review Panel

AUTHOR Planning

ISSUE

To seek the Administrator's endorsement to appoint seven (7) independent members to the Canterbury Bankstown Independent Hearing and Assessment Panel and to commence the operation of the Canterbury Bankstown Independent Hearing and Assessment Panel (IHAP) and Canterbury Bankstown Independent Hearing and Assessment Review Panel (IHARP).

RECOMMENDATION That -

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

BACKGROUND

Council at its Ordinary Meeting on 26 July 2016 resolved to establish a Canterbury Bankstown Independent Hearing and Assessment Panel (IHAP) and to endorse the Canterbury Bankstown IHAP Charter. The new Panel will comprise members from disciplines such as law, town planning, urban design and environmental science.

Since this time, a public call for expressions of interest was undertaken to identify a pool of potential panel members. The selected members identified in this report were subject to a transparent, merit-based selection and appointment process independently led by a specialist recruitment organisation.

REPORT

A total of 84 responses were received to a call for expressions of interest for individuals to join the Canterbury Bankstown IHAP. A specialist recruitment organisation independently recommended a shortlist of candidates based on skills and experience relevant to the role of panel members. Individual interviews were undertaken with a subset of the shortlist.

A total of seven (7) panel members are recommended for appointment. Panel members will be appointed to panel meetings on a rotational basis, based on their qualifications and experience and absence of any real or potential conflict of interest.

Revised Structure

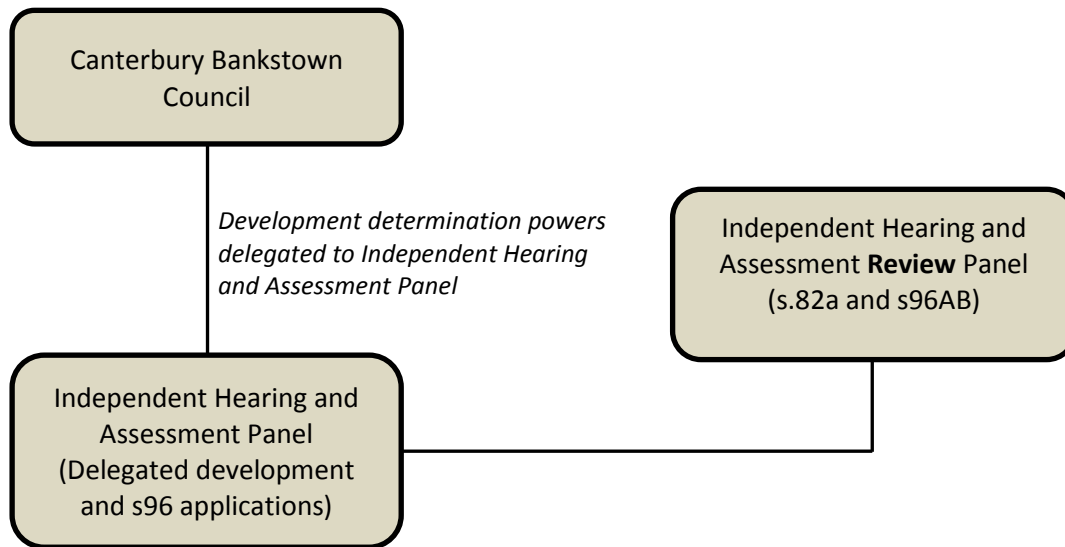
Council has been provided with additional specialist advice regarding the structure of the Panel and determinative function in relation to reviews of development decisions. Based on independent expert advice, it is recommended that the following structure be endorsed by the Administrator and reflected in the Charter.

The Canterbury Bankstown Independent Hearing and Assessment Panel be established as an entity comprising two separate, but related bodies, being:-

(1) Determining Panel, with delegated authority to consider and determine development applications and s96 modifications and consider and make recommendations about Planning Proposals.

(2) Review Panel, with delegated authority to consider and determine s82A and s96AB reviews of determinations made by the Determining Panel.

For the purposes of the *Environmental Planning and Assessment Act 1979*, the Determining Panel is subordinate to the Review Panel as illustrated below.



IHAP Review Panel

The Review Panel would be subject to the provisions in the IHAP Charter. The Review Panel will determine all reviews of decisions made by the Determining Panel requested under section 82A and section 96AB of the Act.

Membership of the Review Panel will comprise three (3) panel members including Chair and would be selected from the broader pool of seven (7) members recommended in this report. As with the Determining Panel, members of the the Review Panel would be selected on a rotational basis.

Panel Members

Based on the independently merit led recruitment process, the following Panel members are recommended for appointment based on their respective skills and experience.

- Anthony Hudson (Chair)
- Michael File
- Jan Murrell
- Garth Peterson
- Tim Moore
- Ian Garrard
- Chris Wilson

Each of the panel members has confirmed their availability and does not have any conflict of interest if appointed to the Panel. Notwithstanding, all members will be required to adhere to the Charter that defines panel member responsibilities with regard to conduct and conflict of interest.

POLICY IMPACT

The introduction of an independent hearing and assessment panel for the Canterbury Bankstown area is consistent with industry best practice for determining development matters. This approach also aligns with the State Government's intent to increase certainty, improve the integrity of the planning system and increase transparency and openness in decision making.

FINANCIAL IMPACT OF RECOMMENDATIONS

The financial implication for Council arising from the introduction of the IHAP will be dependent on the number of meetings held by the Panel and the number of matters to be considered/determined.

A review was undertaken of remuneration rates for newly established and existing Independent Hearing and Assessment Panels to determine a competitive remuneration of panel members.

Based on the review it is recommended that Panel members are remunerated as follows:

Chair: \$3,500 per meeting

Panel members: \$2,500 per meeting

Based on the above remuneration rates, it is expected that the ongoing annual cost of administering the Panels will be approximately \$0.2M.

Provisions have been made available in the current budget to establish the IHAP. Ongoing funding required to administer the Panels will be reflected in Councils 2016/17 Budget.

RECOMMENDATION That -

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

- 6 Subject to item 1 and 2 above the Canterbury IHAP cease to operate and now be dissolved.

ATTACHMENTS [Click here for attachments](#)

- A. Independent Hearing and Assessment Panel Charter

6 REPORT OF THE GENERAL MANAGER

The following items are submitted for consideration -

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6.9	Cash and Investment Report as at 30 September 2016	187

Report of the General Manager - 25 October 2016

ITEM 6.1 **Code of Conduct**

AUTHOR **Corporate**

ISSUE

The adoption of Council's Code of Conduct.

RECOMMENDATION That -

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

BACKGROUND

The *Local Government Act 1993* requires all councils to adopt a Code of Conduct and Procedures for the Administration of the Code of Conduct that incorporate the provisions of the Model Code and Model Procedures. The Office of Local Government published a revised '*Model Code of Conduct for Local Councils in NSW*' in November 2015.

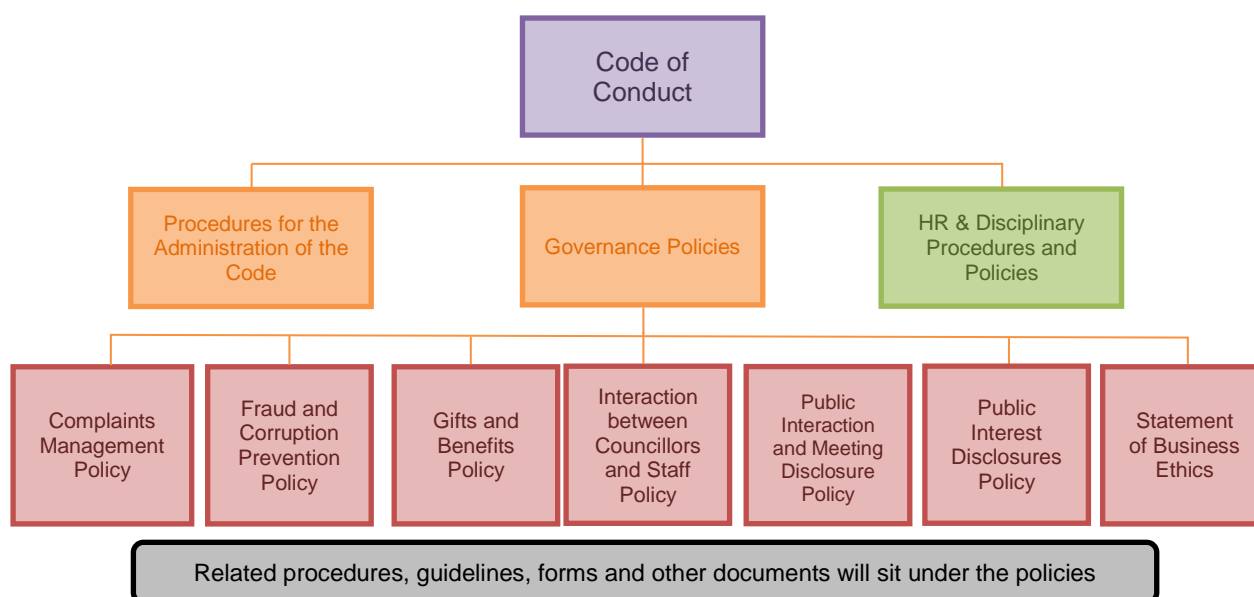
As a result of the provisions of the Proclamation on 12 May 2016, Canterbury-Bankstown Council (Council) has been operating in accordance with the Model Code of Conduct.

Council is seeking to adopt a revised Code of Conduct to form the foundation of its Code of Conduct Framework. The Framework will provide an important basis to strengthen Council's approach and commitment to good governance practices, and ensuring that decisions are made in the best interests of the community.

REPORT

In accordance with the requirements of the *Local Government Act 1993* (the Act), the revised Code of Conduct has been prepared based on the Office of Local Government's Model Code of Conduct for Local Councils in NSW, and has been supplemented with specific provisions relevant to Canterbury-Bankstown Council (Council).

The Code of Conduct will form an important part of Council's broader Corporate Governance Framework structure that is under development, and will be supported by key governance documents that will supplement the provisions of the Code as they relate to gifts and benefits, fraud and corruption prevention, complaints management and other key aspects of ethical behaviour as depicted in the diagram below:



This Framework will be regularly reviewed to ensure it remains current and reflects Council's legislative and statutory requirements. As the new policies that form the Framework come into effect, they will be rolled out across the organisation and incorporated as part of Council's Induction Program for new starters.

To coincide with the preparation of this Framework, work has also commenced on the development of a Corporate Governance Framework for Canterbury-Bankstown Council. The Corporate Governance Framework will ensure the management and control of Council and its activities are both effective and appropriate, and undertaken in accordance with the principles of good governance.

Code of Conduct

Under Section 440 of the Act, Council is required to adopt a Code of Conduct. The Code of Conduct provides guidance on general conduct, conflicts of interest, personal benefit, relationships between Councillors and Council officials and access to information and Council resources.

As indicated, the Canterbury-Bankstown Code of Conduct is substantially based on the Model Code of Conduct and supplemented with the following specific provisions relevant to Canterbury-Bankstown Council:

- Section 3.7 and 3.8 – Transparency in regard to regulatory and development decisions as well as meetings with applicants.
- Section 3.13 and 3.14 – Lobbying of Councillors.
- Section 5.3 – Setting the value of a token value gift as \$20
- Section 6.2(e) – Making statements to the media (including social media) and the disclosure of materials classified as confidential in reports.

- Sections 7.20 and 7.22 – Councillor access to buildings.

In addition to the above specific provisions, an updated Foreword and inclusion of seven Key Principles has been highlighted in yellow in the Code of Conduct attachment. The Code of Conduct also includes a copy of the Independent Commission Against Corruption (ICAC) Lobbying Local Government Councillors brochure, to further expand on sections 3.13 and 3.14 of the Code in regard to appropriate lobbying behaviour. Permission has been granted by the ICAC for the reproduction of their publication for this intended purpose.

Internal administrative processes and declaration forms will facilitate the implementation of the Code and its provisions.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

The Code of Conduct is administered under a separate framework known as the *'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW'*. The document sets out in detail the processes for dealing with complaints and investigations in relation to alleged breaches of the Model Code.

In accordance with the Act, Council is required to adopt a procedure that incorporates the provisions of the model procedure for the purpose of administering the Code of Conduct. It is recommended that Canterbury-Bankstown Council adopt the Office of Local Government's Procedures for the Administration of the Model Code of Conduct in its entirety to facilitate reviews and investigations following reported breaches of the Code of Conduct.

Panel of Conduct Reviewers

To coincide with the adoption of the Code of Conduct and Procedures for the Administration of the Model Code of Conduct, the establishment of a panel of conduct reviewers of persons independent of the Council is required. The Panel is responsible for reviewing allegations of breaches of the Code of Conduct.

Southern Sydney Regional Organisation of Councils (SSROC) renewed its current panel of conduct reviewers *in March 2013*. The SSROC panel of conduct reviewers are appointed for a four-year period, with the Panel open to member Councils to draw upon on an 'as-required' basis.

In the event there is a need to appoint conduct reviewers, in accordance with the Procedures for the Administration of the Model Code of Conduct, Council's Complaints Coordinator will select the relevant person(s) from the Panel of persons recommended by SSROC.

Supporting Governance Policies

As depicted in the Code of Conduct Framework diagram, work has begun on identifying key supporting governance policies that will provide the foundation for a strong ethical and transparent culture within Council. Work has commenced on the development of the following:

- Complaints Management Policy
- Fraud and Corruption Prevention Policy

- Gifts and Benefits Policy
- Interaction between Councillors and Staff Policy
- Public Interaction and Meeting Disclosure Policy
- Public Interest Disclosures Policy
- Statement of Business Ethics

As these policies are progressively finalised, a report will be prepared to enable their adoption by Council.

POLICY IMPACT

The adoption of the Code of Conduct and procedures ensures compliance with the provisions of the *Local Government Act 1993*. Further, the Independent Commission Against Corruption (ICAC) have reviewed the Code's consistency against their own requirements.

FINANCIAL IMPACT OF RECOMMENDATIONS

Where Council is required to engage the services of SSROC's Panel of Conduct Reviewers, fees payable under such arrangements will be available from Council's adopted budget.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Code of Conduct
- B. Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

Report of the General Manager - 25 October 2016

ITEM 6.2 Audit and Risk Committee

AUTHOR Corporate

ISSUE

To provide an update regarding the establishment of new Audit and Risk Committee.

RECOMMENDATION That -

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

BACKGROUND

At the extra-ordinary Council meeting on the 24 May 2016, it was resolved that:

1. The existing Audit Committees, that is, the Audit Committees of the former City of Canterbury and Bankstown City Councils cease to operate as singular committees;
2. The two audit committees of the former councils be combined to form a single, Canterbury-Bankstown Audit Committee, with its membership an amalgam of the former members, until such time that a full review is conducted;
3. The General Manager write to all existing audit committee members seeking clarification of their desire to remain a fixed member of the committee for the Canterbury-Bankstown forum;
4. Following receipt of these responses, the General Manager be delegated the authority to proceed to an Expression of Interest for membership of the Committee, and subsequently make any required appointments in consultation with the Administrator; and
5. The Audit Committee, at its first meeting as the committee of Canterbury-Bankstown Council, agree on all Policies and Procedures relevant to its operation, with a report to be provided to the General Manager and Administrator and the minutes to be adopted at the next Ordinary Meeting of Council.

REPORT

Update on Council Resolution

In accordance with the Council Resolution regarding the establishment of an Audit Committee, the following has evolved to date:

1. Committees of the former City of Canterbury and Bankstown City Council ceased to operate as singular committees;
2. A new Audit and Risk Committee was formed consisting of three members of the former audit committees. Membership was established through expressions of interest, in accordance with the Council resolution. Details of newly appointed independent members is as follows:
 - **Associate Professor Phillip Ross** of the University of Western Sydney. Dr Ross was a member and Chairperson of the former Bankstown Audit Committee and also serves on the Committee for a number of other Councils in NSW.
 - **Mr Jayant Gulwadi** of JAG Business Advisory and Chartered Accountants of Bankstown. Mr Gulwadi was a member of the Audit Committee for the former Bankstown Council and has also served as an independent member for other Councils in NSW.
 - **Mr Steve Kent**, Principal with BDO's Risk Advisory practice. Mr Kent was a member of the Audit Committee for the former Canterbury Council and is currently chairperson for three other NSW Councils. Mr Kent has 30 years' experience in general management, assurance, risk management, consulting and advisory services, with a recent focus on the State and Local Government sector.
3. The first Audit and Risk Committee for the new City of Canterbury-Bankstown was held on the 11th of October 2016. At this meeting relevant Policies and Procedures including the Charter for the Audit and Risk Committee and Internal Audit were endorsed by the Committee. The purpose of these Charters is to establish the purpose, authority and responsibility of the Committee and the Internal Audit function and they have been developed in accordance with the Internal Audit Guidelines, 2010 issued by the NSW Division of Local Government.

Furthermore in accordance with the Audit and Risk Committee Charter, the Committee elected a Chairperson, Dr Phillip Ross.

Remuneration of Committee Members

In accordance with the Audit and Risk Committee Charter, remuneration of independent members is to be determined by Council.

The Internal Audit Guidelines, issued by the NSW Division of Local Government, do not give any specific guidance or recommendation on what would be an appropriate level of remuneration for audit committee members, other than to say that:

Sufficient funds need to be allocated to the audit committee for it to operate effectively. Council should resolve to provide a budget and funds for the audit committee, this should include fees payable to the audit committee members.

The former Bankstown Council remunerated its independent members \$200 per meeting, whilst the former Canterbury Council remunerated its independent members \$500 per meeting.

A survey of a number of Councils indicated that the median rate paid is \$500 per independent member, per sitting. Furthermore it was generally accepted that the Chair was paid a premium and that a premium rate of 30% was reasonable, i.e. \$650 per sitting.

POLICY IMPACT

Adoption of new Charter's for the Audit and Risk Committee and Internal Audit.

FINANCIAL IMPACT OF RECOMMENDATIONS

The financial impact of conducting the committee will be in the order of \$5-6K. Funding is available in Council's adopted 2016/17 budget.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. City of Canterbury-Bankstown Audit and Risk Committee Charter
- B. City of Canterbury-Bankstown Internal Audit Charter

Report of the General Manager - 25 October 2016

ITEM 6.3 Community Advisory Committees

AUTHOR Corporate

ISSUE

To establish a number of Community Advisory Committees and to seek Council's endorsement of the proposed Guidelines, Rules and Charters for the administration of the Committees.

RECOMMENDATION That -

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

BACKGROUND

At the Extraordinary meeting of Council on 24 May 2016, it was resolved that in light of the Proclamation of Canterbury-Bankstown Council, Council review and reassess its representation on relevant advisory committees. It was also resolved that further reports be prepared outlining the appropriate Committee structure, governance framework and nomination process for community representation to assist Council in effectively exercising its statutory obligations.

As Council would be aware, Local Representation Committees and associated sub-committees have since been established and have held their initial meetings. These were reported to Council on 27 September 2016.

REPORT

It is now proposed to re-establish the following Community Advisory Committees to operate up until the Local Government elections in September 2017:

- Aboriginal And Torres Strait Islands Committee
- Community Safety Committee
- Universal Access Advisory Committee
- Youth Advisory Committee

The Committees will assist in providing relevant advice on the above services throughout the Local Government area.

In order to re-establish these committees, new Guidelines, Rules and Charters have been prepared. The draft documents are included in the attachments and are recommended for endorsement.

It is proposed that the Community Advisory Committees consist of former Council representatives. Given that the Committees will only operate up until the next Council election in September 2017 and to ensure continuity of membership, it is proposed that Expressions of Interest be sought from community representatives who were members of the former Bankstown and Canterbury Community Advisory Committees for membership of the new Canterbury Bankstown Advisory committees.

Council has established consistent guidelines, rules and charters to assist and provide information for Committee Chairs and community members in relation to the appointment and role of committee members, the management and conduct of meetings, attendance requirements, voting requirements and confidentiality.

POLICY IMPACT

The establishment of the Committees will support the ongoing management of vital services throughout our City.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no financial implications.

RECOMMENDATION That -

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

4. The Administrator appoint community representatives for each Committee.

ATTACHMENTS [Click here for attachments](#)

- A. Draft Community Advisory Committees Guidelines, Rules and Charters

Report of the General Manager - 25 October 2016

ITEM 6.4 Requests for Financial Assistance and Donations

AUTHOR Corporate

ISSUE

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

RECOMMENDATION That -

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

REPORT

Section 1 – Requests from Sporting Individuals/Groups

Nil.

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

- The Mental Health Sports Network (MHSN) are hosting a Softball Tournament at the Kelso North Softball Diamonds on Friday 18 November, 2016 and are requesting that Council waive the hire fee for the use of the park. The Mental Health Sports Network is a not for profit organisation that offers people with a mental illness access to sport and recreational opportunities. Council previously donated to The Mental Health Sports Network (MHSN) at the Ordinary Meeting of 22 September, 2015. It is recommended that a donation of \$262.00 (by waiving the hire fee for the use of two Softball Diamonds at Kelso North) be made to The Mental Health Sports Network (MHSN).

- Pink October – Breast Cancer Awareness Campaign, Canterbury Region is hosting a dinner at the Lantern Club, Roselands on Thursday, 20 October, 2016. In continuing with the former Council's support for the event, Council is purchasing a table for eight people to the value of \$1,280.00. Funds from this year's campaign will be directed towards employing Community Health Outreach Workers to engage with local media, community groups and NESB communities to alert women of the importance of breast screening.
- The Seventh Australian Division AIF Association located in Chester Hill held their annual reunion on Saturday 22nd October, 2016 at Remembrance Driveway, Bass Hill. Council provided assistance on the day by providing use of a marquee for the event. It is recommended that costs in the amount of \$200.00 associated with the erection and dismantling of the marquee be waived.

Section 3 – Requests from Schools

Nil.

POLICY IMPACT

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

Individuals

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

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

Not-for-profit Groups and Organisations

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report recommends donations totaling \$1,742.00 and those funds be made available from Council's Section 356 Financial Assistance Budget.

RECOMMENDATION That -

1. A donation of \$262.00 (equivalent to the park hire fee) for the use of two Softball Diamonds at Kelso North by the Mental Health Sports Network (MHSN) on Friday 18 November, 2016.

2. A donation of \$1,280.00 be made to Pink October – Breast Cancer Awareness Campaign, Canterbury Region on behalf of the NSW Cancer Institute in support of the fundraising dinner being held at the Lantern Club, Roselands on Thursday, 20 October, 2016.
3. A donation of \$200 be made to the Seventh Australia Division AIF Association who have requested that costs associated with the use, erection and dismantling of a marquee for the annual reunion held at Remembrance Driveway, Bass Hill be waived.

ATTACHMENTS

Nil

Report of the General Manager - 25 October 2016

ITEM 6.5 Proposed Public Land Reclassification of Several Council-Owned Drainage Reserves - Amendment to Canterbury Local Environmental Plan 2012

AUTHOR Planning

ISSUE

This report is seeking authority to proceed with the process of public land reclassification to operational land for the sites identified in the report.

RECOMMENDATION That -

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

BACKGROUND

In accordance with the provisions of the former Canterbury Council's policy, all property assets were being reviewed to determine their civic usefulness and to identify those properties that may be surplus to needs. As a result of ongoing review and assessment, the parcels of drainage reserve land dealt with in this report were identified as being surplus to Council's needs.

- On 27 November 2014 and on the 25 June 2015 Council resolved to submit a total of seven drainage reserves for reclassification to operational.
- In May 2016, JBA Urban Planning Consultants prepared a Planning proposal to amend the Canterbury Local Environment Plan 2012 to effect the proposed reclassification.

- On the 12 July 2016 the Department of Planning and Environment issued a Gateway approval to proceed with the public exhibition of the proposed amendment to CLEP 2012.
- Finalisation of the proposed course of action will then facilitate Council being legally entitled to consider, when justified in the community interest, selling or licensing the properties to adjoining owners.

REPORT

This report is seeking authority to proceed with the process of public land reclassification, with the purpose being to thereby render this land operationally-classified so as its classification is then more consistent with its civic purpose and legal status. No consequential changes to the land's zoning are required in this instance.

The report concludes with a recommendation that the draft amendment to the Canterbury Local Environmental Plan be both publicly exhibited and the subject of a public hearing (in accordance with the relevant provisions of both the Local Government and Environmental Planning and Assessment Acts) and that a further report be presented to Council following the conclusion of these processes, for Council to determine if the reclassification proposal is then to proceed or be abandoned.

Description of Properties intended to be reclassified

The strategic review identified a number of community-classified, Council-owned drainage reserves that are surplus to needs (as being no longer necessary for Council to own for civic purposes) and therefore capable of being sold or licenced to adjoining owners. Those properties are as follows:

- 13A Denman Avenue, Wiley Park
- 71A Denman Avenue, Wiley Park
- 61A Beauchamp Street, Wiley Park
- 66A Beauchamp Street, Wiley Park
- 1 Calbina Road, Earlwood
- 13A Ryrie Road, Earlwood
- 44A Cornelia Street, Wiley Park

A more-detailed description of the locational context and characteristics of each appears below;

A summary of each drainage reserve is as follows;

- **Drainage Reserve: 13A Denman Avenue, Wiley Park**
The land is zoned R4 High Density and comprises a single parcel of land identified as Lot 106 in Deposited Plan 6480. The property has a total land area of 123.8 m².
- **Drainage Reserve: 71A Denman Avenue, Wiley Park**
The land is zoned R4 High Density and comprises a single parcel of land identified as Lot 107 in Deposited Plan 6480. The property has a total land area of 122.7 m².
- **Drainage Reserve: 61A Beauchamp Street, Wiley Park**
The land is zoned R3 Medium Density and comprises a single parcel of land identified as Lot 35 in Deposited Plan 10980. The property has a total land area of 206.65m².
- **Drainage Reserve: 66A Beauchamp Street, Wiley Park**
The land is zoned R3 Medium Density and comprises a single parcel of land identified as Lot 36 in Deposited Plan 10980. The property has a total land area of 255.96 m².
- **Drainage reserve: 1a Calbina Road, Earlwood**
This site comprises a single parcel of land identified as Lot 110 in Deposited Plan 10987 with a total land area of 1380 m2.

This drainage reserve adjoins 26 parcels of private land. A number of either current or former adjoining owners have, at some stage in the past, annexed (by fencing) the Council land to, and for use in conjunction with, their existing property.

- **Drainage reserve: 13a Ryrie Road, Earlwood**
This site comprises a single parcel of land identified as Lot 111 in Deposited Plan 10987 with a total land area of 840 m2. This drainage reserve adjoins 14 parcels of land. A number of either current or former adjoining owners have, at some stage in the past, annexed (by fencing) the Council land to, and for use in conjunction with, their existing property.
- **Drainage reserve: 44a Cornelia Street, Wiley Park**
This site comprises a single parcel of land identified as Lot 170 in Deposited Plan 7298 with a total land area of 102.2 m2.

Each of these properties no longer need to be owned in freehold by Council to continue to provide the civic function they have provided in the past, namely a course for the passage of stormwater throughout the various catchments across the City. Such function can continue to exist by creating a suitable easement on title to the land, in Council's favour.

Based on the above it is proposed to proceed to public exhibition. The initiation of the draft LEP, and the public notice thereby given to the community and nearby property owners by its public exhibition, is intended to obtain feedback from the community to enable Council to consider its strategic position relative to each property, with the benefit of that opinion.

At the conclusion of the public consultation, and the holding of a public hearing (chaired by a person that is independent of Council), a report will be submitted to Council on the outcome. With the benefit of a report from the Public Hearing Chairperson and details of any public submissions received with respect to the proposed reclassification. Following the conclusion of this process Council will then be in a position to determine whether or not to proceed with a request to the Minister for Planning to finalise (by Gazettal) the reclassification process.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

The adoption of the report's recommendation will have no immediate implications for the budget. The actions recommended are administrative in nature and involve a process of public participation regarding the prospect of changing the status of land to facilitate greater discretion in the manner in which it can be dealt with by Council.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 25 October 2016

ITEM 6.6 Draft Voluntary Planning Agreement Policy

AUTHOR Planning

ISSUE

A new Voluntary Planning Agreement Policy has been prepared for the City of Canterbury-Bankstown to reflect contemporary industry standards. This Policy, once endorsed, will replace existing policies at the former councils.

This report seeks Council's resolution to exhibit the Draft Voluntary Planning Agreement Policy.

RECOMMENDATION That -

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

BACKGROUND

A new Draft Voluntary Planning Agreement Policy has been prepared to replace the two existing policies applicable at the former Bankstown and Canterbury Council areas.

The draft policy follows best practice to outline Council's negotiation process when a developer offers to provide works-in-kind or monetary contribution or build community infrastructure as part of a development application or a planning proposal. The draft policy supports the legal framework and mandatory provisions for Voluntary Planning Agreements in accordance with the Environmental Planning & Assessment Act 1979 (the Act) and Environmental Planning & Assessment Regulation 2000 (the Regulation). The draft policy provides certainty and transparency for the community and the developers on Council's negotiation process.

This report provides an overview of the Voluntary Planning Agreement framework and an overview of the Draft Voluntary Planning Agreement Policy.

REPORT

VOLUNTARY PLANNING AGREEMENTS AND LEGAL FRAMEWORK

A Voluntary Planning Agreement is a legally binding contract between a developer and Council that outlines the developer's offer to make contributions towards a public purpose as part of a development application or a planning proposal. Subdivision 2 of Division 6 of the Environmental Planning and Assessment Act 1979 outlines the legal framework of voluntary planning agreements and Division 1A of Part 4 of the Environmental Planning and Assessment Regulation 2000 provides further procedural framework.

The Act defines a 'public purpose' to include (without limitation) the provision of public amenities or public services, affordable housing, transport and other infrastructure, monitoring of development impacts, and the conservation or enhancement of the natural environment.

The Act allows VPAs to be entered into in connection with:

- planning proposals,
- development applications, and
- modification applications.

The Act outlines the following key provisions when preparing a voluntary planning agreement:

- A VPA must be based on the developer's offer to provide or contribute towards a public purpose. Council cannot mandate a VPA to be prepared as a pre-condition in determining a development application.
- The obligations in a VPA does not have direct relations to the proposed development but must provide a public purpose.
- A VPA can be prepared in addition or in place of Section 94 or Section 94A contributions.
- A VPA can only be executed after it is publicly exhibited for a minimum 28 days.
- A VPA may be registered on the land title.

DRAFT VOLUNTARY PLANNING AGREEMENT POLICY

The draft Voluntary Planning Agreement (VPA) Policy is not a legally binding policy, however, the draft policy intends to deliver a practical guide for both Council and developers to deliver consistent agreements in a transparent manner. It also seeks to assist the community in understanding the considerations and the steps involved in developing VPAs.

Both the former Bankstown and Canterbury City Councils currently have separate Voluntary Planning Agreement Policies. The council amalgamation is an opportune time to improve the current processes and to develop a new draft policy that will apply to the merged local government area. The new draft policy has been prepared by Council's lawyers as shown in Attachment A.

Overview of the Draft VPA Policy

In addition to the statutory requirements in the Act and the Regulation, the draft policy provide direction on the following key themes:

1. Circumstances when Council will consider a VPA

The draft policy expands on the Act's definition of a 'public purpose' by providing additional public benefits that Council would consider when preparing a VPA:

- Compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration,
- Meet the demands created by development for new public infrastructure, amenities and services,
- Address a particular deficiency or deficiencies in the existing provision of public facilities in the Council's area,
- Achieve recurrent funding in respect of public facilities,
- Prescribe inclusions in the development that meet specific planning objectives of the Council,
- Monitor the implementation of development, and
- Secure planning benefits for the wider community.

2. Provisions to prepare and operate a VPA

The draft policy outlines provisions to operate a legally binding agreement, which includes monitoring the performance of the agreed works, resolving disputes, determination of security for the agreed works, and registering the VPA.

Further the draft policy requires the developer to pay for all costs associated in preparing and drafting the VPA, including Council's legal fees and the agreed specialist studies to support the obligations within the VPA.

3. Negotiation process

The draft policy outlines the negotiation process for the relevant application types:

- For planning proposals – Any VPAs made in connection with a planning proposal, the planning proposal will generally be conditional on the execution of the VPA by the proponent. Council will request the Minister for Planning to require a draft VPA to be publicly notified and entered into before amendments are made to environmental planning instruments, or to await the execution of a VPA prior making a decision.
- For development applications – Any VPAs made in connection with a development application will generally require pre-lodgment discussions with council officers, and the draft VPA to accompany the DA lodgment.

Further, the draft policy includes provisions on the involvement of independent third parties in the negotiation process.

4. Probity

The Draft VPA Policy seeks to protect the VPA and negotiation process from conflict of interest by including the following provisions:

- Councillors will not be party to the preparation or negotiations of any VPAs.
- When Council has commercial interest in a development that is subject to the VPA, Council will ensure that the staff assessing the application is not the same person who represents Council as a landowner, developer or financier who is negotiating the commercial terms.

INTERNAL PROTOCOL

To support the draft policy, an internal protocol is proposed to be developed to outline the responsibilities for Council staff. The internal protocol will determine the processes for staff from the start of the process with the receipt of a VPA offer through to the completion of the obligations of the VPA at the end of the process.

NEXT STEPS

The internal protocol of Council will be prepared to support the draft VPA policy.

Following best practice, the draft VPA policy will be placed on exhibition for a minimum 28 days. The matter will be reported back to Council following the exhibition and all submissions will be considered.

POLICY IMPACT

This matter has no policy impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial impact.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Draft Voluntary Planning Agreement Policy

Report of the General Manager - 25 October 2016

ITEM 6.7 **Code of Meeting Practice - Amendment to 2016 Schedule of Meetings and 2017 Schedule of Meetings**

AUTHOR **Corporate**

ISSUE

To amend the adopted 2016 Schedule of Council Meetings and to adopt the proposed 2017 Schedule of Council Meetings.

RECOMMENDATION That -

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

REPORT

Amendment to the 2016 Schedule of Council Meetings

Council's adopted schedule of meeting dates currently allows for an Ordinary Meeting to be held on 13 December 2016. It is proposed that this Ordinary meeting be rescheduled to 6 December 2016.

Council will be in recess after the Ordinary Meeting of Council on 6 December 2016 to 28 February 2017. A report will be submitted to the Ordinary Meeting of Council in February 2017 informing Council of any matters determined under Delegated Authority during the recess period.

2017 Schedule of Council Meetings

Similarly, below are the proposed dates for the 2017 Schedule of Council Meetings. The schedule primarily follows Council's Code of Meeting Practice whereby Ordinary Meetings are held on the 4th Tuesday of each month unless the meetings conflict with other activities.

In accordance with clause 2.5 of Council's Code of Meeting Practice, an extraordinary meeting will need to be separately called to conduct the mayoral election.

Dates for 2017 Ordinary Meetings are:

28 February
28 March
18 April (Easter Tuesday)
23 May
27 June
25 July
22 August
26 September
24 October
28 November
12 December

POLICY IMPACT

The recommendation complies with all statutory requirements and Council's Code of Meeting Practice.

FINANCIAL IMPACT OF RECOMMENDATIONS

The recommendation contains no financial impact.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 25 October 2016

ITEM 6.8 Licence Agreement with Roads and Maritime Services for CCTV Cameras at Carinya Rd, Picnic Point

AUTHOR Operations

ISSUE

This report is to consider the Roads and Maritime Services (RMS) request to install CCTV Cameras in Picnic Point Reserve, adjoining the Carinya Rd Boat Ramp, to monitor activities on the foreshore and along The Georges River.

RECOMMENDATION That -

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

BACKGROUND

RMS in conjunction with other Councils who adjoin the Georges River have been working to develop a plan for the future boating activity of The Georges River. This plan was known as the Botany Bay, Georges River, Woronora River, Cooks River – Boating Safety Plan. This document identified Revesby, Picnic Point and Brighton-le-sands as the primary locations for CCTV systems. This requirement followed a large number of complaints in regards to compliance issues and anti-social activity in the area, primarily involving Personal Water Craft (jet skis). These complaints continue and although RMS and Police conduct regular on-water patrols of the area, CCTV is seen as a method to assist in compliance.

The purpose of the CCTV system is to:

- Monitor on-water and land based activities (car park),
- Record non-compliance issues,
- Provide live viewing of the areas to RMS and Police at the Marine Centre, San Souci and other staff/agencies though the internet,

- Be capable of linking the cameras to the RMS, maritime website (similar to the Bar Cam at River Entrances), and
- Be wireless and solar powered system that is weather proof.

REPORT

Since the completion of the Boating Safety Plan for The Georges River, RMS have been working with Council to find suitable locations for the installation of CCTV Camera systems. RMS have identified two (2) locations within The Georges River National Park, being Revesby Boat Ramp, and Cattle Duffers Flat, and the third location is adjoining the boat ramp at Carinya Rd, Picnic Point Reserve.

This third location in Picnic Point Reserve is on Council owned land that is identified as community land in Council's Generic Plan of Management. This therefore requires Council to endorse any proposal to enter into such a Licence Agreement with RMS for the monitoring of boating activities in this location.

The proposal by RMS is for the installation of a new pole (see Attachment 1) which will have solar panels on the top that will power the CCTV cameras mounted such that they can view both up and down The Georges River, including the boat ramp and adjoining car park.

Council staff have met with RMS to confirm the most suitable location that provides Council the most flexibility with any possible future works in the Carinya Rd area, and does not impact on any existing trees or park furniture in the foreshore parkland.

The proposal by RMS is for a Licence Agreement with an initial Term of 5 years, and an option of a further 5 years. Under the Local Government Act 1993 (LGA), any proposed Licence exceeding a 5 year period is required to be publicly exhibited and a public notice given to any adjoining neighbours. It is proposed that the Licence reflect a nominal fee of \$1 per annum.

Once the public exhibition period of 28 days is complete, should there be no objections to the proposal, that Council enter into this Licence Agreement, as per the recommendations of this report, including the General Manager and Administrator be delegated authority to sign the Licence Agreement under the common seal of Council.

POLICY IMPACT

The proposal by RMS aligns with the Boating Safety Plan Actions, of which Council was involved in developing during 2014. This proposal also will increase safety and monitoring in this location, acknowledging the various non-compliance of boating activities in this area.

FINANCIAL IMPACT OF RECOMMENDATIONS

The proposal does not have any financial impact on Council, as all installation, maintenance and repair costs are to be fully funded by the RMS.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Map of Location of CCTV at Picnic Point Reserve

Report of the General Manager - 25 October 2016

ITEM 6.9 Cash and Investment Report as at 30 September 2016

AUTHOR Corporate

ISSUE

This report details Council's cash and investments as at 30 September 2016.

RECOMMENDATION That -

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

BACKGROUND

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

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

REPORT

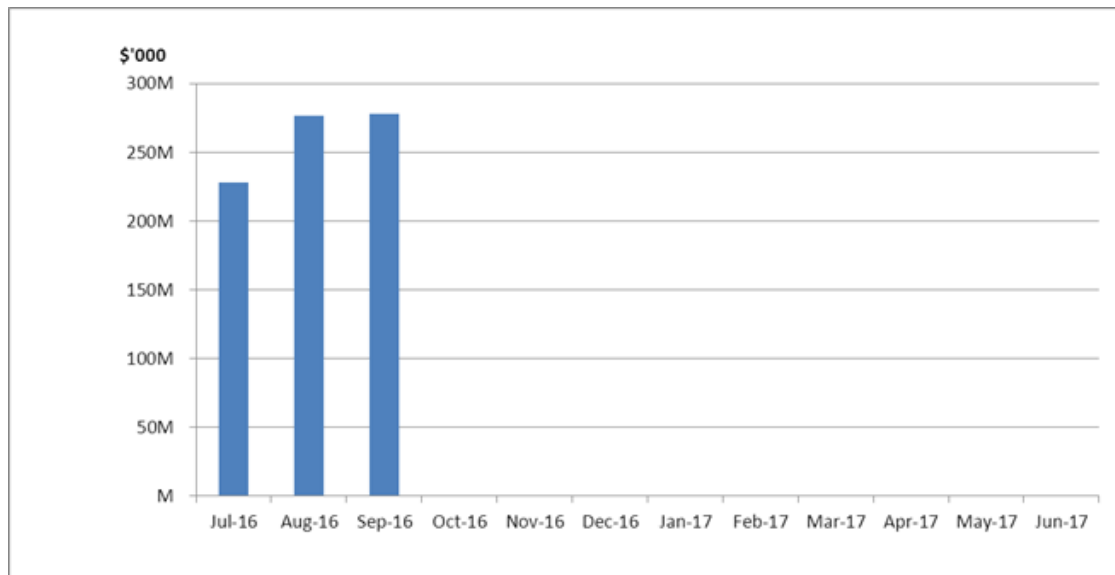
Cash and Investment Summary – as at 30 September 2016

In total, Council's Cash and Investments holdings as at 30 September 2016 is as follows:

Cash and Investments	\$
Cash at Bank	11,155,872
Deposits at Call	49,345,269
Term Deposits	200,970,000
Floating Rate Notes	16,501,485
Total Cash and Investments	277,972,626

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

Cash and Investment Rolling Monthly Balance 2016-2017



A summary of Council's investment interest income earned for the period to 30 September 2016 is as follows:

Interest Income	September 2016 \$	Year-to-date Sept 2016 \$
Budget	385,917	1,157,749
Actual Interest	530,174	1,631,272
Variance	144,257	473,523
Variance (%)	37%	41%

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

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

Overall Portfolio Maturity Limits	
	Actual % of Portfolio
Portfolio % <= 1 Year	65%
Portfolio % >1 Year <=3 Years	25%
Portfolio % >3 Years <=5 Years	10%
Portfolio % >5 Years	0%
Total Cash and Investments	100%

Overall Portfolio by Investment Type	
	Actual % of Portfolio
Cash at Bank	4%
Deposits at Call	18%
Term Deposits	72%
Floating Rate Notes	6%
Total Cash and Investments	100%

At present, the former Council's existing Investment Strategies and Policies continue to apply.

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

CERTIFICATION OF INVESTMENTS - RESPONSIBLE ACCOUNTING OFFICER

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

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

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

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

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

7 COMMITTEE REPORTS

The following items are submitted for consideration -

- | | | |
|-----|--|-----|
| 7.1 | Minutes of the Canterbury Traffic Committee Meeting held on 10 October 2016
and Bankstown Traffic Committee Meeting held on 11 October 2016 | 193 |
| 7.2 | Minutes of the Audit and Risk Committee Meeting held on 11 October 2016 | 195 |

Committee Reports - 25 October 2016

ITEM 7.1 **Minutes of the Canterbury Traffic Committee Meeting held on 10 October 2016 and Bankstown Traffic Committee Meeting held on 11 October 2016**

AUTHOR **Operations**

ISSUE

Recommendations of the Canterbury Traffic Committee and the Bankstown Traffic Committee.

RECOMMENDATION

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

BACKGROUND

Attached are the minutes of the Canterbury Traffic Committee held on 10 October 2016 and Bankstown Traffic Committee Meeting held on 11 October 2016.

The Committees have been constituted to advise and make recommendations in relation to traffic activities. They have, however, no delegated authority and cannot bind Council.

The recommendations of the Committees are in line with the objectives of the Committees and with established practices and procedures.

FINANCIAL IMPACT OF RECOMMENDATIONS

Potential costs arising out of recommendations of the Traffic Committees are detailed in future Works Programs for Roadworks/Traffic Facilities.

RECOMMENDATION

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

ATTACHMENTS [Click here for attachments](#)

- A. Minutes of the Canterbury Traffic Committee Meeting held on 10 October 2016
- B. Minutes of the Bankstown Traffic Committee Meeting held on 11 October 2016

Committee Reports - 25 October 2016

ITEM 7.2 **Minutes of the Audit and Risk Committee Meeting held on 11 October 2016**

AUTHOR **Corporate**

ISSUE

Recommendations of the Audit and Risk Committee.

RECOMMENDATION

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

BACKGROUND

Attached are the minutes of the Audit and Risk Committee held on 11 October 2016. This was the first committee meeting for the newly formed Audit and Risk Committee for the City of Canterbury-Bankstown.

The Committee has been formed as an Advisory Committee to Council.

The resolutions commendations of the Committee are in line with the scope and objectives outlined in the Terms of Reference.

RECOMMENDATION

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

ATTACHMENTS [Click here for attachments](#)

A. Minutes of the Audit and Risk Committee meeting held on 11 October 2016

8 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

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

9 MATTERS FOR INFORMATION

The following items are submitted for consideration -

9.1	IPART Review of the Local Government Rating System	201
9.2	Ausgrid Vegetation Management Engagement Program	205
9.3	Pecuniary Interest Returns 2015/16	209
9.4	Development Applications Determined by Council Officers Under Delegation	211

Matters For Information - 25 October 2016

ITEM 9.1 IPART Review of the Local Government Rating System

AUTHOR Corporate

ISSUE

To inform Council of the submission made in response to IPART's Draft Report on the Review of the Local Government Rating System.

RECOMMENDATION

That the information be noted.

BACKGROUND

The NSW Government commissioned the Independent Pricing and Regulatory (IPART) in December 2015 to review the local government rating system in order to recommend reforms to improve its efficiency and equity.

Under the Terms of Reference IPART is to consider a number of issues including the performance of the current rating system and potential improvements, with particular regard to:

- consideration of the rating burden across and within communities;
- the appropriateness and impact of rating categories and exemptions, mandatory concessions and rebates;
- the methodology for determining rates;
- impact of the current rating system on residents and businesses of a merged Council and the Council's capacity to establish a new equitable rating system; and
- objectives and design of the system against recognised taxation principles.

REPORT

This IPART review is being conducted as part of an ongoing process of review and reform of the local government sector and has included key aspects of the Independent Local Government Review Panel's recommendations and the NSW Government's response.

In April 2016, IPART released an Issues Paper to outline their staged approach to the review. Firstly, to review the current rating system and make recommendations as to its efficiency, equity and sustainability. Secondly to consider and recommend the appropriate approach for implementing the Government's policy of freezing the existing rate path freeze for newly merged Councils for a four year period. In May Council lodged a submission in response to the Issues Paper.

Following their review of submissions, IPART issued an Interim Report to the NSW Government specifically to make recommendations on implementing the rate path freeze. The recommendations revolved around:

- Freezing existing rate paths for new councils;
- Special variations permitted during the rate path freeze period;
- Setting rates in the pre-merger council area during the rate path freeze period; and
- Implementing the rate path freeze policy.

IPART has gone on to make 34 recommendations in their Draft Report on the Review of the Local Government Rating System which was released in August 2016. These recommendations cover the following areas:

- Allowing Councils to use Capital Improved Value as an alternative to Unimproved Value in setting their rates;
- Allowing Council's general income to grow as the communities they serve grow;
- Giving Councils greater flexibility when setting residential rates;
- Better targeted rate exemption eligibility;
- Replacing the pensioner concession with a rate deferral scheme;
- Providing more rate categories;
- Recovery of Council rates;
- Emergency Services Property Levy; and
- Valuation services.

Importantly, this review provides an opportunity to reduce the complexity of the current rating system and empower Councils greater flexibility in setting a rates structure that reflects local circumstances following community consultation in accordance with Council's Integrated Planning and Reporting requirements. Council continues to advocate for a transitional policy that enables merged councils to gradually align their rating structures.

Submissions were due by 14 October 2016. Given the timing of the due date Council's Administrator was briefed on the proposed submission. It is expected that IPART will present its final report to the NSW Government in December 2016.

POLICY IMPACT

There are no policy impacts at this time. Council's Rating and Revenue Policies will need to be reviewed at a future date following the NSW Government's response to the IPART report and to ensure legislative compliance.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no financial impacts at this time.

RECOMMENDATION

That the information be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Council Submission - IPART Draft Report on Review of the Local Government Rating System

Matters For Information - 25 October 2016

ITEM 9.2 Ausgrid Vegetation Management Engagement Program

AUTHOR Operations

ISSUE

Ausgrid has developed a Vegetation Management Engagement Program which includes a Vegetation Management Working Group containing representation by Council staff. This report provides background on the development and commencement of this program.

RECOMMENDATION

That the information be noted.

BACKGROUND

Ausgrid distributes energy to almost 3.57 million customers in the Sydney, Central Coast and Hunter Regions of New South Wales. This requires an extensive tree pruning program to maintain safety clearances around the overhead powerline assets. Tree pruning works are informed by the Ausgrid Tree Safety Management Plan (2015) and ISSC 3 Guidelines for Managing Vegetation Near Power Lines (2005).

The pruning of street trees to provide adequate clearance zones around power lines and other electrical assets by Ausgrid has been an ongoing issue for a large number of NSW Council's including the City of Canterbury Bankstown. In 2015 in response to the negative feedback received over numerous years, Ausgrid engaged consultants Aurecon Australasia Pty Ltd to conduct a vegetation management engagement program to help understand concerns and perceptions about Ausgrid's management of vegetation around its power assets in a bid to address this issue.

Following initial consultation with a small number of Councils and their communities, which did not include the previous Canterbury or Bankstown Councils, Aurecon Australasia provided a number of recommendations to Ausgrid in 2016 which led to the formation of a Vegetation Management Working Group which includes Council staff representations.

REPORT

As part of the Vegetation Management Engagement Program Aurecon invited 43 key stakeholders, including a number of Councils, to take part in face-to-face or telephone interviews. The program also included community input via social media and pop-up sessions held at Waterloo, Ramsgate, Elizabeth Bay and Marrickville. The then Canterbury and Bankstown Councils were not invited to participate in this stage.

The key issue identified by most respondents was the poor quality of the pruning work carried out by Ausgrid and the resultant poor visual appearance and physical damage to the trees. It was acknowledged that trees required pruning however, it needed to be undertaken to a better standard.

Respondents also wanted consideration to be given to alternative management options – such as aerial bundled cabling (ABC) and tree removal and replacement programs – and that Ausgrid should work more closely with Councils on this matter.

The Aurecon report made the following seven recommendations:

- Develop a dedicated vegetation management engagement program;
- Establish a vegetation management notification process;
- Engage stakeholders in a review;
- Review accessibility of information;
- Develop a framework to assess alternative vegetation management proposals;
- Establish a service charter; and
- Develop an awareness campaign.

Ausgrid accepted all the recommendations of the report, with a commitment to implement them by early 2017.

As part of the implementation process, in July 2016 Ausgrid invited a range of stakeholders from councils (including Canterbury Bankstown Council), industry associations, government departments and local community groups to nominate to participate in a vegetation management working group. The working group will have four meetings during the latter half of 2016, with the objective to provide input and contribute to the development of the following outcomes:

- A service charter;
- An ongoing engagement program;
- A framework for assessing alternatives to tree trimming;
- The notification process; and
- Review of relevant policies and procedures guiding Ausgrid vegetation management practices.

Canterbury Bankstown Council nominated and was accepted for membership of the working group.

The first meeting of the working group was held on 18 August 2016 chaired by Aurecon representatives. The meeting agenda included background to the findings of the Aurecon review, purpose of the working group, effectiveness of community consultation program thus far, proposed service charter, tree trimming alternative assessment framework and Ausgrid tree pruning practices.

The second meeting was held on 13 September 2016. The main agenda item was the discussion of a draft service charter. Comments from the working group will be incorporated into the document for presentation to the next meeting. There was also continued discussion on Ausgrid's tree pruning practices with some community representatives expressing a desire to transfer the pruning responsibility back to the local councils. However, Council representatives advised that this was not a feasible option due to funding and resource constraints.

The remaining two working group meetings are scheduled for 13 October 2016 and 15 November 2016.

A further report will be provided to Council following the final meeting of the vegetation management working group.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no financial impact associated with this report.

RECOMMENDATION

That the information be noted.

ATTACHMENTS

Nil

Matters For Information - 25 October 2016

ITEM 9.3 Pecuniary Interest Returns 2015/16

AUTHOR Corporate

ISSUE

To consider the submission of Pecuniary Interest Returns by The Administrator and designated staff.

RECOMMENDATION

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

REPORT

In accordance with the Local Government Act 1993, the Pecuniary Interest Returns of The Administrator, Independent Hearing and Assessment Panel (IHAP) members and designated staff for 2015/16 are tabled for information.

All returns were submitted and returned in accordance with the Local Government Act, with the exception of one member of staff who is currently on extended leave. Arrangements have been made for submissions of their Pecuniary Interest Return upon resumption of their duties.

POLICY IMPACT

This matter addresses Council requirements under the Local Government Act. In accordance with the Government Information (Public Access) Act 2009 Regulations Pecuniary Interest returns of Councillors and designated staff are open access information.

FINANCIAL IMPACT OF RECOMMENDATIONS

The recommendation contains no financial impact.

RECOMMENDATION

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

ATTACHMENTS

Nil

Matters For Information - 25 October 2016

ITEM 9.4 Development Applications Determined by Council Officers Under Delegation

AUTHOR Planning

ISSUE

The development applications in Attachment to this report were determined by Council Officers, in accordance with the powers delegated to them under the Act.

RECOMMENDATION

That the contents of the report be noted.

REPORT

A number of development applications have been determined by Council Officers under delegation. The relevant applications are listed in the attached table. The report is submitted for information.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

The contents of the report be noted.

ATTACHMENTS [Click here for attachments](#)

A. Details of Applications

10 QUESTIONS FOR NEXT MEETING

11 CONFIDENTIAL SESSION

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

11.2 T11-17 The River Road Rehabilitation Stage II

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

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

11.5 Morris lemma Indoor Sports Centre- Management Options

11.6 Property Matter - Coleman Avenue, Bankstown

11.7 Sale of Portion of 24A Third Street, Ashbury

General Manager's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

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

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

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

Item 11.2 T11-17 The River Road Rehabilitation Stage II

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

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

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

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

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

Item 11.5 Morris lemma Indoor Sports Centre- Management Options

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

Item 11.6 Property Matter - Coleman Avenue, Bankstown

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

This report is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

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

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