

NEW CITY OF CANTERBURY BANKSTOWN

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

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

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES
(149) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the Ordinary Council Meeting held on 23 August 2016 be adopted.

SECTION 2: LEAVE OF ABSENCE
Nil

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

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SECTION 4: ADMINISTRATOR MINUTES

ITEM 4.1 INVITATION TO MINISTER FOR PLANNING TO VISIT CAMSPIE CENTRE

(150) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 4.2 AUSTRALIA DAY EVENTS AND AWARDS

(151) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator Minute be received.

ITEM 4.3 DUNC GRAY VELODROME

(152) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 4.4 LGNSW MEMBERSHIP

(153) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

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ITEM 4.5 BANKSTOWN POETRY SLAM

(154) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 4.6 SECTION 356 FINANCIAL ASSISTANCE FUND REVIEW

(155) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 4.7 CITY OF CANTERBURY BANKSTOWN BRAND STRATEGY

(156) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator Minute be received.

SECTION 5: PLANNING MATTERS

SUSPENSION OF STANDING ORDERS

(157) MOVED AND RESOLVED BY THE ADMINISTRATOR

That –

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Items 5.1, 5.4 and 5.5 be dealt with now.
- iii) Standing Orders then be resumed.

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ITEM 5.1

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

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

(158)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-447/2016, submitted by Architecture Becka and Associates, accompanied by Drawing No. DA01, DA03, DA05 and DA06, dated 5 August 2016, prepared by Architecture Becka and Associates and Swimming Pool Plan, prepared by becka and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

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

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

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

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
 - a) The landscape plan is to include a 1 x 75L pot size tree located in the front setback. It is to be planted prior to occupation and is to be maintained for the life of the development.
 - b) The landscape plan is to give preference to native vegetation endemic to the City of Canterbury Bankstown.
- 5) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 6) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 7) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and

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Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.

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

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

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

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

- 9) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 10) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 11) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$6,137.84 shall be paid to Council.

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

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

- 12) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown

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on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.

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

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

- 14) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 02-05-16-D1 Sheet 1 of 2, dated 2 May 2016 and prepared by ComConstruction P/L. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 15) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

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

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Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

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

- 16) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 17) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 19) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 20) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree

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

Trees to be Retained and Protected

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

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

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

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

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

Trees on adjoining properties: Protection Measures

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

- The stormwater line and associated pits are to be located no closer than 2.5m metres from the tree. No tree roots greater than 25mm in diameter are to be severed.
 - Excavation along the south eastern edge of the proposed driveway shall be carried out by hand by a qualified arborist (minimum qualification AQF Level 3 or equivalent) and any tree roots found are to be severed cleanly using sharp hard tools prior to any mechanical excavation being undertaken. No tree roots greater than 25 mm in diameter are to be severed or damaged.
- 21) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
 - 22) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
 - 23) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
 - 24) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and

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

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

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

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

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

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

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

- 30) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

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

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business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:

- (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
- (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work

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shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise

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and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 32) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 33) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 34) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 35) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 36) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 37) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 38) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 39) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood

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study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

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

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

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

- 41) The proposed use of the pool / spa filter equipment must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.
- 42) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 43) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

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- 45) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 46) The swimming pool / spa shall not be used until Council or the PCA has issued a final Compliance Certificate.
- 47) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 48) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 49) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 50) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater drainage system.

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

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

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

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CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

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

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

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

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

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

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

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

ITEM 5.4 HURLSTONE PARK HERITAGE ASSESSMENT STUDY

DR MARIE HEALEY (PROPERTY OWNER) ADDRESSED COUNCIL.

(159) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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

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

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

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

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

(160) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

STANDING ORDERS WERE RESUMED.

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ITEM 5.2 203 BIRDWOOD ROAD, GEORGES HALL

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

(161) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the section 82A application be approved, subject to the following conditions.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-1320/2015/1, submitted by Birdwood and Co Pty Ltd, accompanied by Drawing No. A01 Revision I, A03 Revision K, A04 Revision K, A05 Revision K and A10 Revision H dated 18 August 2016, A18 Revision A dated 31 August 2016, and A02 Revision J, A07 Revision K, A08 Revision I and A09 Revision I dated 12 September 2016, prepared by Architects Becerra and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) The recommendations of the DA Acoustic Assessment by Acoustic Logic dated 19 August 2016 are to be fully implemented. Post construction validation test results must be submitted to Council.
- 4) All works carried out on site shall be in accordance with the recommendations and conclusion outlined as per the Remedial Action Plan prepared by Benviron Group reference E663 dated September 2015.
- 5) Any new information which comes to light during works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.

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

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

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

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

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

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

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

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- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating
- 14) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 15) Prior to issue of a Construction Certificate, a Long Service Levy payment of 0.35% of the value of the work is required to be paid to Council on behalf of the Long Service Corporation prior to issue of the Construction Certificate.
- 16) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) a contribution of \$84,187.24 shall be paid to Council.

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

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

- 17) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 18) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) A heavy duty VFC of maximum width of 6.0 metres at the property boundary in Georges Crescent for the basement access ramp.
 - b) Drainage connection through an above ground on site detention system to Council's system. An overland flow path of minimum width 1.0 m must be provided without any obstructions to the overland flow, along the 300mm diameter pipe line alignment at the southern boundary of the site.
 - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - d) Repair of any damage to the public road including the footway occurring during development works.

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- e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

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

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

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

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

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

- 21) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 22) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

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

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

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

- 23) The Site, Pedestrian and Traffic Management Plan required at Condition 22 above shall include provisions for the engagement of suitably and appropriately qualified traffic control staff, and shall limit the movement of large trucks, cement mixers and the like to outside times when students from neighbouring schools are arriving or departing school (i.e. between 7.30am – 9.30am and between 2.30pm – 4.30pm).
- 24) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
 - b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
 - c) Connect a road (whether public or private) to a classified road,
 - d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
 - e) Install utilities in, under or over a public road,
 - f) Pump water into a public footway or public road from any land adjoining the public road,
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- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$50,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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

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

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

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

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

Forms can be obtained from 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

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approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

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

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

- 25) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 26) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 27) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 28) The layout of the car parking areas associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1 – 2004, AS 2890.6 – 2009 and AS 2890.2 – 2002.
- 29) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 30) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this

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Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.

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

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

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

- 34) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 35) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 36) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 37) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 38) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

- 39) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 40) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

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- a. in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,

- b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 45) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 46) All remediation works are to be conducted within the hours of site works stipulated in Condition 45 above.
- 47) The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.
- 48) Prior to each floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's

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

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

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

- 53) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 54) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 55) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

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

- 67) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the
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approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

- 68) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 69) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 70) Lighting of the premises shall be installed in accordance with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of neighbouring premises or glare to motorists on nearby roads.
- 71) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 72) The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development.
- 73) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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

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

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

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

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

(162) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

ITEM 5.4 HURLSTONE PARK HERITAGE ASSESSMENT STUDY

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

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ITEM 5.5 **MILTON STREET, ASHBURY - PLANNING PROPOSALS (149-163 & 165-171)**
THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 160 ON PAGE
22 OF THESE MINUTES.

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

(163) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

SECTION 6: REPORT OF THE GENERAL MANAGER

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

(164) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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

ITEM 6.2

EMERGENCY SERVICES PROPERTY LEVY

(165)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

ITEM 6.3

UPDATE ON LEISURE AND AQUATICS

(166)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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

ITEM 6.4

FREE CAR PARKING AGREEMENTS

(167)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

ITEM 6.5

REQUESTS FOR FINANCIAL ASSISTANCE AND DONATIONS

(168)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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ITEM 6.8 CASH AND INVESTMENT REPORT AS AT 31 AUGUST 2016

(171) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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

MATTER OF URGENCY

(172) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 6.9 DUNC GRAY VELODROME- PROPOSED SUBLEASE

(173) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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SECTION 7: COMMITTEE REPORTS

**ITEM 7.1 COUNCIL ADVISORY COMMITTEES AND SUB-COMMITTEES
(174)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the report be noted.

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

(175) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 5 September 2016 and the Bankstown Traffic Committee held on 13 September 2016, be adopted.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

SECTION 9: MATTERS FOR INFORMATION

**ITEM 9.1 CHANGES TO THE PRE-GATEWAY REVIEW PROCESS
(176)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the information be noted.

**ITEM 9.2 YAGOONA COMMUNITY CENTRE
(177)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council note the progress of the new Yagoona Community Centre Project.

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- ITEM 9.3** **MINUTES OF THE WSROC BOARD MEETING OF 18 AUGUST 2016**
(178) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the Minutes of the WSROC Board Meeting held on 18 August 2016 be noted.
- ITEM 9.4** **MINUTES OF THE SSROC BOARD MEETING OF 18 AUGUST, 2016**
(179) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the SSROC meeting held on 18 August, 2016 be noted.
- ITEM 9.5** **DEVELOPMENT APPLICATIONS DETERMINED BY THE INDEPENDENT HEARING
AND ASSESSMENT PANEL**
(180) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the information be noted.
- ITEM 9.6** **DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL OFFICERS UNDER
DELEGATION**
(181) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the contents of the report be noted.
- ITEM 9.7** **REPORT ON (1) DEVELOPMENT APPLICATIONS AND SECTION 96 APPLICATIONS
DETERMINED, (2) TO UPDATE THE STATUS OF VARIOUS SOCIAL HOUSING
PROJECTS, (3) TO ADVISE OF ANY JRPP PROJECTS WHICH HAVE BEEN
DETERMINED, AND (4) TO ADVISE OF THE STATUS OF VARIOUS DA RELATED LEGAL
MATTERS RELATED TO THE BANKSTOWN BRANCH FOR JULY AND AUGUST 2016.**
(182) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the contents of this report be noted.
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SECTION 10: QUESTIONS FOR NEXT MEETING

Nil

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

MATTER OF URGENCY

(183)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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

SECTION 11: CONFIDENTIAL SESSION

(184)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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

Item 11.1 T33-16 - Construction of Yagoona Community Centre

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

Item 11.2 T33-2016 - Tender for the Construction of Cooks River Cycleway Upgrade at Illawarra Road Bridge, Earlwood

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

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- Item 11.3 T36-2016 - Tender for Irrigation and Field Improvement Works in Ewen Park, Hurlstone Park

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

- Item 11.4 T50-2016 - Tender for Construction of Bioretention System at Kingsbury Reserve, Kingsgrove

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

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

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

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

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

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

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

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Item 11.8 Sydney Olympic Football Club - Debt to Council

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

Item 11.9 Appointment of Senior Officers

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

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

**ITEM 11.1
(185)**

T33-16 - CONSTRUCTION OF YAGOONA COMMUNITY CENTRE

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

**ITEM 11.2
(186)**

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

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

ITEM 11.3 T36-2016 - TENDER FOR IRRIGATION AND FIELD IMPROVEMENT WORKS IN EWEN PARK, HURLSTONE PARK

(187) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Neverstop Irrigation Pty Ltd to construct irrigation and field improvement works in Ewen Park, Hurlstone Park for an amount of \$241,743.60 (excluding GST).
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

ITEM 11.4 T50-2016 - TENDER FOR CONSTRUCTION OF BIORETENTION SYSTEM AT KINGSBURY RESERVE, KINGSGROVE

(188) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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

(189) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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

(190) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Starcon Group Pty Ltd for an amount of \$514,404.00 (excluding GST) for rehabilitation of road and drainage works at Marion Street, Bankstown.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

ITEM 11.7 PROVISION OF POUND SERVICES/ HOLDING FACILITIES FOR THE BANKSTOWN BRANCH OF CANTERBURY - BANKSTOWN COUNCIL

(191) MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

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

ITEM 11.8 SYDNEY OLYMPIC FOOTBALL CLUB - DEBT TO COUNCIL

(192)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council endorse the actions outlined in the report.

ITEM 11.9 APPOINTMENT OF SENIOR OFFICERS

(193)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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

THE MEETING CLOSED AT 6.53 PM.

Minutes confirmed 25 OCTOBER 2016

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Administrator