

The NEW City of **CANTERBURY BANKSTOWN**

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Agenda for the
Ordinary Meeting

27 September 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 23 August 2016..... 7

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

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES

(113)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 26 July 2016 be adopted.

SECTION 2: LEAVE OF ABSENCE

Nil

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

Nil

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SECTION 4: ADMINISTRATOR MINUTES

ITEM 4.1 YOUTH OFF THE STREETS

(114) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 4.2 ANNUAL TORCH PUBLISHING CHARITY GOLF DAY

(115) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

SECTION 5: PLANNING MATTERS

SUSPENSION OF STANDING ORDERS

(116) MOVED AND RESOLVED BY THE ADMINISTRATOR

That –

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Items 5.1, 5.3 and 5.5 be dealt with now.
- iii) Standing Orders then be resumed.

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

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

(117) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

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2. Council adopt the amendments made to the planning proposal and accompanying amendments to Canterbury Development Control Plan 2012 for land at 15-23 Homer Street as shown in the attachments (8.5m/10m/14m).
3. The Department of Planning and Environment be informed of the amendments to the planning proposal.
4. Council re-exhibit the amended planning proposal and supporting amendments to the Canterbury Development Control Plan 2012.

ITEM 5.3 45-57 MOXON ROAD, PUNCHBOWL

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

(118) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

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

DR MOHAMMED ASSEM (OBJECTOR) ADDRESSED COUNCIL.

(119) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

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

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

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

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 5) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 6) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 7) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 8) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 9) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$2,400 shall be paid to Council.

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

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

- 10) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) Replacement of the existing VFC at the property boundary with a heavy duty VFC.
 - b) Repair of any damage to the public road including the footway occurring during development works.
 - c) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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

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

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

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

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

This plan shall include details of the following:

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

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

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

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

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
 - b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

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

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- iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 17) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 18) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 19) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 20) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 21) Prior to the commencement of work, a fence must be erected around the area of the works. Fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

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

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

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 24) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
 - 25) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
 - 26) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
 - 27) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
 - 28) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
 - 29) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
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- 30) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 31) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.
- 32) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – ‘Managing Urban Stormwater: Soils and Construction’ (Landcom 2004), or its replacement.
- 33) Traffic control measures are to be taken during construction in accordance with Australian Standard S1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.
- 34) Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.
- 35) The construction of the telecommunications facility must comply with the relevant Australian Standards.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 36) The occupation or use of the telecommunications facility must not be commenced unless an occupation certificate has been issued for the building.
- 37) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 38) The telecommunications facility is to include anti-climb device preventing access to the monopole.
- 39) A legible weatherproof sign is to be displayed on the telecommunications facility to publicly advise the name and contact details of the carrier, operator or site manager.

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USE OF FACILITY

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

STANDING ORDERS WERE RESUMED.

ITEM 5.2

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

(120)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

- 1. The draft Voluntary Planning Agreement for 308-320 Canterbury Road and 6-8 Canton Street, Canterbury be placed on public exhibition subject to the deletion of seating at the rear of the park.

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2. After the conclusion of the public exhibition period the outcomes be reported to Council.
3. The naming of the open space be carried out in accordance with the required regulatory process and Council's policy, and a further report be submitted for Council's consideration.

ITEM 5.3 45-57 MOXON ROAD, PUNCHBOWL

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

ITEM 5.4 BANKSTOWN DCP (AMENDMENT NO. 4)

(121)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

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

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

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**ITEM 5.6 6 MCINTOSH AVENUE, PADSTOW HEIGHTS
DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN ATTACHED
DUAL OCCUPANCY AND SWIMMING POOL TO THE REAR OF EACH DWELLING
WITH TORRENS TITLE SUBDIVISION**

(122) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the matter be deferred for consideration to the next Ordinary Meeting of Council, scheduled for 27 September 2016..

**ITEM 5.7 35 TO 39 LEONARD STREET, BANKSTOWN
DEMOLITION OF EXISTING SITE STRUCTURES AND CONSTRUCTION OF A SIX (6)
STOREY RESIDENTIAL FLAT BUILDING COMPRISING OF FORTY-EIGHT (48) UNITS
AND BASEMENT CARPARK**

(123) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

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

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The development plans shall be amended as follows:

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

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

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

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

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

- 4) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 5) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan will also be generally consistent with the Ground Floor plan depicting landscape plantings prepared by Ghazi Al Ali Architects Drawing No. A1202 Issue E. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant. The landscape plan must be in accordance with the following:

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- i. Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.7 of Bankstown Development Control Plan 2014 Part B11 – Tree Preservation Order.
 - ii. The tree is to be planted no closer than 3.5metres from the wall of any approved dwelling on the property.
 - iii. The tree shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
 - iv. The tree shall be planted prior to the issue of an occupation certificate.
 - v. The tree shall be maintained for the life of the development.
- 6) The landscape plan shall include provision for the replacement of all side and rear boundary fencing. A new 1.8m high fence must be provided along the side and rear boundaries of the site, and shall be constructed of masonry material unless otherwise specified elsewhere in this consent. This fence is to be erected wholly within the subject allotment at full cost to the developer. The selection of the materials and finishes must complement the proposal. The fence and materials must be constructed to a high quality professional finish. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 7) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 8) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

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- 9) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 10) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 11) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$120,500 shall be paid to Council.

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

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

- 12) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 13) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
 - a) A Heavy Duty VFC of maximum width of 6.0 metres at the property boundary.
 - b) Drainage connection to Council's system.
 - c) 1.2 metre wide concrete footway paving along the sites entire frontage to Leonard Street.
 - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - e) Repair of any damage to the public road including the footway occurring during development works.
 - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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

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

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

- 15) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 16) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 17) A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.

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- 18) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 19) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

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

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

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

- 21) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 22) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 23) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan no: 2015 – 174 – H1 to H8 , Revision – 0 dated November 2015 prepared by Burgess, Arnott & Grava Pty Ltd, and in accordance with the requirements contained in Council's Development Engineering Standards. The final plans must reflect all of the Architectural Amendments as required by this Consent. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.
- 24) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 25) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.

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- 26) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 27) Sight distance to pedestrians shall be shown on the site plan at the driveway exit ramp, in accordance with AS 2890.1-2004 to comply with Fig 3.3, prior to the issue of a Construction Certificate.
- 28) Sight distance to approaching traffic shall be assessed using Fig 3.2 from AS 2890.1-2004. The report must state how many metres of unobstructed sight distance an existing vehicle has to approaching traffic from the north and south, demonstration of satisfactory design in accordance with the Australian standard is required to be shown on the Construction Certificate plans.
- 29) The applicant shall apply to the Bankstown Traffic Committee for the installation of a 36 metre long Works Zone at the site's frontage 8 weeks in advance of when construction is scheduled to begin.
- 30) Spaces numbered 38, 39, 40 and 41 on Basement 02 and spaces numbered 18, 19, 20 and 21 all require wheel stops to protect pedestrians at the lift area to be shown on the Construction Certificate plans.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

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

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

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

The tree removal works are subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 44) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 45) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 46) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.

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- 47) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 48) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 49) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 50) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 51) All boundary fencing behind the building line shall be replaced in accordance with condition seven (7) of this consent. The fence and materials must be constructed to a high quality professional finish. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 52) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). *Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.*
- 53) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 54) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction

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works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 55) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 56) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 57) The applicant is to plant the following tree/s on the nature strip forward of the property. The tree shall have a container size not less than 200 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201:

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

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

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

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

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- 58) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 59) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.
- 60) A minimum of 66 off street car spaces being provided in accordance with the submitted plans. This shall comprise:
- A minimum of 10 spaces for visitors parking are to be provided in accordance with AS 2890 showing a minimum width of 2.6m and the remaining car parking spaces are to be maintained for residential car parking in accordance with AS 2890. An appropriate number of car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 61) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 62) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 63) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 64) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in

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

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

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

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

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USE OF THE SITE

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

ITEM 5.8

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

(124)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

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

The development plans shall be amended as follows:

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

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

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

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 5) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 6) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 7) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.

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

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

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

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

- 9) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 10) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 11) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$3,581.60 shall be paid to Council.

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

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

- 12) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 13) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:

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

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

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

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

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

- 16) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 17) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment

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control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

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

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

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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- o) A Swimming pool is proposed.

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 30) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 31) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 32) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.

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- 33) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 34) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 35) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 36) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 37) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 38) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 39) The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia.
- 40) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall

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be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

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

Walls

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

Floors

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

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

Plinths

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

Ceiling

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

Windows

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

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INSTALLATION OF FIXTURES AND FITTINGS

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

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

Shelving and Benches

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

Cool room / refrigeration

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

Mechanical Ventilation - Kitchen Exhaust

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

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

LIGHTING

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

WASHING AND CLEANING FACILITIES

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

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HYGIENE AND TEMPERATURE CONTROL

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

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

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

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

GREASE ARRESTORS

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

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

75) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

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

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

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

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

- 79) The food premises must be registered with Council by completing the Application for Registration form prior to trading.
- 80) The NSW Food Authority must be notified of the food business in accordance with the provisions of the NSW Food Act 2003. This may be done online at www.foodnotify.nsw.gov.au
- 81) Certification must be provided to the Principal Certifying Authority, prior to occupation, that the fitout of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004. It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.
- 82) Four (4) off street car spaces being provided in accordance with the submitted plans. One (1) of the car parking spaces is to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 83) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 84) Lighting must be provided to the entry, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 85) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

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

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

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

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

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

USE OF THE SITE

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

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- 92) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 93) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 94) All filtration devices for odour control shall be regularly maintained to prevent odour problems.
- 95) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be 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).

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

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- 100) Identification number/s are to be conspicuously displayed at the front of the premises.
- 101) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 102) Any portion of the development used for the storage or sale of food is to be designed, constructed and operated in accordance with the requirements of the Food Act 2003 and Regulations; FSANZ Food Standards Code, AS4674, AS1668 Parts 1 and 2 and the Protection of the Environment Operations Act 1997
- 103) Signs shall display advertising relating only to the usage of the site and shall be maintained in good order at all times.
- 104) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 105) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 106) Vehicular access to the site shall be restricted to two (2) access points.

**ITEM 5.9
(125)**

83-99 NORTH TERRACE AND 62 THE MALL, BANKSTOWN

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The update regarding the Planning Proposal for 83-99 North Terrace and 62 The Mall, Bankstown be noted.
2. The Planning Proposal for 83-99 North Terrace and 62 The Mall, Bankstown, be amended to reflect the relevant building heights as outlined in this report.

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3. A request for an amended Gateway Determination be submitted to the Department of Planning and Environment seeking an amendment to the maximum permissible height for 83-99 North Terrace and 62 The Mall, Bankstown from 72 metres to 83 metres.

ITEM 5.10 CANTERBURY ROAD CORRIDOR REVIEW OF PLANNING CONTROLS

(126)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

ITEM 5.11 PRE LODGEMENT PROCESS FOR PLANNING PROPOSALS

(127)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

SECTION 6: REPORT OF THE GENERAL MANAGER

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

(128)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The Budget Review Statement for the interim financial period, being 13 May 2016 to 30 June 2016, including relevant budget adjustments be endorsed.

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2. Council authorise the carryover of \$31.3M of funding to complete certain capital and operating projects commenced throughout the 2015/16 financial year, as outlined in the report.
3. Council apply all rates and charges written off during the year to its rating database in satisfying its obligations under the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. Council endorse the write-off of sundry debts for the 2015/16 financial year, as outlined in the report.

ITEM 6.2

(129)

UPDATE TO COUNCIL'S INSTRUMENT OF DELEGATIONS

MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 6.3

(130)

STRONGER COMMUNITIES FUND

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

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

(131) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council approve:-

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

ITEM 6.5 REQUEST FOR FINANCIAL ASSISTANCE AND DONATIONS

(132) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. A donation of \$500.00 be made to Yehia Hasanen of Bankstown who has been selected to represent Australia at the 17th Oceania Karate Federation Championships 2016 to be held in Noumea, New Caledonia from 16-18 September 2016.
2. A donation of \$250.00 be made to the Zonta Club of Sydney West for sponsorship of their Year 10 Citizenship Award program for local young women.
3. A donation of \$472.00 (equivalent to the annual fee for the use of the Council footway, outside 4-6 Revesby Place, Revesby) be made to Bankstown East Hills Handicapped Association (BEHHA) to display goods for sale in front of their Op Shop.
4. A donation of \$300.00 be made to Chester Hill North Public School to assist with hosting their fete in the school grounds on Wednesday, 21 September 2016.
5. A donation of \$300 be made to Birrong Public School Parents and Citizens Association who are hosting their Fathers Day event at the School on Friday, 2 September 2016.

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

(133) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

ITEM 6.7 STATUS OF FLOOD RELATED STUDIES ACROSS THE LGA

(134) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council endorse in principle the establishment of the Canterbury-Bankstown Floodplain Risk Management Committee and its processes as contained in this report.
2. A further report be provided outlining the proposed Terms of Reference, Charter and Membership for the Floodplain Risk Management Committee for Council's consideration.

ITEM 6.8 INSINKERATOR TRIAL UPDATE

(135) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council does not financially support a 'food waste disposal unit' trial, in any development across the Canterbury Bankstown LGA.
2. Notify Emerson Commercial and Residential Solutions of the outcome.

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ITEM 6.9 JIM RING RESERVE PLAN OF MANAGEMENT

(136) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council exhibit the draft Jim Ring Reserve Plan of Management 2016 in accordance with the requirements of the Local Government Act 1993.
2. A further report be prepared and submitted to Council at the conclusion of the exhibition period to consider any submissions.

ITEM 6.10 RELEASE OF DRAINAGE EASEMENTS

(137) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council consent to the release of the easement to drain water at 29A Simmat Avenue, Condell Park.
2. The Administrator and Interim General Manager be delegated authority to execute all documents, under the Common Seal of Council.

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

(138) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The licence to Barnardos Australia for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore be approved.
2. The licence to Mission Australia for a room at Belmore Youth Resource Centre, Building 3, 38 Redman Parade, Belmore be approved.
3. The licence to Sydney Local Health District for a room at Belmore Youth Resource Centre located at Building 3, 38 Redman Parade, Belmore be approved.
4. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

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

(139) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. A new licence be granted to permit the use and occupation of 24B Third Street, Ashbury and Part 2D Andrews Avenue, Ashbury based on the terms and conditions of the existing licence.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

ITEM 6.13 CASH AND INVESTMENT REPORT AS AT 31 JULY 2016

(140) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

SECTION 7: COMMITTEE REPORTS

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

(141) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 1 August 2016 and the Bankstown Traffic Committee held on 9 August 2016, be adopted.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

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SECTION 9: MATTERS FOR INFORMATION

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

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

ITEM 9.2 DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL OFFICERS UNDER DELEGATION

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

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil.

SECTION 11: CONFIDENTIAL SESSION

(144) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

Item 11.1 T30-2016 - Tender for Design of Salt Pan Creek Tip Closure Works, Kentucky Road, Riverwood

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

Item 11.2 T35-2016 - Tender for Civil Improvement Works in the Broadway, Punchbowl

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

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

- Item 11.3 T03-17 - Selective Tender for Consultant Services for City of Canterbury Bankstown Brand Strategy

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

- Item 11.4 Bankstown Library and Knowledge Centre - Venue Management Options

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

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

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

(145) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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

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

(146) MOVED AND RESOLVED BY THE ADMINISTRATOR
That

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

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

(147) MOVED AND RESOLVED BY THE ADMINISTRATOR
That

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

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

(148) MOVED AND RESOLVED BY THE ADMINISTRATOR
That

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

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

THE MEETING CLOSED AT 6.43 PM.

Minutes confirmed 27 SEPTEMBER 2016

.....
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	Invitation to Minister for Planning to Visit Camspie Centre	81
4.2	Australia Day Events and Awards	83
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4.5	Bankstown Poetry Slam	89
4.6	Section 356 Financial Assistance Fund Review	91
4.7	City of Canterbury Bankstown Brand Strategy	91A

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ITEM 4.1 Invitation to Minister for Planning to Visit Campsie Centre

On 26 July 2016 an Administrator Minute resolved to 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.

The underlying intent of the Minute was to ensure that any decision of Council to amend the planning rules within this corridor is made once a comprehensive planning and infrastructure strategy is in place that would effectively manage growth along the corridor and within its town centres.

As one of the largest centres within the corridor, the long term future of the Campsie town centre must be well planned to reinforce its current role as a major hub for retail and commercial activity within the corridor. There is also a strong market within Campsie for new residential development with a significant number of apartment developments expected to commence over the next few years that will deliver a substantial increase in new residents into Campsie.

As a minimum, I expect the strategy to be delivered as a partnership between Council and the State and not left to Council alone to manage the impacts of significant and fast-tracked growth to support the rollout of the metro line to Bankstown. The strategy must define the level of State infrastructure investment that will be directed at Campsie to ensure the forecast level of growth is supported by social and physical infrastructure facilities and services including health, education and transport. The Strategy must demonstrate how it will improve the quality of life and wellbeing of Campsie residents, visitors, workers and business community.

The centre and its surrounding precinct does present a significant opportunity for revitalisation where ageing stock on underutilised land currently resides. An opportunity also exists to improve the retail and commercial stock along Beamish Street with a view to delivering a contemporary mixed use precinct.

The centre however is not without its challenges. Campsie town centre is impacted by limited open space for residents, workers and visitors and competitively suffers from an inefficient and heavily congested road network. A significant increase in population will simply exacerbate current issues for the centre and its surrounds.

We are planning for the next generation of centres in our city. Council will support transformative change where it will strengthen the quality, productivity and liveability of places. Council will only accept development outcomes that are well planned, designed, built and managed and that will enhance the quality of life for our communities. The land use, built form, quality and conservation of public spaces, efficiency of transport networks, accessibility to work, education, health and community services and social and recreational opportunities must be considered prior to any change to planning rules that guide growth. These matters cannot be an afterthought.

I am also mindful not to stifle growth and investment in our area and do not want to delay the delivery of quality places and outcomes.

To avoid delays and make certain that a quality strategic plan is in place for Campsie, I intend to write to the Minister for Planning and invite him to join me to visit Campsie and to see first-hand the opportunities the Campsie town centre has to offer in supporting the State Government's intentions under the draft Corridor Strategy and to highlight some of the key issues that will need to be addressed in the Sydenham to Bankstown Urban Renewal Corridor Strategy when released later this year.

Administrator Minutes - 27 September 2016

ITEM 4.2 Australia Day Events and Awards

Australia Day is a very important day of celebration and the former Bankstown and Canterbury City Councils certainly played their role in staging events befitting the occasion.

Now we are the new City of Canterbury Bankstown, I am proposing to provide greater opportunity for local residents to not only celebrate together but also experience the quality of facilities available to them in our great city.

On 26 January 2017, Council will host four events - at the Max Parker, Canterbury, Birrong and Roselands Leisure and Aquatic Centres from 10am-4pm.

For just a \$1 gold coin donation per person, local residents will be able to enjoy the facilities, rides and a free sausage sizzle at the above Leisure and Aquatic Centres.

Proceeds of the day will go to Youth off the Streets.

It's also very important we acknowledge the unsung heroes in our community on Australia Day, for their outstanding contribution to the city and its residents.

I am, therefore, encouraging people to nominate those who they believe have made a real difference in our community, in the City of Canterbury Bankstown Australia Day Awards. Award categories are:

- Citizen of the Year;
- Young Citizen of the Year; and
- Volunteer of the Year.

All nominees will receive a certificate of nomination and the recipients will be officially announced at a ceremony at the Bankstown Library and Knowledge Centre on Australia Day, when a group of residents will also proudly become Australian Citizens.

Nominations are now open and will close at 5pm, 28 October 2016.

I encourage residents to nominate someone they know who deserves recognition by:

- Filling out a form at Council's Customer Service Centres or libraries;
- Calling 9707 9522; or
- Visiting www.bankstown.nsw.gov.au/australiaday

Administrator Minutes - 27 September 2016

ITEM 4.3

Dunc Gray Velodrome

Dunc Gray Velodrome was designed and constructed specifically as the track cycling facility for the 2000 Olympics. It was named in honour of the late Dunc Gray who won Australia's first Olympic gold medal in cycling at Los Angeles in 1932. Following the Sydney Games, the facility was part of the Olympic legacy to the sport of cycling, a commitment made through the Host City Contract (1993) between the NSW Government and the International Olympic Committee, for the period up to 2019.

As the facility is located at Bass Hill, it fell to the care of the former Bankstown City Council which negotiated with Bankstown Sports Club to run it. For a period of time, cycling organisations, like Cycling Australia, operated out of the facility, and held regular cycling events. At its height, particularly between 2002 and 2009, the Velodrome hosted the World Masters, World Cups and National Titles and also the World Baton Championships. However, according to the Sports Club, those events have now diminished significantly in recent years and there has been no permanent paying tenant for some time. In fact, there have been only four paying clients over the past 12 months consisting of three one-off hirers, and a regular Sunday hiring for roller derby.

As a result, the Handlebar Tavern, which was designed as a means to cross subsidise the facility, has not been able to perform as a financially viable business and was closed by the Sports Club in 2010.

The management and operation of the velodrome is set to return to the City of Canterbury Bankstown in May 2019. Bankstown Sports Club has indicated it will not be looking to extend its lease, citing operating losses in excess of half a million dollars per annum. Given this and:

- There has been no commitment from the NSW Government for any operational or capital funding for the facility, despite a number of formal approaches by Council; and
- An Asset Maintenance Plan detailing outstanding works of around \$4 million that will be due in 2019.

I call on officers to prepare a report outlining options to be considered by me at a subsequent Ordinary Meeting of Council.

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ITEM 4.4 LGNSW Membership

Prior to the amalgamation, the former Bankstown and Canterbury City Councils were both members of Local Government NSW (LGNSW).

LGNSW is the industry body for NSW Councils with membership open to all Councils and County Councils in NSW, as well as the NSW Aboriginal Land Council. LGNSW provide a range of advice and services to member Councils including:

- Advocacy;
- Executive recruitment services;
- Industrial relations and workplace support;
- Legal advice;
- Network opportunities;
- Policy advice;
- Professional development and training;
- Procurement services and bulk supply arrangements (through Local Government Procurement)

In accordance with LGNSW rules, members are required to pay an annual subscription which I understand is calculated based on three components – a flat rate, population base and expenditure base. The membership subscription fee for the new Canterbury-Bankstown Council totals \$125,209 (comprising the 2016-17 membership renewal and Austroads and Dial before you Dig fees). This fee appears to be an amalgam of the former Councils' fees.

Since the recent Council amalgamations, a number of Councils have instigated a review of their LGNSW membership in response to concerns regarding:

- Value for money;
- The methodology in calculating the newly amalgamated Council's membership fee; and
- A reduction in voting rights at the upcoming LGNSW Annual Conference (which is now limited solely to the Administrator whereas at the 2015 Conference, the former Bankstown and Canterbury Councils were entitled to 10 and 9 voting delegates respectively).

I similarly share these concerns and in light of this recommend that Council makes representations to LGNSW seeking a review of Canterbury-Bankstown Council's subscription fee and demonstration of value for money. Following advice from LGNSW, the General Manager will provide a report to Council.

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ITEM 4.5 Bankstown Poetry Slam

I was recently approached by the co-founder of the Bankstown Poetry Slam (BPS) to provide financial assistance for the staging of a showcase event in the Bryan Brown Theatre. This event was held on 23 September.

The BPS began in 2013 with monthly events held in Bankstown Arts Centre where youths are empowered to express themselves through performance poetry. It is now the largest of its kind in Australia and was this year awarded the Pemulwuy Prize by the Prime Minister for making outstanding contributions to Western Sydney.

In 2016, the BPS ran a five-week spoken word program for youth called 'Real Talk' which was facilitated by a trained mentor and involved Year 10 students from seven schools including Bankstown Girls High, Sir Joseph Banks High and Birrong Boys High. It was designed to promote youth engagement with a range of topics including identity, gender, racism and bullying. The finale was held on 23 September.

In lieu of the above and the important role the BPS plays in engaging with the city's youth, Council will donate \$1,000 towards the cost of staging the event and this be allocated from the Section 356 Financial Assistance Fund.

Administrator Minutes - 27 September 2016

ITEM 4.6

Section 356 Financial Assistance Fund Review

Providing financial assistance to local residents and groups who play a vital role in running programs, or representing the local area in an ambassadorial capacity, has been an important role the former Bankstown and Canterbury City Councils played for many years.

Over the last term of Council the former councils provided an accumulative \$2 Million through their respective Community Grants Programs, together with approximately \$400K allocated at the discretion of the then Mayors and Councillors, through Mayoral Minutes and the Section 356 Financial Assistance Fund.

Now we are the new City of Canterbury Bankstown, it's timely to analyse the mechanisms that currently exist for the above to occur, and how best Council continue to meet this important requirement in the future.

It is important that where council is donating in the order of \$2.5 Million of ratepayers money over its term that there is a governance framework providing transparency in the allocation of these funds together with assurance that the monies are being appropriately acquitted for the purposes provided.

I am requesting a report be provided at a subsequent meeting of Council detailing options and a recommended way forward for the new City of Canterbury Bankstown.

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ITEM 4.7

City of Canterbury Bankstown Brand Strategy

It was extremely disappointing to see a very superficial article printed in a Sydney newspaper on the City of Canterbury Bankstown brand strategy. It's naïve, to say the least, to refer to this exercise as merely changing "...the logo that sits atop your rates bill."

The new Canterbury-Bankstown is now one of the most multicultural cities in Australia, with around 150 spoken languages, and continues to attract many young couples looking to start a family in an affordable location close to inner Sydney. With 350,000 people, the City of Canterbury Bankstown is the largest Council in NSW, and requires its own identity to continue to attract investment and, therefore, create enough jobs so residents can work closer to home if they wish. But like in any cosmopolitan city, there's fierce competition from other areas such as City of Sydney, Parramatta and Penrith which have established 'place branding'.

Residents, businesses, community groups and organisations, can now play a direct role in helping our new city establish a true identity. That identity will enable a branding to be developed that will assist to dispell some of the myths about our great city and, at the same time, help position itself in the domestic and international market place. The most important aspect of this exercise is our residents and businesses will own the brand, because they will have helped shape it, and therefore want to promote and drive it. They won't if Council just dreams something up and imposes it on them.

I encourage interested people to fill out an online survey at www.canterburybankstown.nsw.gov.au/haveyoursay or a hard copy survey at one of the city's libraries, and Council's Customer Service Centres at Bankstown and Campsie, by 12 October 2016, to ensure they have their say in this exciting project. Who knows, in the end, an entire new name may result from this project for not only Council, but the new City.

I am very proud of what we have achieved in the first five months of the new City of Canterbury Bankstown. We have already achieved annual savings in excess of \$1.5 million. This has not been at the expense of reduced services, in fact we have increased them! Residents can now lodge development applications, or pay their rates, at either of our Customer Service Centres; use their membership cards at any of the leisure and aquatic centres across the city; and return library resources to any of our libraries.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|--|-----|
| 5.1 | 6 McIntosh Avenue, Padstow Heights
Demolition of Existing Structures and Construction of an Attached Dual
Occupancy and Swimming Pool to the Rear of Each Dwelling with Torrens
Title Subdivision | 95 |
| 5.2 | 203 Birdwood Road, Georges Hall
Section 82A Review of Determination of Council's refusal of DA 1320/2015 for the
demolition of all existing site structures and the construction of a new mixed use
development comprising ground floor business premises, residential units and
basement carparking | 107 |
| 5.3 | Exhibition of Deed of Variation for No. 60 Kitchener Parade in Bankstown | 121 |
| 5.4 | Hurlstone Park Heritage Assessment Study | 123 |
| 5.5 | Milton Street, Ashbury - Planning Proposals (149-163 & 165-171) | 131 |
| 5.6 | Draft Voluntary Planning Agreement - 717-727 Canterbury Road, Belmore | 143 |

Planning Matters - 27 September 2016

ITEM 5.1	6 McIntosh Avenue, Padstow Heights Demolition of Existing Structures and Construction of an Attached Dual Occupancy and Swimming Pool to the Rear of Each Dwelling with Torrens Title Subdivision
WARD	DA-447/2016 - Revesby Ward
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	16 May 2016
APPLICANT	Architecture Becka and Associates
OWNERS	Jone Nazih Naguib Eskandr
ESTIMATED VALUE	\$613,784
AUTHOR	City Planning

RECOMMENDATION

It is recommended that:

1. The submission made pursuant to Clause 4.6 of Bankstown Local Environmental Plan 2015 be supported; and
2. Development Application No. DA-447/2016 be approved subject to the attached conditions.

REPORT

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

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

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

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

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no financial implications.

RECOMMENDATION

It is recommended that:

1. The submission made pursuant to Clause 4.6 of Bankstown Local Environmental Plan 2015 be supported; and
2. Development Application No. DA-447/2016 be approved subject to the attached conditions.

DA-447/2016 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

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

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



Source: nearmap

PROPOSED DEVELOPMENT

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

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

SECTION 79C ASSESSMENT

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

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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

Bankstown Local Environmental Plan 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There are no applicable draft environmental planning instruments.

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

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

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

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

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

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

There are no planning agreements that apply to this application.

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

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

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

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

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

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

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

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

Traffic and Parking

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

Comments

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

Front building line width

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

Comments

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

Visual bulk and setbacks

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

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

Comments

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

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

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

Drainage

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

Comments

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

Fill

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

Comments

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

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

Privacy

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

Comments

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

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

Solar Access

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

Comments

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

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

View loss

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

Comments

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

Notification Plan

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

Comments

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

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

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

CONCLUSION

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

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

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

ATTACHMENTS

[Click here for attachments](#)

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

Planning Matters - 27 September 2016

ITEM 5.2	203 Birdwood Road, Georges Hall Section 82A Review of Determination of Council's refusal of DA 1320/2015 for the demolition of all existing site structures and the construction of a new mixed use development comprising ground floor business premises, residential units and basement carparking
FILE	DA-1320/2015/1 – Bass Hill
ZONING	B2 Local Centre
DATE OF LODGEMENT	6 July 2016
APPLICANT	Birdwood & Co Pty Ltd
OWNERS	Birdwood & Co Pty Ltd
ESTIMATED VALUE	\$8,418,724.00
AUTHOR	City Planning

RECOMMENDATION

It is recommended that the section 82A application be approved, subject to the attached conditions.

REPORT

This matter is reported to Council's Administrator for determination due to the number of submissions received with respect to the proposed development.

Development Application No. DA-1320/2015 was refused by Council on 29 April 2016. The applicant has requested a review of Council's determination according to the provisions of section 82A of the Environmental Planning and Assessment Act, 1979.

The plans and documentation lodged in support of the section 82A review application have been assessed against *SEPP (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015*, and *Parts B2 and B5 of Bankstown Development Control Plan 2015*. The plans are generally compliant with the relevant provisions and controls, with the exception of a variation to the maximum height (in storeys) allowed by Part B2 of the BDCP 2015, and minor departures from the SEPP 65 Apartment Design Guidelines.

The section 82A review application was advertised and notified for 21 days. Submissions from a total of 5 households were received, which raise concerns relating to traffic impacts, car parking provision, site contamination, impacts during construction, the scale of the development, and its compatibility with the local area. The matters raised in the objections have been appropriately addressed, and refusal or further amendment of the proposal is not warranted.

POLICY IMPACT

This matter would have no direct policy implications. The proposed departures from SEPP 65 and the BDCP 2015 are appropriate in the context of the development as discussed in the attached assessment report.

FINANCIAL IMPACT

This matter would have no direct financial impact.

RECOMMENDATION

It is recommended that the section 82A application be approved, subject to the attached conditions.

DA-1320/2015/1 ASSESSMENT REPORT

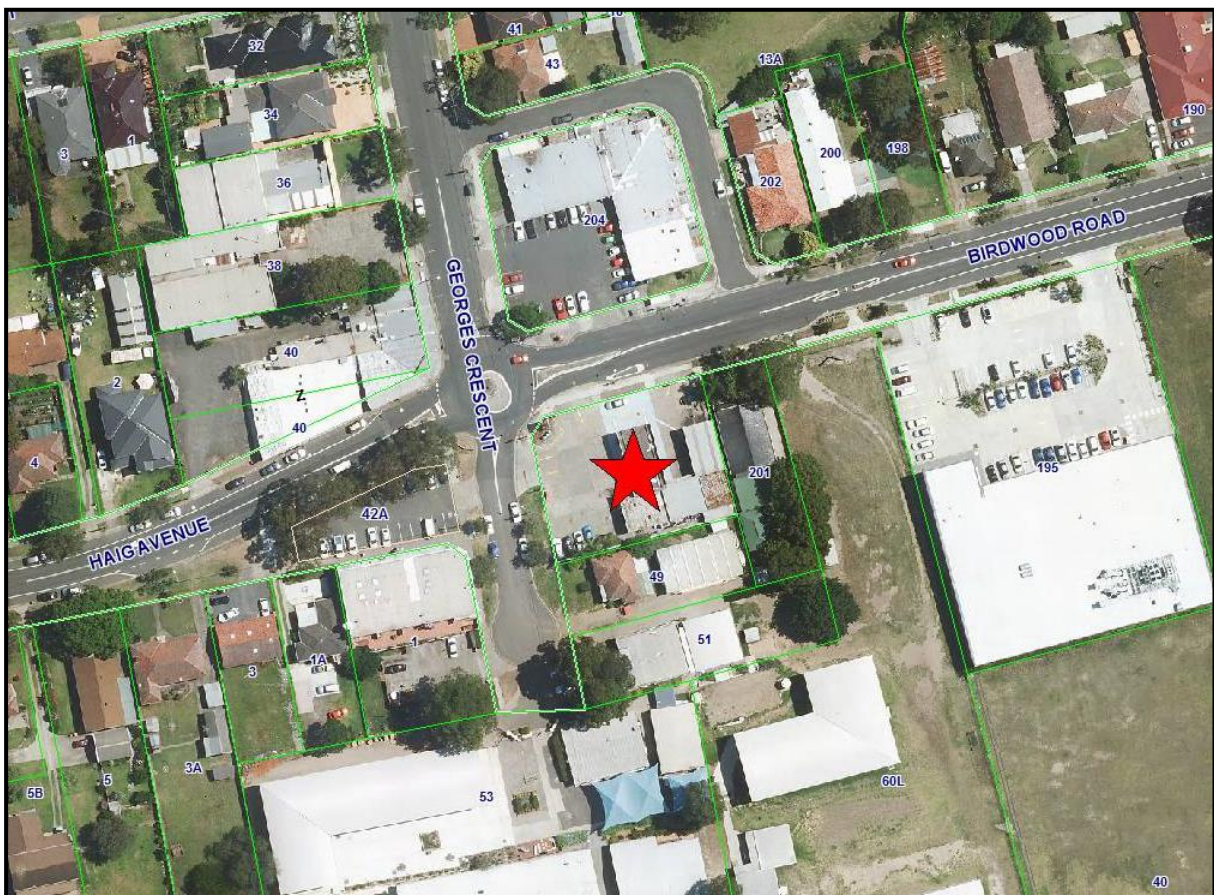
SITE & LOCALITY DESCRIPTION

The subject site, known as 203 Birdwood Road, Georges Hall, is zoned B2 – Local Centre and has an area of 1,396m². It is a corner allotment with frontages of 37m to Birdwood Road and 30m to Georges Crescent.

The site contains an existing service station with a single storey convenience store building, mechanical repair workshop, and a number of car hoists and petrol pumps beneath covered canopy areas. Site access is currently provided to both Birdwood Road and Georges Crescent via multiple existing vehicle crossings.

Development surrounding the site comprises a range of land uses. Commercial and retail uses are located to the north and west of the site. A residential dwelling is located immediately to the east, with open space and a supermarket complex beyond. Various buildings associated with an educational establishment (Georges River Grammar) are located to the south.

The context of the site is illustrated in the aerial photo below.



PROPOSED DEVELOPMENT

The development originally proposed under DA-1320/2015 contained 2 commercial tenancies and 30 residential units in a 4-storey building, with 2 levels of basement parking. These plans were amended for submission with the section 82A review application, and propose the following works:

- Demolition of existing structures and removal of infrastructure and services associated with the existing service station.
- Construction of a mixed commercial and residential development containing 3 commercial tenancies and 27 residential units.
- Basement parking for 42 cars.

The proposed building adopts a 3-storey envelope that follows the Birdwood Road and Georges Crescent frontages. A mix of apartment types is proposed, which vary in terms of size and layout. External finishes are contemporary and appropriate, and work with the built form to provide a modulated and articulated building façade. It is proposed to limit vehicular access to the southern end of the Georges Crescent frontage.

SECTION 79C ASSESSMENT

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

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of SEPP (Infrastructure) requires that the potential safety risks of a proposed development be considered if the development is located within 5m of exposed overhead electricity power lines. The proposed development has a nil setback to the Birdwood Road and Georges Crescent property boundaries, and both road reserves contain existing overhead power lines. This provisions of Clause 45 of the SEPP are therefore applicable.

The local electricity supply authority (Ausgrid) have been consulted and advise that they have no objections to the proposed development, subject to the imposition of a condition of consent that requires work near the existing underground and overhead power lines be undertaken in accordance with relevant Ausgrid and Workcover standards.

State Environmental Planning Policy No. 55 – Remediation of Land

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

The subject site contains an existing service station and mechanical repair workshop, and includes a number of at-grade workbays, vehicle hoists, and petrol pumps. A Stage 2 Environmental Investigation has been undertaken, which identified five underground fuel storage tanks and recommended the preparation of a Site Remedial Action Plan.

A Remediation Action Plan has been prepared as recommended and concludes that, subject to remediation and validation works, the site will be suitable for the proposed residential development with up to 3 levels of underground parking.

Council's Environmental Health Officer has reviewed and accepted the Remediation Action Plan subject to recommended conditions of consent, including the need for a Validation Report to be prepared after the completion of remediation works and removal of the underground fuel storage tanks.

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

SEPP 65 applies to the proposed development, and an assessment against the design quality principles and the accompanying Apartment Design Guide has been undertaken.

The proposal has adequate regard for the design quality principles and responds appropriately to the site's context. Moreover, the application generally conforms with the key design criteria contained in the Apartment Design Guide, as discussed in the table below.

DESIGN CRITERIA	PROPOSED	COMPLIES?
Communal open space Min. 25% of the site with a min. 2hrs sunlight to 50% between 9am – 3pm on 21 June.	193m ² provided at ground level, with 318m ² provided at roof level. Total of 511m ² (37%).	Yes
Deep soil zones Minimum 7% of the site with a min. 6m dimension.	9% of the site area with a 6m dimension.	Yes
Building separation Min. 12m between habitable rooms/balconies and 6m between non-habitable rooms. This can be halved for separation to boundaries.	4.6m separation to the east and 6.6m to the south.	No. However the proposal incorporates high sill windows and fixed privacy screens to mitigate potential privacy impacts and achieve the intent of this control.
Ceiling height Min. 2.7m for habitable rooms. Min. 3.3m for ground and first floor to promote flexibility of uses.	2.7m for habitable rooms with 3.0m (measured to the underside of the bulkhead) for the ground floor.	No. However given the modest size and orientation of the commercial tenancies the proposed ceiling heights are deemed appropriate.
Solar access Min. 70% apartments must receive min. 2hrs direct sunlight between 9am – 3pm on 21 June. Max. 15% of apartments to receive no direct sunlight between these hours.	19 of 27 units (70%) receive 2hrs from 9am – 3pm at mid-winter. 4 of 27 units (15%) would receive no solar access.	Yes

Cross ventilation Min. 60% apartments to be naturally cross ventilated.	21 of 27 units (78%) are naturally cross-ventilated.	Yes
Apartment size 1 bed 1 bath – Min. 50m ² 1 bed 2 bath – Min. 55m ² 2 bed 1 bath – Min. 70m ² 2 bed 2 bath – Min. 75m ²	Min. 52m ² Min. 58m ² Min. 70m ² Min. 75m ²	Yes Yes Yes Yes
Room layout Min. 10m ² for master bed and 9m ² for other beds with min. 3m dimension (exc. robes). Min. 4m width for living rooms in 2 bed apartments.	Min. 9.9m ² master bed and 9m ² other beds (not including study nooks or halls). Min. living area width for 2 bed units is 4m.	No. However the 0.1m ² departure for master bedrooms would not diminish their functionality or amenity.
Balcony size 1 bed – 8m ² (2m depth) 2 bed – 10m ² (2m depth)	Min. 10m ² with a 2m depth. Min. 10m ² with a 2m depth.	Yes Yes
Ground level POS Min. 15m ² with min. 3m depth.	Min. 15m ² with min. 3m depth.	Yes
Circulation Max. 8 apartments from a circulation core.	Max. 7 apartments accessible from each lift and corridor.	Yes

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

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

Bankstown Local Environmental Plan 2015

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

Clause 1.2 Aims of Plan

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

- (d) to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown;
- (f) to provide a range of housing opportunities to cater for changing demographics and population needs;
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth;
- (i) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety;

- (k) *to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and road network; and*
- (l) *to enhance the quality of life and the social well-being and amenity of the community.*

Clause 2.3 Zone objectives and Land Use Table

The site is located in Zone B2 – Local Centres, which permits development for the purposes of 'shop top housing' and 'commercial premises'. The elements that make up the proposed development fall within these definitions and are therefore permitted with consent at the subject site. Moreover, the proposal is consistent with the objectives of the B2 zone, being:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for certain residential uses that are compatible with the mix of uses in local centres.*

Clause 4.3 Height of buildings

According to the LEP Height of Buildings Map, the maximum allowable building height at the subject site is 11m. The proposed development has a maximum height of 10.9m and complies with this standard.

Clause 4.4 Floor space ratio

According to the LEP Floor Space Ratio Map, the maximum permitted floor space ratio for the subject site is 2:1. The proposed development has a gross floor area of 2,653m², which equates to a floor space ratio of 1.9:1 and complies with this standard.

Clause 5.6 Architectural roof features

Clause 5.6 of the BLEP allows an 'architectural roof feature' to exceed the maximum allowable building height. An 'architectural roof feature' needs to satisfy the following criteria:

- *Must comprise a decorative element on the uppermost portion of the building.*
- *Must not be an advertising structure.*
- *Must not include floor space area and must not be reasonably capable of modification to floor space area.*
- *Must cause minimal overshadowing.*

The proposed development includes a lift overrun, rooftop pergola structures, and clerestory skylights that exceed the maximum 11m building height. These building elements are proposed to be finished with materials that are consistent with those used in the schedule of finishes for the development.

No floor area is (nor could be) contained in these parts of the building, and there would be no additional overshadowing impacts. Accordingly, the proposed lift overruns can be considered 'architectural roof features' and are permitted by Clause 5.6 to project above the maximum building height.

Clause 6.6 Development in areas subject to aircraft noise

The subject site falls within the 20 – 25 ANEF noise exposure contours of Bankstown Airport. According to Clause 6.6 of the BLEP, consent may only be granted to the proposed development if the standards specified under AS 2021 – 2000 are met.

An acoustic report accompanies the subject application, which examines the proposed development against the requirements of AS 2021 – 2000. This report concludes that, subject to certain acoustic treatments, the proposed development will comply with the requirements of AS 2021 – 2000.

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

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

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

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

STANDARD	PROPOSED	BDCP 2015 PARTS B2 and B5	
		REQUIRED	COMPLIANCE
Lot width	29m to Georges Crescent and 37m to Birdwood Road	Minimum 26m for shop top housing and mixed use development that contains dwellings	Yes
Storey limit	3 storeys.	Maximum 2 storeys (plus attic) for 'all other neighbourhood centres'	No
Floor to ceiling height	Minimum 2.7m	Minimum 2.7m	Yes
Primary and secondary setbacks	Nil setback proposed to both Birdwood Road and Georges Crescent	Zero setback for basement, first and second storeys	Yes
Setbacks to side and rear boundaries	Nil setback for blank building walls	Nil setback allowed for blank building walls with no window or balcony	Yes
	5m setback for building walls with windows and balconies	Minimum 3m for a building wall with a window or balcony	Yes
Dwelling depth	Units 13 and 24 are 'cross-through' dwellings and have a depth of 18m	Maximum 14m depth for cross-through dwellings	No
Car Parking	29 residential spaces 5 visitor spaces 8 commercial spaces TOTAL of 42 spaces	1 space per dwelling (27) 1 visitor space per 5 dwellings (5) 1 space per 40m ² commercial (8) TOTAL of 40 spaces	Yes

Storey limit

Clause 2.4 in Part B2 of the BDCP limits development in 'other neighbourhood centres' with an 11m maximum BLEP building height to 2-storeys plus an attic. The proposed 3-storey development does not comply with this requirement.

It is arguable that this control does not apply to the subject site, given that it is located in a Zone B2 'Local Centre', and not a Zone B1 'Neighbourhood Centre'. Nonetheless, the merits of a full third storey in lieu of a compliant 2-storey plus attic arrangement have been considered.

The proposed 3-storey building envelope represents an appropriate scale for a prominent corner site in a local centre. The inclusion of a full third storey instead of a pitched roof with attic space promotes a more contemporary building façade that is consistent with the emerging character of development for this commercial precinct. It is noted that a similarly proportioned development was recently approved by the NSW Land and Environment Court at 38 Georges Crescent, which is within the visual catchment of the subject site.

The proposed development complies with the maximum floor space ratio and sits beneath the maximum 11m building height plane set by the BLEP. Given that there would not be any direct, additional amenity loss through the provision of a full third storey and given that the non-conforming height would not cause the development to depart from the maximum floor space standards, it would be appropriate to allow the BLEP height control to facilitate the built form outcome in this instance.

Dwelling depth

Clause 2.9 in Part B2 of the BDCP limits the depth of a 'cross-through' dwelling (i.e. a single or dual aspect dwelling where the side building walls do not contain a window or balcony) to 14m. Units 13 and 24, located at the eastern end of the proposed building, are designed as 'cross-through' dwellings and each have a depth of 18m.

While the proposed 'cross-through' depth does not comply with the BDCP requirement, it is consistent with the relevant provisions of the SEPP 65 Apartment Design Guide which allow a maximum depth of 18m for these types of dwellings. On this basis, the proposed departure from the DCP is considered to be warranted and supportable.

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

There are no planning agreements applicable to the proposed development.

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

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

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

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

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

The proposed development is permitted with consent at the subject site. The proposed variations to the maximum DCP building height is acceptable in the context of the development and the proposal represents an appropriate built form outcome.

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

The section 82A review application was advertised and notified for 21 days. Submissions from a total of 5 households were received, which raise concerns relating to traffic impacts, car parking provision, site contamination, impacts during construction, the scale of the development, and its compatibility with the local area. The concerns raised in the submissions are summarized and discussed below.

Traffic impacts

- *The planned driveway access for the underground carpark will see resident, visitor and business parking crossing the queued school traffic in peak periods, something that will increase the risk to students and other members of the community. This is compounded by the fact that the entry and exit points from the development are right next to the school grounds, meaning young children will need to cross the driveways when first exiting the school.*
- *A smaller scale development would reduce the potential traffic safety issues and a more appropriate mix of 2/3 bedroom units would be more in keeping with the scale and family focus of the Georges Hall area.*
- *The development is right at the intersection of Birdwood Road/Georges Crescent/Haig Avenue and this is the busiest intersection area in the district with both vehicle and pedestrian movements, including school children. The development will increase hazards at this intersection.*
- *During school drop off and pick up times the roads become gridlocked. A development of this size will add to the traffic congestion problems.*
- *The dangerous intersection at the corner of Haig Avenue and Georges Crescent will be compounded by the increased traffic (pedestrian and vehicular) of the new development.*
- *I have concerns about the increase of motor traffic around the area used by school children and ever increasing number of elderly people occupying retirement villages in the immediate area.*
- *This development will cause more traffic congestion than currently exists in the Georges Hall shopping area. There is not one pedestrian safety crossing in this area which is surrounded by several schools of all types.*

The applicant engaged a qualified traffic consultant to undertake a traffic and parking assessment. This assessment examines existing traffic conditions in the surrounding area, and assesses the potential traffic and parking implications of the proposed development, including the performance of the Birdwood Road/Georges Crescent/ Haig Avenue intersection.

Assisted by the guidelines published by Roads and Maritime Services (formerly the RTA), the traffic report forecasts that the traffic generation of the proposed development would be 13 vehicle trips per hour (9 trips per hour for the residential apartments and 4 trips per hour for the commercial element). The report compares this to the traffic generation of the existing service station of between 80 – 100 vehicle trips per hour in the morning and afternoon peak periods, and concludes that the proposed development would have substantially less traffic movements when compared to the current situation.

The traffic and parking assessment also examines the proposed combined 6m wide ingress/egress driveway location on Georges Crescent and the layout of the proposed basement carpark. The report finds that the sight distances at the access point will comply with the design requirements of the relevant Australian Standard (AS 2890.1), as would the carpark layout and basement ramp design.

Council's Traffic Engineers reviewed the original Development Application and accepted the findings of the traffic assessment. Given that the scale of the development, including the number of required car parking spaces, has been reduced, and the proposed access point remains in the same location, this acceptance remains valid.

In addition to the traffic and parking assessment undertaken by the applicant, it is noted that the existing service station at the site has a 9m wide vehicle crossing to Georges Crescent. Although this crossing is located closer to the intersection with Birdwood Road, pedestrians are already required to negotiate a vehicle crossing when passing this site. It is also noted that pedestrian access on Birdwood Road would be improved, as the two existing service station vehicle crossings that provide access to Birdwood Road would be removed as part of the proposed development.

Impacts during construction

- *The provision of traffic control staff should be made a requirement under the development application and the traffic controller should limit the movement of large trucks, cement mixers and the like to outside of school times when students are arriving or departing school (7.30 – 9.30am and 2.30 – 4.30pm).*
- *During construction the development will create traffic problems. Even small roadworks cause traffic congestion in the surrounding streets.*

It is agreed that potential impacts during construction need to be properly managed, and the suggested traffic control measures would be appropriate in the context and setting of the site. It is recommended that these measures be required by conditions of consent, as part of Council's standard Traffic Management Plan requirements for developments of this type.

Car parking provision

- *The number of people with cars using this site is likely to be over 60, especially as public transport options are limited.*
- *Overflow parking from the development will add to the existing parking problems in the area.*

Part B5 of the BDCP 2015 prescribes the minimum car parking rates for the proposed development, as outlined in the compliance table earlier in this report. The proposed development includes a single level basement carpark which provides residential, commercial and visitor parking that complies with the DCP parking rates. Given that the minimum DCP requirements have been met, it must be accepted that the proposed development would not have any unacceptable or adverse parking impacts on the surrounding locality.

Scale and compatibility of the development

- *The size of the development is totally out of character with the existing area with no apartment blocks at all in Georges Hall. The area is predominantly residential housing and this development is not keeping with the rest of Georges Hall. The development is compatible with the prevailing suburban character.*
- *The large number of units (27) is an over development of the site with 3 storeys plus underground parking. It also appears to be higher than the allowed 11 metres in a number of places to accommodate lift wells and roof windows.*
- *This development is totally unsuitable for this site, in the middle of a small village, on the corner of a dangerous intersection, adjacent to a large school and shop parking areas.*

Existing development in the Georges Hall local centre is generally limited to small scale commercial buildings, with low density residential development on the fringe. There are a number of educational establishments and seniors housing development in the broader area, which are also of a moderate scale. However despite the relatively undeveloped nature of this centre and its surrounds, there are provisions in the planning controls that apply to this part of Georges Hall that provide for an uplift of development in the area.

The proposed development, being a multi-storey mixed residential and commercial building, is permitted with development consent at the subject site according to the provisions of the BDCP 2015. The site also meets the minimum lot width requirements of the BDCP 2015, and complies with the LEP development standards concerning the maximum allowable floor space ratio and building height.

Although the proposed development seeks approval of a full third storey in lieu of a pitched roof and attic arrangement, the above factors are such that it cannot be reasonably held that the proposal represents an overdevelopment of the site, nor that it is incompatible with the desired character of the Georges Hall local centre.

Site contamination

- *The site has been a petrol station for more than 40 years. We have concerns about possible lead contamination and that the development will expose contaminated soil as a basement carpark is part of the proposal.*

As discussed earlier in this report, the suitability of the site for the proposed development has been investigated from a contaminated lands viewpoint, according to the provisions of SEPP 55. It has been identified that a number of existing underground fuel storage tanks are located at the site, and there would indeed be the need to undertake some remediation works as part of the proposed development.

A Remediation Action Plan (RAP) has been prepared by the applicant. The RAP has been reviewed by Council's Environmental Health Officer and has been deemed to be acceptable, subject to conditions including the requirement for a Validation Report to be prepared after the completion of remediation works and removal of the underground tanks.

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

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

CONCLUSION

The section 82A review application has been assessed in accordance with sections 79C and 82A of the *Environmental Planning and Assessment Act 1979*, and the provisions of *SEPP (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015*, and *Parts B2 and B5 of Bankstown Development Control Plan 2015*.

The proposed development represents an appropriate built form for the site, and the relevant planning controls have been appropriately responded to. No significant, unresolved matters have been raised in public submissions, and the proposal is not expected to have any unacceptable impacts on the surrounding locality.

The reasons for refusal of DA-1320/2015 have been adequately addressed, and it would be reasonable and appropriate to change Council's original determination and approve the proposed development.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Site Plan
- C. Elevations 1
- D. Elevations 2

Planning Matters - 27 September 2016

ITEM 5.3 Exhibition of Deed of Variation for No. 60 Kitchener Parade in Bankstown

AUTHOR City Planning

ISSUE

This report summarises the exhibition of a Deed of Variation to the Voluntary Planning Agreement, which corresponds to the Development Application (DA 974/2012) for No. 60 Kitchener Parade in Bankstown. Council received no submissions and it is recommended that Council approves the Deed of Variation as exhibited.

RECOMMENDATION That -

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

BACKGROUND

At the Ordinary Meeting of 26 July 2016, Council resolved to exhibit a Deed of Variation to the Voluntary Planning Agreement, which corresponds to the Development Application (DA 974/2012) for No. 60 Kitchener Parade in Bankstown.

The intended outcome of the Deed of Variation is to make a monetary payment in lieu of providing 4 required off-street parking spaces (a reduction of 10 spaces from the original planning agreement). The justification for the Deed of Variation is detailed in the Council Report to the Ordinary Meeting of 26 July 2016 (as shown in Attachment B).

REPORT

Exhibition

The exhibition took place from 10 August to 9 September 2016 and included:

- Public notice in the local newspaper that circulates in the area affected by the Deed of Variation.
- Displays at Council's Customer Service Centre (Bankstown Branch) and website.
- Written notification to the proponent.

Council received no submissions in response to the exhibition. Following a review, it is recommended that Council approves the Deed of Variation as exhibited.

Next Steps

Should Council approve the Deed of Variation, the proponent will make a monetary contribution to Council according to the terms and conditions stipulated in the agreement.

POLICY IMPACT

The proposed car parking variation is addressed by the levying of developer contributions, which is consistent with Council's Planning Agreements Policy.

FINANCIAL IMPACT OF RECOMMENDATIONS

The planning agreement will make a monetary contribution of \$129,130.64 in lieu of providing 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 approve the Deed of Variation as shown in Attachment A.
2. The Administrator and Interim General Manager be delegated approval to sign the Deed of Variation under the Common Seal of Council.

ATTACHMENTS [Click here for attachments](#)

- A. Deed of Variation
- B. Council Report–Ordinary Meeting of 26 July 2016

ITEM 5.4 Hurlstone Park Heritage Assessment Study

AUTHOR City Planning

ISSUE

The report seeks the Council's approval to endorse and implement the Hurlstone Park Heritage Assessment Study.

RECOMMENDATION That -

1. Stage 1 of the Hurlstone Park Heritage Assessment Study is endorsed, noting that community consultation will occur as part of the exhibition of the planning proposal.
2. Stages 2 and 3 of the Hurlstone Park Heritage Assessment Study involving preparation of inventory sheets, consultation strategy and Development Control Plan controls be undertaken.
3. A planning proposal be prepared for the listing of the identified heritage items and heritage conservation areas in Hurlstone Park, and submitted to the Department of Planning and Environment under Section 56 of the EPA Act for a gateway determination.
4. A report be submitted to Council prior to public exhibition of the planning proposal.
5. The Interim General Manager use his delegated authority to make Interim Heritage Orders (IHOs) for any proposed heritage items at risk.

BACKGROUND

Hurlstone Park is one of the oldest established suburbs in the Canterbury-Bankstown Council area. It developed as a suburban area after the railway station opened there in 1895, on the then new railway line between Sydenham and Belmore.

Hurlstone Park contains many high quality examples of particularly Federation (1890-1915) and Inter-War (1915-1940) period buildings. However, only a relatively small number of these buildings are protected by heritage controls in the Canterbury Local Environmental Plan (CLEP) 2012.

In 2015 the NSW Department of Planning and Environment released the draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The strategy proposed significant increases in density around the railway stations within the corridor, including Hurlstone Park.

The former Canterbury Council considered the implications of this strategy in a report to the Council meeting on 25 February 2016. Council resolved that:

The Department of Planning and Environment be advised that the existing heritage items in Belmore are to be retained, and that increases in density proposed for Hurlstone Park are not supported until a study has been undertaken of the Heritage Conservation Area potential of Hurlstone Park.

A specialist heritage consultant Paul Davies Pty Ltd was appointed to prepare a Heritage Assessment Study of Hurlstone Park in May 2016.

The study has now been completed and its findings are the subject of this report.

It is noted that the study area comprises all of the suburb of Hurlstone Park within the Canterbury-Bankstown Council area. A small part of Hurlstone Park suburb also falls within the Inner West Council area, but is outside of the scope of this study. A map of the study area is shown below:



Map - Hurlstone Park study area

Overview of the Hurlstone Park Heritage Assessment Study

The Hurlstone Park Heritage Assessment Study is a work that is intended to occur in three stages.

- Stage 1: This stage involves identification of potential heritage items and heritage conservation areas (HCAs) within Hurlstone Park warranting further research. The key inputs into this work are preparation of a thematic history, a photographic survey of all properties within Hurlstone Park, and grading of the building value of all properties.
- Stage 2: This will involve preparation of State Heritage Inventory (SHI) forms for potential heritage items and potential heritage conservation areas identified in Stage 1. This may result in removing some of the potential items identified in Stage 1.
- Stage 3: This will involve preparation of Development Control Plan (DCP) controls for heritage items and any recommended HCAs, and the preparation of a consultation strategy for the public exhibition of the Stage 1 report, Stage 2 SHI forms, and draft heritage planning controls.

The consultant has now completed Stage 1 of the Hurlstone Park Heritage Assessment Study. This document is being submitted for Council endorsement. A copy of the report is attached.

REPORT

Stage 1 Report

As noted above, the intention of the Stage 1 report is to identify potential heritage items and potential heritage conservation areas within Hurlstone Park warranting further research.

To be able to undertake this identification, the consultant needed to undertake the necessary background work required.

This firstly included undertaking a detailed thematic history of the suburb. This focuses on the suburban development of the area that predominantly occurred between 1900 and 1915, and includes details of all the various suburban land subdivisions that occurred in Hurlstone Park. This comprises Chapter 2 of the report.

The consultant was also required to undertake a ranking or grading of the building value of all properties in Hurlstone Park. The ranking system used is outlined in the table below:

Building Ranking	Building Ranking Definition
HI - Heritage Item	Heritage items: Buildings individually listed as heritage items in the Canterbury LEP 2012
PHI - Potential heritage item	Potential heritage item identified in this Study for further research
Contributory 1	Contributory to a potential HCA. A building that clearly reflects the heritage values of a key period of significance of the potential HCA and is a key element of the character of the potential HCA

Building Ranking	Building Ranking Definition
Contributory 2	A building which has been altered but is still identifiable as dating from a key period of significance for the potential HCA, and retains the overall form from the original date of construction
Non Contributory	Not Contributory to a potential HCA. A building which is either: a) Heavily altered to an extent where construction period is uncertain, or b) Is from a construction period which falls outside any Key period of significance for the potential HCA, or c) Fits criterion b) above and has a scale or form which is not consistent with any key characteristics of the area.

Potential Heritage Items

An intention of the study is to identify potential heritage items in Hurlstone Park. A heritage item is a place which has been:

- Assessed as significant under NSW State Heritage Significance criteria which cover historical, historical associational, aesthetic/technical, social, and/or research significance and the rarity or representativeness of a place. Heritage items may be of local, state or national significance on one or more of these criterion. The NSW Heritage Council publication *Assessing Heritage Significance*¹⁴⁴ is the reference publication for how significance assessments are undertaken.
- Listed in a Heritage Schedule within a statutory planning instrument such as a Local Environmental Plan.

The study identifies 34 potential individual or group items, comprising 51 properties. It is proposed that these items be listed in addition to the 24 individual heritage items for Hurlstone Park already identified in Canterbury Local Environmental Plan (CLEP) 2012. The potential new heritage items are attached to this report.

The study recommends that further research on these potential heritage items occur. This will take place as part of the preparation of State Heritage Inventory (SHI) forms, which forms Stage 2 of the study.

Potential Heritage Conservation Areas

An intention of the study is to identify potential Heritage Conservation Area in Hurlstone Park. A HCA is an area with largely historical and aesthetic significance, which together create a sense of place. Important elements that contribute to the heritage significance of a HCA include historical subdivision patterns, streetscapes of buildings from particular periods, the architectural styles of buildings, fences, trees - including street trees - and gardens.

The process of identifying potential HCAs took place initially by ranking buildings and mapping the outcomes to see if there were any clusters of significant or contributory buildings within Hurlstone Park. This was to particularly identify whether such clusters occurred on both sides of a street or in an area representing a distinctive historical subdivision.

Following the identification of significant/contributory building clusters, further fieldwork and analysis of Contributory building values was undertaken to determine whether these clusters should be recommended as either heritage item groups or as potential new Heritage Conservation Areas. After this potential HCA boundaries were determined.

The study identifies seven potential HCAs. The seven areas and maps are attached to this report. They also show the percentage of buildings that are contributory to each area (the combined percentage of heritage items, potential heritage items, Contributory 1 and Contributory 2 type buildings).

The study recommends that preparation of State Heritage Inventory (SHI) forms for the seven potential HCAs identified in this report.

Further progression

If Council is supportive of the potential heritage items and HCAs, then it will need to commence Stage 2 of the process - the preparation of State Heritage Inventory (SHI) forms. It is possible that some potential items and HCAs identified in the study will not progress further, if the further research that occurs during the preparation of the SHI forms determines that future listing cannot be justified.

A planning proposal must also be prepared to include the potential heritage items and HCAs in Schedule 5 of CLEP 2012. The LEP controls will enable protection of the potential heritage items and HCAs.

The planning proposal must receive a gateway determination from the Department of Planning and Environment (DP&E) before it can proceed to the exhibition.

The planning proposal should be prepared as a matter of priority as it will enable protection of items and HCAs once it is exhibited. This issue is discussed below.

Threat to items

The identification of potential heritage items and HCAs in this report could result in owners either seeking demolition or altering properties to avoid listing.

Council has powers to protect potential heritage items if considered to be under threat. In 2013 the then Minister for Heritage authorised all local Councils in NSW to make Interim Heritage Orders (IHOs) under the NSW Heritage Act 1977.

An IHO is a temporary heritage order (made for up to one year) that provides time to assess the heritage significance, or values, of a potential heritage item. IHOs provide time for studies and inspections to take place, so that a decision on whether a place should be formally considered for listing can be taken.

The IHO protection however does not apply to properties within a potential HCA (except those where a potential heritage item listing is proposed). These could be potentially be demolished or altered through exempt or complying development without Council being able to prevent this happening.

Once the potential heritage items and HCAs are included in a planning proposal that has gone on exhibition they formally have a draft status, and are protected from being demolished or being altered as exempt or complying development. As such, this makes preparation of the planning proposal a matter of priority to provide the statutory mechanism to enable more widespread protection of both potential items and HCAs.

Stage 3 work

Stage 3 of the study requires the consultants to prepare a Consultation Strategy. This will ensure that there is adequate education about heritage, and to ensure that there is an appropriate mechanism to deal with comments received during the exhibition phase.

Another key issue outlined in Stage 3 is preparation of development controls for the HCAs. CDCP 2012 already contains development controls for heritage items. This work should go on exhibition with the planning proposal, so the owners can be aware of the design requirements and other controls likely to apply in the future in the HCAs.

It is recommended that both these pieces of work be prepared concurrently with Stage 2, so they are both available and can be reported to Council prior to the exhibition stage.

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. Stage 1 of the Hurlstone Park Heritage Assessment Study is endorsed, noting that community consultation will occur as part of the exhibition of the planning proposal.
2. Stages 2 and 3 of the Hurlstone Park Heritage Assessment Study involving preparation of inventory sheets, consultation strategy and Development Control Plan controls be undertaken.
3. A planning proposal be prepared for the listing of the identified heritage items and heritage conservation areas in Hurlstone Park, and submitted to the Department of Planning and Environment under Section 56 of the EPA Act for a gateway determination.
4. A report be submitted to Council prior to public exhibition of the planning proposal.

5. The Interim General Manager use his delegated authority to make Interim Heritage Orders (IHOs) for any proposed heritage items at risk.

ATTACHMENTS [Click here for attachments](#)

- A. Hurlstone Park Heritage Assessment Study
- B. Potential Heritage Items
- C. Potential Heritage Conservation Areas

Planning Matters - 27 September 2016

ITEM 5.5 **Milton Street, Ashbury - Planning Proposals (149-163 & 165-171)**

AUTHOR **City Planning**

ISSUE

Two planning proposals have been submitted for adjoining sites on Milton Street Ashbury - 165-171 Milton Street (lodged September 2014) and 149-163 Milton Street (lodged May 2015).

Both planning proposals seek rezoning from the Light Industrial (IN2) Zone to the High Density (R4) Zone and seek substantial building heights and increases in respect of their sites.

RECOMMENDATION That -

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

BACKGROUND

Two planning proposals have been submitted for adjoining sites on Milton Street Ashbury - 165-171 Milton Street (lodged September 2014) and 149-163 Milton Street (lodged May 2015).

Both planning proposals seek rezoning from the Light Industrial (IN2) Zone to the High Density (R4) Zone and seek substantial building heights and increases in respect of their sites.



Location of planning proposal sites
(sites highlighted in yellow) with zoning (including Ashbury HCA hatching)

The 165-171 Milton Street (Tyres 4 U) site has a total site area of 14,870m², with a frontage of 45.72m to Milton Street. The property abuts rear boundaries of dwelling houses in the Ashbury Conservation area for the balance of Milton Street and for the entire length of the southern boundary (dwellings facing Trevenar Street). The western boundary adjoins Wagener Oval, which is at a lower ground level than the subject site and which also has a limited frontage to Whitfield Avenue. The applicant for this planning proposal is Lauren McMahon of Coronation Properties, via their consultants Mecone.

The 149-163 Milton Street (Chubb Industries) site has a total site area of 16,450m², with a frontage of 57.6m to Milton Street. The property abuts dwelling houses in Inner West Council to the north, with access to Yabsley Avenue in the North West corner of the site. The western boundary adjoins Wagener Oval, which is at a lower ground level than the subject site and which also has a limited frontage to Whitfield Avenue. The applicant for this proposal is Ashbury FMBM, via their consultants Urbis.

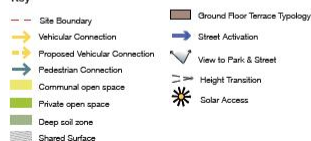
The planning proposal submission for land at 165-171 Milton Street, Ashbury, known as Lot A in DP 30778, seeks to:

- Rezone the site from IN2 Light Industrial to R4 High Density Residential
- Increase building height on the site from the current envelope set by the Canterbury DCP (1.8m at boundary with a 45 degree height plane) to a maximum of 33m with other parts of the site ranging from 27m to 14m to 12m to 8.5m (the last on the Milton Street frontage).
- Increase Floor Space Ratio from the current level of 1:1 to 2.0:1
- This would enable redevelopment of the site for a yield of approximately 330 units.

From the principles above, the key ideas of the scheme are described in the adjacent concept diagram as follows:

1. **Connections to WH Wagner Oval:** Improve permeability of site and improve access between WH Wagener Oval and Milton Street by providing through-site connections.
2. **Shared Surfaces:** Provide amenity through the inclusion of pedestrianised shared surface spaces that also serve as the basement parking forecourt and enable service vehicles to manoeuvre.
3. **Communal Open Space:** provided on ground level and rooftop to optimise exposure to natural sunlight and maximise access by local residents.
4. **Active Frontages:** building orientation and terrace typologies located at the lower levels to provide activation along the through-site links and communal open space.
5. **Transition of Height:** Step building heights down to the southern and eastern edges of site in response to adjoining residential properties. Building setbacks from the site boundary is also increasing as compared to the existing built form.
6. **Landscape Buffer:** Increase setback over existing building to allow for private gardens and a deep-soil buffer along southern and eastern edge of the site to create privacy for adjacent residents.
7. **Reinforce Key Views:** Maximise access to key views of WH Wagener Oval as well as district views in northern, eastern, and southern direction.
8. **Solar Access:** Orientation of buildings to a northern direction for optimum exposure to natural sunlight.

Key



Proposed Development of 165-171 Milton Street, Ashbury (SJB Architects)

The applicant's planning proposal for land at 149-163 Milton Street, Ashbury, known as Lots B&C in DP 30778 and Lot 1 in DP205503 (total site area 16,450m²), which seeks to:

- Rezone the site from IN2 Light Industrial to R4 High Density Residential
- Increase building height on the site from the current envelope set by the Canterbury DCP 2012 (1.8m at boundary with a 45 degree height plane) to a maximum of 34m, with other parts of the site to be subject to 15m and 12.5m height limits.
- Increase Floor Space Ratio from the current level of 1:1 to 2:1
- They are seeking a potential yield of approximately 385 units across six separate buildings.
- Build up to ten storeys in the south-west corner of the site.
- Build up to four storeys adjoining existing residences.
- Open a new road along the common boundary with the Tyres 4 U site (165-171 Milton Street) to the north.



Proposed development of 149-163 Milton Street, Ashbury (CMT Architects)

	165-171 Milton St	149-163 Milton St	Total
Site Area	14,870m ²	16,450m ²	31,320 m ²
Height	33 metres	34 metres	33/34m
FSR	2.0:1	2.0:1	2.0:1
Yield (approx.)	330 units	385 units	715 units

Table of key development statistics as proposed by applicants

The above table summarises the main elements of the proposed development controls sought by the applicants for their respective sites. Note that 149-163 Milton Street is the larger site and has a more regular shape (including a greater street frontage to Milton Street), which would provide a greater potential yield than the site at 165-171 Milton Street which is more constrained.

REPORT

Site Location and Context

Ashbury is located approximately 8.5 km south-west from the Sydney CBD and 3.6 km south-east from the strategic centre of Burwood (by car). The nearest local centres connected to the railway network are Ashfield (1.5km walk distance), Croydon (1.8km) and Canterbury (1.8km) stations and the nearest local centre is Croydon Park (1km to the west).

The majority of the suburb of Ashbury is in a Heritage Conservation Area (HCA) and is characterised by predominantly single storey bungalows built between 1900 and 1940. The southern site shares two common boundaries with residential properties in the Heritage Conservation Area, with potential heritage impacts arising from visual intrusion of new development into the HCA. The suburb of Ashbury is predominantly zoned R2 Low Density Residential and mostly contained within the Ashbury Heritage Conservation Area.

Both sites border (and drain into) Council property at Whitfield Reserve (including HW Wagener Oval) with stormwater management and park interface issues arising as a result. HW Wagener Oval is a former landfill, with stability and ongoing groundwater management issues.

Policy Context

An assessment of the strategic merits of the proposal (see Attachment 4) indicates that the proposal is generally consistent with the following key policies:

- S117(2) Local Planning Directions
- Metropolitan Strategy for Sydney (A Plan for Growing Sydney)
- Towards 2032 - City of Canterbury Economic Development & Employment Strategy
- Canterbury Residential Development Strategy

The proposal was considered in the metropolitan strategic planning context set out by the Local Planning Directions and the Metropolitan Strategy. Whilst these policies indicate a general preference for industrial land to remain in employment uses, these sites are isolated industrial uses in an otherwise residential area, of limited strategic benefit and do not represent a significant loss to employment lands at the Metropolitan Level.

Council has two key strategic studies that provide a local planning policy context for considering the planning proposals:

- Towards 2032 - City of Canterbury Economic Development & Employment Strategy – This strategy sets out the future employment lands strategy for the former City of Canterbury. The strategy identified the sites as surplus to longer-term requirements and recommended rezoning, albeit at lower building heights and densities than those sought by the applicant.
- Canterbury Residential Development Strategy (RDS) - This study provides forecasting of likely residential demand and capacity for future residential development in the former City of Canterbury. The RDS outlines a process to assess whether the planning proposal can be supported. This assessment has been carried out for these planning proposals and they generally meet the requirements for rezoning to residential use.

Key Issues

The following key issues have been identified as being critical for the assessment of the planning proposals:

- Out of centre development – the sites are not within walking distance from centres and railway stations and are located in a suburban context of predominantly single-storey detached dwellings.
- Potential impacts on and interface with the adjoining Ashbury Heritage Conservation Area. Advice from Council's Heritage Advisor indicates that development directly interfacing with existing dwellings (rear of dwellings fronting Milton Street and Trevenar Street), should be no more than one to two storeys in height. Development is currently proposed up to six storeys immediately adjacent to the HCA (although some changes in level are proposed to lower the site levels below that of the adjoining residences).
- Potential loss of employment land – although these sites were identified as suitable for rezoning to residential uses, Council needs to be mindful of the cumulative loss of employment lands across the local government area.
- Potential impacts of changes to site levels- both sites propose extensive earthworks to establish new ground levels for the post-development situation and extensive basement carparks are also proposed. Site stability and groundwater management are key issues for both sites.
- Adjacent former landfill – HW Wagener Oval is a former landfill, which was closed around 50 years ago. There are ongoing leachate management issues and the proposed development will need to ensure that it does not worsen the current on-site issues for this former landfill and that building excavation does not compromise the structural integrity of the landfill.
- As the site was a former brickworks, site contamination needs to be fully addressed prior to residential occupation. To date, Phase 1 contamination assessments have been undertaken which do not identify any major contamination issues, however more detailed assessments will need to be carried out in conjunction with any subsequent development applications should rezoning occur.
- Stormwater Management – both sites drain away from Milton Street and onto the adjoining Council-owned Whitfield Reserve. New drainage systems need to be installed to address both on-site drainage and overland flow. The applicants have proposed lowering site levels below that of the land to which the site must drain.

Suitable stormwater detention systems need to be considered in the site design, and will need to be addressed further in subsequent development applications.

- Traffic – the overall development impacts of the site on the traffic levels of Milton Street and the surrounding network will be similar to the existing situation (due to the relatively high employment levels of the existing uses), however the distribution of the peaks will change, with right turn movements into and out of the site potentially becoming problematic. This was confirmed by advice received from McLaren Traffic Engineering in 2015. As such it is proposed that a single point of access to both sites be provided by way of opening a new road from Milton Street along the common boundary between the sites and that all vehicular access to future development be provided from this road. The intersection with Milton Street should be controlled by a new roundabout.
- Public Transport Access to the site is limited to two bus services – the 491 from Hurstville to Haberfield via Canterbury and Ashfield and the 413 to Wynyard from Campsie. These services are limited in frequency and do not in themselves provide a level of transport accessibility to warrant very high density development.

The strategic assessment of the site indicates that the amount and form of development proposed in this location is not supportable – the sites are not in highly accessible locations nor are they immediately proximate to town centres (i.e. within a 5 minute walk) that contain the range of facilities and services likely to be demanded by residents of a high density development. Furthermore the sites are located in a low-density residential context, with the majority of the surrounding development in the Ashbury Heritage Conservation Area, specifically to conserve the suburbs early Twentieth Century single-storey bungalow character. As such, the development should respond to this context, by way of transitions of suitable scale that do not undermine the heritage value of the adjoining Conservation Area and the amenity of existing residences. This necessitates a reduction in the overall height of development, particularly in those parts of the site that front Milton Street, or are adjacent to existing bungalows (whether or not they are contained in the Ashbury Heritage Conservation Area) as well a corresponding reduction in the site density.

Assessment Process

The planning proposal for 165-171 Milton Street originally sought a much higher yield in the order of 400 units, with a maximum height of 35m and a proposed FSR of 2.5:1. It also included a proposal for a Voluntary Planning Agreement to enable redevelopment of the adjoining W.H. Wagener Oval (Council-owned land), known as Lot D in DP 30778, which was withdrawn following an unfavourable review by the former Canterbury Council Executive.

The planning proposal for 149-163 Milton Street also originally sought a much higher yield in the order of 450 units, with a maximum height of 27m and a proposed FSR of 2.7:1.

There have been numerous meetings with both sets of applicants, which has resulted in minor reductions to the overall yields of both proposals.

The applicant for 165-171 Milton Street has made five submissions in respect of the planning proposal, seeking different development configurations, however seeking to maintain heights, floor space ratios and development yield. Following feedback on the original proposal, the subsequent proposals made only limited concessions to Council concerns. The applicant for 149-163 Milton Street has also made four submissions in respect of the planning proposal, seeking different development configurations, however seeking to maintain heights, floor space ratios and development yield. Following feedback on the original proposal, the subsequent proposals made only limited concessions to Council concerns.

As the applicants submissions are very large and include multiple documents, a summary of the final submission for each site is included at:

- Attachment 1 - 165-171 Milton Street, Ashbury (Tyres 4 U site)
- Attachment 2 – 149-163 Milton Street Ashbury (Chubb site)

Council engaged Gabrielle Morrish Urban Design and Architecture (GMU) to undertake a peer review of the proposals and to provide Council with a set of development principles to guide future planning of the site. GMU have provided comments on the original submission as well as reviewed the subsequent submissions by each applicant. They have provided an independent assessment of the sites development capability from an urban design perspective informed by Councils strategic assessment of the site and its context and assessment of the matters that would need to be addressed in any future development applications for the sites.

GMU Assessment Findings

Following reviews of all material submitted to date over both sites and discussions with Council staff, GMU concluded that the following issues need to be addressed in the design of the precinct as part of a planning proposal:

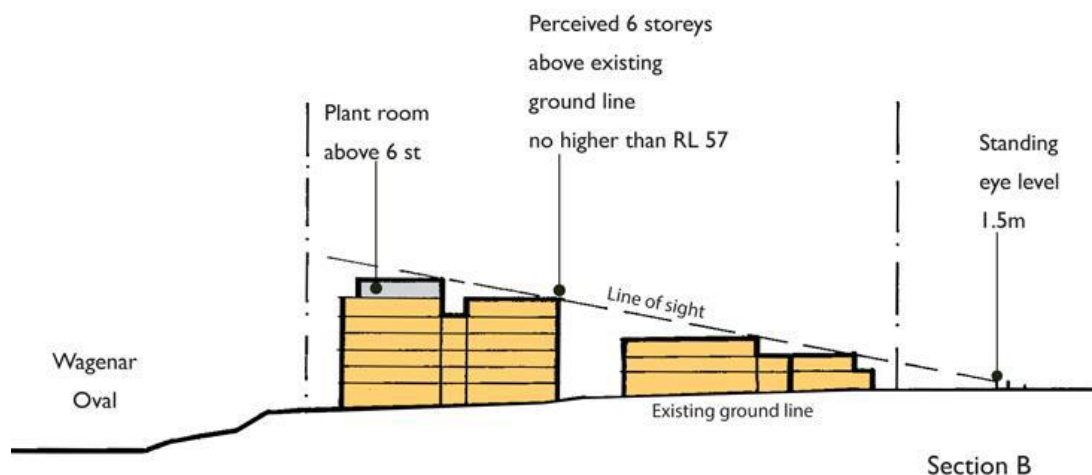
For the precinct/ both sites, there should be:

- *A more sensitive transition to the context and responsive built form across the ‘Milton Street Precinct’.*
- *Reduced FSR of no more than 1.11:1 (using a 75% efficiency rate).*
- *2-storey fine-grained building typology (townhouse, semis) with single storey interface along the Milton St frontage.*
- *No higher than 3-storey buildings from existing ground line with fine-grained façade articulation (contemporary apartments with expressed party walls) and recessed top storey (away from line of sight viewed from the middle of adjoining dwelling backyards) to northern and southern boundaries of the precinct/ residential interfaces.*
- *Adjusted proposed ground levels to reflect existing ground levels or berm level to minimise excavation. These levels should be confirmed with Council, as it will impact upon groundwater level, overland flow paths and exposure of pre-existing contaminants.*
- *Good amenity to ground level apartments. Subterranean units should be avoided.*
- *Breaks (min. of 6m wide and 2m deep) and articulation to buildings with more than 60m building lengths.*
- *No buildings protruding above the line of sight viewing from Milton and Trevenar Streets.*

- *An internal loop road on each site (as per Council's traffic advice from McLaren Traffic Engineering), stemming off the proposed shared access entry road along the common boundary. Location and road configuration to be confirmed with Council and provide waste management details to demonstrate that the proposal schemes can satisfy the Council's waste management controls.*
- *A skilfully designed internal loop that is integrated as a share zone not interrupting pedestrian movement and activity in the communal open spaces. Recommend to be operated as a one-way road system, subject to manoeuvrings of emergency vehicles, connecting a series of basement car park entries encapsulated with the proposed built form.*
- *Deep soil zone along the western boundary/ the edge facing the oval with a minimum of 6m to allow the growth of mature trees. Retain as many existing trees in this area and on the oval berm as possible to provide privacy screening and softening of this edge.*
- *Further detail provided on typical floorplan layout, extent of basement carpark and entries, apartment mix and car space schedules, sectional diagrams across the sites, view analyses, waste management, stormwater and traffic engineering solutions.*
- *Detail Shadow Diagrams provided to understand the level of overshadowing impact of the development on surrounding dwellings and oval, in comparison to existing conditions.*
- *Further design development to focus on architectural language and expression, introduction of quality materials and roof forms to achieve design excellence and a sympathetic response to the existing surrounding character.*

For the Northern site, there should be:

- *A maximum height of no more than RL+57.0 with the exception of plant level (non-habitable) above recessed away from line of sight viewing from Milton and Trevenar Streets and a perceived height of 6 storeys.*
- *Simpler, rectilinear shapes to the proposed Block 4 and 5 in place of the curvilinear shapes.*
- *Greater separation distance (at least 18m) between buildings adjacent to the 2 communal courtyards, allow two view corridors from the site to the oval and provide a meaningful recreational space for the development.*
- *Detailed overshadow and solar access diagrams provided to confirm that the built form and communal open space meet the ADG requirements. Further articulation for the currently proposed built form will be required.*
- *Illustrated landscape and basement plans confirming the extent of deep soil zone. GMU suggests providing adequate deep soil to the northern setback zone, the Milton Street front setback and western setback to the oval to allow for significant tree planting, buffering and to enhance the character. Opportunities to provide deep soil to the proposed communal courtyard should be maximised.*



Section B-Section across from Milton St to the Oval near entry access road
(source GM Urban Design & Architecture)

For the Southern site, there should be:

- *A maximum height of no more than RL+56.5 with the exception of plant level (non-habitable) above recessed away from line of sight viewing from Milton and Trevenar Streets and a perceived height of storeys. (Refer to Section B below)*
- *A reduced built form for Building E. Instead of a 6-storey building, a 4-storey built form with breaks and perceived height of 2-2.5 storeys, viewed from the middle of neighbouring backyards is considered to be more appropriate. Top level this building should be recessed away from this line of sight.*
- *An increased setback of 12m to the eastern façade of Building D (south west corner of the site).*

GMU has considered the current proposed schemes for the two sites that together form the Milton St Precinct, within the wider and more immediate context and has taken into account the character of the surrounding context.

It is GMU's opinion that the proposed built form relationships are an improvement from previous schemes and that both schemes have the potential to provide more responsive contextual fit than the existing uses on the site. However, the proposals need to address a number of recommendations discussed within this report, particularly y bulk and scale, to ensure that the development will be 'visually compatible' and architecturally sympathetic in its finer design details with the existing local context of Yabsley Avenue, Milton and Trevenar Streets and the heritage conservation area. The developments should demonstrate how they provide a reasonable buffer, scale and articulation of forms when viewing from the oval and the Milton St Precinct edges.

Based on the overall configuration of footprints, location of built form on the site, the proposals have the potential to have a transformative effect on the current uses available on the site, subject to appropriate refinement on height.

An image of the recommended concept design for the sites is included:



Proposed Concept Masterplan by GMU

Conclusion

Two planning proposals have been submitted for adjoining sites on Milton Street Ashbury - 165-171 Milton Street (lodged September 2014) and 149-163 Milton Street (lodged May 2015).

Both planning proposals seek rezoning from the Light Industrial (IN2) Zone to the High Density (R4) Zone and seek substantial building heights and increases in respect of their sites.

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

- S117(2) Local Planning Directions
- Metropolitan Strategy for Sydney (A Plan for Growing Sydney)
- Towards 2032 - City of Canterbury Economic Development & Employment Strategy
- Canterbury Residential Development Strategy

The concept of rezoning these sites from industrial to residential is supported, however the amount of development proposed is considered excessive. Council, through strategic assessment of the proposal and independent urban design assessment of the proposals has determined an indicative masterplan that can guide development at the appropriate scale and density for the sites context and function within the urban environment.

Development impacts should be able to be appropriately managed with the establishment of principal development standards and site-specific Development Control Plan controls.

POLICY IMPACT

There will be no impact on policy arising directly from this approach to the planning proposal. The Towards 2032 – Canterbury Economic Development and Employment Strategy recognised this site as one which had a limited future as employment land once the then current uses ceased. Rezoning the subject land to High Density Residential would be consistent with the recommendations of this study.

The limitation of building height and bulk on the site by use of height planes will assist in mitigating the impact of the proposed developments on the adjoining Ashbury Heritage Conservation Area as per the recommendations of Council's Heritage Advisor. This will assist in maintaining the integrity of the Ashbury Heritage Conservation Area, currently the only conservation area within the city.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no identified financial impacts arising from the recommendations at this stage, however further technical studies may be required to support the planning proposal, should Council decide to proceed. This may give rise to additional consultancies.

RECOMMENDATION That -

1. The applications for planning proposals submitted for 165-171 and 149-163 Milton Street are not supported for the reasons outlined in the report.

2. A planning proposal be prepared by Council on the basis of the findings of the report by GM Urban Design and Architecture Pty Ltd, including the indicative designs and development standards contained therein, and that it be submitted to the Department of Planning and Environment for a Gateway Determination.
3. A Development Control Plan be prepared in conjunction with the planning proposal to provide detailed guidance on the nature of the proposed development of the two sites at 149-163 Milton Street and 165-171 Milton Street, Ashbury.

ATTACHMENTS

[Click here for attachments](#)

- A. 165-171 Milton Street Planning Proposal
- B. 149-163 Milton Street Planning Proposal
- C. GMU Urban Design Report
- D. Milton Street Strategic Assessment Report September 2016

Planning Matters - 27 September 2016

ITEM 5.6 **Draft Voluntary Planning Agreement - 717-727 Canterbury Road, Belmore**

AUTHOR **City Planning**

ISSUE

To seek approval to endorse a Voluntary Planning Agreement for 717-727 Canterbury Road, Belmore.

RECOMMENDATION That -

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

BACKGROUND

At the Council meeting of 26 July 2016 a report was submitted regarding a draft Voluntary Planning Agreement (VPA) for 717-727 Canterbury Road, Belmore (the former Tradelink Site).

The VPA arose from a development application (DA) at 717-727 Canterbury Road, Belmore involving 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).

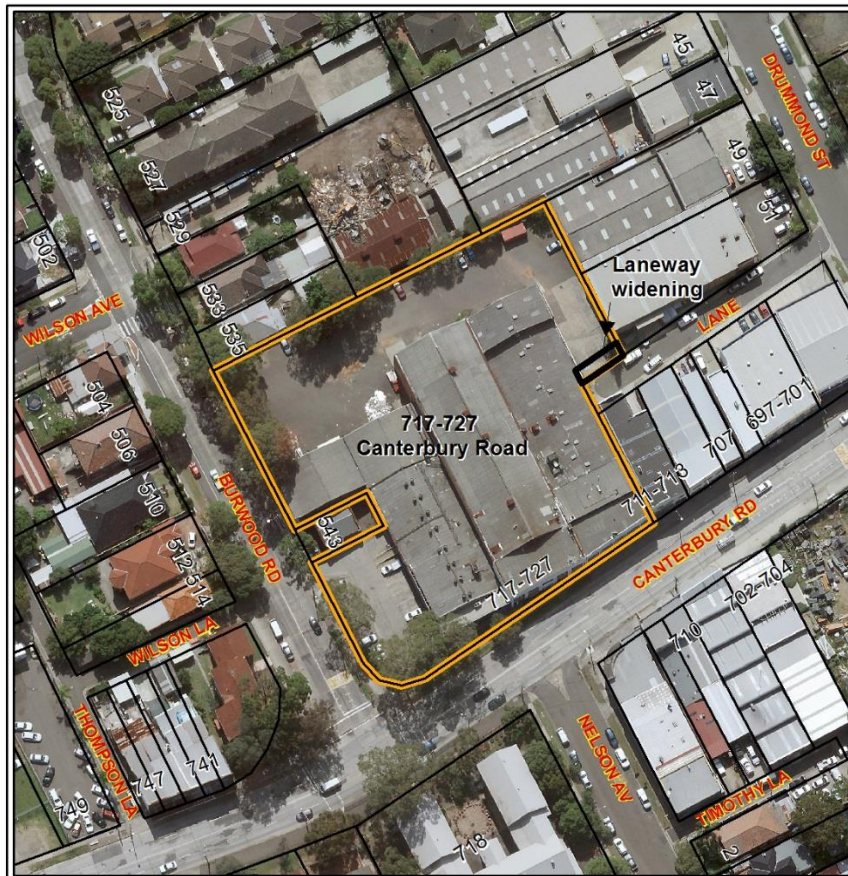
The DA was initially considered by the Joint Regional Planning Panel (JRPP) on 31 March 2016. One of the proposed DA conditions required widening of Drummond Lane, which abuts the site, to provide for a pedestrian footway.

The JRPP resolved to defer determination of the application, and also advised that dedication of the laneway cannot be required by condition. This DA is still under assessment and will be determined by the JRPP.

In light of the JRPP 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 VPA.

As such the intention of the draft VPA is to allow for dedication of land for the widening of Drummond Lane, and the construction of a pedestrian footpath on this land.

The overall development site and dedication land is shown below:



At the Council meeting on 26 July 2016 the Administrator resolved that:

1. Approval be given for Council staff to negotiate with the applicant and finalise the draft Voluntary Planning Agreement for 717-727 Canterbury Road, Belmore.
2. Once finalised, that 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.

REPORT

Negotiation of the VPA

As referred to in the above Council resolution, further negotiation occurred with the applicant in relation to the first draft of the VPA.

This resulted in the following changes:

- Costs of the footpath works being the responsibility of the developer
- Specification of the extent and standard of the works required
- Council's costs in preparing, negotiating, executing and stamping the VPA being paid for by the developer

A copy of the finalised draft VPA is attached to this report.

Public exhibition

The draft VPA was placed on public exhibition from 16 August 2016 to 13 September 2016. This exhibition occurred concurrently with an amended Development Application for the site.

No submissions were received in relation to the draft VPA.

Other issues

The mapping in the VPA showing the land to be dedicated to Council could be clearer in respect of what is being dedicated. It is recommended that this change be made to the final version of the VPA.

Conclusion

The VPA will create a public benefit by allowing for pedestrian movement to safely occur along Drummond Lane. There has been no public objection to the VPA. It is recommended that with the map amendment referred to above, that the VPA be endorsed by Council.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Draft Voluntary Planning Agreement - 717-727 Canterbury Road, Belmore

6 REPORT OF THE GENERAL MANAGER

The following items are submitted for consideration -

6.1	Draft 2015/16 Unaudited Annual Financial Reports for the Former Bankstown and Canterbury City Councils	149
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6.6	Release of Two Drainage Easements - 5 Robyn Street, Revesby and 249A Edgar Street, Condell Park	169
6.7	Proposed New Lease and Licence to NSW Touch Football Association Incorporated - Part Velodrome, 2 Bayview Avenue, Earlwood	173
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6.9	Dunc Gray Velodrome – Proposed Sublease	178A

Report of the General Manager - 27 September 2016

ITEM 6.1 Draft 2015/16 Unaudited Annual Financial Reports for the Former Bankstown and Canterbury City Councils

AUTHOR Corporate Services

ISSUE

In accordance with Section 413 of the Local Government Act (the Act) and Local Government (General) Regulation 2005, Council's 2015/16 Unaudited Annual Financial Reports for the former Bankstown City Council and the former Canterbury City Council are now completed and are referred to the Administrator for consideration under separate cover.

Once adopted, Council will be able to finalise the audit process which includes the receipt of the Auditor's Report.

RECOMMENDATION That -

1. The Administrator resolves that the 2015/2016 Annual Financial Reports for the former Bankstown City Council and the former Canterbury City Council, covering the period from 1 July 2015 to 12 May 2016 (date of Proclamation), have been prepared in accordance with the relevant sections and parts of the Local Government Act and Regulations.
2. The Administrator, General Manager and Responsible Accounting Officer declare on behalf of the former Bankstown City Council and duly sign the Statement of Council's Annual Financial Reports.
3. The Administrator, General Manager and Responsible Accounting Officer declare on behalf of the former Canterbury City Council and duly sign the Statement of Council's Annual Financial Reports.
4. The former Bankstown City Council's Statement of Council's Annual Financial Reports and 2015/2016 Annual Financial reports be referred to Council's Auditor in finalising the year-end audit process.
5. The former Canterbury City Council's Statement of Council's Annual Financial Reports and 2015/2016 Annual Financial reports be referred to Council's Auditor in finalising the year-end audit process.
6. The General Manager be authorised to set the date for the public meeting and give notice in accordance with the Local Government Act 1993.

BACKGROUND

As indicated in the Financial Management Report – Proclamation Issues presented to the meeting dated 14 June 2016, both the former Bankstown City Council and Canterbury City Councils financial position were considered sound and having met the overall objectives as set out in the relative original budgets for 2015/2016.

A complete assessment of both Councils' year-end result will be presented to the Administrator in October 2016 at which Council's Auditor will also be attending to outline his opinion of the results.

REPORT

In accordance with Section 413(1) of the Act, Council is required to prepare and refer their financial reports for audit. Part of the process is that the Administrator considers and resolves that the annual financial reports have been prepared in accordance with the Local Government Act, Regulations and Accounting Code, and that the reports fairly present Council's operating result and financial position.

The process of accepting the financial reports includes the Administrator, General Manager and Responsible Accounting Officer declaring on behalf of Council that:

The annual financial reports have been prepared in accordance with:

- The Local Government Act 1993 and the Regulations made there under,
- The Accounting Standards and professional pronouncements,
- The Local Government Code of Accounting Practice and Financial Reporting,

To the best of our knowledge and belief, these Reports:

- Present fairly Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

The Administrator, General Manager and Responsible Accounting Officer also declare on behalf of Council that they are not aware of any matter that would render the Reports false or misleading in any way.

A separate declaration is required for the former Bankstown City Council and the former Canterbury City Council.

At the conclusion of the Audit, Council must:

- fix a date whereby it proposes to present its audited financial reports, together with the auditor's report to the public,
- give public notice of the date so fixed, and
- send a copy of the auditor's report on the council's financial reports, together with a copy of the council's audited financial reports, to the Departmental Chief Executive and to the Australian Bureau of Statistics.

As indicated early, it is anticipated that audited financial reports will be presented to Council at the October 2016 Ordinary Meeting. Given the administrative nature of these requirements, it is proposed that the General Manager be delegated the authority to both inform the public and perform the necessary steps required under the Act.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

Notwithstanding any further adjustments that may be required as part of the audit process, the attached reports fairly present both the former Bankstown City Council's and Canterbury City Council's operating result and financial position for the year and accord with relevant accounting records.

RECOMMENDATION That -

1. The Administrator resolves that the 2015/2016 Annual Financial Reports for the former Bankstown City Council and the former Canterbury City Council, covering the period from 1 July 2015 to 12 May 2016 (date of Proclamation), have been prepared in accordance with the relevant sections and parts of the Local Government Act and Regulations.
2. The Administrator, General Manager and Responsible Accounting Officer declare on behalf of the former Bankstown City Council and duly sign the Statement of Council's Annual Financial Reports.
3. The Administrator, General Manager and Responsible Accounting Officer declare on behalf of the former Canterbury City Council and duly sign the Statement of Council's Annual Financial Reports.
4. The former Bankstown City Council's Statement of Council's Annual Financial Reports and 2015/2016 Annual Financial reports be referred to Council's Auditor in finalising the year-end audit process.
5. The former Canterbury City Council's Statement of Council's Annual Financial Reports and 2015/2016 Annual Financial reports be referred to Council's Auditor in finalising the year-end audit process.
6. The General Manager be authorised to set the date for the public meeting and give notice in accordance with the Local Government Act 1993.

ATTACHMENTS

[Click here for attachments](#)

- A. Former Bankstown Council Unaudited Annual Financial Statements 2015-2016
- B. Former Canterbury Council Unaudited Annual Financial Statements 2015-2016

Report of the General Manager - 27 September 2016

ITEM 6.2 Emergency Services Property Levy

AUTHOR Corporate Services

ISSUE

To outline the proposed changes to the recovery and funding of the NSW Governments Emergency Services Levy, and its impact on councils.

RECOMMENDATION That -

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

BACKGROUND

At present, the NSW Fire Service, Rural Fire Service and State Emergency Services operations are funded in part by the NSW Government, NSW Councils and insurance companies, through property insurance premiums.

The NSW Government has advised that it will be undertaking major reform to the funding of fire and emergency services, particularly funding from insurance companies.

From 1 July 2017, the funding component collected from insurance companies will end and be replaced with a property-based levy collected by NSW councils from all property owners.

The Government have indicated that:

- under the current system, the levy is only collected from individuals and businesses that buy property insurance, despite these services being available to everybody in our community.
- Under the changes, nearly all property owners will contribute to the cost of these services.
- the change will bring NSW in line with all other mainland states.

This report outlines the expectations of councils in administering the collection of the levy.

REPORT

Collection Process by Council

Whilst information regarding the proposed changes is still quite limited, Council understands that:

- The NSW Government is currently preparing legislation under which councils will be responsible for collecting the levy from land owners;
- From July 2017, the Government expects the levy will appear as a separate line item on council rate notices, distinct from Council's rates and annual charges;
- It is intended that the levy for individual properties will be based on certain classification designated for each property (residential, industrial, commercial and farmland) and their specific land value;
- Council understands that concessions will apply for pensioners, war veterans and other concession cardholders. The concessions will be consistent with that applying to council rates and charges under the Local Government Act 1993; and
- Whilst Council properties will be exempt, it will still be required to pay its component of the Levy – currently \$4.1M.

As Council will appreciate, the changes present a number of issues for Council which will become clearer as the proposed changes evolve. It is proposed that further reports be provided to Council as further information comes to hand.

Council understands that a broad advertising campaign will be run by the Government in 2017 to advise the community of the changes.

Memorandum of Understanding

In administering the changes, the Government has requested Council enters a Memorandum of Understanding (MOU) which sets out Council's obligations in relation to the new Emergency Services Property Levy (ESPL). This MOU specifically deals with gathering and providing information to allow the Government to classify all properties – MOU attached.

The MOU provides Council with \$72K in funding to offset the cost of gathering the required information. The value of funding is considered reasonable for the required work (ie. system changes and staff resources).

The land classification task will be the first of a number of activities that the Government will be asking councils to undertake over the next 12 months.

The Government expects that additional funding will be provided by the State to each council in support of implementing the collection of the Levy. Additional funding will be provided under separate instruments, as required. NSW Treasury will be working with the sector to determine an appropriate reimbursement framework.

It is recommended that Council enter into this specific MOU with NSW Treasury for the required information. Further MOU's will be submitted to Council for its consideration, as required.

POLICY IMPACT

There is no direct policy impact for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

The proposed funding of \$72K is considered reasonable for the required data gathering required by NSW Treasury.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Proposed changes to the NSW Emergency Services levy
- B. MOU between the State and Canterbury-Bankstown Council

Report of the General Manager - 27 September 2016

ITEM 6.3 Update on Leisure and Aquatics

AUTHOR City Services

ISSUE

An update on the former Bankstown and Canterbury Leisure and Aquatics future service and facilities strategies and structural issues on the 25 metre and program pools at the Greenacre Leisure and Aquatic Centre.

RECOMMENDATION That -

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

BACKGROUND

In 2015, the former Bankstown and Canterbury Council's independently resolved to engage industry consultants to conduct a strategic review of their Leisure and Aquatics facilities and services. Both reviews involved significant community and stakeholder consultation, research and analysis to provide recommendations on models that will most sustainably meet the needs of the community well into the future.

Following amalgamation, it is proposed that some further work be carried out to align the reviews, particularly the community's expectation around the central part of the local government area, and provide a single overarching strategy for the city. Once completed the strategy will be exhibited for community comment.

Separately, following routine inspections, Council identified a portion of the wet deck at Greenacre Leisure Centre has collapsed. Two engineering firms were engaged to conduct an assessment of the structural integrity of the wet deck and surrounds. This assessment revealed a number of areas of concern and both the 25 metre and program pools have subsequently been deemed structurally unsound.

REPORT

Leisure and Aquatic Strategy

The new City of Canterbury Bankstown currently has 6 Leisure, Aquatic and Fitness Centres located in Birrong, Canterbury, Greenacre, Revesby, Roselands and Villawood.

During 2015, the former Bankstown and Canterbury Council's resolved to engage Warren Green Consulting and Otium Planning Group respectively to conduct detailed strategic reviews of the existing facilities and services.

Both studies have thoroughly investigated the current service and suite of facilities, and have also assessed the gaps in service provision identified through the community and stakeholder consultation process.

A series of recommendations have been made by each consultant, however these recommendations were based on the former local government areas. These recommendations now need to be aligned and assessed by an independent consultant to form an overarching Leisure and Aquatics strategy for the new City of Canterbury Bankstown.

Subject to Council's agreement, the process of alignment of both strategies can commence immediately.

Greenacre Pool

By way of background, the Greenacre Leisure and Aquatic Centre is:

- one of the 6 facilities owned and operated by Council;
- In 2015/16, the Centre attracted just 25,000 visits in 5 months of operation. This equates to only 3.3% of the overall Canterbury-Bankstown Leisure and Aquatics attendance;
- The facility accounts for 10% of the overall annual subsidy for the entire service; and
- School groups account for 50% of the overall attendance at Greenacre with just 12,600 visits coming from community recreational users.

At the end of the 2015/16 summer season, an issue was identified by Council officers with the pool wet deck and concourse.

Engineering consultants were engaged to assess the issues identified and to provide recommendations on addressing these issues. The consultants carried out a condition assessment on the reinforced concrete edges of the 2 pools and identified 16 areas of concern. An independent surveyor has assessed the scope of repair to make safe the existing wet deck and concourse and estimated the works to be between \$1.8M – \$2.3M.

Further, Council have also been advised that given the nature of the required works, there is:

- a serious risk of the pool shells cracking during the repair works; and
- the repairs would require Council to comply with current building standards (BCA) and NSW Health requirements.

The likely cost to address/manage these issues would be significant.

Alternatively, an option would be to construct two new pool shells, at a cost of approximately \$2.3M.

That said, it should be noted that neither investment would provide for the needs of the community, generate new revenue streams and/or contribute to growing the service.

Given the extent and cost of the repairs required at Greenacre and the extremely low patronage, the safest and most feasible option is for Greenacre to remain closed for the 2016/17 season to allow for further investigation and analysis to take place.

The schools that have booked the Centre for the upcoming season can be relocated to other Centres within the City and Council officers would work closely with these schools to facilitate that process.

Community Engagement

Naturally, once the proposed strategy is completed, it will be exhibited for public comment. Given it being one of councils more significant and wider reaching services, it is recommended that an advisory sub-committee of relevant former Councillors be established to assist in shaping its strategy and provide Council with advice on the matter.

The Sub-Committee would form part of Council's existing advisory group structure and report through the Council Advisory Group (LRC and IAG).

If agreed to, relevant former Councillor involvement and Terms of Reference for the Sub-Committee will be determined by the Administrator and implemented accordingly.

POLICY IMPACT

The proposed strategy will determine Council's longer term approach to providing leisure and aquatic services throughout the local government area.

FINANCIAL IMPACT OF RECOMMENDATIONS

The cost for the alignment of the former Bankstown and Canterbury strategies is included in the 2016/17 budget.

The budgeted operational subsidy for the Greenacre Leisure and Aquatic Centres in 2016/17 was expected to be around \$0.3M.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 27 September 2016

ITEM 6.4 Free Car Parking Agreements

AUTHOR City Planning

ISSUE

Council has received a proposal from Woolworths Campsie supermarket, requesting assistance to better manage car parking within their busy central location in the Campsie town Centre, by entering into a Free Car Parking Agreement. This report details the necessary legal steps (under the Local Government Act 1993) required to enter an agreement including a recommendation to move forward with this proposal.

RECOMMENDATION That -

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

BACKGROUND

Council has received various requests in recent years from a number of local shopping centres to enter into Free Car Parking Agreements, to better manage car parking within their sites.

The most recent signed Agreements include the following locations:

- No. 1 North Terrace, Bankstown (Federation Shopping Centre);
- No. Leicester St, Chester Hill (Chester Square Shopping Centre);
- No. 60 Marco Ave, Revesby (Woolworths Revesby); and
- No. 355 Waterloo Rd, Greenacre (Chullora Marketplace).

Council is also awaiting the signing of further Agreements at:

- No. 25-37 Selems Pde, Revesby (Palm Court Shopping Centre); and
- No. 753 Hume Hwy, Bass Hill (Bass Hill Shopping Centre).

These Agreements allow Council to enter private property to monitor and manage car parking, ensuring compliance with timed signage and accessible car spaces, as well as loading zones.

This current proposal has been requested by Woolworths at Campsie who occupy land within the busy and vibrant Campsie town centre.

REPORT

Council has entered into four (4) Free Car Parking Agreements in the last few years, and a further two (2) more are ready for signing. Each of these shopping centres has numerous issues with non-compliance with signposted directions, time limits, and major issues with private vehicles parking in loading docks, causing significant delays in unloading to service their retailers.

These shopping centres approached Council to take on the monitoring and management of their car parking to ensure compliance. Council is able to undertake such actions by complying with section 650 of the Local Government Act 1993.

The approach by Woolworths supermarket in Campsie (No. 68 Eveline St, Campsie – Lot 1, DP 944420, Lots 1 & 2 DP 927885, Lot 70 & 71 DP 5930, Lot 4 DP 4357, Lot X & Y DP 417493, Lot A & B DP 404718, Lot 7 DP 43577, Lot 81 & 82 DP 523555, Lot 1 DP 946343) is identified as one of the larger individual shopping centre sites in the Campsie town centre, providing over 60 car spaces onsite. This car park is heavily used by not only shoppers of the Woolworths supermarket, it is also used by shoppers of other local businesses.

As part of the request, it is acknowledged that the previous Council approved 'pay & display' management system is not working effectively, and is a less than ideal regulatory option to manage the car park. It is also a confusing system which customers have not embraced, and therefore the request to Council to manage the car park in a simple and easy manner in which all other car parks are monitored is the preferred way. Woolworths have noted the simplicity in the way that their Revesby supermarket car park is operating since Council took over the management of this site, and therefore wish to replicate this at the Campsie supermarket site.

Next Steps

As part of the process of entering into an Agreement with Woolworths Campsie, Council is required to classify the land as Operational Land, as detailed under section 650 of the Local Government Act 1993. In addition, Council must also ensure it follows the *Director General's Free Parking Area Agreement Guidelines (1998)*. Broadly, the Guidelines include:

- The Council identifying that there is a genuine need, from a public policy perspective, to assist the landowner in determining vehicles related problems, via the conclusion of the proposed free car parking area agreement submitted by the landowner;
- The landowners understanding that the Council will take control of the land and make it available for parking by the public free of charge, and the landowners agreement to this occurring;
- That all signage must be compliant with relevant sections of the Act;
- That the list of matters identified in the Guidelines are addressed; and
- The classification of any land within the Agreement, is to be classified as 'Operational Land' (under s34 of the Local Government Act 1993).

The report recommends that Council publicly exhibit for a period of at least 28 days this proposal. Should Council receive any submissions to this exhibition, these will be addressed in a further report to Council.

As part of the negotiations with Woolworths, and as per all previous Agreements Council has entered into, it is recommended that an initial five (5) year term be agreed to, with an option for a further five (5) years. In order for Council to better manage the number of Agreements it has, it is recommended that all Agreements end on the same date, therefore simplifying administrative processes. This will likely result in the initial term being slightly less than 5 years noted above, to align with the other Agreements initial term ending on 30 June 2020.

POLICY IMPACT

The proposal to enter into a Free Car Parking Agreement is consistent with the requirements set out under the Local Government Act 1993 (s.650) and the *Director General's Free Parking Area Agreement Guidelines (1998)*. Even though the Campsie town centre is not directly linked to the Bankstown CBD Car Parking Strategy, it also still aligns with the objectives and principles of this Strategy.

FINANCIAL IMPACT OF RECOMMENDATIONS

All costs associated with manufacturing of any signage will be borne by the land owners prior to Council commencing any regulatory services on that site.

Council will provide the necessary resources to undertake the patrolling of the above mentioned site, as required.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Locational Map of Woolworths Campsie Site
- B. Lot and DP Map of Woolworths Site

Report of the General Manager - 27 September 2016

ITEM 6.5 Requests for Financial Assistance and Donations

AUTHOR Corporate Services

ISSUE

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

RECOMMENDATION That -

1. A donation to the value of \$250.00 be made to St. Christopher's Soccer Club, Panania for donatable items in support of their Presentation Day which is being held on Sunday, 9 October, 2016.
2. A donation of \$7,500.00 be made to the Bankstown City Council Social Club who are hosting their annual Family Christmas Picnic Day on Sunday, 4 December, 2016 at Steve Folkes Reserve, Georges Hall.
3. A donation of \$2,288.00 be made to The Bankstown Elders Group who have requested that Council waive the hire fee for the use of the Yagoona Senior Citizens' Centre for their Aboriginal Arts and Culture Group Meetings during the 2016/2017 financial year.
4. A donation of \$604.00 be made to the Georges River Softball Association in support of their fee waiver for the Under 13's State Tournament which was held at Kelso Park – Softball, Panania on 10 and 11 September, 2016.
5. A donation of \$300.00 be made to George Bass School, Bass Hill (Children with Special needs) who are hosting a trivia night at the school on Friday, 21 October, 2016.

REPORT

Section 1 – Requests from Sporting Individuals/Groups

- St Christopher's Soccer Club, Panania are hosting their Presentation Day on Sunday, 9 October, 2016 and are requesting donatable items from Council in support of their event. Council previously donated to St Christopher's Soccer Club, Panania at the Ordinary Meeting on 22 September, 2015. It is recommended that donatable items to the value of \$250.00 be made to St Christopher's Soccer Club, Panania.

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

- The Bankstown City Council Social Club is holding their annual Family Christmas Picnic Day on Sunday 4 December 2016. The event in past years has been held at Vale of Ah, however due to the scheduling or urgent playing field reconstruction and drainage and lighting works this year's picnic has been transferred to Steve Folkes Reserve, Georges Hall. As there is a lack of adequate shelter available at Steve Folkes Reserve the Social Club has requested financial assistance towards the hiring of marquees for the event. It is recommended that a donation of \$7,500.00 be made to the Bankstown City Council Social Club.
- The Bankstown Elders Group have requested that Council waive the hire fee for the use of the Yagoona Senior Citizens' Centre for their Aboriginal Arts and Culture Group Meetings during the 2016/2017 financial year. Council previously donated to The Bankstown Elders at the Meeting of 27 May, 2014. It is recommended that a donation of \$2,288.00 (equivalent to the hire fee for the use of the Yagoona Senior Citizens' Centre) for their Aboriginal Arts and Culture Group Meetings during the 2016/2017 financial year be made to The Bankstown Elders.
- The Georges River Softball Association held their Under 13's State Tournament at Kelso North – Softball, Panania on 10 and 11 September, 2016 and are requesting that Council waive the hire fees. It is recommended that a donation of \$604.00 (equivalent to the waiving of the hire fees for the use of Kelso North – Softball, Panania) be made to the Georges River Softball Association.

Section 3 – Request from Schools

- George Bass School, Bass Hill (which is a school for children with special needs) is hosting a trivia night at the school on Friday, 21 October, 2016. Council has previously donated to George Bass School at the Ordinary Meeting of 26 August, 2014. It is recommended that a donation of \$300.00 be made to George Bass School, Bass Hill.

POLICY IMPACT

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

Individuals

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

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

Not-for-profit Groups and Organisations

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report recommends donations totaling \$10,942.00 and those funds be made available from Council's Section 356 Financial Assistance Budget.

RECOMMENDATION That -

1. A donation to the value of \$250.00 be made to St. Christopher's Soccer Club, Panania for donatable items in support of their Presentation Day which is being held on Sunday, 9 October, 2016.
2. A donation of \$7,500.00 be made to the Bankstown City Council Social Club who are hosting their annual Family Christmas Picnic Day on Sunday, 4 December, 2016 at Steve Folkes Reserve, Georges Hall.
3. A donation of \$2,288.00 be made to The Bankstown Elders Group who have requested that Council waive the hire fee for the use of the Yagoona Senior Citizens' Centre for their Aboriginal Arts and Culture Group Meetings during the 2016/2017 financial year.
4. A donation of \$604.00 be made to the Georges River Softball Association in support of their fee waiver for the Under 13's State Tournament which was held at Kelso Park – Softball, Panania on 10 and 11 September, 2016.
5. A donation of \$300.00 be made to George Bass School, Bass Hill (Children with Special needs) who are hosting a trivia night at the school on Friday, 21 October, 2016.

ATTACHMENTS

Nil

Report of the General Manager - 27 September 2016

ITEM 6.6 Release of Two Drainage Easements - 5 Robyn Street, Revesby and 249A Edgar Street, Condell Park

AUTHOR Assets & Infrastructure (West)

ISSUE

To consider the release of two redundant Drainage Easements at 5 Robyn Street, Revesby and 249A Edgar Street, Condell Park.

RECOMMENDATION That -

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

BACKGROUND

5 Robyn Street, Revesby

Development Application No. DA 755/2003 and DA 755/2003/1 was issued on 27 November 2003 and 22 January 2007 respectively, for the *"Demolition of existing dwelling and Construction of an Attached Dual Occupancy and Torrens Title Subdivision"*.

The development was proposed to be located adjacent to a 375mm diameter Council stormwater pipeline contained within an existing 1.83m wide easement along the south-eastern boundary of the property. During construction of the foundation for the dwelling, it was discovered that the existing pipeline was located diagonally across the property. The developer applied to amend the DA to rectify the mistaken location and proposed to relocate the drainage pipe and easement to be outside of the building envelope. Council approved the amendment and the developer proceeded to remove and reconstruct the pipeline in the new location. The development consent gave approval to these works and the creation of a new easement over the new pipeline to benefit Council.

249A Edgar Street, Condell Park

Development Application No. DA 891/2013 was issued on 28 November 2013, for the *"Torrens Title Subdivision into 2 Lots"*.

The developer proposes a subdivision of the land to create a new lot where an existing 750mm diameter Council pipeline and 2.44m wide drainage easement runs diagonally through the proposed new lot, draining Council's upstream drainage catchment. The developer has applied to Council to relocate the existing pipeline and easement and the construction of a new diversion stormwater pipe within the site. The Council development consent gave approval to these works and the creation of a new easement over the new pipeline to benefit Council.

REPORT

5 Robyn Street, Revesby

A new 375mm diameter diversion stormwater pipeline was constructed by the developer as per Council's requirements. The work was completed under the supervision of Council officers, therefore rendering the existing Easement to Drain Water as redundant. The redundant easement is highlighted in Attachment A.

Subdivision Certificate Application No. SUB-173/2016 has been submitted to Council and proposes:

- Torrens Title Subdivision of existing Dual Occupancy into two lots.
- Creation of new Easement to Drain Water 2m Wide over the diverted stormwater pipeline to benefit Council.
- Release Existing Easement for Drainage which benefits Council created by Dealing G985881 shown within Lot 111 DP 35565.

As the existing easement is now redundant and a new easement is to be created under Subdivision Certificate No. 173/2016, it is reasonable to proceed with the endorsement of the Subdivision Certificate which proposes the release of the existing Easement for Drainage.

249A Edgar Street, Condell Park

A new 750mm diameter diversion stormwater pipeline has been constructed by the developer as per Council's requirements. The work was completed under the supervision of Council officers, therefore rendering the existing Easement for Drainage as redundant. The redundant easement is highlighted in Attachment B.

Subdivision Certificate Application No. SUB-234/2016 has been submitted to Council and proposes:

- Torrens Title Subdivision into two lots
- Creation of new Easement to Drain Water 3m Wide to benefit Council.
- Release Existing Easement for Drainage which benefits Council created by Dealing BK2556 No. 887 shown within Lot 191 DP 803921.

As the existing easement is now redundant and a new easement is to be created under Subdivision Certificate No. 234/2016, it is reasonable to proceed with the endorsement of the Subdivision Certificate which proposes the release of the existing Easement for Drainage.

POLICY IMPACT

This matter has no policy implications.

FINANCIAL IMPACT OF RECOMMENDATIONS

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

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Redundant Easement - 5 Robyn Street
- B. Redundant Easement - 249A Edgar Street

Report of the General Manager - 27 September 2016

ITEM 6.7 **Proposed New Lease and Licence to NSW Touch Football Association Incorporated - Part Velodrome, 2 Bayview Avenue, Earlwood**

AUTHOR **Corporate Services**

ISSUE

To seek endorsement of a new lease and licence to NSW Touch Football Association at Waterworth Park.

RECOMMENDATION That -

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

REPORT

NSW Touch Football Association Inc ("NSW Touch") leases an office and licences a storeroom in the grandstand of Council's Velodrome in Waterworth Park, 2 Bayview Avenue, Earlwood. The organisation uses the infield of the velodrome and fields adjacent to the velodrome for touch football matches. NSW Touch occupies and uses the premises under the holdover provisions of the lease which expired in October 2014. The organisation has used this office as its head office since the mid-1980s. The delay in proceeding with the renewal of this lease is due to Council being noted in the reference schedule on the title of the land as the owner of this park. Ownership of the park was disputed by the Department of Lands. Legal advice was obtained that confirmed Waterworth Park is a Crown Land reserve, managed by Council. The decision, to lease the land was subject to Department of Lands approval. Council was working on the advice from the Department prior to proceeding on the matter.

NSW Touch has agreed to terms for a new lease and licence for the existing premises. These terms have also been agreed to by the Department of Lands. The terms agreed to between the parties include rent and licence fee based on market rate assessments, made by an independent qualified valuer engaged by Council. The office area consists of two levels totalling 325 square metres. The separate storage area is 48 square metres. The pertinent terms agreed are as follows:

Commencement:	4 October 2015
Term:	Five years
Expiry:	3 October 2020
Office Rent:	\$10,562.50 pa + GST
Storeroom Licence Fee:	\$840 pa + GST
Reviews:	CPI per annum
Public liability insurance:	\$20M

Conclusion

Documents reflecting the terms agreed to have been prepared and approved by NSW Touch and by Department of Lands in principle. Agreement to the terms of the lease and licence, and execution of the documents by Council under Seal, is recommended.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Access to Services.

FINANCIAL IMPACT OF RECOMMENDATIONS

The proposed rent is already included in the budget.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 27 September 2016

ITEM 6.8 **Cash and Investment Report as at 31 August 2016**

AUTHOR **Corporate Services**

ISSUE

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

RECOMMENDATION That -

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

BACKGROUND

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

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

REPORT

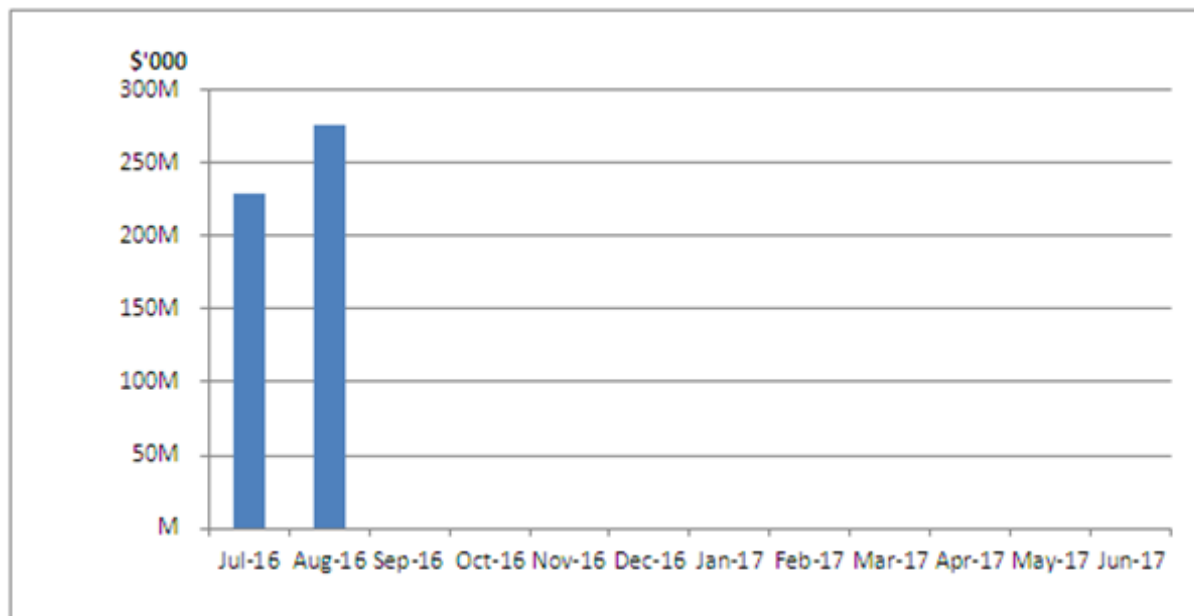
Cash and Investment Summary – as at 31 August 2016

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

Cash and Investments	\$
Cash at Bank	22,093,243
Deposits at Call	59,303,617
Term Deposits	178,470,000
Floating Rate Notes	16,501,485
Total Cash and Investments	276,368,345

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

Cash and Investment Rolling Monthly Balance 2016-2017



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

Interest Income	August 2016 \$	Year-to-date Aug 2016 \$
Budget	385,916	771,832
Actual Interest	533,419	1,101,098
Variance	147,503	329,266
Variance (%)	38%	43%

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

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

Overall Portfolio Maturity Limits	
	Actual % of Portfolio
Portfolio % <= 1 Year	74%
Portfolio % >1 Year <=3 Years	16%
Portfolio % >3 Years <=5 Years	10%
Portfolio % >5 Years	0%
Total Cash and Investments	100%

Overall Portfolio by Investment Type	
	Actual % of Portfolio
Cash at Bank	8%
Deposits at Call	21%
Term Deposits	65%
Floating Rate Notes	6%
Total Cash and Investments	100%

At present, the former Council's existing Investment Strategies and Policies continue to apply.

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

CERTIFICATION OF INVESTMENTS - RESPONSIBLE ACCOUNTING OFFICER

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

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

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

RECOMMENDATION That -

1. The Cash and Investments Report as at 31 August 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 August 2016
- B. Bankstown Branch Cash Investment Report August 2016
- C. CPG Research & Advisory Bankstown Branch Cash & Investment Report August 2016

Report of the General Manager - 27 September 2016

ITEM 6.9 Dunc Gray Velodrome- Proposed Sublease

AUTHOR Corporate Services

ISSUE

To consider a request made by the Bankstown District Sports Club to sublease the Velodrome Tavern for the purposes as outlined in the report.

RECOMMENDATION That -

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

BACKGROUND

In April 1998, Council resolved to enter into a Master Agreement with the then Olympic Coordination Authority (OCA) to construct and manage the Velodrome. The Master Agreement and subsequent leasing arrangements were based on the Bankstown District Sports Club (the Club) assuming the operational requirements and commitments associated with the Velodrome until 2019 at which stage the facility would revert to Council to operate.

As part of the complex, the Club established and operated the Handle Bar Tavern (the Tavern) which it closed in May 2010.

In July 2011 Council and the Minister for Sport and Recreation consented to a sub-lease of the Tavern which did not proceed. Subsequently Council has been approached by the Club to consider another sub-lease of the Tavern which is the subject of this report.

REPORT

Council has been approached by the Club to consider a sub-lease of the Tavern. Since closure of the Tavern, the Club, in consultation with Council sought a suitable organisation to continue operating the premises while preserving the obligations and outcomes required under the current sublease with Council.

In agreeing to any sub-leasing arrangement, the Club is required to obtain consent from both Council and the Minister of Sport and Recreation prior to formalising any agreement.

A development application was received for consideration of Council (408/2016), to use the vacant Tavern area as a licensed restaurant. The applicant recognises in their Plan of Management (PoM) that the site must continue to service the Velodrome when in use and proposes to limit bookings for the restaurant to only 50 persons on days when events are being held at the Velodrome.

They further propose that the restaurant will have light entertainment on Wednesday, Friday and Saturday nights, mostly comprising of one-man bands.

The proposed lease would align with the Clubs remaining lease term with Council, which is scheduled to conclude in 2019.

As part of the agreement, all rental income proceeds will be used by the Club to subsidise the operational running costs of the Velodrome facility.

Leasing and Legislative Requirements

The Velodrome is located on Community Land and as such is governed by various provisions of the Local Government Act 1993 (the Act) and the Master Heads of Agreement which incorporates a series of subleases with the Minister of Sport and Recreation, Council and the Club.

In considering the request, Council had previously obtained legal advice which confirmed that Council may consent to subleasing the Tavern area and it meets the relevant leasing provisions of the Act. Furthermore, Council is not required to carry out any further public notification process as it is not granting a new right or estate under the Act.

Similarly, Council through the DA process needs to ensure that the proposed lease meets certain requirements outlined under the Crest Plan of Management. Notwithstanding that the use is not expressly noted in the Plan of Management, legal advice suggests that it is not inconsistent with the Plan of Management and that its proposed use would generally fall within the classification of uses permitted under the document.

POLICY IMPACT

As outlined above, the proposed use is generally consistent with the core objectives and permitted uses outlined in the Crest Plan of Management and that Council have met its requirements under the Act.

FINANCIAL IMPACT OF RECOMMENDATIONS

As part of the agreement, all rental income proceeds will be used by the Club to subsidise the operational running costs of the Velodrome facility.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

7 COMMITTEE REPORTS

The following items are submitted for consideration -

7.1	Council Advisory Committees and Sub-Committees	183
7.2	Minutes of the Canterbury Traffic Committee Meeting held on 5 September 2016 and Bankstown Traffic Committee Meeting held on 13 September 2016	185

Committee Reports - 27 September 2016

ITEM 7.1 Council Advisory Committees and Sub-Committees

AUTHOR Corporate Services

ISSUE

Council Advisory Committees and Sub-Committees have been established and first meetings held.

RECOMMENDATION

That the report be noted.

BACKGROUND

On 14 June 2016, Council resolved to establish the Canterbury-Bankstown Implementation Advisory Group and the Canterbury-Bankstown Local Representation Group. Council also resolved to establish advisory sub-committees. The Charters and Terms of Reference for each committee were endorsed. The advisory committees have powers to make recommendations but not decisions.

REPORT

The following Council advisory committees and sub-committees have been established and held their first meetings:

- Council Advisory Group (incorporating the Canterbury-Bankstown Implementation Advisory Group and the Canterbury-Bankstown Local Representation Committee) met Friday 26 August 2016
- Stronger Communities Fund Sub-Committee met Monday 1 September 2016
- Integrated Planning and Reporting Sub-Committee met Monday 1 September 2016
- Policy Review (Community & Services) Sub-Committee met Monday 1 September 2016

The Minutes for each committee are attached.

POLICY IMPACT

All committees have met in accordance with the Charter and Terms of Reference endorsed for each Committee.

FINANCIAL IMPACT OF RECOMMENDATIONS

The Terms of Reference for each Committee set out the specific financial implications of their establishment. Council's standard expenses policies apply to all Committees, as appropriate.

RECOMMENDATION

That the report be noted.

ATTACHMENTS

[Click here for attachments](#)

- A. Minutes of Council Advisory Group held on 26 August, 2016
- B. Minutes of Stronger Communities Fund Sub-Committee held on 1 September, 2016
- C. Minutes of Integrated Planning and Reporting Sub-Committee held on 1 September, 2016
- D. Minutes of Policy Review held on 1 September, 2016

Committee Reports - 27 September 2016

ITEM 7.2 **Minutes of the Canterbury Traffic Committee Meeting held on 5 September 2016 and Bankstown Traffic Committee Meeting held on 13 September 2016**

AUTHOR **Assets & Infrastructure (West)**

ISSUE

Recommendations of the Canterbury Traffic Committee and the Bankstown Traffic Committee.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 5 September 2016 and the Bankstown Traffic Committee held on 13 September 2016, be adopted.

BACKGROUND

Attached are the minutes of the Canterbury Traffic Committee held on 5 September 2016 and Bankstown Traffic Committee Meeting held on 13 September 2016.

The Committees have been constituted to advise and make recommendations in relation to traffic activities. They have, however, no delegated authority and cannot bind Council.

The recommendations of the Committees are in line with the objectives of the Committees and with established practices and procedures.

FINANCIAL IMPACT OF RECOMMENDATIONS

Potential costs arising out of recommendations of the Traffic Committees are detailed in future Works Programs for Roadworks/Traffic Facilities.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 5 September 2016 and the Bankstown Traffic Committee held on 13 September 2016, be adopted.

ATTACHMENTS [Click here for attachments](#)

- A. Minutes of the Canterbury Traffic Committee Meeting held on 5 September 2016.
- B. Minutes of the Bankstown Traffic Committee Meeting held on 13 September 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	Changes to the pre-gateway review process	191
9.2	Yagoona Community Centre	195
9.3	Minutes of the WSROC Board Meeting of 18 August 2016	201
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9.5	Development Applications Determined by the Independent Hearing and Assessment Panel	205
9.6	Development Applications Determined by Council Officers Under Delegation	207
9.7	Report on (1) Development Applications and Section 96 Applications Determined, (2) to update the status of various social housing Projects, (3) to advise of any JRPP projects which have been determined, and (4) to advise of the status of various DA related legal matters related to the Bankstown branch for July and August 2016.	209

Matters For Information - 27 September 2016

ITEM 9.1 Changes to the pre–gateway review process

AUTHOR City Planning

ISSUE

This report outlines changes to the Department of Planning & Environment’s pre-Gateway review process which came into effect on 1 September 2016.

RECOMMENDATION

That the information be noted.

BACKGROUND

Prior to October 2012, no mechanism was available to applicants seeking a merit-based review (independent of Council) on a decision not to progress a planning proposal.

In October 2012, the Department of Planning & Environment introduced the pre–Gateway review process which enabled a review request to be submitted directly to the Department of Planning and Environment where a Council:

- resolved not to support a planning proposal request; or
- did not make a decision on whether to proceed with a planning proposal within 90 days after the proponent submitted the rezoning application.

This process was administered by the Department of Planning and Environment and relied on independent assessment by the relevant Joint Regional Planning Panel.

The Department of Planning and Environment undertook a review of pre-Gateway applications made between October 2012 and June 2015 during which time 75 applications from across the State were submitted. The *Pre-Gateway Review Findings and Recommendations Report* was released for consultation in July 2015. This Report proposed a series of amendments aimed at improving the efficiency and increase transparency in how pre-Gateway reviews were administered. Targeted consultations were also undertaken at the time with industry and selected Councils.

An amended pre-Gateway process (now termed Rezoning Review) was released on 30 August 2016 which introduced a number of amendments primarily aimed at streamlining the current process. The new Rezoning Review process commenced on 1 September 2016.

There are currently no live Rezoning Reviews under consideration for the Canterbury Bankstown local government area.

REPORT

Review of the pre-Gateway process

The Department's review found a number of issues impacting the timeliness, level of transparency and certainty in how pre-Gateway applications were administered. Some of the key issues identified included:

- little clarity regarding the respective roles of the Department and relevant Joint Regional Planning Panel
- inefficiency, time delays and duplication of process
- lack of community awareness of review requests – impacting transparency and community confidence in planning system
- level of clarity for practitioners and community regarding the scope of the review
- little importance given to the currency of strategic planning applying to the site.

Changes to the pre-gateway review process

Although a number of amendments have been introduced, a key change that will form an integral part of Rezoning Reviews is the application of the new *Strategic Merit* test. The new review process introduces a strengthened test which is intended to place increased emphasis on whether existing local environmental plans reflect the current strategic direction for planning in an area, the length of time that has elapsed since the community was consulted about the planning controls applying to the land and changing circumstances in the area such as the introduction of major new infrastructure upgrades.

Other changes to the administrative process are:

Current pre-Gateway Process	New Rezoning Review Process
No time benchmark for completing pre-Gateway reviews.	85% of all rezoning reviews to be processed within 90 days.
Pre-Gateway applications submitted to the Department could differ from that which was considered by Council.	The Rezoning Review request must be exactly the same as the proposal submitted to and considered by Council. An amended proposals will not be accepted.
Department undertakes preliminary assessment and decides whether a request should proceed to the Joint Regional Planning Panel for consideration. The Panel recommends whether a request should proceed to a Gateway determination.	A review request is automatically forwarded to the Joint Regional Planning Panel to decide whether the request should proceed to a Gateway determination.
Review requests are not publically known about until a decision for the planning proposal has been supported by the Department and JRPP.	Department tracking system automatically updated once an application is submitted – transparency significantly increased as tracking system is live and public.
Strategic and site specific merit test in place.	Strengthened merit test that takes into consideration the currency of local and State level strategic planning and major infrastructure investments.

Department considers Joint Regional Planning Panel report/recommendation and prepares report for decision on whether the review request should progress to the LEP Gateway for determination.	Joint Regional Planning Panel directly determines whether the review request should progress to the LEP Gateway for determination.
Council is given 28 days to determine whether it will accept the role of relevant planning authority where a decision has been made that the proposal will progress for a Gateway determination. Extensions of time are commonplace. If council does not accept the role of relevant planning authority, an alternate authority will be appointed.	Councils to be consistently given 42 days (six weeks) to provide adequate time to report to Council. No time extensions will be available.

The changes will introduce significant time savings in how rezoning reviews are managed, will increase transparency in how they are administered and will continue to offer Council the option to be the relevant planning authority.

The new Rezoning Review process came into effect on 1 September 2016 and applies to requests lodged with Council after this date.

Number of pre-Gateway requests to date

To date, three pre-Gateway review requests were submitted to the Department of planning and Environment in response to decisions made by the former Bankstown Council. Two of these were refused and one LEP amendment (30-46 Auburn Road) progressed and since been notified.

One pre-Gateway review request was submitted to the Department in response to a decision made by the former Canterbury Council. This review request was refused by the Department of Planning and Environment.

No review requests have been submitted to the Department since the establishment Canterbury Bankstown Council.

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

RECOMMENDATION

That the information be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Planning Circular (PS 16–004)–Independent reviews of plan making decisions

Matters For Information - 27 September 2016

ITEM 9.2 Yagoona Community Centre

AUTHOR **City Planning**

ISSUE

To provide an update about the progress of the Yagoona Community Centre project.

RECOMMENDATION -

That Council note the progress of the new Yagoona Community Centre Project.

BACKGROUND

As part of the implementation of the Yagoona Town Centre Renewal Strategy adopted in September 2007, Council resolved to redevelop the site at 176D Cooper Road, Yagoona. The new development will provide the local community with a purpose built facility that accommodates their current and future needs and support the use of Gazzard Park. The main objectives applicable to this project are:

- Build a higher quality urban environment for the area,
- Promote accessibility and improve pedestrian connections,
- Promote the social welfare of the local community through the provision of a new public facility,
- Create a new community facility to contribute towards reinvigorating the town centre,
- Consolidate community facilities presently spread across the village centre into a community hub.

The new community centre will provide the following outcomes:

Component of Development	Outcome
Community Centre	New, modern, purpose built facility is substantially larger and replaces an old, outdated centre and associated buildings.
Baby Clinic	Consolidation of the aged baby clinic into one new centre for all of the community.
Community Centre Carpark	Greater convenience and additional parking for community facility users.
New Public Toilets	Improves access and safety to public amenities for pedestrians and park users.

REPORT

The Project

The architectural design for the new facility was completed in January 2016. The Development Application for the new building was approved on 20th June 2016, and the Construction Certificated was issued on 7th September 2016.



The new multi-purpose facility will be one storey height with a gross floor area of approximately 650 m². The building will incorporate:

- An inviting entry and foyer
- A generous gallery/circulation and breakout area
- A purpose built baby clinic for Sydney South Area Health Service including a waiting area and two consulting rooms
- A large function room with an estimated capacity of 120 occupants
- Two multipurpose community meetings rooms, with an estimated capacity of 40 occupants each
- Modern male, female and universally accessible toilet facilities
- A large shared kitchen
- Outdoor public toilets
- A dedicated carpark for six cars including disabled parking and minibus drop-off area and landscape works.

The existing Gazzard Park playground will be retained and incorporated with the proposed development.



Artist Perspective 1



Artist Perspective 2

Community Information

During the design development phase of the project, meetings were held with the local community and the existing Yagoona Senior Citizens Centre user groups to discuss the project and receive feedback. Drop-in sessions were held at the existing facility over a period of three weeks during November and December 2015. The sessions were advertised in The Torch and The Express newspapers.

The existing Senior Centre, Baby clinic and Public toilets will remain open during the construction of the new facility. Council's Recreation Team will be liaising with current users to keep them informed and assist them with their needs.

To improve parking around the area during the construction period, Council is investigating appropriate traffic management measures to implement during this period. Patrons will also have access to the state rail parking along the back of the building. This area provides two disabled car spaces that are often available.

Construction Tender

A public tender was run by council opening on 12th July 2016 and closing on 12th August 2016 via the NSW eTendering Website and newspapers. The recommendation report to Council for the engagement of the successful tenderer is part of the confidential session of this meeting.

Subject to the recommendation being approved, it is expected for the construction works to start on site towards the end of October.

Center Branding

The architected scope of works also involved the development of a graphic package for the building. Peter Hunt Architect graphic designer FRD used the key theme of 'inclusion' to represent a feeling of welcome, warmth, connection, positivity and engagement with the community (from workshop) in the development of the brand for the center.

An inclusion workshop was carried out with key project stakeholders. The working group identified the following 9 core themes / characteristic (in no particular order) of 'inclusion' that can be physically manifested within the building:

1. Safe & Secure
2. Connection
3. Diversity
4. Flexible
5. Welcoming
6. Accessible
7. Innovation
8. Character
9. Nature

The logo design meets diverse scale requirements, from large street signage that is both eye-catching and legible from a distance, down to smaller print materials such as a letterhead or business card. The colors are inspired by nature - drawing from the 6 Degrees artwork and surrounding parklands. The new palate will also be strategically woven into the architecture to create a cohesive identity throughout the building.

In addition to the identified themes, the logo design also links with the public artwork '6 Degrees of Connection' by the Niche Art. The concept for 6 Degrees is used to communicate 'a powerful symbol of inclusiveness' and to create 'a unique and positive identity for this culturally diverse community.'



Cooper road Façade Representation

The Connection

Yagoona Community Centre



FRD
 Freedom Ryan Design
 Ground Floor
 100 Riverside Street
 Bayside NSW 2015
 Sydney NSW Australia
 T + 61 2 9591 6088
 office@frd.com.au
 www.frd.com.au

Bankstown Council with stacked logo



Bankstown Council with extended logo



Brand Representations

Originally inspired by the downy wattle (*Acacia Pubescens*) a threatened local species with the status of 'Vulnerable' in NSW and at Commonwealth level, the artistic interpretation of the wattle branches represented as curved translucent shapes in the artwork have been incorporated into the new logo design.



'6 Degrees of Connection' Artwork Glass Graphics

POLICY IMPACT

No policy impacts identified.

FINANCIAL IMPACT OF RECOMMENDATIONS

Council's 2016/17 budget includes the required funding to meet the cost of the project.

RECOMMENDATION -

That Council note the progress of the new Yagoona Community Centre Project.

ATTACHMENTS

Nil

Matters For Information - 27 September 2016

ITEM 9.3 **Minutes of the WSROC Board Meeting of 18 August 2016**

AUTHOR **Corporate Services**

ISSUE

To receive the Minutes of the WSROC Board Meeting held on 18 August 2016.

RECOMMENDATION

That the Minutes of the WSROC Board Meeting held on 18 August 2016 be noted.

BACKGROUND

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

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

REPORT

The Minutes of the WSROC Board meeting are attached.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no financial impact associated with this report.

RECOMMENDATION

That the Minutes of the WSROC Board Meeting held on 18 August 2016 be noted.

ATTACHMENTS [Click here for attachments](#)

A. Minutes of the WSROC Board Meeting of 18 August, 2016

Matters For Information - 27 September 2016

ITEM 9.4 **Minutes of the SSROC Board Meeting of 18 August, 2016**

AUTHOR **Corporate Services**

ISSUE

To receive the minutes of the Joint SSROC Meeting.

RECOMMENDATION

That the minutes of the SSROC meeting held on 18 August, 2016 be noted.

BACKGROUND

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

The organisation acts as a facilitator of joint activities between councils which provide benefits through economies of scale. Member councils can reduce the costs of procurement, share the costs of engaging external assistance if needed, and can expose their staff and councillors to a wide network of expertise and views.

The organisation is a means of resolving issues and challenges that cross municipal boundaries, such as the environment and transport.

REPORT

The minutes of the SSROC meeting are attached.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no financial impact associated with this report.

RECOMMENDATION

That the minutes of the SSROC meeting held on 18 August, 2016 be noted.

ATTACHMENTS

[Click here for attachments](#)

- A. Minutes of the SSROC Meeting of 18 August, 2016.

Matters For Information - 27 September 2016

ITEM 9.5 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 information be noted.

BACKGROUND

The minutes of the Independent Hearing and Assessment Panel meetings held on 1 August, 15 August and 29 August 2016 are provided in the attachments. A summary of determinations is provided below.

REPORT

Meeting date 1 August 2016

Applicant	Property	Ward	Development	Determination
Devine Drafting & Design	38a Fuller Avenue, Earlwood	Canterbury	Construction of two storey dwelling	APPROVED
Urban Link Pty Limited	578-580 New Canterbury Road, Hurlstone Park	Canterbury	Modification to increase building height, delete third basement level and amend internal layout	APPROVED
Master Granny Flats	13 Undercliffe Road, Earlwood	Canterbury	Demolition and construction of secondary dwelling	APPROVED
Urban Link Pty Limited	54-56 Bonds Road, Roselands	Roselands	Demolition and construction of multi-dwelling development	APPROVED
R Nadir	54 Moreton Street, Lakemba	Roselands	Construction of detached secondary dwelling	APPROVED

Meeting date 15 August 2016

Applicant	Property	Ward	Development	Determination
C Havas	42-44 Albert Street, Belmore	Roselands	Alterations to lower ground floor level of existing registered club	DEFERRED
Mr S M A Hasanat	17 Duncan Street, Punchbowl	Roselands	Construction of granny flat at rear of site and separate store room	APPROVED
MacKenzie Architects International	13-15 Weyland Street, Punchbowl	Roselands	Demolition and construction of a six-storey mixed use development	APPROVED

Meeting date 29 August 2016

Applicant	Property	Ward	Development	Determination
CD Architects	212-218 Canterbury Road, Canterbury	Canterbury	Demolition, construction of twelve storey mixed use development with basement parking	REFUSED
J Caruana	Units 19 & 20/15-21 Ninth Avenue, Campsie	Canterbury	Change of use from health massage centre to a brothel	REFUSED
M Cubed Design	19 Mayfair Crescent, Beverly Hills	Roselands	Demolition and construction of two storey detached dual occupancy, front fence and Torrens title subdivision	APPROVED

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION

That the information be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Minutes of 1 August 2016 meeting
- B. Minutes of 15 August 2016 meeting
- C. Minutes of 29 August 2016 meeting

Matters For Information - 27 September 2016

ITEM 9.6 Development Applications Determined by Council Officers Under Delegation

AUTHOR City Development

ISSUE

The development applications in Attachment to this report were determined by Council Officers, in accordance with the powers delegated to them under the Act.

RECOMMENDATION That -

The contents of the report be noted.

REPORT

A number of development applications have been determined by Council Officers under delegation. The relevant applications are listed in the attached table. The report is submitted for information.

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

The contents of the report be noted.

ATTACHMENTS [Click here for attachments](#)

A. Details of Applications

Matters For Information - 27 September 2016

ITEM 9.7 **Report on (1) Development Applications and Section 96 Applications Determined, (2) to update the status of various social housing Projects, (3) to advise of any JRPP projects which have been determined, and (4) to advise of the status of various DA related legal matters related to the Bankstown branch for July and August 2016.**

AUTHOR **City Planning**

ISSUE

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

- (1) the number of development applications and Section 96 applications (amendments to approved development applications) determined for July and August 2016 by Ward;
- (2) details of proposals notified to Council under the Building the Education Revolution program, as well as Department of Housing and other social housing provider building projects which Council has been asked to provide comment on;
- (3) development applications that have been determined by the Sydney West Joint Regional Planning Panel; and
- (4) to advise of the status of various development application related legal matters.

RECOMMENDATION

That the contents of this report be noted.

REPORT

Development Applications and Section 96 Applications

The attached report shows that in the months of July and August 2016, a total of 175 Development Applications and 80 Section 96 applications were determined*.

The gross median determination time for the processing of development applications was 35 days in July and August 2016. The total value of the construction work determined in in that period was \$ 169,982,834.29.

Nation Building Projects

Social housing projects & Building the Education Revolution

State Environmental Planning Policy (Affordable Rental Housing) 2009 allows some works to be undertaken without Council approval and this includes projects by the Department of Housing and social housing providers. In such instances, Council is notified of the proposal and asked to provide comment.

Council was not notified of any such projects in July and August 2016.

Projects approved by the Sydney West Joint Regional Planning Panel (JRPP)

Two development applications were determined by the Joint Regional Planning Panel in July and August.

The two items were:

1. 2016SYW059 - DA-1013-2015, Affordable Housing, Demolition of existing structures, lot consolidation and construction of a four storey residential flat building comprising of thirty-eight (38) units and basement car parking under the State Environmental Planning Policy (Affordable Rental Housing) 2009, Pt. Lot 145 DP 5675, Lot 144 DP 663211, No. 39 Chertsey Avenue and 41 Chertsey Avenue, Bankstown
2. 2016SYW020 – DA-1476/2015, Residential Care Facility, Construction of four (4) storey 155 bed residential care facility including ground floor administration, staff, nursing and resident areas and basement car parking, 14-20 Eldridge Road, Bankstown

Both items were approved by the JRPP.

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

Legal Matters for July and August 2016

326 Marion Street, Condell Park

On 22 March 2106, Council refused a Section 82A Review of Determination application in respect of Council's refusal of Development Application No. DA-865/2016 which proposed use of the premises as a boarding house.

Council received notice of a Class 1 Appeal in the Land and Environment Court of New South Wales and Case No. 10252 of 2016 was set down for a Section 34 Conciliation Conference on 25 July 2016.

Hearing dates are to be set.

27 Kitchener Parade, Bankstown

On 10 August 2015, Development Application No. DA-928/2015 was lodged for the 'demolition of existing structures and construction of a nine (9) storey mixed commercial and boarding house premises comprising of sixteen (16) boarding rooms, café, communal area and car parking' at No. 27 Kitchener Parade, Bankstown.

Council received notice of a Class 1 Appeal in the Land and Environment Court of New South Wales (Case No. 10239 of 2016) appealing Council's "deemed refusal" of the development application. A Directions Hearing was held on 13 April 2016. The proceedings were listed for a Section 34 Conciliation Conference on 5 July 2016. The applicant sought leave to submit amended plans.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no direct financial implications.

RECOMMENDATION

That the contents of this report be noted.

ATTACHMENTS

[Click here for attachments](#)

- A. Determined applications for July and August 2016

10 QUESTIONS FOR NEXT MEETING

11 CONFIDENTIAL SESSION

- 11.1 T33-16 - Construction of Yagoona Community Centre
- 11.2 T33-2016 - Tender for the Construction of Cooks River Cycleway Upgrade at Illawarra Road Bridge, Earlwood
- 11.3 T36-2016 - Tender for Irrigation and Field Improvement Works in Ewen Park, Hurlstone Park
- 11.4 T50-2016 - Tender for Construction of Bioretention System at Kingsbury Reserve, Kingsgrove
- 11.5 T01-17 Cooks and Duck River Catchments Pipe and Pit Condition Assessment and Reporting
- 11.6 T08-17 Marion Street Road Rehabilitation and Drainage Works - Stage 4
- 11.7 Provision of Pound Services/ Holding Facilities for the Bankstown Branch of Canterbury - Bankstown Council
- 11.8 Sydney Olympic Football Club – Debt to Council
- 11.9 Appointment of Senior Officers

General Manager's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

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

Item 11.1 T33-16 - Construction of Yagoona Community Centre

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

Item 11.2 T33-2016 - Tender for the Construction of Cooks River Cycleway Upgrade at Illawarra Road Bridge, Earlwood

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

Item 11.3 T36-2016 - Tender for Irrigation and Field Improvement Works in Ewen Park, Hurlstone Park

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

Item 11.4 T50-2016 - Tender for Construction of Bioretention System at Kingsbury Reserve, Kingsgrove

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

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

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

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

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

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

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

Item 11.8 Sydney Olympic Football Club - Debt to Council

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

Item 11.9 Appointment of Senior Officers

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