

The NEW City of **CANTERBURY BANKSTOWN**

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Agenda for the
Ordinary Meeting

26 July 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 28 June 2016	7
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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 28 JUNE 2016**

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

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES

(44)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Extraordinary Council Meeting held on 14 June 2016 be adopted.

SECTION 2: LEAVE OF ABSENCE

Nil

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

Nil

SECTION 4: ADMINISTRATOR MINUTES

ITEM 4.1

BANKSTOWN TOUCH FOOTBALL ASSOCIATION R U OK? CORPORATE DAY

(45)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council support the request for financial assistance from Bankstown Touch Football Association and provide a donation of \$500.00 and waive the \$285.00 hire fee and these funds be made available from Council's Section 356 Financial Assistance Budget.

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ITEM 4.2 NETBALL NSW STATE AGE CHAMPIONSHIPS

(46) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council support the request for financial assistance from Netball NSW and waive the hire fee of \$5,092 for the upcoming Stage Age Championships.

SECTION 5: PLANNING MATTERS

ITEM 5.1 68 WARUNG STREET, YAGOONA

ALTERATIONS AND FIRST FLOOR ADDITION TO EXISTING SINGLE STOREY DWELLING AND CONVERSION AND EXTENSION TO EXISTING OUTBUILDING FOR USE AS A SECONDARY DWELLING AND CONSTRUCTION OF AN ATTACHED GARAGE

(47) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-115/2016, submitted by Mohammad Hussain, accompanied by Drawing No. A01, A02, A03, A04, A08, Issue B, and A09, Issue C, prepared by Milena, dated April 2016 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

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.

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- 4) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

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

Tree Species	Location
<i>Araucaria heterophylla</i> (Norfolk Island Pine)	Northern boundary

All tree removal works must comply with the *Amenity Tree Industry – Code of Practice, 1998* (Workcover, NSW);

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.

- 6) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 7) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

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- 8) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 9) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 10) 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 \$900.00 shall be paid to Council.

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

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

- 11) 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.
- 12) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, within the future Council Road Reserve, at the applicant's expense:
 - a) Drainage connection to Council's system if a new connection is required.
 - b) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - c) Repair of any damage to the public road including the footway occurring during development works.
 - d) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the

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information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

- 13) The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage system plan to show the disposal of stormwater from the new development to be connected to the existing drainage system or a new system to be generally in accordance with the requirements of the BASIX Certificate and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.
- 14) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

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

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

- 15) 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.
- 16) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any Construction Certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

- 17) A certificate from a professional engineer certifying the structural capacity of the existing building will be appropriate to the building's proposed new use or is capable of supporting the loads imposed by the new structure must be provided to the certifying authority prior to the issue of a construction certificate.
- 18) The existing garage outbuilding must be brought into conformity with the requirements of the Building Code of Australia appropriate to its use as a secondary dwelling. Details of the proposed works must be provided to the certifying authority for assessment prior to the issue of a construction certificate.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING

- 19) The building / subdivision work in accordance with the development consent must not be commenced until:

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- 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 Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 21) The following trees are to be retained and protected as per the conditions below. Failure to comply with these conditions is an offence and may incur a fine or lead to prosecution.

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Species	Location	Protection Measures
<i>Eucalyptus amplifolia</i> (Cabbage Gum)	Between the existing driveway (to be retained) and the northern boundary	*TPZ – 7.2 metres, SRZ – 2.9 metres A fenced Tree protection area a minimum of 5.0 metres to the west, 2.3 metres to the south when measured from the middle of the trunk and as bounded by the boundaries of the site shall be installed as per the conditions below.
<i>Callistemon viminalis</i> (Bottlebrush)	Council naturestrip forward of the property line	*TPZ – 3.6 metres, SRZ – 2.1 metres A fenced Tree protection area a minimum of 1.5 metres from the middle of the trunk and as bounded by the curb shall be installed as per the conditions below.

* TPZ (Tree Protection Zone) and SRZ (Structural Root Zone) in metres measured from the centre of the trunk of the tree.

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

- (a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- (b) 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.
- (c) A 1.8m chain link wire tree protection fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected around the above trees to be retained and protected during all approved works. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works.
- (d) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard AS4970-2009 Protection of trees on development sites* clearly showing clearly showing:
 - i. The Development Consent number

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- ii. The name and contact number of the nominated consultant arborist or site manager;
 - iii. Indication that access into the Tree Protection zone is not permitted.
 - (e) The above notice is to be in place prior to commencement of demolition or construction.
 - (f) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained.
 - (g) The TPZ shall be maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering, weed control
 - (h) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
 - (i) All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
 - (j) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
 - (k) Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (l) If any tree roots are exposed during any approved works then roots smaller than 50mm are to be pruned. They shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). Any roots greater than 50mm are to be assessed by a qualified arborist before any pruning is undertaken. If required, changes in design may need to be considered.
- 22) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 23) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 24) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 25) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.
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Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 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.

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

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

- 30) All demolition activities is to comply with the requirements of Bankstown demolition & construction guidelines – March 2015.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 31) 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.
- 32) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 33) 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.
- 34) 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.
- 35) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 36) 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.
- 37) 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:

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- 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.
- 38) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). *Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.*
- 39) 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

- 40) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 41) 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.
- 42) 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.
- 43) 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.

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- 44) 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.
- 45) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 46) The applicant is to plant a minimum of 1 replacement trees as outlined below:
- (a) 1 x tree known to attain a minimum height of 8 metres at maturity on the site.
 - (b) Replacement trees are to be a minimum container size of 75 litres. They shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality* (2003) or *Australian Standard AS 2303 – 2015 Tree stock for landscape use* (2003) and be planted and maintained in accordance with Councils standard specification.
 - (c) Tree species used are not to include conifers, palms, Casuarinaceae, or any of the exempted plant species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order.
 - (d) The trees are to be planted no closer than 3.5 metres from the wall of any approved dwelling on the property. Trees/shrubs proposed for planting along the rear boundaries shall be located no closer than 1.0 metres from the rear boundary.
 - (e) All new plantings shall be located so future growth will not be in conflict with electricity wires. Consideration should be given to the location of new electricity poles and wires so that sufficient space is provided.
 - (f) The replacement trees are to be planted prior to the issue of an occupation certificate.
 - (g) The replacement trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order.
 - (h) If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order; the tree/s shall be replaced with the same species at no cost to Council.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

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ITEM 5.2 4 RIVENOAK AVENUE, PADSTOW

**USE OF EXISTING DWELLINGS AS A PLACE OF PUBLIC WORSHIP (BUDDHIST
MEDITATION TEMPLE) AND ASSOCIATED MONASTERY RESIDENCE**

(48)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-643/2015, submitted by Thanh Hung Le, accompanied by Drawing No. 1-7, prepared by HVT Design Pty Ltd, dated 11 October 2015 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:

- i) The Plan of Management (POM) shall be amended to incorporate the following specific provisions for the management of parking, traffic and noise.
 - a) The attendees are not to congregate on the carpark and the rear and front yard during the service.
 - b) No chanting is to occur outside the building at any time.
 - c) The attendees are to be notified that there shall be no parking on footpaths or blocking driveways of other properties at any time.

A revised POM is to be submitted to Council for approval prior to the issue of the Occupation Certificate.

- 3) The operation of the use under this consent is valid for a period of twelve (12) months from the date on which the use of the premises commences. Upon commencement of the use, the applicant is to forward to Council notice detailing the commencement date of the twelve (12) month period and the proposed conclusion date of the use. At the expiration of this twelve month period, the operation of the development must cease unless further approval has been obtained from Council under the provisions of a new Development Application.

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- 4) The premises is restricted to a maximum of fifteen (15) worshippers at any one time and thirty (30) worshippers at special events only.

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:

- 5) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 6) A detailed landscape plan prepared by a qualified landscape architect 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.
- 7) 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.
- 8) The car parking area at the rear shall be constructed using an appropriately engineered structural soil or clean washed basalt to ensure that the trees are not unduly affected. The carpark surface is to be laid on existing grade and be no deeper than 150mm. Construction details of the car park shall be submitted with the Construction Certificate.
- 9) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 10) 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 inTM.

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

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

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

- 11) 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.
- 12) 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.
- 13) The existing building must be brought into conformity with Performance Requirement of the Building Code of Australia (BCA), to protect persons using the building, and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby. Details indicating compliance with the Performance Requirements of the BCA must be provided to the certifying authority prior to the issue of a construction certificate.
- 14) 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.
- 15) 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) VFC extension at the property boundary.
 - b) Repair of any damage to the public road including the footway occurring during development works.
 - c) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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required and must be approved prior to the issue of the Construction Certificate.

- 16) The landscaping area at the driveway must not allow plants to grow higher than 1 metre to keep sight distance clear for motorists exiting the car park. As such the driveway access needs to comply with AS2890.1:2004 – Fig. 3.3 for pedestrian safety.
- 17) The accessible car space, the shared area and bollard must be installed as per AS2890.6:2009.
- 18) The noise attenuation recommendations stated in the Noise Assessment Project No. 150505 Ref: DP 050515 BC ELTR.doc, dated 5 May 2015, prepared by Dukane Pty Ltd shall be strictly adhered to.
- 19) The design, construction and operation of any food preparation areas intended for use to prepare food for persons not utilising residential accommodation on the site shall comply with the following:
 - i. Food Act, 2003;
 - ii. Food Regulation 2004;
 - iii. FSANZ Food Standards Code; and
 - iv. AS 4674:2004 Design, construction and Fitout of Food Premises

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING

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

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- i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 21) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 22) The following trees are to be retained and protected as per the conditions below. Failure to comply with these conditions is an offence and may incur a fine or lead to prosecution:

Species	Location	Protection Measures
Trees 4, 9, 10, 11, & 12	As detailed on Annexure B, Tree Location Plan of the Arboricultural Assessment Report, prepared by Jacksons Nature Works, Author Ross Jackson, dated March 2011	A Tree Protection Area of a minimum of 2.5 metres from the middle of the trunk and as bounded by the boundary fence shall be installed as per the conditions below.

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

- (a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- (b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site

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- induction. A written record of the induction process is to be kept on site.
- (c) A 1.8m chain link wire fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected around the above trees to be retained and protected during all approved works. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works.
- (d) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard AS4970-2009 Protection of trees on development sites* clearly showing clearly showing:
- i. The Development Consent number
 - ii. The name and contact number of the site manager;
 - iii. Indication that access into the Tree Protection zone is not permitted.
- (e) The above notice is to be in place prior to commencement of demolition or construction.
- (f) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained.
- (g) The TPZ shall be maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering, weed control
- (h) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- (i) All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- (j) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- (k) Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
- (l) If any tree roots are exposed during any approved works then roots smaller than 50mm are to be pruned. They shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). Any roots greater than 50mm are to be assessed by a qualified arborist before any pruning is undertaken. If required, changes in design may need to be considered.

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- 23) 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.
- 24) 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.
- 25) 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.
- 26) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

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

- 27) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 28) 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.
- 29) 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,

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- 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.

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 31) 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.
- 32) 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.
- 33) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 34) If the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions

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must be made for drainage. Separate approval may be required for retaining walls should they be required.

- 35) 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.

- 36) 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).
- 37) 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.
- 38) 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.
- 39) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

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CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 40) 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.
- 41) 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.
- 42) 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.
- 43) 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.
- 44) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

USE OF THE SITE

- 45) Car parking spaces for six (6) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 46) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

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- 47) The premises is restricted to a maximum of fifteen (15) worshippers at any one time and thirty (30) worshippers at special events only.
- 48) The northern windows on the single storey building must be closed when meditation activities occur.
- 49) Drums/gongs are prohibited from being played within the premises.
- 50) The Plan of Management submitted in support of this application, titled *Plan of Management for Proposed Place of Public Worship – Buddhist Meditation Temple & An Associated Monastery Residence at No. 2-4 Rivenoak Ave Padstow* dated 5 May 2015 and the recommendations stated in the plan, as modified by Condition 2(a) of this consent form part of the development consent.
- 51) The use of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises and environment.
- 52) 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.
- i. The hours of operation of the use, and the maximum number of worshippers permitted on site at any one time shall be limited as follows:
- i. Regular Operation: 7.00am to 9.00pm daily with a maximum capacity of 15 visitors.
- ii. Festivals: Approval is only granted for a maximum of three (3) festivals in one year viz., Chinese New Year, Buddha's Birthday and Abhidhamma Day. No further festivals shall be held, unless separate approval has been obtained from Council. A maximum capacity of thirty (30) persons applies to any such festivals.
- 53) Bankstown Local Area Command (Police) and surrounding property owners likely to be affected by such events shall be advised of the dates of any festivals to be held, a minimum of two weeks prior to the commencement of any such festival.
- 54) The operation of the premises shall at all times comply with the specific noise attenuation measures contained within the Noise Assessment Project No. 150505 Ref: DP 050515 BC LETR.doc, dated 5 May 2015, prepared by Dukane Pty Ltd.
- 55) The operation of the temple shall be carried out in accordance with the Plan of Management, dated May 2015 contained in Appendix 2 of the Statement
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of Environmental Effects, dated May 2015, prepared by Fineline Planning as modified by condition 2(i).

- 56) As part of the Plan of Management, a community consultation procedure with the adjoining residents shall be implemented so that they are informed of special events. In addition, a contact is to be provided at the monastery so that should any complaints arise, the management of the monastery can respond to the issues.
- 57) No drums, PA system or amplified music shall be used during regular service.
- 58) All loading and unloading of goods shall take place in a manner that does not interfere with parking areas, driveways or landscaping.
- 59) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 60) All waste materials associated with the use shall be stored in containers located either within the building or within the waste bin storage area in accordance with the approved plans. The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 61) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and the occupier at all times.
- 62) Access to the private areas of the temple shall be restricted to authorised persons only. Lockable doors leading to these areas are essential to ensure they are not accessed without permission.
- 63) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 64) The Temple management shall implement a complaint handling procedure. If a noise or traffic complaint is received the complaint should be recorded on a Complaint form. The complaint form should list:
 - i) The name and address of the complainant (if provided).
 - ii) The time and date the complaint was received.
 - iii) The nature of the complaint and the time and date the incident.
 - iv) The name of the person who received the complaint.

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- v) Actions taken to investigate the complaint, and a summary of the results of the investigation.
 - vi) Indicate what was occurring at the time the complaint occurred, if possible.
 - vii) Required remedial action.
 - viii) Summary of feedback to the complainant.
- 65) A permanent register of complaints shall be held on the premises, which shall be reviewed monthly by the Temple management to ensure all complaints are being responded to. The complainant should also be notified of the results and actions arising from the investigation.
- 66) The Temple management is to organise and chair a Neighbourhood Liaison Committee, within one (1) month of the commencement of the operation of the Temple. The purpose of the Committee is for the Temple and neighbours to resolve any issues, such as traffic and noise, arising from the use of the temple. The operation of the Committee must ensure:
- (a) The membership of the Neighbourhood Liaison Committee must include residents who live next to and opposite the Temple.
 - (b) The Neighbourhood Liaison Committee must meet at least four times during the first twenty four (24) months of the Temple operating.
 - (c) The Temple management must forward the meeting minutes to Committee members.
 - (d) The Temple management may forward the meeting minutes to Council for information purposes.
 - (e) The Temple management may terminate the Committee once it meets at least four times during the first 24 months of the Temple operating, or may choose to extend the function of the Committee over a longer period of time.

ITEM 5.3

(49)

BANKSTOWN DCP 2015 (AMENDMENT NO. 5)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council adopt Bankstown Development Control Plan 2015 (Amendment No. 5) as shown in Attachment A.
2. Bankstown Development Control Plan 2015 (Amendment No. 5) is to come into effect on the date specified in the public notice and is to apply to any development applications under assessment at the time the amendments come into effect, as well as development applications lodged on or after this date.

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SECTION 6: REPORT OF THE GENERAL MANAGER

**ITEM 6.1 ADOPTION 2016-17 CANTERBURY BANKSTOWN COUNCIL OPERATIONAL PLAN,
BUDGET AND SCHEDULE OF FEES AND CHARGES AND REVISED SECTION 94 PLAN
(FORMER BANKSTOWN LOCAL GOVERNMENT AREA ONLY)**

AN AMENDED REPORT WITH ADDITIONAL ATTACHMENT E WAS TABLED AT THE MEETING.

(50) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Integrated Planning Documentation

In accordance with sections 402 to 406 of the Local Government Act 1993, Council adopt its Operational Plan 2016-17, including the former Canterbury and former Bankstown City Council's:

- Operational Budget;
- Capital Expenditure Program; and
- Council's Revenue Policies, including its Fees and Charges; as attached to this report.

2. Rating & Annual Charges – Former Bankstown Council

2.1 Rating

Subject to the provisions of Sections 404 and 494 of the Local Government Act 1993, an ordinary rate be made and levied for the rating year 1 July 2016 to 30 June 2017 upon the land value of all rateable land within the former city categorised as Residential or Business as detailed in the following table:

Category / Short Name	Ad-Valorem Rate (cents in \$)	Minimum Rate \$
Residential – Ordinary	0.287515	\$582.15
Business – Ordinary	0.767015	\$711.85
Bankstown Town Centre Special – see 2.1.1	0.132592	Nil

2.1.1 Bankstown Town Centre Special Rate

A Bankstown Town Centre Special Rate will be levied on rateable land value of the land delineated on the map and on the list held in Council's offices and described in the Operational Plan, being part of Council's area

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consisting of properties which formerly comprises the Bankstown Town Centre Local Improvement District which, in Council's opinion the land to be rated benefits, or will benefit from the works, services, facilities or activities; or contributes or will contribute to the need for the works, services, facilities or activities, or has or will have access to the works, services, facilities or activities provided or undertaken or proposed to be undertaken within the part of Council's area.

2.2 Domestic Waste Management Service Charges

Subject to provision of Sections 496, 501, 502 and 504 of the Local Government Act 1993, annual Domestic and Non-Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2016 to 30 June 2017, as follows:

Type of Charge	Short Name	Annual Charge
An Annual Domestic Waste Management Service charge per service for each parcel of Rateable Residential land for which a service is available.	Domestic – Waste Management	\$450.00
Each additional service in respect of single dwelling premises.	Domestic Waste Extra Service	\$245.00
Each additional service in respect of multi residential units.	Domestic Waste Extra Strata Service	\$133.00
Each additional service in respect of recycling.	Extra Recycling Service	\$74.00
Each additional service in respect of Greenwaste.	Extra Green Waste Service	\$122.00
Rateable Vacant Land	Domestic Waste Vacant Land	\$127.00

2.3 Stormwater Management Service Charges

Council make and levy an annual stormwater management service charge for the Year 1 July 2016 to 30 June 2017 as follows:

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Description of Charge	Charge
Annual residential property charge	\$25.00
Annual residential strata property charge	\$12.50
Annual business property charge per 350 square metres or part there-of for non-vacant business land	\$25.00
Annual business property charge per 350 square metres or part there of surface land area for strata business unit (proportioned to each lot based on unit entitlement) not less than \$5.00.	\$25.00
Mixed Developments – see below	

2.3.1 Name of the Charge

The Stormwater Management Service Charges for applicable residential and business related land shall be known by the name of -Stormwater Management Charge.

2.3.2 Mixed Developments

- Adopt the dominant Rating category as applied to the parcel of land as determined by the Valuer General and apply to each relevant property; and
- In the event that a mixed development is 50% residential and 50% business, Council will apply a residential charge.

2.3.3 Bankstown Airport

- For properties where an ex-gratia payment in lieu of rates is applicable, Council will apply an annual Charge of \$25.00 per property plus an additional \$25 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres.

2.3.4 Exemptions

- Bowling and Golf Clubs - where the dominant use is open space;
- Council-owned land;

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- Properties zoned: Open space 6(a); Private Recreation 6(b); and Rural.

2.4 Interest Rate on Overdue Rates & Charges

Subject to the provisions of Section 566 of the Local Government Act 1993 the rate of interest charged on overdue rate instalments be set at the maximum rate specified by the Minister for Local Government from time to time. The current rate of interest is 8.0% per annum.

3. Rating & Annual Charges – Former Canterbury Council

3.1 Rating

Subject to the provisions of Sections 404 and 494 of the Local Government Act 1993, an ordinary rate be made and levied for the rating year 1 July 2016 to 30 June 2017 upon the land value of all rateable land within the former city categorised as Residential or Business as detailed in the following table:

Category / Short Name	Ad-Valorem Rate (cents in \$)	Minimum Rate
Ordinary - Residential	0.2624	\$652.60
Ordinary - Business	0.7716	\$652.60

3.2 Domestic Waste Management Service Charges

Subject to provision of Sections 496, 501, 502 and 504 of the Local Government Act 1993, annual Domestic and Non-Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2016 to 30 June 2017, as follows:

Type of Premises	Short Name	Annual Charge
Single dwellings, a granny flat, dual occupancies and villas & townhouses (having and controlling use and storage of own bins).	Domestic Waste Service	\$385.00
Strata units and flats (with 1 or more bedrooms, not being flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons).	Domestic Waste Service	\$385.00
Flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons.	Waste Management – Non Rateable	\$385.00 for each rubbish bin

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Properties categorised as Business (with or without residential accommodation)	Waste Management – Business	\$385.00
Vacant Land – refers to land that is devoid of buildings and excludes land on which building works are in progress	Domestic Waste - Vacant	\$107.00

3.3 Interest Rate on Overdue Rates & Charges

Subject to the provisions of Section 566 of the Local Government Act 1993 the rate of interest charged on overdue rate instalments be set at the maximum rate specified by the Minister for Local Government from time to time. The current rate of interest is 8.0% per annum.

4. Voting of Funds for the City of Canterbury Bankstown

Subject to the provisions of Clause 211(1) of the Local Government (General) Regulation 2005, expenditure be authorised in accordance with the adopted budget and that the funds to cover such expenditure be voted.

5. The Section 94A Development Contributions Plan - Bankstown (Amendment No. 3) for the former Bankstown City Council Local Government Area be adopted.

ITEM 6.2 COMMUNITY CONSULTATION ON THE DRAFT FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN FOR THE MID GEORGES RIVER CATCHMENT

(51) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council endorse the exhibition of the Draft Floodplain Risk Management Study and Plan for the Mid Georges River catchment, including the Waterways and Water Quality Improvement Plan, (Attachment A) for the purposes of undertaking stakeholder and community consultation.

ITEM 6.3 REQUESTS FOR FINANCIAL ASSISTANCE AND DONATIONS

(52) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. A donation of \$500.00 be made to Renae Edmunds of Picnic Point who has been selected to represent Australia at the World Championships for Baton Twirling in Helsingborg, Sweden in August, 2016.

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2. A donation of \$250.00 be made to Oliver Ames of Panania who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
3. A donation of \$250.00 be made to Zach Torbay of Picnic Point who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
4. A donation of \$250.00 be made to Blake Pardy of East Hills who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
5. A donation of \$250.00 be made to Carla Tremolada of Condell Park who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
6. A donation of \$500.00 be made to Dennis Tran of Yagoona who has been selected to represent Australia at the World Junior Ultimate Championships for the Ultimate Frisbee in Poland from 31 July – 6 August, 2016.
7. A donation of \$372.00 be made to Western District Joggers and Harriers who have requested to have the hire fees waived for the use of Mirambeena Regional Park – Lake Gillawarna on Sunday, 17 July 2016 for the Georges River Festival of the Feet.
8. A donation of \$488.00 (equivalent to the hire fee for the use of Paul Keating Park) be made to Youth off the Streets and Mission Australia so that they can host their second youth sleepout to raise awareness for homelessness. The event is being held in Paul Keating Park on 12 August, 2016.
9. A donation of \$79.00 (equivalent to the hire fee for the use of the footpath outside the Smartphones Shop, Revesby) be made to the Smartphones team Revesby who hosted a Balloon Tree event on Wednesday, 18 May, 2016 on the footpath outside their Revesby Store to raise funds for the Children's Hospital at Westmead.
10. A donation of \$372.00 (equivalent to the hire fee for the use of Neptune Park, Revesby) be made to the organisers of The Bill Crews Cup Family Gala Day which is being held at Neptune Park, Revesby on 6 July, 2016.
11. A donation of \$750.00 be made to the Congregational Christian Church in Samoa-Parish of Sydney Youth Group who staged a musical production of the Lion King at the Bryan Brown Theatre at the BLaKC on 23 April, 2016 and the organisers are asking Council to supplement the production costs of staging the performance.

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ITEM 6.4 AUSTRALIAN AIR LEAGUE REQUEST TO WAIVE COUNCIL RATES FOR 223A BONDS ROAD RIVERWOOD

(53) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The lease between Council and the Australian Air League (AAL) be varied to remove the requirement for the AAL to pay Council rates.
2. A financial subsidy of \$3919.35 be provided to the AAL to pay for the Council rates already levied on the property.

ITEM 6.5 LOCAL GOVERNMENT NSW REQUEST FOR CONTRIBUTION TO LEGAL COSTS ON BEHALF OF BATHURST REGIONAL COUNCIL

(54) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council accede to the request by Local Government NSW and contribute the amount of \$2,962.11 (GST incl.) towards legal costs for Bathurst Regional Council.

ITEM 6.6 FREE CAR PARKING AGREEMENTS

(55) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council adopt the classification of the following sites as Operational Land in accordance with s.650 of the Local Government Act 1993, only for the purposes of allowing a Free Car Parking Agreement for:
 - a. No. 753 Hume Highway, Bass Hill (Bass Hill Shopping Centre) and
 - b. No. 25-37 Selems Parade, Revesby (Palm Court Shopping Centre).
2. Council approve entering into a Free Car Parking Agreement as per s.650 (6) of the Local Government Act 1993, with Bass Hill Shopping Centre and Palm Court Shopping Centre, as per the terms detailed in this Report.
3. Council delegate to the General Manager authority to finalise and sign both parking agreements.

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ITEM 6.7 STREET LIGHTING IMPROVEMENT PROGRAM

(56)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The information be noted.
2. The current memberships of the SLI Program continue and be transferred to Canterbury Bankstown Council.
3. A further report be brought back to Council for consideration to participate in the LED accelerated TF2*20 replacement program and main road trial of LEDs.

ITEM 6.8 CASH AND INVESTMENT REPORT FOR THE PERIOD 13 MAY TO 31 MAY 2016

(57)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The Cash and Investments Report being for the period from the date of Proclamation (13 May) 2016 to 31 May 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

SECTION 7: COMMITTEE REPORTS

ITEM 7.1 MINUTES OF THE CANTERBURY TRAFFIC COMMITTEE MEETINGS HELD ON 2 MAY 2016 AND 6 JUNE 2016 AND BANKSTOWN TRAFFIC COMMITTEE MEETINGS HELD ON 10 MAY 2016 AND 14 JUNE 2016

(58)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Canterbury Traffic Committee meetings held on 2 May 2016 and 6 June 2016 and for the Bankstown Traffic Committee meetings held on 10 May 2016 and 14 June 2016 be adopted.

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**ITEM 7.2 MINUTES OF THE CANTERBURY CITY COUNCIL ARTS AND LIBRARY ADVISORY
COMMITTEE HELD ON 19TH APRIL 2016**

(59) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Arts and Library Advisory Committee meeting held on 19 April 2016, be noted.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

SECTION 9: MATTERS FOR INFORMATION

Nil

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil

AT THIS STAGE THE ADMINISTRATOR INDICATED THAT A LATE CONFIDENTIAL ITEM 11.11 - EOI FOR CITY OF CANTERBURY-BANKSTOWN BRAND STRATEGY HAD BEEN SUBMITTED.

MATTER OF URGENCY

(60) MOVED AND RESOLVED BY THE ADMINISTRATOR

That urgency be permitted and Item 11.11 - EOI for City of Canterbury-Bankstown Brand Strategy be considered.

SECTION 11: CONFIDENTIAL SESSION

(61) 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, 11.10, 11.11 in confidential session for the reasons indicated:

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- Item 11.1 T2016-03 SSROC Tender for The Provision of Tree Pruning Services

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

- Item 11.2 T2016-05 SSROC Tender for Supply and Delivery of Sodium Hypochlorite (Bulk Liquid Chlorine)

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 T2016-06 SSROC Tender for Supply and Delivery of Agricultural Products

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 WS01 - 15/16 WSROC Tender for the Provision of Mattress Collection and Processing Services

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

- Item 11.5 T37-16 Provision of Pound Services / Holding Facilities

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

- Item 11.6 T40-16 - Provision of Audit Services

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that

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would, if disclosed, prejudice the commercial position of the person who supplied it.

- Item 11.7 Contract 31/2016 - Tender For Pedestrians/Cyclists Shared Path in Foord Avenue, 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 11.8 Contract 32/2016 - Tender For Traffic Calming and Car Parking Construction Work in Clio Street, Wiley 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 11.9 Waste Contracts

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)(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 11.10 Property Matter - Morris Iemma Indoor Sports Centre

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 11.11 EOI for City of Canterbury-Bankstown Brand Strategy

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that

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would, if disclosed, prejudice the commercial position of the person who supplied it.

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.18 PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.23 PM.**

**ITEM 11.1 T2016-03 SSROC TENDER FOR THE PROVISION OF TREE PRUNING SERVICES
(62) MOVED AND RESOLVED BY THE ADMINISTRATOR**

That –

1. Council accepts tenders from the following companies to form a panel of service providers for tree pruning within the Bankstown area for a period of two (2) years with provision for an extension for two (2) further periods each of up to one (1) year in duration, subject to satisfactory performance as determined by the General Manager for the provision of tree pruning services.
 - a. Asplundh Tree Expert (Australia) Pty Ltd
 - b. BJ's Tipper Hire Pty Ltd trading as BJ's Tree Services
 - c. Sydney Arbor Trees Pty Ltd
 - d. TreeServe Pty Ltd
2. The General Manager be authorised to sign all necessary contract documentation in accordance with Council's resolution as required.
3. SSROC (on behalf of Council) notifies the unsuccessful tenderers in writing and thanks them for tendering.

**ITEM 11.2 T2016-05 SSROC TENDER FOR SUPPLY AND DELIVERY OF SODIUM HYPOCHLORITE
(63) (BULK LIQUID CHLORINE)
MOVED AND RESOLVED BY THE ADMINISTRATOR**

That -

1. Council accepts the tender received from Ixom Operations Pty Ltd for a period of 3 years, with the option to extend the contract by 2 Years further periods each of up to one (1) year in duration, subject to satisfactory performance of the contractor as determined by the General Manager, for the provision of Supply and Delivery of Sodium Hypochlorite (Bulk Liquid Chlorine).
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.

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ITEM 11.3 T2016-06 SSROC TENDER FOR SUPPLY AND DELIVERY OF AGRICULTURAL PRODUCTS

(64) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Globe Australia Pty Ltd for a period of three years, with the option to extend the contract by two further periods each of up to one (1) year in duration, subject to satisfactory performance of the contractor as determined by the General Manager, for the provision of Agricultural Products.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.

ITEM 11.4 WS01 - 15/16 WSROC TENDER FOR THE PROVISION OF MATTRESS COLLECTION AND PROCESSING SERVICES

(65) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Resource Recovery Australia for a period of two (2) years, with the option to extend the contract by two (2) further periods each of up to one (1) year in duration, subject to satisfactory performance of the contractor as determined by the General Manager, for the provision of mattress collection and processing services.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. WSROC (on behalf of Council) notifies the unsuccessful tenderers in writing and thanks them for tendering.

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**ITEM 11.5
(66)**

T37-16 PROVISION OF POUND SERVICES / HOLDING FACILITIES

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept all tenders received for the provision of Pound/Holding Facilities Services.
2. In accordance with 178(3)(a) of the Local Government (General) Regulation 2005, Council agree to postpone the proposal for the contract, subject to Council determining its requirements for the service, as outlined in the report.
3. Council exercise its option to extend the contract entered into between the former Canterbury City Council and Vet Partners, for the provision of Pound/Holding Facilities Service.
4. Council continue to utilise Transpet Pty Ltd for the provision of Pound/Holding Facilities Services, currently provided for the former Bankstown City Council local government area, as outlined in the report.
5. A further report be prepared and submitted to Council for its consideration, regarding the matter.
6. Council notifies the unsuccessful tenderer in writing and thank them for tendering.

**ITEM 11.6
(67)**

T40-16 - PROVISION OF AUDIT SERVICES

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Pursuant to Clause 28 of the Local Government (Council Amalgamations) Proclamation 2016 (NSW), Council appoint PricewaterhouseCoopers as its auditor for a period of six years, as outlined in the report.
2. The General Manager be authorised to sign all documentation in accordance with Council's resolution, as required.
3. Council notifies Hill Rogers of its decision, and thank them for their services to the former Canterbury City Council.

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**ITEM 11.7 CONTRACT 31/2016 - TENDER FOR PEDESTRIANS/CYCLISTS SHARED PATH IN
FOORD AVENUE, HURLSTONE PARK**

(68) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The tender of KK Civil Engineering for the construction of kerb and gutter, shared path and associated works in Foord Avenue, at a cost of \$224,554.00 (excluding GST) be accepted.
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 11.8 CONTRACT 32/2016 - TENDER FOR TRAFFIC CALMING AND CAR PARKING
CONSTRUCTION WORK IN CLIO STREET, WILEY PARK**

(69) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The tender of KK Civil Engineering for the construction of kerb and gutter, road pavement and associated works in Clio Street at a cost of \$268,245.00 (excluding GST) be accepted.
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 11.9 WASTE CONTRACTS

(70) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. In accordance with Section 55(3)(i), and pursuant to the legal and probity advice received, Council enter into negotiations with current collection contractors for the waste clean-up and garden waste collection services in the former Bankstown LGA, as outlined in this report;

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2. Council, in implementing recommendation (1), establish an appropriate governance framework for the discussions; and
3. A further report be brought back to Council regarding the matter.

**ITEM 11.10
(71)**

PROPERTY MATTER - MORRIS IEMMA INDOOR SPORTS CENTRE

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council agree to vary its current licence agreement with the Young Men's Christian Association of Sydney, to reflect the continued operations of the Morris Iemma Indoor Sports Centre (MIISC), for a further period of six (6) months – ending 31 December 2016, and in accordance with the commercial terms, as outlined in the report.
2. Subject to Item 1, the General Manager be delegated authority to effect Council's decision, as outlined in the report.
3. The General Manager write to the relevant Minister administering the site and request that the transfer of ownership of Rotary Park to Council be finalised.
4. A further report be submitted to Council regarding the future use and operations of the MIISC, for Council's consideration

**ITEM 11.11
(72)**

EOI FOR CITY OF CANTERBURY-BANKSTOWN BRAND STRATEGY

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council proceeds to selective tender with the following organisations:
 - Frost*collective
 - Landor
 - Generation Alliance Pty Ltd
 - Principals
 - Designworks Australia Pty Ltd
 - Andrew Hoyne Design Pty Ltd
 - Traffic PTY LTD

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2. The outcome of the Selective Tender be reported back to Council for determination.
3. Council notifies the unsuccessful Respondents in writing and thank them for expressing their interest.

THE MEETING CLOSED AT 6.24 P.M

Minutes confirmed 26 JULY 2016

.....
Administrator

2 LEAVE OF ABSENCE

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

4 ADMINISTRATOR MINUTES

The following items are submitted for consideration -

4.1	Strategic Review of the Canterbury Road Corridor	57
4.2	Sydenham to Bankstown Urban Renewal Corridor	59
4.3	Stronger Communities Fund	61
4.4	Financial Assistance - Georges River Softball Association	63
4.5	ISME Community Music Activities Commission	65

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ITEM 4.1

Strategic Review of the Canterbury Road Corridor

The Canterbury Road corridor is an important growth corridor for the new City of Canterbury Bankstown. It is one of Council's fastest growing areas of mixed use development, and its future is being shaped by the many development applications and planning proposals that are being considered by the Council.

There have been a number of plans and strategies guiding growth along the corridor in recent years. Most recently, the Canterbury Residential Development Strategy, which was adopted by Council in 2014, has set the policy framework.

However, since that time, it is apparent that a number of decisions have eroded the integrity of that policy. In particular, the former Canterbury Council has approved development well in excess of the height and scale recommended by the strategy. The result has been inconsistent and disorderly development outcomes along the corridor.

It is my view that these changes call for a fresh look at planning for the corridor, in order to address the new challenges we face and to restore public confidence that Council has a long term vision for the corridor and that it can implement it fairly and consistently. While I understand this may create some short term uncertainty, it is vital that we get the planning for this corridor right for the people who will live, work, visit, and travel through this area for the long term.

In this light I have decided that Council will commence a review of the existing policy framework for the Canterbury Road Corridor with a report to be brought back to Council recommending changes and improvements which set a clear long term framework for development.

In broad terms, the review will consider:

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

The review will make recommendations in regards to:

- Appropriate zoning, urban design and built form controls along the corridor,
- Measures to address environmental issues including noise and pollution, and
- Traffic, transport and car parking issues.

The findings of the review are to complement the Sydenham to Bankstown Urban Renewal Corridor Strategy being prepared by the Department of Planning and Environment. The review should also make recommendations in relation to New Canterbury Road as an area with a distinct and separate character to the Canterbury Road corridor. I also expect full engagement with the Department of Planning, Transport for NSW and Roads and Maritime Services.

I expect this work to be completed by December this year with community consultation to follow.

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ITEM 4.2

Sydenham to Bankstown Urban Renewal Corridor

The proposed extension of the Sydney Metro system from Sydenham to Bankstown is a once in a generation opportunity for our city. The extension will increase the number of train services and is anticipated to reduce travel times by up to ten minutes between Bankstown and the Sydney CBD.

This important piece of infrastructure investment will help drive growth and renewal along the Sydenham to Bankstown corridor. Of the 11 stations in the corridor, eight will directly service commuters within the Canterbury Bankstown area. To support the extension of the metro, the NSW Department of Planning and Environment has prepared the draft Sydenham to Bankstown Urban Renewal Corridor Strategy. This is an initial strategy that will guide housing and employment growth along the corridor over the next 20 years. Importantly, the Strategy also identifies the need for new community facilities, public spaces, transport and other infrastructure and funding arrangements needed to support growth.

While a substantial amount of work has been prepared, the strategy remains a work in progress. Canterbury-Bankstown Council supports the need for a corridor strategy that will sensibly integrate and balance transport needs, opportunities for housing, jobs and community infrastructure and will continue to work collaboratively with the Department to achieve this.

Following the exhibition of the draft strategy in February this year, a number of planning proposals have been submitted to Council seeking increases to planning controls using the draft strategy as justification. Some of the applications propose increases to height and density controls that could not reasonably be supported without a comprehensive planning and infrastructure strategy in place.

It is my view that Council needs a clear way forward on how to deal with all applications for planning proposals within the corridor – based on evidence, quality urban design outcomes, community and industry input and with a sensitive transition to areas outside the corridor. We are simply not there yet and more work needs to be done.

In light of this, I have decided that Council will defer planning proposals that primarily rely on the draft Sydenham to Bankstown Urban Renewal Corridor Strategy for justification and have not received a Gateway Approval from the Department of Planning and Environment, until the strategy is finalised and reflective of local planning needs. Existing proposals with approval in the corridor will continue to be assessed on their individual merits and existing planning framework.

I am however mindful not to stifle growth and investment in our area. I have already requested Council to partner with the State Government to complete the strategy as soon as possible and asked the General Manager to use his discretion to allocate funding and resources to help deliver the strategy. Given that Council is working very closely with the State Government on the final strategy for the corridor, I would also invite land owners and the community to engage with us as the strategy evolves.

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ITEM 4.3 Stronger Communities Fund

The Stronger Communities Fund (the “SCF”) has been established by the NSW Government to provide councils with funding to kick start the delivery of projects that improve community infrastructure and services. The NSW Government has allocated \$10M to Canterbury-Bankstown Council under the SCF.

The SCF must be allocated through two programs, being:

- Community Grant Program – An allocation of up to \$1M in Grants for individual projects up to \$50,000 targeted at incorporated not-for-profit community groups for projects that build more vibrant, sustainable and inclusive local communities; and
- Major Projects Program – Remaining funding is allocated to large scale priority infrastructure and services projects that deliver long-term economic and social benefits to communities.

The NSW Government has established certain criteria that councils will need to adhere to, including consulting with our community and local stakeholders as to how best the funds should be allocated.

To administer the Community Grants Program under the SCF, Council is planning to hold a focus group with local not-for-profit community organisations. The focus group will include community networks already known to and working with Council, and any other networks wishing to participate will be invited to do so through a public media and communications program. Each network or organisation will be encouraged to nominate one person to represent their network at the focus group to discuss priorities and key issues for the SCF Community Grants Program. This engagement model will ensure wide-reaching community representation to help set the priorities for the program. By working with those who work with our community day to day, we will ensure strong community outcomes.

The Workshop will be held on Thursday 18 August at the Bankstown Learning & Knowledge Centre.

Council will also be encouraging our community to participate in the identification and prioritisation of Major Projects Program to be funded by the SCF, this will occur separately and at a later date to the Community Grants Program.

Administrator Minutes - 26 July 2016

ITEM 4.4 Financial Assistance - Georges River Softball Association

In August 2016, Georges River Softball Association Inc. (GRSA) will hold its two-day Masters Tournament at Kelso Park for the 17th consecutive year. The tournament is not only a much anticipated local sporting event, open to all ages, but also GRSA's main annual fundraiser, essential to financing its activities.

Despite the commendable efforts and commitment of GRSA's volunteers and Executive Committee, the extra expense of covering the cost of establishing additional fields for the event is making it very difficult for the Association to carry out its planned activities for the upcoming year.

GRSA is a long standing tenant of Kelso Park and has worked hard over many years to promote softball to the Bankstown community. Furthermore, the Association plays a key role in cultivating local softball talent and, along with Bankstown's other sports clubs, promotes healthy and active lifestyles as well. The Masters Tournament has a reputation throughout NSW as being the best-run of its type and continues to attract teams each year, allowing GRSA to use the income generated for our other year-round activities.

Given the above, I recommend Council waives the park hire fee of \$1,354 for the tournament and these funds be made available from Council's Section 356 Financial Assistance budget.

Administrator Minutes - 26 July 2016

ITEM 4.5

ISME Community Music Activities Commission

As the founder of Vyva Entertainment, Vyvienne Alba, has been associated with the music and entertainment industry for almost 15 years. Most recently, Vivienne has been working with Bankstown Youth Development Service (BYDS) on her 4ELEMENTS Hip Hop Project following its launch in 2015. As part of this, Vyvienne has used the art of Hip Hop to address social issues and campaigns such as Youth Week, Harmony Day and Refugee Week.

In recognition of her work with young people, Vyvienne has been invited to be a representative at a number of international community music events during July.

On 13 July Vyvienne was due to speak before the French Parliament as part of the *'Mayor of My City'* project that aims to develop social integration through artistic expression and musical talent. Following this, Vyvienne will participate in the Community Music Activities seminar and the 32nd International Society for Music Education conference in Scotland.

During these events, Vyvienne will visit community youth organisations and share ideas with other contemporary music educators. Vyvienne hopes to bring back the skills and knowledge she acquires while participating in these events in order to apply it to her work with local young people.

Given Vyvienne's association with the Canterbury-Bankstown area, I recommend that Council donate \$750 to assist with the costs of attending these international events and that these funds be made available from Council's Section 356 Financial Assistance budget.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|--|-----|
| 5.1 | 77 Hume Highway, Greenacre | |
| | Construction of a Vehicle Storage Facility, Associated Workshop, Store Rooms,
Office and Landscaping Works | 69 |
| 5.2 | 60 Kitchener Parade, Bankstown | |
| | Demolition of Existing Site Structures and Construction of Four (4) Storey
Commercial Building with Ground Floor Cafe and Associated Onsite Parking | 83 |
| 5.3 | Canterbury Local Environmental Plan 2012 Amendment 12 - Various
Housekeeping Amendments and Draft Amended Canterbury Development
Control Plan 2012 | 107 |
| 5.4 | Draft Canterbury Development Control Plan 2012 | 113 |
| 5.5 | Draft Amendments to Canterbury DCP 2012 (Amendment 4) | 119 |
| 5.6 | Planning Proposal for Nos. 30–46 Auburn Road in Regents Park | 123 |
| 5.7 | Draft Voluntary Planning Agreement Offer - 717-727 Canterbury Road,
Belmore | 131 |

Planning Matters - 26 July 2016

ITEM 5.1	77 Hume Highway, Greenacre
	Construction of a Vehicle Storage Facility, Associated Workshop, Store Rooms, Office and Landscaping Works
FILE	DA-1475/2015
ADDRESS	77 Hume Highway, Greenacre
ZONING	B5 Business Development
DATE OF LODGEMENT	10 December 2015
APPLICANT	David Dent
OWNERS	Investments & Loans Pty Limited
ESTIMATED VALUE	\$10,629,080
SITE AREA	26,530m²
AUTHOR	City Development

RECOMMENDATION

The application be approved subject to the attached conditions.

REPORT

This matter is reported to Council in accordance with the Instrument of Delegations adopted by Council on 24 May 2016. In this instance the development is considered to have regional significance and has an estimated cost of works exceeding \$10 million. The application also seeks consideration of a departure from the applicable building height standard contained in the Bankstown Local Environmental Plan 2015 and the storey limit listed in the Bankstown Development Control Plan 2015.

Development Application No. DA-1475/2015 proposes the construction of a vehicle storage facility, associated workshop, store rooms, office and landscaping works. The application has been assessed in accordance with the provisions contained in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 requiring, amongst other things, an assessment against the provisions contained in the following:

- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Bankstown Local Environmental Plan 2015
- Bankstown Development Control Plan 2015

The application was advertised and notified for a period of twenty one (21) days from 13 January 2016 to 2 February 2016. One (1) submission was received during this period. Concern was raised with respect to the stormwater management.

With respect to the matter raised, it has been considered in the course of the assessment of the application and, despite the concern, the application has merit and is recommended for approval.

POLICY IMPACT

This matter has no direct policy implications

FINANCIAL IMPACT

This matter has no financial implications.

RECOMMENDATION

The application be approved subject to the attached conditions.

ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is legally known as Lot 500 in DP 1161478, is identified as No. 77 Hume Highway, Greenacre and is located on the southern side of the Hume Highway. The allotment has an area of 26,530m² and is bounded by the Hume Highway to the north, Waterloo Road to the east and to the rear of residential properties on Como Road to the south. Together this forms an irregular shaped allotment. The allotment is currently zoned *B5 - Business Development* under the Bankstown Local Environmental Plan 2015.



Figure 1 : Locality Plan

The site currently contains three (3) single storey motor vehicle showrooms fronting the Hume Highway. Two (2) single storey workshops front Waterloo Road, one of which consists of a car wash. There remains a second car display area in the northern portion of the site, fronting Waterloo Road and a used car sales yard in the centre of the site that also provides for uncovered customer and staff parking between the showroom and workshop buildings. A wholesale storage area and shed are located in the south-eastern part of the site. Within the southern area an open unmarked car storage area exists, which is the subject location for the proposed vehicle storage facility on the site.

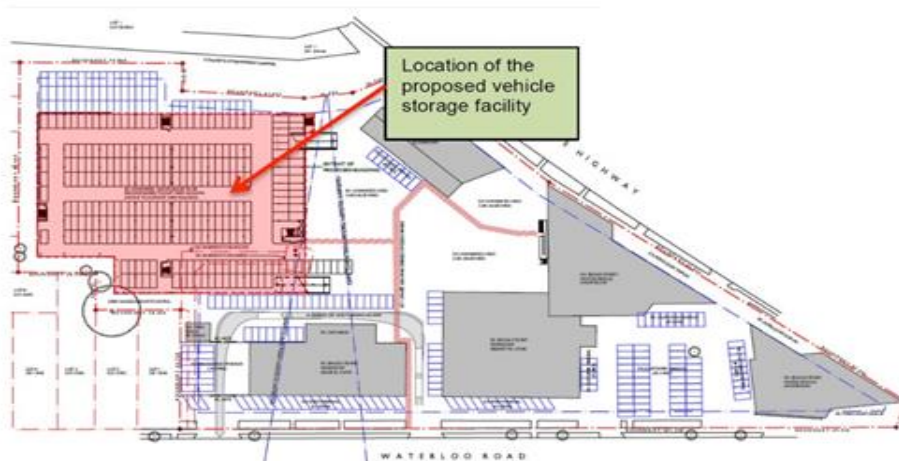


Figure 2: Site Plan

PROPOSED DEVELOPMENT

The Development Application proposes a three (3) storey vehicle storage facility with an accessible rooftop to be located within the southern portion of the site.

The proposed car storage facility is for the storage of new and used cars on the site and will serve as a storage facility for the Suttons Motor Group.

Collectively a total of 856 parking spaces will be provided on three functional levels within the vehicle storage facility and will also include 43 workshop bays, storerooms, a lunch room, an administration room and offices.

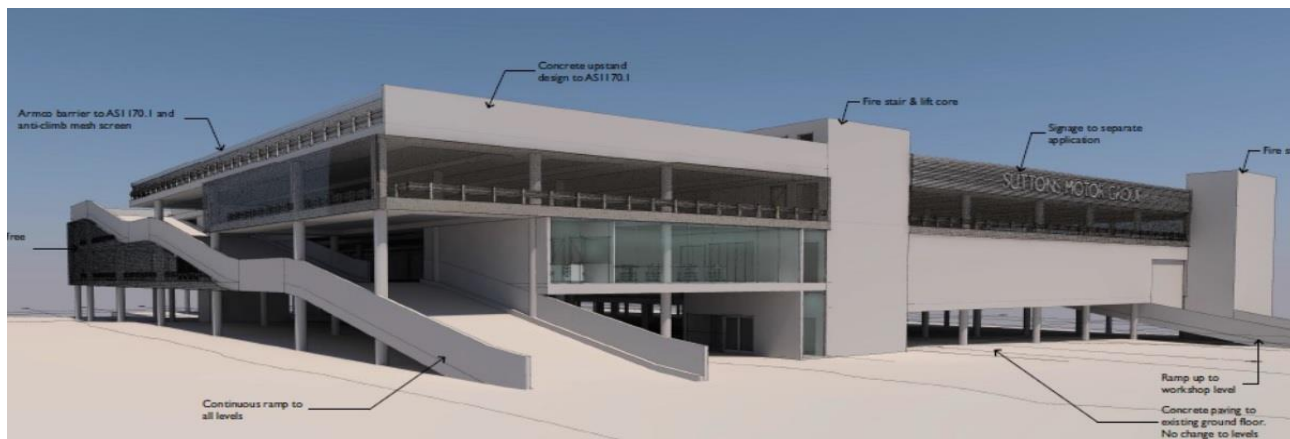


Figure 3: A perspective of the development

In particular the application proposes the following:

Ground Floor

- Ground floor driveway entrance at the northern end of the building
- A total of 263 car parking spaces
- Five (5) stairwells
- Two (2) separate ramps leading up to the first floor; one ramp located in the north-eastern part of the building and the other ramp in the north-western portion of the building.

First Floor

- A total of 91 car parking spaces
- A workshop with 43 working bays
- Store room, bin room
- Administration room and offices
- Lunch room, male and female toilet
- Five (5) stairwells
- Ramp access to the upper and lower floors

Second Floor

- A total of 247 parking spaces
- Five (5) stairwells
- Ramp access to the upper and lower floors

Roof top

- A total of 255 parking spaces
- Five (5) stairwells
- Ramp down to the second floor.

SECTION 79C ASSESSMENT

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

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Under the provisions of Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development on land unless:

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

The development site is considered to remain suitable for the proposed use as a vehicle storage facility. In this instance the proposed use remains consistent with the past and previous car vehicle sale and hire land use activities on the site, with the potential for significant widespread contamination to be present on site considered to be low.

The associated works are not considered to consist of any works that would result in a substantial disturbance to the site and remains suitable for the proposed development.

As a precautionary standard, the following requirement has been included as a condition of consent:

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

If in the event that any unintended tanks, cells or finds are uncovered on the development site, works must stop immediately and Council appropriately notified.

Accordingly, it is considered that the application adequately addresses the requirements of Clause 7 of SEPP 55.

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

Under the provisions of Clause 104 – *Traffic Generating Development* of the I SEPP, before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.*

Accordingly, the development application was formally referred to the Roads & Maritime Services (RMS) and a review of the documentation was provided on 1 March 2016. The following comments were offered:

- 1. Roads and Maritime has previously resumed and dedicated a strip of land as road along the Hume Highway frontage of the subject property, as shown by grey colour on the attached Aerial — "X". Therefore, all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Hume Highway boundary.*
- 2. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.*

In this instance the works associated with the development do not apply to the area (referenced "X") as outlined above.

Additionally the application was supported by a Traffic Study prepared by Transport and Traffic Planning Associates and was referred to Council's Traffic and Transport Unit for review. The accessibility of the site for purposes of vehicle movements and road safety implications were considered as part of the process, with requirements included as conditions of consent.

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 4.6 – Exceptions to development standards
 Clause 5.9 – Preservation of trees or vegetation
 Clause 6.3 – Flood planning

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

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Height of buildings	Max. 11m building height.	Max. 13.8m height to top of stair wells Max. 12.6m height to top of balustrade Max. 10.95m height to FFL of rooftop deck.	No
Floor space ratio	Max. 1:1	Total for site. 0.35:1 Site Area - 26,530 m ² Existing – 5,921.8 m ² Proposed - 3,240.37m	Yes

An assessment of the Development Application has shown that the proposal does not comply with the height of buildings standard contained in Clause 4.3 of BLEP 2015.

Clause 4.3(2) of the BLEP states:

“The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map”.

Based on the height of buildings map the applicable maximum height for the site is 11.0 metres.

The proposed development consists of a maximum height of 13.8 metres to the top of the stair well on the rooftop and a height of 12.6 metres to the rooftop balustrade, and consequently fails to comply with the maximum height of buildings standard contained in the BLEP 2015.

The applicant has provided a formal request under Clause 4.6 of the BLEP 2015 seeking a variation to the height of buildings standard. The applicant has provided a series of arguments to demonstrate that strict compliance with the height of buildings standard is considered unreasonable and unnecessary in the circumstances of the case for the reasons outlined below:

The proposed development will continue to be in character with the development of the surrounding area

The location and design of the proposed vehicle storage facility has taken into consideration the design of the existing buildings on the site, the 3-storey motel to the west of the site and the residential dwellings adjoining the site to the south. This proposed development will not be an overdevelopment of the site, nor will it dominate the streetscape.

The overall building height is in response to the flood risk on the site

The rear western part of the site which adjoins the stormwater canal is subject to flooding (medium to high risk). The proposal has addressed this by elevating the proposed vehicle storage facility to ensure that the proposed works will not displace any water on the site. If the proposed vehicle storage facility was not elevated, the building would comply with the height control for the site. The proposal has however been designed to mitigate potential flood impacts on the site.

The minor height non-compliance will not dominate the future streetscape

The proposed vehicle storage facility will be located within the southern portion of the site behind the existing showroom and workshop buildings on the site. It is noted that the point height variation is minor in consideration of the BLEP 2015 standard. Due to the location of the proposed development, this would not be recognisable or discernible from the street frontage.

The proposed development is well designed

The proposed vehicle storage facility and associated workshop will not result in any unreasonable adverse amenity impacts to neighbouring properties. In particular it is noted that there will be no unreasonable overshadowing, loss of privacy, views or noise impacts.

Review

The objectives of Clause 4.3 – Height of Buildings are:

- (a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,*
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,*
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
- (d) to define focal points by way of nominating greater building heights in certain locations.*

As indicated above the exceedance of the height of buildings standard is confined to the stairwells on the rooftop and the provision of the balustrade. The proposed exceedance is essentially confined to elements of the building providing for minimal impact on the overall bulk and scale of the development. The stairwells and balustrade contribute minimal additional bulk to the building, resulting in no unreasonable impacts on the adjoining residents to the south with respect to solar access and visual amenity.

It is noted that proposal is also concentrated in the southern portion of the allotment and the functional three (3) storey building form is considered to provide an appropriate transition to the R2 Low Density Residential Zone that are generally occupied by building forms of one and two storeys.

The applicant's justification provided in support of the variation to the building height standard is considered satisfactory, and adequately addresses the relevant matters under Clause 4.6 of the BLEP 2015. It is therefore recommended that the proposed departure to the height of buildings standard be accepted.

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

There are no draft environmental planning instruments applicable to the proposed development.

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

The development has been assessed against the provisions contained in Part A2 – Corridors, Part B2 – Commercial Development and Part B5 - Parking of the Bankstown Development Control Plan 2015.

The following table provides a summary of the outcome of the assessment against the numerical controls contained in the relevant parts of the BDCP 2015.

STANDARD	PROPOSED	BDCP 2015 PART A2 & B2 and B5	
		REQUIRED	COMPLIANCE
Storey Limit	3 storeys with functional rooftop	2 storeys	No
Side/rear Setbacks: <ul style="list-style-type: none"> • North • South • East • West 	33.1 metres 9.0 metres 6.0 -9.0 metres 12.0 metres	6.0 metres	Yes
Front Landscaping	Existing landscaping provided along the Hume Highway frontage	Development must provide a minimum 5 metre wide landscape buffer zone to the front boundary of an allotment.	Yes
Car Parking	Service workbays Ancillary office Vehicle storage - 595 spaces	6 spaces per 1 workbay – 258 spaces 1 Space per 40m2 GFA – 3 spaces	Yes

An assessment has indicated that the proposal does not comply with the storey limit contained in Clause 4.1 of Part B2 – Commercial Centres of the BDCP 2015.

Storey limits are typically used as a control to define the size of a building and are important as they assist to shape the character of an area and ensure adequate amenity to the occupants of buildings and to neighbouring development. In determining whether the proposed storey limit of the development should be supported, the relevant objectives of Section 5 – Building Design should be considered:

- (a) To have high architectural quality in development.*
- (b) To encourage building facades and corner allotments to add visual interest to the streetscape.*
- (i) To provide adequate amenity to the occupants of buildings and to neighbouring residential development in terms of solar access.*
- (l) To have a landscape buffer zone that encourages deep soil planting to enhance commercial centres or arterial roads.*
- (n) To ensure development is integrated with the public domain and contribute to an active pedestrian orientated environment.*
- (p) To encourage building designs, materials and maintenance programs that reduce the opportunities for vandalism and graffiti.*

As outlined previously, the proposed development consists of a 3 storey building with a functional roof top and therefore exceeds the 2 storey control listed in the BDCP 2015.

Having regard to the objectives above, the development is considered to present as a modern vehicle storage facility that also accommodates associated workshops, store rooms, office and landscaping works.

The proposal demonstrates that the development will complement the appearance of structures currently on the allotment, as well as incorporating screen landscaping to the southern setbacks of the development. This degree of finishing provides for a mid-block building design that remains sympathetic towards the adjoining residential zoning and does not detract from the surrounding character of the area.

A core consideration of the objectives above, as well as the typical intent of a storey limit control, is the maintenance of the amenity to the adjoining dwellings. Specifically clause 5.38 supplements this intention and requires the following considerations:

Clause 5.38 – Development adjacent to residential zones - of the BDCP 2015 states:

In determining a development application that relates to land adjoining land in Zone R2, R3 or R4, Council must take into consideration the following matters:

- (a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone;*
- (b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;*

- (c) *whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the mid–winter solstice;*
- (d) *whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;*
- (e) *whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and*
- (f) *whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.*

Consideration to the above has been grouped in appropriate themes below.

Setback, Height and Visual Bulk

The development provides for a building form that is located 33.15 metres from the frontage of the Hume Highway, 51.9 metres from the eastern frontage of Waterloo Road and 9 metres from the southern setback of the adjoining residential zone. The proposed setbacks meets or exceeds the listed requirement of 6.0 metres to the side and rear boundaries.

While the proposal consists of a 3 storey building form, the development remains similar to that of a 2 storey building constructed to the permitted height limit of eleven (11.0) metres. It can be argued that this has been demonstrated through the provision of an additional 3.0 metre setback to the southern boundary, that provides for a comparable line of sight of the building when viewed from the adjoining residential areas.

Furthermore the submitted landscape plans provide for deep soil landscaping in these setback areas, which provides for the preservation of visual amenity through suitable screening to the adjoining residential area.

Solar Access

The current solar access requirements in the BDCP 2015 for residential dwelling houses states *“at least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice”*.

The submitted solar access plans demonstrate that these requirements would be achieved and provides for an appropriate level of solar access between 8.00am and 4.00pm at the mid–winter solstice. Additional studies were also submitted to illustrate that the proposal accommodates a level of solar access to the residential areas that would otherwise be achieved with a building constructed to the building height of 11 metres. In consideration of Clause 5.38(c) the proposal is considered both reasonable and appropriate in this instance.

Operation and Noise

The operation of the storage facility remains consistent to those already approved, being 7.00am to 6.00pm on weekdays and 7.00am to 1.00 pm on Saturdays. The development application has been supported with an acoustic report that demonstrates the day-to-day operations will be within the permissible acoustic parameters set by the Environmental Protection Authority.

The routine activities in addition to the storage and movement of vehicles are attributed to the use of the vehicle work bays. It is considered this consists of the use of impact drives, grinders and hoist equipment for the purposes of vehicle servicing.

The Acoustic Report, prepared by Wilkinson Murray Pty Ltd, has recommended the following mitigation measures:

- Rollers doors associated with the work bays are to remain closed except when vehicles are moved out of the workshop into the first floor car-park.
- The inclusion of a 1.2 metre solid balustrade along the edges of the first floor to break line of sight between the workshop roller doors and the rear of the adjoining residences.

Such requirements have been recommended as conditions of consent and are considered reasonable given the moderate size, internal setback and proposed treatment of the vehicle work bay area. The proposed uses are not considered to unreasonably impact upon any adjoining land use.

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

This development is not subject of any planning agreements.

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

The proposed development is assessed as being satisfactory with the matters for consideration prompted by the Regulations.

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

The proposed development, for the reasons cited within the report, is not assessed as having any significant detrimental impact upon the surrounding natural, social, economic or built environments.

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

The site is assessed as being suitable for the proposed development.

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

The application was advertised and notified for a period of twenty one (21) days from 13 January 2016 to 2 February 2016. One (1) submission was received during this period. The concern raised in the objection is discussed below:

Stormwater

Objection - Concern was raised that the proposed development would result in further stormwater impacts that are described to have already worsened in the area. The objector suggested that the use of on-site detention tanks should be implemented for the purposes of drainage of the area or the Hume Highway be appropriately widened to accommodate the additional stormwater.

Response - The proposed stormwater concept plan proposes a connection into the existing stormwater canal managed by Sydney Water that is located on the adjoining boundary to the west of the allotment. In this case, Sydney Water is the responsible consent authority that assesses the suitability of the development including if there are sufficient water and wastewater assets to facilitate a connection and if further expansion to such services are required as a result of the development.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C(i) of the *Environmental Planning and Assessment Act, 1979* which requires, amongst other things, an assessment against the provisions contained in *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy (Infrastructure) 2007*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

Whilst a minor variation to the height of buildings standard and the storey limit have been sought, the impact of these variations are negligible. The detailed assessment has found that the development proposal would have minimal impact on the amenity of the adjoining residential, meets the intent of the objectives of the B5 Business Development Zone and is consequently recommended for Council approval.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Plan
- C. Site Plan
- D. Notification Plan
- E. Clause 4.6 Request

Planning Matters - 26 July 2016

ITEM 5.2

60 Kitchener Parade, Bankstown

Demolition of Existing Site Structures and Construction of Four (4) Storey Commercial Building with Ground Floor Cafe and Associated Onsite Parking

Proposed Amendment: Modification to the approved design including installation of car stacker for fourteen (14) onsite parking spaces, modification to floor layouts and facades, addition of a mezzanine cafe and roof terrace and modifications to the materials and finishes

FILE

DA-974/2012/1

ZONING

B4 Mixed Use

DATE OF LODGEMENT

18 August 2015

APPLICANT

Trustee ZKFK Trust

OWNERS

ZKFK Pty Ltd

ESTIMATED VALUE

\$1,547,000

SITE AREA

312.72m²

AUTHOR

City Development

RECOMMENDATION

That -

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

3. The General Manager be granted delegated authority to determine the application once the Deed of Variation to the voluntary planning agreement is exhibited and approved by Council subject to the following modifications to the foreshadowed conditions adopted by Council on 22 October 2013, but also including the following amended conditions and additional conditions to be imposed by Council's Development Engineer and Traffic Engineer:

A. Conditions 2, 3, 11, 13, 14 and 16 shall be amended to read as follows (changes shown in italics):

- 2) Development shall take place in accordance with Development Application No. DA-974/2012, submitted by Fouad Hazzouri, accompanied by Drawing No. A01/02 & A02/02, Issue B, prepared by Atelier Hazzouri Architects, dated 10 May 2013, *as modified by Section 96(2) Modification Application No. DA-974/2012/1, submitted by Trustee ZKFK Trust, accompanied by Drawings and reports set out in the following table*, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval:

<i>Drawings Prepared by Becerra Architects</i>			
<i>Drawing No.</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
A00	Site Plan	B	11/3/16
A02	Basement	B	7/3/16
A03	Ground Level	C	7/3/16
A04	Mezzanine Level	B	19/11/15
A05	Level 1	A	3/6/15
A06	Level 2	A	3/6/15
A07	Level 3	A	3/6/15
A08	Terrace	A	3/6/15
A09-A11	Elevations	B	7/3/16
A12-A13	Sections	B	7/3/16
A14-A15	Material Schedule	B	7/3/16
<i>Engineering Drawings (Storm Water and Civil Works), Prepared by John Romanous & Associates Pty Ltd</i>			
<i>Drawing No.</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
1350 – S1/3, S2/3 & S3/3	Stormwater Drainage/Sediment Control Details - Concept	E	11/3/2016
<i>Reports and Specifications</i>			
<i>Report No.</i>	<i>Name</i>	<i>Revision</i>	<i>Date</i>
	Traffic & Parking Assessment		10/3/16
	Data Sheet Worh Parklift 413		

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

- 11) *Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$15,470.00 shall be paid to Council.*

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

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

- 13) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
- a) *A single heavy duty VFC of maximum width of 7.5 metres at the property boundary. The existing stormwater pit to be modified with the removal of the lintel and installing a heavy duty butterfly grate and relocating the existing pit to a location further downstream with the construction of the lintel and the pit to the satisfaction of Council and Council's standards.*
 - b) Drainage connection to Council's kerb and gutter.
 - c) A new full-width footway shall be installed on Rickard Road and Kitchener Parade, which meets all requirements of Bankstown City Council's CBD Type 1 Specification - being 'Urbanstone' or approved equal concrete unit pavers, with dimensions of 400mm x 400mm x minimum 50mm mortared in over a 125mm thick fibre-reinforced concrete base. Pavement is to be laid in stretcher bond pattern, set perpendicular to the line of the kerb. Paver colours are 'Lamington' (infill pavers) and 'Silver Grey' (banding and header course) and are to be sealed with an approved sealant.
 - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - e) Repair of any damage to the public road including the footway occurring during development works.
 - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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

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

B. The following conditions are added:

- *The applicant shall apply to the Bankstown Traffic Committee for the installation of a Works Zone for the entire site's frontage to Rickard Road, minus the minimum length of 'No Stopping' zone required after the Kitchener Parade intersection, eight (8) weeks in advance of when construction is scheduled to begin.*
- *The car stacker shall be installed in accordance with the Data Sheet Work Parklift 413 specification submitted with the application.*

REPORT

Assessment of the Proposed (Section 96) Amendment to DA 974/2012

This application is reported to Council due to the original application being reported to Council, a variation is proposed to the floor space ratio control and because the applicant seeks to enter into a Deed of Variation to the voluntary planning agreement with Council, whereby a monetary payment will be made to Council in lieu of providing the required amount of car parking on site.

In October 2013, Council granted consent for the demolition of existing site structures and construction of a four (4) storey commercial building with ground floor cafe and associated onsite parking on the subject site on a 'deferred commencement' basis. Prior to obtaining an operational consent the applicant was required to enter into a voluntary planning agreement for the deficient 14 car parking spaces. The voluntary planning agreement was formalised in January 2014 and an operational consent was issued on 15 January 2014. The consent is valid till 15 January 2019.

The current application when lodged, proposed a modification to the approved design including installation of a car stacker for (17) onsite parking spaces, modification to floor layouts and facades, addition of a mezzanine cafe and roof terrace and modifications to the materials and finishes. The application was subsequently modified to reduce the number of onsite parking to fourteen (14) spaces and offset four deficient spaces by way of a voluntary planning agreement. As a consequence the voluntary planning agreement entered with Council for the original proposal is to be revised from fourteen (14) spaces to four (4) spaces.

The application has been assessed against provisions of Section 96(2) of the *Environmental Planning and Assessment Act 1979* and in particular, the *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and the proposal fails to comply with the floor space ratio. An FSR of 2:758:1 is proposed as opposed to the 2:1 permitted by the BLEP for this site. A written submission has been lodged seeking a variation to the FSR control. As will be apparent from the attached assessment report, the circumstances of the case is such that a variation to the FSR can be supported in this instance.

While there is a variation to the floor space ratio, the modified development is otherwise generally compliant with the relevant development controls, and is consistent in terms of design and function with other new commercial developments in the surrounding locality.

The application was advertised in the local newspaper and notified to adjoining properties for a period of twenty one (21) days from 13 January 2016 to 2 February 2016. No submissions were made during this notification period.

Voluntary Planning Agreement

At the Ordinary Meeting of 17 December 2013, Council approved a voluntary planning agreement which proposes a monetary contribution to Council as an alternative to the provision of fourteen (14) car parking spaces which could not be provided on-site due to the site constraints. The voluntary planning agreement corresponds with the approval of DA 974/2012.

In response to the assessment of the proposed (section 96) amendment to DA 974/2012, Council officers entered into discussions with the applicant to prepare a Deed of Variation to the voluntary planning agreement.

The Deed of Variation reduces the shortfall of car spaces (upon which the calculation of the monetary contributions payable under the planning agreement are based) from fourteen (14) spaces to four (4) spaces.

The Deed of Variation (as shown in Attachment I) is to be exhibited in accordance with the *Environmental Planning and Assessment Act 1979*. This matter will be reported to Council following the exhibition.

POLICY IMPACT

The development is not considered to have a major policy impact. The variation to floor space ratio is justified in this instance given the site context and circumstances of the case. The proposed car parking deficiency is addressed by the levying of developer contributions which is consistent with Council's Planning Agreements Policy.

FINANCIAL IMPACT

The Deed of Variation to the voluntary planning agreement will make a monetary contribution of \$129,130.64 in lieu of providing four (4) off-street parking spaces. The monetary contribution is set aside for the construction of public parking spaces as detailed in Council's CBD Car Parking Strategy.

RECOMMENDATION

That -

1. Council exhibit the Deed of Variation to the voluntary planning agreement for the property at No. 60 Kitchener Parade in Bankstown as shown in Attachment I. This matter is to be reported to Council following the exhibition.
2. A further report be submitted at the conclusion of the exhibition period.
3. The Interim General Manager be granted delegated authority to determine the application once the Deed of Variation to the voluntary planning agreement is exhibited and approved by Council subject to the following modifications to the foreshadowed conditions adopted by Council on 22 October 2013, but also including the following amended conditions and additional conditions to be imposed by Council's Development Engineer and Traffic Engineer:
 - A. Conditions 2, 3, 11, 13, 14 and 16 shall be amended to read as follows (changes shown in italics):
 - 2) Development shall take place in accordance with Development Application No. DA-974/2012, submitted by Fouad Hazzouri, accompanied by Drawing No. A01/02 & A02/02, Issue B, prepared by Atelier Hazzouri Architects, dated 10 May 2013, *as modified by Section 96(2) Modification Application No. DA-974/2012/1, submitted by Trustee ZKFK Trust, accompanied by Drawings and reports set out in the following table*, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval:

<i>Drawings Prepared by Becerra Architects</i>			
<i>Drawing No.</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>A00</i>	<i>Site Plan</i>	<i>B</i>	<i>11/3/16</i>
<i>A02</i>	<i>Basement</i>	<i>B</i>	<i>7/3/16</i>
<i>A03</i>	<i>Ground Level</i>	<i>C</i>	<i>7/3/16</i>
<i>A04</i>	<i>Mezzanine Level</i>	<i>B</i>	<i>19/11/15</i>
<i>A05</i>	<i>Level 1</i>	<i>A</i>	<i>3/6/15</i>
<i>A06</i>	<i>Level 2</i>	<i>A</i>	<i>3/6/15</i>
<i>A07</i>	<i>Level 3</i>	<i>A</i>	<i>3/6/15</i>
<i>A08</i>	<i>Terrace</i>	<i>A</i>	<i>3/6/15</i>
<i>A09-A11</i>	<i>Elevations</i>	<i>B</i>	<i>7/3/16</i>
<i>A12-A13</i>	<i>Sections</i>	<i>B</i>	<i>7/3/16</i>

A14-A15	Material Schedule	B	7/3/16
Engineering Drawings (Storm Water and Civil Works), Prepared by John Romanous & Associates Pty Ltd			
Drawing No.	Drawing Name	Revision	Date
1350 – S1/3, S2/3 & S3/3	Stormwater Drainage/Sediment Control Details - Concept	E	11/3/2016
Reports and Specifications			
Report No.	Name	Revision	Date
	Traffic & Parking Assessment		10/3/16
	Data Sheet Worh Parklift 413		

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

- 11) *Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$15,470.00 shall be paid to Council.*

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

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

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

- (infill pavers) and 'Silver Grey' (banding and header course) and are to be sealed with an approved sealant.
- d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - e) Repair of any damage to the public road including the footway occurring during development works.
 - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- D) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan *No. 1350 – S1/3, S2/3 & S3/3, Rev. E, prepared by John Romanous & Associates*. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.
- 16) All of the relevant and appropriate water conservation and energy efficient requirements of Bankstown *DCP 2015 – Part B4 – Sustainable Development* shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate.

B. The following conditions are added:

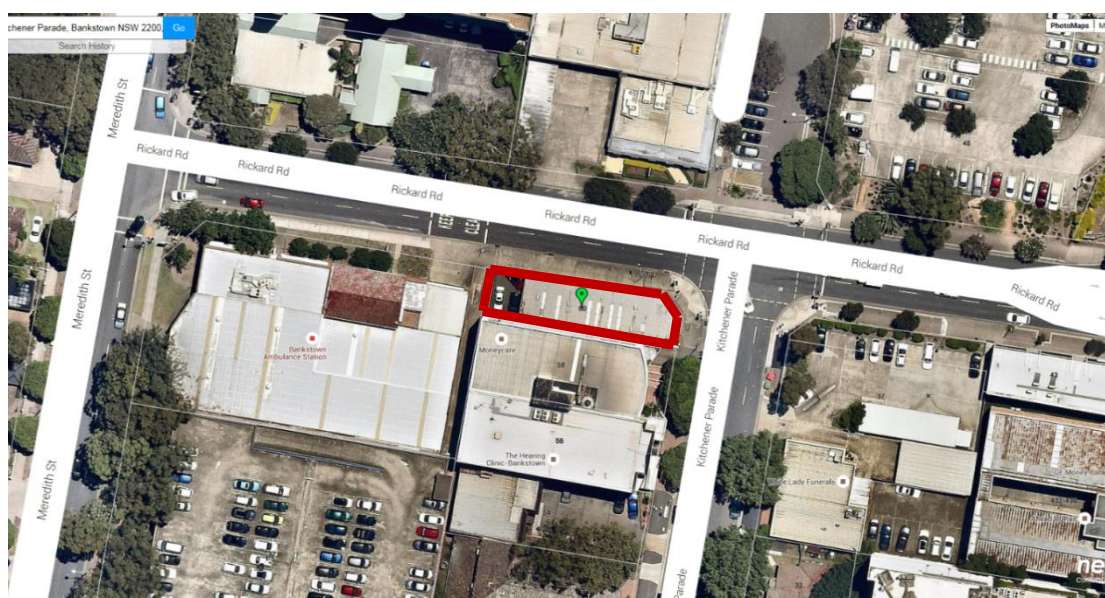
- *The applicant shall apply to the Bankstown Traffic Committee for the installation of a Works Zone for the entire site's frontage to Rickard Road, minus the minimum length of 'No Stopping' zone required after the Kitchener Parade intersection, eight (8) weeks in advance of when construction is scheduled to begin.*
- *The car stacker shall be installed in accordance with the Data Sheet Work Parklift 413 specification submitted with the application.*

DA-974/2012/1 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 60 Kitchener Parade, Bankstown and is located at the southwestern corner of the intersection of Rickard Road and Kitchener Parade. The site is a regular shaped allotment 312.72m² in area and an effective width of 8.27m (5.5m + a splay of 5.1m) to Kitchener Parade and 36.57m (32.93m + a splay of 5.1m) to Rickard Road. The site is currently zoned B4 - Mixed Use under the Bankstown Local Environmental Plan 2015. The site adjoins, at its western boundary, the fire brigade and at its southern boundary the four storey Public Trustee building.

The site currently contains a single storey commercial building used as an office. The below aerial photograph details the sites location and proximity to adjoining land uses.



PROPOSED DEVELOPMENT

This application is submitted under the provisions of section 96(2) of the *Environmental Planning and Assessment Act, 1979*. The application seeks to amend Determination Notice No. DA-974/2012, and involves the following modifications as stated in the Statement of Environmental Effects (SEE) submitted with the application:

- *Installation of car stacker for 14 on-site parking spaces. The stacker will be installed on the eastern and western side of the parking area with excavation (3.85m) and a floor to ceiling height of 6m ,*
- *Modification to ground floor layout of the entry lobby, garbage room, stairs and lift,*
- *Addition of a mezzanine level to the café, between the ground and first floor levels,*
- *Part deletion of the awning at the Kitchener Road and Rickard Road entries to the building,*
- *The deletion of the curved wall at the north-east corner of the building,*
- *Alterations to level 1-3 bathrooms, lift and stairs*
- *Addition of roof terrace with lift access, male-female toilets and an accessible toilet, and*
- *Modifications to the materials and finishes.*

A photomontage of the modified design is produced below.



SECTION 96(2) ASSESSMENT

The proposed modifications have been assessed pursuant to section 96 of the *Environmental Planning and Assessment Act, 1979*.

(a) the development as modified is substantially the same development as the development for which the consent was originally granted

The proposed modification includes the installation of a car stacker accessed from Rickard Road generally in the same position as the approved parking. The car stacker will provide on-site parking for fourteen (14) spaces on 3 levels.

The proposed modification does not significantly change the approved building envelope or form with the modifications largely concentrated to the provision of on-site car parking. Whilst the floor space ratio of the development increases from the approved 2.48:1 to 2.758:1 the additional floor area is provided as a mezzanine level to fill the gap left by the double height floor required to accommodate the car stacker. Overall the modified development is considered to be substantially the same development as the development for which the approval was originally granted.

(b) Council has consulted with the relevant Minister, public authority or approval body

Consultation with the minister, public authority or approval body is not required for this application.

(c) the application has been notified in accordance with the regulations or a development control plan

The application has been advertised in the local paper and notified to the adjoining properties for a period of twenty one (21) days from 13 January 2016 to 2 February 2016 in accordance with the notification requirements.

(d) any submissions made concerning the proposed modification

No submissions were made in relation to the proposed amendments.

SECTION 79C ASSESSMENT

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

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

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 4.3 – Height of buildings
Clause 4.4 – Floor space ratio
Clause 4.5 – Calculation of floor space ratio and site area
Clause 6.3 – Flood planning

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

STANDARD	PROPOSED	APPROVED	PERMITTED	COMPLIANCE
Height of buildings	20m	15.4m	Max. 35m building height.	Yes
Floor space ratio	2.758:1	2.48:1	Max. 2:1 (by virtue of width of the site being less than 18m at the front building line)	No

An assessment of the application revealed that the proposed modifications satisfy the provisions of BLEP 2015 except for floor space ratio contained in clause 4.4 of the LEP.

Clause 4.4(2) of the BLEP 2015 states:

“The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.”

Based on the floor space ratio map the FSR applicable to the site is 3:1. However, Clause 4.4(2F) states *“Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that has a width of less than 18 metres at the front building line and is identified as “Area 3” on the Floor Space Ratio Map is 2:1.”* The subject site is located within “Area 3” and has an effective width of 8.27m (5.5m + a splay of 5.1m) to Kitchener Parade and 36.57m (32.93m + a splay of 5.1m) to Rickard Road.

On a corner lot, the shortest frontage is regarded as the primary frontage. Accordingly, Kitchener Parade is taken as the primary frontage in this instance. Based on this, a FSR of 2:1 applies to the site.

The proposed modified development has a floor space ratio of 2.758:1 and does not comply with Clause 4.4(2F) of the BLEP 2015.

The applicant has provided a written submission requesting a variation to the FSR control. The applicant argues that *"... The variation to the floor space ratio development standard is acceptable in the circumstances of this case and compliance with the development standard is considered and unnecessary based on the following:*

- *The scale and form of development is suitable for this in-fill corner site ensuring the building is compatible with the adjoining site – 58 Kitchener Parade and the scale of development in the locality;*
- *The scale and height of the proposed building defines the corner of Kitchener Parade and Rickard Road being a good design outcome for this in-fill development on a corner site.*
- *It is noted that a development of 2:1 would not achieve a 4 storey development being a poor design outcome for redevelopment of this isolated corner site.*
- *The subject site is an isolated corner allotment and redevelopment of the site presents a building to the corner, consistent with the scale of development in the locality, and promotes additional commercial floor area/employment generation in the Bankstown CBD.*
- *The upper levels of the building are setback from Kitchener Parade to ensure the upper portion of the building aligns with 58 Kitchener Parade being a compatible form of development for this in-fill site.*
- *The development proposal has a café at ground level addressing the corner and contributes to active street frontages.*
- *Redevelopment of the subject site with a maximum FSR of 2:1 is not financially viable resulting in the subject site not being development or a lower scale compared to the adjoining building – 58 Kitchener being a poor urban design outcome.*
- *Council mapping shows 58 Kitchener Road has a frontage of approximately 14m. This building is 4 storeys covering the majority of the site indicating an FSR of 2:1 has not been consistently applied. The application of an FSR of 2:1 on the subject site would result in a built form out of character of the scale of buildings in the immediate locality.*
- *The modifications to the development proposal with a car stacker achieves 14 on-site car parking spaces contributing to parking demand generated by the proposed commercial floor area.*

Comments:

As a matter of general principle, an FSR standard is imposed to control bulk, scale and built form of structures. Notwithstanding the general principle, in the absence of other controls it can be also regarded as a control on density, and overall intensity of the development.

The relevant objectives of the floor space ratio clause are:

- (a) *to establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site,*
- (c) *to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.*

Council's planning controls generally provide for a maximum FSR of 3:1 within the Bankstown CBD. Where sites are less than 18 metres wide the LEP restricts the FSR to a maximum of 2:1, in part, in response to the resultant available building footprint, in response to the built form that such a width affords whilst also essentially in response to the ability of the applicant to provide for both a practical and compliant development.

This particular site immediately adjoins to the east Kitchener Parade, to the north Rickard Road, to the west a large site occupied by the ambulance service and to the south a site in which the building has a floor space ratio of 3.38:1. As a result, there exists no consolidation opportunities. Furthermore it's relevant to recognise the site's prominence at the intersection of Rickard Road and Kitchener Parade – a site that is highly visible particularly given the existing built form of developments opposite in Rickard Road.

In response to the scale and built form of the development to the immediate south and the site's prominence at this intersection, enforcing a maximum 2:1 FSR would not achieve a suitable building form. The scale of the built form would look out of character with respect to the adjoining development to the south in order to provide for a continuation of the built form. It is desirable to have a built form at this corner that defines the corner and provides for a building form that appropriately responds to the site's isolation.

The FSR that applicant seeks remains compliant with the overarching FSR allowed for this part of the CBD being 3:1. In essence the applicant is seeking a departure to the restriction to the FSR control as it relates to sites less than 18 metres in width, with the development responding appropriately to both street frontages in addition to satisfying the remaining provisions contained within the Bankstown Local Environmental Plan 2015 and the Bankstown Development Control Plan 2015.

In light of the above the applicant's justification provided in support of the variation to the FSR control is considered satisfactory, and adequately addresses the relevant matters in the BLEP 2015. It is therefore recommended that the proposed contravention of the floor space ratio standard be accepted.

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

There are no draft environmental planning instruments applicable to the proposed development.

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

The proposed modification has been assessed against the following provisions of Bankstown Development Control Plan 2015 (BDCP 2015):

- Part A1 - Centres
- Part B2 – Commercial Centres
- Part B4 – Sustainable Development
- Part B5 – Parking

The site is located within the Northern CBD Core precinct. The desired character is “... to have the Northern CBD Core precinct continue to function as the heart of the City of Bankstown, with a mix of retail and commercial activities on the ground floor and first floors, and high density living above. Development will generally be in the form of tall buildings to create an identifiable skyline image for the Bankstown CBD.”

The following table provides a summary of the proposed modifications against the numerical controls contained in Part A1, Part B2 and Part B5 of BDCP 2015.

STANDARD	PROPOSED	APPROVED	BDCP 2015 PART A1, B2 & B5	
			REQUIRED	COMPLIANCE
Setbacks				
• Kitchener Pde	2.1m	Nil to 2.5m	Nil	Yes
• Meredith St	Nil	Nil	3m	No (same as the original approval)
• Side/rear	Nil	Nil	Nil	Nil
Car parking	14 spaces on site (VPA proposed for 4 spaces)	3 spaces on site (VPA approved for 14 spaces)	18 spaces	Yes (subject to VPA)

As demonstrated in the above table, the applicant is seeking a variation to the setback from the Meredith Street frontage. However, this setback was granted in the original proposal and the proposed modification maintains the same building alignment along Meredith Street.

Car Parking

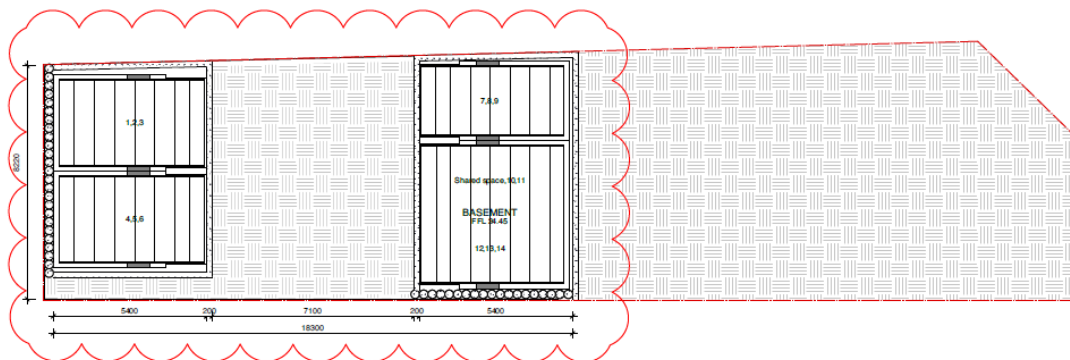
The development generates a car parking demand of 18 spaces of which 14 spaces are to be provided on site in a car stacker system. The 4 spaces shortfall in the parking is proposed to be met by a Deed of Variation to the voluntary planning agreement consistent with Council's Planning Agreements Policy. An agreement was reached with the applicant requiring a contribution of \$129,130.64 under the Deed of Variation to be paid to Council to cover the remaining 4 car parking spaces.

Whilst all of the car parking demand generated by the development cannot be provided for on-site, it is considered that the contribution being made can be used to improve and embellish public car parking within the surrounding locality. The levying of a contribution in lieu of on-site car parking would therefore be appropriate in this case.

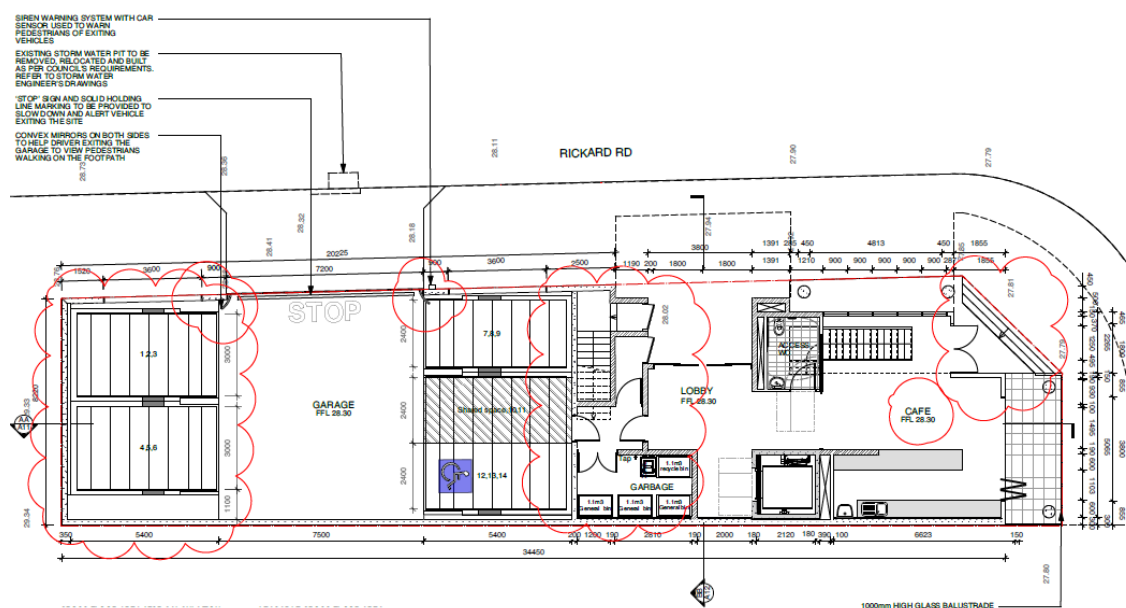
Car Stacker

The proposal seeks to provide fourteen (14) on-site car parking spaces in a system of car stackers. The proposed car stacker system is the Parklift 413 model manufactured by Wohr in Germany. The data sheet containing specifications and operational parameters of the system has been attached to this report.

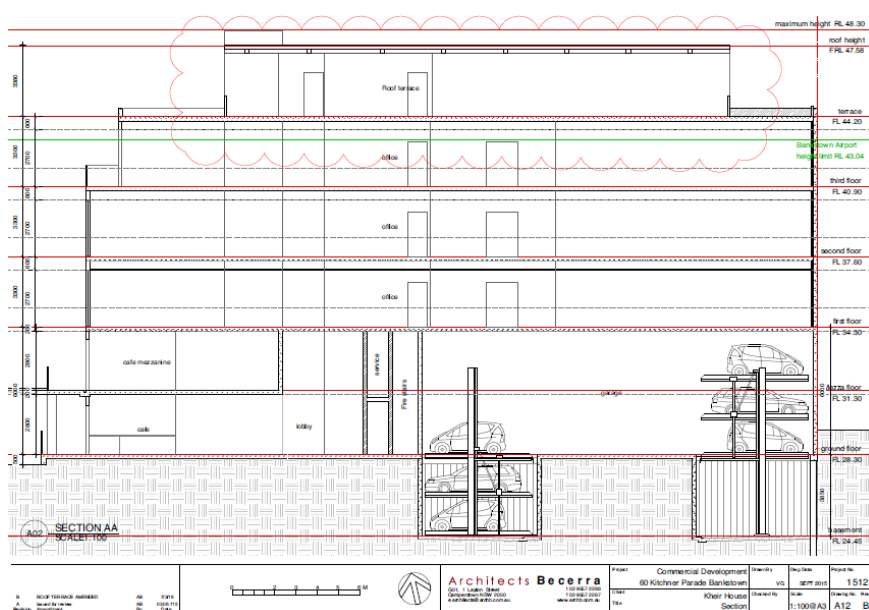
Floor plans and section details of the stacker system is provided below.



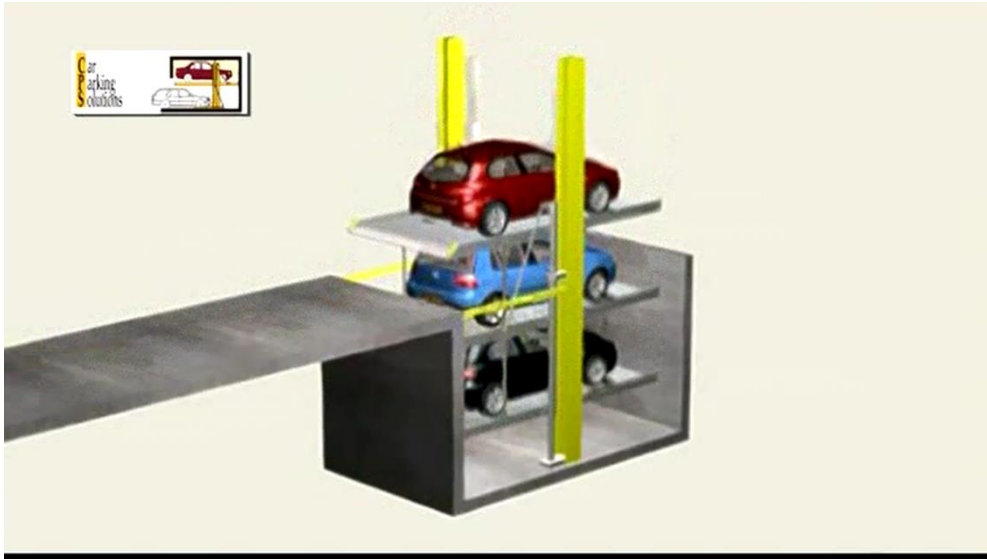
Basement Floor



Ground Floor



Section



How the car stacker works (a video has been provided)?

The applicant has provided the following information regarding the operation of the car stacker.

How the system works?

The car stacker system operates through a “hold-to-run” switch where once the car is parked, or the stacker is required to move, the stacker can be shifted up or down. Movement between each level of the car stacker will take approximately 40-45 seconds.

Should the car stacker be required to move prior to a car being parked, the carpark aisle provides adequate waiting area. The car stacker is allocated to staff parking only being a low turnover to reduce the instance of congestion within the parking area.

Further, the pedestrian access door to the parking area is equipped with a self-locking mechanism preventing pedestrian access to the garage/parking area while the stacker is in operation.

What happens if the system fails?

The car stacker system is serviced and managed by company Car Parking Solutions. This company provides a 24/7 answering service and emergency call out response is available if requested. The contact details of Car Parking Solutions will be clearly displayed in parking area. This can be addressed by condition.

Ongoing maintenance regime

On installation the manufacturer recommends that the equipment is serviced every 6 months. The servicing of the equipment is included in the first year whilst the equipment is under warranty. Post warranty a formal maintenance agreement is recommended with the manufacturer.

Places where it has been used in Sydney/Australia

In Sydney the proposed or similar equipment is currently installed at the following locations:

- 387 Alfred St, Neutral Bay
- 230 Anzac Pde, Kensington
- 76 Bay Rd, Waverton
- 176 Ben Boyd Rd, Neutral Bay
- 269-275 Bigge St, Liverpool
- 513 Bunnerong Rd, Matraville
- 34 Carlisle St, Ingleburn
- 74 Croydon St, Cronulla
- 74-76 Foster St, Surry Hills
- 154 Glenayr Ave, Bondi
- 13-15 Moore St, Liverpool
- 78-80 Murdoch St, Cremorne
- 451-457 New Canterbury Rd, Dulwich Hill
- 282-292 Oxford St, Bondi Junction
- 33 & 35 Railway Pde, Eastwood
- 35-41 Sturdee Pde, Dee Why
- 147 Bellevue Rd, Bellevue Hill

Cost of installing/maintaining the system e.g. strata cost?

The cost of installing the equipment is included in the build price, maintenance will be included in the strata cost. The specific arrangement will be determined by the future owners.

Section 3.12 of Part B5 - Parking of the Bankstown DCP 2015 applies specific provisions to stack parking as follows:

Stack parking

3.12 *Council may consider stack parking in the following situations:*

- (a) In industrial development where the users of the car parking will almost all be employees.*
- (b) Council may consider stacked parking, turn tables and lift stacks subject to further assessment in mixed use development and high density residential flat development.*
- (c) Horizontal stacked parking for a maximum of two vehicles is permissible in dwelling houses, attached dwellings, secondary dwellings and multi dwelling housing if the residents reside in the same dwelling. Stacked parking is not permitted where a high proportion of the users of the car park are visitors or customers.*

The applicant has provided following justification in support of providing stacked parking:

- *The development proposal is located on a narrow site - 8.22m in width. The width of the site does not allow for the required turning circles for a basement carpark.*
- *The provision of the 14 car spaces within a car stacker arrangement allows for the uplift of the corner site within the Bankstown CBD, with the amount of commercial floor area not limited by on-site parking spaces.*

- *The proposed car stacker is a suitable design outcome for the subject site ensuring on-site parking to meet demand generated by the commercial space can be provided on the subject site. The car stacker and proposed 14 parking spaces support the vehicular generation of the proposed commercial building and the development of this corner site.*
- *The use of a car stacker provides additional car spaces on-site while enabling vehicles to enter and leave the site in a forward direction.*
- *The use of a car stacker reduces the degree of the VPA with Council by the provision of on-site parking being a preferred planning outcome compared to locating parking off-site resulting from a monetary contribution.*
- *The car stacker parking onsite will be allocated to the staff of the commercial building, low turnover, to ensure there is minimal conflicts of vehicular movement and congestion.*

Comment:

The site is narrow and has no ability to accommodate a basement to provide additional parking. The proposed car stacker system utilises technology that can facilitate on-site parking and is considered suitable for the subject site ensuring the provision of on-site parking to meet a greater part of the parking demand generated by the commercial building. The car stacker will be subject to an on-going maintenance schedule with emergency servicing if required.

Council's Traffic Engineer has assessed the car stacker system and provided support subject to traffic management measures recommended in the design being implemented. These measures include:

- Convex mirrors on both sides to help drivers exiting the garage to view pedestrians walking on the footpath.
- 'Stop sign' and solid holding line marking to be provided to slow down and alert vehicle exiting the site.
- Siren warning system with car sensor used to warn pedestrians of exiting vehicles.

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

Background

At the Ordinary Meeting of 17 December 2013, Council approved a voluntary planning agreement which proposes a monetary contribution to Council as an alternative to the provision of fourteen (14) car parking spaces which could not be provided on-site due to the site constraints. The voluntary planning agreement corresponds with the approval of DA 974/2012.

In response to the assessment of the proposed (section 96) amendment to DA 974/2012, Council officers entered into discussions with the applicant to prepare a Deed of Variation to the voluntary planning agreement.

The Deed of Variation reduces the shortfall of car spaces (upon which the calculation of the monetary contributions payable under the planning agreement are based) from fourteen (14) spaces to four (4) spaces.

The Deed of Variation is to be exhibited in accordance with the *Environmental Planning and Assessment Act 1979*. This matter will be reported to Council following the exhibition.

Intended outcome of the Deed of Variation to the planning agreement

Council's 'Planning Agreements Policy' outlines the circumstances in which Council would consider negotiating a planning agreement and specific objectives and fundamental principles governing the use of the planning agreement.

The intended outcome of the Deed of Variation for No. 60 Kitchener Parade is to make a monetary payment in lieu of providing 4 required off-street parking spaces. The intended outcome is consistent with the Planning Agreements Policy and the provisions of Bankstown DCP 2015 (Part B5). The monetary contribution would be used for the provision of public car parking as identified by the Bankstown CBD Car Parking Strategy.

The Deed of Variation is shown in Attachment K and the key aspects include:

- The Deed of Variation satisfies the off-street parking shortfall (4 parking spaces in this case) for the proposed commercial development to comply with Bankstown DCP 2015 (Part B5).
- The Deed of Variation requires the property owner to pay a monetary contribution of \$129,130.64 in accordance with the Planning Agreements Policy.

An explanatory note must also form part of the exhibition as shown in Attachment L. The explanatory note is a plain English summary of the Deed of Variation.

In May 2016, the property owner provided in-principle support for the Deed of Variation and explanatory note to proceed to exhibition.

Consideration of the issues associated with the Deed of Variation

Clause 2.5 of the Planning Agreements Policy requires Council to consider the following test to decide whether or not to enter into the Deed of Variation:

Is the proposed Deed of Variation directed towards a proper or legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the circumstances of the case?

The Deed of Variation is directed towards a proper or legitimate planning purpose as it enables the proposed commercial development at No. 60 Kitchener Parade to meet the off-street parking requirements in accordance with Bankstown DCP 2015 (Part B5) and the Planning Agreements Policy.

Does the proposed Deed of Variation provide for a reasonable means of achieving the relevant purpose?

The Deed of Variation does provide a reasonable means of achieving the relevant purpose. The proposed development is currently unable to provide the required off-street parking spaces. The monetary contribution to Council would be spent on providing car parking at strategic locations within the Bankstown CBD as identified by the Car Parking Strategy.

Can the proposed Deed of Variation be taken into consideration in the assessment of the application to amend DA 974/2012?

The Deed of Variation can be taken into consideration in the assessment of the application as Bankstown DCP 2015 (Part B5) allows for planning agreements to address parking deficiencies in the Bankstown CBD.

In the absence of such a mechanism, the application would generally be inconsistent with the parking controls. This means Council would either have to refuse the application or agree to a reduced level of parking provision for this development proposal. These options are not desirable.

Will the Deed of Variation produce outcomes that meet the general values and expectations of the community and protect the overall public interest?

The use of the Deed of Variation is in the public interest as the development is likely to provide employment growth opportunities in the Bankstown CBD, whilst providing for increased levels of public parking via the monetary contribution.

Does the proposed Deed of Variation promote Council's strategic objectives in relation to the use of the VPAs?

The Deed of Variation promotes the following strategic objectives as outlined in clause 2.1 of the Planning Agreements Policy:

- (a) The Deed of Variation provides an enhanced and more flexible development contributions system for Council. It allows Council to enter into an agreement with the property owner for commercial development where car parking becomes non-compliant due to site constraints. It also allows Council to provide public car parking to alleviate the parking demands in the Bankstown CBD.
- (b) The Deed of Variation supplements the application of section 94A of the EP&A Act and Council's existing policy decisions to encourage development of land, whilst providing car parking for the community.
- (c) The Deed of Variation enables relevant stakeholders in development to contribute to the implementation of the Bankstown CBD Car Parking Strategy.

- (d) The exhibition of the Bankstown CBD Car Parking Strategy offered the general community an opportunity to participate in the policy making process. The exhibition of the Deed of Variation would provide the general community a further opportunity to comment on the pooling of the fund for the provision of car parking in line with the Bankstown CBD Car Parking Strategy.
- (e) The Deed of Variation provides a flexible approach for Council to pool necessary funds for the provision of car parking in line with the Bankstown CBD Car Parking Strategy.
- (f) The Deed of Variation contributes towards the upgrade of car parking infrastructure to appropriate levels that reflect and balance environmental standards, community expectations and funding priorities. This upgrade to infrastructure will be located in the Bankstown CBD and is a benefit to the community, not only to the developer.
- (g) The Deed of Variation provides certainty in respect to infrastructure and development outcomes. It provides an alternative option to enable development to occur on sites which would not normally be able to provide car parking due to lot size, as well as resulting in publicly available car parking.

Does the Deed of Variation conform to the fundamental principles governing Council's use of Planning Agreements?

The Deed of Variation conforms to the principles under clause 2.2 of the Planning Agreements Policy as follows:

- (a) The Deed of Variation should not be seen as buying a variation to a development standard, or as being inconsistent with Bankstown DCP 2015 (Part B5). The contribution to be received under the Deed of Variation will help the implementation of the Bankstown CBD Car Parking Strategy which aims to provide public parking at strategic locations in the Bankstown CBD.
- (b) The proposed development is acceptable on planning grounds and is in line with the public interest as the monetary contribution would be used for the construction of publicly accessible car parking.
- (c) The Deed of Variation does not improperly fetter Council's functions under the EP&A Act, Regulations or any other Act or law.
- (d) Council will use the Deed of Variation for the proper planning purpose in line with the Planning Agreements Policy, Bankstown CBD Car Parking Strategy and Bankstown DCP 2015 (Part B5).
- (e) The Deed of Variation does not allow the interests of individuals or interest groups to outweigh the public interest. The exhibition of the Deed of Variation allows the public to provide comments, therefore ensuring full disclosure of the process.
- (f) The Deed of Variation does not allow Council to improperly rely on its statutory position in order to extract unreasonable public benefits from developers as the decision making process is detailed in the Planning Agreements Policy, Bankstown CBD Car Parking Strategy and Bankstown DCP 2015 (Part B5).

- (g) Council does not have a commercial stake in this project.

Are there any relevant circumstances that may operate to preclude Council from entering into the Deed of Variation?

There are no relevant circumstances that may operate to preclude Council from entering into the Deed of Variation.

Additional principles governing the use of planning agreements for the payment of additional contributions in lieu of providing on-site parking

In addition to the above general principles governing Council's use of planning agreements, Council also adopted some additional principles for development proposals seeking to make a monetary contribution to satisfy the parking requirements. These additional principles are included in the Planning Agreements Policy and are considered below:

- (a) A preliminary assessment indicates the proposed development will not have a significant impact given the size of the commercial building. The development site is within walking distance of the Meredith Street and Marion Street public car parks.
- (b) The parking spaces to be provided off-site will be available for use at all times by the general public, and there is no expectation that they will be used solely by clients of the development that is providing the parking spaces.
- (c) The construction of the parking spaces will be at the sole discretion of Council and there will be no expectation by the property owner that the timing of the construction will coincide with the development for which the additional contributions have been paid.
- (d) The Deed of Variation represents the cost of constructing a parking space in line with the Planning Agreements Policy.

Next Steps

The Deed of Variation to the voluntary planning agreement will be reported to Council following the exhibition.

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

The proposed modification is consistent with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

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

The development would have an acceptable impact on the adjoining natural, social, economic and built environments.

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

Despite the inability of the site to provide all of the required parking on site, the site is assessed as being suitable for the proposed development.

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

The application was advertised in the local newspaper and notified to adjoining properties for a period of twenty one (21) days from 13 January 2016 to 2 February 2016. No submissions were made during this notification period.

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

The development would not contravene the public interest.

CONCLUSION

The proposed modifications have been assessed in accordance with the provisions of section 96 and section 79C of the *Environmental Planning and Assessment Act 1979*, and in accordance with BLEP 2015 & BDCP 2015.

Whilst the modified development does not comply with the floor space ratio control in the LEP, a variation to the FSR is considered appropriate given the site context and circumstances of the case.

The amended proposal includes the provision of 14 on-site parking spaces through a car stacker with the deficient 4 spaces to be met through a Deed of Variation to the voluntary planning agreement. The inability to reasonably accommodate all of required parking on-site due to the site conditions means that the provision of a parking contribution under a Deed of Variation to the voluntary planning agreement is a reasonable outcome. It is also consistent with the approach taken for other commercial developments within the CBD that cannot meet car parking demands on-site.

ATTACHMENTS

[Click here for attachments](#)

- A. Locality Plan
- B. Site Plan
- C. Basement
- D. Ground Floor
- E. East and West Elevations
- F. South Elevation
- G. North Elevation
- H. Materials Schedule
- I. Photomontage
- J. Car Stacker - Data Sheet Wohn Parklift 413
- K. Deed of Variation
- L. Explanatory Note to Deed of Variation

ITEM 5.3 **Canterbury Local Environmental Plan 2012 Amendment 12 - Various Housekeeping Amendments and Draft Amended Canterbury Development Control Plan 2012**

AUTHOR **City Planning**

ISSUE

This report outlines the outcomes of the exhibition process for the proposed housekeeping amendments to the Canterbury LEP 2012, and supporting amendments to the Canterbury Development Control Plan 2012. The report recommends adopting the planning proposal as exhibited other than for the proposed specific amendments relating to acquisition of land for public car parking. This change will be further considered in light of plans for the Sydenham to Bankstown Urban Renewal Corridor.

RECOMMENDATION That -

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

BACKGROUND

Outline of the proposal

The proposed amendments are mostly administrative in nature and involve:

- Local heritage listing of Campsie Railway Station.
- Identifying three properties for Council to acquire to expand public car parks in accordance with recommendations of the Town Centres Car Parking Strategy adopted by Council in 2011.

- Applying floor space ratio controls for dwelling houses and semi-detached dwellings in the R2 Low Density Residential zone to allow slightly higher FSRs to be applied to smaller sites (e.g. Earlwood, Undercliff) to aid feasible development outcomes for these sites.
- Inserting the standard local provision for sex service premises, which restricts the location of the use based on proximity to low density residential area, schools, community uses and places of worship, and is broadly consistent with previous policy position under the Canterbury DCP 2012.

The amendment is cognisant of other proposed amendments to the Canterbury DCP 2012 that are running in parallel to this process, and will not cause complications if the Administrator decides to proceed (or not proceed) with the proposed amendment.

Gateway Determination

A planning proposal submission was prepared and forwarded to the Department of Planning and Environment (DP&E) in September 2015. A Gateway determination was issued from the DP&E on 16 January 2016. This Determination allowed Council to proceed to exhibition of the planning proposal subject to conditions. Condition 1 of the Determination reads:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) Remove the proposal to reduce the maximum building height in R4 High Density Residential zones from 11.5 to 11.0m (item c);
 - (b) With regard to the proposal to apply FSR controls for dwelling houses and semi-detached dwellings (item d), include further examples of how the equivalent FSR has been derived, to demonstrate how the FSRs translate for a wider variety of lot sizes and dwelling types than the example cited;
 - (c) and with regard to the proposal to insert the standard local provision for sex service premises (item e), include the current model clause.

The planning proposal was amended to comply with condition 1 of the Gateway Determination prior to public exhibition. This information was reported to Council on 25 February 2016.

Authorisation for Council to exercise delegation to make this plan was also issued as part of the Gateway Determination.

Amendments to Canterbury Development Control Plan 2012 (CDCP 2012)

The planning proposal will necessitate a number of consequential amendments to be made to the DCP which are summarised below:

Remove all references relating to floor area for dwelling houses and semi-detached dwellings.

Add a notation on how floor area for outbuilding is to be defined.

Remove controls relating to the location requirements for sex service premises.

The proposed amendments were aimed at maintaining consistency between the CLEP 2012 and CDCP 2012.

Following the exhibition, the Council resolved on 25 February 2016 to remove Section 5.4.1 (ii) and (iii) of CDCP 2012 that deals with the location of requirements of sex service premises. The effect of this would be that Council would need to rely on the model clause for sex services premises when assessing development applications for that land use. The model clause is not as specific as the controls in the existing CDCP 2012, and would require merit based assessment of issues such as proximity to sensitive uses.

In contrast, the existing CDCP controls for the sex services premises are quantitative and measurable, and set clear parameters for assessment of applications. In light of this, it is recommended that the existing CDCP controls for sex services premises be retained so that Council can use the model clause (proposed for inclusion in the LEP) in conjunction with the more specific controls in the CDCP.

The retention of these controls in the CDCP would not be inconsistent with the proposed model clause.

The removal of the Floor Area controls will become effective upon the notification of the LEP on the NSW legislation website. Following the gazettal date of the LEP, applications will be assessed under the FSR controls in the LEP.

REPORT

Public Exhibition

The amended planning proposal and amendments to the CDCP 2012 was placed on public exhibition from 10 March to 15 April 2016.

No submissions were made to the amendments to the CDCP 2012.

Three submissions have been received in relation to the proposed amendments to the LEP and are discussed in further detail below:

Heritage Council of NSW

The submission from the Heritage Council of NSW raises no objection to the change in listing of the Campsie Railway Station Group from a state heritage listed item to a local heritage listed item.

Comment

This submission is noted.

18 Campsie Street, Campsie

A submission from the owner of the above property has been made in relation to the property being identified for public car parking in the planning proposal.

The submission is as follows:

- Objects to the property being listed for public car parking.
- Owner is not likely to sell.

- If the property becomes a deceased estate it is likely to be passed onto beneficiaries for residency purposes and the beneficiaries of the estate are unlikely to sell the property.
- Property is affected by the Sydenham to Bankstown urban renewal corridor identified to be high rise housing. When it is implemented the 'market value' to acquire the property will be tenfold to that of its current market value. It is strongly advised financially for Council to look for an alternate property that is not affected by the Sydenham to Bankstown urban renewal corridor.

Comment

The owner made a similar submission when the land was identified for additional public car parking in the Section 94 Contributions Plan. This site along with other sites in Punchbowl and Campsie were identified in the Town Centres Car Parking Strategy adopted by Council in 2011 and consequently included in the S94 Plan to allow Council to continue levying parking contributions. The Plan was endorsed by Council in August 2013.

The owners were advised at the time about the compensation measures that would apply should the land be identified for future car parking purposes. They were also advised that Council's intention is not to compulsorily acquire land, and that we will only purchase at the owner's request. If acquisition did take place it would be under the Land Acquisition (Just Terms Compensation) Act, 1991, to ensure the owner is fairly compensated for their land value (based on as if the property had not been identified as a car park) and other costs of relocation and disturbance. The same acquisition process will apply to the land when it is identified through the current LEP process.

In regard to the impact of the Sydenham to Bankstown Urban Renewal Corridor on the land value of the subject site, the requirements of the Land Acquisition Act will apply. The value of the land will be based on market value at the time when the owner decides to sell the property. While an increase in land value is likely to occur as a result of the Sydenham to Bankstown Urban Renewal Corridor, this should not impact on our position to retain the reservation status of the land. The final details of the Sydenham to Bankstown Urban Renewal Corridor are yet to be released by the Department of Planning and Environment (DP&E). This may or may not impact on the land value. It is likely there will be a demand for more public car parking in the town centre as a result of the density increase envisaged for the Campsie Precinct. We will also be continuing to review our S94 Plan and any population and housing growth that occurs at the time will be considered as part of that review. If an alternate site for public parking was to be selected as suggested by the owner, this site would potentially be impacted by the Sydenham to Bankstown Urban Renewal Corridor as the site would need to be located close to existing public transport and town centres. These location requirements are also consistent with the requirements for selecting locations for future parking in the Town Centre Parking Strategy

Notwithstanding the above, the Town Centres Car Parking Strategy adopted by Council in 2011 (which is the reason Council is proposing to acquire the properties), did not take into consideration the Sydenham to Bankstown Urban Renewal Corridor work being prepared by the DP&E. At grade car parking in areas close to Campsie and Punchbowl Railway Stations may not be a cost effective solution to car parking in these centres given the scale of development which may be proposed along the corridor.

As such this report recommends deferring the parts of this planning proposal that aim to acquire land for the expansion of public car parks, so that they can be considered in light of the Sydenham to Bankstown Urban Renewal Corridor work.

999 Canterbury Road and 133-135 Croydon Street, Lakemba

A submission from the owners of the above property has been made in relation the proposed reduction in height in the R4 zone from 11.5m to 11.0m and any reduction to the FSR on their land. The concern relate to the changes to the controls and how it would impact on the development potential of their land.

Comment

The Gateway Determination issued by the DP&E on 16 January 2016, required the removal of any proposed changes in height (ie 11.5m to 11m in the R4 zoned) prior to public exhibition. The exhibited planning proposal did not contain any reference to changes to height controls therefore this aspect of the objection is irrelevant.

Further, there is no reduction to the maximum permissible FSR for new development in this location. The FSR controls proposed are for dwelling houses, not residential flat buildings. As the site is zoned R4, the planning proposal is unlikely to affect the development potential of the land as no change is being proposed to the FSR for higher density development types such as RFBs, nor is the zone being changed.

It is therefore considered that the matters raised in the submission do not warrant any change to the exhibited planning proposal.

Transition arrangements

The amendments to the DCP will be made when the planning proposal is notified on the NSW legislation website.

Conclusion

Council has received authorisation to make the Plan through the Gateway Determination issued on 16 January 2016. It is recommended the planning proposal be approved, for finalisation and making as a Local Environmental Plan under Section 59 of the EP&A Act 1979, subject to removal of the proposed amendments to the land reservation acquisition map. It is also recommended the amendments to the Canterbury Development Control Plan 2012, be approved and brought into effect in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report had no implications for the Budget.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Exhibited planning proposal
- B. Part 2 Section 2.1.10

ITEM 5.4 Draft Canterbury Development Control Plan 2012

AUTHOR City Planning

ISSUE

This report outlines proposed changes to the Canterbury Development Control Plan 2012 to improve its readability and simplicity. This includes some minor policy changes.

RECOMMENDATION That -

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

BACKGROUND

Prior to the gazettal of Canterbury Local Environmental Plan 2012 (CLEP 2012), Council had more than 30 individual development control plans (DCPs), some based on development types, some based on development issues and some based on specific locations or areas. With the implementation of the CLEP 2012 under the standard instrument template, came a requirement from the State Government that any one piece of land could only have one DCP applying to it. Consultants were engaged to undertake the task of combining the DCPs on behalf of Council. Given the large number of then DCPs, coupled with their varying ages and complexities, this was a complex task. The tight time frame to line up with the completion of the CLEP 2012 compounded this.

The CDCP 2012 is currently structured under broad development types including residential, business and industrial. Within each part of the CDCP 2012, controls are ordered based on development controls. For example, all residential setback controls are grouped together in one section. While this was largely done to minimise repetition and in an attempt to keep the sheer size of the DCP more manageable, the actual outcome is that parts of the DCP became more complicated to navigate and work out precisely which controls were to be applied in what circumstances.

In light of this, Council resolved on 23 October 2014 to restructure the CDCP 2012 to a format based on development types (dwelling houses, dual occupancies, residential flat buildings, etc.). The aim of this was for users to be able to locate key objectives and controls for their proposed development.

Council's resolution in full is as follows:

- 1) Section 2 of CDCP 2012 be separated into different chapters, that is one chapter for each of the following:
 - a) Dwelling Houses and Semi Detached Dwellings;
 - b) Outbuildings;
 - c) Boarding Houses;
 - d) Dual Occupancies;
 - e) Multi Dwelling Housing and attached dwellings;
 - f) Residential flat buildings in R4 Zones.
- 2) Section 3 of CDCP 2012 be separated into different chapters, that is one chapter for each of the following zones and developments:
 - a) B2 Local Centre and B1 Neighbourhood Centre;
 - b) B5 Business Developments;
 - c) B6 Enterprise Corridor;
 - d) SP2 - Roselands car park and landscape area;
 - e) Major developments in the commercial zones along Canterbury Road and New Canterbury Road.
- 3) To assist applicants and assessing officers, each of these chapters is to also have the following information:
 - a) A reference to all other relevant parts of CDCP 2012;
 - b) A schedule of the relevant statutory controls;
 - c) A compliance table or a check list for each of the relevant statutory controls in a similar manner as presented to Council in DA assessments.

In accordance to Council's resolution, a comprehensive review of the structure of the CDCP 2012 was undertaken and draft CDCP 2012 was prepared for Council's consideration in April this year. It is noted that some urgent and minor policy issues requiring amendments to the CDCP 2012 were also included in the review, as well as some refinements and the clarification of a number controls. A lot of these changes were as a result of internal comments sought from Council staff. The resulting draft CDCP 2012 document will be easier to read, navigate and understand than the current CDCP 2012.

REPORT

Legislative Framework

A local environmental plan (LEP), such as the CLEP 2012, controls development through land zonings and other planning provisions. It outlines what development is allowed in a particular zone as well as any special provisions. It also outlines planning provisions that may apply to a particular site such as properties that have a heritage listing.

A DCP amplifies the provisions of an LEP for the purpose of assessing development applications. A DCP does this by providing specific, more comprehensive guidelines for certain types of development than an LEP, or area specific requirements for localities. The CDCP 2012 amplifies the provisions of the CLEP 2012.

The draft CDCP 2012 will need to be placed on public exhibition for a period of at least 28 days and brought into force as per the requirements set out in the Environmental Planning and Assessment Regulation 2000. Once in force, the existing controls of CDCP 2012 will be repealed and the controls included in draft CDCP 2012 will be effective for the purpose of assessing development applications.

Amendments to Canterbury Development Control Plan 2012

Aside from the reconfiguration of the CDCP 2012 to a structure largely based on development types, opportunity has been taken to review the wording of the document, improve its readability and make it a document which is easier to read and navigate through.

Development controls that respond to issues more consistently across the board, regardless of location or development typology (such as car parking, waste and landscaping), are still retained in issue specific chapters within one new part (Part B) of the draft CDCP 2012.

This approach provides for users of the CDCP 2012 to be able to access key controls and guidelines for their development in central locations, minimising constant referral and searching across the larger document.

Other necessary changes were made to make the CDCP 2012 consistent with CLEP 2012, Australian Standards, legislation, Council policy and government agency guidelines. The opportunity to remove duplicate controls, conditions of consent and unnecessary information was also undertaken.

Changes to matters of policy have been minimised however there are a number of areas where improvements and clarification are recommended. These changes are minor in nature and are set out in the Attachments. The Attachments includes justifications for the proposed changes.

Under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), the objectives and controls of a DCP cannot be inconsistent with certain objectives, design criteria and design guidelines of the Apartment Design Guide (ADG) for developments to which the SEPP relates. This includes objectives and controls for:

- Visual Privacy;
- Solar and daylight access;
- Common circulation and spaces;
- Apartment size and layout;
- Ceiling heights;
- Private open space and balconies;
- Natural ventilation; and
- Storage.

SEPP 65 applies to residential flat buildings and shop top housing developments of three or more storeys with four or more dwellings. To limit changes to policy proposed in the draft CDCP 2012, the chapters provided for residential flat buildings and shop top housing have been divided into two. One section is provided for SEPP 65 applications and one section is provided for non-SEPP 65 applications. The sections for SEPP 65 applications refer readers to the ADG for the above listed matters, whilst the sections for non-SEPP 65 applications contain the existing objectives and controls of the CDCP 2012 in relation to those matters.

Need to proceed with changes to CDCP 2012

With a new Council comes the need to have an amalgamated DCP combining the CDCP 2012 with the BDCP 2015. Due to the proposed restructure and other changes, the implementation of the draft CDCP 2012 will make it substantially easier to merge the DCPs into one. The draft CDCP 2012 and the BDCP 2015 are similar in structure and drafting style.

Another reason to implement the draft CDCP 2012 is its ease of use due to the restructure. As discussed above, the CDCP 2012 is difficult to navigate through and work out which controls are to be applied in what circumstances. This ease of use is likely to reduce the need for additional information to be requested from applicants in order for Council staff to complete the assessment of development applications, save applicants' time and money in the preparation of development applications and assist in reducing the need for Council staff resources to assess development applications and provide planning advice. For these reasons, it is considered that the draft CDCP 2012 needs to be implemented as soon as possible.

Some of the proposed minor policy changes in the draft CDCP 2012 will reduce the need for variations to controls of the CDCP 2012 (see discussion above and in Attachments). Council staff can approve development applications that propose variations to planning controls under delegated authority. However, approval must be sought from the administrator (and the future Council) if the proposed variations are greater than that allowed by staff delegations. The reduction in the need for variations to controls is therefore likely to reduce the need for reports to the administrator and future Council meetings.

Exhibition of draft CDCP 2012

In accordance with the requirements set out in the Environmental Planning and Assessment Regulation 2000, the draft CDCP 2012 will need to be placed on public exhibition for a period of at least 28 days. Given its complexity and breadth, it is considered that an expanded exhibition period of 6 weeks should be undertaken.

Exhibition would consist of notices being placed in local newspapers, information on Council websites and copies of relevant documentation being made available in the libraries of the new combined Council and at both customer service centres.

It is recommended that the following documents be included as part of the exhibition:

- Draft CDCP 2012;
- Current CDCP 2012;
- Audit of proposed changes to CDCP 2012;

Current and draft CDCP 2012 control comparison table document (to assist with finding the location of the existing controls in the draft CDCP 2012); and
List of minor policy changes.

Following public exhibition, a report to Council addressing any issues raised in submissions will be prepared. The timing of this report will depend on the number and complexity of submissions received. Should a reported CDCP 2012 be endorsed by the administrator following exhibition (provided the nature of any post-exhibition amendments do not necessitate re-exhibition) the amended CDCP 2012 could then be brought into effect.

Conclusion and Next Steps

The restructure of the CDCP 2012 has been undertaken in accordance to Council's resolution with the main purpose to make the CDCP 2012 less complicated to navigate through and easier to work out which controls are to be applied in what circumstances. Other necessary changes were made to make the DCP consistent with CLEP 2012, Australian Standards, legislation and government agency guidelines. The opportunity to remove duplicate controls, conditions of consent and unnecessary information was also undertaken. Minor policy changes were also made.

The revised structure of the draft CDCP 2012 will make combining the CDCP 2012 and the Bankstown Development Control Plan 2015 straight forward. As a result, the Landuse Transitional Action Group intends to include the implementation of the draft CDCP 2012 into the Landuse Stream Actions Plan that is being prepared to assist with amalgamation. The implementation of the draft CDCP 2012 is the first phase of the Combining the DCPs Project within that actions plan.

For the above reasons, it is considered that the draft CDCP 2012 be place on exhibition and implemented as soon as possible.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Draft Canterbury DCP 2012 - 2016 Review
- B. List of Proposed Minor Policy Changes to Canterbury Development Control Plan 2012

Planning Matters - 26 July 2016

ITEM 5.5 **Draft Amendments to Canterbury DCP 2012 (Amendment 4)**

AUTHOR **City Planning**

ISSUE

This report outlines draft development controls for a site specific planning proposal to be included in the Canterbury Development Control Plan 2012.

RECOMMENDATION That -

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

REPORT

Planning Proposal

An applicant initiated planning proposal relating to land at 642-644, 650-658 Canterbury Road, Canterbury Road, 1-3 Platts Avenue, 2, 2A, 2B, 2C, 2D Liberty Street, Belmore has been prepared and has received a conditional Gateway Determination.

The Planning Proposal seeks to rezone the site from part B6 Enterprise Corridor and part R3 Medium Density Residential to B5 Business Development and to increase the maximum building height from part 8.5m and part 12m to a range of different heights across the site from 0m (rear laneway) to 25m.

The subject site formed part of a previous planning proposal for Council's broader Residential Development Strategy (RDS), which recommended the site to be rezoned from B6 Enterprise Corridor to B5 Business Development and to apply a maximum height of 18m to bring it into line with the general building height elsewhere in the B5 zone.

The Roads and Maritime Services (RMS) made a submission to the broader RDS planning proposal expressing concerns over the cumulative impacts of further development on the classified road network. The subject site was one of the sites identified by the RMS requiring a traffic assessment to be undertaken.

The planning proposal is now proceeding separately to the broader RDS and has been referred to RMS for comment.

Council resolved on 9 July 2015 to proceed with the preparation of a planning proposal for submission to the DP&E for a Gateway Determination.

Gateway Determination

Conditions 2 and 3 of the Gateway Determination read as follows:

- "2. Prior to submitting the planning proposal to the Department for finalisation, the planning proposal is to be updated to demonstrate consistency with Council's overarching Traffic Impact Assessment of the cumulative impact of development of properties on Canterbury Road that formed part of the Residential Development Strategy implementation planning proposal.*
- 3. Prior to undertaking public exhibition, consultation is required under section 56(2Xd) of the Act with the Roads and Maritime Services division within Transport for NSW.*

Roads and Maritime Services is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Roads and Maritime Services may request additional information or additional matters to be addressed in the proposal. The planning proposal is to be revised to respond to any submission received from Roads and Maritime Services and a copy of the submission is to be included with the revised proposal."

The Gateway Determination issued for the planning proposal required the planning proposal to align with the outcomes of the supporting studies (RDS Traffic Study) for the broader Canterbury Road RDS.

RMS consultation

A copy of the planning proposal was referred to RMS in accordance with **Condition 3** of the Gateway Condition.

A response from RMS was received and they generally raised no objections to the planning proposal provided a number of conditions are met. Two of the matters raised in the letter include the requirement to secure future access arrangements for both sites and the inclusion of the laneway in future proposals.

An extract of the issues identified in the RMS response letter is shown as follows:

"Access Restrictions

Given the proposed intensification of the permissible development on the site, no vehicular access points will be permitted for the future development of the site direct to Canterbury Road. All vehicular access for Sites A and B shall be obtained via the local road network for any future development. To ensure that this can be enforced, Roads and Maritime requests that a site specific clause is included in the LEP written instrument (e.g. under 'Local Provisions') to require the amalgamation of the lots fronting Canterbury Road, or, a site specific Development Control Plan should be prepared and exhibited with the planning proposal to set out the future access arrangements and site configuration.

Proposed Laneway

It is noted that a proposed laneway is mentioned in the planning proposal report and traffic study, and Roads and Maritime is generally supportive of this. However, the proposed laneway has not been reflected in the proposed zoning map or in a planning agreement. Roads and Maritime requests that any proposed traffic management/mitigation measures are clearly represented in the exhibition material and that Council ensures the appropriate agreements and LEP/DCP provisions are in place to facilitate the future laneway access."

It was suggested by RMS that these matters could be addressed through a site specific DCP. In response to RMS concerns, draft DCP controls for the site have been developed in consultation with the proponent. A copy of the draft DCP was referred to RMS for comment and they raised no objection to the proposed controls. A copy of the draft DCP is shown in the Attachments.

Draft DCP Controls

The key components of the draft DCP is discussed as follows. It is proposed to insert the controls under Part 5 of the CDCP 2012.

RMS concern	Section of DCP	Controls
New laneway and Vehicular access	Part 5 of CDCP 2012	<p>Proposed controls are included to ensure vehicular access to any part of the overall development site is not to be provided off Canterbury Road. This control is consistent with RMS requirements and its preferred strategy to deny vehicular access to Canterbury Road where alternative road access is available.</p> <p>Additional controls that relate to vehicular access arrangements to Site B are also provided to ensure appropriate future vehicular access to Site B can be provided when site B is developed.</p> <p>A control regarding the provision of a laneway has been included. It is also supplemented by a diagram showing the location of the laneway.</p> <p><u>Comment</u></p> <p>The proposed controls generally meet the RMS requirements. The proposed laneway is also consistent with the findings from the RDS traffic study which supports the inclusion of a laneway for the subject site.</p>
Envelopes and Density	Part 5 of CDCP 2012	<p>Envelope controls have been included to reflect the concept plans submitted with the Planning Proposal. The controls generally reflect the concept plan for the site and are considered to be suitable.</p>

Next Steps

The next step would be to exhibit the proposed DCP with the planning proposal concurrently, and for Council to consider submissions following the exhibition period.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report had no implications for the Budget.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Canterbury DCP (Amendment 4)

Planning Matters - 26 July 2016

ITEM 5.6 Planning Proposal for Nos. 30–46 Auburn Road in Regents Park

AUTHOR City Planning

ISSUE

This report is in relation to the site at Nos. 30–46 Auburn Road in Regents Park.

In April 2014, Council resolved not to support a proposal to amend Council's Local Environmental Plan to allow higher density residential development on the site. As a result, the proponent sought a pre-gateway review direct with the Department of Planning & Environment.

In January 2015, the Department referred the proposal to the Joint Regional Planning Panel to undertake the review. The review process resulted in further studies which informed certain amendments to the proposal.

In March 2016, the Panel considered the matter and recommended that the amended proposal proceed to a gateway determination. It is recommended that Council is the relevant planning authority for this proposal.

RECOMMENDATION That -

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

BACKGROUND

Description of the site and surrounds

The site is located at Nos. 30–46 Auburn Road in Regents Park.

The site is 21,180m² in area and contains some metal clad industrial buildings. The site is bound by Auburn Road and the suburban neighbourhood to the east, industries to the north, and the Bankstown railway line to the west and south (see Figure 1). The site is in close proximity to the boundary of Canterbury–Bankstown Council and Cumberland Council.

The site also adjoins the Southern Sydney Freight Line which intersects the Bankstown railway line at the Auburn Road overpass. The freight line is a dedicated 30 kilometre freight line between Macarthur and Sefton, and provides a third track in the rail corridor specifically for freight services.

The site is zoned R4 High Density Residential and is subject to a maximum 0.6:1 FSR and a maximum 13 metre building height under Bankstown Local Environmental Plan 2015.



Figure 1–Site and surrounds

Description of the application (RZ 1/2014)

In February 2014, Council received an application (RZ 1/2014) requesting certain amendments to Bankstown Local Environmental Plan 2001 in relation to the site at Nos. 30–46 Auburn Road in Regents Park.

The application was seeking an increase in the maximum building height from 3 storeys (plus attic) to 8 storeys, and an increase in the maximum floor space ratio from 0.6:1 to 2:1.

At the Ordinary Meeting of 15 April 2014, Council resolved not to support the application due to the proposed building envelope being inappropriate for this location due to traffic and urban design impacts, and its incompatibility with the established character of the surrounding low density residential zone. The Council report (as shown in Attachment B) outlines the site characteristics and Council's assessment findings in more detail.

As a result, the proponent sought a pre-gateway review direct with the Department of Planning & Environment.

Review of the application by the Joint Regional Planning Panel

In January 2015, the Department of Planning & Environment referred the application to the Joint Regional Planning Panel to undertake a pre-gateway review. The Panel decided to defer the matter:

- To quantify the additional housing capacity of the Regents Park Urban Neighbourhood Precinct and the site consistent with the acceptable performance of the road network.
- To translate the housing capacity to an appropriate floor space ratio for the site.

In March 2016, the Department of Planning & Environment provided the following advice to the Panel (as shown in Attachment C) as part of the pre-gateway review process:

In determining whether the proposal proceeds to a Gateway determination, it is recommended the Panel favourably considers a maximum FSR of 1.75:1 applying to the site (provided the developer enters into a local VPA to fund improvements outlined in Action A1–A4 of the Local Area Plan) for the following reasons:

- *irrespective of whether a concept design at an FSR of 2.2:1 would comply with SEPP 65 and the Apartment Design Guide, there are other significant factors to consider:*
 - *the site is highly constrained on all boundaries by the railway line,*
 - *adjoining industrial uses, and*
 - *the predominantly low density residential character of the area.*
- *a lower FSR of 1.75:1 will ensure there is a degree of flexibility for site layout to appropriately address the above constraints; and*
- *the FSR of 1.75:1 proposed by Council, is considered to be generous for this site, given that it exceeds the maximum FSR that would normally apply to a small village centre or village centre within Council's centre's hierarchy.*

NOTE: a maximum FSR of 1.5:1 should apply if there is no agreement on a VPA.

In March 2016, the Panel reconsidered the matter. Based on the pre-gateway review dated 9 March 2016 (as shown in Attachment D), the Panel recommended that:

1. *The matter proceed to a gateway determination.*
2. *Based on the publicly exhibited North Central Local Area Plan prepared by the Council and as supported by detailed urban design and traffic analysis, the Panel recommends that:*
 - (a) *The planning proposal proceed at a maximum floor space ratio of 1.75:1 and maximum height provisions reflecting the plan of 6 storeys for Auburn Road and 8 storeys for the remainder of the site.*
 - (b) *There is a need for improvement works to establish linkages to Regents Park Village for the benefit of the site and that these works will need to be brought forward to align with development of the site. In this regard, should the matter proceed to Gateway, then the Panel recommends that the proponent and the Council engage in discussion regarding an appropriate mechanism to realise these improvement works in a timely manner.*

Department of Planning & Environment's determination to proceed to the LEP Gateway process

In a letter dated 10 June 2016 (see Attachment E), the Department of Planning & Environment informed Council that the proposal to allow for higher density residential development at Nos. 30–46 Auburn Road in Regents Park should proceed to the LEP Gateway process. The Department also requested Council to confirm prior to 27 July 2016 as to whether it agrees to be the relevant planning authority for this proposal.

REPORT

Planning proposal

In accordance with the Department's request dated June 2016, it is proposed to submit a planning proposal (as shown in Attachment A) to seek a Gateway determination.

The intended outcome of this planning proposal is to give effect to the Joint Regional Planning Panel's recommendation of 9 March 2016 by:

- (a) Enabling increased residential development within a reasonable walking distance of the Regents Park railway station.
- (b) Providing an appropriate mechanism to ensure that the development of the site delivers certain public improvement works, and to realise these improvement works in a timely manner.

Attachment F outlines the proposed amendments to Bankstown Local Environmental Plan 2015.

The planning proposal (as shown in Attachment A) addresses the justification criteria set out in the Department of Planning & Environment's publication '*A guide to preparing planning proposals*'.

North Central Local Area Plan

At the Ordinary Meeting of 11 May 2016, Council adopted the North Central Local Area Plan to identify the priority areas where population and housing growth may occur in a sustainable way, and the required public improvement works to keep pace with population growth.

In particular, Action L5 outlines the local context, the structure plan, and the detailed urban design and traffic analysis which informed the recommended building envelope for the development of the site (i.e. 6–8 storeys / 1.75:1 FSR). Action L5 also reflects the Joint Regional Planning Panel's pre-gateway review and recommendation for the site (dated 9 March 2016).

This planning proposal is consistent with the recommendations of the North Central Local Area Plan.

However, it is noted that Council resolved at the Ordinary Meeting of 11 May 2016 to increase the maximum floor space ratio to 2.25:1 subject to traffic and public domain works. In considering Council's resolution, it is proposed to undertake a review of the proposed 2.25:1 FSR during the exhibition of the planning proposal, and to report the review findings to Council following the exhibition.

Voluntary planning agreement

The planning proposal outlines the proposed development standards to deliver a broad range of public improvement works to service the needs of the growing population.

The intended outcome is to establish linkages to the Regents Park Small Village Centre for the benefit of the site, and to improve the amenity and public domain of the locality for the benefit of residents. The proposed improvement works include (but are not limited to) the following actions:

- Embellish Magney Reserve to support the growing population resulting from the increased residential development on the site.
- Construct footpaths on both sides of Auburn Road and the streets surrounding Magney Reserve to complete the footpath network, and install kerb build-outs, pedestrian crossings and traffic calming measures at certain locations.
- Embellish Auburn Road and local streets with street trees to create a pleasant place to walk and cycle.
- Formalise a north–south cycle link along Auburn Road.

The voluntary planning agreement is required to legally capture the public benefits to be delivered by the proposed development standards.

Section 93F(1)(a) of the Environmental Planning & Assessment Act 1979 enables the proponent to provide a material public benefit through entering into an agreement with Council. Planning agreements are voluntary and must be freely entered into by Council and the proponent. Planning agreements are also publicly exhibited and held on a publicly accessible register.

It is noted the above commitment is in addition to any required contribution required under the Bankstown Section 94A Development Contributions Plan.

DCP Amendments

The North Central Local Area Plan recommends certain changes to the Development Control Plan. These changes will supplement the planning proposal to achieve well-designed residential development.

The changes to the Development Control Plan will be reported separately once the Department of Planning & Environment issues a Gateway determination for the planning proposal.

NEXT STEPS

Should Council decide to proceed with a planning proposal, the next step is to submit the planning proposal to the Department of Planning & Environment to seek a Gateway determination.

In relation to any future voluntary planning agreement, section 93F(1)(a) of the Environmental Planning & Assessment Act 1979 enables a proponent to provide a material public benefit by entering into an agreement with Council. Section 93G(1) requires that a draft voluntary planning agreement be publicly exhibited for at least 28 days and section 93G(2) requires that, where possible, the agreement be exhibited concurrent with any other publicly notifiable matters relating to the agreement.

As Council and the proponent are not yet in a position to finalise the terms of a voluntary planning agreement – required to legally capture the public benefit of the proposal – the recommendation requests that Council prepare a voluntary planning agreement ready for public exhibition alongside the planning proposal.

Following the public exhibition, the outcomes will be reported to Council.

POLICY IMPACT

This matter responds to the Department of Planning & Environment's determination that a proposal to allow for higher density residential development at Nos. 30–46 Auburn Road in Regents Park should proceed to the LEP Gateway process.

FINANCIAL IMPACT OF RECOMMENDATIONS

Should Council decide to proceed with a planning proposal, the next step is for Council and the proponent to finalise the terms of a voluntary planning agreement to ensure the public benefits mentioned in this report can be delivered by the proposed development standards applying to the site.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Planning Proposal
- B. Council Report–Ordinary Meeting of 15 April 2014
- C. Department of Planning & Environment's advice to the JRPP
- D. JRPP pre–gateway review and recommendation for the development of the site
- E. Department of Planning & Environment's letter dated 10 June 2016
- F. Proposed Amendments to Bankstown LEP 2015

Planning Matters - 26 July 2016

ITEM 5.7 Draft Voluntary Planning Agreement Offer - 717-727 Canterbury Road, Belmore

AUTHOR City Planning

ISSUE

This report seeks the Council's approval to negotiate and exhibit a draft Voluntary Planning Agreement for 717-727 Canterbury Road, Belmore.

RECOMMENDATION That -

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

BACKGROUND

Council received a development application at 717-727 Canterbury Road, Belmore (the former Tradelink Site) on 1 December 2014 for demolition of all existing structures and construction of a mixed use development containing 183 residential apartments, commercial tenancies, communal facilities, basement car parking and associated strata subdivision (DA 566/2014).

The application was considered at the Joint Regional Planning Panel (JRPP) on 31 March 2016.

The report submitted to the JRPP meeting proposed that a deferred commencement consent be issued. One of the deferred commencement conditions was as follows:

- 1.1 The north-western side of Drummond Lane must be widening to provide for an 1800mm wide pedestrian footway. In this regard, the proposed development must be setback for this. The setback must be dedicated to Council as road, with no building over or under the dedicated land.

The site and laneway widening is shown below:



This condition came at the instigation of Council's Development Engineer to allow for pedestrian movement to safely occur along this laneway.

The JRPP resolved to defer determination of the application. As part of this deferral, the following was however advised:

The Panel notes that dedication of the laneway cannot be required by condition.

In light of this advice, as the laneway widening is not identified in a local environmental plan or development contributions plan, the only other method of achieving dedication is through a Voluntary Planning Agreement (VPA). Entry into a VPA would overcome the issue raised by the JRPP and prevent it becoming an obstacle to future determination of the DA.

REPORT

Voluntary Planning Agreement

The applicant has provided a draft VPA that allows for dedication of the land required for laneway widening, and the construction of a pedestrian footpath on this land. This is to occur prior to the issuing of the first Occupation Certificate for the development. The dedication and construction is to be at no cost to Council.

This report is seeking approval to negotiate with the applicant to now finalise the draft VPA for exhibition purposes. Exhibition is required under the Environmental Planning and Assessment Act, 1979 for 28 days.

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

CONCLUSION

The applicant for the Development Application at 717-727 Canterbury Road, Belmore has agreed to enter into a draft Voluntary Planning Agreement to provide dedication of the land required for widening of Drummond Lane, and the construction of a pedestrian footpath on this land.

The dedication and construction is to be at no cost to Council and has been recommended by our Development Engineer.

Approval is sought to negotiate with the applicant to finalise the draft VPA for exhibition purposes. After exhibition the outcomes will be reported back to Council, including an assessment of any submissions received.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

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

3. At the conclusion of the public exhibition the draft Voluntary Planning Agreement be reported back to Council.

ATTACHMENTS

Nil

6 REPORT OF THE GENERAL MANAGER

The following items are submitted for consideration -

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Report of the General Manager - 26 July 2016

ITEM 6.1 Independent Hearing and Assessment Panel (IHAP) Review

AUTHOR City Planning

ISSUE

To establish an Independent Hearing and Assessment Panel (IHAP) for the City of Canterbury-Bankstown.

RECOMMENDATION That -

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

BACKGROUND

Following the proclamation of the City of Canterbury-Bankstown by the Governor of New South Wales on 12 May 2016, Council at its Extraordinary meeting on 24 May 2016 resolved:

THAT:

1. *In the interim, the Independent Hearing and Assessment Panel (IHAP) continue to operate for former Canterbury City Council area.*
2. *Authority be delegated to the IHAP under Section 377 of the Local Government Act 1993 to consider and determine development applications referred to it by the General Manager.*
3. *The amended IHAP Policy (including the Constitution and Rules) included in the Attachment, be adopted.*
4. *A review be conducted of the IHAP, its membership and its relevant Policy, and the recommendations arising from this review be reported to the Administrator.*
5. *Subject to the recommendation 4 above, the existing IHAP Panel and substitute members continue to exercise their function in the terms set out in this report.*

This report recommends the establishment of a single IHAP for the City of Canterbury-Bankstown, outlines its membership base and adoption of a Charter that defines the roles and operations of the panel.

What is an Independent Hearing and Assessment Panel?

Independent Hearing and Assessment Panels have been operating in NSW since 1997 and have successfully been implemented in a number of NSW Councils. Panels currently in operation generally vary between having an advisory function or a determinative function on development matters.

Independent panels are established under the provisions of the *Local Government Act 1993*, with the council responsible for their procedures. Independent Hearing and Assessment Panels are generally accepted as industry best practice and are aimed to inject transparency, integrity and confidence into development assessment and planning processes.

The IHAP will provide an independent specialist review of an officers' assessment and recommendations on delegated development applications. The proposed model also delegates the determination function for development applications to the panel.

This approach will provide future councillors the opportunity to shift from micro level development matters and to allow its focus to be directed toward strategic planning, policy development and infrastructure delivery in response to the significant level of growth forecast across Canterbury Bankstown.

Proposed Composition of the Canterbury-Bankstown Independent Hearing and Assessment Panel

The proposed IHAP for Canterbury-Bankstown is to be established with the delegated authority of Council pursuant to Section 377 of the *Local Government Act 1993* enabling it to determine applications without further referral to Council.

It is recommended that a permanent Chair and a rotating pool of experts be appointed. The panel would be expected to operate with four members including Chair (quorum would require three members including Chair). Panel members should be interchangeable to ensure availability or manage instances where a conflict of interest has been declared.

Decisions of the Panel would be by a majority of votes with each member casting one vote. In the event of a tied vote, the Chairperson would have a casting vote.

The term for Panel members of the IHAP should be for a period of two years, with an option to extend the term for a further two years.

Relevant Senior Council staff will be able to attend the panel meetings (as requested) to provide technical advice and administer the Panel.

It is proposed that a panel member with legal expertise be appointed as the permanent Chair. All panelists will be required to have expertise in at least one of the following areas:

- Law
- Planning
- Architecture
- The environment
- Urban design
- Land economics
- Traffic and transport
- Engineering
- Government and public administration.

The IHAP will not include Councilors or Council staff.

Full details of the proposed IHAP are included in the draft Charter included in the Attachments.

Matters to be referred to the Canterbury-Bankstown IHAP

It is recommended that any development application which meets the following criteria should be referred to the IHAP for determination:

- any applications submitted by a Council officer or a Councillor
- any applications submitted by Council itself (except applications that attract no objections and comply with relevant planning controls)
- applications that cannot be determined by Council Officers under their delegation of authority
- applications that are subject to a Voluntary Planning Agreement with Council
- applications for review of a development application decision or applications for modification of a consent made by the Panel
- any application which the Director City Development considered should be determined by the IHAP.

Planning Proposals will also be referred for the Panel for consideration and to provide a recommendation to Council on whether a Planning Proposal should be supported. The Panel may also recommend changes to a planning proposal for consideration by Council in determining whether to proceed with a planning proposal.

The Panel may also be briefed or requested to provide advice in relation to any development application at any point during the assessment process. Matters referred to the Panel for advice will be at the discretion of the Director City Development. Advice offered by the Panel on a development matter will be considered as part of the ordinary assessment process.

Matters to be determined by the Sydney East or West Joint Regional Planning Panel will not be provided to the IHAP for its review/advice unless requested by the Director City Development.

It is also recommended that prior to the establishment of the IHAP, the General Manager's current determination delegations (to development assessment staff from the former Bankstown Council) be extended/transferred across the organisation so that a single set of delegations are in force. Alignment of delegations across the new organisation will ensure greater transparency and consistency in decision making on development matters.

In doing so, the following safeguards are recommended to maintain a high level integrity in the assessment of development applications:

- biannual procedural audit of two percent of all determined applications
- publicly release a report on all applications determined; all variations approved; all applications determined by the JRPP and advice on all DA related legal matters.

Recruitment and Appointment of the Panel

It is proposed that a public call for expressions of interest will be made for potential panellists. The members of the panel shall be selected and appointed after a transparent merit-based selection and appointment process has been completed. Appointments will be made by the General Manager.

Public Accessibility to the Panel

Meetings of the Panel will be advertised including items to be considered with invitations for the public to register to attend and address the panel on individual development matters. Members of the public who have prepared submissions on a development matter will be notified of the panel meeting.

The panel will hear public verbal submissions in an open forum. The panel however will deliberate and prepare its determination on each matter within a closed forum and may request Council staff to assist its decision making with technical advice.

Decisions of the panel including reasoning for decisions and minutes of the meeting will be made available on Council's website within four business days.

Frequency of Meetings

It is expected that the IHAP will meet at least once per month. Additional/extraordinary meetings may be called at the discretion of the Director City Development to deal with matters of requiring urgent determination (eg. appeal matters).

Canterbury IHAP

Should the recommendation to establish a Canterbury Bankstown IHAP be endorsed, it is proposed the Canterbury IHAP continue to operate until such time as the Canterbury-Bankstown IHAP is established and operating.

Following the establishment of a Canterbury-Bankstown IHAP, the Canterbury IHAP will be dissolved and members advised accordingly.

POLICY IMPACT

The introduction of an independent hearing an 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.

The following provides a breakdown of the quantum of matters considered by the current IHAP operating for the former Canterbury Council area:

2014/15:

- 13 IHAP meetings
- 46 matters considered
- Cost: \$76,600

2015/16:

- 13 IHAP meetings
- 41 matters considered
- Cost: \$85,100

Should delegations for development assessment staff from the former Bankstown Council area be extended to cover all development staff as recommended in this report, it is anticipated that the number of matters from the former Canterbury Council being considered by the IHAP will decline.

Based on past Council meetings, it is expected that between 20 and 30 matters from the former Bankstown area will be referred to the Panel for consideration annually.

In this regard, as IHAP meetings are proposed to be held once per month, the number of meetings and matters considered by the Panel is not expected to change significantly and therefore associated costs incurred are unlikely vary from the previous two financial years identified above.

Provisions have been made available in the current budget to establish the IHAP. Ongoing operational funding for the IHAP will be subject to future quarterly budget reviews.

IHAP related costs include sitting costs for the members of the panel, advertising and tendering for members, administrative and secretarial costs of operating meetings. It is expected that meetings will generally be held monthly.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. IHAP Charter

Report of the General Manager - 26 July 2016

ITEM 6.2 Requests for Financial Assistance and Donations

AUTHOR Corporate Services

ISSUE

To consider requests for financial assistance from community groups and individuals and other community groups.

RECOMMENDATION That –

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

REPORT

Section 1 – Requests from Sporting Individuals/Groups

Bradley Kilpatrick of Revesby was selected to represent Australia in the u19's 2016 Softball Australia International Friendship Series at the Blacktown International Sportspark (BISP), Sydney from 4-8 July, 2016. It is recommended that a donation of \$100.00 be made to Bradley Kilpatrick.

Monica Petrusevski of Yagoona has been selected to represent NSW at the School Sport Australia 12 Years and Under Tennis Championships which are being held at Albury, NSW in October, 2016. It is recommended that a donation of \$100.00 be made to Monica Petrusevski.

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

Nil.

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 to award a higher amount in special circumstances.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report recommends donations totaling \$200.00 and those funds be made available from Council's Section 356 Financial Assistance Budget.

RECOMMENDATION That –

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

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.3 Access to Information Policy

AUTHOR Corporate Services

ISSUE

To adopt the Access to Information Policy.

RECOMMENDATION

That the Access to Information Policy as attached be adopted.

BACKGROUND

On 12 May 2016, Canterbury-Bankstown Council was proclaimed by the Governor of New South Wales.

Prior to the proclamation, the former Bankstown City Council's Agency Information Guide was the primary document explaining Council's requirements under the *Government Information (Public Access) Act 2009*. The former Canterbury City Council had adopted an Access to Information Policy in addition to their Agency Information Guide.

As part of Council's governance framework, it is considered good practice to incorporate an Access to Information Policy that is supported by the Agency Information Guide.

REPORT

In accordance with the requirements of the *Government Information (Public Access) Act 2009* (GIPA Act), Council is required to disclose or release information, unless there is an overriding public interest against doing so.

The adoption of an Access to Information Policy demonstrates Council's commitment to operating in an open and transparent manner, where the consideration of overriding public interest in relation to access requests supports Council's respect for the privacy of individuals, whilst being proactive in the disclosure of and dissemination of information.

As part of Council's governance framework, the Information and Privacy Commission of New South Wales has advised it is considered good practice to incorporate an Access to Information Policy that is supported by the Agency Information Guide.

The attached Canterbury-Bankstown Council Access to Information Policy outlines the principles regarding public access to information, and provides the framework for processing of requests for such access in accordance with the provisions of the GIPA Act.

POLICY IMPACT

The adoption of this Policy is in line with legislative requirements under the *Government Information (Public Access) Act 2009* and will form part of Council's governance framework.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no financial implications for Council associated with this report.

RECOMMENDATION

That the Access to Information Policy as attached be adopted.

ATTACHMENTS [Click here for attachments](#)

- A. Access to Information Policy

Report of the General Manager - 26 July 2016

ITEM 6.4 Privacy Management Plan

AUTHOR Corporate Services

ISSUE

To adopt the Canterbury-Bankstown Council Privacy Management Plan.

RECOMMENDATION

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

BACKGROUND

The Privacy and Personal Information Protection Act 1998 requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the Health Records and Information Privacy Act 2002 (the HRIPIA).

As such and pursuant to the proclamation of Canterbury-Bankstown Council on 12 May 2016, the revision of the Privacy Management Plan is necessary in order to:

- Inform the community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Educate and advise staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

REPORT

The Privacy Management Plan provides an overall framework to direct strategies and practices which will enable compliance with Council's legal obligations in relation to the collection, use, management and storage of personal and health information.

The former Bankstown and Canterbury Councils had an adopted Plan as part of its governance framework and a review of these documents has since been undertaken to align processes and procedures.

The Office of Local Government released a Model Privacy Management Plan for Local Government in 2013. The Model Plan was prepared in consultation with the Office of the Privacy Commissioner and the Local Government and Shires Association of NSW (now LGNSW). It is therefore appropriate that the Canterbury-Bankstown Council Privacy Management Plan has been prepared based on this Model Plan.

To ensure Council complies with the provisions of the Privacy and Personal Information Protection Act 1998, Council has noted in its Privacy Management Plan that where personal information is collected on relevant Council forms, a Privacy Notice similar to the below will be included:

PRIVACY NOTICE

Council is required under the Privacy and Personal Information Protection Act 1998 (PPIPA) to collect, maintain and use your personal information in accordance with the Privacy Principles and other relevant requirements of the PPIPA.

Personal information requested on this form will only be used to fulfil the purpose for which it is being collected. Provision of this information is voluntary and is required to help process your application. Council is regarded as the agency that holds the information and access is restricted to council officers and other authorised people. You may apply to access or amend the information. For further information or clarification please contact the Privacy Contact Officer at Council.

Following the adoption of the Plan, Council forms will be progressively updated to ensure the inclusion of the Privacy Notice.

Once adopted, Council's Privacy Management Plan will also be placed on Council's website and staff and members of council's committees will be provided with updated information outlining their responsibilities under the Plan. Council is also required to provide a copy of their Privacy Management Plan to the Privacy Commissioner as soon as practicable after it is prepared and whenever the plan is amended.

POLICY IMPACT

The adoption of this Plan is in line with legislative requirements under the Privacy and Personal Information Protection Act 1998.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no financial impacts arising from adopting the Privacy Management Plan.

RECOMMENDATION

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

ATTACHMENTS

[Click here for attachments](#)

- A. Privacy Management Plan

Report of the General Manager - 26 July 2016

ITEM 6.5 Various Naming Requests

AUTHOR City Services

ISSUE

This report provides an update on the community consultation process associated with the naming requests for John (Jack) Walsh, Paull Family and Pat Rogan.

RECOMMENDATION That –

1. Council names the criterion at the Crest adjacent to the Dunc Gray Velodrome the 'Jack Walsh Criterion'.
2. Council names the Rehearsal Theatre at the Bankstown Arts Centre the 'Paull Rehearsal Theatre'.
3. Council proceed with the community consultation process for the naming of the Salt Pan Creek Walkway the 'Pat Rogan Walkway' and that a further report be provided to Council on the outcomes of the community consultation process.

BACKGROUND

At its meeting of on 24 November, 2015 Council considered a report on a number of naming requests and resolved:

1. *Council note the contents of this report and endorses the commencement of the community consultation phase of the Naming and Memorials Policy for the following proposals:-*
 - *naming of the criterion at the Crest adjacent to the Dunc Gray Velodrome the 'Jack Walsh Criterion'.*
 - *on the naming of a section of the Salt Pan Creek Walkway the 'Pat Rogan Walkway'.*
 - *naming of the Studio at the Bankstown Arts Centre the 'Paull Studio'.*
2. *A further report be provided to Council on the outcomes of the community consultation process.*

REPORT

In implementing these recommendations, Council Officers undertook the community consultation process in accordance with the Councils Naming and Memorial Policy which involved:

- Publishing of notices in the local newspaper;
- Notification of residents within 500 metres of the site to be named;
- Notification of local community and interest groups
- The period of public exhibition will not be less than a month

It should also be noted that further investigation was undertaken in regard to the naming of the Salt Pan Creek Walkway during this period. This investigation revealed that Salt Pan Creek itself is a registered name with the Geographical Names Board. However, the actual Salt Pan Creek Walkway is not so, it is now recommended that Council proceed with the Community Consultation process for the naming of this walkway after Pat Rogan.

Submissions received during the Consultation Process:-

Jack Walsh Criterion naming proposal received one objection from Mr Raymond Godkin from Cycling NSW.

Paull Rehearsal Theatre naming proposal received 36 letters of support.

POLICY IMPACT

This report is consistent with Council's Naming and Memorials Policy Criteria and General Principles.

FINANCIAL IMPACT OF RECOMMENDATIONS

The cost of the design and installation of these naming plaques will be met within Council's existing operational budget 2016/17.

RECOMMENDATION That –

1. Council names the criterion at the Crest adjacent to the Dunc Gray Velodrome the 'Jack Walsh Criterion'.
2. Council names the Rehearsal Theatre at the Bankstown Arts Centre the 'Paull Rehearsal Theatre'.
3. Council proceed with the community consultation process for the naming of the Salt Pan Creek Walkway the 'Pat Rogan Walkway' and that a further report be provided to Council on the outcomes of the community consultation process.

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.6 Lakemba Out of School Hours Service

AUTHOR City Services

ISSUE

The purpose of this report is for Council to endorse the termination of Lakemba Outside School Hours Care (OSHC) service at the end of Term 4, 2016.

RECOMMENDATION That –

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

BACKGROUND

We provide outside school hours care at Lakemba Public School, in the form of After School Care (ASC) and Vacation Care (VC). Lakemba ASC has been operating with considerably low numbers of children for some years now, in spite of efforts to attract families to the service. On any one day there is an average of 15 children attending and six of these are from Wiley Park School.

Numbers of children enrolling in the school have increased and the school has advised that it is no longer able to accommodate both our ASC and VC services. The Principal, Jann Price, has notified us that we need to vacate the premises by 16 December 2016. This allows ample time for us to inform relevant Government Departments, staff and families, and for families to find alternative options.

REPORT

Lakemba Outside School Hours Care (OSHC) has been operating at Lakemba Public School for almost 40 years. Council initially established the service with Vacation Care (VC), and much later expanded to include Before School Care (BSC) and After School Care (ASC).

BSC was underutilised and ceased operations several years later. ASC has also been impacted by underutilisation for a few years now, even after picking up children from neighbouring Wiley Park School. VC is reasonably well attended and staffing can be better controlled as bookings are made prior to staff allocation.

OSHC services rely on parent fees for income, while staffing is the greatest cost. Lakemba OSHC has therefore been operating at a loss, and in the most recent budget this equated to around \$90,000.

Our most recent lease with the school expired in July 2015, and discussion took place around the viability of the service. Initial meetings then took place with YMCA, with a view of them taking over the service in some form. While there was some interest, the low numbers were still an issue.

After a couple of meetings with all parties, the School Principal, Jann Price, informed us that the school would not be able to provide the space for an OSHC service in the near future anyhow, as actual school enrolments were increasing and she needed to reclaim the space dedicated to the service.

As we were all conscious of the need to give families ample notice in order to make alternative arrangements, as well as to give the various Departments notice within the required time frame, we agreed to have a determination by the end of June.

On 30 June 2016 we received the official written notice from Ms Price that we are required to vacate the school premises by 16 December 2016.

We need to inform all Stakeholders as soon as possible. There is only one permanent part time staff member who may be relocated to another service but has expressed that she would possibly leave. There are six casuals to be informed and fifteen to 25 families of ASC and up to 60 families using VC. We are required to inform the State Department of Education & Communities (Regulatory Authority), Federal Department of Education & Training (Child Care Benefit) and Australian Children's Education & Care Quality Authority (ACECQA) Ratings & Assessment.

It should be noted that over time since the introduction of OSHC services, a significant number of Councils have moved away from direct service provision with probably the most common service model now being the actual school or its P&C.

POLICY IMPACT

There are no policy impacts.

FINANCIAL IMPACT OF RECOMMENDATIONS

The Lakemba OSHC due to low utilisation numbers was costing Council about \$90K to operate.

RECOMMENDATION That –

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

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.7 Western Sydney Academy of Sport

AUTHOR City Services

ISSUE

Review of Council's financial contribution to the Western Sydney Academy of Sport (WSAS).

RECOMMENDATION That -

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

BACKGROUND

In 2003 Council began providing support to the Western Sydney Academy of Sport this support included providing operational funding. This funding commenced at \$10,000 and is now currently \$11,950 p/a. At that time the Council saw it as an opportunity to take a leading role in the development and operations of the Academy through active participation in the Board of Management and related Committees.

REPORT

Since Council's involvement with the WSAS there has been limited Councillor engagement. Currently two (2) Council Officers attend the meetings as Council representatives. These meetings are held quarterly, with each participating Council taking turns to host the meetings.

The main benefit of supporting the WSAS was to provide opportunities for our local talented athletes to be involved in the WSAS and the sport specific programs it offered. However, since Council's involvement in 2003 WSAS has supported a total of 58 athletes with approximately \$140K provided by Council to towards its operation. There are currently three (3) athletes from our catchment area participating in WSAS programs.

According to the WSAS Council Engagement Plan, other opportunities / benefits to Council for supporting the WSAS are access to their events, attendance of athletes at Council meetings, civic reception for local athletes, athlete nominations for Sports Awards and WSAS involvement in Council civic events. To date, the WSAS has attended some of Councils recreation events.

At the last Council Advisory Forum meeting held in June 2016, the CEO of WSAS advised that due to amalgamations the funding model would be reviewed moving forward. This review has resulted in increasing the current Council funding contribution from \$11,950 to \$25,129. Note that prior to the amalgamations, the former Canterbury Council was not part of the Academy catchment.

POLICY IMPACT

No impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

The impact of ceasing financial support for the WSAS will save Council \$12K for the current financial year and potentially \$25K for future budgets.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.8 Master Plan for Wiley Park

AUTHOR City Planning

ISSUE

The purpose of this report is to seek endorsement to provide a coordinated response to separate Council resolutions concerning the future of Wiley Park in Wiley Park.

RECOMMENDATION

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

REPORT

On 29 October 2015 a motion to undertake a Master Plan for Wiley Park was presented to Council and was endorsed. The motion requested the exploration of funding and resources necessary to complete a Master Plan for Wiley Park. It was resolved:

THAT a report be prepared that explores the funding and resources necessary to develop a Master Plan for Wiley Park that brings together the strategic planning being undertaken by our staff and the desires and wishes of our community for this important regional asset.

A further report went to Council on 10 December 2015 for the investigation of suitable sites for a modern leisure aquatic centre. Part 1(a) of the recommendation adopted by Council provided:

THAT Wiley Park be chosen as the preferred site for investigation for the construction of a new aquatic centre, and that the General Manager be authorised to engage consultants for this purpose.

Since the motion and the recommendations were adopted, we have commenced both the City of Canterbury Open Space Strategy and the Aquatics and Fitness Centres Future Service and Facilities Strategy. The motion and the report have been provided to the consultants undertaking each piece of work and are being taken into consideration as part of these processes. It is recommended that a further report to Council on the potential for the Master Plan of a recreation precinct in Wiley Park be furnished once both strategies are complete. The Open Space Strategy is due for completion in October 2016 and the consultants undertaking the Aquatics and Fitness Centres Future Service and Facilities Strategy have indicated that the draft strategy will be delivered by 30 July 2016.

In the interim, a range of works are proposed for Wiley Park which include:

- 'Please Keep Out of Garden' signage in three different languages to aid in educating the public to not misuse particular spaces.
- Replacement and extension of existing fencing to help prevent the public from entering gardens and to double as a safety barrier between the park and the pond.
- Addition of mature plant stock to increase density and prevent pedestrian movement through garden beds to help prevent erosion.

There is provision for these works in our section 94 contributions plan and, having reviewed the works, it has been determined that these works will be required regardless of what happens to the site in the future. As such, it is recommended that we proceed with these interim works which will help enhance Wiley Park and improve our community's experience of the park until we are able to consider a Master Plan and/or aquatic facility.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Health and Safety.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget, however, should a Master Plan process be undertaken there will be costs associated with both the development of a Master Plan and its implementation.

RECOMMENDATION

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

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.9 Proposal for Botanic Gardens at Peace Park

AUTHOR City Planning

ISSUE

The purpose of this report is to seek approval to undertake an assessment of the heritage value of Peace Park and to seek endorsement that no further action be taken to develop a Botanic Garden in the park.

RECOMMENDATION That -

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

BACKGROUND

On 23 July 2015 Council resolved that a report be prepared concerning the possibility of developing Peace Park as a botanical gardens reserve for the local community with advice to be provided concerning options for this to be funded by S94 developer contribution funds collected on commercial developments that because of site constraints are unable to provide their own deep-soil planting.

The following commentary outlines the requirements of establishing a Botanic Garden and also the potential heritage constraints over the site.

REPORT

From 1910 until late 1965 Peace Park was known as the Southern Ashbury Brickworks which later changed its name to the Ashbury Brickyard (figure 1).

In 1993 Peace Park was officially opened and named to mark the International Year of Peace (figure two).



Figure one: South Ashbury Brick Works c.1943 (Sixmaps)

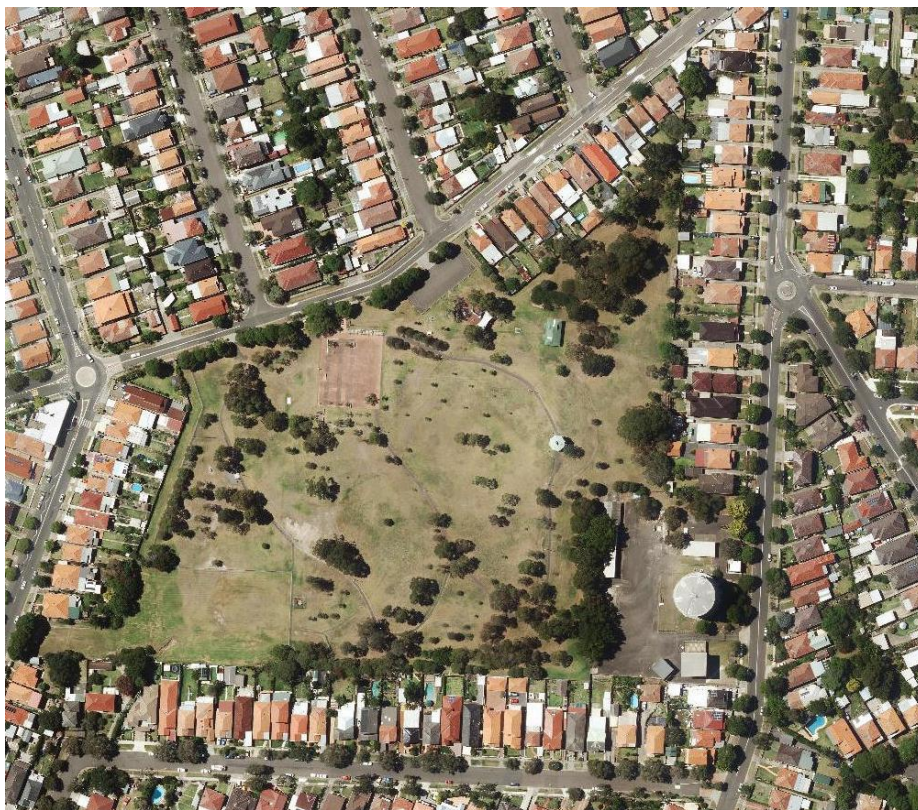


Figure two: Peace Park c. 2015 (Sixmaps)

Heritage Constraints affecting works at Peace Park

Peace Park lies within a heritage conservation area, however, it is not listed as a heritage item under the Canterbury Local Environment Plan (LEP) 2012. The Heritage Conservation Area known as the 'Ashbury heritage conservation' area is shown on map 006 of the Canterbury LEP 2012 (figure three).

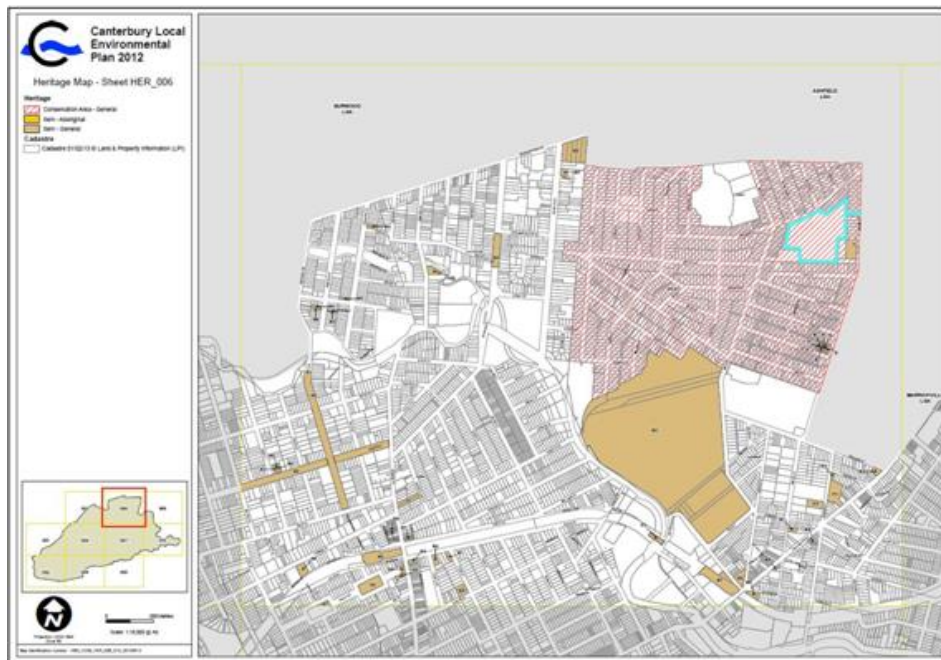


Figure three: Canterbury LEP Heritage map #6 containing the Ashbury Heritage Conservation area and Peace Park (outlined in blue). (Legislation NSW, 2013)

While Peace Park is not a heritage item in its own right, advice has been provided by Council's Heritage Advisor outlining the potential for it to be a heritage item. A memo dated 26 November 2015, stated 'the site demonstrates clear evidence of its former function and use and there are substantial archaeological remains at the site with the main stack retained in-situ and the base of the main building retained on site' (figure four).



Figure four: Peace Park - potential location of archaeological remains (Sixmaps)

Given the above advice, it is the opinion of the Heritage Advisor that "any proposed future activities/uses should be put on hold and no activity should be permitted that would compromise, alter or obscure the setting of the site, remaining structures or archeological remains until further investigation into the heritage significance and value of the site".

Botanic Garden Definition

The Botanic Gardens Conservation International (BGCI) provides guidelines as to what makes a botanic garden different from a public park or pleasure gardens. In the International Agenda for Botanic Gardens in Conservation, the definition of a botanic garden is as follows:

"Botanic gardens are institutions holding documented collections of living plants for the purposes of scientific research, conservation, display and education."

The following list does not constitute a comprehensive summary of activities undertaken by a botanic garden; however, a Botanic Garden may incorporate some or all of the following criteria:

- A reasonable degree of permanence,
- An underlying scientific basis for the collections,
- Proper documentation of the collections, including wild origin,
- Monitoring of the plants in the collections,
- Adequate labelling of the plants,
- Open to the public,
- Communication of information to other gardens, institutions and the public,
- Exchange of seed or other materials with other botanic gardens, arboreta or research institutions,
- Undertaking of scientific or technical research on plants in the collections,
- Maintenance of research programs in plant taxonomy in associated herbaria.

This type of collection, maintenance and scientific study and preservation of flora falls beyond the purview of the role of Local Government in regard to the provision of recreation opportunities.

Further, to undertake the establishment of a botanic garden would require a significant investment in infrastructure, in regard to the design and construction of the physical presence of the garden space(s) and also the requirement to purchase certain species of plants, provide specialist environments for the scientific monitoring and study of these plants and to ensure adequate facilities for the preservation and regeneration of plants.

In order to keep such a garden operational and to meet the requirements as a botanic garden, it would require a number of specialist staff that are generally not employed by Councils. A botanic garden would require a trained team of botanists/horticulturalists/scientists. As botanic gardens also have an element of community and tourist education and engagement, we would also be required to employ at least one staff member to work on this aspect of the garden.

At this point in time, in regard to Peace Park, it is recommended that efforts be focused on the exact heritage value of the site to provide some specific guidelines on how the heritage value of the park could be used to influence future uses.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Health and Safety, Balanced Development and Attractive Streetscapes.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report currently has no implications for the Budget, however to pursue the creation of a Botanic Garden on this site would require a significant investment in infrastructure to establish the garden and an ongoing cost to the budget of additional staff plus ongoing maintenance and care of the garden precinct.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.10 Execution of Lease to Belmore Bowling and Recreational Club Limited

AUTHOR Corporate Services

ISSUE

This report seeks the execution of a five year lease under the Council seal with Belmore Bowling and Recreational Club Limited over the Council-owned properties known as 1A, 1B and 1C Leyland Parade, Belmore.

RECOMMENDATION That -

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

REPORT

Belmore Bowling and Recreational Club Limited (the Club) has occupied land in Belmore-Campsie Reserve at Leyland Parade, Belmore under a succession of agreements since 1949. In 2010 the Club entered into a lease with Council for the Club premises for a period of five years with an option to renew the lease for a further period of five years. Clause 36 of the lease required the Club to provide Council with six months' notice if it intended to exercise the five year option. The Club has met this request and therefore the lease takes effect for a further five years. There are no further options provided within the current lease.

The pertinent provisions of the lease are:

Commencement:	18 April 2015
Term:	Five years
Expiry:	17 April 2020
Licence Fee:	\$11,030.91 pa + GST
Reviews:	Fixed for term of lease
Outgoings:	The Lessee is responsible for all outgoings
Insurance:	The Lessee is to insure for Public Liability for \$20M.

The balance of the terms of this lease reflects the provisions contained in the prior lease. There is no scope to vary the rent. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

POLICY IMPACT

This report supports our City Plan long term goal of access to Facilities and Services.

FINANCIAL IMPACT OF RECOMMENDATIONS

The rent of \$11,030.91 p.a. will be reflected in the next budget review process.

RECOMMENDATION

That -

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

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.11 Execution of Lease to Canterbury Children's Cottage Limited

AUTHOR Corporate Services

ISSUE

This report seeks the execution of a ten year lease under the Council seal with Canterbury Children's Cottage Limited (CCCL) for a not-for-profit child care centre at Council –owned premises 2A Wilson Avenue, Belmore.

RECOMMENDATION That -

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

REPORT

Canterbury Children's Cottage Limited (CCCL)

Canterbury Children's Cottage Limited (CCCL) is a small (24 place) not-for-profit child care centre that began operations in 1985. It was originally housed at Canterbury Hospital and was known as the Canterbury Hospital Children's Cottage Child Care Centre. In 1995 CCCL approached Council for assistance when it became aware that the Canterbury Hospital redevelopment did not include provision for the child care centre to be accommodated on the site.

Council sourced and purchased the property at 2A Wilson Avenue, Belmore for the specific purpose of accommodating CCCL. CCCL has occupied the premises since February 1996. The property is classified as operational.

Council Resolution

Prior to expiry of its current lease, CCCL wrote to the former Canterbury City Council seeking a further ten year lease at the same rent it was paying prior to lease expiry, and with similar terms to the existing lease.

The Council at its meeting on 28 April 2016 resolved that:

1. The Canterbury Children's Cottage Limited (CCCL) be offered a new ten year lease.
2. The commencing rent be set at \$29,900 p.a. plus GST, with the rent subsidy of \$7,103.82, requested by CCCL, to be granted.

A heads of agreement has been signed by CCCL which outlines the terms of the new 10 year lease with a starting rent of \$22,796.18 p.a. plus GST. Execution of the new lease under Council Seal is recommended.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of access to Facilities and Services.

FINANCIAL IMPACT OF RECOMMENDATIONS

Council's budget will accordingly be adjusted to reflect the agreed rent of \$22,796.18 p.a. as per the lease.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Previous Council Report - 28 April 2016

Report of the General Manager - 26 July 2016

ITEM 6.12 **Execution of Lease to CA&I P/L for Part of 27 Leslie Street, Roselands**

AUTHOR **Corporate Services**

ISSUE

This report seeks approval and Execution under Seal for a 12-months year lease with CA&I Pty Ltd for parts of Council's depot at 27 Leslie Street, Roselands.

RECOMMENDATION That -

1. A new 12-months lease be entered into with CA&I Pty Ltd for part of 27 Leslie Street, Roselands.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

REPORT

CA&I Pty Ltd lease parts of Council's depot at 27 Leslie Street, Roselands for the storage and assembly of goods, material and equipment (namely light poles), under a 12-months lease that expired on 17 June 2016. CA&I pay Council rent equivalent to \$40,522.04 per annum, plus GST.

CA&I have requested a new lease for a further period of 12 months. The Company have been good tenants and the Director City Works has advised that the area currently under lease to CA&I is not required for Council purposes for the next 12 months.

The request for a new lease is supported. It is recommended that new 12-month lease be entered into with CA&I with the new lease to reflect the terms of the current lease and the passing rent be applied as the commencing rent of that new lease.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of access to Facilities and Services.

FINANCIAL IMPACT OF RECOMMENDATIONS

Council's budget will be adjusted to reflect the agreed rent of \$40,522.04 p.a. as per the lease.

RECOMMENDATION

That -

1. A new 12-months lease be entered into with CA&I Pty Ltd for part of 27 Leslie Street, Roselands.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.13 Execution of Licence Agreement for Compound Sites at Waterworth and Gough Whitlam

AUTHOR Corporate Services

ISSUE

This report seeks approval and for the execution of a licence agreement under the Council seal with KGB Coatings Site Services Pty Ltd for compound sites on parts of Waterworth and Gough Whitlam Parks to undertake rehabilitation works to Unwins Bridge.

RECOMMENDATION That -

1. Council approve the licence to KGB Coatings Site Services Pty Limited for the two compound sites at Waterworth Park and Gough Whitlam Park.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

REPORT

KGB Coatings Site Services Pty Limited ("KGB") is contracted to the Roads and Maritime Services (RMS) to undertake rehabilitation works to Unwins Bridge. As part of the project, KGB have requested use of parts of Waterworth Park and Gough Whitlam Park, adjacent to where Bayview Avenue meets Cooks River, for the establishment of site compounds for storage of materials, machinery and huts associated with the project. The aerial photo below shows the proposed Licence Area delineated in white with the compounds within the Licensed Area delineated in red with grey fill.



Unwins Bridge – Licence to KGB

Council is Reserve Trust Manager of both Gough Whitlam Park and Waterworth Parks. The northern Licence Area is road reservation adjacent to Gough Whitlam Park and is able to be licenced under S138 of the Roads Act 1993. The southern Licence Area is Crown Land and Crown Lands has advised that the Ministers consent to the licence would not be required and Council as reserve trust manager could enter the licence under S108 of the Crown Lands Act 1989 as a temporary licence.

Terms for the use of these parts of the two parks by licence have been agreed with KGB. The pertinent terms are as follows:

Licence Areas:	Gough Whitlam Park – approximately 240m2 and Waterworth Park – approximately 375m2
Commencement Date:	27 July 2016
Termination Date:	19 December 2016
Fee:	\$2,050 per month plus GST
Conditions:	Licensee to provide a bank guarantee for \$23,650 including GST to cover performance
Insurance:	Licensee to provide \$20M public liability coverage.

Clause 10 of the Licence requires the Licensee to erect signage on the Licenced Area containing details of the nature of the works being undertaken, the scheduled work period and the contact details of the Licensee's representative.

Granting of the licence agreement is supported as it will allow for rehabilitation works to be carried out on Unwins Bridge. The agreement will assist in alleviating the impact on residents or users of the park.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

Council's budget will accordingly reflect the license fee of \$23,650 as per the agreement.

RECOMMENDATION That -

1. Council approve the licence to KGB Coatings Site Services Pty Limited for the two compound sites at Waterworth Park and Gough Whitlam Park.

2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

ATTACHMENTS

Nil

Report of the General Manager - 26 July 2016

ITEM 6.14 Release of Positive Covenant - 67C Second Avenue, Campsie

AUTHOR Corporate Services

ISSUE

The report seeks approval to release a positive covenant on the title of the property 67C Second Avenue, Campsie.

RECOMMENDATION That -

1. The request to release the Positive Covenant from the title of the property 67C Second Avenue, Campsie be approved.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

REPORT

Council have received a request from the owner of 67C Second Avenue, Campsie for the removal of a covenant that benefits Council and burdens 67C Second Avenue, Campsie.

Council owned a 1069 square metre parcel of land at 67C Second Avenue, Campsie that was landlocked. The land originally formed part of the parcel of land known as 67A Second Avenue that had road frontage and was classified as “community land.” Council subsequently subdivided 67A Second Avenue and reclassified 67C Second Avenue as “operational land” with the objective of selling it to an adjoining property owner.

As the land had no street frontage, Council placed a covenant on the title of the property that required that:

- the land could only be sold to an adjoining property owner whose property had a street frontage, and
- on settlement, the land would need to be consolidated with the adjoining owner’s property in order to provide 67C with a road frontage.

Council invited expressions of interest for the sale of the land from the six adjoining property owners and received interest only from the owner of 59-67 Second Avenue. The former Canterbury City Council at its meeting on 28 February 2008 resolved to sell the land to the adjoining owner at 59 - 67 Second Avenue, Starr Developments. The aerial photo below shows both sites (59-67 and 67C Second Avenue).



Starr Developments subsequently finalised a development consisting of multiple units at 59-67 Second Avenue and strata subdivided the units. Starr Developments then failed to meet the requirements of the positive covenant placed on the title of 67C Second Avenue by not consolidating it with 59-67 Second Avenue prior to selling a majority of the units at 59-67 Second Avenue.

However, prior to selling the majority of the units, Starr Developments registered an instrument under Section 88B of the Conveyancing Act on the title of 59-67 Second Avenue that provided 67C Second Avenue with legal vehicular access and provision for services. The instrument provided 67C Second Avenue with the following benefits over 59-67 Second Avenue:

- Right of Carriageway 6 metres wide and of variable width
- Right of footway 1.5 metres wide
- Easement for letter boxes
- Easement for services 1.5 metres wide

These benefits to 67C Second Avenue are subject to the benefited and burdened proprietors needing Council approval to any future proposal for their release, variation or modification.

An extract of the registered Deposited Plan showing the respective sites of the various easements is attached.

On 5 December 2013 the former Canterbury City Council approved a development application (DA 101/2013) to develop 67C Second Avenue. In assessing the application, legal advice was sought on the request by the applicant to remove the Covenant from the title of the property.

The legal advice was that, in the circumstances, it was reasonable for Council to agree to the request for the removal of the positive covenant given there is a registered s88B instrument that makes provisions for services and vehicular access to 67C Second Avenue, Campsie over the property at 59-67 Second Avenue. A condition was included in the development consent issued by Council in the following terms:

8. *Prior to the issue of the Construction Certificate evidence is to be provided to the Principal Certifying Authority demonstrating the removal of the positive covenant from Lot 1 DP 1071701.*

In these circumstances, the intent of Council's original purpose in creating the covenant has been satisfied by the easements and rights created over 59-67 Second Avenue and there is no further purpose being served by retention of the covenant. Accordingly, it is recommended the covenant be released.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

1. The request to release the Positive Covenant from the title of the property 67C Second Avenue, Campsie be approved.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

ATTACHMENTS [Click here for attachments](#)

- A. Registered Deposited Plan No. 1127811

Report of the General Manager - 26 July 2016

ITEM 6.15 Cash and Investment Report as at 30 June 2016

AUTHOR **Corporate Services**

ISSUE

This report details Council's cash and investments as at 30 June 2016.

RECOMMENDATION That -

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

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.

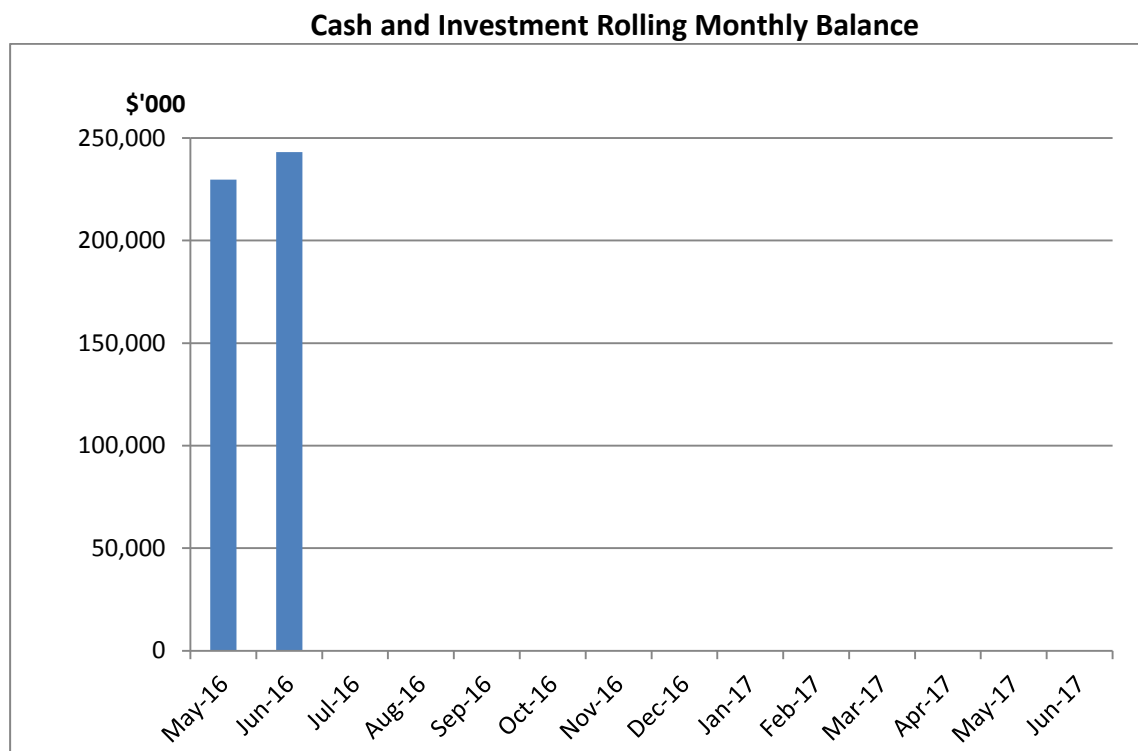
REPORT

Cash and Investment Summary – as at 30 June 2016

In total, Council's Cash and Investments holdings as at 30 June 2016 is as follows:

Cash and Investments	\$
Cash at Bank	5,181,326
Deposits at Call	53,848,652
Term Deposits	170,470,000
Floating Rate Notes	13,516,305
Total Cash and Investments	243,016,283

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.



A summary of Council's investment interest income earned as at 30 June 2016 is as follows:

Interest Income	June 2016 \$	Year-to-date June 2016 \$
Budget	474,397	735,097
Actual Interest	581,538	934,356
Variance	107,141	199,259
Variance (%)	23%	27%

It should be noted, the above interest income details are only as of the date of proclamation, being 12 May 2016. All income interest income received by the former Councils' is reflected in the individual Council's 2015/16 financial reports.

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

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

Overall Portfolio Maturity Limits	
	Actual % of Portfolio
Portfolio % <= 1 Year	68%
Portfolio % >1 Year <=3 Years	26%
Portfolio % >3 Years <=5 Years	6%
Portfolio % >5 Years	0%
Overall Portfolio by Investment Type	
	Actual % of Portfolio
Cash at Bank	2%
Deposits at Call	22%
Term Deposits	70%
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 Council's Cash and Investment performance for the month is attached for information.

CERTIFICATION OF INVESTMENTS - RESPONSIBLE ACCOUNTING OFFICER

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

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

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

RECOMMENDATION That -

1. The Cash and Investments Report as at 30 June 2016 be received and noted.

2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ATTACHMENTS

[Click here for attachments](#)

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

7 COMMITTEE REPORTS

The following item is submitted for consideration -

- 7.1 Minutes of the Canterbury Traffic Committee Meeting held on 4 July 2016 and
Bankstown Traffic Committee held on 12 July 2016 185

Committee Reports - 26 July 2016

ITEM 7.1 **Minutes of the Canterbury Traffic Committee Meeting held on 4 July 2016 and Bankstown Traffic Committee held on 12 July 2016**

AUTHOR **Assets and Infrastructure (East and West)**

ISSUE

Recommendations of the Canterbury Traffic Committee and the Bankstown Traffic Committee.

RECOMMENDATION

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

BACKGROUND

Attached are the minutes of the Canterbury Traffic Committee held on 4 July 2016 and the Bankstown Traffic Committee meeting held on 12 July 2016.

The two Committees have been constituted to advise and make recommendations in relation to traffic activities. They have, however, no delegated authority and cannot bind Council.

The recommendations of the Committees are in line with the objectives of the Committees and with established practices and procedures.

FINANCIAL IMPACT OF RECOMMENDATIONS

Potential costs arising out of recommendations of the Traffic Committees are detailed in future Works Programs for Roadworks/Traffic Facilities.

RECOMMENDATION

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

ATTACHMENTS [Click here for attachments](#)

- A. Minutes of the Canterbury Traffic Committee meeting held on 4 July 2016
- B. Minutes of the Bankstown Traffic Committee meeting held on 12 July 2016

8 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

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

9 MATTERS FOR INFORMATION

The following items are submitted for consideration -

9.1 Development Applications Determined by Council Officers Under Delegation 191

9.2 Development Applications Determined by the Independent Hearing and
Assessment Panel 193

Matters For Information - 26 July 2016

ITEM 9.1 **Development Applications Determined by Council Officers Under Delegation**

AUTHOR **City Development**

ISSUE

The development applications in the Attachment to this report were determined by Council Officers, in accordance with the powers delegated to them under the Act.

RECOMMENDATION

That the report be noted.

REPORT

A number of development applications have been determined by Council Officers under delegation. The relevant applications are listed in the attached table. The report is submitted for information.

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION

That the report be noted.

ATTACHMENTS [Click here for attachments](#)

A. Development Applications Approved under Delegated Authority

Matters For Information - 26 July 2016

ITEM 9.2 Development Applications Determined by the Independent Hearing and Assessment Panel

AUTHOR Corporate Services

ISSUE

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

RECOMMENDATION

That the report be noted.

REPORT

The minutes of the Independent Hearing and Assessment Panel meetings held on 6 June and 20 June are provided in the Attachments. A summary of determinations is provided below.

Meeting date 6 June 2016

Applicant	Property	Ward	Development	Determination
CD Architects	349-351 Beamish Street, Campsie	Canterbury	Demolition, construction of six storey mixed use development with residential units above retail/commercial ground floor and two level basement parking	APPROVED

Meeting date 20 June 2016

Applicant	Property	Ward	Development	Determination
A&K Engineering	21 Biara Avenue, Clemton Park	Canterbury	Demolition and construction of two storey attached dual occupancy and Torrens title subdivision	APPROVED
Australia Wide Consulting Services Pty Ltd	27 Hugh Street, Belmore	Roselands	Demolition of unauthorised works, extension of existing industrial building and additions to existing residence	APPROVED
Idizin Sydney Pty Ltd	22 Lumeah Avenue, Punchbowl	Roselands	Demolition, construction of detached dual occupancy, front fence and Torren title subdivision into two lots	APPROVED

Applicant	Property	Ward	Development	Determination
Muhya Dean Mohamad	67 Rosemont Street South, Punchbowl	Roselands	Modification to widen garage of approved dwelling	APPROVED

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION

That the report be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Minutes of 6 June 2016 meeting
- B. Minutes of 20 June 2016 meeting

10 QUESTIONS FOR NEXT MEETING

11 CONFIDENTIAL SESSION

11.1 T26-16 Concrete & Bitumen Sawcutting and Footpath Grinding

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

11.3 Greenacre Community Centre EOI

11.4 Kelso Future Update

11.5 CBD Renewal Strategy - Old Library Site

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 in confidential session for the reasons indicated:

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

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

Item 11.2 Contract 01/2016 - Tender for Construction of Baseball Field, Fence and Infrastructure Works at McLaughlin Oval

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

Item 11.3 Greenacre Community Centre EOI

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

Item 11.4 Kelso Future Update

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

Item 11.5 CBD Renewal Strategy - Old Library Site

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